

# 信託業法

## Trust Business Act

(平成十六年十二月三日法律第百五十四号)  
((Act No. 154 of December 3, 2004))

信託業法（大正十一年法律第六十五号）の全部を改正する。

The Trust Business Act (Act No. 65 of 1922) is hereby amended in its entirety.

第一章 総則（第一条・第二条）

Chapter I General Provisions (Articles 1 and 2)

第二章 信託会社

Chapter II Trust Companies

第一節 総則（第三条—第十六条）

Section 1 General Provisions (Articles 3 to 16)

第二節 主要株主（第十七条—第二十条）

Section 2 Major Shareholders (Articles 17 to 20)

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Chapter III Foreign Trust Business Operators (Articles 53 to 64)

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Chapter IV Persons with Authority to Give Instructions (Articles 65 and 66)

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Chapter V Trust Agreement Agents

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Section 4 Supervision (Articles 79 to 84)

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Section 5 Miscellaneous Provisions (Article 85)
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Chapter V-2 Designated Dispute Resolution Organizations
第一節 総則 (第八十五条の二—第八十五条の四)
Section 1 General Provisions (Articles 85-2 to 85-4)
第二節 業務 (第八十五条の五—第八十五条の十七)
Section 2 Operations (Articles 85-5 to 85-17)
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第六章 雑則 (第八十六条—第九十条)
Chapter VI Miscellaneous Provisions (Articles 86 to 90)
第七章 罰則 (第九十一条—第一百一条)
Chapter VII Penal Provisions (Articles 91 to 101)
第八章 没収に関する手続等の特例 (第一百零二条—第一百零四条)
Chapter VIII Special Provisions on Confiscation Procedures (Article 102 to Article 104)
附 則
Supplementary Provisions

## 第一章 総則

### Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、信託業を営む者等に関し必要な事項を定め、信託に関する引受けその他の取引の公正を確保することにより、信託の委託者及び受益者の保護を図り、もって国民経済の健全な発展に資することを目的とする。

Article 1 The purpose of this Act is to protect the settlors and beneficiaries of trusts by providing for the necessary particulars in connection with persons engaging in Trust Business and other persons, so as to ensure fairness in the acceptance of trusts and other transactions, thereby contributing to the sound development of the national economy.

(定義)

(Definitions)

第二条 この法律において「信託業」とは、信託の引受け（他の取引に係る費用に充てるべき金銭の預託を受けるものその他他の取引に付随して行われるものであって、その内容等を勘案し、委託者及び受益者の保護のため支障を生ずることがないと認められるものとして政令で定めるものを除く。以下同じ。）を行う営業をいう。

Article 2 (1) The term "Trust Business" as used in this Act means the business of accepting trusts (other than the acceptance of a trust which constitutes the

receipt of deposits of money that will be allocated to cover the costs of other transactions and other than that which is incidental to other transactions, and is specified by Cabinet Order as the acceptance of a trust that, in consideration of the details thereof and other factors, is found not to compromise the protection of the settlor or beneficiary; the same applies hereinafter).

2 この法律において「信託会社」とは、第三条の内閣総理大臣の免許又は第七条第一項の内閣総理大臣の登録を受けた者をいう。

(2) The term "Trust Company" as used in this Act means a person licensed by the Prime Minister as referred to in Article 3 or registered by the Prime Minister as referred to in Article 7, paragraph (1).

3 この法律において「管理型信託業」とは、次の各号のいずれかに該当する信託のみの引受けを行う営業をいう。

(3) The term "Custodial Trust Business" as used in this Act means the business of accepting only trusts that fall under one of the following items:

一 委託者又は委託者から指図の権限の委託を受けた者（委託者又は委託者から指図の権限の委託を受けた者が株式の所有関係又は人的関係において受託者と密接な関係を有する者として政令で定める者以外の者である場合に限る。）のみの指図により信託財産の管理又は処分（当該信託の目的の達成のために必要な行為を含む。以下同じ。）が行われる信託

(i) trusts whose property is managed, expended, or disposed of (or is subject to any action as may be necessary for achieving the purpose of the trust; the same applies hereinafter) based on instructions from the settlor or the person entrusted with the authority to give instructions by the settlor, alone (but only if the settlor or the person entrusted with the authority to give instructions by the settlor is other than a person that Cabinet Order prescribes as being closely related to the trustee through shareholdings or a personal relationship);

二 信託財産につき保存行為又は財産の性質を変えない範囲内の利用行為若しくは改良行為のみが行われる信託

(ii) trusts whose trust property is only subject to preservation or is only subject to use or improvements to an extent that does not change the nature of the property.

4 この法律において「管理型信託会社」とは、第七条第一項の内閣総理大臣の登録を受けた者をいう。

(4) The term "Custodial Trust Company" as used in this Act means a company registered by the Prime Minister as referred to in Article 7, paragraph (1).

5 この法律において「外国信託業者」とは、外国の法令に準拠して外国において信託業を営む者（信託会社を除く。）をいう。

(5) The term "Foreign Trust Business Operator" as used in this Act means a person (but not a Trust Company) engaged in Trust Business in a foreign country in accordance with that country's laws and regulations.

6 この法律において「外国信託会社」とは、第五十三条第一項の内閣総理大臣の免許又は第五十四条第一項の内閣総理大臣の登録を受けた者をいう。

(6) The term "Foreign Trust Company" as used in this Act means a company licensed by the Prime Minister as referred to in Article 53, paragraph (1) or registered by the Prime Minister as referred to in Article 54, paragraph (1).

7 この法律において「管理型外国信託会社」とは、第五十四条第一項の内閣総理大臣の登録を受けた者をいう。

(7) The term "Foreign Custodial Trust Company" as used in this Act means a company registered by the Prime Minister as referred to in Article 54, paragraph (1).

8 この法律において「信託契約代理業」とは、信託契約（当該信託契約に基づく信託の受託者が当該信託の受益権（当該受益権を表示する証券又は証書を含む。）の発行者（金融商品取引法（昭和二十三年法律第二十五号）第二条第五項に規定する発行者をいう。）とされる場合を除く。）の締結の代理（信託会社又は外国信託会社を代理する場合に限る。）又は媒介を行う営業をいう。

(8) The term "Trust Agreement Agency Services" as used in this Act means the business of acting as an agent (but only acting as an agent for a Trust Company or a Foreign Trust Company) or intermediary for the conclusion of a trust agreement (but not if the trustee of the trust that is based on that trust agreement is the issuer of a beneficial interest in the trust (including securities or a certificate representing the relevant beneficial interest) (meaning an issuer as prescribed in Article 2, paragraph (5) of the Financial Instruments and Exchange Act (Act No. 25 of 1948))).

9 この法律において「信託契約代理店」とは、第六十七条第一項の内閣総理大臣の登録を受けた者をいう。

(9) The term "Trust Agreement Agent" as used in this Act means a person registered by the Prime Minister as referred to in Article 67, paragraph (1).

10 この法律において「指定紛争解決機関」とは、第八十五条の二第一項の規定による指定を受けた者をいう。

(10) The term "Designated Dispute Resolution Organization" as used in this Act means a person designated as under Article 85-2, paragraph (1).

11 この法律において「手続対象信託業務」とは、次に掲げるものをいう。

(11) The term "Trust Business Subject to Dispute Resolution Procedures" as used in this Act means as follows:

一 信託会社及び外国信託会社が営む信託業並びにこれらの者が第二十一条第一項（第六十三条第二項において準用する場合を含む。）の規定により営む業務並びに当該信託会社及び外国信託会社のために信託契約代理店が営む信託契約代理業

(i) the Trust Business in which a Trust Company or Foreign Trust Company is engaged; the operations in which the relevant company engages pursuant to the provisions of Article 21, paragraph (1) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)); and Trust Agreement

Agency Services in which a Trust Agreement Agent engages for the relevant Trust Company or Foreign Trust Company;

二 第五十二条第一項の登録を受けた者が営む信託業及び当該登録を受けた者が第二十一条第一項の規定により営む業務

(ii) the Trust Business in which a person registered as referred to in Article 52, paragraph (1) is engaged and the operations in which a person so registered engages pursuant to the provisions of Article 21, paragraph (1);

三 第五十条の二第一項の登録を受けた者が行う信託法（平成十八年法律第百八号）第三条第三号に掲げる方法によってする信託に係る事務及び当該登録を受けた者が営む信託受益権売買等業務（金融商品取引法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行う業務をいう。以下同じ。）

(iii) processes connected with a trust that has been established in the way that is set forth in Article 3, item (iii) of the Trust Act (Act No. 108 of 2006), which a person registered as referred to in Article 50-2, paragraph (1) carries out; and operations for the purchase and sale, etc. of a beneficial interest in a trust (meaning operations connected with the purchase and sale, etc. of a beneficial interest in a trust as prescribed in Article 65-5, paragraph (1) of the Financial Instruments and Exchange Act; the same applies hereinafter) in which a person so registered engages.

1 2 この法律において「苦情処理手続」とは、手続対象信託業務関連苦情（手続対象信託業務に関する苦情をいう。第八十五条の七、第八十五条の八及び第八十五条の十二において同じ。）を処理する手続をいう。

(12) The term "Complaint Processing Procedures" as used in this Act means the process of processing a complaint involving trust business subject to dispute resolution procedures (meaning a complaint that involves Trust Business Subject to Dispute Resolution Procedures; the same applies in Article 85-7, Article 85-8 and Article 85-12).

1 3 この法律において「紛争解決手続」とは、手続対象信託業務関連紛争（手続対象信託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。第八十五条の七、第八十五条の八及び第八十五条の十三から第八十五条の十五までにおいて同じ。）について訴訟手続によらずに解決を図る手続をいう。

(13) The term "Dispute Resolution Procedures" as used in this Act means the process of resolving a dispute involving trust business subject to dispute resolution procedures (meaning a dispute that involves Trust Business Subject to Dispute Resolution Procedures and that the parties are able to settle amicably; the same applies in Article 85-7, Article 85-8, and Article 85-13 through Article 85-15) without recourse to court proceedings.

1 4 この法律において「紛争解決等業務」とは、苦情処理手続及び紛争解決手続に係る業務並びにこれに付随する業務をいう。

(14) The term "Complaint and Dispute Services" as used in this Act means services involved in Complaint Processing Procedures and Dispute Resolution

Procedures and services incidental thereto.

15 この法律において「手続実施基本契約」とは、紛争解決等業務の実施に関し指定紛争解決機関と信託会社等（信託会社、外国信託会社、第五十条の二第一項の登録を受けた者及び第五十二条第一項の登録を受けた者をいう。第五章の二において同じ。）との間で締結される契約をいう。

(15) The term "Basic Contract for the Implementation of Dispute Resolution Procedures" as used in this Act means an agreement concluded between a Designated Dispute Resolution Organization and a trust company or similar person (meaning a Trust Company, Foreign Trust Company, person registered as referred to in Article 50-2, paragraph (1), or person registered as referred to in Article 52, paragraph (1); the same applies in Chapter V-2) regarding the implementation of Complaint and Dispute Services.

## 第二章 信託会社

### Chapter II Trust Companies

#### 第一節 総則

#### Section 1 General Provisions

(免許)

(Licensing)

第三条 信託業は、内閣総理大臣の免許を受けた者でなければ、営むことができない。

Article 3 A person may not engage in Trust Business unless licensed by the Prime Minister.

(免許の申請)

(Application for Licensing)

第四条 前条の免許を受けようとする者は、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

Article 4 (1) A person seeking to be licensed as referred to in the preceding Article must submit a paper application to the Prime Minister giving the following information:

一 商号

(i) its trade name;

二 資本金の額

(ii) its amount of stated capital;

三 取締役及び監査役（監査等委員会設置会社にあつては取締役、指名委員会等設置会社にあつては取締役及び執行役。第八条第一項において同じ。）の氏名

(iii) the names of its directors and company auditors (meaning its directors, if it is a company with supervisory committee and meaning its directors and executive officers, if it is a company with nominating committee, etc.; the same applies in Article 8, paragraph (1));

四 会計参与設置会社にあつては、会計参与の氏名又は名称

(iv) the names of its accounting advisors, if it is a company with accounting advisors;

五 信託業務以外の業務を営むときは、その業務の種類

(v) if it is engaged in operations other than trust services, the type of operations;

六 本店その他の営業所の名称及び所在地

(vi) the names and locations of its head office and other business offices.

2 前項の申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must accompany the paper application referred to in the preceding paragraph:

一 定款

(i) the person's articles of incorporation;

二 会社の登記事項証明書

(ii) a certificate of the company's registered information;

三 業務方法書

(iii) an operational method statement;

四 貸借対照表

(iv) a balance sheet;

五 収支の見込みを記載した書類

(v) a document showing expected income and expenditures;

六 その他内閣府令で定める書類

(vi) documents prescribed by Cabinet Office Order.

3 前項第三号の業務方法書には、次に掲げる事項を記載しなければならない。

(3) The operational method statement referred to in item (iii) of the preceding paragraph must give the following information:

一 引受けを行う信託財産の種類

(i) the type of trust property that will be accepted;

二 信託財産の管理又は処分の方法

(ii) how trust property will be managed, expended, or disposed of;

三 信託財産の分別管理の方法

(iii) how trust property will be managed separately from other property;

四 信託業務の実施体制

(iv) the system for implementing trust services;

五 信託業務の一部を第三者に委託する場合には、委託する信託業務の内容並びに委託先の選定に係る基準及び手続（第二十二条第三項各号に掲げる業務を委託する場合を除く。）

(v) if the person seeking licensing entrusts a third party with a part of the trust services, the details of the trust services with which it will entrust the third party, as well as criteria and procedures for selecting the person to entrust with those services (unless it entrusts a person with operations as

set forth in the items of Article 22, paragraph (3));

六 信託受益権売買等業務を営む場合には、当該業務の実施体制

(vi) if it engages in operations for the purchase and sale, etc. of beneficial interests in trusts, the system for implementing those operations;

七 その他内閣府令で定める事項

(vii) the information prescribed by Cabinet Office Order.

(免許の基準)

(Licensing Criteria)

第五条 内閣総理大臣は、第三条の免許の申請があった場合においては、当該申請を行う者（次項において「申請者」という。）が次に掲げる基準に適合するかどうかを審査しなければならない。

Article 5 (1) If an application is filed for licensing as referred to in Article 3, the Prime Minister must examine whether the person filing the application (referred to as the "applicant" in the following paragraph) conforms to the following criteria:

一 定款及び業務方法書の規定が法令に適合し、かつ、信託業務を適正に遂行するために十分なものであること。

(i) the provisions of its articles of incorporation and its operational method statement conform to laws and regulations and are also sufficient to allow it to perform trust services properly;

二 信託業務を健全に遂行するに足りる財産的基礎を有していること。

(ii) the applicant has a sufficient financial basis to soundly perform trust services;

三 人的構成に照らして、信託業務を的確に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有していること。

(iii) in light of its personnel composition, the applicant has the knowledge and experience to unerringly perform trust services, and also has sufficient social credibility.

2 内閣総理大臣は、申請者が次の各号のいずれかに該当するとき、又は前条第一項の申請書若しくは同条第二項各号に掲げる添付書類のうち虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、免許を与えてはならない。

(2) If an applicant falls under a category referred to in one of the following items, or if the paper application referred to in paragraph (1) of the preceding Article or an accompanying document set forth in one of the items of paragraph (2) of that Article gives false statements or omits a material fact, the Prime Minister must not license the applicant:

一 株式会社（次に掲げる機関を置くものに限る。）でない者

(i) a person that is not a stock company (meaning a stock company that has the following mechanisms):

イ 取締役会



- (a) a board of directors;  
ロ 監査役、監査等委員会又は指名委員会等（会社法（平成十七年法律第八十六号）第二条第十二号に規定する指名委員会等をいう。）
- (b) company auditors, a supervisory committee, or a nominating committee, etc. (meaning a nominating committee, etc. as prescribed in Article 2, item (xii) of the Companies Act (Act No. 86 of 2005));
- 二 資本金の額が委託者又は受益者の保護のため必要かつ適当なものとして政令で定める金額に満たない株式会社
- (ii) a stock company whose stated capital is less than the amount that Cabinet Order prescribes as necessary and appropriate for settlors' or beneficiaries' protection;
- 三 純資産額が前号に規定する金額に満たない株式会社
- (iii) a stock company whose net assets are less than the amount prescribed in the preceding item;
- 四 他の信託会社が現に用いている商号と同一の商号又は他の信託会社と誤認されるおそれのある商号を用いようとする株式会社
- (iv) a stock company seeking to use a trade name identical to one that another Trust Company is already using or a trade name that is likely to cause the stock company to be mistaken for another Trust Company;
- 五 第十条第一項の規定により第七条第三項の登録の更新を拒否され、第四十四条第一項の規定により第三条の免許を取り消され、第四十五条第一項の規定により第七条第一項の登録、第五十条の二第一項の登録若しくは第五十二条第一項の登録を取り消され、第五十条の二第六項の規定により同条第二項において準用する第七条第三項の登録の更新を拒否され、第八十二条第一項の規定により第六十七条第一項の登録を取り消され、担保付社債信託法（明治三十八年法律第五十二号）第十二条の規定により同法第三条の免許を取り消され、若しくは金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第十条の規定により同法第一条第一項の認可を取り消され、又はこの法律、担保付社債信託法若しくは金融機関の信託業務の兼営等に関する法律に相当する外国の法令の規定により当該外国において受けている同種類の免許、登録又は認可（当該免許、登録若しくは認可に類する許可その他の行政処分を含む。以下この号、第八号ニ及び第十号イにおいて同じ。）を取り消され、若しくは当該免許、登録若しくは認可の更新を拒否され、その取消の日（更新の拒否の場合にあっては、当該更新の拒否の処分がなされた日。第八号ニ、ホ及びへ並びに第十号イにおいて同じ。）から五年を経過しない株式会社
- (v) a stock company that has been denied an Article 7, paragraph (3) registration renewal pursuant to the provisions of Article 10, paragraph (1); whose Article 3 licensing has been rescinded pursuant to the provisions of Article 44, paragraph (1); or whose Article 7, paragraph (1), Article 50-2, paragraph (1), or Article 52, paragraph (1) registration has been rescinded pursuant to the provisions of Article 45, paragraph (1); a stock company that has been denied an Article 7, paragraph (3) registration renewal pursuant to

the provisions of Article 50-2, paragraph (6) as applied mutatis mutandis pursuant paragraph (2) of that Article; whose Article 67, paragraph (1) registration has been rescinded pursuant to the provisions of Article 82, paragraph (1); whose licensing as referred to in Article 3 of the Secured Bonds Trust Act (Act No. 52 of 1905) has been rescinded pursuant to the provisions of Article 12 of that Act; or whose authorization as referred to in Article 1, paragraph (1) of the Act on Financial Institutions' Provision of Trust Services (Act No. 43 of 1943) has been rescinded pursuant to the provisions of Article 10 of that Act; or a stock company that had obtained the same kind of licensing, registration, or authorization in a foreign state pursuant to the provisions of a foreign law or regulation that is equivalent to this Act, the Secured Bonds Trust Act, or the Act on Financial Institutions' Provision of Trust Services (including permission or any other administrative disposition similar to the licensing, registration, or authorization; hereinafter the same applies in this item, item (viii), (d), and item (x), (a)) but that has had that licensing, registration, or authorization rescinded or has been denied a renewal of its licensing, registration, or authorization; if it has not yet been five years since the date of the rescission (or since the day on which the disposition denying a renewal was issued, if the stock company has been denied a renewal; the same applies in item (viii), (d), (e), and (f) and item (x), (a));

六 この法律、信託法、担保付社債信託法、金融機関の信託業務の兼営等に関する法律、金融商品取引法、投資信託及び投資法人に関する法律（昭和二十六年法律第九十八号）、商品投資に係る事業の規制に関する法律（平成三年法律第六十六号）、資産の流動化に関する法律（平成十年法律第五号）若しくは著作権等管理事業法（平成十二年法律第一百三十一号）その他政令で定める法律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株式会社

(vi) a stock company that has been sentenced to a fine (or become subject to an equivalent sentence under a foreign law or regulation) for violating the provisions of this Act, the Trust Act, the Secured Bonds Trust Act, the Act on Financial Institutions' Provision of Trust Services, the Financial Instruments and Exchange Act, the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951), the Act on Regulation of Business Related to Commodity Investment (Act No. 66 of 1991), the Act on Liquidation of Assets (Act No. 105 of 1998), the Copyright Management Business Act (Act No. 131 of 2000), or any other law specified by Cabinet Order, or pursuant to the provisions of a foreign law or regulation that is equivalent thereto, if it has not yet been five years since the day that the sentence was completed or that the stock company ceased to be subject to its

enforcement;

七 他に営む業務がその信託業務に関連しない業務である株式会社又は当該他に営む業務を営むことがその信託業務を適正かつ確実に営むことにつき支障を及ぼすおそれがあると認められる株式会社

(vii) a stock company whose other operations are unrelated to trust services, or a stock company whose engagement in other operations is found likely to interfere with its proper and reliable engagement in trust services;

八 取締役若しくは執行役（相談役、顧問その他いかなる名称を有する者であるかを問わず、会社に対し取締役又は執行役と同等以上の支配力を有するものと認められる者を含む。以下この号、第四十四条第二項、第四十五条第二項及び第五十条の二第六項第八号において同じ。） 、会計参与又は監査役のうちに次のいずれかに該当する者のある株式会社

(viii) a stock company that has a person falling under one of the following as a director or executive officer (this includes an adviser, consultant, or any other person, irrespective of title, that is found to have at least the same authority over the company as a director or executive officer; hereinafter the same applies in this item, Article 44, paragraph (2), Article 45, paragraph (2) and Article 50-2, paragraph (6), item (viii)), accounting advisor, or company auditor:

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 person under curatorship, or any person that is treated in the same manner under a foreign law or regulation;

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) an undischarged bankrupt or any person that is treated in the same manner under a foreign law or regulation;

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 that has been sentenced to imprisonment or a heavier punishment (or become subject to an equivalent sentence under a foreign law or regulation), if it has not yet been five years since the day that the sentence was completed or that the stock company ceased to be subject to its enforcement;

ニ 第十条第一項の規定により第七条第三項の登録の更新を拒否され、第四十四条第一項の規定により第三条の免許を取り消され、第四十五条第一項の規定により第七条第一項の登録、第五十条の二第一項の登録若しくは第五十二条第一項の登録を取り消され、第五十条の二第六項の規定により同条第二項において準用する第七条第三項の登録の更新を拒否され、第五十四条第六項の規定により同条第二項において準用する第七条第三項の登録の更新を拒否され、第五十九条第一項の規定により第五十三条第一項の免許を取り消され、第六十条第一項の規定により

第五十四条第一項の登録を取り消され、若しくは第八十二条第一項の規定により第六十七条第一項の登録を取り消された場合、担保付社債信託法第十二条の規定により同法第三条の免許を取り消された場合、若しく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された場合又はこの法律、担保付社債信託法若しくは金融機関の信託業務の兼営等に関する法律に相当する外国の法令の規定により当該外国において受けている同種類の免許、登録若しくは認可を取り消された場合、若しくは当該免許、登録若しくは認可の更新を拒否された場合において、その取消しの日前三十日以内にその法人の取締役若しくは執行役、会計参与若しくはこれらに準ずる者又は国内における代表者（第五十三条第二項に規定する国内における代表者をいう。）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) a person that, during the 30 days before the date of rescission, was the director, executive officer, accounting advisor, or equivalent person, or the Domestic Representative (meaning a Domestic Representative as prescribed in Article 53, paragraph (2)) of a corporation that has been denied an Article 7, paragraph (3) registration renewal pursuant to the provisions of Article 10, paragraph (1); whose Article 3 licensing has been rescinded pursuant to the provisions of Article 44, paragraph (1); or whose Article 7, paragraph (1), Article 50-2, paragraph (1), or Article 52, paragraph (1) registration has been rescinded pursuant to the provisions of Article 45, paragraph (1); of a corporation that has been denied an Article 7, paragraph (3) registration renewal pursuant to the provisions of Article 50-2, paragraph (6) as applied mutatis mutandis pursuant paragraph (2) of that Article; whose Article 53, paragraph (1) licensing has been rescinded pursuant to the provisions of Article 59, paragraph (1); whose Article 54, paragraph (1) registration has been rescinded pursuant to the provisions of Article 60, paragraph (1); or whose Article 67, paragraph (1) registration has been rescinded pursuant to the provisions of Article 82, paragraph (1); of a corporation whose licensing as referred to in Article 3 of the Secured Bonds Trust Act has been rescinded pursuant to the provisions of Article 12 of that Act or whose authorization as referred to in Article 1, paragraph (1) of the Act on Financial Institutions' Provision of Trust Services has been rescinded pursuant to the provisions of Article 10 of that Act; or of a corporation that had obtained the same kind of licensing, registration, or authorization in a foreign state pursuant to the provisions of a foreign law or regulation that is equivalent to this Act, the Secured Bonds Trust Act, or the Act on Financial Institutions' Provision of Trust Services but that has had that licensing, registration, or authorization rescinded or has been denied a renewal of its licensing, registration, or authorization; if it has not yet been five years since the date of rescission;

ホ 第八十二条第一項の規定により第六十七条第一項の登録を取り消された場合に

- において、その取消しの日から五年を経過しない者
- (e) a person whose Article 67, paragraph (1) registration has been rescinded pursuant to the provisions of Article 82, paragraph (1), if it has not yet been five years since the date of rescission;
- へ この法律に相当する外国の法令の規定により当該外国において受けている第六十七条第一項と同種類の登録を取り消され、又は当該登録の更新を拒否された場合において、その取消しの日から五年を経過しない者
- (f) a person that had obtained the same kind of registration as an Article 67, paragraph (1) registration in a foreign state pursuant to the provisions of a foreign law or regulation that is equivalent to this Act, but that has had that registration rescinded or has been denied a renewal of that registration, if it has not yet been five years since the date of rescission;
- ト 第四十四条第二項若しくは第四十五条第二項の規定により解任を命ぜられた取締役若しくは執行役、会計参与若しくは監査役、第五十九条第二項若しくは第六十条第二項の規定により解任を命ぜられた国内における代表者若しくは支店に駐在する役員若しくは第八十二条第二項の規定により解任を命ぜられた役員又はこの法律に相当する外国の法令の規定により解任を命ぜられた取締役若しくは執行役、会計参与若しくは監査役若しくはこれらに準ずる者でその処分を受けた日から五年を経過しない者
- (g) a director, executive officer, accounting advisor, or company auditor whose dismissal has been ordered pursuant to the provisions of Article 44, paragraph (2) or Article 45, paragraph (2); a Domestic Representative or branch office's officer-in-residence whose dismissal has been ordered pursuant to the provisions of Article 59, paragraph (2) or Article 60, paragraph (2); an officer whose dismissal has been ordered pursuant to the provisions of Article 82, paragraph (2); or a director, executive officer, accounting advisor, company auditor, or equivalent person whose dismissal has been ordered pursuant to the provisions of a foreign law or regulation that is equivalent to this Act; if it has not yet been five years since the date the person became subject to that disposition;
- チ 第六号に規定する法律、会社法若しくはこれらに相当する外国の法令の規定に違反し、又は刑法（明治四十年法律第四十五号）第二百四条、第二百六条、第二百八条、第二百八条の二、第二百二十二条若しくは第二百四十七条の罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）の罪若しくは暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第四十六条から第四十九条まで、第五十条（第一号に係る部分に限る。）若しくは第五十一条の罪を犯し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者
- (h) a person that has been sentenced to a fine (or become subject to an equivalent sentence under a foreign law or regulation) for violating the

provisions of one of the laws prescribed in item (vi), the Companies Act, or any equivalent foreign law or regulation; for committing an offense referred to in Article 204, Article 206, Article 208, Article 208-2, Article 222, or Article 247 of the Penal Code (Act No. 45 of 1907); for committing an offense referred to in the Act on Punishment of Violent Acts (Act No. 60 of 1926); or for committing an offense referred to in Article 46 through Article 49, or Article 50 (but only the part that involves item (i)) or Article 51 of the Act to Prevent Act to Prevent Illegal Activities by Members of Organized Crime Groups (Act No. 77 of 1991); if it has not yet been five years since the day that the sentence was completed or that the person ceased to be subject to its enforcement;

九 個人である主要株主（申請者が持株会社（私的独占の禁止及び公正取引の確保に関する法律（昭和二十二年法律第五十四号）第九条第四項第一号に規定する持株会社をいう。以下同じ。）の子会社であるときは、当該持株会社の主要株主を含む。次号において同じ。）のうちに次のいずれかに該当する者のある株式会社

(ix) a stock company that has a person falling under one of the following as a major shareholder, if the major shareholder is an individual (if the applicant is the subsidiary company of a holding company (meaning a holding company as prescribed in Article 9, paragraph (4), item (i) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947); the same applies hereinafter), this includes the major shareholders of the holding company; the same applies in the following item):

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であって、その法定代理人が前号イからチまでのいずれかに該当するもの

(a) an adult ward or person under curatorship, or any person that is treated in the same manner under a foreign law or regulation, whose statutory agent falls under one of clauses (a) through (h) of the preceding item;

ロ 前号ロからチまでのいずれかに該当する者

(b) a person falling under any clause of (b) through (h) of the preceding item;

十 法人である主要株主のうちに次のいずれかに該当する者のある株式会社

(x) a stock company that has a person falling under one of the following as a major shareholder, if that major shareholder is a corporation:

イ 第十条第一項の規定により第七条第三項の登録の更新を拒否され、第四十四条第一項の規定により第三条の免許を取り消され、第四十五条第一項の規定により第七条第一項、第五十条の二第一項若しくは第五十二条第一項の登録を取り消され、第五十条の二第六項の規定により同条第二項において準用する第七条第三項の登録の更新を拒否され、第五十四条第六項の規定により同条第二項において準用する第七条第三項の登録の更新を拒否され、第五十九条第一項の規定により第五十三条第一項の免許を取り消され、第六十条第一項の規定により第五十四条第一項の登録を取り消され、第八十二条第一項の規定により第六十七条第一項の登録を取り消され、担保付社債信託法第十二条の規定により同法第三条の免許を取

り消され、若しく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され、又はこの法律、担保付社債信託法若しくは金融機関の信託業務の兼営等に関する法律に相当する外国の法令の規定により当該外国において受けている同種類の免許、登録若しくは認可を取り消され、その取消しの日から五年を経過しない者

(a) a person that has been denied an Article 7, paragraph (3) registration renewal pursuant to the provisions of Article 10, paragraph (1); whose Article 3 licensing has been rescinded pursuant to the provisions of Article 44, paragraph (1); or whose Article 7, paragraph (1), Article 50-2, paragraph (1), or Article 52, paragraph (1) registration has been rescinded pursuant to the provisions of Article 45, paragraph (1); a person that has been denied an Article 7, paragraph (3) registration renewal pursuant to the provisions of Article 50-2, paragraph (6) as applied mutatis mutandis pursuant paragraph (2) of that Article; whose Article 53, paragraph (1) licensing has been rescinded pursuant to the provisions of Article 59, paragraph (1); whose Article 54, paragraph (1) registration has been rescinded pursuant to the provisions of Article 60, paragraph (1); whose Article 67, paragraph (1) registration has been rescinded pursuant to the provisions of Article 82, paragraph (1); whose licensing as referred to in Article 3 of the Secured Bonds Trust Act has been rescinded pursuant to the provisions of Article 12 of that Act; or whose authorization as referred to in Article 1, paragraph (1) of the Act on Financial Institutions' Provision of Trust Services has been rescinded pursuant to the provisions of Article 10 of that Act; or a person that had obtained the same kind of licensing, registration, or authorization in a foreign state pursuant to the provisions of a foreign law or regulation that is equivalent to this Act, the Secured Bonds Trust Act, or the Act on Financial Institutions' Provision of Trust Services but that has had that licensing, registration, or authorization rescinded or has been denied a renewal of its licensing, registration, or authorization; if it has not yet been five years since the date of rescission;

ロ 第六号に規定する法律の規定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

(b) a person that has been sentenced to a fine (or become subject to an equivalent sentence under a foreign law or regulation) for violating the provisions of one of the laws prescribed in item (vi) or any equivalent foreign law or regulation, if it has not yet been five years since the day that the sentence was completed or that the person ceased to be subject to its enforcement;

ハ 法人を代表する取締役若しくは執行役、会計参与若しくは監査役又はこれらに

準ずる者のうちに第八号イからチまでのいずれかに該当する者のある者

(c) a corporation that has a person falling under one of clauses (a) through (h) of item (viii) as its representative director or executive officer, accounting advisor, company auditor, or equivalent person.

3 前項第二号の政令で定める金額は、一億円を下回ってはならない。

(3) The amount that Cabinet Order prescribes which is referred to in item (ii) of the preceding paragraph must not be less than one hundred million yen.

4 第二項第三号の純資産額は、内閣府令で定めるところにより計算するものとする。

(4) The amount of net assets referred to in paragraph (2), item (iii) is to be calculated pursuant to the provisions of Cabinet Office Order.

5 第二項第九号及び第十号の「主要株主」とは、会社の総株主又は総出資者の議決権（株式会社にあつては、株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。以下同じ。）の百分の二十（会社の財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実として内閣府令で定める事実がある場合には、百分の十五）以上の数の議決権（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）第四百七条第一項又は第四百八条第一項の規定により発行者に対抗することができない株式に係る議決権を含み、保有の態様その他の事情を勘案して内閣府令で定めるものを除く。以下この条及び第十七条第一項において「対象議決権」という。）を保有している者をいう。

(5) The term "major shareholder", as used in in paragraph (2), items (ix) and (x), means a person that holds a number of voting rights (this includes voting rights in respect of shares that cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Book Entry of Corporate Bonds and Shares (Act No. 75 of 2001), and excludes voting rights that Cabinet Office Order prescribes in consideration of the manner in which they are held and other circumstances; hereinafter referred to as "subject voting rights" in this Article and Article 17, paragraph (1) which constitutes 20 percent or more (or 15 percent or more, if a fact is present that is prescribed by Cabinet Office Order as something that is presumed to have a material influence on decisions about the company's financial and operational policies) of all shareholders' or investors' voting rights in the company (if it is a stock company, this excludes voting rights in respect of shares that do not allow voting rights to be exercised with regard to all matters that can be resolved at a shareholders meeting, but includes voting rights in respect of shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; the same applies hereinafter).

6 第二項第九号の「子会社」とは、会社がその総株主の議決権の過半数を保有する他の会社をいう。この場合において、会社及びその一若しくは二以上の子会社又は当該



会社の一若しくは二以上の子会社がその総株主の議決権の過半数を保有する他の会社は、当該会社の子会社とみなす。

(6) The term "subsidiary company", as used in paragraph (2), item (ix), means a company in which another company holds the majority of all shareholders' voting rights. In this case, if a first company and one or more of its subsidiary companies hold the majority of all shareholders' voting rights in a second company, or if one or more of a first company's subsidiary companies hold the majority of all shareholders' voting rights in a second company, the second company is deemed to be the subsidiary company of the first company.

7 次の各号に掲げる場合における第五項の規定の適用については、当該各号に定める対象議決権は、これを保有しているものとみなす。

(7) To apply the provisions of paragraph (5) to a case as set forth in one of the following items, the person in question is deemed to hold the subject voting rights prescribed in the relevant item:

一 信託契約その他の契約又は法律の規定に基づき、会社の対象議決権を行使することができる権限又は当該対象議決権の行使について指図を行うことができる権限を有する場合 当該対象議決権

(i) if a person has the authority to exercise subject voting rights in a company or the authority to give instructions for the exercise of those subject voting rights pursuant to a trust agreement or any other agreement or based on the provisions of the law: those subject voting rights;

二 株式の所有関係、親族関係その他の政令で定める特別の関係にある者が会社の対象議決権を保有する場合 当該特別の関係にある者が保有する当該対象議決権

(ii) if a person that is related to the person in question through shareholdings, a familial relationship, or any other special relationship prescribed by Cabinet Order, holds subject voting rights in that company: the subject voting rights held by the person with the special relationship to the person in question.

8 内閣総理大臣は、第一項の規定による審査の基準に照らし必要があると認めるときは、その必要の限度において、第三条の免許に条件を付し、及びこれを変更することができる。

(8) On finding that it is necessary to do so in light of the criteria for examination under the provisions of paragraph (1), the Prime Minister, within the scope of that necessity, may attach conditions to the licensing referred to in Article 3 or make changes thereto.

(資本金の額の減少)

(Reduction of Stated Capital)

第六条 信託会社（管理型信託会社を除く。）は、その資本金の額を減少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 6 A Trust Company (other than a Custodial Trust Company) must have

the authorization of the Prime Minister to reduce the amount of its stated capital.

(登録)

(Registration)

第七条 第三条の規定にかかわらず、内閣総理大臣の登録を受けた者は、管理型信託業を営むことができる。

Article 7 (1) Notwithstanding the provisions of Article 3, a person that has been registered by the Prime Minister may engage in Custodial Trust Business.

2 前項の登録の有効期間は、登録の日から起算して三年とする。

(2) The registration referred to in the preceding paragraph has a valid period of three years from the date of registration.

3 有効期間の満了後引き続き管理型信託業を営もうとする者は、政令で定める期間内に、登録の更新の申請をしなければならない。

(3) A person seeking to continue to engage in Custodial Trust Business after the expiration of a registration's validity must apply for a registration renewal within the period prescribed by Cabinet Order.

4 前項の登録の更新がされたときは、その登録の有効期間は、従前の登録の有効期間の満了の日の翌日から起算して三年とする。

(4) Once a registration is renewed as referred to in the preceding paragraph, it has a valid period of three years which begins on the day after the expiration of the previous registration's validity.

5 第三項の登録の更新を受けようとする者は、政令で定めるところにより、手数料を納めなければならない。

(5) A person seeking to have a registration renewed as referred to in paragraph (3) must pay a fee for this pursuant to the provisions of Cabinet Order.

6 第三項の登録の更新の申請があった場合において、その登録の有効期間の満了の日までにその申請について処分がされないときは、従前の登録は、その有効期間の満了後もその処分がされるまでの間は、なお効力を有する。

(6) If an application is filed to renew a registration as referred to in paragraph (3) but no disposition is reached on the application by the last day of the registration's validity, the existing registration remains valid even after its expiration until the disposition is reached.

(登録の申請)

(Applying for Registration)

第八条 前条第一項の登録（同条第三項の登録の更新を含む。第十条第一項、第四十五条第一項第三号及び第九十一条第三号において同じ。）を受けようとする者（第十条第一項において「申請者」という。）は、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

Article 8 (1) A person seeking registration as referred to in paragraph (1) of the

preceding Article (or seeking to renew a registration as referred to in paragraph (3) of that Article; the same applies in Article 10, paragraph (1), Article 45, paragraph (1), item (iii), and Article 91, item (iii)) (referred to as the "applicant" in Article 10, paragraph (1)) must submit a paper application to the Prime Minister giving the following information:

一 商号

(i) its trade name;

二 資本金の額

(ii) its amount of stated capital;

三 取締役及び監査役の氏名

(iii) the names of its directors and company auditors;

四 会計参与設置会社にあつては、会計参与の氏名又は名称

(iv) the names of its accounting advisors, if it is a company with accounting advisors;

五 信託業務以外の業務を営むときは、その業務の種類

(v) if it is engaged in operations other than trust services, the type of operations;

六 本店その他の営業所の名称及び所在地

(vi) the names and locations of its head office and other business offices.

2 前項の申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must accompany the paper application referred to in the preceding paragraph:

一 定款

(i) the applicant's articles of incorporation;

二 会社の登記事項証明書

(ii) a certificate of the company's registered information;

三 業務方法書

(iii) an operational method statement;

四 貸借対照表

(iv) a balance sheet;

五 その他内閣府令で定める書類

(v) documents prescribed by Cabinet Office Order.

3 前項第三号の業務方法書には、次に掲げる事項を記載しなければならない。

(3) The operational method statement referred to in item (iii) of the preceding paragraph must give the following information:

一 引受けを行う信託財産の種類

(i) the type of trust property that will be accepted;

二 信託財産の管理又は処分の方法

(ii) how trust property will be managed, expended, or disposed of;

三 信託財産の分別管理の方法

(iii) how trust property will be managed separately from other property;

#### 四 信託業務の実施体制

(iv) the system for implementing trust services;

五 信託業務の一部を第三者に委託する場合には、委託する信託業務の内容並びに委託先の選定に係る基準及び手続（第二十二条第三項各号に掲げる業務を委託する場合を除く。）

(v) if the person seeking registration entrusts a third party with a part of the trust services, the details of the trust services with which it will entrust the third party, as well as criteria and procedures for selecting the person to entrust with those services (unless it entrusts the third party with operations as set forth in the items of Article 22, paragraph (3));

六 その他内閣府令で定める事項

(vi) the information prescribed by Cabinet Office Order.

