

保険業法第二百七十二条の二十五第二項に規定する区分等を定める命令

Order Providing for Categories Prescribed in Article 272-25, Paragraph (2) of the Insurance Business Act

(平成十八年三月十日内閣府・財務省令第一号)

(Cabinet Office Order/Ministry of Finance Order No. 1 of March 10, 2006)

保険業法（平成七年法律第百五号）第二百七十二条の二十一第一項第六号、第二百七十二条の二十五第二項及び第三百十一条の三第二項の規定に基づき、保険業法第二百七十二条の二十五第二項に規定する区分等を定める命令を次のように定める。

Pursuant to the provisions of Article 272-21, paragraph (1), item (vi), Article 272-25, paragraph (2), and Article 311-3, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995), an Order Providing for Categories, etc. Prescribed in Article 272-25, Paragraph (2) of the Insurance Business Act is hereby established as follows.

(届出事項)

(Particulars Requiring Notice)

第一条 保険業法（以下「法」という。）第二百七十二条の二十一第一項第六号に規定する内閣府令・財務省令で定める場合は、次に掲げる場合とする。

Article 1 The cases specified by Cabinet Office Order/Ministry of Finance Order as prescribed in Article 272-21, paragraph (1), item (vi) of the Insurance Business Act (hereinafter referred to as the "Act") are the following cases:

一 破産手続開始の決定を受け、破産手続開始の決定に対して抗告をし、又は抗告に対して裁判所の決定を受けた場合

(i) if an order of commencement of bankruptcy proceedings is rendered, an appeal is filed against an order of commencement of bankruptcy proceedings, or a ruling against an appeal is rendered by a court;

二 再生手続開始の申立てをし、再生計画認可の決定が確定し、又は再生計画がその効力を失った場合

(ii) if a petition for commencement of rehabilitation proceedings is filed, an order of confirmation of a rehabilitation plan becomes final and binding, or a rehabilitation plan becomes invalid; or

三 更生手続開始の申立てをし、更生計画認可の決定が確定し、又は更生計画がその効力を失った場合

(iii) if a petition for reorganization proceedings is filed, an order of confirmation of a reorganization plan becomes final and binding, or a reorganization plan becomes invalid.

(少額短期保険業者の保険金等の支払能力の充実の状況に係る区分に応じた命令)
 (Order According to Category Corresponding to a Small Amount and Short
 Term Insurer's Level of Solvency in Terms of its Ability to Pay Insurance
 Proceeds)

第二条 法第二百七十二条の二十五第二項に規定する少額短期保険業者（法第二条第十八項に規定する少額短期保険業者をいう。次条において同じ。）の保険金等の支払能力の充実の状況に係る区分に応じ内閣府令・財務省令で定める命令は、次条に定める場合を除き、次の表のとおりとする。

Article 2 (1) The order specified by Cabinet Office Order/Ministry of Finance Order for the category corresponding to the level of solvency of a small amount and short term insurer (meaning the small amount and short term insurer prescribed in Article 2, paragraph (18) of the Act; the same applies in the following Article) in terms of its ability to pay insurance proceeds, etc. as prescribed in Article 272-25, paragraph (2) of the Act is as set forth in the following table, except for the cases specified in the following Article.

保険金等の支払能力の充実の状況に係る区分 Category corresponding to the level of solvency interm of the ability to pay insurance proceeds, etc.		命令 Order
非対象区分 Exception from category	保険金等の支払能力の充実の状況を示す比率二〇〇パーセント以上 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc.: 200% or more	
第一区分 Category 1	保険金等の支払能力の充実の状況を示す比率一〇〇パーセント以上二〇〇パーセント未満 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc.: 100% or more and less than 200%	経営の健全性を確保するための合理的と認められる改善計画の提出の求め及びその実行の命令 A request to submit an improvement plan deemed reasonable to secure sound management, and an order for its implementation

