電子記録債権法

Electronically Recorded Monetary Claims Act

（平成十九年六月二十七日法律第百二号）

(Act No. 102 of June 27, 2007)

第一章　総則

Chapter I General Provisions

（趣旨）

(Purpose)

第一条　この法律は、電子記録債権の発生、譲渡等について定めるとともに、電子記録債権に係る電子記録を行う電子債権記録機関の業務、監督等について必要な事項を定めるものとする。

Article 1 This Act provides for the accrual and assignment, etc. of electronically recorded monetary claims, as well as the necessary matters regarding the business and supervision, etc. of electronic monetary claim recording institutions that are engaged in the electronic recording of monetary claims.

（定義）

(Definitions)

第二条　この法律において「電子記録債権」とは、その発生又は譲渡についてこの法律の規定による電子記録（以下単に「電子記録」という。）を要件とする金銭債権をいう。

Article 2 (1) The term "electronically recorded monetary claim" as used in this Act means a monetary claim for which electronic recording pursuant to this Act (hereinafter referred to simply as "electronic recording") is required for accrual or assignment.

２　この法律において「電子債権記録機関」とは、第五十一条第一項の規定により主務大臣の指定を受けた株式会社をいう。

(2) The term "electronic monetary claim recording institution" as used in this Act means a stock company designated by the competent minister pursuant to the provisions of Article 51, paragraph (1)

３　この法律において「記録原簿」とは、債権記録が記録される帳簿であって、磁気ディスク（これに準ずる方法により一定の事項を確実に記録することができる物として主務省令で定めるものを含む。）をもって電子債権記録機関が調製するものをいう。

(3) The term "registry" in this Act means a book in which monetary claims record is recorded, and which is prepared by an electronic monetary claim recording institution using a magnetic disk (including media specified by order of the competent ministry as being capable of securely recording certain matters by means equivalent to those of a magnetic disk).

４　この法律において「債権記録」とは、発生記録により発生する電子記録債権、電子記録債権から第四十三条第一項に規定する分割をする電子記録債権又は第四十七条の二第一項に規定する電子債権記録機関の変更をする電子記録債権ごとに作成される電磁的記録（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をいう。以下同じ。）をいう。

(4) The term "monetary claims record" in this Act means an electronic or magnetic record (a record which is produced by electronic, magnetic, or any other means unrecognizable by natural perceptive function, and is used for information processing by a computer; the same applies hereinafter) that is prepared for each electronically recorded monetary claim that accrues through the recording of its accrual, for each electronically recorded monetary claim that is divided from electronically recorded monetary claims as prescribed in Article 43, paragraph (1), or for each electronically recorded monetary claim subject to change of electronic monetary claim recording institution as prescribed in Article 47-2, paragraph (1).

５　この法律において「記録事項」とは、この法律の規定に基づき債権記録に記録すべき事項をいう。

(5) The term "record matters" in this Act means matters that are required to be recorded in a monetary claims record based on the provisions of this Act.

６　この法律において「電子記録名義人」とは、債権記録に電子記録債権の債権者又は質権者として記録されている者をいう。

(6) The term "electronically recorded person" in this Act means a person recorded in a monetary claim record as the obligee or pledgee of an electronically recorded monetary claim.

７　この法律において「電子記録権利者」とは、電子記録をすることにより、電子記録上、直接に利益を受ける者をいい、間接に利益を受ける者を除く。

(7) The term "electronically recorded claim holder" in this Act means a person in an electronic record who directly benefits from making electronic recording, excluding a person who receives an indirect benefit.

８　この法律において「電子記録義務者」とは、電子記録をすることにより、電子記録上、直接に不利益を受ける者をいい、間接に不利益を受ける者を除く。

(8) The term "electronically recorded claim obligor" in this Act means a person in an electronic recording who suffers a direct disadvantage from making electronic recording, excluding a person who suffers an indirect disadvantage.

９　この法律において「電子記録保証」とは、電子記録債権に係る債務を主たる債務とする保証であって、保証記録をしたものをいう。

(9) The term "electronically recorded guarantee" in this Act means a guarantee recorded in a record of guarantee, whose principal obligation is connected with an electronically recorded monetary claim.

第二章　電子記録債権の発生、譲渡等

Chapter II Accrual and Assignment of Electronically Recorded Monetary Claims

第一節　通則

Section 1 General Rules

第一款　電子記録

Subsection 1 Electronic Recording

（電子記録の方法）

(Method of Electronic Recording)

第三条　電子記録は、電子債権記録機関が記録原簿に記録事項を記録することによって行う。

Article 3 An electronic recording is made by an electronic monetary claim recording institution by recording record matters in a registry.

（当事者の請求又は官公署の嘱託による電子記録）

(Electronic Recording by a Party's Request or Public Agency's Commission)

第四条　電子記録は、法令に別段の定めがある場合を除き、当事者の請求又は官庁若しくは公署の嘱託がなければ、することができない。

Article 4 (1) An electronic recording may not be made if there is no request from a party or if there is no commission from a government agency or a public office, unless otherwise prescribed by laws and regulations.