(登録簿への登録)

#### (Registration in the Register)

第九条 内閣総理大臣は、第七条第一項の登録の申請があった場合においては、次条第一項の規定により登録を拒否する場合を除くほか、次に掲げる事項を管理型信託会社登録簿に登録しなければならない。

Article 9 (1) When an application is filed for registration as referred to Article 7, paragraph (1), the Prime Minister, if not refusing to register the applicant pursuant to the provisions of paragraph (1) of the following Article, must register the following information in the custodial trust companies register:

一 前条第一項各号に掲げる事項

(i) the information set forth in the items of paragraph (1) of the preceding Article;

二 登録年月日及び登録番号

(ii) the date of registration and the registration number.

2 内閣総理大臣は、管理型信託会社登録簿を公衆の縦覧に供しなければならない。

(2) The Prime Minister must make the custodial trust companies register available for public inspection.

(登録の拒否)

#### (Refusing Registration)

第十条 内閣総理大臣は、申請者が次の各号のいずれかに該当するとき、又は第八条第一項の申請書若しくは同条第二項各号に掲げる添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

Article 10 (1) If an applicant falls under a category referred to in one of the following items, or if the paper application referred to in Article 8, paragraph (1) or an accompanying document set forth in one of the items of paragraph (2) of that Article gives false statements or omits a material fact, the Prime Minister must refuse to register the applicant:

- 一 第五条第二項各号（第二号及び第三号を除く。）のいずれかに該当する者  
(i) a person falling under one of the items of Article 5, paragraph (2) (other than item (ii) or (iii));
- 二 資本金の額が委託者又は受益者の保護のため必要かつ適当なものとして政令で定める金額に満たない株式会社  
(ii) a stock company whose stated capital is less than the amount that Cabinet Order prescribes as necessary and appropriate for settlors' or beneficiaries' protection;
- 三 純資産額が前号に規定する金額に満たない株式会社  
(iii) a stock company whose net assets are less than the amount prescribed in the preceding item;
- 四 定款又は業務方法書の規定が法令に適合せず、又は管理型信託業務を適正に遂行するために十分なものでない株式会社  
(iv) a stock company with provisions in its articles of incorporation or operational method statement that do not conform to laws and regulations or that are insufficient to allow it to properly perform custodial trust services;
- 五 人的構成に照らして、管理型信託業務を的確に遂行することができる知識及び経験を有すると認められない株式会社  
(v) a stock company that, in light of its personnel composition, is found not to have the knowledge and experience to unerringly perform custodial trust services.
- 2 前項第三号の純資産額は、内閣府令で定めるところにより計算するものとする。  
(2) The amount of net assets as referred to in item (iii) of the preceding paragraph is to be calculated pursuant to the provisions of Cabinet Office Order.

（営業保証金）

(Business Security Deposit)

第十一条 信託会社は、営業保証金を本店の最寄りの供託所に供託しなければならない。

Article 11 (1) A Trust Company must place a business security deposit on deposit with the closest official depository to its head office.

2 前項の営業保証金の額は、信託業務の内容及び受益者の保護の必要性を考慮して政令で定める金額とする。

(2) The amount of the business security deposit referred to in the preceding paragraph is the amount that Cabinet Order prescribes in consideration of the contents of trust services and the necessity of protecting the beneficiaries.

3 信託会社は、政令で定めるところにより、当該信託会社のために所要の営業保証金が内閣総理大臣の命令に応じて供託される旨の契約を締結し、その旨を内閣総理大臣に届け出たときは、当該契約の効力の存する間、当該契約において供託されることとなっている金額（以下この条において「契約金額」という。）につき第一項の営業保証金の全部又は一部の供託をしないことができる。

(3) If a Trust Company concludes a contract indicating that the required business security deposit will be placed on deposit on its behalf at the order of the Prime Minister and notifies the Prime Minister of this pursuant to the provisions of Cabinet Order, it is permissible for the Trust Company not to deposit all or part of the business security deposit referred to in paragraph (1), in the amount that the contract stipulates will be deposited on its behalf (hereinafter referred to as the "contract amount" in this Article) during the period that the contract is in effect.

4 内閣総理大臣は、受益者の保護のため必要があると認めるときは、信託会社と前項の契約を締結した者又は当該信託会社に対し、契約金額の全部又は一部を供託すべき旨を命ずることができる。

(4) On finding that it is necessary to do so for the protection of the beneficiaries, the Prime Minister may order a party that has concluded a contract as referred to in the preceding paragraph with a Trust Company, or that Trust Company itself, to deposit all or part of the contract amount.

5 信託会社は、第一項の営業保証金につき供託（第三項の契約の締結を含む。）を行い、その旨を内閣総理大臣に届け出た後でなければ、信託業務を開始してはならない。

(5) A Trust Company must not begin trust services until it has placed the business security deposit referred to in paragraph (1) on deposit (or concluded a contract as referred to in paragraph (3)) and has notified the Prime Minister of this.

6 信託の受益者は、当該信託に関して生じた債権に関し、当該信託の受託者たる信託会社に係る営業保証金について、他の債権者に先立ち弁済を受ける権利を有する。

(6) The beneficiary of a trust has the right to have its claims arising in connection with the trust settled out of the business security deposit of the Trust Company that is the trustee of that trust in preference over other creditors.

7 前項の権利の実行に関し必要な事項は、政令で定める。

(7) The necessary particulars to allow for execution of the right referred to in the preceding paragraph are specified by Cabinet Order.

8 信託会社は、営業保証金の額（契約金額を含む。第十項において同じ。）が第二項の政令で定める金額に不足することとなったときは、内閣府令で定める日から三週間以内にその不足額につき供託（第三項の契約の締結を含む。）を行い、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。

(8) If the amount of a business security deposit (or the contract amount; the same applies in paragraph (10)) comes to fall short of the amount that Cabinet Order prescribes which is referred to in paragraph (2), the Trust Company must deposit the shortfall (or conclude a contract as referred to in paragraph (3)) within three weeks from the day that Cabinet Office Order prescribes, and notify the Prime Minister of this without delay.

9 第一項又は前項の規定により供託する営業保証金は、国債証券、地方債証券その他

の内閣府令で定める有価証券（社債、株式等の振替に関する法律第二百七十八条第一項に規定する振替債を含む。）をもってこれに充てることができる。

(9) Japanese government bond certificates, municipal bond certificates, and other securities that Cabinet Office Order prescribes (including book-entry bonds as prescribed in Article 278, paragraph (1) of the Act on the Book-Entry of Corporate Bonds and Shares) may be used to cover a business security deposit that is placed on deposit pursuant to the provisions of paragraph (1) or the preceding paragraph.

10 第一項、第四項又は第八項の規定により供託した営業保証金は、第七条第三項の登録の更新がされなかった場合、第四十四条第一項の規定により第三条の免許が取り消された場合、第四十五条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条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場合において信託財産の新受託者への譲渡若しくは帰属権利者への移転が終了したとき、又は営業保証金の額が第二項の政令で定める金額を超えることとなったときは、政令で定めるところにより、その全部又は一部を取り戻すことができる。

(10) If an Article 7, paragraph (3) renewal of registration is not effected; if Article (3) licensing is rescinded pursuant to the provisions of Article 44, paragraph (1); if an Article 7, paragraph (1) registration is rescinded pursuant to the provisions of Article 45, paragraph (1); or if Article 3 licensing or an Article 7, paragraph (1) registration loses its validity pursuant to the provisions of Article 46, paragraph (1); and either the trust property is fully transferred to a new trustee or fully assigned to the person in which the rights to the trust property vest, or the amount of the business security deposit comes to exceed the amount that Cabinet Order prescribes which is referred to in paragraph (2), all or part of the business security deposit that has been placed on deposit pursuant to the provisions of paragraph (1), (4), or (8) may be refunded pursuant to the provisions of Cabinet Order.

11 前各項に規定するもののほか、営業保証金に関し必要な事項は、内閣府令・法務省令で定める。

(11) Beyond what is prescribed in each of the preceding paragraphs, Cabinet Office Order and Ministry of Justice Order provide for the necessary particulars in connection with business security deposits.

(変更の届出)

(Notification of Changes)

第十二条 信託会社（管理型信託会社を除く。）は、第四条第一項各号に掲げる事項に変更があったときは、その日から二週間以内に、その旨を内閣総理大臣に届け出なければならない。

Article 12 (1) A Trust Company (other than a Custodial Trust Company) must notify the Prime Minister if there is a change involving information set forth in

one of the items of Article 4, paragraph (1), within two weeks from the date of the change.

2 管理型信託会社は、第八条第一項各号に掲げる事項に変更があったときは、その日から二週間以内に、その旨を内閣総理大臣に届け出なければならない。

(2) A Custodial Trust Company must notify the Prime Minister if there is a change involving information set forth in one of the items of Article 8, paragraph (1), within two weeks from the date of the change.

3 内閣総理大臣は、前項の届出を受領したときは、その旨を管理型信託会社登録簿に登録しなければならない。

(3) On receipt of a notification as referred to in the preceding paragraph, the Prime Minister must register this in the custodial trust companies register.

(業務方法書の変更)

(Changes to the Operational Method Statement)

第十三条 信託会社（管理型信託会社を除く。）は、業務方法書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 13 (1) A Trust Company (other than a Custodial Trust Company) must have the authorization of the Prime Minister to change its operational method statement.

2 管理型信託会社は、業務方法書を変更しようとするときは、あらかじめ、その旨を内閣総理大臣に届け出なければならない。

(2) Before changing its operational method statement, a Custodial Trust Company must first notify the Prime Minister.

(商号)

(Trade Name)

第十四条 信託会社は、その商号中に信託という文字を用いなければならない。

Article 14 (1) A Trust Company must use the characters "信託" [pronounced "shintaku" and with a literal meaning of "trust"] in its trade name.

2 信託会社でない者は、その名称又は商号のうちに信託会社であると誤認されるおそれのある文字を用いてはならない。ただし、担保付社債信託法第三条の免許又は金融機関の信託業務の兼営等に関する法律第一条第一項の認可を受けた者については、この限りでない。

(2) A person that is not a Trust Company must not use any character in its name or trade name that is likely to cause it to be mistaken for a Trust Company; provided, however, that this does not apply to a person licensed as referred to in Article 3 of the Secured Bonds Trust Act or authorized as referred to in Article 1, paragraph (1) of the Act on Financial Institutions' Provision of Trust Services.

(名義貸しの禁止)



(Prohibition on Name Lending)

第十五条 信託会社は、自己の名義をもって、他人に信託業を営ませてはならない。  
Article 15 A Trust Company must not allow another person to engage in Trust Business using its name.

(取締役の兼職の制限等)

(Restriction on the Concurrent Holding of Positions by Directors)

第十六条 信託会社の常務に従事する取締役（指名委員会等設置会社にあつては、執行役員）は、他の会社の常務に従事し、又は事業を営む場合には、内閣総理大臣の承認を受けなければならない。

Article 16 (1) A director (or an executive officer, in a company with nominating committee, etc.) that is involved in the day-to-day operations of a Trust Company must have the approval of the Prime Minister to also be involved in the day-to-day operations of another company or to engaged in business.

2 会社法第三百三十一条第二項ただし書（同法第三百三十五条第一項において準用する場合を含む。）、第三百三十二条第二項（同法第三百三十四条第一項において準用する場合を含む。）、第三百三十六條第二項及び第四百二条第五項ただし書の規定は、信託会社については、適用しない。

(2) The proviso to Article 331, paragraph (2) (including as applied mutatis mutandis pursuant to Article 335, paragraph (1) of the Companies Act), the provisions of Article 332, paragraph (2) (including as applied mutatis mutandis pursuant to Article 334, paragraph (1) of that Act), Article 336, paragraph (2), and the proviso to Article 402, paragraph (5) of that Act do not apply to Trust Companies.

第二節 主要株主

Section 2 Major Shareholders

(主要株主の届出)

(Notification by Major Shareholders)

第十七条 信託会社の主要株主（第五条第五項に規定する主要株主をいう。以下同じ。）となった者は、対象議決権保有割合（対象議決権の保有者の保有する当該対象議決権の数を当該信託会社の総株主の議決権の数で除して得た割合をいう。）、保有の目的その他内閣府令で定める事項を記載した対象議決権保有届出書を、遅滞なく、内閣総理大臣に提出しなければならない。

Article 17 (1) A person that becomes a major shareholder in a Trust Company (meaning a major shareholder as prescribed in Article 5, paragraph (5); the same applies hereinafter) must submit a statement of holdings in subject voting rights to the Prime Minister, giving the subject voting right holding rate (meaning the rate arrived at when the number of subject voting rights held by the person that holds them is divided by the number representing all

shareholders' voting rights in the Trust Company), the purpose of the holdings, and the information prescribed by Cabinet Office Order without delay.

2 前項の対象議決権保有届出書には、第五条第二項第九号及び第十号に該当しないことを誓約する書面その他内閣府令で定める書類を添付しなければならない。

(2) A document in which the major shareholder swears that it does not fall under Article 5, paragraph (2), items (ix) and (x) and the documents that Cabinet Office Order prescribes must accompany the statement of holdings in subject voting rights referred to in the preceding paragraph.

(措置命令)

(Order for Measures)

第十八条 内閣総理大臣は、信託会社の主要株主が第五条第二項第九号イ若しくはロ又は第十号イからハまでのいずれかに該当する場合には、当該主要株主に対し三月以内の期間を定めて当該信託会社の主要株主でなくなるための措置その他必要な措置をとることを命ずることができる。

Article 18 If a major shareholder in a Trust Company falls under one of the categories in Article 5, paragraph (2), item (ix), (a) or (b) or item (x), (a), (b), or (c), the Prime Minister may order the major shareholder to take measures so that it will cease to be a major shareholder in the Trust Company, or to take any other necessary measures within a fixed period of no longer than three months.

(主要株主でなくなった旨の届出)

(Notification of Having Ceased to Be a Major Shareholder)

第十九条 信託会社の主要株主は、当該信託会社の主要株主でなくなったときは、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 19 A major shareholder in a Trust Company must notify the Prime Minister without delay if it ceases to be a major shareholder in that Trust Company.

(信託会社を子会社とする持株会社に対する適用)

(Application to Holding Companies That Have Trust Companies as Their Subsidiary Companies)

第二十条 前三条の規定は、信託会社を子会社（第五条第六項に規定する子会社をいう。第五十一条を除き、以下同じ。）とする持株会社の株主又は出資者について準用する。

Article 20 The provisions of the preceding three Articles apply mutatis mutandis to the shareholders or investors of a holding company that has a Trust Company as its subsidiary company (meaning a subsidiary company as prescribed in Article 5, paragraph (6); the same applies hereinafter except in Article 51).

### 第三節 業務 Section 3 Operations

(業務の範囲)

(Scope of Operations)

第二十一条 信託会社は、信託業のほか、信託契約代理業、信託受益権売買等業務及び財産の管理業務（当該信託会社の業務方法書（第四条第二項第三号又は第八条第二項第三号の業務方法書をいう。）において記載されている信託財産と同じ種類の財産につき、当該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。）を営むことができる。

Article 21 (1) In addition to Trust Business, a Trust Company may engage in Trust Agreement Agency Services, operations for the purchase and sale, etc. of beneficial interests in trusts, and property management services (but only those though which it manages property of the same kind as the trust property stated in its operational method statement (meaning an operational method statement as referred to in Article 4, paragraph (2), item (iii) or Article 8, paragraph (2), item (iii)) in the same way as the way that it manages the trust property stated therein).

2 信託会社は、前項の規定により営む業務のほか、内閣総理大臣の承認を受けて、その信託業務を適正かつ確実に営むことにつき支障を及ぼすおそれがない業務であって、当該信託業務に関連するものを営むことができる。

(2) In addition to operations in which it engages pursuant to the provisions of the preceding paragraph, a Trust Company, with the approval of the Prime Minister, may engage in operations that are unlikely to interfere with its proper and reliable engagement in its trust services, and which are related to those trust services.

3 信託会社は、前項の承認を受けようとするときは、営む業務の内容及び方法並びに当該業務を営む理由を記載した書類を添付して、申請書を内閣総理大臣に提出しなければならない。

(3) If a Trust Company seeks the approval referred to in the preceding paragraph, it must submit a paper application to the Prime Minister accompanied by a document giving the details and mechanisms of the operations in which it will engage as well as the reasons for engaging in those operations.

4 信託会社は、第二項の規定により営む業務の内容又は方法を変更しようとするときは、内閣総理大臣の承認を受けなければならない。

(4) A Trust Company must have the approval of the Prime Minister to change the details or mechanisms of operations in which it is engaged pursuant to the provisions of paragraph (2).

5 信託会社は、第一項及び第二項の規定により営む業務のほか、他の業務を営むことができない。

(5) A Trust Company may not engage in other operations beyond those in which

it engages pursuant to the provisions of paragraphs (1) and (2).

- 6 第三条の免許又は第七条第一項の登録の申請書に申請者が第一項の規定により営む業務以外の業務を営む旨の記載がある場合において、当該申請者が当該免許又は登録を受けたときには、当該業務を営むことにつき第二項の承認を受けたものとみなす。

- (6) If a paper application for Article 3 licensing or Article 7, paragraph (1) registration states that the applicant will engage in operations other than those in which it will engage pursuant to paragraph (1), and the applicant is so licensed or registered, the applicant is deemed to have obtained the approval referred to in paragraph (2) to engage in those operations.

(信託業務の委託)

(Entrustment of a Third Party with Trust Services)

- 第二十二條 信託会社は、次に掲げるすべての要件を満たす場合に限り、その受託する信託財産について、信託業務の一部を第三者に委託することができる。

Article 22 (1) A Trust Company may entrust a third party with part of its trust services as regards trust property that has been placed in trust with it only if all of the following requirements are fulfilled:

- 一 信託業務の一部を委託すること及びその信託業務の委託先（委託先が確定していない場合は、委託先の選定に係る基準及び手続）が信託行為において明らかにされていること。

(i) the fact that it will entrust a third party with a part of the trust services and the party that it will entrust with those trust services (or the criteria and procedures for selecting the party that it will entrust with the services, if this has not been finalized) are made clear in the acts of trust;

- 二 委託先が委託された信託業務を的確に遂行することができる者であること。

(ii) the person that it will entrust with trust services is able to unerringly perform the trust services with which it is entrusted.

- 2 信託会社が信託業務を委託した場合における第二十八条及び第二十九条（第三項を除く。）の規定並びにこれらの規定に係る第七章の規定の適用については、これらの規定中「信託会社」とあるのは、「信託会社（当該信託会社から委託を受けた者を含む。）」とする。

(2) To apply the provisions of Article 28 and Article 29 (excluding paragraph (3)) and the provisions of Chapter VII that are relevant to those provisions if a Trust Company entrusts a third party with its trust services, the phrase "Trust Company" in those provisions is deemed to be replaced with "Trust Company (or a person that the Trust Company has entrusted with trust services)".

- 3 前二項の規定（第一項第二号を除く。）は、次に掲げる業務を委託する場合には、適用しない。

(3) The provisions of the preceding two paragraphs (excluding paragraph (1), item (ii)) do not apply if a third party is entrusted with the following operations:

一 信託財産の保存行為に係る業務

(i) operations for preserving trust property;

二 信託財産の性質を変えない範囲内において、その利用又は改良を目的とする業務

(ii) operations whose aim is to use or improve trust property to an extent that does not change the nature of the property;

三 前二号のいずれにも該当しない業務であって、受益者の保護に支障を生ずることがないと認められるものとして内閣府令で定めるもの

(iii) operations not falling under either of the preceding two items, in respect of which Cabinet Office Order prescribes that the lack of application of those paragraphs is found not to compromise the protection of the beneficiaries.

(信託業務の委託に係る信託会社の責任)

(Trust Company Liability on Entrusting a Third Party with Trust Services)

第二十三条 信託会社は、信託業務の委託先が委託を受けて行う業務につき受益者に加えた損害を賠償する責めに任ずる。ただし、信託会社が委託先の選任につき相当の注意をし、かつ、委託先が委託を受けて行う業務につき受益者に加えた損害の発生防止に努めたときは、この限りでない。

Article 23 (1) A Trust Company is liable to compensate for damage that a beneficiary incurs from services that a person entrusted with trust services carries out as entrusted; provided, however, that this does not apply if a Trust Company exercises due care in selecting the person with which to entrust the services and endeavors to prevent the damages that the beneficiary incurs from the services that the person so entrusted carries out as entrusted.

2 信託会社が信託業務を次に掲げる第三者（第一号又は第二号にあっては、株式の所有関係又は人的関係において、委託者と密接な関係を有する者として政令で定める者に該当し、かつ、受託者と密接な関係を有する者として政令で定める者に該当しない者に限る。）に委託したときは、前項の規定は、適用しない。ただし、信託会社が、当該委託先が不適任若しくは不誠実であること又は当該委託先が委託された信託業務を的確に遂行していないことを知りながら、その旨の受益者（信託管理人又は受益者代理人が現に存する場合にあっては、当該信託管理人又は受益者代理人を含む。第三号、第二十九条の三及び第五十一条第一項第五号において同じ。）に対する通知、当該委託先への委託の解除その他の必要な措置をとることを怠ったときは、この限りでない。

(2) The preceding paragraph does not apply if a Trust Company entrusts a third party as set forth in one the following items with trust services (for item (i) or (ii), this is limited to a third party constituting a person that Cabinet Order prescribes as being closely related to the settlor through shareholdings or a personal relationship and that does not fall under the category of a person that Cabinet Order prescribes as being closely related to the trustee); provided, however, that this does not apply if the Trust Company knows the party it entrusts with the services to be unsuitable or untrustworthy or learns that the

party it has entrusted with the services is not performing the trust services with which it has been entrusted appropriately, and neglects to notify the beneficiary of this (or neglects to notify the trust manager or beneficiary's agent, if the beneficiary has one at that time; the same applies in item (iii) of this paragraph, Article 29-3 and Article 51, paragraph (1), item (v)), neglects to terminate the entrustment of the party it has entrusted with the services, or neglects to take any other necessary measures:

一 信託行為において指名された第三者

(i) the third party designated in the acts of trust;

二 信託行為において信託会社が委託者の指名に従い信託業務を第三者に委託する旨の定めがある場合において、当該定めに従い指名された第三者

(ii) a third party designated in accordance with the phrases of trust, if the acts of trust specify that the Trust Company will entrust a third party designated by the settlor with the trust services;

三 信託行為において信託会社が受益者の指名に従い信託業務を第三者に委託する旨の定めがある場合において、当該定めに従い指名された第三者

(iii) a third party designated in accordance with the phrases of trust, if the acts of trust specify that the Trust Company will entrust a third party designated by the beneficiary with the trust services.

(指定紛争解決機関との契約締結義務等)

**(Obligation to Conclude a Contract with a Designated Dispute Resolution Organization)**

第二十三条の二 信託会社は、次の各号に掲げる場合の区分に応じ、当該各号に定める措置を講じなければならない。

Article 23-2 (1) A Trust Company must take the measures that the relevant of the following items prescribes for the category of cases set forth in the item:

一 指定紛争解決機関が存在する場合 一の指定紛争解決機関との間で手続実施基本契約を締結する措置

(i) if a Designated Dispute Resolution Organization is in existence: measures to conclude a Basic Contract for the Implementation of Dispute Resolution Procedures with a single Designated Dispute Resolution Organization;

二 指定紛争解決機関が存在しない場合 手続対象信託業務に関する苦情処理措置（顧客からの苦情の処理の業務に従事する使用人その他の従業者に対する助言若しくは指導を第八十五条の十三第三項第三号に掲げる者に行わせること又はこれに準ずるものとして内閣府令で定める措置をいう。）及び紛争解決措置（顧客との紛争の解決を認証紛争解決手続（裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）第二条第三号に規定する認証紛争解決手続をいう。）により図ること又はこれに準ずるものとして内閣府令で定める措置をいう。）

(ii) if no Designated Dispute Resolution Organization is in existence: complaint processing measures (meaning having a person as set forth in Article 85-13,

paragraph (3), item (iii) provide advice or guidance to employees or any other workers that are working to process complaints from customers, or any other measures that Cabinet Office Order prescribes as being equivalent to this) and dispute resolution measures (meaning seeking to resolve disputes with customers through certified dispute resolution procedures (meaning certified dispute resolution procedures as prescribed in Article 2, item (iii) of the Act on Promotion of Use of Alternative Dispute Resolution Procedures (Act No. 151 of 2004)), or any other measures that Cabinet Office Order prescribes as being equivalent to this) for Trust Business Subject to Dispute Resolution Procedures.

2 信託会社は、前項の規定により手続実施基本契約を締結する措置を講じた場合には、当該手続実施基本契約の相手方である指定紛争解決機関の商号又は名称を公表しなければならない。

(2) If a Trust Company has taken measures to conclude a Basic Contract for the Implementation of Dispute Resolution Procedures pursuant to the provisions of the preceding paragraph, it must publicize the trade name or name of the Designated Dispute Resolution Organization that is the other party to the Basic Contract for the Implementation of Dispute Resolution Procedures.

3 第一項の規定は、次の各号に掲げる場合の区分に応じ、当該各号に定める期間においては、適用しない。

(3) The provisions of paragraph (1) do not apply during the period that the relevant of the following items prescribes for the category of case set forth in the item:

一 第一項第一号に掲げる場合に該当していた場合において、同項第二号に掲げる場合に該当することとなったとき 第八十五条の二十三第一項の規定による紛争解決等業務の廃止の認可又は第八十五条の二十四第一項の規定による指定の取消しの時に、同号に定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(i) if a case that formerly fell under the category of case set forth in paragraph (1), item (i) comes to fall under the category of case set forth in item (ii) of that paragraph: the period that the Prime Minister prescribes at the time that the discontinuation of Complaint and Dispute Services under Article 85-23, paragraph (1) is authorized or that the designation under Article 85-24, paragraph (1) is rescinded, as the period needed for taking the measures prescribed in paragraph (1), item (ii);

二 第一項第一号に掲げる場合に該当していた場合において、同号の一の指定紛争解決機関の紛争解決等業務の廃止が第八十五条の二十三第一項の規定により認可されたとき、又は同号の一の指定紛争解決機関の第八十五条の二第一項の規定による指定が第八十五条の二十四第一項の規定により取り消されたとき（前号に掲げる場合を除く。） その認可又は取消しの時に、第一項第一号に定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(ii) if a case formerly fell under the category of case set forth in paragraph (1),

item (i), but the discontinuation of a single paragraph (1), item (i) Designated Dispute Resolution Organization's Complaint and Dispute Services has been authorized pursuant to Article 85-23, paragraph (1) or the designation under Article 85-2, paragraph (1) of a single paragraph (1), item (i) Designated Dispute Resolution Organization has been rescinded pursuant to Article 85-24, paragraph (1) (other than as set forth in the preceding item): the period that the Prime Minister prescribes at the time that the discontinuation is authorized or the rescission is effected, as the period needed for taking the measures prescribed in paragraph (1), item (i);

三 第一項第二号に掲げる場合に該当していた場合において、同項第一号に掲げる場合に該当することとなったとき 第八十五条の二第一項の規定による指定の時に、同号に定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(iii) if a case that formerly fell under the category of case set forth in paragraph (1), item (ii) comes to fall under the category of case set forth in item (i) of that paragraph: the period that the Prime Minister prescribes at the time that the designation under Article 85-2, paragraph (1) is made, as the period needed for taking the measures prescribed in paragraph (1), item (i).

(信託の引受けに係る行為準則)

(Rules of Conduct When Accepting a Trust)

第二十四条 信託会社は、信託の引受けに関して、次に掲げる行為（次条に規定する特定信託契約による信託の引受けにあつては、第五号に掲げる行為を除く。）をしてはならない。

Article 24 (1) A Trust Company must not engage in the following conduct (other than the conduct set forth in item (v), if it accepts a trust under a Specific Trust Agreement as prescribed in the following Article) in connection with the acceptance of trusts:

一 委託者に対し虚偽のことを告げる行為

(i) providing a settlor with false information;

二 委託者に対し、不確実な事項について断定的判断を提供し、又は確実であると誤解させるおそれのあることを告げる行為

(ii) providing a settlor with a conclusive assessment of a matter that is uncertain or with information that could mislead the settlor into believing that a matter that is uncertain is actually certain;

三 委託者若しくは受益者又は第三者に対し、特別の利益の提供を約し、又はこれを提供する行為（第三者をして特別の利益の提供を約させ、又はこれを提供させる行為を含む。）

(iii) promising to provide a settlor, beneficiary, or third party with a special advantage, or actually providing the relevant person with a special advantage (this includes having a third party promise to provide the relevant



person with a special advantage or having a third party actually provide a special advantage thereto);

四 委託者若しくは受益者又は第三者に対し、信託の受益権について損失を生じた場合にこれを補てんし、若しく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足することを約し、又は信託の受益権について損失を生じた場合にこれを補てんし、若しく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足する行為（第三者をして当該行為を約させ、又は行わせる行為を含み、自己の責めに帰すべき事故による損失を補てんする場合を除く。）

(iv) promising a settlor, beneficiary, or third party that the company will cover any loss incurred in connection with a beneficial interest in the trust or will supplement its profits if a predetermined amount of profit does not accrue; or actually covering a loss incurred in connection with a beneficial interest in the trust or supplementing profits when a pre-determined amount of profit does not accrue (this includes having a third party make such a promise or engage in the conduct, but excludes the company's coverage of a loss due to problematic conduct for which it should be held liable);

五 その他委託者の保護に欠けるものとして内閣府令で定める行為

(v) conduct that Cabinet Office Order prescribes as failing to protect the settlors.

2 信託会社は、委託者の知識、経験、財産の状況及び信託契約を締結する目的に照らして適切な信託の引受けを行い、委託者の保護に欠けることのないように業務を営まなければならない。

(2) A Trust Company must accept a trust that is appropriate in light of the settlor's knowledge and experience, the state of the settlor's assets and the purpose for which the trust agreement is concluded, and engage in operations in a way that does not fail to protect the settlor.

（金融商品取引法の準用）

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

第二十四条の二 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（特定投資家が特定投資家以外の顧客とみなされる場合）並びに第三十四条の三第五項及び第六項（特定投資家以外の顧客である法人が特定投資家とみなされる場合）を除く。）（特定投資家）、同章第二節第一款（第三十五条から第三十六条の四まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲、第二種金融商品取引業又は投資助言・代理業のみを行う者の兼業の範囲、業務管理体制の整備、顧客に対する誠実義務、標識の掲示、名義貸しの禁止、社債の管理の禁止等）、第三十七条第一項第二号（広告等の規制）、第三十七条の二（取引態様の事前明示義務）、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（契約締結前の書面の交付）、第三十七条の四（契約締結時等の書面の交付）、第三十七条の五（保証金の受領に係る書面の交付）、第三十七条の七（指定紛争解決機関との契約締結義務

等)、第三十八条第一号、第二号及び第七号並びに第三十八条の二(禁止行為)、第三十九条第一項、第二項第二号、第三項及び第五項(損失補てん等の禁止)、第四十条第一号(適合性の原則等)並びに第四十条の二から第四十条の七まで(最良執行方針等、分別管理が確保されていない場合の売買等の禁止、金銭の流用が行われている場合の募集等の禁止、特定投資家向け有価証券の売買等の制限、特定投資家向け有価証券に関する告知義務、のみ行為の禁止、店頭デリバティブ取引に関する電子情報処理組織の使用義務等)を除く。)(通則)及び第四十五条(第三号及び第四号を除く。)(雑則)の規定は、信託会社が行う信託契約(金利、通貨の価格、金融商品市場(同法第二条第十四項に規定する金融商品市場をいう。))における相場その他の指標に係る変動により信託の元本について損失が生ずるおそれがある信託契約として内閣府令で定めるものをいう。以下「特定信託契約」という。)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(同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「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「特定信託契約の締結」と、「前項第一号」とあるのは「損失補填等(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「信託会社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 24-2 The provisions of Chapter III, Section 1, Subsection 5 of the Financial Instruments and Exchange Act (Professional Investors) (excluding Article 34-2, paragraph (6) through (8) (Cases In Which a Professional Investor Is Deemed to Be a Customer Other Than a Professional Investor) and Article 34-3, paragraphs (5) and (6) (When a Customer Other than a Professional Investor Is a Corporation and That Corporation Is Deemed to Be a Professional Investor)), the provisions of Chapter III, Section 2, Subsection 1 of that Act (General Rules) (excluding Article 35 through Article 36-4 (Scope of Services for Persons Engaged in Type I Financial Instruments Business or Investment Management Business; Scope of Concurrent Business by Persons Only Engaged in Type II Financial Instruments Business or Investment Advisory and Agency Business; Establishment of an Operational Control System; Duty of Sincerity to Customers; Posting of Signs; Prohibition on Name Lending; Prohibition on Corporate Bond Management), Article 37, paragraph (1), item (ii) (Regulation of Advertising), Article 37-2 (Obligation to Clarify the Conditions of

Transactions in Advance), Article 37-3, paragraph (1), item (ii) through (iv) and (vi) and 37-3, paragraph (3) (Delivery of Documents Prior to the Conclusion of a Contract), Article 37-4 (Delivery of Documents upon the Conclusion of a Contract), Article 37-5 (Delivery of Documents in Connection with the Receipt of a Security Deposit), Article 37-7 (Obligation to Conclude a Contract with a Designated Dispute Resolution Organization), Article 38, items (i), (ii) and (vii) and Article 38-2 (Prohibited Acts), Article 39, paragraph (1), Article 39, paragraph (2), item (ii), Article 39, paragraphs (3) and (5) (Prohibition on Compensation of Loss), Article 40, item (i) (The Principle of Suitability), and Article 40-2 through Article 40-7 (Best Execution Policy; Prohibition of Purchase and Sale, etc. If Separate Management Is Not Ensured; Prohibition of Public Offerings If Money Has Been Diverted; Restrictions on the Purchase and Sale, etc. of Securities for Professional Investors; Obligation to Notify in Connection with Securities for Professional Investors, Prohibition on Bucketing, Obligation to Use Electronic Data Processing Systems for Over-the-Counter Derivatives Transactions)), and the provisions of Article 45 (Miscellaneous Provisions) of that Act (excluding items (iii) and (iv)) apply mutatis mutandis to acceptance by a Trust Company of a trust under a trust agreement (meaning a trust agreement that Cabinet Office Order prescribes as one under which there is a risk that trust principal will be lost due to fluctuations in the money rate, the value of currencies, quotations on a financial instruments market (meaning a financial instruments market as prescribed in Article 2, paragraph (14) of that Act), or any other indicator; hereinafter referred to as a "Specific Trust Agreement"). This being the case, the phrase "Financial Instruments Transaction Contract" in these provisions is deemed to be replaced with "Specific Trust Agreement"; the phrase "Financial Instruments Business" in these provisions is deemed to be replaced with "operations for concluding Specific Trust Agreements"; the phrase "the performance of an act that constitutes a Financial Instruments transaction" in these provisions (excluding Article 34 of that Act) is deemed to be replaced with "the conclusion of Specific Trust Agreements"; the phrase "for a contract for the Financial Instruments Business Operator, etc. to perform an act that constitutes a Financial Instruments transaction (meaning an act as set forth in the items of Article 2, paragraph (8); the same applies hereinafter) with the customer as the other party or on behalf of the customer" in Article 34 of that Act is deemed to be replaced with "for a Specific Trust Agreement as prescribed 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 phrase "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"; the term

"Purchase and Sale or Other Transaction of Securities, etc." in Article 39, paragraph (2), item (i) of the Financial Instruments and Exchange Act is deemed to be replaced with "conclusion of Specific Trust Agreements", and the phrase "promise referred to in item (i) of the preceding paragraph" in that item is deemed to be replaced with "promise to cover losses or supplement profits (meaning covering for losses or supplementing profits as prescribed in Article 24, paragraph (1), item (iv) of the Trust Business Act; the same applies in item (iii))"; the term "Purchase and Sale or Other Transaction of Securities, etc." in Article 39, paragraph (2), item (iii) of the Financial Instruments and Exchange Act is deemed to be replaced with "conclusion of Specific Trust Agreements", and the phrase "that is provided as referred to in item (iii) of the preceding paragraph" in that item is deemed to be replaced with "to cover losses or supplement profits"; the term "problematic conduct" in Article 39, paragraph (4) of that Act is deemed to be replaced with "problematic conduct for which the Trust Company should be held liable"; and beyond this, Cabinet Order provides for the necessary technical replacement of terms.

(信託契約の内容の説明)

(Explaining the Content of a Trust Agreement)

第二十五条 信託会社は、信託契約による信託の引受けを行うときは、あらかじめ、委託者に対し当該信託会社の商号及び次条第一項第三号から第十六号までに掲げる事項（特定信託契約による信託の引受けを行うときは、同号に掲げる事項を除く。）を説明しなければならない。ただし、委託者の保護に支障を生ずることがない場合として内閣府令で定める場合は、この限りでない。

Article 25 Before accepting a trust under a trust agreement, a Trust Company must first give the settlor its trade name and explain the information set forth in paragraph (1), item (iii) through (xvi) of the following Article (if the company accepts a trust under a Specific Trust Agreement, this excludes an explanation of the information set forth in those items); provided, however, that this does not apply if Cabinet Office Order prescribes it to be a case in which the company's not doing so does not compromise the protection of the settlor.

(信託契約締結時の書面交付)

(Delivery of Documents on Concluding a Trust Agreement)

第二十六条 信託会社は、信託契約による信託の引受けを行ったときは、遅滞なく、委託者に対し次に掲げる事項を明らかにした書面を交付しなければならない。ただし、当該書面を委託者に交付しなくても委託者の保護に支障を生ずることがない場合として内閣府令で定める場合は、この限りでない。

Article 26 (1) Once a Trust Company accepts a trust under a trust agreement, it must deliver a document giving the following information to the settlor without delay; provided, however, that this does not apply if Cabinet Office Order

prescribes it to be a case in which even a failure to deliver the document to the settlor will not compromise the protection of the settlor:

一 信託契約の締結年月日

(i) the year, month, and day of conclusion of the trust agreement;

二 委託者の氏名又は名称及び受託者の商号

(ii) the name of the settlor and the trade name of the trustee;

三 信託の目的

(iii) the purpose of the trust;

四 信託財産に関する事項

(iv) information about the trust property;

五 信託契約の期間に関する事項

(v) information about the period of the trust agreement;

六 信託財産の管理又は処分の方法に関する事項（第二条第三項各号のいずれにも該当しない信託にあつては、信託財産の管理又は処分の方針を含む。）

(vi) information about how trust property is managed, expended, or disposed of (this includes the policy for managing, expending, or disposing of trust property, for a trust not falling under any of the items of Article 2, paragraph (3));

七 信託業務を委託する場合（第二十二條第三項各号に掲げる業務を委託する場合を除く。）には、委託する信託業務の内容並びにその業務の委託先の氏名又は名称及び住所又は所在地（委託先が確定していない場合は、委託先の選定に係る基準及び手続）

(vii) if it entrusts a third party with trust services (unless it entrusts a third party with the operations set forth in the items of Article 22, paragraph (3)), the contents of trust services with which it will entrust the third party as well as the name and address or location of the party that it will entrust with the services (or the criteria and procedures for selecting the party that it will entrust with the services, if this has not been finalized);

八 第二十九條第二項各号に掲げる取引を行う場合には、その旨及び当該取引の概要  
(viii) if it conducts a transaction set forth in one of the items of Article 29, paragraph (2), an indication of this and an overview of the transaction;

九 受益者に関する事項

(ix) information about the beneficiaries;

十 信託財産の交付に関する事項

(x) information about delivery of the trust property;

十一 信託報酬に関する事項

(xi) information about trust fees;

十二 信託財産に関する租税その他の費用に関する事項

(xii) information about taxes and other costs related to the trust property;

十三 信託財産の計算期間に関する事項

(xiii) information about the accounting period for the trust property;

十四 信託財産の管理又は処分の状況の報告に関する事項

(xiv) information about reports on the management status, expenditure status, or disposal status of the trust property;

十五 信託契約の合意による終了に関する事項

(xv) information about termination of the trust agreement by agreement;

十六 その他内閣府令で定める事項

(xvi) the information prescribed by Cabinet Office Order.

2 信託会社は、前項の書面の交付に代えて、政令で定めるところにより、委託者の承諾を得て、当該書面に記載すべき事項を電磁的方法（電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて内閣府令で定めるものをいう。以下同じ。）により提供することができる。この場合において、当該信託会社は、当該書面を交付したものとみなす。

(2) In lieu of delivering the document referred to in the preceding paragraph, a Trust Company may provide the settlor with the information that is required to be given in the document by electronic or magnetic means (meaning by using an electronic data processing system or employing other information and communications technology in the manner that Cabinet Office Order prescribes; the same applies hereinafter), with the consent of the settlor, pursuant to the provisions of Cabinet Order. In doing so, the Trust Company is deemed to have delivered that document.

3 第一項第十三号の信託財産の計算期間は、内閣府令で定める場合を除き、一年を超えることができない。

(3) Unless otherwise prescribed by Cabinet Office Order, the accounting period for the trust property which is referred to in paragraph (1), item (xiii) may not exceed one year.