<p>第二区分 Category 2</p>	<p>保険金等の支払能力の充実の状況を示す比率一〇〇パーセント未満 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc.: less than 100%</p>	<p>次の各号に掲げる保険金等の支払能力の充実に資する措置に係る命令 An order pertaining to any of the following measures which contribute to the level of solvency interm of the ability to pay insurance proceeds, etc. 一 保険金等の支払能力の充実に係る合理的と認められる計画の提出及びその実行 (i) submission of a plan deemed reasonable for the level of solvencyinterm of the ability to pay insurance proceeds, etc. and its implementation 二 配当の禁止又はその額の抑制 (ii) prohibition from distributing dividends or reduction of the amount thereof 三 契約者配当又は社員に対する剰余金の分配の禁止又はその額の抑制 (iii) prohibition from distributing policy dividends or dividends of surplus to members, or reduction of the amount thereof</p>
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		<p>四 新規に締結しようとする保険契約に係る保険料の計算の方法（その計算の基礎となる係数を要する場合においては、その係数を含む。）の変更 (iv) change of the method for calculation of insurance premiums (when the method requires a coefficient as the basis of the calculation, the coefficient is included) for a new insurance contract to be concluded</p> <p>五 役員賞与の禁止又はその額の抑制その他の事業費の抑制 (v) prohibition from providing bonuses to directors or reduction of the amount thereof or of other operating expenses</p> <p>六 一部の方法による資産の運用の禁止又はその額の抑制 (vi) prohibition from investment of assets by some methods or reduction of the amount thereof</p> <p>七 一部の営業所又は事務所における業務の縮小 (vii) reduction of operations at some business offices or offices</p> <p>八 本店又は主たる事務所を除く一部の営業所又は事務所の廃止 (viii) closure of some business offices or offices, excluding the head office or principal office</p>
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		<p>九 子会社等の業務の縮小 (ix) reduction of operations of the subsidiary company, etc.</p> <p>十 子会社等の株式又は持分の処分 (x) disposal of shares or equity interests in the subsidiary company, etc.</p> <p>十一 法第二百七十二条の十一第一項の規定により行う少額短期保険業に付随する業務、同条第二項ただし書の規定により行う金融庁長官、財務局長又は福岡財務支局長（以下「金融庁長官等」という。）の承認を受けた業務の縮小又は新規の取扱いの禁止 (xi) reduction of the operations incidental to the small amount and short term insurance business carried out pursuant to the provisions of Article 272-11, paragraph (1) of the Act or operations approved by the Commissioner of the Financial Services Agency, the Director-Generals of Local Finance Bureaus or the Fukuoka Local Finance Branch Bureau (hereinafter referred to as the "Commissioner of the Financial Services Agency, etc.") to be carried out pursuant to the proviso to paragraph (2) of that Article, or prohibition from handling new business</p>
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		十二 その他金融庁長官等が必要と認める措置 (xii) other measures deemed necessary by the Commissioner of the Financial Services Agency, etc.
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2 前項の表中「保険金等の支払能力の充実の状況を示す比率」とは、法第二百七十二条の二十八において準用する法第百三十条の保険金等の支払能力の充実の状況が適当であるかどうかの基準に係る算式により得られる比率をいう。

(2) The phrase "ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc." as used in the table under the preceding paragraph means the ratio derived from the formula pertaining to the criteria regarding the appropriateness of the level of solvency in terms of the ability to pay insurance proceeds, etc. as referred to in Article 130 of the Act as applied mutatis mutandis pursuant to Article 272-28 of the Act.

3 第一項の表中「契約者配当」とは、法第二百七十二条の十八において準用する法第百十四条第一項に規定する契約者配当をいう。

(3) The term "policy dividend" as used in the table under paragraph (1) means the policy dividend prescribed in Article 114, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 272-18 of the Act.

4 第一項の表中「子会社等」とは、法第二百七十二条の十六第三項に規定する子会社等をいう。

(4) The term "subsidiary company, etc." as used in the table under paragraph (1) means the subsidiary company, etc. prescribed in Article 272-16, paragraph (3) of the Act.

第三条 少額短期保険業者が、その保険金等の支払能力の充実の状況を示す比率（前条第二項に規定する保険金等の支払能力の充実の状況を示す比率をいう。以下この条において同じ。）が当該少額短期保険業者が従前に該当していた前条第一項の表の区分に係る保険金等の支払能力の充実の状況を示す比率の範囲を超えて低下したことを知った後、速やかに、その保険金等の支払能力の充実の状況を示す比率を当該少額短期保険業者が該当する同表の区分に係る保険金等の支払能力の充実の状況を示す比率の範囲を超えて確実に改善するための合理的と認められる計画を金融庁長官等に提出した場合には、当該少額短期保険業者について、当該区分に応じた命令は、当該少額短期保険業者の保険金等の支払能力の充実の状況を示す比率以上で当該計画の実施後に見込まれる当該少額短期保険業者の保険金等の支払能力の充実の状況を示す比率以下の保険金等の支払能力の充実の状況を示す比率に係る同表の区分（非対象区分を除く。）に掲げる命令とする。ただし、当該計画が合理的でないことが明らかになった場合には、当該少額短期保険業者について、当該少額短期保険業者が該当する同表の区分に係る命令は、同項のとおりとする。

Article 3 If a small amount and short term insurer learns that the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. (meaning the ratio indicating the level of solvency in terms of its ability to pay insurance proceeds, etc. prescribed in paragraph (2) of the preceding Article; hereinafter the same applies in this Article) falls below the range of the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. that corresponds to the category referred to in the table under paragraph (1) of the preceding Article to which the small amount and short term insurer used to belong, and promptly after that, submits to the Commissioner of the Financial Services Agency a plan deemed reasonable to improve the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. with certainty to exceed the range of the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. that corresponds to the category to which the small amount and short term insurer belongs, with regard to the small amount and short term insurer, the order according to the relevant category is to be an order set forth for the category (except for exception from the category) in that table corresponding to the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. which is not less than the ratio indicating the small amount and short term insurer's level of solvency in terms of its ability to pay insurance proceeds, etc. and not more than the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. to be expected after the implementation of the plan; provided, however, that if it becomes clear that the plan is not reasonable, with regard to the small amount and short term insurer, an order according to the category in the table to which the small amount and short term insurer belongs is to be as prescribed in that paragraph.

(財務大臣への通知)

(Notice of the Finance Minister)

第四条 法第三百十一条の三第二項に規定する内閣府令・財務省令で定めるもの（同項第四号に掲げる規定による届出に限る。）は、第一条各号に掲げる場合に該当するときにする届出とする。

Article 4 The notice specified by Cabinet Office Order/Ministry of Finance Order as prescribed in Article 311-3, paragraph (2) of the Act (limited to the notice under the provisions set forth in item (iv) of that paragraph) is to be the notice to be made if any of the cases set forth in the items of Article 1 applies.