２　請求による電子記録の手続に関するこの法律の規定は、法令に別段の定めがある場合を除き、官庁又は公署の嘱託による電子記録の手続について準用する。

(2) The provisions of this Act on the procedures for electronic recording by request are applied mutatis mutandis to the procedure for electronic recording by commission from a government agency or a public office, unless otherwise prescribed by laws and regulations.

（請求の当事者）

(Requesting Party)

第五条　電子記録の請求は、法令に別段の定めがある場合を除き、電子記録権利者及び電子記録義務者（これらの者について相続その他の一般承継があったときは、その相続人その他の一般承継人。第三項において同じ。）双方がしなければならない。

Article 5 (1) A request for an electronic recording must be made by both the electronically recorded claim holder and the electronically recorded claim obligor (in the case of general succession, including inheritance, that heir or other general successors of the holder or obligor; the same applies in paragraph (3)), unless otherwise prescribed by laws and regulations.

２　電子記録権利者又は電子記録義務者（これらの者について相続その他の一般承継があったときは、その相続人その他の一般承継人。以下この項において同じ。）に電子記録の請求をすべきことを命ずる確定判決による電子記録は、当該請求をしなければならない他の電子記録権利者又は電子記録義務者だけで請求することができる。

(2) An electronic recording based on a final and binding judgment ordering an electronically recorded claim holder or electronically recorded claim obligor (in the case of general succession including inheritance, that heir or other general successors; the same applies hereinafter in this paragraph) to file a request for the electronic recording, may be requested solely by either electronically recorded claim holder or electronically recorded claim obligor who is required to file that request.

３　電子記録権利者及び電子記録義務者が電子記録の請求を共同してしない場合における電子記録の請求は、これらの者のすべてが電子記録の請求をした時に、その効力を生ずる。

(3) If an electronically recorded claim holder or electronically recorded claim obligor has not filed a joint request for an electronic recording, a request for the electronic recording is put into effect when they both have filed requests for the electronic recording.

（請求の方法）

(Method of Request)

第六条　電子記録の請求は、請求者の氏名又は名称及び住所その他の電子記録の請求に必要な情報として政令で定めるものを電子債権記録機関に提供してしなければならない。

Article 6 A request for an electronic recording must be filed by submitting to an electronic monetary claim recording institution the name and address of the person filing the request and other information specified by Cabinet Order as necessary for requesting an electronic recording.

（電子債権記録機関による電子記録）

(Electronic Recording by an Electronic Monetary Claim Recording Institution)

第七条　電子債権記録機関は、この法律又はこの法律に基づく命令の規定による電子記録の請求があったときは、遅滞なく、当該請求に係る電子記録をしなければならない。

Article 7 (1) When an electronic monetary claim recording institution receives a request for an electronic recording filed pursuant to the provisions of this Act or an order based on this Act, it must make the electronic recording pertaining to that request without delay.

２　電子債権記録機関は、第五十一条第一項第五号に規定する業務規程（以下この章において単に「業務規程」という。）の定めるところにより、保証記録、質権設定記録、分割記録若しくは記録機関変更記録をしないこととし、又はこれらの電子記録若しくは譲渡記録について回数の制限その他の制限をすることができる。この場合において、電子債権記録機関が第十六条第二項第十五号に掲げる事項を債権記録に記録していないときは、何人も、当該業務規程の定めの効力を主張することができない。

(2) Pursuant to the provisions of the rules of operation prescribed in Article 51, paragraph (1), item (v) (hereinafter referred to simply as "rules of operation" in this chapter), the electronic monetary claim recording institution may decide not to make a record of a guarantee, a record of a pledge's creation, a record of a division, or a record of change of recording institution, and it may impose restrictions on the number of electronic recordings or records of assignment or other restrictions. In this case, if the electronic monetary claim recording institution has not recorded the matters listed in Article 16, paragraph (2), item (xv) in the monetary claims record, no person may claim the validity of the provisions of those rules of operation.

（電子記録の順序）

(Order of Electronic Recordings)

第八条　電子債権記録機関は、同一の電子記録債権に関し二以上の電子記録の請求があったときは、当該請求の順序に従って電子記録をしなければならない。

Article 8 (1) If two or more requests for electronic recordings are filed for the same electronically recorded monetary claim, the electronic monetary claim recording institution must make the electronic recordings in the order in which those requests were filed.

２　同一の電子記録債権に関し同時に二以上の電子記録が請求された場合において、請求に係る電子記録の内容が相互に矛盾するときは、前条第一項の規定にかかわらず、電子債権記録機関は、いずれの請求に基づく電子記録もしてはならない。

(2) If two or more requests are made simultaneously for the same electronically recorded monetary claim, and the contents of the electronic recordings pertaining to these requests contradict each other, notwithstanding the provision of Article 7, paragraph (1), the electronic monetary claim recording institution must not make an electronic recording based on either request.