（信託財産状況報告書の交付）

**(Delivery of Reports on the Status of Trust Property)**

第二十七条 信託会社は、その受託する信託財産について、当該信託財産の計算期間（信託行為においてこれより短い期間の定めがある場合その他の信託の目的に照らして受益者の利益に適合することが明らかな場合として内閣府令で定める場合には、計算期間より短い期間で内閣府令で定める期間）ごとに、信託財産状況報告書を作成し、当該信託財産に係る受益者に対し交付しなければならない。ただし、信託財産状況報告書を受益者に交付しなくても受益者の保護に支障を生ずることがない場合として内閣府令で定める場合は、この限りでない。

Article 27 (1) A Trust Company must prepare a report on the status of trust property that has been placed in trust with it for each of the trust property's accounting periods (or for each of the periods shorter than the relevant accounting period which Cabinet Office Order prescribes, if the acts of trust specify a shorter period or if Cabinet Office Order otherwise prescribes it to be a case in which a shorter period is clearly in line with the beneficiaries'

interests), and deliver it to the beneficiaries of the trust property; provided, however, that this does not apply if Cabinet Office Order prescribes it to be a case in which even the failure to deliver the relevant report to the beneficiaries will not compromise the protection of the beneficiaries.

2 前条第二項の規定は、受益者に対する前項の信託財産状況報告書の交付について準用する。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the delivery of a report to the beneficiaries on the status of trust property referred to in the preceding paragraph.

(信託会社の忠実義務等)

(Trust Companies' Duty to Work Resolutely)

第二十八条 信託会社は、信託の本旨に従い、受益者のため忠実に信託業務その他の業務を行わなければならない。

Article 28 (1) A Trust Company must work resolutely on behalf of the beneficiary in carrying out trust services and other operations in accordance with the main purpose of the trust.

2 信託会社は、信託の本旨に従い、善良な管理者の注意をもって、信託業務を行わなければならない。

(2) A Trust Company must carry out trust services with the due care of a prudent manager, in accordance with the main purpose of the trust.

3 信託会社は、内閣府令で定めるところにより、信託法第三十四条の規定に基づき信託財産に属する財産と固有財産及び他の信託の信託財産に属する財産とを分別して管理するための体制その他信託財産に損害を生じさせ、又は信託業の信用を失墜させることのない体制を整備しなければならない。

(3) A Trust Company, pursuant to the provisions of Cabinet Office Order and based on the provisions of Article 34 of the Trust Act, must develop a system for managing the property that has been placed in trust with it as trust property, its own property, and property that has been placed in trust with it as the trust property of other trusts in a segregated manner, and must develop other systems to avoid damage being done to trust property and to prevent the Trust Business from losing credibility.

(信託財産に係る行為準則)

(Rules of Conduct Regarding Trust Property)

第二十九条 信託会社は、その受託する信託財産について、次に掲げる行為をしてはならない。

Article 29 (1) A Trust Company must not engage in the following conduct with regard to trust property that has been placed in trust with it:

一 通常の取引の条件と異なる条件で、かつ、当該条件での取引が信託財産に損害を与えることとなる条件での取引を行うこと。

- (i) conducting a transaction under terms and conditions that are different from ordinary terms and conditions and that damage the trust property;
  - 二 信託の目的、信託財産の状況又は信託財産の管理若しくは処分の方針に照らして不必要な取引を行うこと。
  - (ii) conducting a transaction that is unnecessary in light of the purpose of the trust, the status of the trust property, or the policy for managing, expending, or disposing of the trust property;
  - 三 信託財産に関する情報を利用して自己又は当該信託財産に係る受益者以外の者の利益を図る目的をもって取引（内閣府令で定めるものを除く。）を行うこと。
  - (iii) conducting a transaction (other than one that Cabinet Office Order prescribes) in pursuit of its own interests or the interests of a person other than the beneficiary of the trust property, using information about the trust property;
  - 四 その他信託財産に損害を与え、又は信託業の信用を失墜させるおそれがある行為として内閣府令で定める行為
  - (iv) other conduct that Cabinet Office Order prescribes as being likely to damage trust property or to cause the Trust Business to lose credibility.
- 2 信託会社は、信託行為において次に掲げる取引を行う旨及び当該取引の概要について定めがあり、又は当該取引に関する重要な事実を開示してあらかじめ書面若しくは電磁的方法による受益者（信託管理人又は受益者代理人が現に存する場合にあっては、当該信託管理人又は受益者代理人を含む。）の承認を得た場合（当該取引をすることができない旨の信託行為の定めがある場合を除く。）であり、かつ、受益者の保護に支障を生ずることがない場合として内閣府令で定める場合を除き、次に掲げる取引をしてはならない。
- (2) A Trust Company must not enter into a transaction as follows unless the acts of trust provide for the Trust Company to conduct a transaction as follows and give an overview of the transaction in question; or unless the Trust Company discloses the material facts of the transaction in question to the beneficiaries and gains their assent in advance, either in writing or by electronic or magnetic means (or gains the assent of the trust manager or beneficiary's agent, if a beneficiary has one at that time) (unless the act of trust provides that the Trust Company may not conduct the transaction in question), and Cabinet Office Order prescribes it to be a case in which conducting the transaction will not compromise the protection of the beneficiaries:
- 一 自己又はその利害関係人（株式の所有関係又は人的関係において密接な関係を有する者として政令で定める者をいう。）と信託財産との間における取引
  - (i) a transaction between the Trust Company itself or an interested party thereof (meaning a person that Cabinet Order prescribes as being closely related to the Trust Company through shareholdings or a personal relationship) and the trust property;
  - 二 一の信託の信託財産と他の信託の信託財産との間の取引



(ii) a transaction between the trust property of one trust and the trust property of another trust;

三 第三者との間において信託財産のためにする取引であって、自己が当該第三者の代理人となつて行うもの

(iii) a transaction that the Trust Company enters into for the trust property with a third party, in which it is acting as the agent of the third party.

3 信託会社は、前項各号の取引をした場合には、信託財産の計算期間ごとに、当該期間における当該取引の状況を記載した書面を作成し、当該信託財産に係る受益者に対し交付しなければならない。ただし、当該書面を受益者に対し交付しなくても受益者の保護に支障を生ずることがない場合として内閣府令で定める場合は、この限りでない。

(3) If a Trust Company enters into a transaction as referred to in one of the items of the preceding paragraph, it must prepare a document giving the status of the transaction during the relevant accounting period for each of the trust property's accounting periods, and must deliver this document to the beneficiary of the trust property; provided, however, that this does not apply if Cabinet Office Order prescribes it to be a case in which even a failure to deliver the document to the beneficiary will not compromise the protection of the beneficiary.

4 第二十六条第二項の規定は、受益者に対する前項の書面の交付について準用する。

(4) The provisions of Article 26, paragraph (2) apply mutatis mutandis to the delivery of a document as referred to in the preceding paragraph to the beneficiary.

(重要な信託の変更等)

(Material Modification of a Trust)

第二十九条の二 信託会社は、重要な信託の変更（信託法第百三条第一項各号に掲げる事項に係る信託の変更をいう。）又は信託の併合若しくは信託の分割（以下この条において「重要な信託の変更等」という。）をしようとする場合には、これらが当該信託の目的に反しないこと及び受益者の利益に適合することが明らかである場合その他内閣府令で定める場合を除き、次に掲げる事項を、内閣府令で定めるところにより公告し、又は受益者（信託管理人又は受益者代理人が現に存する場合にあつては、当該信託管理人又は受益者代理人を含む。以下この条において同じ。）に各別に催告しなければならない。

Article 29-2 (1) If a Trust Company seeks to make any material modification to a trust (meaning a modification to a trust in terms of a particular set forth in one of the items of Article 103, paragraph (1) of the Trust Act) or consolidate or split a trust (hereinafter referred to as a "material modification or other change to a trust" in this Article), it must issue public notice of the following information pursuant to the provisions of Cabinet Office Order or give notice to each beneficiary (or to the trust manager or beneficiary's agent, if a beneficiary

has one at that time; hereinafter the same applies in this Article), unless the modification or other change is not in conflict with the purpose of the trust and is clearly in line with the beneficiaries' interests, or unless it is a case as Cabinet Office Order prescribes:

一 重要な信託の変更等をしようとする旨

(i) that it seeks to make a material modification or other change to a trust;

二 重要な信託の変更等に異議のある受益者は一定の期間内に異議を述べるべき旨

(ii) that a beneficiary objecting to the material modification or other change to a trust must state an objection within a fixed time frame;

三 その他内閣府令で定める事項

(iii) the information prescribed by Cabinet Office Order.

2 前項第二号の期間は、一月を下ることができない。

(2) The time frame referred to in item (ii) of the preceding paragraph may not be less than one month.

3 第一項第二号の期間内に異議を述べた受益者の当該信託の受益権の個数が当該信託の受益権の総個数の二分の一を超えると時（各受益権の内容が均等でない場合にあつては、当該信託の受益権の価格の額が同項の規定による公告又は催告の時における当該信託の受益権の価格の総額の二分の一を超えると時その他内閣府令で定めるとき）は、同項の重要な信託の変更等をしてはならない。

(3) If the number of beneficial interests in the trust that the beneficiaries objecting within the time frame referred to in paragraph (1), item (ii) hold exceeds half of the total number of beneficial interests in the trust (or, if the conditions of each beneficial interest are not the same, and the price of the beneficial interests in the trust that those beneficiaries hold exceeded half of the total price of beneficial interests in the trust as of the time of the public notice or notice pursuant to the provisions of that paragraph or if the case is as Cabinet Office Order prescribes), a material modification or other change to a trust referred to in paragraph (1) may not be made.

4 前三項の規定は、次の各号のいずれかに該当するときは、適用しない。

(4) The provisions of the preceding three paragraphs do not apply if one of the following items applies:

一 信託行為に受益者集会における多数決による旨の定めがあるとき。

(i) if the acts of trust provide that a material modification or other change to a trust is subject to majority vote at a beneficiaries meeting;

二 前号に定める方法以外の方法により当該信託の受益権の総個数（各受益権の内容が均等でない場合にあつては、当該信託の受益権の価格の総額その他内閣府令で定めるもの）の二分の一を超える受益権を有する受益者の承認を得たとき。

(ii) if beneficiaries holding beneficial interests exceeding half of the total number of beneficial interests in the trust (or, in the event that the conditions of each beneficial interest are not the same, beneficiaries holding beneficial interests exceeding half of the total price of the beneficial interests

in the trust, or as Cabinet Office Order prescribes) approve the material modification or other change to a trust other than as prescribed in the preceding item;

三 前二号に掲げる場合のほか、これらの場合に準ずる場合として内閣府令で定める場合に該当するとき。

(iii) if the situation falls under a category of case other than as set forth in the preceding two items, which Cabinet Office Order prescribes as being equivalent thereto.

5 一個の信託約款に基づいて、信託会社が多数の委託者との間に締結する信託契約にあっては、当該信託契約の定めにより当該信託約款に係る信託を一の信託とみなして、前各項の規定を適用する。

(5) Pursuant to the provisions of trust agreements that a Trust Company concludes between itself and a large number of settlors under a single set of general conditions of trust, the trusts subject to those general conditions of trust are deemed to be a single trust and the provisions of each of the preceding paragraphs apply.

(費用等の償還又は前払の範囲等の説明)

(Explanation of the Scope of Reimbursement or Advance Payment of Expenses)

第二十九条の三 信託会社は、受益者との間において、信託法第四十八条第五項（同法第五十四条第四項において準用する場合を含む。）に規定する合意を行おうとするときは、当該合意に基づいて費用等（同法第四十八条第一項に規定する費用等をいう。）若しくは信託報酬の償還又は費用若しくは信託報酬の前払を受けることができる範囲その他の内閣府令で定める事項を説明しなければならない。

Article 29-3 When seeking to reach the agreement prescribed in Article 48, paragraph (5) of the Trust Act (including as applied mutatis mutandis pursuant to Article 54, paragraph (4) of that Act) with a beneficiary, a Trust Company must explain the scope of the expenses, etc. (meaning expenses, etc. prescribed in Article 48, paragraph (1) of that Act) or trust fees for which it may be reimbursed based on that agreement, the scope of expenses or trust fees that it may be paid in advance based on that agreement, and other information that Cabinet Office Order prescribes.

(信託の公示の特例)

(Exceptions to Public Notice of a Trust)

第三十条 信託会社が信託財産として所有する登録国債（国債に関する法律（明治三十九年法律第三十四号）第二条第二項の規定により登録をした国債をいう。）について同法第三条の移転の登録その他内閣府令・財務省令で定める登録を内閣府令・財務省令で定めるところにより信託財産である旨を明示してする場合は、信託法第十四条の規定の適用については、これらの登録を信託の登録とみなす。

Article 30 To apply the provisions of Article 14 of the Trust Act, if a Trust

Company registers a transfer as referred to in Article 3 of the Act on Japanese Government Bonds (Act No. 34 of 1906) or makes the registration that Cabinet Office Order or Ministry of Finance Order prescribes for registered JGBs (meaning Japanese government bonds registered pursuant to the provisions of Article 2, paragraph (2) of that Act) that it holds as trust property, and in the registration it clearly indicates, pursuant to the provisions of Cabinet Office Order or Ministry of Finance Order, that the registered JGBs are trust property, the registration is deemed to be the registration of a trust.

(信託財産に係る債務の相殺)

(Offsetting Debts involving Trust Property)

第三十一条 信託会社は、信託財産に属する債権で清算機関（金融商品取引法第二条第二十九項に規定する金融商品取引清算機関又は外国金融商品取引清算機関をいう。以下この項において同じ。）を債務者とするもの（清算機関が債務引受け等（同法第一百五十六条の三第一項第六号に規定する金融商品債務引受け等として、引受け、更改その他の方法により債務を負担することをいう。以下この項において同じ。）により債務者となった場合に限る。）については、他の信託財産に属する債務（清算機関による債務引受け等の対価として負担したものに限る。）と相殺をすることができる。ただし、信託行為に別段の定めがある場合は、この限りでない。

Article 31 (1) A Trust Company may offset a claim ascribable to trust property whose obligor is a clearing organization (meaning a financial instruments clearing organization or foreign financial instruments clearing organization as prescribed in Article 2, paragraph (29) of the Financial Instruments and Exchange Act; hereinafter the same applies in this paragraph) (but only if the clearing organization has become the obligor due to the assumption of a debt, etc. (meaning to take over, novate, or in any other way bear an obligation as a part of financial instruments debt assumption services, etc. as prescribed in Article 156-3, paragraph (1), item (vi) of that Act; hereinafter the same applies in this paragraph)) against a debt ascribable to other trust property (but only a debt that the Trust Company has incurred as consideration for the clearing organization's assumption of a debt, etc.); provided, however, that this does not apply if otherwise provided for in the acts of trust.

2 前項の規定により相殺を行う信託会社は、当該相殺により信託財産に損害を生じさせたときは、その損害を賠償する責めに任ずる。

(2) If a Trust Company that offsets a claim against a debt pursuant to the provisions of the preceding paragraph causes any damage to the trust property in the set-off, it is liable to compensate for those damages.

#### 第四節 経理

#### Section 4 Accounting

(事業年度)

(Business Year)

第三十二条 信託会社の事業年度は、四月一日から翌年三月三十一日までとする。

Article 32 The business year of a Trust Company is from April 1 of a given year to March 31 of the next year.

(事業報告書)

(Business Reports)

第三十三条 信託会社は、事業年度ごとに、事業報告書を作成し、毎事業年度経過後三月以内に内閣総理大臣に提出しなければならない。

Article 33 A Trust Company must prepare a business report for each business year and submit it to the Prime Minister within three months from the end of the business year.

(業務及び財産の状況に関する説明書類の縦覧)

(Public Inspection of Explanatory Documents on the State of Operations and Assets)

第三十四条 信託会社は、事業年度ごとに、業務及び財産の状況に関する事項として内閣府令で定めるものを記載した説明書類を作成し、毎事業年度終了の日以後内閣府令で定める期間を経過した日から一年間、すべての営業所に備え置き、公衆の縦覧に供しなければならない。

Article 34 (1) Each business year, a Trust Company must prepare an explanatory document giving the information that Cabinet Office Order prescribes as pertinent to the state of its operations and assets, and must keep copies of this at all of its business offices and make them available for public inspection during the one-year period following the day calculated as marking the end of the period that Cabinet Office Order prescribes after the end of the business year.

2 前項に規定する説明書類は、電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるもので内閣府令で定めるものをいう。以下同じ。）をもって作成することができる。

(2) The explanatory document prescribed in the preceding paragraph may be prepared in the form of an electronic or magnetic record (meaning a record as prescribed by Cabinet Office Order which is used in computerized data processing and which is created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies hereinafter).

3 第一項に規定する説明書類が電磁的記録をもって作成されているときは、信託会社の営業所において当該説明書類の内容である情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとること

ができる。この場合においては、同項に規定する説明書類を公衆の縦覧に供したものとみなす。

- (3) If the explanatory document prescribed in paragraph (1) is prepared in the form of an electronic or magnetic record, a Trust Company may take what Cabinet Office Order prescribes as measures to put the data forming the content of that document into a format that allows a large, non-exclusive audience to gain access to it through electronic or magnetic means at its business offices. In doing so, it is deemed to have made the explanatory document prescribed in that paragraph available for public inspection.

(株主の帳簿閲覧権の否認)

(Denial of a Shareholder's Right to Inspect the Books)

第三十五条 会社法第四百三十三条の規定は、信託会社（管理型信託会社を除く。以下第三十九条までにおいて同じ。）の会計帳簿及びこれに関する資料（信託財産に係るものに限る。）については、適用しない。

Article 35 The provisions of Article 433 of the Companies Act do not apply to the accounting books of a Trust Company (other than a Custodial Trust Company; hereinafter the same applies in this Article through Article 39) and materials related to them (but only those connected with trust property).

## 第五節 監督

### Section 5 Supervision

(合併の認可)

(Authorization for Merger)

第三十六条 信託会社を全部又は一部の当事者とする合併は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 36 (1) A merger to which Trust Companies constitute all or part of the parties is invalid without the authorization of the Prime Minister.

2 前項の認可を受けようとする信託会社は、合併後存続する株式会社又は合併により設立する株式会社（第四項において「合併後の信託会社」という。）について第四条第一項各号に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

(2) A Trust Company seeking the authorization referred to in the preceding paragraph must submit a paper application to the Prime Minister giving the information set forth in the items of Article 4, paragraph (1) with regard to the stock company surviving the merger or the stock company incorporated in the merger (referred to as the "post-merger trust company" in paragraph (4)).

3 前項の申請書には、合併契約書その他内閣府令で定める書類を添付しなければならない。

(3) The merger agreement and the documents that Cabinet Office Order prescribes must accompany the paper application referred to in the preceding

paragraph.

4 内閣総理大臣は、第一項の認可の申請があった場合においては、合併後の信託会社が第五条第一項各号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。この場合において、内閣総理大臣は、合併後の信託会社が第五条第二項各号に掲げる要件のいずれかに該当するとき、又は第二項の申請書若しくは前項の添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、認可を与えてはならない。

(4) When an application is filed for the authorization referred to in paragraph (1), the Prime Minister must examine whether the post-merger trust company conforms to the criteria set forth in the items of Article 5, paragraph (1). In this case, if the post-merger trust company falls under one of the conditions set forth in the items of Article 5, paragraph (2), or if the paper application referred to in paragraph (2) or an accompanying document referred to in the preceding paragraph gives false statements or omits a material fact, the Prime Minister must not authorize the merger.

5 第一項の認可を受けて合併により設立する株式会社は、その成立の時に、第三条の内閣総理大臣の免許を受けたものとみなす。

(5) A stock company incorporated in a merger under the authorization referred to in paragraph (1) is deemed to have been licensed by the Prime Minister as referred to in Article 3 at the time of its formation.

(新設分割の認可)

(Authorization for an Incorporation-Type Company Split)

第三十七条 信託会社が新たに設立する株式会社に信託業の全部の承継をさせるために行う新設分割（次項及び第五項において「新設分割」という。）は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 37 (1) An incorporation-type company split that a Trust Company implements in order to have the newly incorporated stock company assume all of its Trust Business (referred to as "incorporation-type company split" in the following paragraph and paragraph (5)) is invalid without the authorization of the Prime Minister.

2 前項の認可を受けようとする信託会社は、新設分割により設立する株式会社（第四項において「設立会社」という。）について第四条第一項各号に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

(2) A Trust Company seeking the authorization referred to in the preceding paragraph must submit a paper application to the Prime Minister giving the information set forth in the items of Article 4, paragraph (1) with regard to the stock company to be incorporated in the incorporation-type company split (referred to as the "incorporated company" in paragraph (4)).

3 前項の申請書には、分割計画その他内閣府令で定める書類を添付しなければならない。

(3) A company split plan and the documents that Cabinet Office Order prescribes must accompany the paper application referred to in the preceding paragraph.

4 内閣総理大臣は、第一項の認可の申請があった場合においては、設立会社が第五条第一項各号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。この場合において、内閣総理大臣は、設立会社が第五条第二項各号に掲げる要件のいずれかに該当するとき、又は第二項の申請書若しくは前項の添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、認可を与えてはならない。

(4) When an application is filed for the authorization referred to in paragraph (1), the Prime Minister must examine whether the incorporated company conforms to the criteria set forth in the items of Article 5, paragraph (1). In this case, if the Incorporated Company falls under one of the conditions set forth in the items of Article 5, paragraph (2), or if the paper application referred to in paragraph (2) or an accompanying document referred to in the preceding paragraph gives a false statement or omits a material fact, the Prime Minister must not authorize the split.

5 第一項の認可を受けて新設分割により設立する株式会社は、その成立の時に、第三条の内閣総理大臣の免許を受けたものとみなす。

(5) A stock company incorporated in an incorporation-type company split with the authorization referred to in paragraph (1) is deemed to have been licensed by the Prime Minister as referred to in Article 3 at the time of its formation.

(吸収分割の認可)

(Authorization for an Absorption-Type Company Split)

第三十八条 信託会社が他の株式会社に信託業の全部又は一部の承継をさせるために行う吸収分割（次項及び第五項において「吸収分割」という。）は、内閣総理大臣の認可を受けなければ、その効力を生じない。ただし、管理型信託業のみの承継をさせる吸収分割については、この限りでない。

Article 38 (1) An absorption-type company split that a Trust Company implements in order to have another stock company assume all or part of its Trust Business (referred to as an "absorption-type company split" in the following paragraph and paragraph (5)) is invalid without the authorization of the Prime Minister; provided, however, that this does not apply to an absorption-type company split in which it causes another stock company to assume only Custodial Trust Business.

2 前項の認可を受けようとする信託会社は、吸収分割により信託業の全部又は一部の承継をする株式会社（以下この条において「承継会社」という。）について次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

(2) A Trust Company seeking the authorization referred to in the preceding paragraph must submit a paper application to the Prime Minister giving the following information with regard to the stock company assuming all or part of the Trust Business in the absorption-type company split (hereinafter referred



to as the "succeeding company" in this Article):

一 第四条第一項各号に掲げる事項

(i) the information set forth in the items of Article 4, paragraph (1);

二 承継会社が承継する信託業の内容

(ii) the contents of the Trust Business that the succeeding company will assume.

3 前項の申請書には、分割計画その他内閣府令で定める書類を添付しなければならない。

(3) A company split plan and the documents that Cabinet Office Order prescribes must accompany the paper application referred to in the preceding paragraph.

4 内閣総理大臣は、第一項の認可の申請があった場合においては、承継会社が第五条第一項各号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。この場合において、内閣総理大臣は、承継会社が第五条第二項各号に掲げる要件のいずれかに該当するとき、又は第二項の申請書若しくは前項の添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、認可を与えてはならない。

(4) When an application is filed for the authorization referred to in paragraph (1), the Prime Minister must examine whether the succeeding company conforms to the criteria set forth in the items of Article 5, paragraph (1). In this case, if the succeeding company falls under one of the conditions set forth in the items of Article 5, paragraph (2), or if the paper application referred to in paragraph (2) or an accompanying document referred to in the preceding paragraph gives a false statement or omits a material fact, the Prime Minister must not authorize the split.

5 第一項の認可を受けて吸収分割により信託業の全部の承継をする株式会社は、当該承継の時に、第三条の内閣総理大臣の免許を受けたものとみなす。

(5) A stock company that assumes all of a person's Trust Business in an absorption-type company split with the authorization referred to in paragraph (1) is deemed to have been licensed by the Prime Minister as referred to in Article 3 at the time it assumes it.

(事業譲渡の認可)

(Authorization for a Business Transfer)

第三十九条 信託会社が他の信託会社に行う信託業の全部又は一部の譲渡（次項において「事業譲渡」という。）は、内閣総理大臣の認可を受けなければ、その効力を生じない。ただし、管理型信託業のみの譲渡をする事業譲渡については、この限りでない。

Article 39 (1) A Trust Company's full or partial transfer of its Trust Business to another Trust Company (referred to as a "business transfer" in the following paragraph) is invalid without the authorization of the Prime Minister; provided, however, that this does not apply to a business transfer in which only Custodial Trust Business is transferred.

2 前項の認可を受けようとする信託会社は、事業譲渡により信託業の全部又は一部の

譲受けをする信託会社（以下この条において「譲受会社」という。）について次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

(2) A Trust Company seeking the authorization referred to in the preceding paragraph must submit a paper application to the Prime Minister giving the following information with regard to the Trust Company acquiring all or part of the Trust Business in the business transfer (hereinafter referred to as the "acquiring company" in this Article):

一 第四条第一項各号に掲げる事項

(i) the information set forth in the items of Article 4, paragraph (1);

二 譲受会社が承継する信託業の内容

(ii) the content of the Trust Business that the acquiring company will assume.

3 前項の申請書には、譲渡契約書その他内閣府令で定める書類を添付しなければならない。

(3) A business transfer agreement and the documents that Cabinet Office Order prescribes must accompany the paper application referred to in the preceding paragraph.

4 内閣総理大臣は、第一項の認可の申請があった場合においては、譲受会社が第五条第一項各号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。この場合において、内閣総理大臣は、譲受会社が第五条第二項各号に掲げる要件のいずれかに該当するとき、又は第二項の申請書若しくは前項の添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、認可を与えてはならない。

(4) When an application is filed for the authorization referred to in paragraph (1), the Prime Minister must examine whether the acquiring company conforms to the criteria set forth in the items of Article 5, paragraph (1). In this case, if the acquiring company falls under one of the conditions set forth in the items of Article 5, paragraph (2), or if the paper application referred to in paragraph (2) or an accompanying document referred to in the preceding paragraph gives a false statement or omits a material fact, the Prime Minister must not authorize the transfer.

5 前各項の規定は、信託会社が他の外国信託会社に行う信託業の全部又は一部の譲渡について準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句と読み替えるものとする。

(5) The provisions of each of the preceding paragraphs apply mutatis mutandis to a Trust Company's full or partial transfer of its Trust Business to a Foreign Trust Company. In this case, the phrases set forth in the middle column of the following table in the provisions set forth in the left-hand column of that table are deemed to be replaced with the phrases set forth in the right-hand column of that table.

第二項第一号 paragraph (2), item (i)	第四条第一項各号 the items of Article 4, paragraph (1)	第五十三条第二項各号 the items of Article 53, paragraph (2)
第四項 paragraph (4)	第五条第一項各号 the items of Article 5, paragraph (1)	第五十三条第五項各号 the items of Article 53, paragraph (5)
	第五条第二項各号 the items of Article 5, paragraph (2)	第五十三条第六項各号 the items of Article 53, paragraph (6)

(権利義務の承継)

(Assumption of Rights and Obligations)

第四十条 合併後存続する信託会社又は合併により設立する信託会社は、合併により消滅する信託会社の業務に関し、当該信託会社が内閣総理大臣による認可その他の処分に基づいて有していた権利義務を承継する。

Article 40 (1) The Trust Company surviving a merger or the Trust Company incorporated in a merger assumes the rights and obligations that the Trust Company disappearing in the merger held in connection with its operations, based on the authorization of the Prime Minister or any other exercise of authority by the Prime Minister.

2 前項の規定は、会社分割により信託業の全部の承継をする信託会社について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a Trust Company assuming the whole of a person's Trust Business in a company split.

(届出等)

(Notifications)

第四十一条 信託会社は、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 41 (1) A Trust Company must notify the Prime Minister without delay if it comes to fall under one of the following items:

一 破産手続開始、再生手続開始又は更生手続開始の申立てを行ったとき。

(i) it has filed a petition to commence bankruptcy proceedings, to commence rehabilitation proceedings, or to commence reorganization proceedings;

二 合併（当該信託会社が合併により消滅した場合を除く。）をし、会社分割により信託業の一部の承継をさせ、又は信託業の一部の譲渡をしたとき。

(ii) it has effected a merger (unless that Trust Company has disappeared in the merger); has caused a person to assume a part of its Trust Business through a company split; or has transferred a part of its Trust Business;

三 その他内閣府令で定める場合に該当するとき。

(iii) it falls under a category of case that Cabinet Office Order prescribes.

2 信託会社が次の各号のいずれかに該当することとなったときは、当該各号に定める

者は、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。

(2) If a Trust Company comes to fall under one of the following items, the person specified in the item must notify the Prime Minister of this without delay:

一 信託業を廃止したとき（会社分割により信託業の全部の承継をさせたとき、及び信託業の全部の譲渡をしたときを含む。）。 その会社

(i) it discontinues Trust Business (or has a person assume all of its Trust Business through a company split or transfers all of its Trust Business): the Trust Company;

二 合併により消滅したとき。 その会社を代表する取締役若しくは執行役又は監査役であった者

(ii) it disappears due to a merger: a former director or executive officer that represented the company or a former company auditor;

三 破産手続開始の決定により解散したとき。 その破産管財人

(iii) it is dissolved due to an order commencing bankruptcy proceedings: the bankruptcy trustee;

四 合併及び破産手続開始の決定以外の理由により解散したとき。 その清算人

(iv) it is dissolved for a reason other than a merger or the commencement of bankruptcy proceedings: the liquidator.

3 信託会社は、信託業の廃止をし、合併（当該信託会社が合併により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の全部若しくは一部の承継をさせ、又は信託業の全部又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) A Trust Company must issue public notice and post a notice at all of its business offices in a place easily seen by the public, pursuant to the provisions of Cabinet Office Order, by 30 days prior to discontinuing its Trust Business, effecting a merger (but only a merger in which the Trust Company will disappear), dissolving due to any reason other than a merger or the commencement of bankruptcy proceedings, having a person assume all or part of its Trust Business due to a company split, or transferring all or part of its Trust Business.

4 信託会社は、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) Having issued the public notice referred to in the preceding paragraph, a Trust Company must notify the Prime Minister of this immediately.

5 信託会社（管理型信託会社を除く。以下この項において同じ。）が第七条第一項若しくは第五十二条第一項の登録を受けたとき、又は管理型信託会社が第五十二条第一項の登録を受けたときは、当該信託会社又は当該管理型信託会社は、遅滞なく、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。

(5) Having been registered pursuant to Article 7, paragraph (1) or Article 52, paragraph (1), a Trust Company (other than a Custodial Trust Company; hereinafter the same applies in this paragraph) must issue public notice of this and post a notice indicating the same at all of its business offices in a place easily seen by the public without delay and pursuant to the provisions of Cabinet Office Order; and having been registered pursuant to Article 52, paragraph (1), a Custodial Trust Company must issue public notice of this and post a notice indicating the same at all of its business offices in a place easily seen by the public without delay and pursuant to the provisions of Cabinet Office Order.

6 会社法第九百四十条第一項（第二号を除く。）及び第三項（電子公告の公告期間等）の規定は、信託会社が電子公告によりこの法律又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(6) The provisions of Article 940, paragraph (1) (excluding item (ii)) and 940, paragraph (3) (Public Notice Period for Electronic Public Notices) of the Companies Act apply mutatis mutandis if a Trust Company issues a public notice pursuant to the provisions of this Act or any other Act (other than public notice under the provisions of the Companies Act) as an electronic public notice; and beyond this, Cabinet Order provides for the necessary technical replacement of terms.

（立入検査等）

(On-Site Inspections)

第四十二条 内閣総理大臣は、信託会社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、当該信託会社、当該信託会社とその業務に関して取引する者若しくは当該信託会社を子会社とする持株会社に対し当該信託会社の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に当該信託会社の営業所その他の施設若しくは当該信託会社を子会社とする持株会社の営業所若しくは事務所に立ち入らせ、これらの業務若しくは財産の状況に関して質問させ、若しくは帳簿書類その他の物件を検査させることができる。

Article 42 (1) On finding that it is necessary to do so in order to ensure a Trust Company's sound and appropriate administration of trust services, the Prime Minister may order the Trust Company, a person that conducts transactions with the Trust Company in connection with its operations, or a holding company that has that Trust Company as its subsidiary company to submit reports or materials that should serve as a reference with regard to the operations or assets of the Trust Company, or may have the relevant officials enter the business office or other facility of the Trust Company or the business office or office of the holding company that has that Trust Company as its subsidiary company, ask questions about the state of its operations or assets,

and inspect its books and documents and any other articles.

2 内閣総理大臣は、信託会社の信託業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該信託会社の主要株主若しくは当該信託会社を子会社とする持株会社の主要株主に対し第十七条から第十九条までの届出若しくは措置若しくは当該信託会社の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員にこれらの主要株主の営業所若しくは事務所に立ち入らせ、第十七条から第十九条までの届出若しくは措置若しくは当該信託会社の業務若しくは財産の状況に関して質問させ、若しくは当該主要株主の書類その他の物件を検査させることができる。

(2) On finding that it is particularly necessary to do so in order to ensure a Trust Company's sound and appropriate administration of trust services, the Prime Minister, within the scope of that necessity, may order the major shareholders of the Trust Company or the major shareholders of a holding company that has that Trust Company as a subsidiary company to submit the notifications referred to in Article 17 through Article 19, to take the measures referred to in those Articles, or to submit reports or materials that should serve as a reference with regard to the operations or assets of the Trust Company, or may have the relevant officials enter the business offices or offices of those major shareholders, ask questions about notifications and measures as referred to in Article 17 through Article 19 and the state of the Trust Company's operations and assets, and inspect the documents and other articles of those major shareholders.

3 内閣総理大臣は、信託会社の信託業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該信託会社から業務の委託を受けた者（その者から委託（二以上の段階にわたる委託を含む。）を受けた者を含む。以下この項及び次項において同じ。）に対し当該信託会社の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に当該信託会社から業務の委託を受けた者の施設に立ち入らせ、当該信託会社の業務若しくは財産の状況に関して質問させ、若しくは帳簿書類その他の物件を検査させることができる。

(3) On finding that it is particularly necessary to do so in order to ensure a Trust Company's sound and appropriate administration of trust services, the Prime Minister, within the scope of that necessity, may order a person that the Trust Company has entrusted with its operations (or a person entrusted with those operations by the person that the Trust Company has entrusted with them (this includes entrustment at the second or higher degree of separation from the original entrustment); hereinafter the same applies in this paragraph and the following paragraph) to submit reports or materials that should serve as a reference with regard to the operations or assets of the Trust Company, and may have the relevant officials enter the facility of a person that the Trust Company has entrusted with its operations, ask questions about the state of the Trust Company's operations and assets, and inspect its books and

documents and other articles.

4 前項の信託会社から業務の委託を受けた者は、正当な理由があるときは、同項の規定による報告若しくは資料の提出又は質問若しくは検査を拒むことができる。

(4) A person that a Trust Company entrusts with its operations as referred to in the preceding paragraph may refuse to submit a report or materials, to be questioned, or to undergo an inspection as referred to in the provisions of that paragraph if it has a legitimate reason to do so.

5 第一項から第三項までの規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(5) An official carrying out an on-site inspection pursuant to the provisions of paragraph (1) through (3) must carry identification and present it to the persons concerned.

6 第一項から第三項までの規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(6) The authority for an on-site inspection under the provisions of paragraph (1) through (3) must not be interpreted as having been accorded for the purpose of a criminal investigation.

(業務改善命令)

(Operational Improvement Orders)

第四十三条 内閣総理大臣は、信託会社の業務又は財産の状況に照らして、当該信託会社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、当該信託会社に対し、その必要の限度において、業務方法書の変更、財産の供託その他業務の運営又は財産の状況の改善に必要な措置を命ずることができる。

Article 43 On finding that it is necessary to do so in order to ensure a Trust Company's sound and appropriate administration of trust services in light of the state of that Trust Company's operations or assets, the Prime Minister, within the scope of that necessity, may order the Trust Company to change the contents of its operational method statement, to make a deposit of assets, or to otherwise take measures that are necessary for improving the state of its operations or assets.

(運用型信託会社に対する監督上の処分)

(Supervisory Dispositions against an Investment-Based Trust Company)

第四十四条 内閣総理大臣は、信託会社（管理型信託会社を除く。以下この条において同じ。）が次の各号のいずれかに該当する場合においては、当該信託会社の第三条の免許を取り消し、又は六月以内の期間を定めて業務の全部若しくは一部の停止を命ずることができる。

Article 44 (1) If a Trust Company (other than a Custodial Trust Company; hereinafter the same applies in this Article) falls under one of the following items, the Prime Minister may rescind its Article 3 licensing or may order the

suspension of all or part of its operations during a fixed period of no longer than six months:

一 第五条第二項第一号から第六号までに該当することとなったとき。

(i) it comes to fall under Article 5, paragraph (2), item (i) through (vi);

二 第三条の免許を受けたときに第五条第二項各号のいずれかに該当していたことが判明したとき。

(ii) it is discovered to have fallen under Article 5, paragraph (2) at the time it was licensed as referred to in Article 3;

三 信託業務を的確に遂行するに足りる人的構成を有しないこととなったとき。

(iii) it no longer has a sufficient personnel composition to unerringly perform trust services;

四 不正の手段により第三条の免許を受けたことが判明したとき。

(iv) it is discovered to have gained its Article 3 licensing by wrongful means;

五 第三条の免許に付した条件に違反したとき。

(v) it violates a condition attached to its Article 3 licensing;

六 法令又は法令に基づく内閣総理大臣の処分に違反したとき。

(vi) it violates a law or regulation or a disposition by the Prime Minister which is based on a law or regulation;

七 公益を害する行為をしたとき。

(vii) it acts in a way that harms the public interest.

2 内閣総理大臣は、信託会社の取締役若しくは執行役、会計参与又は監査役が、第五条第二項第八号イからチまでのいずれかに該当することとなったとき、又は前項第五号若しくは第六号に該当する行為をしたときは、当該信託会社に対し当該取締役若しくは執行役、会計参与又は監査役の解任を命ずることができる。

(2) If the director, executive officer, accounting advisor, or company auditor of a Trust Company comes to fall under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii) or engages in conduct that falls under item (v) or (vi) of the preceding paragraph, the Prime Minister may order the Trust Company to dismiss that director, executive officer, accounting advisor, or company auditor.

(管理型信託会社に対する監督上の処分)

(Supervisory Dispositions against a Custodial Trust Company)

第四十五条 内閣総理大臣は、管理型信託会社が次の各号のいずれかに該当する場合には、当該管理型信託会社の第七条第一項の登録を取り消し、又は六月以内の期間を定めて業務の全部若しくは一部の停止を命ずることができる。

Article 45 (1) If a Custodial Trust Company falls under one of the following items, the Prime Minister may rescind its Article 7, paragraph (1) registration or may order the suspension of all or part of its operations during a fixed period of no longer than six months:

一 第五条第二項第一号又は第四号から第六号までに該当することとなったとき。



(i) it comes to fall under one of Article 5, paragraph (2), item (i) or item (iv) through (vi) of that paragraph;

二 第十条第一項第二号から第五号までに該当することとなったとき。

(ii) it comes to fall under one of Article 10, paragraph (1), item (ii) through (v);

三 不正の手段により第七条第一項の登録を受けたことが判明したとき。

(iii) it is discovered to have gained its Article 7, paragraph (1) registration by wrongful means;

四 法令又は法令に基づく内閣総理大臣の処分に違反したとき。

(iv) it violates a law or regulation or a disposition by the Prime Minister which is based on a law or regulation;

五 公益を害する行為をしたとき。

(v) it acts in a way that harms the public interest.

2 内閣総理大臣は、管理型信託会社の取締役若しくは執行役、会計参与又は監査役が、第五条第二項第八号イからチまでのいずれかに該当することとなったとき、又は前項第四号に該当する行為をしたときは、当該管理型信託会社に対し当該取締役若しくは執行役、会計参与又は監査役の解任を命ずることができる。

(2) If the director, executive officer, accounting advisor, or company auditor of a Custodial Trust Company comes to fall under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii) or engages in conduct that falls under item (iv) of the preceding paragraph, the Prime Minister may order the Custodial Trust Company to dismiss that director, executive officer, accounting advisor, or company auditor.

(免許又は登録の失効)

(Loss of Validity of Licensing or Registration)

第四十六条 信託会社が第四十一条第二項各号のいずれかに該当することとなったときは、当該信託会社の第三条の免許又は第七条第一項の登録は、その効力を失う。

Article 46 (1) A Trust Company's Article 3 licensing or Article 7, paragraph (1) registration ceases to be valid if the Trust Company comes to fall under one of the items of Article 41, paragraph (2).

2 信託会社（管理型信託会社を除く。）が第七条第一項又は第五十二条第一項の登録を受けたときは、当該信託会社の第三条の免許は、その効力を失う。

(2) A Trust Company's Article 3 licensing ceases to be valid if the Trust Company (other than a Custodial Trust Company) is registered as referred to in Article 7, paragraph (1) or Article 52, paragraph (1).

3 管理型信託会社が第三条の免許又は第五十二条第一項の登録を受けたときは、当該管理型信託会社の第七条第一項の登録は、その効力を失う。

(3) A Custodial Trust Company's Article 7, paragraph (1) registration ceases to be valid if the Custodial Trust Company is licensed as referred to in Article 3 or is registered as referred to in Article 52, paragraph (1).

(登録の抹消)

**(Deletion of Registrations)**

第四十七条 内閣総理大臣は、第七条第三項の登録の更新をしなかったとき、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き、又は前条第一項若しくは第三項の規定により第七条第一項の登録がその効力を失ったときは、当該登録を抹消しなければならない。

Article 47 If the Prime Minister does not make an Article 7, paragraph (3) registration renewal or rescinds an Article 7, paragraph (1) registration pursuant to the provisions of Article 45, paragraph (1); or if an Article 7, paragraph (1) registration ceases to be valid pursuant to the provisions of paragraph (1) or (3) of the preceding Article, the Prime Minister must delete that registration.

(監督処分公告)

**(Public Notice of Supervisory Dispositions)**

第四十八条 内閣総理大臣は、第四十四条第一項の規定により第三条の免許を取り消したとき、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き、又は第四十四条第一項若しくは第四十五条第一項の規定により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 48 The Prime Minister must issue public notice on rescinding an Article 3 license pursuant to the provisions of Article 44, paragraph (1); rescinding an Article 7, paragraph (1) registration pursuant to the provisions of Article 45, paragraph (1); or ordering a full or partial operational suspension pursuant to the provisions of Article 44, paragraph (1) or Article 45, paragraph (1).

(免許等の取消し等の場合の解任手続)

**(Dismissal Procedures If Licensing Is Rescinded)**

第四十九条 内閣総理大臣が、第七条第三項の登録の更新をしなかった場合、第四十四条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場合における信託法第五十八条第四項（同法第七十条において準用する場合を含む。）の適用については、同項中「委託者又は受益者」とあるのは、「委託者、受益者又は内閣総理大臣」とする。

Article 49 (1) To apply Article 58, paragraph (4) of the Trust Act (including as applied mutatis mutandis pursuant to Article 70 of that Act) if the Prime Minister does not make an Article 7, paragraph (3) registration renewal; rescinds Article 3 licensing pursuant to the provisions of Article 44, paragraph (1); or rescinds an Article 7, paragraph (1) registration pursuant to the provisions of Article 45, paragraph (1), the phrase "settlor or beneficiary" in Article 58, paragraph (4) of the Trust Act (including as applied mutatis mutandis pursuant to Article 70 of that Act) is deemed to be replaced with "settlor or beneficiary or the Prime Minister".

2 前項の場合における信託法第六十二条第二項及び第四項並びに第六十三条第一項の適用については、これらの規定中「利害関係人」とあるのは、「利害関係人又は内閣総理大臣」とする。

(2) To apply Article 62, paragraphs (2) and (4) and Article 63, paragraph (1) of the Trust Act in a case as referred to in the preceding paragraph, the phrase "interested party" in those provisions is deemed to be replaced with "interested party or the Prime Minister".

3 第一項の場合において、裁判所が信託会社であった受託者を解任するまでの間は、当該信託会社であった受託者は、なお信託会社とみなす。

(3) In a case as referred to in paragraph (1), a trustee that was formerly a Trust Company is deemed to be a Trust Company until the court dismisses the trustee that was formerly the Trust Company.

(清算手続等における内閣総理大臣の意見等)

(Opinion of the Prime Minister in Liquidation Proceedings)

第五十条 裁判所は、信託会社の清算手続、破産手続、再生手続、更生手続又は承認援助手続において、内閣総理大臣に対し、意見を求め、又は検査若しくは調査を依頼することができる。

Article 50 (1) The court may ask for the opinion of the Prime Minister or request that the Prime Minister undertake an inspection or investigation in liquidation proceedings, bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or recognition assistance proceedings for a Trust Company.

2 内閣総理大臣は、前項に規定する手続において、必要があると認めるときは、裁判所に対し、意見を述べることができる。

(2) On finding that it is necessary to do so, the Prime Minister may state an opinion to the court in the proceedings prescribed in the preceding paragraph.

3 第四十二条第一項、第五項及び第六項の規定は、第一項の規定により内閣総理大臣が裁判所から検査又は調査の依頼を受けた場合について準用する。

(3) The provisions of Article 42, paragraphs (1), (5), and (6) apply mutatis mutandis if the Prime Minister is requested by the court to undertake an inspection or investigation pursuant to the provisions of paragraph (1).

## 第六節 特定の信託についての特例

### Section 6 Special Provisions on Specific Trusts

(信託法第三条第三号に掲げる方法によってする信託についての特例)

(Special Provisions on Placing Property into Trust in the Way Set Forth in Article 3, Item (iii) of the Trust Act)

第五十条の二 信託法第三条第三号に掲げる方法によって信託をしようとする者は、当該信託の受益権を多数の者（政令で定める人数以上の者をいう。第十項において同

じ。)が取得することができる場合として政令で定める場合には、内閣総理大臣の登録を受けなければならない。ただし、当該信託の受益者の保護のため支障を生ずることがないと認められる場合として政令で定める場合は、この限りでない。

Article 50-2 (1) A person seeking to place property in trust in the way set forth in Article 3, item (iii) of the Trust Act must be registered by the Prime Minister if it is a case that Cabinet Order prescribes as one in which it is possible for many persons (meaning persons of at least the number that Cabinet Order prescribes; the same applies in paragraph (10)) to acquire a beneficial interest in the trust; provided, however, that this does not apply if it is a case that Cabinet Order prescribes as one in which the placement of property into the trust will not compromise the protection of the trust's beneficiaries.

2 第七条第二項から第六項までの規定は、前項の登録について準用する。

(2) The provisions of Article 7, paragraph (2) through (6) apply mutatis mutandis to the registration referred to in the preceding paragraph.

3 第一項の登録（前項において準用する第七条第三項の登録の更新を含む。第六項並びに第十二項の規定により読み替えて適用する第四十五条第一項第三号及び第九十一条第三号において同じ。）を受けようとする者（第六項において「申請者」という。）は、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

(3) A person seeking paragraph (1) registration (or an Article 7, paragraph (3) registration renewal as applied mutatis mutandis pursuant to the preceding paragraph; the same applies in paragraph (6), as well as in Article 45, paragraph (1), item (iii) and Article 91, item (iii) as applied following the deemed replacement of terms pursuant to the provisions of paragraph (12)) (referred to as the "applicant" in paragraph (6)) must submit a paper application to the Prime Minister giving the following information:

一 商号

(i) its trade name;

二 資本金の額

(ii) its amount of stated capital;

三 取締役及び監査役（監査等委員会設置会社にあつては取締役、指名委員会等設置会社にあつては取締役及び執行役、持分会社にあつては業務を執行する社員）の氏名

(iii) the names of its directors and company auditors (meaning its directors, if it is a company with supervisory committee; meaning its directors and executive officers, if it is a company with nominating committee, etc.; and meaning the executive managing members, if it is a holding company);

四 会計参与設置会社にあつては、会計参与の氏名又は名称

(iv) the names of its accounting advisors, if it is a company with accounting advisors;

五 信託法第三条第三号に掲げる方法によってする信託に係る事務に関する業務の種類

(v) the type of operations linked to processes that are connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act;

六 前号の業務以外の業務を営むときは、その業務の種類

(vi) if it is engaged in operations other than trust services referred to in the preceding item, the type of operations;

七 信託法第三条第三号に掲げる方法によってする信託に係る事務を行う営業所の名称及び所在地

(vii) the names and locations of business offices at which the person seeking registration will carry out the processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act.

4 前項の申請書には、次に掲げる書類を添付しなければならない。

(4) The following documents must accompany the paper application referred to in the preceding paragraph:

一 定款

(i) the articles of incorporation;

二 会社（会社法第二条第一号に規定する会社をいう。第六項において同じ。）の登記事項証明書

(ii) a certificate of the company's (meaning a company prescribed in Article 2, item (i) of the Companies Act; the same applies in paragraph (6)) registered information;

三 信託法第三条第三号に掲げる方法によってする信託に係る事務の内容及び方法を記載した書類

(iii) a document giving the details and mechanisms of the processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act;

四 貸借対照表

(iv) a balance sheet;

五 その他内閣府令で定める書類

(v) documents prescribed by Cabinet Office Order.

5 前項第三号の書類には、次に掲げる事項を記載しなければならない。

(5) The document referred to in item (iii) of the preceding paragraph must give the following information:

一 信託法第三条第三号に掲げる方法によってする信託の信託財産の種類

(i) the type of trust property in the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act;

二 信託財産の管理又は処分の方法

(ii) how trust property will be managed, expended, or disposed of;

三 信託財産の分別管理の方法

- (iii) how trust property will be managed separately from other property;
- 四 信託法第三条第三号に掲げる方法によってする信託に係る事務の実施体制
- (iv) the system for implementing the processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act;
- 五 信託法第三条第三号に掲げる方法によってする信託に係る事務の一部を第三者に委託する場合には、委託する事務の内容並びに委託先の選定に係る基準及び手続（第二十二条第三項各号に該当する事務を委託する場合を除く。）
- (v) if it entrusts a third party with part of the processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act, the details of the processes with which it will entrust the third party as well as the criteria and procedures for selecting the party with which it will entrust those processes (unless it entrusts a third party with a process that falls under one of the items of Article 22, paragraph (3));
- 六 信託受益権売買等業務を営む場合には、当該業務の実施体制
- (vi) if it engages in operations for the purchase and sale, etc. of beneficial interests in trusts, the system for implementing those operations;
- 七 その他内閣府令で定める事項
- (vii) the information prescribed by Cabinet Office Order.
- 6 内閣総理大臣は、申請者が次の各号のいずれかに該当するとき、又は第三項の申請書若しくは第四項各号に掲げる添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。
- (6) If an applicant falls under a category referred to in one of the following items or if the paper application referred to in paragraph (3) or an accompanying document set forth in one of the items of paragraph (4) gives false statements or omits a material fact, the Prime Minister must refuse to register the applicant:
  - 一 会社でない者
  - (i) a person that is not a company;
  - 二 資本金の額が受益者の保護のため必要かつ適当なものとして政令で定める金額に満たない会社
  - (ii) a company whose stated capital is less than the amount that Cabinet Order prescribes as necessary and appropriate for beneficiaries' protection;
  - 三 純資産額が前号に規定する金額に満たない会社
  - (iii) a company whose net assets are less than the amount prescribed in the preceding item;
  - 四 定款若しくは第四項第三号に掲げる書類の規定が、法令に適合せず、又は信託法第三条第三号に掲げる方法によってする信託に係る事務を適正に遂行するために十分なものでない会社
  - (iv) a company with provisions in its articles of incorporation or in the document set forth in paragraph (4), item (iii) that do not conform to laws

and regulations or that are insufficient to allow it to properly perform the processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act;

五 人的構成に照らして、信託法第三条第三号に掲げる方法によってする信託に係る事務を的確に遂行することができる知識及び経験を有すると認められない会社

(v) a company that is found, in light of its personnel composition, not to have the knowledge and experience to unerringly perform the processes connected with the trust that will be established in the way that is set forth set forth in Article 3, item (iii) of the Trust Act;

六 第五条第二項第五号又は第六号に該当する会社

(vi) a company falling under Article 5, paragraph (2), item (v) or (vi);

七 他に営む業務が公益に反すると認められ、又は当該他に営む業務を営むことがその信託に係る事務を適正かつ確実に行うことにつき支障を及ぼすおそれがあると認められる会社

(vii) a company whose other operations are found to be contrary to the public interest, or a company whose engagement in the other operations in which it is engaged is likely to compromise its proper and reliable undertaking of its trust processes;

八 取締役若しくは執行役、会計参与又は監査役のうちに第五条第二項第八号イからチまでのいずれかに該当する者のある会社

(viii) a company with a director, executive officer, accounting advisor, or company auditor falling under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii).

7 前項第三号の純資産額は、内閣府令で定めるところにより計算するものとする。

(7) The amount of net assets referred to in item (iii) of the preceding paragraph is to be calculated pursuant to the provisions of Cabinet Office Order.

8 内閣総理大臣は、第一項の登録の申請があった場合においては、第六項の規定により登録を拒否する場合を除くほか、次に掲げる事項を自己信託登録簿に登録しなければならない。

(8) When an application is filed for registration as referred to in paragraph (1), the Prime Minister, if not refusing to register the applicant pursuant to the provisions of paragraph (6), must register the following information in the register of self-declared trusts:

一 第三項各号に掲げる事項

(i) the matters set forth in the items of paragraph (3);

二 登録年月日及び登録番号

(ii) the date of registration and the registration number.

9 内閣総理大臣は、自己信託登録簿を公衆の縦覧に供しなければならない。

(9) The Prime Minister must make the register of self-declared trusts available for public inspection.

10 第一項の登録を受けた者が信託法第三条第三号に掲げる方法によって信託をした

とき（当該信託の受益権を多数の者が取得することができる場合として政令で定めるときに限る。）は、当該登録を受けた者以外の者であって政令で定めるものに、内閣府令で定めるところにより、当該信託財産に属する財産の状況その他の当該財産に関する事項を調査させなければならない。

(10) If a person registered as referred to in paragraph (1) places property in trust in the way set forth in Article 3, item (iii) of the Trust Act (but only in a case that Cabinet Order prescribes as one in which it is possible for many persons to acquire a beneficial interest in the trust), that person must have a person other than itself that Cabinet Order prescribes inspect the state of the assets that form the trust property and other particulars of those assets, pursuant to the provisions of Cabinet Office Order.

1 1 第一項の登録を受けた者は、内閣府令で定めるところにより、他に営む業務を営むことが同項の信託に係る事務を適正かつ確実に行うことにつき支障を及ぼすことのないようにしなければならない。

(11) A person registered as referred to in paragraph (1) must ensure that its engagement in the other operations in which it engages does not compromise its proper and reliable undertaking of the trust processes referred to in that paragraph, pursuant to the provisions of Cabinet Office Order.

1 2 第一項の登録を受けて同項の信託をする場合には、当該登録を受けた者を信託会社（第十二条第二項及び第三項、第十三条第二項、第四十五条並びに第四十七条にあっては、管理型信託会社）とみなして、第十一条（第十項の免許の取消し及び失効に係る部分を除く。）、第十二条第二項及び第三項、第十三条第二項、第十五条、第二十二條から第二十三條の二まで、第二十四条第一項（第三号及び第四号（これらの規定中委託者に係る部分を除く。）に係る部分に限る。）、第二十七条から第二十九条まで、第二十九条の二（第五項を除く。）、第二十九条の三から第三十一条まで、第三十三条、第三十四条、第四十条、第四十一条（第五項を除く。）、第四十二条、第四十三条、第四十五条（第一項第二号を除く。）、第四十六条第一項（免許の失効に係る部分を除く。）、第四十七条、第四十八条（免許の取消しに係る部分を除く。）、第四十九条（免許の取消しに係る部分を除く。）並びに前条並びにこれらの規定に係る第七章の規定を適用する。この場合において、これらの規定中「信託業務」とあり、及び「信託業」とあるのは「信託法第三条第三号に掲げる方法によってする信託に係る事務」と、「第七条第一項の登録」とあるのは「第五十条の二第一項の登録」とするほか、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

(12) If a person places property into trust as referred to in paragraph (1) based on the registration referred to in that paragraph, the person registered as referred to in paragraph (1) is deemed to be a Trust Company (or a Custodial Trust Company, as regards Article 12, paragraphs (2) and (3), Article 13, paragraph (2), Article 45, and Article 47) and the provisions of Article 11 (other than the part that deals with the rescission and loss of validity of the licensing referred to in paragraph (10)), Article 12, paragraphs (2) and (3), Article 13,



paragraph (2), Article 15, Article 22 through Article 23-2, Article 24, paragraph (1) (but only the part that involves items (iii) and (iv) (other than the part of those provisions that deals with the settlor)), Article 27 through Article 29, Article 29-2 (other than paragraph (5)), Article 29-3 through Article 31, Article 33, Article 34, Article 40, Article 41 (other than paragraph (5)), Article 42, Article 43, Article 45 (other than paragraph (1), item (ii)), Article 46, paragraph (1) (other than the part that deals with the loss of validity of licensing), Article 47, Article 48 (other than the part that deals with the rescission of licensing), Article 49 (other than the part that deals with the rescission of licensing), and the preceding Article, and the provisions of Chapter VII that are relevant to those provisions apply. In this case, the phrase "trust services" and "Trust Business" in those provisions are deemed to be replaced with "processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act"; the phrase "Article 7, paragraph (1) registration" in those provisions is deemed to be replaced with "Article 50-2, paragraph (1) registration"; and beyond this, the words set forth in the right-hand column of the following table are deemed to stand in place of the words set forth in the middle column of that table in the provisions set forth in the left-hand column thereof.

第十一条第十項 Article 11, paragraph (10)	第七条第三項の登録の更新 an Article 7, paragraph (3) registration renewal	第五十条の二第二項において準用する第七条第三項の登録の更新 an Article 7, paragraph (3) registration renewal as applied mutatis mutandis pursuant to Article 50-2, paragraph (2)
第十二条第二項 Article 12, paragraph (2)	第八条第一項各号 the items of Article 8, paragraph (1)	第五十条の二第三項各号 the items of Article 50-2, paragraph (3)
第十二条第三項 Article 12, paragraph (3)	管理型信託会社登録簿 the custodial trust companies register	自己信託登録簿 the register of self-declared trusts

第十三条第二項 Article 13, paragraph (2)	業務方法書 its operational method statement	信託法第三条第三号に掲げる方法によってする信託に係る事務の内容及び方法を記載した書類 a document giving the details and mechanisms of the processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act
第二十二条第三項 Article 22, paragraph (3)	業務 operations	信託法第三条第三号に掲げる方法によってする信託に係る事務 processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act
第二十八条第一項 Article 28, paragraph (1)	その他の業務 other operations	その他の事務 other processes
第三十三条 Article 33	事業報告書 business report	自己信託報告書 self-declared trust report
第三十四条第一項 Article 34, paragraph (1)	業務 operations	信託法第三条第三号に掲げる方法によってする信託に係る事務 processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act
	すべての営業所 all of its business offices	同号に掲げる方法によってする信託に係る事務を行うすべての営業所 all of the business offices at which it will carry out the processes connected with the trust that will be established in the way that is set forth in that item

第四十条第一項 Article 40, paragraph (1)	業務 operations	信託法第三条第三号に掲げる方法によってする信託に係る事務 processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act
第四十一条第二項第二号 Article 41, paragraph (2), item (ii)	又は監査役 or a former company auditor	若しくは監査役又は業務を執行する社員 a former company auditor, or a former executive managing member
第四十一条第三項 Article 41, paragraph (3)	すべての営業所 all of its business offices	同号に掲げる方法によってする信託に係る事務を行うすべての営業所 all of the business offices at which it will carry out the processes connected with the trust that will be established in the way that is set forth in that item
第四十二条第一項 Article 42, paragraph (1)	その業務 with its operations	その事務 with its processes
	当該信託会社の業務 with regard to the operations or assets of the Trust Company	その事務 with regard to its processes or assets
	これらの業務 state of its operations	これらの事務 state of its processes
第四十二条第二項 Article 42, paragraph (2)	第十七条から第十九条までの届出若しくは措置若しくは当該信託会社の業務 notifications or measures as referred to in Article 17 to Article 19 inclusive or the state of the Trust Company's operations	その事務 its processes or assets
第四十二条第三項 Article 42, paragraph (3)	から業務 with its operations	から事務 with its processes
	の業務 operations	の事務 processes

第四十二条第四項 Article 42, paragraph (4)	業務 operations	事務 processes
第四十三条 Article 43	の業務 operations	の信託法第三条第三号に掲げる方法によってする信託に係る事務 processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act
	業務方法書 its operational method statement	同号に掲げる方法によってする信託に係る事務の内容及び方法を記載した書類 a document giving the details and mechanisms of the processes connected with the trust that will be established in the way that is set forth in that item
	その他業務 its operations	その他当該事務 those processes
第四十五条第一項 Article 45, paragraph (1)	業務 operations	信託法第三条第三号に掲げる方法によってする信託に係る事務 processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act
第四十五条第一項第一号 Article 45, paragraph (1), item (i)	第五条第二項第一号又は第四号から第六号まで Article 5, paragraph (2), item (i) or items (iv) to (vi) inclusive of that paragraph	第五十条の二第六項第一号から第七号まで Article 50-2, paragraph (6), item (i) to (vii) inclusive
第四十五条第二項 Article 45, paragraph (2)	又は監査役 or company auditor	若しくは監査役又は業務を執行する社員 or company auditor, or an executive managing member

第四十七条 Article 47	第七条第三項の登録の更新 an Article 7, paragraph (3) registration renewal	第五十条の二第二項において準用する第七条第三項の登録の更新 an Article 7, paragraph (3) registration renewal as applied mutatis mutandis pursuant to Article 50-2, paragraph (2)
	前条第一項若しくは第三項 paragraph (1) or (3) of the preceding Article	前条第一項 paragraph (1) of the preceding Article
第四十八条 Article 48	第四十四条第一項若しくは第四十五条第一項 Article 44, paragraph (1) or Article 45, paragraph (1)	第四十五条第一項 Article 45, paragraph (1)
	業務 operations	信託法第三条第三号に掲げる方法によってする信託に係る事務 processes connected with the trust that will be established in the way that is set forth in Article 3, item (iii) of the Trust Act
第四十九条第一項 Article 49, paragraph (1)	第七条第三項の登録の更新 an Article 7, paragraph (3) registration renewal	第五十条の二第二項において準用する第七条第三項の登録の更新 an Article 7, paragraph (3) registration renewal as applied mutatis mutandis pursuant to Article 50-2, paragraph (2)

(同一の会社集団に属する者の間における信託についての特例)

(Special Provisions on Trusts among Persons Belonging to Same Group of Companies)

第五十一条 次に掲げる要件のいずれにも該当する信託の引受けについては、第三条及び前条の規定は、適用しない。

Article 51 (1) The provisions of Article 3 and the preceding Article do not apply to acceptance of a trust under all of the following conditions:

一 委託者、受託者及び受益者が同一の会社の集団（一の会社（外国会社を含む。以下この号及び第十項において同じ。）及び当該会社の子会社の集団をいう。以下こ

の条において「会社集団」という。)に属する会社であること。

(i) the settlor, trustee, and beneficiary are companies belonging to the same group of companies (meaning a group formed by a company (this includes a foreign company; hereinafter the same applies in this item and paragraph (10)) and its subsidiary companies; hereinafter referred to as "corporate group" in this Article);

二 特定目的会社（資産の流動化に関する法律第二条第三項に規定する特定目的会社をいう。）が受益者である場合には、その発行する資産対応証券（同条第十一項に規定する資産対応証券をいう。第八項第二号において同じ。）を受託者と同一の会社集団に属さない者が取得していないこと。

(ii) if a special purpose company (meaning a special purpose company as prescribed in Article 2, paragraph (3) of the Act on Liquidation of Assets) is a beneficiary, no person not belonging to the same corporate group as the trustee has acquired the asset-backed securities (meaning asset-backed securities as prescribed in paragraph (11) of that Article; the same applies in paragraph (8), item (ii)) issued by the special purpose company;

三 信託の受益権に対する投資事業に係る匿名組合契約（商法（明治三十二年法律第四十八号）第五百三十五条に規定する匿名組合契約をいう。第八項第三号において同じ。）が受託者と同一の会社集団に属さない者との間で締結されていないこと。

(iii) no silent partnership agreement related to the business of investing in beneficial interests in trusts (meaning a silent partnership agreement as prescribed in Article 535 of the Commercial Code (Act No. 48 of 1899); the same applies in paragraph (8), item (iii)) has been concluded with a person not belonging to the same corporate group as the trustee;

四 前二号に準ずるものとして内閣府令で定める要件

(iv) any conditions that Cabinet Office Order prescribes as equivalent to those referred to in the preceding two items;

五 信託が前各号に掲げる要件のいずれかを満たさなくなった場合には、委託者及び受益者の同意なく、受託者がその任務を辞することができる旨の条件が信託契約において付されていること。

(v) the trust agreement includes the condition that the trustee may resign as trustee without the consent of the settlor or beneficiary if the trust ceases to meet any of the conditions set forth in the preceding items.

2 前項の信託の引受けを行う者は、あらかじめ、その旨を内閣総理大臣に届け出なければならない。

(2) A person that will accept a trust as referred to in the preceding paragraph must first notify the Prime Minister of this.

3 前項の届出には、当該信託に係る信託契約書のほか、当該信託が第一項各号に掲げる要件のいずれにも該当することを証する書類として内閣府令で定める書類を添付しなければならない。

(3) In addition to the trust agreement for the trust in question, documents that

Cabinet Office Order prescribes as evidencing that the trust falls under all of the conditions set forth in the items of paragraph (1) must accompany the notification referred to in the preceding paragraph.

4 内閣総理大臣は、第一項の信託が同項各号に掲げる要件のいずれかに該当しないこととなったときは、同項の信託の受託者に対し三月以内の期間を定めて受託者でなくなるための措置その他必要な措置をとることを命ずることができる。

(4) If a trust as referred to in paragraph (1) ceases to fall under one of the conditions set forth in the items of that paragraph, the Prime Minister may order the trustee of the trust referred to in that paragraph to take measures that will cause it to cease to be the trustee or to take other necessary measures within a fixed period of no longer than three months.

5 第一項の信託の受託者は、同項の信託の受託者でなくなったとき、又は同項の信託が同項各号に掲げる要件のいずれかに該当しなくなったことを知ったときは、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。

(5) The trustee of a trust as referred to in paragraph (1) must notify the Prime Minister without delay on ceasing to be the trustee of a trust as referred to in that paragraph or on learning that the trust referred to in that paragraph has ceased to fall under one of the conditions set forth in the items of that paragraph.

6 内閣総理大臣は、第一項の信託に係る状況を確認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、同項の信託の委託者、受託者若しくは受益者に対し第二項若しくは前項の届出若しくは第四項の措置に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に受託者の営業所、事務所その他の施設に立ち入らせ、第二項若しくは前項の届出若しくは第四項の措置に関して質問させ、若しくは受託者の書類その他の物件を検査（第二項若しくは前項の届出又は第四項の措置に関し必要なものに限る。）させることができる。

(6) On finding that it is particularly necessary to do so in order to confirm the status of a trust under paragraph (1), the Prime Minister, within the scope of that necessity, may order the settlor, trustee, or beneficiary of the trust referred to in that paragraph to submit the notification referred to in paragraph (2) or the preceding paragraph or reports or materials that should serve as reference with regard to the measures referred to in paragraph (4); and may have the relevant officials enter the business office, office, or other facility of the trustee; ask questions about the notification referred to in paragraph (2) or the preceding paragraph and the measures referred to in paragraph (4); and inspect the trustee's documents and other articles (but only those that it is necessary to inspect in connection with the notification referred to in paragraph (2) or the preceding paragraph or the measures referred to in paragraph (4)).

7 第四十二条第五項及び第六項の規定は、前項の規定による立入検査について準用する。

(7) The provisions of Article 42, paragraph (5) and (6) apply mutatis mutandis to an inspection under the provisions of the preceding paragraph.

8 第一項の信託の受益者は、次に掲げる行為をしてはならない。

(8) The beneficiary of a trust as referred to in paragraph (1) must not engage in the following conduct:

一 当該信託の受益権を受託者と同一の会社集団に属さない者に取得させること。

(i) allow a person not belonging to the same corporate group as the trustee to acquire a beneficial interest in the trust;

二 当該信託の受益権に係る資産対応証券を受託者と同一の会社集団に属さない者に取得させること。

(ii) allow a person not belonging to the same corporate group as the trustee to acquire an asset-backed security linked to a beneficial interest in the trust;

三 当該信託の受益権に対する投資事業に係る匿名組合契約を受託者と同一の会社集団に属さない者との間で締結すること。

(iii) conclude a silent partnership agreement in connection with the business of investing in a beneficial interest in the trust with a person not belonging to the same corporate group as the trustee;

四 その他前二号に準ずるものとして内閣府令で定める行為

(iv) take an action that Cabinet Office Order prescribes as equivalent to what is referred to in the preceding two items.

9 金融商品取引業者（金融商品取引法第二条第九項に規定する金融商品取引業者をいい、同法第六十五条の五第二項の規定により金融商品取引業者とみなされる者を含む。）又は登録金融機関（同法第二条第十一項に規定する登録金融機関をいい、金融機関の信託業務の兼営等に関する法律第二条第四項の規定により登録金融機関とみなされる者を含む。）は、第一項の信託の受益権について、受託者と同一の会社集団に属さない者に対する販売並びにその代理及び媒介をしてはならない。

(9) It is prohibited for a financial instruments business operator (meaning a financial instruments business operator as prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act, and including a person deemed to be a financial instruments business operator pursuant to the provisions of Article 65-5, paragraph (2) of that Act) or registered financial institution (meaning a registered financial institution as prescribed in Article 2, paragraph (11) of that Act, and including a person deemed to be a registered financial institution pursuant to the provisions of Article 2, paragraph (4) of the Act on Financial Institutions' Provision of Trust Services) to sell a beneficial interest in a trust as referred to in paragraph (1) to a person not belonging to the same corporate group as the trustee, or to act as agent or intermediary for such a sale.

10 第一項第一号の「子会社」とは、会社がその総株主又は総出資者の議決権の過半数を保有する他の会社をいう。この場合において、会社及びその一若しくは二以上の子会社又は当該会社の一若しくは二以上の子会社がその総株主又は総出資者の議決権



の過半数を保有する他の会社は、当該会社の子会社とみなす。

(10) The term "subsidiary company", as used in paragraph (1), item (i), means a company in which another company holds the majority of all shareholders' or all equity investors' voting rights. In this case, if a first company and one or more of its subsidiary companies hold the majority of all shareholders' or all equity investors' voting rights in a second company, or if one or more of a first company's subsidiary companies holds the majority of all shareholders' or all equity investors' voting rights in a second company, the second company is deemed to be the subsidiary company of the first company.

(特定大学技術移転事業に係る信託についての特例)

(Special Provisions on Trusts Linked to Specified University Technology Transfer Projects)

第五十二条 大学等における技術に関する研究成果の民間事業者への移転の促進に関する法律（平成十年法律第五十二号）第四条第一項の規定により特定大学技術移転事業（同法第二条第一項に規定する特定大学技術移転事業をいう。以下この条において同じ。）の実施に関する計画についての文部科学大臣及び経済産業大臣の承認を受けた者（第三項において「承認事業者」という。）が、内閣総理大臣の登録を受けて、特定大学技術移転事業として行う信託の引受け（以下この条において「特定大学技術移転事業に該当する信託の引受け」という。）については、第三条の規定は、適用しない。

Article 52 (1) The provisions of Article 3 do not apply if a person that has the approval of the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry on a plan to implement a specified university technology transfer project (meaning a specified university technology transfer project as prescribed in Article 2, paragraph (1) of the Act to Promote Technology Transfer from Universities to the Private Sector (Act No. 52 of 1998); hereinafter the same applies in this Article) pursuant to the provisions of Article 4, paragraph (1) of that Act (referred to as the "approved firm" in paragraph (3)) accepts a trust as a specified university technology transfer project after having being registered by the Prime Minister (hereinafter referred to as "acceptance of a trust that falls under the category of a specified university technology transfer project" in this Article).

2 第八条（第一項第四号を除く。）、第九条及び第十条（第一項第二号を除く。）の規定は、前項の登録について準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句と読み替えるものとする。

(2) The provisions of Article 8 (other than paragraph (1), item (iv)), Article 9, and Article 10 (other than paragraph (1), item (ii)) apply mutatis mutandis to the registration referred to in the preceding paragraph. In this case, the words set forth in the right-hand column of the following table are deemed to stand in place of the words set forth in the middle column of that table in the provisions

set forth in the left-hand column thereof.

第八条第一項第一号 Article 8, paragraph (1), item (i)	商号 the trade name	商号又は名称 the trade name or name
第八条第一項第二号 Article 8, paragraph (1), item (ii)	資本金 of stated capital	資本金又は出資 of stated capital or contribution
第八条第一項第三号 Article 8, paragraph (1), item (iii)	取締役及び監査役 directors and company auditors	役員 officers
第八条第一項第五号 Article 8, paragraph (1), item (v)	信託業務 trust services	信託業務（特定大学技術 移転事業に該当するもの に限る。） trust services (but only those falling under the category of a Specified University Technology Transfer Project)
第八条第一項第六号 Article 8, paragraph (1), item (vi)	本店その他の営業所 the head office and other business offices	主たる営業所又は事務所 その他の営業所又は事務 所 the main business offices or offices or other business offices or offices
第八条第二項第一号 Article 8, paragraph (2), item (i)	定款 the articles of incorporation	定款又は寄附行為 the articles of incorporation or the articles of endowment
第八条第二項第二号 Article 8, paragraph (2), item (ii)	会社の登記事項証明書 a certificate of the company's registered information	登記事項証明書 a certificate of the company's registered information
第九条第一項及び第二項 Article 9, paragraphs (1) and (2)	管理型信託会社登録簿 custodial trust companies register	特定大学技術移転事業承 認事業者登録簿 the register of approved business operators for a specified university technology transfer project
第十条第一項第一号 Article 10, paragraph (1), item (i)	第二号及び第三号 items (ii) and (iii)	第一号から第四号まで items (i) to (iv) inclusive

第十条第一項第三号 Article 10, paragraph (1), item (iii)	前号に規定する金額に満たない株式会社 a stock company whose net assets are less than the amount prescribed in the preceding item	資本金又は出資の額に満たない法人 a corporation net assets are less than the amount of stated capital or contribution
第十条第一項第四号 Article 10, paragraph (1), item (iv)	定款 articles of incorporation	定款若しくは寄附行為 articles of incorporation or the articles of endowment
	管理型信託業務 custodial trust services	特定大学技術移転事業に該当する信託の引受け acceptance of a trust that falls under the category of a specified university technology transfer project
	株式会社 stock company	法人 corporation
第十条第一項第五号 Article 10, paragraph (1), item (v)	管理型信託業務 custodial trust services	特定大学技術移転事業に該当する信託の引受け acceptance of a trust that falls under the category of a specified university technology transfer project
	株式会社 stock company	法人 corporation

3 承認事業者が第一項の登録を受けて信託の引受けを行う場合には、当該承認事業者を信託会社（第十二条第二項及び第三項、第十三条第二項、第四十五条、第四十六条第三項並びに第四十七条にあっては、管理型信託会社）とみなして、第十一条（第十項の登録の未更新並びに免許の取消し及び失効に係る部分を除く。）、第十二条第二項及び第三項、第十三条第二項、第二十一条から第二十四条まで、第二十五条から第二十九条の三まで、第三十三条、第三十四条、第四十一条（第五項を除く。）、第四十二条（第二項を除く。）、第四十三条、第四十五条、第四十六条（免許の失効に係る部分を除く。）、第四十七条（登録の未更新に係る部分を除く。）、第四十八条（免許の取消しに係る部分を除く。）、第四十九条（登録の未更新及び免許の取消しに係る部分を除く。）並びに第五十条並びにこれらの規定に係る第七章の規定を適用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

(3) If an approved firm accepts a trust after having been registered as referred to in paragraph (1), the approved firm is deemed to be a Trust Company (or a Custodial Trust Company, as regards Article 12, paragraphs (2) and (3), Article 13, paragraph (2), Article 45, Article 46, paragraph (3), and Article 47) and the

provisions of Article 11 (other than the parts that deal with the paragraph (10) non-renewal of a registration and rescission and loss of validity of licensing), Article 12, paragraphs (2) and (3), Article 13, paragraph (2), Article 21 through Article 24, Article 25 through Article 29-3, Article 33, Article 34, Article 41 (excluding paragraph (5)), Article 42 (excluding paragraph (2)), Article 43, Article 45, Article 46 (other than the part that involves loss of validity of licensing), Article 47 (other than the parts that deal with the non-renewal of a registration), Article 48 (other than the parts that deal with rescission of licensing), Article 49 (other than the parts that deal with the non-renewal of a registration and rescission of licensing), and Article 50, as well as the provisions of Chapter VII that are relevant to those provisions apply. In this case, the words set forth in the right-hand column of the following table are deemed to stand in place of the words set forth in the middle column of that table in the provisions set forth in the left-hand column thereof.

第十一条第一項 Article 11, paragraph (1)	本店 head office	主たる営業所又は事務所 main business office or office
第十一条第十項 Article 11, paragraph (10)	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration
第十二条第三項 Article 12, paragraph (3)	管理型信託会社登録簿 custodial trust companies register	特定大学技術移転事業承認 事業者登録簿 register of firms approved for specified university technology transfer projects

第二十一条第一項 Article 21, paragraph (1)	信託業のほか、信託契約代理業、信託受益権売買等業務及び財産の管理業務 In addition to Trust Business, a Trust Company may engage in Trust Agreement Agency Services, operations for the purchase and sale, etc. of beneficial interests in trusts, and property management services	信託業（特定大学技術移転事業に該当するものに限る。以下同じ。）及び特定大学技術移転事業（信託業に該当するものを除く。）のほか、特定大学技術移転事業に係る信託契約代理業、信託受益権売買等業務及び財産の管理業務 In addition to Trust Business (but only that which falls under the category of a specified university technology transfer project; the same applies hereinafter) and specified university technology transfer projects (other than those which fall under the category of Trust Business), a Trust Company may engage in Trust Agreement Agency Services, operations for the purchase and sale, etc. of beneficial interests in trusts, and property management services in connection with specified university technology transfer projects
	第四条第二項第三号又は第八条第二項第三号 Article 4, paragraph (2), item (iii) or Article 8, paragraph (2), item (iii)	第五十二条第二項において準用する第八条第二項第三号 Article 8, paragraph (2), item (iii) as applied mutatis mutandis pursuant to Article 52, paragraph (2)
第二十一条第六項 Article 21, paragraph (6)	第三条の免許又は第七条第一項の登録 Article 3 licensing or Article 7, paragraph (1) registration	第五十二条第一項の登録 for registration under Article 52, paragraph (1)
	免許又は登録 licensed or registered	登録 registered

<p>第二十四条第一項 Article 24, paragraph (1)</p>	<p>次に掲げる行為（次条に規定する特定信託契約による信託の引受けにあつては、第五号に掲げる行為を除く。） the following conduct (other than the conduct set forth in item (v), if it accepts a trust under a Specific Trust Agreement as prescribed in the following Article)</p>	<p>次に掲げる行為 the following conduct</p>
<p>第二十五条 Article 25</p>	<p>商号 trade name</p> <p>事項（特定信託契約による信託の引受けを行うときは、同項に掲げる事項を除く。） information set forth in paragraph (1), item (iii) through (xvi) of the following Article (if the company accepts a trust under a Specific Trust Agreement, this excludes an explanation of the information set forth in that paragraph);</p>	<p>商号又は名称 trade name or name</p> <p>事項 information set forth in paragraph (1), item (iii) through (xvi) of the following Article</p>
<p>第二十六条第一項第二号 Article 26, paragraph (1), item (ii)</p>	<p>商号 trade name</p>	<p>商号又は名称 trade name or name</p>
<p>第三十四条第一項及び第三項 Article 34, paragraphs (1) and (3)</p>	<p>営業所 business offices</p>	<p>営業所又は事務所 business offices or offices</p>

<p>第四十一条第二項第一号 Article 41, paragraph (2), item (i)</p>	<p>信託業を廃止したとき（会社分割により信託業の全部の承継をさせたとき、及び信託業の全部の譲渡をしたときを含む。） it discontinues Trust Business (or has a person assume all of its Trust Business through a company split or transfers all of its Trust Business):</p>	<p>信託業を廃止したとき（会社分割により信託業の全部の承継をさせたとき、及び信託業の全部の譲渡をしたときを含む。）又は大学等における技術に関する研究成果の民間事業者への移転の促進に関する法律第五条第二項の規定により同法第四条第一項の承認が取り消されたとき it discontinues Trust Business (or has a person assume all of its Trust Business through a company split or transfers all of its Trust Business) or has its approval as referred to in Article 4, paragraph (1) of the Act on the Promotion of Technology Transfer from Universities to the Private Sector rescinded pursuant to the provisions of Article 5, paragraph (2) of that Act:</p>
	<p>会社 Trust Company</p>	<p>事業者 firm</p>
<p>第四十一条第二項第二号 Article 41, paragraph (2), item (ii)</p>	<p>会社 the company</p>	<p>事業者 the firm</p>
	<p>取締役若しくは執行役又は監査役 former director or executive officer that represented the company or a former company auditor</p>	<p>役員 former officer that represented the company</p>
<p>第四十一条第三項 Article 41, paragraph (3)</p>	<p>営業所 business offices</p>	<p>営業所又は事務所 business offices or offices</p>
<p>第四十二条第一項 Article 42, paragraph (1)</p>	<p>当該信託会社の営業所その他の施設 a the business office or any other facility of the Trust Company</p>	<p>当該承認事業者の営業所、事務所その他の施設 a the business office, office, or other facility of the approved firm</p>

第四十五条第一項 Article 45, paragraph (1)	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration
第四十五条第一項第一号 Article 45, paragraph (1), item (i)	第五条第二項第一号又は第四号から第六号まで Article 5, paragraph (2), item (i) or item (iv) through (vi) of that paragraph	第五条第二項第五号又は第六号 Article 5, paragraph (2), item (v) or (vi)
第四十五条第一項第二号 Article 45, paragraph (1), item (ii)	第十条第一項第二号から第五号までに該当することとなったとき has come to fall under one of Article 10, paragraph (1), item (ii) through (v)	第五十二条第二項において準用する第十条第一項第三号から第五号までに該当することとなったとき comes to fall under one of Article 10, paragraph (1), item (iii) through (v) as applied mutatis mutandis pursuant to Article 52, paragraph (2)
第四十五条第一項第三号 Article 45, paragraph (1), item (iii)	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration
第四十五条第二項 Article 45, paragraph (2)	取締役若しくは執行役、会計参与又は監査役 director, executive officer, accounting advisor, or company auditor	役員 officer
第四十六条第一項 Article 46, paragraph (1)	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration
第四十六条第三項 Article 46, paragraph (3)	第三条の免許又は第五十二条第一項の登録 is licensed as referred to in Article 3 or is registered as referred to in Article 52, paragraph (1)	第三条若しくは第五十三条第一項の免許又は第七条第一項若しくは第五十四条第一項の登録 is licensed as referred to in Article 3 or Article 53, paragraph (1), or is registered as referred to in Article 7, paragraph (1) or Article 54, paragraph (1)
	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration
第四十七条 Article 47	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration



第四十八条 Article 48	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration
	第四十四条第一項若しくは 第四十五条第一項 Article 44, paragraph (1) or Article 45, paragraph (1)	第四十五条第一項 Article 45, paragraph (1)
第四十九条第一項 Article 49, paragraph (1)	第七条第一項の登録 Article 7, paragraph (1) registration	第五十二条第一項の登録 Article 52, paragraph (1) registration

### 第三章 外国信託業者

#### Chapter III Foreign Trust Business Operators

(免許)

(Licensing)

第五十三条 第三条の規定にかかわらず、外国信託業者は、当該外国信託業者が国内における信託業の本拠として設ける一の支店（以下「主たる支店」という。）について内閣総理大臣の免許を受けた場合に限り、当該主たる支店及び当該外国信託業者が国内において設ける他の支店において信託業を営むことができる。

Article 53 (1) Notwithstanding the provisions of Article 3, a Foreign Trust Business Operator may engage in Trust Business at a branch office that it has established as a base of its Trust Business in Japan (hereinafter referred to as the "Main Branch Office") and other branch offices that it has established in Japan, but only if it has been licensed for that Main Branch Office by the Prime Minister.

2 前項の免許を受けようとする者（第五項及び第六項において「申請者」という。）は、信託業務を営むすべての支店の業務を担当する代表者（以下「国内における代表者」という。）を定め、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

(2) A person seeking to be licensed as referred to in the preceding paragraph (referred to as the "applicant" in paragraphs (5) and (6)) must designate a representative to be in charge of the operations of all branch offices engaged in trust services (hereinafter referred to as a "Domestic Representative") and submit a paper application to the Prime Minister giving the following information:

一 商号及び本店の所在地

(i) its trade name and the location of its head office;

二 資本金の額

(ii) its amount of stated capital;

三 役員（取締役及び執行役、会計参与並びに監査役又はこれらに準ずる者をいう。以下同じ。）の氏名

(iii) the names of the officers (meaning directors and executive officers, accounting advisors, and company auditors, or equivalent persons; the same applies hereinafter);

四 信託業務以外の業務をいずれかの支店において営むときは、その業務の種類  
(iv) if it is engaged in operations other than trust services at any branch office, the type of operations;

五 主たる支店その他の支店の名称及び所在地

(v) the names and locations of its Main Branch Office and other branch offices;

六 国内における代表者の氏名及び国内の住所

(vi) the name and domestic address of its Domestic Representative.

3 前項の申請書には、次に掲げる書類を添付しなければならない。

(3) The following documents must accompany the paper application referred to in the preceding paragraph:

一 定款及び会社の登記事項証明書（これらに準ずるものを含む。）

(i) the articles of incorporation and a certificate of the company's registered information (or their equivalents);

二 業務方法書

(ii) an operational method statement;

三 貸借対照表

(iii) a balance sheet;

四 収支の見込みを記載した書類

(iv) a document stating expected income and expenditures;

五 その他内閣府令で定める書類

(v) documents prescribed by Cabinet Office Order.

4 第四条第三項の規定は、前項第二号の業務方法書について準用する。

(4) The provisions of Article 4, paragraph (3) apply mutatis mutandis to the operational method statement referred to in item (ii) of the preceding paragraph.

5 内閣総理大臣は、第一項の申請があった場合においては、申請者が次に掲げる基準に適合するかどうかを審査しなければならない。

(5) When an application as referred to in paragraph (1) is filed, the Prime Minister must examine whether the applicant conforms to the following criteria:

一 定款（これに準ずるものを含む。）及び業務方法書の規定が法令に適合し、かつ、信託業務を適正に遂行するために十分なものであること。

(i) the provisions of its articles of incorporation (or documents equivalent thereto) and its operational method statement conform to laws and regulations and are also sufficient to allow it to perform trust services properly;

二 信託業務を健全に遂行するに足りる財産的基礎を有していること。

(ii) it has a sufficient financial basis to soundly perform trust services;

三 各支店の人的構成に照らして、信託業務を的確に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有していること。

(iii) in light of the personnel composition of each branch office, it has the knowledge and experience to unerringly perform trust services, and also has sufficient social credibility.

6 内閣総理大臣は、申請者が次の各号のいずれかに該当するとき、又は第二項の申請書若しくは第三項各号に掲げる添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、免許を与えてはならない。

(6) If an applicant falls under a category referred to in one of the following items, or if the paper application referred to in paragraph (2) or an accompanying document set forth in one of the items of paragraph (3) gives false statements or omits a material fact, the Prime Minister must not license the applicant:

一 株式会社と同種類の法人でない者

(i) a person that is not a corporation of the same kind as a stock company;

二 第二項第二号の資本金の額が委託者又は受益者の保護のため必要かつ適当なものとして政令で定める金額に満たない法人

(ii) a corporation whose stated capital as referred to in paragraph (2), item (ii) is less than the amount that Cabinet Order prescribes as necessary and appropriate to protect the settlors or beneficiaries;

三 純資産額が前号に規定する金額に満たない法人

(iii) a corporation whose net assets are less than the amount prescribed in the preceding item;

四 いずれかの支店において他の信託会社若しくは外国信託会社が現に用いている商号若しくは名称と同一の名称又は他の信託会社若しくは外国信託会社と誤認されるおそれのある名称を用いようとする法人

(iv) a corporation seeking to use a name that is identical to a trade name or name being used by another Trust Company or Foreign Trust Company, or a name that is likely to cause it to be mistaken for another Trust Company or Foreign Trust Company, at any of its branch offices;

五 次条第六項の規定により同条第二項において準用する第七条第三項の登録の更新を拒否され、第五十九条第一項の規定により第一項の免許を取り消され、第六十条第一項の規定により次条第一項の登録を取り消され、第八十二条第一項の規定により第六十七条第一項の登録を取り消され、担保付社債信託法第十二条の規定により同法第三条の免許を取り消され、若しく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され、又はその本店の所在する国において受けている同種類の免許、登録若しくは認可（当該免許、登録若しくは認可に類する許可その他の行政処分を含む。）をこの法律、担保付社債信託法若しくは金融機関の信託業務の兼営等に関する法律に相当する当該国の法令の規定により取り消され、若しくは当該免許、登録若しくは認可の更新を拒否され、その

取消の日（更新の拒否の場合にあっては、当該更新の拒否の処分がなされた日）から五年を経過しない法人

- (v) a corporation whose Article 7, paragraph (3) registration renewal, as applied mutatis mutandis pursuant to paragraph (2) of the following Article, has been refused pursuant to the provisions of paragraph (6) of that Article; whose paragraph (1) licensing has been rescinded pursuant to the provisions of Article 59, paragraph (1); whose registration as referred to in paragraph (1) of the following Article has been rescinded pursuant to the provisions of Article 60, paragraph (1); whose Article 67, paragraph (1) registration has been rescinded pursuant to the provisions of Article 82, paragraph (1); whose licensing as referred to in Article 3 of the Secured Bonds Trust Act has been rescinded pursuant to the provisions of Article 12 of that Act; or whose authorization as referred to in Article 1, paragraph (1) of the Act on Financial Institutions' Provision of Trust Services has been rescinded pursuant to the provisions of Article 10 of that Act; or a corporation that had obtained the same kind of licensing, registration, or authorization in the state in which its head office is located, pursuant to the provisions of a law or regulation of that state that is equivalent to this Act, the Secured Bonds Trust Act, or the Act on Financial Institutions' Provision of Trust Services (including permission or any other administrative disposition similar to the licensing, registration, or authorization) but that has had that licensing, registration, or authorization rescinded or has been denied a renewal of its licensing, registration, or authorization, if it has not yet been five years since the date of rescission (or since the day on which the disposition denying a renewal was issued, if the stock company has been denied a renewal);

六 第五条第二項第六号に規定する法律の規定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法人

- (vi) a corporation that has been sentenced to a fine (or become subject to an equivalent sentence under a foreign law or regulation) for violating the provisions of any of the laws prescribed in Article 5, paragraph (2), item (vi) or the provisions of an equivalent foreign law or regulation, if it has not yet been five years since the day that the sentence was completed or that the stock company ceased to be subject to its enforcement;

七 いずれかの支店において他に営む業務がその信託業務に関連しない業務である法人又は当該他に営む業務を営むことがその信託業務を適正かつ確実に営むことにつき支障を及ぼすおそれがあると認められる法人

- (vii) a corporation engaged in other operations at any of its branch offices which are unrelated to its trust services, or a corporation whose engagement in other operations is found likely to interfere with its proper and reliable

engagement in trust services;

八 役員（いかなる名称を有する者であるかを問わず、当該法人に対し役員と同等以上の支配力を有するものと認められる者を含む。第五十九条第二項及び第六十条第二項において同じ。）及び国内における代表者のうちに第五条第二項第八号イからチまでのいずれかに該当する者のある法人

(viii) a corporation that has a person falling under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii) as an officer (this includes any person, irrespective of title, that is found to have at least the same authority over the corporation as an officer; the same applies in Article 59, paragraph (2) and Article 60, paragraph (2)) or Domestic Representative;

九 主要株主（これに準ずるものを含む。）が信託業務の健全かつ適切な運営に支障を及ぼすおそれがない者であることについて、外国の信託業に係る規制当局による確認が行われていない法人

(ix) a corporation whose major shareholders (including persons equivalent thereto) have yet to be confirmed by the regulatory authorities for Trust Business in the relevant foreign state as unlikely to interfere with the sound and appropriate administration of trust services.

7 第二項第二号の資本金の額は、内閣府令で定めるところにより計算するものとする。

(7) The amount of stated capital as referred to in paragraph (2), item (ii) is to be calculated pursuant to the provisions of Cabinet Office Order.

8 第六項第三号の純資産額は、内閣府令で定めるところにより計算するものとする。

(8) The amount of net assets as referred to in paragraph (6), item (iii) is to be calculated pursuant to the provisions of Cabinet Office Order.

9 内閣総理大臣は、第五項の規定による審査の基準に照らし必要があると認めるときは、その必要の限度において、第一項の免許に条件を付し、及びこれを変更することができる。

(9) On finding that it is necessary to do so in light of the criteria for examination under the provisions of paragraph (5), the Prime Minister, within the scope of that necessity, may attach conditions to the licensing referred to in paragraph (1) or change the conditions.

（登録）

**(Registration)**

第五十四条 第三条、第七条第一項及び前条第一項の規定にかかわらず、外国信託業者は、その主たる支店について内閣総理大臣の登録を受けた場合には、当該主たる支店及び当該外国信託業者が国内において設ける他の支店において管理型信託業を営むことができる。

Article 54 (1) Notwithstanding the provisions of Article 3, Article 7, paragraph (1), and paragraph (1) of the preceding Article, if the Main Branch Office of a Foreign Trust Business Operator is registered by the Prime Minister, it may engage in Custodial Trust Business at that Main Branch Office and other

branch offices that it has established in Japan.

2 第七条第二項から第六項までの規定は、前項の登録について準用する。

(2) The provisions of Article 7, paragraph (2) through (6) apply mutatis mutandis to the registration referred to in the preceding paragraph.

3 第一項の登録（前項において準用する第七条第三項の登録の更新を含む。第六項、第六十条第一項第三号及び第九十一条第三号において同じ。）を受けようとする者（第六項において「申請者」という。）は、国内における代表者を定め、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

(3) A person seeking paragraph (1) registration (or an Article 7, paragraph (3) registration renewal as applied mutatis mutandis pursuant to the preceding paragraph; the same applies in paragraph (6), Article 60, paragraph (1), item (iii) and Article 91, item (iii)) (referred to as the "applicant" in paragraph (6)) must designate a Domestic Representative and submit a paper application to the Prime Minister, giving the following information:

一 商号及び本店の所在地

(i) its trade name and the location of its head office;

二 資本金の額

(ii) its amount of stated capital;

三 役員の名

(iii) the names of its officers;

四 信託業務以外の業務をいずれかの支店において営むときは、その業務の種類

(iv) if it is engaged in operations other than trust services at any branch office, the type of operations;

五 主たる支店その他の支店の名称及び所在地

(v) the names and locations of its Main Branch Office and other branch offices;

六 国内における代表者の氏名及び国内の住所

(vi) the name and domestic address of its Domestic Representative.

4 前項の申請書には、次に掲げる書類を添付しなければならない。

(4) The following documents must accompany the paper application referred to in the preceding paragraph:

一 定款及び会社の登記事項証明書（これらに準ずるものを含む。）

(i) the articles of incorporation and a certificate of the company's registered information (or their equivalents);

二 業務方法書

(ii) an operational method statement;

三 貸借対照表

(iii) a balance sheet;

四 その他内閣府令で定める書類

(iv) documents prescribed by Cabinet Office Order.

5 第八条第三項の規定は、前項第二号の業務方法書について準用する。

(5) The provisions of Article 8, paragraph (3) apply mutatis mutandis to the

operational method statement referred to in item (ii) of the preceding paragraph.

6 内閣総理大臣は、申請者が次の各号のいずれかに該当するとき、又は第三項の申請書若しくは第四項各号に掲げる添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

(6) If an applicant falls under a category referred to in one of the following items, or if the paper application referred to in paragraph (3) or an accompanying document set forth in one of the items of paragraph (4) gives false statements or omits a material fact, the Prime Minister must refuse to register the applicant:

一 前条第六項各号（第二号及び第三号を除く。）のいずれかに該当する者

(i) a person falling under one of the items of paragraph (6) of the preceding Article (other than items (ii) and (iii));

二 第三項第二号の資本金の額が委託者又は受益者の保護のため必要かつ適当なものとして政令で定める金額に満たない法人

(ii) a corporation whose stated capital as referred to in paragraph (3), item (ii) is less than the amount that Cabinet Order prescribes as necessary and appropriate for settlors' or beneficiaries' protection;

三 純資産額が前号に規定する金額に満たない法人

(iii) a corporation whose net assets are less than the amount prescribed in the preceding item;

四 定款（これに準ずるものを含む。）又は業務方法書の規定が法令に適合せず、又は管理型信託業務を適正に遂行するために十分なものでない法人

(iv) a corporation with provisions in its articles of incorporation (including any document equivalent thereto) or operational method statement that do not conform to laws and regulations or that are insufficient to allow it to properly perform custodial trust services;

五 いずれかの支店において、人的構成に照らして、管理型信託業務を的確に遂行することができる知識及び経験を有すると認められない法人

(v) a corporation with a branch office that is found, in light of personnel composition, not to have the knowledge and experience to unerringly perform custodial trust services.

7 第三項第二号の資本金の額は、内閣府令で定めるところにより計算するものとする。

(7) The amount of stated capital as referred to in paragraph (3), item (ii) is to be calculated pursuant to the provisions of Cabinet Office Order.

8 第六項第三号の純資産額は、内閣府令で定めるところにより計算するものとする。

(8) The amount of net assets as referred to in paragraph (6), item (iii) is to be calculated pursuant to the provisions of Cabinet Office Order.

9 内閣総理大臣は、第一項の登録の申請があった場合においては、第六項の規定により登録を拒否する場合を除くほか、次に掲げる事項を管理型外国信託会社登録簿に登録しなければならない。

(9) When an application is filed for registration as referred to in paragraph (1), the Prime Minister, if not refusing to register the applicant pursuant to the provisions of paragraph (6), must register the following information in the foreign custodial trust companies register:

一 第三項各号に掲げる事項

(i) the information set forth in the items of paragraph (3);

二 登録年月日及び登録番号

(ii) the date of registration and the registration number.

10 内閣総理大臣は、管理型外国信託会社登録簿を公衆の縦覧に供しなければならない。

(10) The Prime Minister must make the foreign custodial trust companies register available for public inspection.

(損失準備金等)

(Loss Reserves)

第五十五条 外国信託会社（管理型外国信託会社を除く。）は、第五十三条第六項第二号の政令で定める金額に達するまでは、毎決算期において、すべての支店の営業に係る利益の額に十分の一を超えない範囲内で内閣府令で定める率を乗じた額以上の額を、損失準備金として主たる支店において計上しなければならない。

Article 55 (1) Until the amount of loss reserves reaches the amount that Cabinet Order prescribes which is referred to in Article 53, paragraph (6), item (ii), a Foreign Trust Company (other than a Foreign Custodial Trust Company) must set aside loss reserves at its Main Branch Office in each accounting period, in at least the amount arrived at when the amount of profits from business at all branch offices is multiplied by the Cabinet Office Order-prescribed rate of no more than one-tenth.

2 前項の規定は、管理型外国信託会社について準用する。この場合において、同項中「第五十三条第六項第二号」とあるのは、「第五十四条第六項第二号」と読み替えるものとする。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a Foreign Custodial Trust Company. In this case, the phrase "Article 53, paragraph (6), item (ii)" in that paragraph is deemed to be replaced with "Article 54, paragraph (6), item (ii)".

3 前二項の規定により計上された損失準備金は、内閣総理大臣の承認を受けて各決算期におけるすべての支店の営業に係る純損失の補てんに充てる場合のほか、使用してはならない。

(3) The loss reserves set aside pursuant to the provisions of the preceding two paragraphs must not be used other than with the approval of the Prime Minister, when allocated to compensate for a net loss from business at all branch offices for a single accounting period.

4 外国信託会社は、第一項又は第二項の規定により計上された損失準備金の額、営業



保証金の額として内閣府令で定めるものの額及びすべての支店の計算に属する負債のうち内閣府令で定めるものの額を合計した金額に相当する資産を、内閣府令で定めるところにより、国内において保有しなければならない。

(4) A Foreign Trust Company, pursuant to the provisions of Cabinet Office Order, must retain assets in Japan equivalent to the sum total of the loss reserves set aside pursuant to the provisions of paragraph (1) or (2), the amount of business security deposits that Cabinet Office Order prescribes, and the part of the liabilities on the accounts of all branch offices which Cabinet Office Order prescribes.

(申請書記載事項の変更の届出)

(Notification of Changes to Information Given in a Paper Application)

第五十六条 外国信託会社（管理型外国信託会社を除く。）は、第五十三条第二項各号に掲げる事項に変更があったときは、その日から二週間以内に、その旨を内閣総理大臣に届け出なければならない。

Article 56 (1) A Foreign Trust Company (other than a Foreign Custodial Trust Company) must notify the Prime Minister if any of the information set forth in an item of Article 53, paragraph (2) changes, within two weeks from the date of the change.

2 管理型外国信託会社は、第五十四条第三項各号に掲げる事項に変更があったときは、その日から二週間以内に、その旨を内閣総理大臣に届け出なければならない。

(2) A Foreign Custodial Trust Company must notify the Prime Minister if any of the information set forth in an item of Article 54, paragraph (3) changes, within two weeks from the date of the change.

3 内閣総理大臣は、前項の届出を受理したときは、その旨を管理型外国信託会社登録簿に登録しなければならない。

(3) On receipt of a notification as referred to in the preceding paragraph, the Prime Minister must register this in the foreign custodial trust companies register.

(届出等)

(Notifications)

第五十七条 外国信託会社は、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 57 (1) A Foreign Trust Company must notify the Prime Minister without delay if it comes to fall under one of the following items:

一 国内において破産手続開始、再生手続開始若しくは更生手続開始の申立てを行ったとき、又は本店の所在する国において当該国の法令に基づき同種類の申立てを行ったとき。

(i) it files a petition to commence bankruptcy proceedings, commence rehabilitation proceedings, or commence reorganization proceedings in Japan,

or it files a petition for any proceedings of the same kind in the state where its head office is located, pursuant to the laws and regulations of that state;

二 合併（当該外国信託会社が合併により消滅した場合を除く。）をし、信託業の一部の承継をさせ、若しくは信託業の全部若しくは一部の承継をし、又は信託業の一部の譲渡若しくは信託業の全部若しくは一部の譲受けをしたとき。

(ii) it effects a merger (unless the Foreign Trust Company disappears in the merger), has another person assume part of its Trust Business, succeeds to a Trust Business in whole or in part, transfers a part of its Trust Business, or acquires a Trust Business in whole or in part;

三 その他内閣府令で定める場合に該当するとき。

(iii) it falls under a case as prescribed by Cabinet Office Order.

2 外国信託会社が次の各号のいずれかに該当することとなったときは、当該各号に定める者は、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。

(2) If a Foreign Trust Company comes to fall under one of the following items, the person specified in the item must notify the Prime Minister of this without delay:

一 すべての支店における信託業務を廃止したとき（外国において信託業のすべてを廃止したとき、外国における信託業の全部の承継をさせたとき、外国における信託業の全部の譲渡をしたとき、支店における信託業の全部の承継をさせたとき及び支店における信託業の全部の譲渡をしたときを含む。）。その外国信託業者又はその外国信託業者であった者

(i) it discontinues trust services at all of its branch offices (or it discontinues all of its foreign Trust Business; has another person assume all of its foreign Trust Business; transfers all of its foreign Trust Business; has another person assume all of its branch offices' Trust Business; or transfers all of its branch offices' Trust Business): the Foreign Trust Business Operator or the former Foreign Trust Business Operator;

二 合併により消滅したとき。その外国信託業者の役員であった者

(ii) it disappears due to a merger: a former officer of the Foreign Trust Business Operator;

三 破産手続開始の決定を受けたとき、又は本店の所在する国において当該国の法令に基づき破産手続と同種類の手続を開始したとき。その破産管財人又は当該国において破産管財人に相当する者

(iii) it becomes subject to an order commencing bankruptcy proceedings, or proceedings of the same kind as bankruptcy proceedings are commenced in the state where its head office is located pursuant to the laws and regulations of that state: the bankruptcy trustee or a person equivalent to a bankruptcy trustee in that state;

四 合併及び破産手続開始の決定以外の理由により解散したとき（支店の清算を開始したときを含む。）。その清算人又は本店の所在する国において清算人に相当する者

(iv) it is dissolved for a reason other than a merger or the commencement of bankruptcy proceedings (this includes if the liquidation of a branch office has begun): the liquidator or a person equivalent to a liquidator in the state where its head office is located.

3 外国信託会社は、すべての支店における信託業の廃止（外国における信託業のすべての廃止を含む。）をし、合併（当該外国信託会社が合併により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、支店における信託業の全部の承継（外国における信託業の全部の承継を含む。）若しくは一部の承継をさせ、又は支店における信託業の全部の譲渡（外国における信託業の全部の譲渡を含む。）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、すべての支店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) A Foreign Trust Company must issue public notice and post a notice at all of its business offices in a place easily seen by the public, pursuant to the provisions of Cabinet Office Order, by 30 days prior to discontinuing Trust Business at all branch offices (or discontinuing all Trust Business in foreign countries); effecting a merger (but only a merger due to which the Foreign Trust Company in question disappears); dissolving for a reason other than a merger or the commencement of bankruptcy proceedings; having a person assume all of its branch offices' Trust Business (or having a person assume all of its foreign Trust Business); having a person assume a part of its branch offices' Trust Business; transferring all of its branch offices' Trust Business (or transferring all of its foreign Trust Business); or transferring a part of its branch offices' Trust Business.

4 外国信託会社は、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) Having issued a public notice as referred to in the preceding paragraph, a Foreign Trust Company must notify the Prime Minister of this immediately.

5 外国信託会社（管理型外国信託会社を除く。以下この項において同じ。）が第五十二条第一項若しくは第五十四条第一項の登録を受けたとき、又は管理型外国信託会社が第五十二条第一項の登録を受けたときは、当該外国信託会社又は当該管理型外国信託会社は、遅滞なく、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、すべての支店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。

(5) Having been registered pursuant to Article 52, paragraph (1) or Article 54, paragraph (1), a Foreign Trust Company (other than a Foreign Custodial Trust Company; hereinafter the same applies in this paragraph) must issue public notice of this and post a notice indicating the same at all of its business offices in a place easily seen by the public, without delay and pursuant to the provisions of Cabinet Office Order; and having been registered pursuant to Article 52, paragraph (1), a Foreign Custodial Trust Company must issue public notice of this and post a notice indicating the same at all of its business

offices in a place easily seen by the public, without delay and pursuant to the provisions of Cabinet Office Order.

6 会社法第九百四十条第一項（第二号を除く。）及び第三項（電子公告の公告期間等）、第九百四十一条（電子公告調査）、第九百四十六条（調査の義務等）、第九百四十七条（電子公告調査を行うことができない場合）、第九百五十一条第二項（財務諸表等の備置き及び閲覧等）、第九百五十三条（改善命令）並びに第九百五十五条（調査記録簿等の記載等）の規定は、外国信託会社が電子公告（同法第二条第三十四号（定義）に規定する電子公告をいう。）によりこの法律又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合について準用する。この場合において、同法第九百四十条第三項中「前二項」とあるのは「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。

(6) The provisions of Article 940, paragraph (1) of the Companies Act (excluding item (ii)) and of 940, paragraph (3) (Public Notice Period for Electronic Public Notices), Article 941 (Electronic Public Notice Investigations), Article 946 (Duty to Investigate), Article 947 (When an Electronic Public Notice Cannot Be Investigated), Article 951, paragraph (2) (Keeping and Inspection of Financial Statements), Article 953 (Improvement Order), and Article 955 (Entries in Investigation Record Books) of that Act apply mutatis mutandis if a Foreign Trust Company issues public notice pursuant to the provisions of this Act or any other Act (other than public notice under the provisions of the Companies Act) as an electronic public notice (meaning an electronic public notice as prescribed in Article 2, item (xxxiv) (Definitions) of that Act). In this case, the phrase "the preceding two paragraphs" in Article 940, paragraph (3) of that Act is deemed to be replaced with "paragraph (1)"; and beyond this, Cabinet Order provides for the necessary technical replacement of terms.

（立入検査等）

(On-Site Inspections)

第五十八条 内閣総理大臣は、外国信託会社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、当該外国信託会社若しくは当該外国信託会社の支店とその業務に関して取引する者に対し当該支店の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に当該支店その他の施設に立ち入らせ、その業務若しくは財産の状況に関して質問させ、若しくは帳簿書類その他の物件を検査させることができる。

Article 58 (1) On finding that it is necessary to do so in order to ensure a Foreign Trust Company's sound and appropriate administration of trust services, the Prime Minister may order the Foreign Trust Company or a person that conducts transactions with a branch office of the Foreign Trust Company in connection with its operations to submit reports or materials that should serve as a reference with regard to the state of the branch office's operations or assets, and may have the relevant officials enter the branch office or any other

facility, ask questions about the state of its operations and assets, and inspect its books and documents and other articles.

2 内閣総理大臣は、外国信託会社の信託業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該外国信託会社から業務の委託を受けた者（その者から委託（二以上の段階にわたる委託を含む。）を受けた者を含む。以下この項及び次項において同じ。）に対し当該外国信託会社の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に当該外国信託会社から業務の委託を受けた者の施設に立ち入らせ、当該外国信託会社の業務若しくは財産の状況に関して質問させ、若しくは帳簿書類その他の物件を検査させることができる。

(2) On finding that it is particularly necessary to do so in order to ensure a Foreign Trust Company's sound and appropriate administration of trust services, the Prime Minister, within the scope of that necessity, may order a person that the Foreign Trust Company has entrusted with its operations (or a person entrusted with those operations by the person that the Foreign Trust Company has entrusted with them (this includes entrustment at the second or higher degree of separation from the original entrustment); hereinafter the same applies in this paragraph and the following paragraph) to submit reports or materials that should serve as a reference with regard to the Foreign Trust Company's operations or assets, and may have the relevant officials enter the facility of a person that the Foreign Trust Company has entrusted with its operations, ask questions about the state of the Foreign Trust Company's operations and assets, and inspect its books and documents and other articles.

3 前項の外国信託会社から業務の委託を受けた者は、正当な理由があるときは、同項の規定による報告若しくは資料の提出又は質問若しくは検査を拒むことができる。

(3) A person that a Foreign Trust Company entrusts with its operations as referred to in the preceding paragraph may refuse to submit a report or materials, to be questioned, or to undergo an inspection as referred to in the provisions of that paragraph if it has a legitimate reason to do so.

4 第一項又は第二項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(4) An official carrying out an on-site inspection pursuant to the provisions of paragraph (1) or (2) must carry identification and present it to the persons concerned.

5 第一項及び第二項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(5) The authority for an on-site inspection under the provisions of paragraphs (1) and (2) must not be interpreted as having been accorded for the purpose of a criminal investigation.

(運用型外国信託会社に対する監督上の処分)

(Supervisory Dispositions against an Investment-Based Foreign Trust Company)

第五十九条 内閣総理大臣は、外国信託会社（管理型外国信託会社を除く。以下この条において同じ。）が次の各号のいずれかに該当する場合には、当該外国信託会社の第五十三条第一項の免許を取り消し、又は六月以内の期間を定めて支店の業務の全部若しくは一部の停止を命ずることができる。

Article 59 (1) If a Foreign Trust Company (other than a Foreign Custodial Trust Company; hereinafter the same applies in this Article) falls under one of the following items, the Prime Minister may rescind its Article 53, paragraph (1) licensing or may order the suspension of all or part of the operations at its branch offices during a fixed period of no longer than six months:

一 第五十三条第六項第一号から第六号までに該当することとなったとき。

(i) it comes to fall under Article 53, paragraph (6), item (i) through (vi);

二 第五十三条第一項の免許を受けたときに同条第六項各号のいずれかに該当していたことが判明したとき。

(ii) it is discovered to have fallen under one of the items of Article 53, paragraph (6) at the time it was licensed as referred to in paragraph (1) of that Article;

三 いずれかの支店において信託業務を的確に遂行するに足りる人的構成を有しないこととなったとき。

(iii) one of its branch offices ceases to have a sufficient personnel composition to unerringly perform trust services;

四 不正の手段により第五十三条第一項の免許を受けたことが判明したとき。

(iv) it is discovered to have gained its Article 53, paragraph (1) licensing by wrongful means;

五 第五十三条第一項の免許に付した条件に違反したとき。

(v) it violates a condition attached to its Article 53, paragraph (1) licensing;

六 法令又は法令に基づく内閣総理大臣の処分に違反したとき。

(vi) it violates a law or regulation or a disposition by the Prime Minister which is based on a law or regulation;

七 公益を害する行為をしたとき。

(vii) it acts in a way that harms the public interest.

2 内閣総理大臣は、外国信託会社の国内における代表者又は支店に駐在する役員が第五条第二項第八号イからチまでのいずれかに該当することとなったとき、又は前項第五号若しくは第六号に該当する行為をしたときは、当該外国信託会社に対し当該代表者又は当該役員の解任を命ずることができる。

(2) If a Foreign Trust Company's Domestic Representative or a branch office's officer-in-residence comes to fall under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii) or engages in conduct that falls under item (v) or (vi) of the preceding paragraph, the Prime Minister may order the Foreign Trust Company to dismiss that representative or officer.

(管理型外国信託会社に対する監督上の処分)

**(Supervisory Dispositions against a Foreign Custodial Trust Company)**

第六十条 内閣総理大臣は、管理型外国信託会社が次の各号のいずれかに該当する場合には、当該管理型外国信託会社の第五十四条第一項の登録を取り消し、又は六月以内の期間を定めて支店の業務の全部若しくは一部の停止を命ずることができる。

Article 60 (1) If a Foreign Custodial Trust Company falls under one of the following items, the Prime Minister may rescind its Article 54, paragraph (1) registration or may order the suspension of all or part of the operations at its branch offices during a fixed period of no longer than six months:

一 第五十三条第六項第一号又は第四号から第六号までに該当することとなったとき。

(i) it comes to fall under Article 53, paragraph (6), item (i) or item (iv) through (vi) of that paragraph;

二 第五十四条第六項第二号から第五号までに該当することとなったとき。

(ii) it comes to fall under Article 54, paragraph (6), item (ii) through (v);

三 不正の手段により第五十四条第一項の登録を受けたことが判明したとき。

(iii) it is discovered to have gained its Article 54, paragraph (1) registration by wrongful means;

四 法令又は法令に基づく内閣総理大臣の処分に違反したとき。

(iv) it violates a law or regulation or a disposition by the Prime Minister which is based on a law or regulation;

五 公益を害する行為をしたとき。

(v) it acts in a way that harms the public interest.

2 内閣総理大臣は、管理型外国信託会社の国内における代表者又は支店に駐在する役員が第五条第二項第八号イからチまでのいずれかに該当することとなったとき、又は前項第四号に該当する行為をしたときは、当該管理型外国信託会社に対し当該代表者又は当該役員を解任を命ずることができる。

(2) If a Foreign Custodial Trust Company's Domestic Representative or a branch office's officer-in-residence comes to fall under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii) or engages in conduct that falls under item (iv) of the preceding paragraph, the Prime Minister may order the Foreign Custodial Trust Company to dismiss that representative or officer.

(免許等の取消し等の場合の解任手続の規定の準用)

**(Application Mutatis Mutandis of Provisions on Dismissal Procedures If Licensing Is Rescinded)**

第六十一条 第四十九条の規定は、内閣総理大臣が第五十四条第二項において準用する第七条第三項の登録の更新をしなかった場合、第五十九条第一項の規定により第五十三条第一項の免許を取り消した場合又は前条第一項の規定により第五十四条第一項の登録を取り消した場合について準用する。

Article 61 The provisions of Article 49 apply mutatis mutandis if the Prime

Minister does not make an Article 7, paragraph (3) registration renewal as applied mutatis mutandis pursuant to Article 54, paragraph (2); rescinds Article 53, paragraph (1) licensing pursuant to the provisions of Article 59, paragraph (1); or rescinds an Article 54, paragraph (1) registration pursuant to the provisions of paragraph (1) of the preceding Article.

(清算手続等における内閣総理大臣の意見等)

(Opinion of the Prime Minister in Liquidation Proceedings)

第六十二条 裁判所は、外国信託会社の国内における清算手続、破産手続、再生手続、更生手続又は承認援助手続において、内閣総理大臣に対し、意見を求め、又は検査若しくは調査を依頼することができる。

Article 62 (1) The court may ask for the opinion of the Prime Minister or request that the Prime Minister undertake an inspection or investigation in liquidation proceedings, bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or recognition assistance proceedings conducted in Japan involving a Foreign Trust Company.

2 第五十条第二項及び第三項の規定は、前項の場合について準用する。

(2) The provisions of Article 50, paragraphs (2) and (3) apply mutatis mutandis to a case as prescribed in the preceding paragraph.

(この法律の適用関係)

(Application of This Act)

第六十三条 外国信託会社については信託会社とみなし、管理型外国信託会社については管理型信託会社とみなし、外国信託会社の国内における代表者及び支店に駐在する役員（監査役又はこれに準ずる者を除く。）については信託会社の取締役とみなして、前章の規定（第三条から第十条まで、第十二条、第十四条第二項、第十七条から第二十一条まで、第三十二条、第三十五条から第四十二条まで、第四十四条、第四十五条及び第四十九条から第五十二条までの規定を除く。）並びにこれらの規定に係る第七章及び第八章の規定を適用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

Article 63 (1) A Foreign Trust Company is deemed to be a Trust Company, a Foreign Custodial Trust Company is deemed to be a Custodial Trust Company, a Foreign Trust Company's Domestic Representative or a branch office's officer-in-residence (other than a company auditor or an equivalent person) is deemed to be the director of a Trust Company, and the provisions of the preceding Chapter (excluding the provisions of Article 3 through Article 10, Article 12, Article 14, paragraph (2), Article 17 through Article 21, Article 32, Article 35 through Article 42, Article 44, Article 45, and Article 49 through Article 52) and the provisions of Chapters VII and VIII that are relevant to those provisions apply. In this case, the words set forth in the right-hand column of the following table are deemed to stand in place of the words set



forth in the middle column of that table in the provisions set forth in the left-hand column thereof.

<p>第十一条第一項 Article 11, paragraph (1)</p>	<p>本店 head office</p>	<p>主たる支店 main branch office</p>
<p>第十一条第十項 Article 11, paragraph (10)</p>	<p>第七条第三項の登録の更新 Article 7, paragraph (3) renewal of registration</p>	<p>第五十四条第二項において準用する第七条第三項の登録の更新 Article 7, paragraph (3) renewal of registration as applied mutatis mutandis pursuant to Article 54, paragraph (2)</p>
	<p>第四十四条第一項 Article 44, paragraph (1)</p>	<p>第五十九条第一項 Article 59, paragraph (1)</p>
	<p>第三条の免許 Article 3 licensing</p>	<p>第五十三条第一項の免許 Article 53, paragraph (1) licensing</p>
	<p>第四十五条第一項 Article 45, paragraph (1)</p>	<p>第六十条第一項 Article 60, paragraph (1)</p>
	<p>第七条第一項の登録 Article 7, paragraph (1) registration</p>	<p>第五十四条第一項の登録 Article 54, paragraph (1) registration</p>
<p>第十四条第一項、第二十五条及び第二十六条第一項第二号 Article 14, paragraph (1), Article 25 and Article 26, paragraph (1), item (ii)</p>	<p>商号 its trade name</p>	<p>支店の名称 name of its branch offices</p>
<p>第二十四条の二 Article 24-2</p>	<p>「住所 "the address</p>	<p>「支店の所在地 "the addresses of the branch offices</p>

	第二十六条第一項」と "Article 26, paragraph (1) of the Trust Business Act";	第二十六条第一項」と、 同法第三十八条中「役員 （国内における代表者を 含む。）」と "Article 26, paragraph (1) of the Trust Business Act"; the term "officer" in Article 38 of the Financial Instruments and Exchange Act is deemed to be replaced with "officer(or Domestic Representative)";
第三十三条 Article 33	事業年度ごとに for each business year	毎年四月から翌年三月ま での期間ごとに with respect to for each period from April of a given every year to March of the next year
	毎事業年度 of the business year	当該期間 of the period
第三十四条 Article 34	事業年度ごとに for each business year	毎年四月から翌年三月ま での期間ごとに for each period from April of a given year to March of the next year
	毎事業年度 of the business year	当該期間 of the period
	営業所 business offices	支店 branch offices
第四十六条第一項 Article 46, paragraph (1)	第四十一条第二項 Article 41, paragraph (2)	第五十七条第二項 Article 57, paragraph (2)
	第三条の免許 Article 3 licensing	第五十三条第一項の免許 Article 53, paragraph (1) licensing
	第七条第一項の登録 Article 7, paragraph (1) registration	第五十四条第一項の登録 Article 54, paragraph (1) registration
第四十六条第二項 Article 46, paragraph (2)	第七条第一項又は第五十 二条第一項の登録 registered as referred to in Article 7, paragraph (1) or Article 52, paragraph (1)	第五十二条第一項又は第 五十四条第一項の登録 registered as referred to in Article 52, paragraph (1) or Article 54, paragraph (1)

	第三条の免許 Article 3 licensing	第五十三条第一項の免許 Article 53, paragraph (1) licensing
第四十六条第三項 Article 46, paragraph (3)	第三条の免許又は第五十二条第一項の登録 is licensed as referred to in Article 3 or is registered as referred to in Article 52, paragraph (1)	第五十二条第一項の登録又は第五十三条第一項の免許 is registered as referred to in Article 52, paragraph (1) or is licensed as referred to in Article 53, paragraph (1)
	第七条第一項の登録 Article 7, paragraph (1) registration	第五十四条第一項の登録 Article 54, paragraph (1) registration
第四十七条 Article 47	第七条第三項の登録の更新 Article 7, paragraph (3) renewal of registration	第五十四条第二項において準用する第七条第三項の登録の更新 Article 7, paragraph (3) renewal of registration as applied mutatis mutandis pursuant to Article 54, paragraph (2)
	第四十五条第一項 Article 45, paragraph (1)	第六十条第一項 Article 60, paragraph (1)
	第七条第一項の登録 Article 7, paragraph (1) registration	第五十四条第一項の登録 Article 54, paragraph (1) registration
第四十八条 Article 48	第四十四条第一項 Article 44, paragraph (1)	第五十九条第一項 Article 59, paragraph (1)
	第三条の免許 Article 3 licensing	第五十三条第一項の免許 Article 53, paragraph (1) licensing
	第四十五条第一項 Article 45, paragraph (1)	第六十条第一項 Article 60, paragraph (1)
	第七条第一項の登録 Article 7, paragraph (1) registration	第五十四条第一項の登録 Article 54, paragraph (1) registration

2 第二十一条の規定は外国信託会社とその支店において行う業務について、第三十九条の規定は外国信託会社とその支店における信託業の譲渡を行う場合について、それぞれ準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句と読み替えるものとする。

(2) The provisions of Article 21 apply mutatis mutandis to the operations that a Foreign Trust Company carries out at its branch offices, and the provisions of Article 39 apply mutatis mutandis if a Foreign Trust Company transfers its branch office's Trust Business. In this case, the words set forth in the right-hand column of the following table are deemed to stand in place of the words set forth in the middle column of that table in the provisions set forth in the left-hand column thereof.

第二十一条第一項 Article 21, paragraph (1)	第四条第二項第三号 Article 4, paragraph (2), item (iii)	第五十三条第三項第二号 Article 53, paragraph (3), item (ii)
	第八条第二項第三号 Article 8, paragraph (2), item (iii)	第五十四条第四項第二号 Article 54, paragraph (4), item (ii)
第二十一条第六項 Article 21, paragraph (6)	第三条の免許 Article 3 licensing	第五十三条第一項の免許 Article 53, paragraph (1) licensing
	第七条第一項の登録 Article 7, paragraph (1) registration	第五十四条第一項の登録 Article 54, paragraph (1) registration

(外国信託業者の駐在員事務所の設置の届出等)

(Notification of a Foreign Trust Business Operator's Establishment of an Office with an Officer-In-Residence)

第六十四条 外国信託業者は、次に掲げる業務を行うため、国内において駐在員事務所その他の施設を設置しようとする場合（他の目的をもって設置している施設において当該業務を行おうとする場合を含む。）には、あらかじめ、当該業務の内容、当該施設の所在地その他内閣府令で定める事項を内閣総理大臣に届け出なければならない。

Article 64 (1) Before establishing an office with an officer-in-residence or any other facility in Japan for the purpose of conducting the following operations (and before carrying out the operations at a facility that has been established for another purpose), a Foreign Trust Business Operator must first notify the Prime Minister of the content of the operations and the location of the facility, giving the information prescribed by Cabinet Office Order:

一 信託業に関する情報の収集又は提供

(i) the collection or provision of information about Trust Business;

二 その他信託業に関連を有する業務

(ii) other operations related to Trust Business.

2 内閣総理大臣は、必要があると認めるときは、外国信託業者に対し前項の施設において行う同項各号に掲げる業務に関し報告又は資料の提出を求めることができる。

(2) On finding that it is necessary to do so, the Prime Minister may request a

Foreign Trust Business Operator to submit a report or materials on the operations set forth in the items of the preceding paragraph that it carries out at the facility referred to in that paragraph.

3 外国信託業者は、第一項の施設を廃止したとき、当該施設において行う同項各号に掲げる業務を廃止したときその他同項の規定により届け出た事項を変更したときは、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。

(3) A Foreign Trust Business Operator must notify the Prime Minister without delay if it closes a facility referred to in paragraph (1), discontinues the operations as set forth in the items of that paragraph that it carries out at that facility, or changes any of the information of which it has notified the relevant person pursuant to the provisions of that paragraph.

#### 第四章 指図権者

#### Chapter IV Persons with Authority to Give Instructions

(指図権者の忠実義務)

(Duty of Persons with Authority to Give Instructions to Work Resolutely)

第六十五条 信託財産の管理又は処分の方法について指図を行う業を営む者（次条において「指図権者」という。）は、信託の本旨に従い、受益者のため忠実に当該信託財産の管理又は処分に係る指図を行わなければならない。

Article 65 A person engaged in the business of giving instructions on how to manage, expend, or dispose of trust property (hereinafter referred to as a "person with the authority to give instructions" in the following Article) must work resolutely on behalf of the beneficiary in providing instructions on how to manage, expend, or dispose of trust property in accordance with the main purpose of the trust.

(指図権者の行為準則)

(Rules of Conduct for Persons with Authority to Give Instructions)

第六十六条 指図権者は、その指図を行う信託財産について、次に掲げる行為をしてはならない。

Article 66 A person with the authority to give instructions must not engage in the following conduct with regard to the trust property about which the person gives instructions:

一 通常取引の条件と異なる条件で、かつ、当該条件での取引が信託財産に損害を与えることとなる条件での取引を行うことを受託者に指図すること。

(i) instructing the trustee to conduct a transaction under terms and conditions that are different from ordinary terms and conditions and that damage the trust property;

二 信託の目的、信託財産の状況又は信託財産の管理若しくは処分の方針に照らして不必要な取引を行うことを受託者に指図すること。

(ii) instructing the trustee to conduct a transaction that is unnecessary in light of the purpose of the trust, the status of the trust property, or the policy for managing, expending, or disposing of trust property;

三 信託財産に関する情報を利用して自己又は当該信託財産に係る受益者以外の者の利益を図る目的をもって取引（内閣府令で定めるものを除く。）を行うことを受託者に指図すること。

(iii) instructing the trustee to conduct a transaction (other than one that Cabinet Office Order prescribes) in pursuit of its own interests or in the interests of a person other than the beneficiary of the trust property, using information about trust property;

四 その他信託財産に損害を与えるおそれがある行為として内閣府令で定める行為

(iv) other conduct that Cabinet Office Order prescribes as being likely to damage trust property.

## 第五章 信託契約代理店

### Chapter V Trust Agreement Agents

#### 第一節 総則

#### Section 1 General Provisions

(登録)

(Registration)

第六十七条 信託契約代理業は、内閣総理大臣の登録を受けた者でなければ、営むことができない。

Article 67 (1) A person may not engage in Trust Agreement Agency Services unless registered by the Prime Minister.

2 信託契約代理業を営む者は、信託会社又は外国信託会社から委託を受けてその信託会社又は外国信託会社（以下「所属信託会社」という。）のために信託契約代理業を営まなければならない。

(2) A person engaged in Trust Agreement Agency Services must engage in Trust Agreement Agency Services for a Trust Company or a Foreign Trust Company (hereinafter referred to as the "Principal Trust Company") as entrusted by that Trust Company or Foreign Trust Company.

(登録の申請)

(Application for Registration)

第六十八条 前条第一項の登録を受けようとする者（第七十条において「申請者」という。）は、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

Article 68 (1) A person seeking to be registered as referred to in paragraph (1) of the preceding Article (referred to as the "applicant" in Article 70) must submit a paper application to the Prime Minister giving the following information:

- 一 商号、名称又は氏名  
(i) its trade name or name;
  - 二 法人であるときは、その役員の名  
(ii) the names of its officers, if it is a corporation;
  - 三 信託契約代理業を営む営業所又は事務所の名称及び所在地  
(iii) the names and locations of the business offices or offices where it engages in Trust Agreement Agency Services;
  - 四 所属信託会社の商号  
(iv) the trade name of the Principal Trust Company;
  - 五 他に業務を営むときは、その業務の種類  
(v) if it is engaged in other services, the type of services;
  - 六 その他内閣府令で定める事項  
(vi) the information prescribed by Cabinet Office Order.
- 2 前項の申請書には、次に掲げる書類を添付しなければならない。
- (2) The following documents must accompany the paper application referred to in the preceding paragraph:
- 一 第七十条第一号又は第二号に該当しないことを誓約する書面  
(i) a document in which the applicant swears that it does not fall under Article 70, item (i) or (ii);
  - 二 業務方法書  
(ii) an operational method statement;
  - 三 法人であるときは、定款及び会社の登記事項証明書（これらに準ずるものを含む。）  
(iii) if the applicant is a corporation, its articles of incorporation and a certificate of the company's registered information (or their equivalents);
  - 四 その他内閣府令で定める書類  
(iv) documents prescribed by Cabinet Office Order.
- 3 前項第二号の業務方法書に記載すべき事項は、内閣府令で定める。
- (3) The information that is required to be included in an operational method statement as referred to in item (ii) of the preceding paragraph is the information that Cabinet Office Order prescribes.

(登録簿への登録)

(Registration in the Register)

第六十九条 内閣総理大臣は、第六十七条第一項の登録の申請があった場合においては、次条の規定により登録を拒否する場合を除くほか、次に掲げる事項を信託契約代理店登録簿に登録しなければならない。

Article 69 (1) When an application is filed for registration as referred to in Article 67, paragraph (1), the Prime Minister, if not refusing to register the applicant pursuant to the provisions of the following Article, must register the following information in the trust agreement agents register:

一 前条第一項各号に掲げる事項

(i) the information set forth in the items of paragraph (1) of the preceding Article;

二 登録年月日及び登録番号

(ii) the date of the registration and the registration number.

2 内閣総理大臣は、信託契約代理店登録簿を公衆の縦覧に供しなければならない。

(2) The Prime Minister must make the trust agreement agents register available for public inspection.

(登録の拒否)

(Refusing Registration)

第七十条 内閣総理大臣は、申請者が次の各号のいずれかに該当するとき、又は第六十八条第一項の申請書若しくは同条第二項各号に掲げる添付書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

Article 70 If an applicant falls under a category referred to in one of the following items, or if the paper application referred to in Article 68, paragraph (1) or an accompanying document set forth in one of the items of paragraph (2) of that Article gives false statements or omits a material fact, the Prime Minister must refuse to register the applicant:

一 申請者が個人であるときは、第五条第二項第八号イからチまでのいずれかに該当する者

(i) a person falling under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii), if the applicant is an individual;

二 申請者が法人であるときは、次のいずれかに該当する者

(ii) a person falling under one of the following, if the applicant is a corporation:

イ 第五条第二項第十号イ又はロに該当する者

(a) a person falling under Article 5, paragraph (2), item (x), (a) or (b);

ロ 役員のうち第五条第二項第八号イからチまでのいずれかに該当する者のある者

(b) a person that has a person falling under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii) as its officer;

三 信託契約代理業務を的確に遂行するための必要な体制が整備されていると認められない者

(iii) a person found not to have in place the necessary system to unerringly perform services as a trust agreement agent;

四 他に営む業務が公益に反すると認められる者

(iv) a person whose other operations are found to be contrary to the public interest.

(変更の届出)



(Notification of Changes)

第七十一条 信託契約代理店は、第六十八条第一項各号に掲げる事項に変更があったときは、その日から二週間以内に、その旨を内閣総理大臣に届け出なければならない。

Article 71 (1) A Trust Agreement Agent must notify the Prime Minister if there is a change involving information set forth in the items of Article 68, paragraph (1), within two weeks from the date of the change.

2 内閣総理大臣は、前項の届出を受理したときは、その旨を信託契約代理店登録簿に登録しなければならない。

(2) Having received a notification as referred to in the preceding paragraph, the Prime Minister must register this in the trust agreement agents register.

3 信託契約代理店は、第六十八条第二項第二号の業務方法書を変更したときは、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。

(3) A Trust Agreement Agent must notify the Prime Minister without delay if it changes its operational method statement as referred to in Article 68, paragraph (2), item (ii).

(標識の掲示)

(Posting of Signs)

第七十二条 信託契約代理店は、信託契約代理業を営む営業所又は事務所ごとに、公衆の見やすい場所に、内閣府令で定める様式の標識を掲示しなければならない。

Article 72 (1) A Trust Agreement Agent must post a sign in the format that Cabinet Office Order prescribes at all of the business offices and offices at which it engages in Trust Agreement Agency Services, in a place easily visible to the public.

2 信託契約代理店以外の者は、前項の標識又はこれに類似する標識を掲示してはならない。

(2) A person other than a Trust Agreement Agent must not post a sign as referred to in the preceding paragraph or any sign similar thereto.

(名義貸しの禁止)

(Prohibition on Name Lending)

第七十三条 信託契約代理店は、自己の名義をもって、他人に信託契約代理業を営ませてはならない。

Article 73 A Trust Agreement Agent must not allow another person to engage in Trust Agreement Agency Services using its name.

**第二節 業務**

**Section 2 Operations**

(顧客に対する説明)

(Providing Explanations to Customers)

第七十四条 信託契約代理店は、信託契約の締結の代理（信託会社又は外国信託会社を代理する場合に限る。以下この章において同じ。）又は媒介を行うときは、あらかじめ、顧客に対し次に掲げる事項を明らかにしなければならない。

Article 74 Before acting as an agent (but only as the agent of a Trust Company or Foreign Trust Company; hereinafter the same applies in this Chapter) or intermediary to conclude a trust agreement, a Trust Agreement Agent must first make the following information clear to the customer:

一 所属信託会社の商号

(i) the trade name of the Principal Trust Company;

二 信託契約の締結を代理するか媒介するかの別

(ii) whether it is acting as an agent or as an intermediary to conclude the trust agreement;

三 その他内閣府令で定める事項

(iii) the information prescribed by Cabinet Office Order.

(分別管理)

(Separate Management)

第七十五条 信託契約代理店は、信託契約の締結の代理又は媒介に関して顧客から財産の預託を受けた場合には、当該財産を自己の固有財産及び他の信託契約の締結に関して預託を受けた財産と分別して管理しなければならない。

Article 75 If a Trust Agreement Agent has property deposited with it by a customer as part of its actions as an agent or intermediary to conclude a trust agreement, it must manage that property separately from its own property and separately from property deposited with it in connection with the conclusion of other trust agreements.

(準用)

(Application, Mutatis Mutandis)

第七十六条 第二十四条及び第二十五条の規定は、信託契約代理店が行う信託契約の締結の代理又は媒介について準用する。この場合において、第二十四条第一項中「次に掲げる行為（次条に規定する特定信託契約による信託の引受けにあつては、第五号に掲げる行為を除く。）」とあるのは「次に掲げる行為」と、第二十五条中「事項（特定信託契約による信託の引受けを行うときは、同号に掲げる事項を除く。）」とあるのは「事項」と、「当該信託会社」とあるのは「受託者」と読み替えるものとする。

Article 76 The provisions of Article 24 and Article 25 apply mutatis mutandis to actions that a Trust Agreement Agent takes as an agent or intermediary to conclude a trust agreement. In this case, the phrase "the following conduct (other than the conduct set forth in item (v), if it accepts a trust under a Specific Trust Agreement as prescribed in the following Article)" in Article 24, paragraph (1) is deemed to be replaced with "the following conduct"; the phrase "of the following Article (if the company accepts a trust under a Specific Trust

Agreement, this excludes an explanation of the information set forth in those items)" in Article 25 is deemed to be replaced with "of the following Article"; and the phrase "its trade name" in the same provisions is deemed to be replaced with "the trade name of the trustee".

### 第三節 経理 Section 3 Accounting

(信託契約代理業務に関する報告書)

(Reports on Services as a Trust Agreement Agent)

第七十七条 信託契約代理店は、事業年度ごとに、信託契約代理業務に関する報告書を作成し、毎事業年度経過後三月以内に内閣総理大臣に提出しなければならない。

Article 77 (1) A Trust Agreement Agent must prepare a report on its services as a trust agreement agent for each business year and submit it to the Prime Minister within three months from the end of the business year.

2 内閣総理大臣は、前項の信託契約代理業務に関する報告書を、委託者若しくは受益者の秘密を害するおそれのある事項又は当該信託契約代理店の業務の遂行上不当な不利益を与えるおそれのある事項を除き、公衆の縦覧に供しなければならない。

(2) The Prime Minister must make reports on persons' services as trust agreement agents as referred to in the preceding paragraph available for public inspection, excluding information likely to compromise a secret of the settlor or beneficiary and information likely to place the Trust Agreement Agent at an unreasonable disadvantage in the performance of its services.

(所属信託会社の説明書類の縦覧)

(Public Inspection of Explanatory Documents of Principal Trust Companies)

第七十八条 信託契約代理店は、所属信託会社の事業年度ごとに、第三十四条第一項の規定により当該所属信託会社が作成する説明書類を信託契約代理業を営むすべての営業所又は事務所に備え置き、公衆の縦覧に供しなければならない。

Article 78 (1) A Trust Agreement Agent must keep copies of the explanatory documents that the Principal Trust Company prepares for each of its business years pursuant to the provisions of Article 34, paragraph (1) at all of the business offices and offices at which it engages in Trust Agreement Agency Services, and must make these available for public inspection.

2 前項に規定する説明書類が電磁的記録をもって作成されているときは、信託契約代理業を営むすべての営業所又は事務所において当該説明書類の内容である情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項に規定する説明書類を公衆の縦覧に供したものとみなす。

(2) If an explanatory document as prescribed in the preceding paragraph is prepared in the form of an electronic or magnetic record, a Trust Agreement

Agent may take what Cabinet Office Order prescribes as measures to put the data forming the content of that explanatory document into a format that allows a large, non-exclusive audience to gain access to it through electronic or magnetic means at all of the business offices or offices at which it engages in Trust Agreement Agency Services. In doing so, it is deemed to have made the explanatory documents prescribed in that paragraph available for public inspection.

#### 第四節 監督

#### Section 4 Supervision

(廃業等の届出)

(Notification of Business Discontinuation)

第七十九条 信託契約代理店が次の各号のいずれかに該当することとなったときは、当該各号に定める者は、その日から三十日以内に、その旨を内閣総理大臣に届け出なければならない。

Article 79 If a Trust Agreement Agent comes to fall under one of the following items, the person prescribed in that item must notify the Prime Minister of this within thirty days from that date:

一 信託契約代理業を廃止したとき（会社分割により信託契約代理業の全部の承継をさせたとき、又は信託契約代理業の全部の譲渡をしたときを含む。）。その個人又は法人

(i) the agent discontinues its Trust Agreement Agency Services (or it has a person assume all of its Trust Agreement Agency Services in a company split or transfers all of its Trust Agreement Agency Services): the individual or corporation;

二 信託契約代理店である個人が死亡したとき。その相続人

(ii) the individual that constitutes the Trust Agreement Agent dies: the individual's heir;

三 信託契約代理店である法人が合併により消滅したとき。その法人を代表する役員であった者

(iii) the corporation that constitutes the Trust Agreement Agent disappears due to a merger: a former officer that represented the corporation;

四 信託契約代理店である法人が破産手続開始の決定により解散したとき。その破産管財人

(iv) the corporation that constitutes the Trust Agreement Agent is dissolved due to an order commencing bankruptcy proceedings: the bankruptcy trustee;

五 信託契約代理店である法人が合併及び破産手続開始の決定以外の理由により解散したとき。その清算人

(v) the corporation that constitutes the Trust Agreement Agent is dissolved for a reason other than a merger or an order commencing bankruptcy

proceedings: the liquidator.

(立入検査等)

**(On-Site Inspections)**

第八十条 内閣総理大臣は、信託契約代理店の信託契約代理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、当該信託契約代理店若しくは当該信託契約代理店とその業務に関して取引する者に対し当該信託契約代理店の業務に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に当該信託契約代理店の営業所若しくは事務所に立ち入らせ、その業務の状況に関して質問させ、若しくは書類その他の物件を検査させることができる。

Article 80 (1) On finding that it is necessary to do so in order to ensure a Trust Agreement Agent's sound and appropriate administration of services as a trust agreement agent, the Prime Minister may order the Trust Agreement Agent or a person that conducts transactions with the Trust Agreement Agent in connection with its operations to submit reports or materials that should serve as a reference with regard to the operations of the Trust Agreement Agent, and may have the relevant officials enter a business office or office of the Trust Agreement Agent, ask questions about the state of its operations, and inspect its books and documents and other articles.

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

(2) An official carrying out an on-site inspection pursuant to the provisions of the preceding paragraph must carry identification and present it to the persons concerned.

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

(3) The authority for an on-site inspection under the provisions of paragraph (1) must not be interpreted as having been accorded for the purpose of a criminal investigation.

(業務改善命令)

**(Operational Improvement Orders)**

第八十一条 内閣総理大臣は、信託契約代理店の業務の状況に照らして、当該信託契約代理店の信託契約代理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、当該信託契約代理店に対し、その必要の限度において、業務方法書の変更その他業務の運営の改善に必要な措置を命ずることができる。

Article 81 On finding that it is necessary to do so in order to ensure a Trust Agreement Agent's sound and appropriate administration of services as a trust agreement agent in light of the state of those services, the Prime Minister, within the scope of that necessity, may order the Trust Agreement Agent to change its operational method statement or to otherwise take measures that

are necessary for improving the administration of its services.

(監督上の処分)

(Supervisory Dispositions)

第八十二条 内閣総理大臣は、信託契約代理店が次の各号のいずれかに該当する場合には、当該信託契約代理店の第六十七条第一項の登録を取り消し、又は六月以内の期間を定めて業務の全部若しくは一部の停止を命ずることができる。

Article 82 (1) If a Trust Agreement Agent falls under one of the following items, the Prime Minister may rescind the Trust Agreement Agent's Article 67, paragraph (1) registration or may order the suspension of all or part of its services during a fixed period of no longer than six months:

一 第七十条各号（第二号ロを除く。）に該当することとなったとき。

(i) it comes to fall under one of the items of Article 70 (excluding item (ii), (b));

二 不正の手段により第六十七条第一項の登録を受けたことが判明したとき。

(ii) it is discovered to have gained its Article 67, paragraph (1) registration by wrongful means;

三 法令又は法令に基づく内閣総理大臣の処分に違反したとき。

(iii) it violates a law or regulation or a disposition by the Prime Minister which is based on a law or regulation;

四 公益を害する行為をしたとき。

(iv) it acts in a way that harms the public interest.

2 内閣総理大臣は、信託契約代理店の役員が、第五条第二項第八号イからチまでのいずれかに該当することとなったとき、又は前項第三号に該当する行為をしたときは、当該信託契約代理店に対し当該役員の解任を命ずることができる。

(2) If the officer of a Trust Agreement Agent comes to fall under one of clauses (a) through (h) of Article 5, paragraph (2), item (viii), or engages in conduct that falls under item (iii) of the preceding paragraph, the Prime Minister may order the Trust Agreement Agent to dismiss that officer.

(登録の失効)

(Loss of Validity of Registration)

第八十三条 信託契約代理店が第七十九条各号のいずれかに該当することとなったとき、又はそのすべての所属信託会社との委託契約が終了したときは、当該信託契約代理店の第六十七条第一項の登録は、その効力を失う。

Article 83 A Trust Agreement Agent's Article 67, paragraph (1) registration ceases to be valid if the agent comes to fall under one of the items of Article 79 or if all entrustment agreements it has concluded with Principal Trust Companies have been terminated.

(登録の抹消)

(Deletion of Registrations)

第八十四条 内閣総理大臣は、第八十二条第一項の規定により第六十七条第一項の登録を取り消したとき、又は前条の規定により同項の登録がその効力を失ったときは、当該登録を抹消しなければならない。

Article 84 If the Prime Minister rescinds an Article 67, paragraph (1) registration pursuant to the provisions of Article 82, paragraph (1) or if an Article 67, paragraph (1) registration has ceased to be valid pursuant to the provisions of the preceding Article, the Prime Minister must delete that registration.

## 第五節 雑則

### Section 5 Miscellaneous Provisions

(所属信託会社の損害賠償責任)

(Principal Trust Companies' Liability for Damages)

第八十五条 信託契約代理店の所属信託会社は、信託契約代理店が行った信託契約の締結の代理又は媒介につき顧客に加えた損害を賠償する責めに任ずる。ただし、所属信託会社が信託契約代理店への委託につき相当の注意をし、かつ、信託契約代理店が行う信託契約の締結の代理又は媒介につき顧客に加えた損害の発生の防止に努めたときは、この限りでない。

Article 85 The Principal Trust Company of a Trust Agreement Agent is liable to compensate for damage that a customer incurs from the actions that a Trust Agreement Agent takes as agent or intermediary to conclude a trust agreement; provided, however, that this does not apply if the Principal Trust Company exercises due care in entrustment with the Trust Agreement Agent and endeavors to prevent the damages that the customer incurs from the actions that a Trust Agreement Agent takes as agent or intermediary to conclude a trust agreement.

## 第五章の二 指定紛争解決機関

### Chapter V-2 Designated Dispute Resolution Organizations

#### 第一節 総則

##### Section 1 General Provisions

(紛争解決等業務を行う者の指定)

(Designating Persons to Conduct Complaint and Dispute Services)

第八十五条の二 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、紛争解決等業務を行う者として、指定することができる。

Article 85-2 (1) Prime Minister may, at the application of a person satisfying the following requirements, designate that person to conduct Complaint and Dispute Services:

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) it is a corporation (or an association or foundation without legal personality for which a representative person or administrator has been designated; this excludes a corporation established under foreign laws or regulations or any other foreign organization; the same applies in item (iv), (d));

二 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つ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、その取消の日から五年を経過しない者でないこと。

(ii) it does not fall under the category of a person that has had a designation under this paragraph rescinded pursuant to Article 85-24, paragraph (1) and not yet had five years pass since the date of the rescission, nor does it fall under the category of a person that has had a designation under the provisions of other laws which Cabinet Order prescribes as being for operations equivalent to Complaint and Dispute Services rescinded and not yet had five years pass since the date of the rescission;

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) it does not fall under the category of a person that has been sentenced to a fine (or become subject to an equivalent sentence under a foreign law or regulation) for violating the provisions of this Act or the Attorney Act (Act No. 205 of 1949) or of any equivalent foreign law or regulation, and that has not yet had five years pass since the day that it finished serving the sentence or that it ceased to be subject to its enforcement;

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) it does not have a person falling under one of the following categories as an officer:

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 person under curatorship, or any person that is treated in the same manner under a foreign law or regulation;

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) an undischarged bankrupt or a person that is treated in the same manner under a foreign law or regulation;

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 that has been sentenced to imprisonment or a heavier



punishment (or become subject to an equivalent sentence under a foreign law or regulation), and not yet had five years pass since the day that the sentence was completed or that it ceased to be subject to its enforcement;

ニ 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) a person that, during the one month prior to the date of rescission, was the officer (including a person treated in the same manner under foreign laws and regulations; the same applies in this sub-item (d)) of a corporation and that has not yet had five years pass since the date of the rescission in a case in which a designation under this paragraph has been rescinded pursuant to the provisions of Article 85-24, paragraph (1) or an administrative disposition which is similar to the relevant designation and which a corporation has received in a foreign state pursuant to the provisions of a foreign law or regulation that is equivalent to this Act has been rescinded; or a person that, during the one month prior to the date of rescission, was the officer of a corporation and that has not yet had five years pass since the date of the rescission in a case in which a designation under the provisions of other laws, which is specified by Cabinet Order as being for operations equivalent to Complaint and Dispute Services, has been rescinded, or an administrative disposition which is similar to that designation, which is specified by Cabinet Order, and which a corporation has been issued in a foreign state pursuant to the provisions of a foreign law or regulation that is equivalent to one of the aforementioned other laws has been rescinded;

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 that has been sentenced to a fine (or become subject to an equivalent sentence under a foreign law or regulation) for violating the provisions of this Act, the Attorney Act, or an equivalent foreign law or regulation, and has not yet had five years pass since the day that the sentence was completed or that the person ceased to be subject to its

enforcement;

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

(v) it has a sufficient financial and technical basis to properly implement  
Complaint and Dispute Services;

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) the composition of its officers or employees is unlikely to compromise the fair implementation of Complaint and Dispute Services;

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) its rules for implementing Complaint and Dispute Services (hereinafter referred to as the "Operational Rules") conform to laws and regulations and are found to be sufficient to allow it to fairly and appropriately implement Complaint and Dispute Services pursuant to the provisions of this Act;

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ぬ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。）を述べた信託会社等の数の信託会社等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) the result of a hearing of opinions pursuant to the following paragraph is that the number of trust companies and similar persons that have stated an objection to the information about cancelling the Basic Contract for the Implementation of Dispute Resolution Procedures, other content of the Basic Contract for the Implementation of Dispute Resolution Procedures (other than the particulars set forth in the items of Article 85-7, paragraph (2)), and other content of the Operational Rules (other than particulars that paragraph (3) of that Article requires to be among the content of those rules and the particulars that need to be among the content of the rules so that they conform to the criteria set forth in the items of paragraph (4) of that Article and paragraph (5), item (i) of that Article) (limited to objections for which there are reasonable grounds) represents a percentage of the total number of trust companies and similar persons that is no greater than the percentage prescribed 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、信託会社等に対し、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) A person seeking to file an application as referred to in the preceding

paragraph must first explain the content of the Operational Rules to trust companies and similar persons and hear their opinions to see whether they object to the content (and hear the reason for any objection that there is) and prepare a document giving the results, pursuant to the provisions of Cabinet Office Order.

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) Before granting a designation under paragraph (1), the Prime Minister must first consult with the Minister of Justice as to whether the relevant person satisfies the requirements set forth in item (v) through (vii) of that paragraph (but only the part that deals with the operations of Dispute Resolution Procedures; with regard to the requirement set forth in item (vii), this means only as it pertains to the criteria set forth in the items of Article 85-7, paragraph (4) and the items of paragraph (5) of that Article).

4 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。

(4) Having granted a designation under paragraph (1), the Prime Minister must issue public notice of the trade name or name and the location of the principal business office or office of the Designated Dispute Resolution Organization, as well as the day on which the Prime Minister granted the designation.

(指定の申請)

(Application for Designation)

第八十五条の三 前条第一項の規定による指定を受けようとする者は、次に掲げる事項を記載した指定申請書を内閣総理大臣に提出しなければならない。

Article 85-3 (1) A person seeking the designation under paragraph (1) of the preceding Article must submit a paper application for designation to the Prime Minister giving the following information:

一 商号又は名称

(i) its trade name or name;

二 主たる営業所又は事務所その他紛争解決等業務を行う営業所又は事務所の名称及び所在地

(ii) the names and locations of its principal business office or office and any other business office or office at which it will conduct Complaint and Dispute Services;

三 役員の氏名又は商号若しくは名称

(iii) the names and trade names of its officers.

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 accompany the paper application for designation referred to in the preceding paragraph:

一 前条第一項第三号及び第四号に掲げる要件に該当することを誓約する書面

(i) a document in which the applicant swears that it satisfies the requirements set forth in paragraph (1), items (iii) and (iv) of the preceding Article;

二 定款及び法人の登記事項証明書（これらに準ずるものを含む。）

(ii) the articles of incorporation and a certificate of the corporation's registered information (or their equivalents);

三 業務規程

(iii) the Operational Rules;

四 組織に関する事項を記載した書類

(iv) documents giving information about the organization;

五 財産目録、貸借対照表その他の紛争解決等業務を行うために必要な経理的な基礎を有することを明らかにする書類であって内閣府令で定める書類

(v) an inventory of assets, balance sheet, and other documents that Cabinet Office Order prescribes, evidencing that the applicant has the necessary financial basis to conduct Complaint and Dispute Services;

六 前条第二項に規定する書類その他同条第一項第八号に掲げる要件に該当することを証する書類として内閣府令で定める書類

(vi) the documents prescribed in paragraph (2) of the preceding Article and the documents that Cabinet Office Order prescribes as evidencing that the relevant person satisfies the requirements set forth in paragraph (1), item (viii) of that Article;

七 その他内閣府令で定める書類

(vii) documents prescribed by Cabinet Office Order.

3 前項の場合において、定款、財産目録又は貸借対照表が電磁的記録で作成されているときは、書類に代えて当該電磁的記録を添付することができる。

(3) In a case as referred to in the preceding paragraph, if the articles of incorporation, inventory of assets, or balance sheet has been prepared as an electronic or magnetic record, the electronic or magnetic record may accompany the application in lieu of the paper documents.

(秘密保持義務等)

(Duty of Confidentiality)

第八十五条の四 指定紛争解決機関の紛争解決委員（第八十五条の十三第二項の規定により選任された紛争解決委員をいう。次項、次条第二項並びに第八十五条の七第二項及び第四項において同じ。）若しくは役員若しくは職員又はこれらの職にあった者は、紛争解決等業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てはならない。

Article 85-4 (1) It is prohibited for a dispute resolution mediator (meaning a

dispute resolution mediator appointed pursuant to Article 85-13, paragraph (2); the same applies in the following paragraph, paragraph (2) of the following Article and Article 85-7, paragraphs (2) and (4)), the officer or employee of a Designated Dispute Resolution Organization, or a person that used to hold the relevant position to divulge confidential information learned during the course of Complaint and Dispute Services to another person, or to use that information in pursuit of its own interest.

2 指定紛争解決機関の紛争解決委員又は役員若しくは職員で紛争解決等業務に従事する者は、刑法その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) In terms of the application of the Penal Code and other penal provisions, dispute resolution mediators and the officers and employees of Designated Dispute Resolution Organizations engaged in Complaint and Dispute Services are deemed to be officials engaged in public service pursuant to laws and regulations.

## 第二節 業務

### Section 2 Operations

(指定紛争解決機関の業務)

(Operations of a Designated Dispute Resolution Organization)

第八十五条の五 指定紛争解決機関は、この法律及び業務規程の定めるところにより、紛争解決等業務を行うものとする。

Article 85-5 (1) A Designated Dispute Resolution Organization is to engage in Complaint and Dispute Services pursuant to the provisions of this Act and the Operational Rules.

2 指定紛争解決機関（紛争解決委員を含む。）は、当事者である加入信託会社等（手続実施基本契約を締結した相手方である信託会社等をいう。以下この章において同じ。）若しくはその顧客（以下この章において単に「当事者」という。）又は当事者以外の者との手続実施基本契約その他の契約で定めるところにより、紛争解決等業務を行うことに関し、負担金又は料金その他の報酬を受けることができる。

(2) A Designated Dispute Resolution Organization (or a dispute resolution mediator) may receive dues, fees, or any other remuneration for engaging in Complaint and Dispute Services, pursuant to a Basic Contract for the Implementation of Dispute Resolution Procedures or any other contract it has with a member trust company or similar person (meaning a trust company or similar person with which it has concluded a Basic Contract for the Implementation of Dispute Resolution Procedures; hereinafter the same applies in this Chapter) that is party to a complaint or dispute or with a customer thereof that is party to a complaint or dispute (hereinafter, to simplify, these persons are referred to as the "parties" in this Chapter) or with

a person other than the parties.

(苦情処理手続又は紛争解決手続の業務の委託)

(Entrusting Persons with the Operations of Complaint Processing Procedures or Dispute Resolution Procedures)

第八十五条の六 指定紛争解決機関は、他の指定紛争解決機関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受けた者（第八十五条の十三第四項及び第五項において「受託紛争解決機関」という。）以外の者に対して、苦情処理手続又は紛争解決手続の業務を委託してはならない。

Article 85-6 A Designated Dispute Resolution Organization must not entrust a person other than another Designated Dispute Resolution Organization or a person with a designation under the provisions of other laws which Cabinet Order prescribes as being for operations equivalent to Complaint and Dispute Services (referred to as an "entrusted dispute resolution organization" in Article 85-13, paragraphs (4) and (5)) with the operations of Complaint Processing Procedures or Dispute Resolution Procedures.

(業務規程)

(Operational Rules)

第八十五条の七 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 85-7 (1) A Designated Dispute Resolution Organization must prescribe 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) the particulars of the content of the Basic Contract for the Implementation of Dispute Resolution Procedures;

二 手続実施基本契約の締結に関する事項

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

三 紛争解決等業務の実施に関する事項

(iii) the particulars of the implementation of Complaint and Dispute Services;

四 紛争解決等業務に要する費用について加入信託会社等が負担する負担金に関する事項

(iv) the particulars of the dues shared by member trust companies and similar persons for the necessary costs of Complaint and Dispute Services;

五 当事者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つては、当該料金に関する事項

(v) the particulars of any fees it collects from the parties in connection with the implementation of Complaint and Dispute Services;

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) the particulars of coordination with other Designated Dispute Resolution Organizations, national government organs, local governments, private businesses, and other persons that process complaints or resolve disputes;
- 七 紛争解決等業務に関する苦情の処理に関する事項
- (vii) the particulars of processing complaints through Complaint and Dispute Services;
- 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) particulars, beyond what is set forth in the preceding items, that Cabinet Office Order prescribes as necessary to the implementation of Complaint and Dispute Services.
- 2 前項第一号の手續実施基本契約は、次に掲げる事項を内容とするものでなければならない。
- (2) The following particulars must be among the content of the Basic Contract for the Implementation of Dispute Resolution Procedures referred to in item (i) of the preceding paragraph:
- 一 指定紛争解決機関は、加入信託会社等の顧客からの手續対象信託業務関連苦情の解決の申立て又は当事者からの紛争解決手續の申立てに基づき苦情処理手續又は紛争解決手續を開始すること。
- (i) that the Designated Dispute Resolution Organization initiates Complaint Processing Procedures based on a request from the customer of a member trust company or similar person to resolve a complaint involving trust business subject to dispute resolution procedures and initiates Dispute Resolution Procedures based on a request for Dispute Resolution Procedures from a party;
- 二 指定紛争解決機関又は紛争解決委員は、苦情処理手續を開始し、又は加入信託会社等の顧客からの申立てに基づき紛争解決手續を開始した場合において、加入信託会社等にこれらの手續に応じるよう求めることができ、当該加入信託会社等は、その求めがあったときは、正当な理由なくこれを拒んではならないこと。
- (ii) that when initiating Complaint Processing Procedures or when initiating Dispute Resolution Procedures based on a request from the customer of a member trust company or similar person, the Designated Dispute Resolution Organization or dispute resolution mediator may ask the member trust company or similar person to comply with these procedures, and that if the member trust company or similar person is asked to do so, it must not refuse without a legitimate reason;
- 三 指定紛争解決機関又は紛争解決委員は、苦情処理手續又は紛争解決手續において、加入信託会社等に対し、報告又は帳簿書類その他の物件の提出を求めることができ、当該加入信託会社等は、その求めがあったときは、正当な理由なくこれを拒んではならないこと。

(iii) that the Designated Dispute Resolution Organization or dispute resolution mediator may ask a member trust company or similar person to give a report or to submit books and documents and other articles in the course of Complaint Processing Procedures or Dispute Resolution Procedures, and that if the member trust company or similar person is asked to do so, it must not refuse without a legitimate reason;

四 紛争解決委員は、紛争解決手続において、手続対象信託業務関連紛争の解決に必要な和解案を作成し、当事者に対し、その受諾を勧告することができること。

(iv) that the dispute resolution mediator may prepare the settlement proposal that is necessary for resolving a dispute involving trust business subject to dispute resolution procedures in the course of Dispute Resolution Procedures and recommend that the parties accept it;

五 紛争解決委員は、紛争解決手続において、前号の和解案の受諾の勧告によっては当事者間に和解が成立する見込みがない場合において、事案の性質、当事者の意向、当事者の手続追行の状況その他の事情に照らして相当であると認めるときは、手続対象信託業務関連紛争の解決のために必要な特別調停案を作成し、理由を付して当事者に提示することができること。

(v) that, if there is no prospect of reaching a settlement between the parties in Dispute Resolution Procedures through a recommendation for the parties to accept the settlement proposal referred to in the preceding item, and the dispute resolution mediator finds it to be reasonable in light of the nature of the case, the intentions of the parties, the parties' pursuance of the procedures, or any other circumstances, the mediator may prepare the special conciliation proposal that is needed for resolving the dispute involving trust business subject to dispute resolution procedures and present it to the parties, giving them the reason for this;

六 加入信託会社等は、訴訟が係属している請求を目的とする紛争解決手続が開始された場合には、当該訴訟が係属している旨、当該訴訟における請求の理由及び当該訴訟の程度を指定紛争解決機関に報告しなければならないこと。

(vi) that, if Dispute Resolution Procedures are initiated for a claim involved in pending litigation, the member trust company or similar person must report to the Designated Dispute Resolution Organization that litigation is pending, indicating the grounds for the claim under litigation and the progress of the litigation;

七 加入信託会社等は、紛争解決手続の目的となった請求に係る訴訟が提起された場合には、当該訴訟が提起された旨及び当該訴訟における請求の理由を指定紛争解決機関に報告しなければならないこと。

(vii) that, if litigation is filed in connection with a claim subject to Dispute Resolution Procedures, the member trust company or similar person must report to the Designated Dispute Resolution Organization that litigation has been filed, indicating the grounds for the claim under litigation;



八 前二号に規定する場合のほか、加入信託会社等は、紛争解決手続の目的となった請求に係る訴訟に関し、当該訴訟の程度その他の事項の報告を求められた場合には、当該事項を指定紛争解決機関に報告しなければならないこと。

(viii) that, beyond as provided in the preceding two items, if a member trust company or similar person is asked to report the progress of litigation connected to a claim that is subject to Dispute Resolution Procedures or to report on any other matter, it must report that matter to the Designated Dispute Resolution Organization;

九 加入信託会社等は、第六号若しくは第七号の訴訟が裁判所に係属しなくなった場合又はその訴訟について裁判が確定した場合には、その旨及びその内容を指定紛争解決機関に報告しなければならないこと。

(ix) that, if the litigation referred to in item (vi) or item (vii) comes to no longer be pending before the court or if the judicial decision in that litigation becomes final and binding, the member trust company or similar person must report this to the Designated Dispute Resolution Organization, giving the details thereof;

十 加入信託会社等は、その顧客に対し指定紛争解決機関による紛争解決等業務の実施について周知するため、必要な情報の提供その他の措置を講じなければならないこと。

(x) that a member trust company or similar person must provide the necessary information or take other measures that are necessary for informing its customers of the implementation of Complaint and Dispute Services by the Designated Dispute Resolution Organization;

十一 前各号に掲げるもののほか、手続対象信託業務関連苦情の処理又は手続対象信託業務関連紛争の解決の促進のために必要であるものとして内閣府令で定める事項

(xi) particulars, beyond what is set forth in the preceding items, that Cabinet Office Order prescribes as being necessary for furthering the processing of complaints involving trust business subject to dispute resolution procedures and the resolution of disputes involving trust business subject to dispute resolution procedures.

3 第一項第二号の手続実施基本契約の締結に関する事項に関する業務規程は、信託会社等から手続実施基本契約の締結の申込みがあった場合には、当該信託会社等が手続実施基本契約に係る債務その他の紛争解決等業務の実施に関する義務を履行することが確実でないと見込まれるときを除き、これを拒否してはならないことを内容とするものでなければならない。

(3) Operational Rules respecting the particulars of the conclusion of a Basic Contract for the Implementation of Dispute Resolution Procedures referred to in paragraph (1), item (ii) must stipulate that a Designated Dispute Resolution Organization in receipt of an offer to conclude a Basic Contract for the Implementation of Dispute Resolution Procedures from a trust company or similar person must not refuse that offer unless the trust company or similar

person is expected to be unreliable in its performance of the obligations under the Basic Contract for the Implementation of Dispute Resolution Procedures or of any other obligations connected with the implementation of Complaint and Dispute Services.

4 第一項第三号に掲げる事項に関する業務規程は、次に掲げる基準に適合するものでなければならない。

(4) Operational Rules respecting the particulars set forth in paragraph (1), item (iii) must conform to the following criteria:

一 苦情処理手続と紛争解決手続との連携を確保するための措置が講じられていること。

(i) measures have been taken to ensure coordination between Complaint Processing Procedures and Dispute Resolution Procedures;

二 紛争解決委員の選任の方法及び紛争解決委員が手続対象信託業務関連紛争の当事者と利害関係を有することその他の紛争解決手続の公正な実施を妨げるおそれがある事由がある場合において、当該紛争解決委員を排除するための方法を定めていること。

(ii) they establish how a dispute resolution mediator is appointed and establish how to remove a dispute resolution mediator if that mediator has an interest in a party to a dispute involving trust business subject to dispute resolution procedures or in any other circumstances likely to interfere with the fair implementation of Dispute Resolution Procedures;

三 指定紛争解決機関の実質的支配者等（指定紛争解決機関の株式の所有、指定紛争解決機関に対する融資その他の事由を通じて指定紛争解決機関の事業を実質的に支配し、又はその事業に重要な影響を与える関係にあるものとして内閣府令で定める者をいう。）又は指定紛争解決機関の子会社等（指定紛争解決機関が株式の所有その他の事由を通じてその事業を実質的に支配する関係にあるものとして内閣府令で定める者をいう。）を手続対象信託業務関連紛争の当事者とする手続対象信託業務関連紛争について紛争解決手続の業務を行うこととしている指定紛争解決機関にあっては、当該実質的支配者等若しくは当該子会社等又は指定紛争解決機関が紛争解決委員に対して不当な影響を及ぼすことを排除するための措置が講じられていること。

(iii) if the Designated Dispute Resolution Organization is to engage in the operations of Dispute Resolution Procedures in a dispute involving trust business subject to dispute resolution procedures to which its substantial controller, etc. (meaning a person specified by Cabinet Office Order as one that is related to the Designated Dispute Resolution Organization in a way that allows it to substantially control its business or to exert a material influence on its business due to its shareholdings in the Designated Dispute Resolution Organization, its financing of the Designated Dispute Resolution Organization, or any other circumstance) or its subsidiary company or similar person (meaning a person specified by Cabinet Office Order as one to

which the Designated Dispute Resolution Organization is related in a way that allows it to substantially control its business due to its shareholdings or any other circumstance) is a party, measures have been taken to prevent the substantial controller, etc., subsidiary company or similar person, or Designated Dispute Resolution Organization from exercising undue influence on the dispute resolution mediator;

四 紛争解決委員が弁護士でない場合（司法書士法（昭和二十五年法律第百九十七号）第三条第一項第七号に規定する紛争について行う紛争解決手続において、紛争解決委員が同条第二項に規定する司法書士である場合を除く。）において、紛争解決手続の実施に当たり法令の解釈適用に関し専門的知識を必要とするときに、弁護士の助言を受けることができるようにするための措置を定めていること。

(iv) they establish measures for receiving the advice of an attorney-at-law in the event that the dispute resolution mediator is not an attorney-at-law (unless the dispute resolution mediator is a judicial scrivener as prescribed in Article 3, paragraph (2) of the Judicial Scriveners Act (Act No. 197 of 1950) in Dispute Resolution Procedures that are carried out for a dispute referred to in Article 3, paragraph (1), item (vii) of that Act) and the implementation of Dispute Resolution Procedures necessitates expert knowledge with regard to the interpretation and application of laws and regulations;

五 紛争解決手続の実施に際して行う通知について相当な方法を定めていること。

(v) they establish an appropriate means of giving notice upon implementing Dispute Resolution Procedures;

六 紛争解決手続の開始から終了に至るまでの標準的な手続の進行について定めていること。

(vi) they establish a standard operation process from the initiation to the termination of Dispute Resolution Procedures;

七 加入信託会社等の顧客が指定紛争解決機関に対し手続対象信託業務関連苦情の解決の申立てをする場合又は手続対象信託業務関連紛争の当事者が指定紛争解決機関に対し紛争解決手続の申立てをする場合の要件及び方式を定めていること。

(vii) they establish the requirements and formalities for the customer of a member trust company or similar person to file a request to resolve a complaint involving trust business subject to dispute resolution procedures with the Designated Dispute Resolution Organization, or for a party to a dispute involving trust business subject to dispute resolution procedures to file a request for Dispute Resolution Procedures with the Designated Dispute Resolution Organization;

八 指定紛争解決機関が加入信託会社等から紛争解決手続の申立てを受けた場合において、手続対象信託業務関連紛争の他方の当事者となる当該加入信託会社等の顧客に対し、速やかにその旨を通知するとともに、当該顧客がこれに応じて紛争解決手続の実施を依頼するか否かを確認するための手続を定めていること。

(viii) they establish procedures for the Designated Dispute Resolution

Organization to promptly notify the customer of a member trust company or similar person which is to be the other party to a dispute involving trust business subject to dispute resolution procedures if it receives a request for Dispute Resolution Procedures from a member trust company or similar person, and to confirm with the customer whether or not it requests the implementation of Dispute Resolution Procedures in response to this;

九 指定紛争解決機関が加入信託会社等の顧客から第七号の紛争解決手続の申立てを受けた場合において、手続対象信託業務関連紛争の他方の当事者となる当該加入信託会社等に対し、速やかにその旨を通知する手続を定めていること。

(ix) they establish procedures for the Designated Dispute Resolution

Organization to promptly notify the member trust company or similar person that is to be the other party to a dispute involving trust business subject to dispute resolution procedures if it receives a request for Dispute Resolution Procedures as referred to in item (vii) from a customer of the member trust company or similar person;

十 紛争解決手続において提出された帳簿書類その他の物件の保管、返還その他の取扱いの方法を定めていること。

(x) they establish the way of retaining, returning, and otherwise handling

books and documents and other articles submitted in the course of Dispute Resolution Procedures;

十一 紛争解決手続において陳述される意見又は提出され、若しくは提示される帳簿書類その他の物件に含まれる手続対象信託業務関連紛争の当事者又は第三者の秘密について、当該秘密の性質に応じてこれを適切に保持するための取扱いの方法を定めていること。第八十五条の十三第九項に規定する手続実施記録に記載されているこれらの秘密についても、同様とする。

(xi) they establish a method of handling for properly maintaining the

confidentiality of information about the parties to a dispute involving trust business subject to dispute resolution procedures, or information about any third party, which is included in an opinion stated or books and documents or any other article submitted or presented in the course of Dispute Resolution Procedures, in accordance with the nature of the confidential information; the same applies to confidential information appearing in the dispute resolution record referred to in Article 85-13, paragraph (9);

十二 手続対象信託業務関連紛争の当事者が紛争解決手続を終了させるための要件及び方式を定めていること。

(xii) they establish the requirements and formalities for the parties to a

dispute involving trust business subject to dispute resolution procedures to terminate Dispute Resolution Procedures;

十三 紛争解決委員が紛争解決手続によっては手続対象信託業務関連紛争の当事者間に和解が成立する見込みがないと判断したときは、速やかに当該紛争解決手続を終

了し、その旨を手続対象信託業務関連紛争の当事者に通知することを定めていること。

(xiii) they stipulate that if the dispute resolution mediator judges there to be no prospect of reaching a settlement between the parties to a dispute involving trust business subject to dispute resolution procedures through Dispute Resolution Procedures, the mediator will promptly terminate the Dispute Resolution Procedures and notify the parties to the dispute involving trust business subject to dispute resolution procedures of this:

十四 指定紛争解決機関の紛争解決委員、役員及び職員について、これらの者が紛争解決等業務に関して知り得た秘密を確実に保持するための措置を定めていること。

(xiv) they establish measures for the dispute resolution mediator or the officer or employee of the Designated Dispute Resolution Organization to maintain the confidentiality of any information learned in the course of Complaint and Dispute Services.

5 第一項第四号及び第五号に掲げる事項に関する業務規程は、次に掲げる基準に適合するものでなければならない。

(5) Operational Rules respecting the particulars set forth in paragraph (1), items (iv) and (v) must conform to the following criteria:

一 第一項第四号に規定する負担金及び同項第五号に規定する料金の額又は算定方法及び支払方法（次号において「負担金額等」という。）を定めていること。

(i) they establish the amount of dues provided for in paragraph (1), item (iv), of fees provided for in item (v) of that paragraph, or the way of calculating them, as well as the method of payment (collectively referred to as the "amount of dues, etc." in the following item);

二 負担金額等が著しく不当なものでないこと。

(ii) the amount of dues, etc. is not grossly inappropriate.

6 第二項第五号の「特別調停案」とは、和解案であって、次に掲げる場合を除き、加入信託会社等が受諾しなければならないものをいう。

(6) The term "special conciliation proposal" as used in paragraph (2), item (v) means a settlement proposal that, except in the following cases, the member trust company or similar person must accept:

一 当事者である加入信託会社等の顧客（以下この項において単に「顧客」という。）が当該和解案を受諾しないとき。

(i) the customer of the member trust company or similar person that is a party (hereinafter simply referred to as the "customer" in this paragraph) does not accept the settlement proposal;

二 当該和解案の提示の時に於いて当該紛争解決手続の目的となった請求に係る訴訟が提起されていない場合において、顧客が当該和解案を受諾したことを加入信託会社等が知った日から一月を経過する日までに当該請求に係る訴訟が提起され、かつ、同日までに当該訴訟が取り下げられないとき。

(ii) at the time the settlement proposal is presented, litigation has not been

filed in connection with a claim subject to Dispute Resolution Procedures, but by the last day in the one-month period after the day on which the member trust company or similar person learns that the customer accepts the settlement proposal, litigation has been filed in connection with the relevant claim and not withdrawn;

三 当該和解案の提示の時において当該紛争解決手続の目的となった請求に係る訴訟が提起されている場合において、顧客が当該和解案を受諾したことを加入信託会社等が知った日から一月を経過する日までに当該訴訟が取り下げられないとき。

(iii) at the time the settlement proposal is presented, litigation has been filed in connection with a claim subject to Dispute Resolution Procedures, and by the last day in the one-month period after the day on which the member trust company or similar person learns that the customer accepts the settlement proposal, that litigation has not been withdrawn;

四 顧客が当該和解案を受諾したことを加入信託会社等が知った日から一月を経過する日までに、当該紛争解決手続が行われている手続対象信託業務関連紛争について、当事者間において仲裁法（平成十五年法律第百三十八号）第二条第一項に規定する仲裁合意がされ、又は当該和解案によらずに和解若しくは調停が成立したとき。

(iv) by the last day in the one-month period after the day on which the member trust company or similar person learns that the customer accepts the settlement proposal, an arbitration agreement as defined in Article 2, paragraph (1) of the Arbitration Act (Act No. 138 of 2003) is entered into or a settlement or conciliation other than through the relevant settlement proposal is reached between the parties with regard to the dispute involving the trust business subject to dispute resolution procedures for which the Dispute Resolution Procedures have been implemented.

7 業務規程の変更は、内閣総理大臣の認可を受けなければ、その効力を生じない。

(7) Changes to the Operational Rules are invalid without the authorization of the Prime Minister.

8 内閣総理大臣は、前項の規定による認可をしようとするときは、当該認可に係る業務規程が第四項各号及び第五項各号に掲げる基準（紛争解決手続の業務に係る部分に限る。）に適合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。

(8) Before granting the authorization under the preceding paragraph, the Prime Minister must first consult with the Minister of Justice as to whether the Operational Rules subject to authorization under the preceding paragraph conform to the criteria set forth in the items of paragraph (4) and the items of paragraph (5) (but only the part dealing with the operations of Dispute Resolution Procedures).

（手続実施基本契約の不履行の事実の公表等）

(Disclosure of the Fact of a Breach of the Basic Contract for Implementation of

**Dispute Resolution Procedures)**

第八十五条の八 指定紛争解決機関は、手続実施基本契約により加入信託会社等が負担する義務の不履行が生じた場合において、当該加入信託会社等の意見を聴き、当該不履行につき正当な理由がないと認めるときは、遅滞なく、当該加入信託会社等の商号又は名称及び当該不履行の事実を公表するとともに、内閣総理大臣に報告しなければならない。

Article 85-8 (1) If the obligations that a member trust company or similar person bears pursuant to a Basic Contract for the Implementation of Dispute Resolution Procedures are breached and, on hearing the opinion of the member trust company or similar person, the Designated Dispute Resolution Organization finds there to be no legitimate reason for the breach, the Designated Dispute Resolution Organization must disclose the trade name or name of the member trust company or similar person and the fact of the breach to the public, as well as reporting this to the Prime Minister, without delay.

2 指定紛争解決機関は、手続対象信託業務関連苦情及び手続対象信託業務関連紛争を未然に防止し、並びに手続対象信託業務関連苦情の処理及び手続対象信託業務関連紛争の解決を促進するため、加入信託会社等その他の者に対し、情報の提供、相談その他の援助を行うよう努めなければならない。

(2) A Designated Dispute Resolution Organization must endeavor to provide information, consultation, and other support to member trust companies and similar persons and to other persons, in order to preemptively prevent complaints involving trust business subject to dispute resolution procedures and disputes involving trust business subject to dispute resolution procedures, and in order to facilitate the processing of complaints involving trust business subject to dispute resolution procedures and the resolution of disputes involving trust business subject to dispute resolution procedures.

**(暴力団員等の使用の禁止)**

**(Prohibition on Employing Members of Organized Crime Groups)**

第八十五条の九 指定紛争解決機関は、暴力団員等（暴力団員による不当な行為の防止等に関する法律第二条第六号に規定する暴力団員（以下この条において「暴力団員」という。）又は暴力団員でなくなった日から五年を経過しない者をいう。）を紛争解決等業務に従事させ、又は紛争解決等業務の補助者として使用してはならない。

Article 85-9 A Designated Dispute Resolution Organization must not allow the member, etc. of an organized crime group (meaning a member of an organized crime group as defined in Article 2, item (vi) of the Act to Prevent Illegal Activities by Members of Organized Crime Groups (hereinafter referred to as a "member of an organized crime group" in this Article) or a person that has not yet gone five years without being a member of an organized crime group) to engage in Complaint and Dispute Services, nor may it employ the relevant person as an assistant in Complaint and Dispute Services.

(差別的取扱いの禁止)

**(Prohibition on Differential Treatment)**

第八十五条の十 指定紛争解決機関は、特定の加入信託会社等に対し不当な差別的取扱いをしてはならない。

**Article 85-10 A Designated Dispute Resolution Organization must not subject any particular member trust company or similar person to unfairly differential treatment.**

(記録の保存)

**(Keeping Records on File)**

第八十五条の十一 指定紛争解決機関は、第八十五条の十三第九項の規定によるもののほか、内閣府令で定めるところにより、紛争解決等業務に関する記録を作成し、これを保存しなければならない。

**Article 85-11 Beyond the preparation and filing under Article 85-13, paragraph (9), a Designated Dispute Resolution Organization must prepare and keep on file records of its Complaint and Dispute Services pursuant to the provisions of Cabinet Office Order.**

(指定紛争解決機関による苦情処理手続)

**(Complaint Processing Procedures by a Designated Dispute Resolution Organization)**

第八十五条の十二 指定紛争解決機関は、加入信託会社等の顧客から手続対象信託業務関連苦情について解決の申立てがあったときは、その相談に応じ、当該顧客に必要な助言をし、当該手続対象信託業務関連苦情に係る事情を調査するとともに、当該加入信託会社等に対し、当該手続対象信託業務関連苦情の内容を通知してその迅速な処理を求めなければならない。

**Article 85-12 If the customer of a member trust company or similar person files a request to resolve a complaint involving trust business subject to dispute resolution procedures, in addition to complying with any request for a consultation about this, providing the customer with the necessary advice, and investigating the circumstances of the complaint involving the trust business subject to dispute resolution procedures, the Designated Dispute Resolution Organization must notify the member trust company or similar person of the substance and content of the complaint involving the trust business subject to dispute resolution procedures, and ask the member trust company or similar person to process the complaint expeditiously.**

(指定紛争解決機関による紛争解決手続)

**(Dispute Resolution Procedures by a Designated Dispute Resolution Organization)**



第八十五条の十三 加入信託会社等に係る手続対象信託業務関連紛争の解決を図るため、当事者は、当該加入信託会社等が手続実施基本契約を締結した指定紛争解決機関に対し、紛争解決手続の申立てをすることができる。

Article 85-13 (1) A party to a complaint may file a request for Dispute Resolution Procedures with the Designated Dispute Resolution Organization with which the member trust company or similar person has concluded a Basic Contract for the Implementation of Dispute Resolution Procedures, for the purpose of resolving a dispute involving trust business subject to dispute resolution procedures which concerns the member trust company or similar person.

2 指定紛争解決機関は、前項の申立てを受けたときは、紛争解決委員を選任するものとする。

(2) On receipt of a request as referred to in the preceding paragraph, a Designated Dispute Resolution Organization is to appoint dispute resolution mediators.

3 紛争解決委員は、人格が高潔で識見の高い者であつて、次の各号のいずれかに該当する者（第一項の申立てに係る当事者と利害関係を有する者を除く。）のうちから選任されるものとする。この場合において、紛争解決委員のうち少なくとも一人は、第一号又は第三号（当該申立てが司法書士法第三条第一項第七号に規定する紛争に係るものである場合にあっては、第一号、第三号又は第四号）のいずれかに該当する者でなければならない。

(3) Dispute resolution mediators are to be appointed from among persons of the highest moral character that fall under one of the following items (excluding any person that has an interest in a party connected with the request referred to in paragraph (1)). In this case, at least one of the dispute resolution mediators must be a person falling under item (i) or (iii) (or under item (i), (iii), or (iv), if the request pertains to a dispute provided for in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act):

一 弁護士であつてその職務に従事した期間が通算して五年以上である者

(i) an attorney-at-law that has been practicing for five years or more in total;

二 手続対象信託業務に従事した期間が通算して十年以上である者

(ii) a person that has been engaged in Trust Business Subject to Dispute Resolution Procedures for ten years or more in total;

三 消費生活に関する消費者と事業者との間に生じた苦情に係る相談その他の消費生活に関する事項について専門的な知識経験を有する者として内閣府令で定める者

(iii) a person that Cabinet Office Order prescribes as having specialized knowledge of and experience in consulting on complaints that arise between consumers and businesses with regard to consumer affairs or on any other consumer affairs matters;

四 当該申立てが司法書士法第三条第一項第七号に規定する紛争に係るものである場合にあっては、同条第二項に規定する司法書士であつて同項に規定する簡裁訴訟代理等関係業務に従事した期間が通算して五年以上である者

(iv) if the request pertains to a dispute prescribed in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act, a judicial scrivener as prescribed in paragraph (2) of that Article that has been engaged in summary court legal representation services, etc. as defined in that paragraph for five years or more in total;

五 前各号に掲げる者に準ずる者として内閣府令で定める者

(v) a person that Cabinet Office Order prescribes as being equivalent to a person set forth in the one of preceding items.

4 指定紛争解決機関は、第一項の申立てを第二項の規定により選任した紛争解決委員（以下この条及び次条第一項において単に「紛争解決委員」という。）による紛争解決手続に付するものとする。ただし、紛争解決委員は、当該申立てに係る当事者である加入信託会社等の顧客が当該手続対象信託業務関連紛争を適切に解決するに足る能力を有する者であると認められることその他の事由により紛争解決手続を行うのに適当でないと認めるとき、又は当事者が不当な目的のみだりに第一項の申立てをしたと認めるときは、紛争解決手続を実施しないものとし、紛争解決委員が当該申立てを受託紛争解決機関における紛争解決手続に相当する手続に付することが適当と認めるときは、指定紛争解決機関は、受託紛争解決機関に紛争解決手続の業務を委託するものとする。

(4) A Designated Dispute Resolution Organization is to send the request referred to in paragraph (1) into Dispute Resolution Procedures by the dispute resolution mediators appointed pursuant to paragraph (2) (hereinafter, to simplify, each of these persons is referred to as a "dispute resolution mediator" in this Article and paragraph (1) of the following Article); provided, however, that if the dispute resolution mediators find that it is not appropriate to carry out Dispute Resolution Procedures due to the finding that the customer of the member trust company or similar person that is a party to the request has sufficient ability to properly resolve the dispute involving trust business subject to dispute resolution procedures or due to any other grounds, or if the dispute resolution mediators find that the party has filed the request referred to in paragraph (1) for unjust purposes and without due cause, they are not to implement Dispute Resolution Procedures; and if the dispute resolution mediators find it appropriate to send the request into procedures equivalent to Dispute Resolution Procedures at an entrusted dispute resolution organization, the Designated Dispute Resolution Organization is to entrust an entrusted dispute resolution organization with the operations of Dispute Resolution Procedures.

5 前項ただし書の規定により紛争解決委員が紛争解決手続を実施しないこととしたとき、又は受託紛争解決機関に業務を委託することとしたときは、指定紛争解決機関は、第一項の申立てをした者に対し、その旨を理由を付して通知するものとする。

(5) If the dispute resolution mediators decide not to implement Dispute Resolution Procedures pursuant to the proviso to the preceding paragraph, or if

they decide to entrust an entrusted dispute resolution organization with the operations, the Designated Dispute Resolution Organization must notify the person filing the request referred to in paragraph (1), indicating that they have done so and giving the reasons therefor.

6 紛争解決委員は、当事者若しくは参考人から意見を聴取し、若しくは報告書の提出を求め、又は当事者から参考となるべき帳簿書類その他の物件の提出を求め、和解案を作成して、その受諾を勧告し、又は特別調停（第八十五条の七第六項に規定する特別調停案を提示することをいう。）をすることができる。

(6) A dispute resolution mediator may hear the opinions of the parties and persons of reference, ask them to submit written reports, ask the parties to submit books and documents and other articles that should serve as a reference, prepare a settlement proposal and recommend that the parties accept it, or implement a special conciliation (meaning presenting a special conciliation proposal as prescribed in Article 85-7, paragraph (6)).

7 紛争解決手続は、公開しない。ただし、紛争解決委員は、当事者の同意を得て、相当と認める者の傍聴を許すことができる。

(7) Dispute Resolution Procedures are not open to the public; provided, however, that the dispute resolution mediators may allow the attendance of a person they find to be appropriate, with the consent of the parties.

8 指定紛争解決機関は、紛争解決手続の開始に先立ち、当事者である加入信託会社等の顧客に対し、内閣府令で定めるところにより、次に掲げる事項について、これを記載した書面を交付し、又はこれを記録した電磁的記録を提供して説明をしなければならない。

(8) Prior to the initiation of Dispute Resolution Procedures and pursuant to the provisions of Cabinet Office Order, a Designated Dispute Resolution Organization must deliver a paper document giving the following information, or provide an electronic or magnetic record in which that information has been recorded, to the customer of the member trust company or similar person that is a party to the dispute, and give an explanation of the same:

一 当該顧客が支払う料金に関する事項

(i) information about the fees to be paid by the customer;

二 第八十五条の七第四項第六号に規定する紛争解決手続の開始から終了に至るまでの標準的な手続の進行

(ii) the standard operation process from the initiation to the termination of Dispute Resolution Procedures as provided in Article 85-7, paragraph (4), item (vi);

三 その他内閣府令で定める事項

(iii) the information prescribed by Cabinet Office Order.

9 指定紛争解決機関は、内閣府令で定めるところにより、その実施した紛争解決手続に関し、次に掲げる事項を記載した手続実施記録を作成し、保存しなければならない。

(9) A Designated Dispute Resolution Organization must prepare and keep on file

a dispute resolution procedures record giving the following information with regard to the Dispute Resolution Procedures it implements, pursuant to the provisions of Cabinet Office Order:

一 手続対象信託業務関連紛争の当事者が紛争解決手続の申立てをした年月日

(i) the date on which the party to a dispute involving trust business subject to dispute resolution procedures files the application for Dispute Resolution Procedures;

二 手続対象信託業務関連紛争の当事者及びその代理人の氏名、商号又は名称

(ii) the names or trade names of the parties to a dispute involving trust business subject to dispute resolution procedures and their agents;

三 紛争解決委員の氏名

(iii) the names of the dispute resolution mediators;

四 紛争解決手続の実施の経緯

(iv) the details of the implementation of Dispute Resolution Procedures;

五 紛争解決手続の結果（紛争解決手続の終了の理由及びその年月日を含む。）

(v) the results of the Dispute Resolution Procedures (including the reasons for the termination of the Dispute Resolution Procedures and the date thereof);

六 前各号に掲げるもののほか、実施した紛争解決手続の内容を明らかにするために必要な事項であって内閣府令で定めるもの

(vi) information beyond what is set forth in the preceding items which Cabinet Office Order prescribes as being necessary in order to make the content of Dispute Resolution Procedures clear.

(時効の中断)

(Interruption of Prescription)

第八十五条の十四 紛争解決手続によっては手続対象信託業務関連紛争の当事者間に和解が成立する見込みがないことを理由に紛争解決委員が当該紛争解決手続を終了した場合において、当該紛争解決手続の申立てをした当該手続対象信託業務関連紛争の当事者とその旨の通知を受けた日から一月以内に当該紛争解決手続の目的となった請求について訴えを提起したときは、時効の中断に関しては、当該紛争解決手続における請求の時に、訴えの提起があったものとみなす。

Article 85-14 (1) If dispute resolution mediators terminate the Dispute Resolution Procedures on the grounds that there is no prospect of reaching a settlement between the parties to a dispute involving trust business subject to dispute resolution procedures through Dispute Resolution Procedures, and the party to the dispute involving trust business subject to dispute resolution procedures that filed the request for Dispute Resolution Procedures files an action on a claim that was subject to the Dispute Resolution Procedures within one month from the day on which that party receives notice of the termination, the action is deemed to have been filed at the time that the claim was filed in the Dispute Resolution Procedures, in terms of the interruption of prescription.

2 指定紛争解決機関の紛争解決等業務の廃止が第八十五条の二十三第一項の規定により認可され、又は第八十五条の二第一項の規定による指定が第八十五条の二十四第一項の規定により取り消され、かつ、その認可又は取消しの日に紛争解決手続が実施されていた手続対象信託業務関連紛争がある場合において、当該紛争解決手続の申立てをした当該手続対象信託業務関連紛争の当事者が第八十五条の二十三第三項若しくは第八十五条の二十四第三項の規定による通知を受けた日又は当該認可若しくは取消しを知った日のいずれか早い日から一月以内に当該紛争解決手続の目的となった請求について訴えを提起したときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply if the discontinuation of Complaint and Dispute Services by a Designated Dispute Resolution Organization is authorized pursuant to Article 85-23, paragraph (1) or if the designation under Article 85-2, paragraph (1) is rescinded pursuant to Article 85-24, paragraph (1) and there is a dispute involving trust business subject to dispute resolution procedures for which Dispute Resolution Procedures has been implemented as of the day of authorization or rescission, and the party to the dispute involving the trust business subject to dispute resolution procedures that has filed the request for Dispute Resolution Procedures files an action on a claim that was subject to the Dispute Resolution Procedures within one month from the day on which the party receives the notice under Article 85-23, paragraph (3) or Article 85-24, paragraph (3), or within one month from the day on which the party learns of the authorization or rescission, whichever comes earlier.

(訴訟手続の中止)

(Suspension of Court Proceedings)

第八十五条の十五 手続対象信託業務関連紛争について当該手続対象信託業務関連紛争の当事者間に訴訟が係属する場合において、次の各号のいずれかに掲げる事由があり、かつ、当該手続対象信託業務関連紛争の当事者の共同の申立てがあるときは、受訴裁判所は、四月以内の期間を定めて訴訟手続を中止する旨の決定をすることができる。

Article 85-15 (1) If litigation in a dispute involving trust business subject to dispute resolution procedures is pending between the parties to the dispute, and if any of the following grounds exist and the parties to the dispute file a joint petition, the court in charge of the case may decide to suspend court proceedings for a fixed period of no longer than four months:

一 当該手続対象信託業務関連紛争について、当該手続対象信託業務関連紛争の当事者間において紛争解決手続が実施されていること。

(i) Dispute Resolution Procedures have been implemented for the dispute involving the trust business subject to dispute resolution procedures, between the parties to the dispute;

二 前号の場合のほか、当該手続対象信託業務関連紛争の当事者間に紛争解決手続によって当該手続対象信託業務関連紛争の解決を図る旨の合意があること。

- (ii) beyond what is referred to in the preceding item, the parties to the dispute involving the trust business subject to dispute resolution procedures reach an agreement to resolve the dispute through Dispute Resolution Procedures.
- 2 受訴裁判所は、いつでも前項の決定を取り消すことができる。
- (2) The court in charge of the case may rescind the decision referred to in the preceding paragraph at any time.
- 3 第一項の申立てを却下する決定及び前項の規定により第一項の決定を取り消す決定に対しては、不服を申し立てることができない。
- (3) No appeal may be entered against a decision dismissing a petition referred to in paragraph (1) or a decision rescinding a decision referred to in paragraph (1) pursuant to the provisions of the preceding paragraph.

(加入信託会社等の名簿の縦覧)

**(Public Inspection of the Register of Member Trust Companies and Similar Persons)**

第八十五条の十六 指定紛争解決機関は、加入信託会社等の名簿を公衆の縦覧に供しなければならない。

**Article 85-16 A Designated Dispute Resolution Organization must make the register of member trust companies and similar persons available for public inspection.**

(名称の使用制限)

**(Restriction on the Use of Names)**

第八十五条の十七 指定紛争解決機関でない者（金融商品取引法第百五十六条の三十九第一項の規定による指定を受けた者その他これに類する者として政令で定めるものを除く。）は、その名称又は商号のうちに指定紛争解決機関であると誤認されるおそれのある文字を用いてはならない。

**Article 85-17 A person that is not a Designated Dispute Resolution Organization (other than a person designated as under Article 156-39, paragraph (1) of the Financial Instruments and Exchange Act or any other person that Cabinet Order prescribes as being similar thereto) must not use a character in its name or trade name which could give rise to the misconception that it is a Designated Dispute Resolution Organization.**

**第三節 監督**

**Section 3 Supervision**

(変更の届出)

**(Notification of Changes)**

第八十五条の十八 指定紛争解決機関は、第八十五条の三第一項各号に掲げる事項に変更があったときは、その旨を内閣総理大臣に届け出なければならない。

Article 85-18 (1) A Designated Dispute Resolution Organization must notify the Prime Minister if there is a change involving information set forth in one of the items of Article 85-3, paragraph (1).

2 内閣総理大臣は、前項の規定により指定紛争解決機関の商号若しくは名称又は主たる営業所若しくは事務所の所在地の変更の届出があったときは、その旨を公告しなければならない。

(2) The Prime Minister must issue public notice on receiving a notification pursuant to the provisions of the preceding paragraph of a change in the trade name or name of a Designated Dispute Resolution Organization or in the location of its principal business office or office.

(手続実施基本契約の締結等の届出)

(Notification of the Conclusion of a Basic Contract for Implementation of Dispute Resolution Procedures)

第八十五条の十九 指定紛争解決機関は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 85-19 A Designated Dispute Resolution Organization must notify the Prime Minister pursuant to the provisions of Cabinet Office Order if it falls under one of the following items:

一 信託会社等と手続実施基本契約を締結したとき、又は当該手続実施基本契約を終了したとき。

(i) it concludes a Basic Contract for the Implementation of Dispute Resolution Procedures with a trust company or similar person or terminates the Basic Contract for the Implementation of Dispute Resolution Procedures;

二 その他内閣府令で定める場合に該当するとき。

(ii) it falls under any other case that Cabinet Office Order prescribes.

(業務に関する報告書の提出)

(Submission of Reports on Business)

第八十五条の二十 指定紛争解決機関は、事業年度ごとに、当該事業年度に係る紛争解決等業務に関する報告書を作成し、内閣総理大臣に提出しなければならない。

Article 85-20 (1) Each business year, a Designated Dispute Resolution Organization must prepare a report on Complaint and Dispute Services for that business year and submit it to the Prime Minister.

2 前項の報告書に関する記載事項、提出期日その他必要な事項は、内閣府令で定める。

(2) Cabinet Office Order provides for the information required to be given in the report referred to in the preceding paragraph, the submission date, and other necessary particulars.

(報告徴収及び立入検査)

(Collection of Reports and On-Site Inspections)

第八十五条の二十一 内閣総理大臣は、紛争解決等業務の公正かつ的確な遂行のため必要があると認めるときは、指定紛争解決機関に対し、その業務に関し報告若しくは資料の提出を命じ、又は当該職員に、指定紛争解決機関の営業所若しくは事務所その他の施設に立ち入らせ、当該指定紛争解決機関の業務の状況に関して質問させ、若しくは帳簿書類その他の物件を検査させることができる。

Article 85-21 (1) On finding that it is necessary to do so in order for Complaint and Dispute Services to be performed fairly and appropriately, the Prime Minister may order a Designated Dispute Resolution Organization to make reports or submit materials relevant to its operations; and may have the relevant officials enter the business office, office, or any other facilities of the Designated Dispute Resolution Organization; ask questions about the state of its operations; and inspect its books and documents and other articles.

2 内閣総理大臣は、紛争解決等業務の公正かつ的確な遂行の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、指定紛争解決機関の加入信託会社等若しくは当該指定紛争解決機関から業務の委託を受けた者に対し、当該指定紛争解決機関の業務に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に、これらの者の営業所若しくは事務所その他の施設に立ち入らせ、当該指定紛争解決機関の業務の状況に関して質問させ、若しくはこれらの者の帳簿書類その他の物件を検査させることができる。

(2) On finding that it is particularly necessary to do so in order for Complaint and Dispute Services to be performed fairly and appropriately, the Prime Minister, within the scope of that necessity, may order a Designated Dispute Resolution Organization's member trust company or similar person or the person that a Designated Dispute Resolution Organization has entrusted with its operations to make reports or submit materials that should serve as a reference with regard to the Designated Dispute Resolution Organization's operations; and may have the relevant officials enter the business office, office, or other facilities of the relevant persons; ask questions about the state of the Designated Dispute Resolution Organization's operations; and inspect its books and documents and other articles.

3 前二項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(3) An official carrying out an on-site inspection pursuant to the provisions of the preceding paragraph must carry identification and present it to the persons concerned.

4 第一項及び第二項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(4) The authority for an on-site inspection under the provisions of paragraphs (1) and (2) must not be interpreted as having been accorded for the purpose of a criminal investigation.



(業務改善命令)

(Operational Improvement Orders)

第八十五条の二十二 内閣総理大臣は、指定紛争解決機関の紛争解決等業務の運営に関し、紛争解決等業務の公正かつ的確な遂行を確保するため必要があると認めるときは、当該指定紛争解決機関に対し、その必要の限度において、業務の運営の改善に必要な措置を命ずることができる。

Article 85-22 (1) On finding that it is necessary to do so in connection with a Designated Dispute Resolution Organization's administration of Complaint and Dispute Services in order to ensure the fair and appropriate performance of Complaint and Dispute Services, the Prime Minister, within the scope of that necessity, may order the Designated Dispute Resolution Organization to take the measures that are necessary for improving the administration of its services.

2 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当する場合において、前項の規定による命令をしようとするときは、あらかじめ、法務大臣に協議しなければならない。

(2) If a Designated Dispute Resolution Organization falls under one of the following items, the Prime Minister must first consult with the Minister of Justice before issuing the order under the preceding paragraph:

一 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（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つては、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。以下この号において同じ。）に該当しないこととなった場合又は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に該当しないこととなるおそれがあると認められる場合

(i) it comes to no longer satisfy the requirements set forth in Article 85-2, paragraph (1), item (v) through (vii) (but only the part that deals with the operations of Dispute Resolution Procedures; with regard to the requirement set forth in item (vii) of that paragraph, this means only as it pertains to the criteria set forth in the items of Article 85-7, paragraph (4) or the items of paragraph (5) of that Article; hereinafter the same applies in this item) or it is found to be likely that it will come to no longer satisfy the requirements set forth in Article 85-2, paragraph (1), item (v) through (vii);

二 第八十五条の五、第八十五条の六、第八十五条の九又は第八十五条の十三の規定に違反した場合（その違反行為が紛争解決手続の業務に係るものである場合に限る。）

(ii) it violates the provisions of Article 85-5, Article 85-6, Article 85-9, or Article 85-13 (but only if the violation is related to the operations of Dispute Resolution Procedures).

(紛争解決等業務の休廃止)

(Suspension or Discontinuation of Complaint and Dispute Services)

第八十五条の二十三 指定紛争解決機関は、紛争解決等業務の全部若しくは一部の休止（次項に規定する理由によるものを除く。）をし、又は廃止を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 85-23 (1) A Designated Dispute Resolution Organization must have the authorization of the Prime Minister to suspend (excluding suspension on the grounds prescribed in the following paragraph) or discontinue all or part of its Complaint and Dispute Services.

2 指定紛争解決機関が、天災その他のやむを得ない理由により紛争解決等業務の全部又は一部の休止をした場合には、直ちにその旨を、理由を付して内閣総理大臣に届け出なければならない。指定紛争解決機関が当該休止をした当該紛争解決等業務の全部又は一部を再開するときも、同様とする。

(2) A Designated Dispute Resolution Organization must notify the Prime Minister immediately on suspending all or part of its Complaint and Dispute Services due to a natural disaster or for any other compelling reason, indicating that it has done so and giving the reason. The same applies when the Designated Dispute Resolution Organization recommences all or a part of Complaint and Dispute Services so suspended.

3 第一項の規定による休止若しくは廃止の認可を受け、又は前項の休止をした指定紛争解決機関は、当該休止又は廃止の日から二週間以内に、当該休止又は廃止の日に苦情処理手続又は紛争解決手続（他の指定紛争解決機関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受けた者（以下この項において「委託紛争解決機関」という。）から業務の委託を受けている場合における当該委託に係る当該委託紛争解決機関の苦情を処理する手続又は紛争の解決を図る手続を含む。次条第三項において同じ。）が実施されていた当事者、当該当事者以外の加入信託会社等及び他の指定紛争解決機関に当該休止又は廃止をした旨を通知しなければならない。指定紛争解決機関が当該休止をした当該紛争解決等業務の全部又は一部を再開するときも、同様とする。

(3) A Designated Dispute Resolution Organization that obtains the authorization for suspension or discontinuation under paragraph (1) or that implements the suspension referred to in the preceding paragraph must notify any party for which Complaint Processing Procedures or Dispute Resolution Procedures have been implemented as of the day of the suspension or discontinuation (if the Designated Dispute Resolution Organization has been entrusted with operations by another Designated Dispute Resolution Organization or by a person that has obtained a designation under the provisions of other laws which Cabinet Order prescribes as being for operations equivalent to Complaint and Dispute Services (hereinafter collectively referred to as an "entrusting dispute resolution organization" in this paragraph), this includes procedures for processing complaints or procedures for resolving disputes for the entrusting dispute resolution organization that has so entrusted it; the same applies in paragraph (3) of the following Article), the member trust

companies and similar persons that are not parties, and other Designated Dispute Resolution Organizations, of the suspension or discontinuation, within two weeks from the day of the suspension or discontinuation. The same applies if the Designated Dispute Resolution Organization recommences all or part of the Complaint and Dispute Services so suspended.

(指定の取消し等)

(Rescission of a Designation)

第八十五条の二十四 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当するときは、第八十五条の二第一項の規定による指定を取り消し、又は六月以内の期間を定めて、その業務の全部若しくは一部の停止を命ずることができる。

Article 85-24 (1) If a Designated Dispute Resolution Organization falls under one of the following items, the Prime Minister may rescind the designation under Article 85-2, paragraph (1) or order the suspension of all or part of its operations during a fixed period of no longer than six months:

一 第八十五条の二第一項第二号から第七号までに掲げる要件に該当しないこととなったとき、又は指定を受けた時点において同項各号のいずれかに該当していなかったことが判明したとき。

(i) it comes to no longer satisfy the requirements set forth in Article 85-2, paragraph (1), item (ii) through (vii), or it is discovered not to have fallen under one of the items of that paragraph at the time it was designated;

二 不正の手段により第八十五条の二第一項の規定による指定を受けたとき。

(ii) it is discovered to have gained its designation under Article 85-2, paragraph (1) by wrongful means;

三 法令又は法令に基づく処分に違反したとき。

(iii) it violates a law or regulation or a disposition based on a law or regulation.

2 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当する場合において、前項の規定による処分又は命令をしようとするときは、あらかじめ、法務大臣に協議しなければならない。

(2) If a Designated Dispute Resolution Organization falls under one of the following items, the Prime Minister must first consult with the Minister of Justice before issuing a disposition or order under the preceding paragraph:

一 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（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つては、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。以下この号において同じ。）に該当しないこととなった場合又は第八十五条の二第一項の規定による指定を受けた時点において同項第五号から第七号までに掲げる要件に該当していなかったことが判明した場合

(i) it comes to no longer satisfy the requirements set forth in Article 85-2, paragraph (1), items (v) through (vii) (but only the part that deals with the operations of Dispute Resolution Procedures; with regard to the requirement

set forth in item (vii) of that paragraph, this means only as it pertains to the criteria set forth in the items of Article 85-7, paragraph (4) or the items of paragraph (5) of that Article; hereinafter the same applies in this item), or it is discovered not to have satisfied the requirements set forth in Article 85-2, paragraph (1), item (v) through (vii) at the time it obtained the designation under Article 85-2, paragraph (1);

二 第八十五条の五、第八十五条の六、第八十五条の九又は第八十五条の十三の規定に違反した場合（その違反行為が紛争解決手続の業務に係るものである場合に限る。）

(ii) it violates the provisions of Article 85-5, Article 85-6, Article 85-9, or Article 85-13 (but only if that violation is related to the operations of Dispute Resolution Procedures).

3 第一項の規定により第八十五条の二第一項の規定による指定の取消しの処分を受け、又はその業務の全部若しくは一部の停止の命令を受けた者は、当該処分又は命令の日から二週間以内に、当該処分又は命令の日に苦情処理手続又は紛争解決手続が実施されていた当事者、当該当事者以外の加入信託会社等及び他の指定紛争解決機関に当該処分又は命令を受けた旨を通知しなければならない。

(3) A person subject to a disposition rescinding a designation under Article 85-2, paragraph (1) or an order to suspend all or a part of its operations pursuant to the provisions of paragraph (1) must notify any party for which Complaint Processing Procedures or Dispute Resolution Procedures have been implemented as of the day of the disposition or order, member trust companies and similar persons that are not parties, and other Designated Dispute Resolution Organizations, that it is subject to the disposition or order, within two weeks from the day of the disposition or order.

4 内閣総理大臣は、第一項の規定により第八十五条の二第一項の規定による指定を取り消したときは、その旨を公告しなければならない。

(4) The Prime Minister must issue public notice on rescinding a designation under Article 85-2, paragraph (1) pursuant to the provisions of paragraph (1).

## 第六章 雑則

### Chapter VI Miscellaneous Provisions

(財務大臣への資料提出等)

(Submission of Materials to the Minister of Finance)

第八十六条 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 86 (1) On finding it to be necessary to do so, so that planning or policymaking can be undertaken for systems in the Trust Business that are linked with the system for handling failed financial institutions and financial

risk management under the jurisdiction thereof, the Minister of Finance may ask the Prime Minister to provide the necessary materials and explanations.

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、信託会社、外国信託会社又は信託契約代理店に対し、資料の提出、説明その他の協力を求めることができる。

(2) On finding it to be particularly necessary to do so, so that planning or policymaking can be undertaken for systems in the Trust Business that are linked with the system for handling failed financial institutions and financial risk management under the jurisdiction thereof, the Minister of Finance, within the scope of that necessity, may ask Trust Companies, Foreign Trust Companies, and Trust Agreement Agents to provide materials and explanations and to otherwise cooperate.

(権限の委任)

(Delegation of Authority)

第八十七条 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 87 (1) The Prime Minister delegates the authority accorded thereto under this Act (other than what Cabinet Order prescribes) 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) The Commissioner of the Financial Services Agency may delegate part of the authority delegated thereto pursuant to the provisions of the preceding paragraph to the Directors-General of the Local Finance Bureaus or the Directors-General of the Local Finance Branch Bureaus, pursuant to Cabinet Order.

(適用関係)

(Application)

第八十八条 この法律及びこれに基づく命令以外の法令において「信託会社」とあるのは、別段の定めがない限り、外国信託会社を含むものとする。

Article 88 Except as otherwise provided, the term "trust company" as used in laws and regulations other than this Act and orders issued based thereon includes Foreign Trust Companies.

(内閣府令への委任)

(Delegation to Cabinet Office Order)

第八十九条 この法律に定めるもののほか、この法律の規定による免許、登録、認可、承認及び指定に関する申請の手続、書類の提出の手続、記載事項及び保存期間その他

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 89 Beyond what is provided for in this Act, Cabinet Office Order prescribes the process of applying for licensing, registration, authorization, approval, and designation under the provisions of this Act, the process for submitting documents, the information required to be given in them, the period for keeping them on file, and other particulars necessary for implementing this Act.

(経過措置)

(Transitional Measures)

第九十条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要とされる範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 90 If an order is established, revised, or abolished pursuant to the provisions of this Act, the necessary transitional measures (including transitional measures for penal provisions) may be prescribed by in that order to the extent considered to be reasonably necessary for the establishment, revision, or abolishment of that order.

## 第七章 罰則

### Chapter VII Penal Provisions

第九十一条 次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 91 A person falling under one of the following is subject to imprisonment with required labor for not more than three years, a fine of not more than three million yen, or both:

一 第三条の規定に違反して、免許を受けずに信託業を営んだ者

(i) a person that, in violation of the provisions of Article 3, engages in Trust Business without being licensed;

二 不正の手段により第三条又は第五十三条第一項の免許を受けた者

(ii) a person that has gained its Article 3 or Article 53, paragraph (1) licensing by wrongful means;

三 不正の手段により第七条第一項、第五十条の二第一項、第五十二条第一項又は第五十四条第一項の登録を受けた者

(iii) a person that has gained its Article 7, paragraph (1), Article 50-2, paragraph (1), Article 52, paragraph (1) or Article 54, paragraph (1) registration by wrongful means;

四 第十五条の規定に違反して、他人に信託業を営ませた者

(iv) a person that violates the provisions of Article 15 in allowing another person to engage in Trust Business;

五 第二十四条第一項第一号（第七十六条において準用する場合を含む。以下この号において同じ。）の規定に違反して、同項第一号に掲げる行為（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

(v) a person that, in violation of the provisions of Article 24, paragraph (1), item (i) (including as applied mutatis mutandis pursuant to Article 76; hereinafter the same applies in this item), engages in conduct set forth in item (i) of that paragraph (other than as it involves the acceptance of a trust set forth in the items of Article 2, paragraph (3));

六 第二十七条第一項の規定による報告書（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

(vi) a person that fails to deliver a report under the provisions of Article 27, paragraph (1) (other than as it involves the acceptance of a trust set forth in the items of Article 2, paragraph (3); hereinafter the same applies in this item) or that delivers a report giving a false statement;

七 第五十条の二第一項の規定に違反して、登録を受けないで信託法第三条第三号に掲げる方法による信託をした者

(vii) a person that, in violation of the provisions of Article 50-2, paragraph (1), places property in trust in the way set forth in Article 3, item (iii) of the Trust Act without being registered;

八 第六十七条第一項の規定に違反して、登録を受けないで信託契約代理業を営んだ者

(viii) a person that, in violation of the provisions of Article 67, paragraph (1), engages in Trust Agreement Agency Services without being registered;

九 不正の手段により第六十七条第一項の登録を受けた者

(ix) a person that has gained its Article 67, paragraph (1) registration by wrongful means;

十 第七十三条の規定に違反して、他人に信託契約代理業を営ませた者

(x) a person that violates the provisions of Article 73 in allowing another person to engage in Trust Agreement Agency Services.

第九十二条 次の各号のいずれかに該当する者は、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 92 A person falling under one of the following items is subject to imprisonment with required labor for not more than two years, a fine of not more than three million yen, or both:

一 第五条第八項又は第五十三条第九項の規定により付した条件に違反した者

(i) a person that violates any of the conditions attached pursuant to the provisions of Article 5, paragraph (8) or Article 53, paragraph (9);

二 第四十四条第一項又は第四十五条第一項の規定による業務の停止の命令に違反した者

- (ii) a person that violates an order of operational suspension under the provisions of Article 44, paragraph (1) or Article 45, paragraph (1);  
三 第五十九条第一項又は第六十条第一項の規定による業務の停止の命令に違反した者
- (iii) a person that violates an order of operational suspension under the provisions of Article 59, paragraph (1) or Article 60, paragraph (1);  
四 第八十二条第一項の規定による業務の停止の命令に違反した者
- (iv) a person that violates an order of operational suspension under the provisions of Article 82, paragraph (1).

第九十三条 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 93 A person falling under one of the following items is subject to imprisonment with required labor for not more than one year, a fine of not more than three million yen, or both:

- 一 第四条第一項の規定による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に虚偽の記載をして提出した者
- (i) a person that includes a false statement in a paper application under the provisions of Article 4, paragraph (1) or in a document required to accompany it pursuant to the provisions of paragraph (2) of that Article, and submits it;  
二 第八条第一項（第五十二条第二項において準用する場合を含む。）若しくは第五十条の二第三項の規定による申請書又は第八条第二項（第五十二条第二項において準用する場合を含む。）若しくは第五十条の二第四項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者
- (ii) a person that includes a false statement in a paper application under the provisions of Article 8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 52, paragraph (2)) or Article 50-2, paragraph (3) or in a document required to accompany it pursuant to the provisions of Article 8, paragraph (2) (including as applied mutatis mutandis pursuant to Article 52, paragraph (2)) or Article 50-2, paragraph (4), and submits it;  
三 第二十一条第二項（第六十三条第二項において準用する場合を含む。）の規定に違反して、承認を受けないで信託業、信託契約代理業、信託受益権売買等業務及び財産の管理業務以外の業務を営んだ者
- (iii) a person that violates the provisions of Article 21, paragraph (2) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)) in engaging in services other than Trust Business, Trust Agreement Agency Services, operations for the purchase and sale, etc. of beneficial interests in trusts, and property management services without obtaining approval;  
四 第二十四条第一項第一号（第七十六条において準用する場合を含む。以下この号において同じ。）の規定に違反して、同項第一号に掲げる行為（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。）をした者又は第二十四条第一項第三号



若しくは第四号（これらの規定を第七十六条において準用する場合を含む。）の規定に違反して、これらの規定に掲げる行為をした者

(iv) a person that, in violation of the provisions of Article 24, paragraph (1), item (i) (including as applied mutatis mutandis pursuant to Article 76; hereinafter the same applies in this item), engages in the conduct set forth in item (i) of that paragraph (but only as it involves the acceptance of a trust set forth in the items of Article 2, paragraph (3)), or a person that, in violation of the provisions of Article 24, paragraph (1), item (iii) or item (iv) (including as applied mutatis mutandis pursuant to Article 76), engages in the conduct set forth in those provisions;

五 第二十七条第一項の規定による報告書（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

(v) a person that fails to deliver a report under the provisions of Article 27, paragraph (1) (but only as it involves the acceptance of a trust set forth in the items of Article 2, paragraph (3); hereinafter the same applies in this item) or that delivers a report giving a false statement;

六 第二十九条第二項の規定に違反した者

(vi) a person that violates the provisions of Article 29, paragraph (2);

七 第三十三条の規定による報告書を提出せず、又は虚偽の報告書を提出した者

(vii) a person that fails to submit a report under the provisions of Article 33 or that submits a false report;

八 第三十四条第一項の規定による説明書類を公衆の縦覧に供せず、若しくは同条第三項の規定による電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとらず、又は虚偽の記載をした説明書類を公衆の縦覧に供し、若しくは虚偽の記録をした電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとった者

(viii) a person that fails to make the explanatory document under the provisions of Article 34, paragraph (1) available for public inspection or that fails to take what Cabinet Office Order prescribes as measures to put the data forming the content of an electronic or magnetic record under the provisions of paragraph (3) of that Article into a format that allows a large, non-exclusive audience to gain access to it through electronic or magnetic means; or a person that makes an explanatory document giving a false statement available for public inspection or that takes measures to put the data forming the content of an electronic or magnetic record into which a false record has been recorded into a format that allows a large, non-exclusive audience to gain access to it through electronic or magnetic means;

九 第三十六条第二項の規定による申請書又は同条第三項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者

- (ix) a person that includes a false statement in a paper application under the provisions of Article 36, paragraph (2) or in a document required to accompany it pursuant to the provisions of paragraph (3) of that Article, and submits it;
- 十 第三十七条第二項の規定による申請書又は同条第三項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者
- (x) a person that includes a false statement in a paper application under the provisions of Article 37, paragraph (2) or in a document required to accompany it pursuant to the provisions of paragraph (3) of that Article, and submits it;
- 十一 第三十八条第二項の規定による申請書又は同条第三項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者
- (xi) a person that includes a false statement in a paper application under the provisions of Article 38, paragraph (2) or in a document required to accompany it pursuant to the provisions of paragraph (3) of that Article, and submits it;
- 十二 第三十九条第二項（同条第五項（第六十三条第二項において準用する場合を含む。）及び第六十三条第二項において準用する場合を含む。）の規定による申請書又は第三十九条第三項（同条第五項（第六十三条第二項において準用する場合を含む。）及び第六十三条第二項において準用する場合を含む。）の規定によりこれに添付すべき書類に虚偽の記載をして提出した者
- (xii) a person that includes a false statement in a paper application under the provisions of Article 39, paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (5) of that Article (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)) and Article 63, paragraph (2)) or in a document required to accompany it pursuant to the provisions of Article 39, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (5) of that Article (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)) and Article 63, paragraph (2)), and submits it;
- 十三 第四十一条第三項又は第五項の規定による公告をせず、又は虚偽の公告をした者
- (xiii) a person that fails to issue a public notice under the provisions of Article 41, paragraph (3) or (5), or that issues a false public notice;
- 十四 第四十二条第一項（第五十条第三項（第六十二条第二項において準用する場合を含む。））において準用する場合を含む。）若しくは第四十二条第二項若しくは第三項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者
- (xiv) a person that fails to submit a report or material under the provisions of Article 42, paragraph (1) (including as applied mutatis mutandis pursuant to Article 50, paragraph (3) (including as applied mutatis mutandis pursuant to

- Article 62, paragraph (2))) or Article 42, paragraph (2) or (3), or that submits a false report or material;
- 十五 第四十二条第一項（第五十条第三項（第六十二条第二項において準用する場合を含む。）において準用する場合を含む。）若しくは第四十二条第二項若しくは第三項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
- (xv) a person that fails to respond to questioning by officials under the provisions of Article 42, paragraph (1) (including as applied mutatis mutandis pursuant to Article 50, paragraph (3) (including as applied mutatis mutandis pursuant to Article 62, paragraph (2))) or Article 42, paragraph (2) or (3) or gives a false response to that questioning; or a person that refuses, obstructs, or evades an inspection under those provisions;
- 十六 第五十一条第二項の規定による届出をせず、又は同項の届出書若しくは同条第三項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者
- (xvi) a person that fails to make a notification under the provisions of Article 51, paragraph (2) or that includes a false statement in a written notice referred to in that paragraph or in a document required to accompany it pursuant to the provisions of paragraph (3) of that Article and submits it;
- 十七 第五十一条第四項の規定による命令に違反した者
- (xvii) a person that violates an order under the provisions of Article 51, paragraph (4);
- 十八 第五十一条第五項の規定による届出をせず、又は虚偽の届出をした者
- (xviii) a person that fails to make a notification under the provisions of Article 51, paragraph (5) or that makes a false notification;
- 十九 第五十一条第六項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者
- (xix) a person that fails to submit a report or material under the provisions of Article 51, paragraph (6), or that submits a false report or material;
- 二十 第五十一条第六項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、又はこの規定による検査を拒み、妨げ、若しくは忌避した者
- (xx) a person that fails to respond to questioning by the officials under the provisions of Article 51, paragraph (6) or gives a false response to that questioning; or a person that refuses, obstructs, or evades an inspection under those provisions;
- 二十一 第五十一条第八項又は第九項の規定に違反した者
- (xxi) a person that violates the provisions of Article 51, paragraph (8) or (9);
- 二十二 第五十三条第二項の規定による申請書又は同条第三項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者
- (xxii) a person that includes a false statement in a paper application under the provisions of Article 53, paragraph (2) or in a document required to accompany it pursuant to the provisions of paragraph (3) of that Article, and

submits it;

二十三 第五十四条第三項の規定による申請書又は同条第四項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者

(xxiii) a person that includes a false statement in a paper application under the provisions of Article 54, paragraph (3) or in a document required to accompany it pursuant to the provisions of paragraph (4) of that Article, and submits it;

二十四 第五十七条第三項又は第五項の規定による公告をせず、又は虚偽の公告をした者

(xxiv) a person that fails to issue public notice under the provisions of Article 57, paragraph (3) or (5) or that issues a false public notice;

二十五 第五十八条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、又は虚偽の報告若しくは資料の提出をした者

(xxv) a person that fails to submit a report or material under the provisions of Article 58, paragraph (1) or (2), or that submits a false report or material;

二十六 第五十八条第一項若しくは第二項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、又はこの規定による検査を拒み、妨げ、若しくは忌避した者

(xxvi) a person that fails to respond to questioning by officials under the provisions of Article 58, paragraph (1) or (2) or gives a false response to that questioning; or a person that refuses, obstructs, or evades an inspection under those provisions;

二十七 第六十八条第一項の規定による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に虚偽の記載をして提出した者

(xxvii) a person that includes a false statement in a paper application under the provisions of Article 68, paragraph (1) or in a document required to accompany it pursuant to the provisions of paragraph (2) of that Article, and submits it;

二十八 第七十七条第一項の規定による報告書を提出せず、又は虚偽の報告書を提出した者

(xxviii) a person that fails to submit a report under the provisions of Article 77, paragraph (1), or that submits a false report;

二十九 第七十八条第一項の規定による説明書類を公衆の縦覧に供せず、若しくは同条第二項の規定による電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとらず、又は虚偽の記載をした説明書類を公衆の縦覧に供し、若しくは虚偽の記録をした電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとった者

(xxix) a person that fails to make an explanatory document under the provisions of Article 78, paragraph (1) available for public inspection, that fails to take what Cabinet Office Order prescribes as measures to put the

- data forming the content of an electronic or magnetic record under the provisions of paragraph (2) of that Article into a format that allows a large, non-exclusive audience to gain access to it through electronic or magnetic means; or a person that makes an explanatory document giving a false statement available for public inspection or that takes measures to put the data forming the content of an electronic or magnetic record into which a false record has been recorded into a format that allows a large, non-exclusive audience to gain access to it through electronic or magnetic means;
- 三十 第八十条第一項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者
- (xxx) a person that fails to submit a report or material under the provisions of Article 80, paragraph (1), or that submits a false report or material;
- 三十一 第八十条第一項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、又はこの規定による検査を拒み、妨げ、若しくは忌避した者
- (xxxi) a person that fails to respond to questioning by officials under the provisions of Article 80, paragraph (1) or gives a false response to that questioning; or a person that refuses, obstructs, or evades an inspection under those provisions;
- 三十二 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
- (xxxii) a person that includes a false statement or a false record in a paper application for designation under Article 85-3, paragraph (1) or in a document or electronic or magnetic record required to accompany it pursuant to the provisions of paragraph (2) of that Article, and submits it;
- 三十三 第八十五条の九の規定に違反した者
- (xxxiii) a person that violates the provisions of Article 85-9;
- 三十四 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
- (xxxiv) a person that fails to submit a report under the provisions of Article 85-20, paragraph (1) or that submits a report giving a false statement;
- 三十五 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
- (xxxv) a person that fails to submit a report or materials under the provisions of Article 85-21, paragraph (1) or paragraph (2), or that submits a false report or materials; a person that fails to respond to questioning by the officials under these provisions or gives a false response to that questioning; or a person that refuses, obstructs, or evades an inspection under those provisions;

三十六 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  
(xxxvi) a person that violates an order under the provisions of Article 85-22,  
paragraph (1).

第九十四条 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 94 A person falling under one of the following items is subject to imprisonment with required labor for not more than one year, a fine of not more than one million yen, or both:

一 第六条の規定に違反して、認可を受けないで資本金の額を減少した者

(i) a person that, in violation of the provisions of Article 6, reduces the amount of its stated capital without authorization;

二 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

(ii) a person that violates the provisions of Article 11, paragraph (5) in beginning trust services;

三 第十三条第一項の規定に違反して、認可を受けないで業務方法書を変更した者

(iii) a person that, in violation of the provisions of Article 13, paragraph (1), changes its operational method statement without authorization;

四 第十六条第一項の規定に違反して、承認を受けないで他の会社の常務に従事し、又は事業を営んだ者

(iv) a person that, in violation of the provisions of Article 16, paragraph (1), is involved in the day-to-day operations of another company or engaged in business without approval;

五 第十八条（第二十条において準用する場合を含む。）の規定による命令に違反した者

(v) a person that violates an order under the provisions of Article 18 (including as applied mutatis mutandis pursuant to Article 20);

六 第二十一条第四項（第六十三条第二項において準用する場合を含む。）の規定に違反して、承認を受けないで業務の内容又は方法を変更した者

(vi) a person that, in violation of the provisions of Article 21, paragraph (4) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)), changes the details or mechanisms of operations without approval;

七 第二十四条の二において準用する金融商品取引法（以下「準用金融商品取引法」という。）第三十九条第二項（第二号を除く。）の規定に違反した者

(vii) a person that violates the provisions of Article 39, paragraph (2) (excluding item (ii)) of the Financial Instruments and Exchange Act, as applied mutatis mutandis pursuant to Article 24-2 (hereinafter referred to as the "Financial Instruments and Exchange Act as Applied Mutatis Mutandis");

八 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

(viii) a person that, in violation of the provisions of Article 85-4, paragraph (1), divulges confidential information learned during the course of duties to another person or uses that information in pursuit of its own interest.

第九十五条 前条第七号の場合において、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 95 (1) In the case referred to in item (vii) of the preceding Article, any economic benefit that the offender or a third party in bad faith has received is confiscated. If all or part of the economic benefit cannot be confiscated, the offender or third party in bad faith is subject to the collection of an equivalent sum.

2 金融商品取引法第二百九条の二（混和した財産の没収等）及び第二百九条の三第二項（没収の要件等）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「第九十八条の二第一項又は第二百条の二」とあるのは「信託業法第九十五条第一項」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る。）」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「信託業法第九十五条第一項」と読み替えるものとする。

(2) The provisions of Article 209-2 of the Financial Instruments and Exchange Act (Confiscation of Comingled Assets) and of Article 209-3, paragraph (2) of that Act (Requirements for Confiscation) apply mutatis mutandis to confiscation under the preceding paragraph. In this case, the phrase "Article 198-2, paragraph (1) or Article 202" in Article 209-2, paragraph (1) of that Act is deemed to be replaced with "Article 95, paragraph (1) of the Trust Business Act", the phrase "this Article, paragraph (1) of the following Article, an Article 209-4, paragraph (1)" in that paragraph is deemed to be replaced with "this paragraph", the phrase "the following paragraph and paragraph (1) of the following Article" in that paragraph is deemed to be replaced with "the following paragraph", the phrase "comingled assets (but only those comingled with illegal assets connected with the provisions of Article 200-2)" in paragraph (2) of that Article is deemed to be replaced with "comingled assets", 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 95, paragraph (1) of the Trust Business Act".

第九十六条 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 96 A person falling under one of the following items is subject to

imprisonment with required labor for not more than six months, a fine of not more than five hundred thousand yen, or both:

一 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 that, in violation of the provisions of Article 11, paragraph (8), fails to make a deposit;

二 第十七条第一項（第二十条において準用する場合を含む。）の規定による届出書若しくは第十七条第二項（第二十条において準用する場合を含む。）の規定によりこれに添付すべき書類を提出せず、又は虚偽の届出書若しくはこれに添付すべき書類を提出した者

(ii) a person that fails to submit a written notice under the provisions of Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20) or a document required to accompany it pursuant to the provisions of Article 17, paragraph (2) (including as applied mutatis mutandis pursuant to Article 20), or that submits a false written notice or document required to accompany it;

三 第二十一条第三項（第六十三条第二項において準用する場合を含む。）の規定による申請書又はこれに添付すべき書類に虚偽の記載をして提出した者

(iii) a person that includes a false statement in a paper application under the provisions of Article 21, paragraph (3) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2)) or in a document required to accompany it and submits it;

四 準用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 that fails to indicate a piece of information as prescribed in Article 37, paragraph (1) (excluding item (ii)) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis, or that gives a false indication;

五 準用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 that violates the provisions of Article 37, paragraph (2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis;

六 準用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金融商品取引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 that, in violation of the provisions of Article 37-3, paragraph (1) (excluding item (ii) through (iv) and item (vi)) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis, fails to deliver a document, delivers a document that fails to give a piece of information prescribed in that paragraph, delivers a document that gives a false statement, or uses the means prescribed in Article 34-2, paragraph (4) of the Financial Instruments



and Exchange Act as applied mutatis mutandis pursuant to Article 37-3, paragraph (2) to provide something that lacks the information prescribed in that paragraph or to provide false information;

七 第二十六条第一項の書面若しくは同条第二項の電磁的方法が行われる場合に当該方法により作られる電磁的記録を交付せず、若しくは提供せず、又は虚偽の書面若しくは電磁的記録を交付し、若しくは提供した者

(vii) a person failing to deliver a document as referred to in Article 26, paragraph (1), or, if an electronic or magnetic means referred to in paragraph (2) of that Article is used, a person failing to provide the electronic or magnetic record made by that means; or a person delivering a false document or providing a false electronic or magnetic record;

八 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

(viii) a person that fails to deliver a document under the provisions of Article 29, paragraph (3) or that delivers a false document.

第九十六条の二 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 96-2 A person that fails to prepare or keep on file the records under Article 85-11 or Article 85-13, paragraph (9) or that prepares a false record is subject to a fine of not more than one million yen.

第九十六条の三 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 96-3 A person that suspends or discontinues all or a part of its Complaint and Dispute Services without the authorization referred to in Article 85-23, paragraph (1) is subject to a fine of not more than five hundred thousand yen.

第九十七条 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 97 A person falling under one of the following items is subject to a fine of not more than three hundred thousand yen:

一 第十二条第一項又は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  
(i) a person that fails to make a notification under the provisions of Article 12, paragraph (1) or (2) or that makes a false notification;

二 第十三条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  
(ii) a person that fails to make a notification under the provisions of Article 13, paragraph (2) or that makes a false notification;

三 第十四条第二項の規定に違反した者

(iii) a person that violates the provisions of Article 14, paragraph (2);

四 第十九条（第二十条において準用する場合を含む。）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 that fails to make a notification under the provisions of Article 19 (including as applied mutatis mutandis pursuant to Article 20) or that makes a false notification;  
五 第四十一条第一項、第二項又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
- (v) a person that fails to make a notification under the provisions of Article 41, paragraph (1), (2) or (4) or that makes a false notification;  
六 第五十六条第一項又は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
- (vi) a person that fails to make a notification under the provisions of Article 56, paragraph (1) or (2) or that makes a false notification;  
七 第五十七条第一項、第二項又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
- (vii) a person that fails to make a notification under the provisions of Article 57, paragraph (1), (2) or (4) or that makes a false notification;  
八 第五十七条第六項において準用する会社法第九百五十五条第一項（調査記録簿等の記載等）の規定に違反して、調査記録簿等（同項に規定する調査記録簿等をいう。以下この号において同じ。）に同項に規定する電子公告調査に関し法務省令で定めるものを記載せず、若しくは記録せず、若しくは虚偽の記載若しくは記録をし、又は同項の規定に違反して調査記録簿等を保存しなかった者
- (viii) a person that, in violation of the provisions of Article 955, paragraph (1) (Entries in Investigation Record Books) of the Companies Act, as applied mutatis mutandis pursuant to Article 57, paragraph (6), fails to include or record the information that Ministry of Justice Order prescribes concerning an investigation of an electronic public notice as prescribed in Article 955, paragraph (1) of that Act in the investigation record books, etc. (meaning the investigation record books, etc. prescribed in that paragraph; hereinafter the same applies in this item) or that includes a false statement or record therein; or a person that, in violation of the provisions of that paragraph, fails to keep investigation record books, etc. on file;  
九 第七十一条第一項又は第三項の規定による届出をせず、又は虚偽の届出をした者
- (ix) a person that fails to make a notification under the provisions of Article 71, paragraph (1) or (3) or that makes a false notification;  
十 第七十二条第一項の規定に違反した者
- (x) a person that violates the provisions of Article 72, paragraph (1);  
十一 第七十二条第二項の規定に違反して、同条第一項の標識又はこれに類似する標識を掲示した者
- (xi) a person that violates the provisions of Article 72, paragraph (2) in posting a sign referred to in paragraph (1) of that Article or a sign similar thereto;  
十二 第七十九条の規定による届出をせず、又は虚偽の届出をした者
- (xii) a person that fails to make a notification under the provisions of Article 79 or that makes a false notification;

十三 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  
(xiii) a person that fails to give a report under the provisions of Article 85-8,  
paragraph (1), or that gives a false report;

十四 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  
(xiv) a person that fails to make a notification under the provisions of Article  
85-18, paragraph (1), or that makes a false notification;

十五 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  
(xv) a person that fails to make a notification under the provisions of Article  
85-19, or that makes a false notification;

十六 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  
(xvi) a person that fails to make a notification under the provisions of Article  
85-23, paragraph (2), or that makes a false notification;

十七 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  
(xvii) a person that, in violation of the provisions of Article 85-23, paragraph  
(3), fails to issue a notice or issues a false notice;

十八 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  
(xviii) a person that, in violation of the provisions of Article 85-24, paragraph  
(3), fails to issue a notice or issues a false notice.

第九十八条 法人（法人でない団体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 98 (1) If the representative of a corporation (or non-corporate entity for which a representative or an administrator has been designated; hereinafter the same applies in this paragraph) or the agent, employee, or any other worker of a corporation or individual violates one of the provisions set forth in the following items in connection with the business or assets of the corporation or individual, in addition to the offender being subject to punishment, the corporation is subject to the fine prescribed in the item, and the individual is subject to the fine prescribed in the Article referred to in the item:

一 第九十一条第五号若しくは第六号又は第九十二条 三億円以下の罰金刑

(i) Article 91, item (v) or item (vi) or Article 92: a fine of not more than three hundred million yen;

二 第九十三条（第三号、第十三号、第二十四号及び第三十三号を除く。） 二億円以下の罰金刑

(ii) Article 93 (excluding items (iii), (xiii), (xxiv) and (xxxiii)): a fine of not more than two hundred million yen;

三 第九十四条第五号又は第七号 一億円以下の罰金刑

(iii) Article 94, item (v) or (vii): a fine of not more than one hundred million

yen;

四 第九十一条（第五号及び第六号を除く。）、第九十三条第三号、第十三号、第二十四号若しくは第三十三号、第九十四条（第五号及び第七号を除く。）又は第九十六条から前条まで 各本条の罰金刑

(iv) Article 91 (excluding items (v) and (vi)), Article 93, item (iii), item (xiii), item (xxiv) or item (xxxiii), Article 94 (excluding items (v) and (vii)), or Article 96 to the preceding Article: the fine prescribed in the relevant Article.

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) If a non-corporate entity is to be punished pursuant to the provisions of the preceding paragraph, its representative or administrator represents it with regard to procedural acts, and the provisions of the laws on criminal proceedings that have a corporation as the defendant or suspect apply *mutatis mutandis*.

第九十九条 次の各号のいずれかに該当する場合には、信託会社の役員若しくは清算人、外国信託会社の国内における代表者若しくは清算人又は信託契約代理店（当該信託契約代理店が法人であるときは、その役員又は清算人）は、百万円以下の過料に処する。

Article 99 In a case that falls under one of the following items, the officer or liquidator of a Trust Company, the Domestic Representative or liquidator of a Foreign Trust Company, or the Trust Agreement Agent (if a Trust Agreement Agent is a corporation, this means the officer or liquidator thereof) is subject to a non-criminal fine of not more than one million yen:

一 第四十三条の規定による命令に違反したとき。

(i) it violates an order under the provisions of Article 43;

二 第五十五条第一項（第二項において準用する場合を含む。）又は第三項の規定に違反して、準備金を計上せず、又はこれを使用したとき。

(ii) it fails to set aside reserves, in violation of the provisions of Article 55, paragraph (1) (including as applied *mutatis mutandis* pursuant to paragraph (2)), or it uses reserves in violation of Article 55, paragraph (3);

三 第五十五条第四項の規定に違反して、資産を国内において保有しないとき。

(iii) it violates the provisions of Article 55, paragraph (4) in failing to keep assets in Japan;

四 第五十七条第六項において準用する会社法第九百四十一条（電子公告調査）の規定に違反して、同条の調査を求めなかったとき。

(iv) it fails to request an investigation under Article 941 (Electronic Public Notice Investigations) of the Companies Act, in violation of the provisions of that Article, as applied *mutatis mutandis* pursuant to Article 57, paragraph (6);

五 第七十五条の規定により行うべき財産の管理を行わないとき。

(v) it fails to manage property as it is required to be managed pursuant to the provisions of Article 75;

六 第八十一条の規定による命令に違反したとき。

(vi) it violates an order under the provisions of Article 81;

七 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。

(vii) it fails to manage property as it is required to be managed pursuant to the provisions of Article 34 of the Trust Act.

第百条 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 100 A person falling under one of the following items is subject to a non-criminal fine of not more than one million yen:

一 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 that violates an order under the provisions of Article 11, paragraph (4) in failing to make a deposit;

二 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行った者

(ii) a person that violates the provisions of Article 29-2 in making a material modification to a trust, consolidating trusts, or splitting a trust;

三 第五十条の二第十項の規定に違反して、調査をさせなかった者

(iii) a person that, in violation of the provisions of Article 50-2, paragraph (10), does not allow an inspection;

四 第五十七条第六項において準用する会社法第九百四十六条第三項（調査の義務等）の規定に違反して、報告をせず、又は虚偽の報告をした者

(iv) a person that, in violation of the provisions of Article 946, paragraph (3) (Duty to Inspect) of the Companies Act as applied mutatis mutandis pursuant to Article 57, paragraph (6), fails to give a report or gives a false report;

五 正当な理由がないのに、第五十七条第六項において準用する会社法第九百五十一条第二項各号（財務諸表等の備置き及び閲覧等）又は第九百五十五条第二項各号（調査記録簿等の記載等）に掲げる請求を拒んだ者

(v) a person that refuses a request set forth in the items of Article 951, paragraph (2) (Keeping and Inspection of Financial Statements) or the items of Article 955, paragraph (2) (Entries in Investigation Record Books) of the Companies Act, as applied mutatis mutandis pursuant to Article 57 (6), without a legitimate reason;

六 第六十四条第一項又は第三項の規定による届出をせず、又は虚偽の届出をした者

(vi) a person that fails to make a notification under the provisions of Article 64, paragraph (1) or (3), or that makes a false notification;

七 第六十四条第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者

(vii) a person that fails to submit a report or material under the provisions of

- Article 64, paragraph (2), or that submits a false report or material;  
八 第六十六条の規定に違反した者  
(viii) a person that violates the provisions of Article 66;  
九 第八十五条の十六の規定に違反した者  
(ix) a person that violates the provisions of Article 85-16.

第一百一条 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 101 A person that violates the provisions of Article 85-17 is subject to a non-criminal fine of not more than one hundred thousand yen.

## 第八章 没収に関する手続等の特例

### Chapter VIII Special Provisions on Confiscation Procedures

(第三者の財産の没収手続等)

(Procedure for Confiscating Third-Party Assets)

第一百二条 第九十五条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。次条及び第百四条において同じ。）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続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 102 (1) If the claim or similar asset (meaning an asset other than real property or movables; the same applies in the following Article and Article 104) that is subject to confiscation pursuant to the provisions of Article 95, 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, it is not permissible to reach a judicial decision in favor of confiscation.

2 第九十五条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続への参加を許されていないときも、前項と同様とする。

(2) If there is a right of superficies, a mortgage, or any other third-party right on property that a person seeks to confiscate pursuant to the provisions of Article 95, paragraph (1) and the third party is not allowed to participate in the proceedings of the case under public prosecution, the preceding paragraph also applies.

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（第三者の財産の没収手続等）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、第九十五条第二項において準用する同法第二百九条の三第二項（没収の要件等）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、「信託業法第九十五条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, paragraph (3) through (5) (Procedure for

Confiscating Third-Party Assets) of the Financial Instruments and Exchange Act apply mutatis mutandis if there is a right of superficies, a mortgage, or any other third-party right on property that will be confiscated and that right must be allowed to continue to exist pursuant to the provisions of Article 209-3, paragraph (2) (Requirements for Confiscation) of that Act as applied mutatis mutandis pursuant to Article 95, 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 95, paragraph (2) of the Trust Business Act".

4 第一項及び第二項に規定する財産の没収に関する手続については、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続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) Beyond what is specifically provided for in this Act, the provisions of the Act on Emergency Measures in Criminal Procedure to Confiscate Items Owned by Third Parties (Act No. 138 of 1963) apply mutatis mutandis to the procedures for confiscation of property prescribed in paragraphs (1) and (2).

(没収された債権等の処分等)

(Disposing of Confiscated Claims and Similar Assets)

第百三条 金融商品取引法第二百九条の五第一項（没収された債権等の処分等）の規定は第九十四条第七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（没収の裁判に基づく登記等）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 103 The provisions of Article 209-5, paragraph (1) (Disposing of Confiscated Claims and Similar Assets) of the Financial Instruments and Exchange Act apply mutatis mutandis to a claim or similar asset that has been confiscated in connection with the crime referred to in Article 94, item (vii); the provisions of Article 209-5, paragraph (2) of that Act apply mutatis mutandis when a judicial decision to confiscate a claim that must be confiscated in connection with the crime referred to in that item becomes final and binding; and the provisions of Article 209-6 (Registration Based on a Judicial Decision in Favor of Confiscation) of that Act apply mutatis mutandis if the relevant institution is commissioned to register a transfer of rights based on a judicial decision in favor of confiscation in connection with the crime referred to in that item, for property requiring registration for a transfer of rights.

(刑事補償の特例)

(Special Provisions on Criminal Compensation)

第百四条 第九十四条第七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（補償の内容）の規定を準用する。

Article 104 The provisions of Article 4, paragraph (6) (Contents of Compensation) of the Criminal Compensation Act (Act No. 1 of 1950) apply *mutatis mutandis* to the content of compensation under that Act for executing the confiscation of a claim or similar asset that must be confiscated in connection with the crime referred to in Article 94, item (vii).