３　同一の電子記録債権に関し二以上の電子記録が請求された場合において、その前後が明らかでないときは、これらの請求は、同時にされたものとみなす。

(3) If two or more requests are made for the same electronically recorded monetary claim and the chronological order of that requests is not clear, the requests are deemed as having been made simultaneously.

（電子記録の効力）

(Validity of Electronic Recording)

第九条　電子記録債権の内容は、債権記録（記録機関変更記録がされているときは、第四十七条の二第二項に規定する変更後債権記録とし、当該変更後債権記録が複数あるときは、記録機関変更記録の年月日が直近のものとする。）の記録により定まるものとする。

Article 9 (1) The contents of an electronically recorded monetary claim are determined according to the record contained in the monetary claim record (if a recording of change of recording institution has been made, the post-change monetary claims record prescribed in Article 47-2, paragraph (2), and if there is more than one post-change monetary claims record, the one with the most recent date on which the recording of change of recording institution was made).

２　電子記録名義人は、電子記録に係る電子記録債権についての権利を適法に有するものと推定する。

(2) The electronically recorded person is presumed to legitimately hold the right to the electronically recorded monetary claim pertaining to the electronic recording.

（電子記録の訂正等）

(Correction to Electronic Recording)

第十条　電子債権記録機関は、次に掲げる場合には、電子記録の訂正をしなければならない。ただし、電子記録上の利害関係を有する第三者がある場合にあっては、当該第三者の承諾があるときに限る。

Article 10 (1) An electronic monetary claim recording institution must make corrections to electronic recordings in the following cases; provided, however, that if a third party with an interest in the electronic recordings exists, the correction may be made only with the consent of that third party:

一　電子記録の請求に当たって電子債権記録機関に提供された情報の内容と異なる内容の記録がされている場合

(i) the information provided to the electronic monetary claim recording institution in a request for an electronic recording differs from that which has been recorded;

二　請求がなければすることができない電子記録が、請求がないのにされている場合

(ii) an electronic recording that may not be made without a request has been made without a request;

三　電子債権記録機関が自らの権限により記録すべき記録事項について、記録すべき内容と異なる内容の記録がされている場合

(iii) regarding the record matters that the electronic monetary claim recording institution is required to record by its own authority, contents that differ from the those to be recorded have been recorded; and

四　電子債権記録機関が自らの権限により記録すべき記録事項について、その記録がされていない場合（一の電子記録の記録事項の全部が記録されていないときを除く。）

(iv) the record matters which the electronic monetary claim recording institution is required to record by its own authority have not been recorded (excluding when all the record matters in one electronic recording have not been recorded).

２　電子債権記録機関は、第八十六条各号に掲げる場合の区分に応じ、当該各号に定める日までに電子記録が消去されたときは、当該電子記録の回復をしなければならない。この場合においては、前項ただし書の規定を準用する。

(2) If an electronic recording has been deleted before one of the dates specified in the items of Article 86 according to the cases listed in the respective items, the electronic monetary claim recording institution must restore that electronic recording. In this case, the provisions of the proviso to the preceding paragraph apply mutatis mutandis.

３　電子債権記録機関は、前二項の規定により電子記録の訂正又は回復をするときは、当該訂正又は回復後の電子記録の内容と矛盾する電子記録について、電子記録の訂正をしなければならない。

(3) If an electronic monetary claim recording institution makes a correction or restoration pursuant to the provisions of the preceding two paragraphs, it must correct any electronic recording that contradicts the content of the corrected or restored electronic recording.

４　電子債権記録機関が第一項又は第二項の規定により電子記録の訂正又は回復をしたときは、その内容を電子記録権利者及び電子記録義務者（電子記録権利者及び電子記録義務者がない場合にあっては、電子記録名義人）に通知しなければならない。

(4) If an electronic monetary claim recording institution corrects or restores an electronic recording pursuant to the provisions of paragraph (1) or (2), it must notify the electronically recorded claim holder and electronically recorded claim obligor (if neither an electronically recorded claim holder nor an electronically recorded claim obligor exists, the electronically recorded person) of the contents of the correction or restoration.

５　前項の規定による通知は、民法（明治二十九年法律第八十九号）第四百二十三条その他の法令の規定により他人に代わって電子記録の請求をした者にもしなければならない。ただし、その者が二人以上あるときは、その一人に対し通知すれば足りる。

(5) The notice pursuant to the provisions of the preceding paragraph must also be given to a person who filed a request for the electronic recording in lieu of another person pursuant to the provisions of Article 423 of the Civil Code (Act no.89 of 1896) or other laws and regulations. However, if there are two or more persons who have made the request for the electronic recording in lieu of another person, it is sufficient to notify one of them.

（不実の電子記録等についての電子債権記録機関の責任）

(Responsibility of the Electronic Monetary Claim Recording Institution Regarding a False Electronic Recording)

第十一条　電子債権記録機関は、前条第一項各号に掲げる場合又は同条第二項に規定するときは、これらの規定に規定する事由によって当該電子記録の請求をした者その他の第三者に生じた損害を賠償する責任を負う。ただし、電子債権記録機関の代表者及び使用人その他の従業者がその職務を行うについて注意を怠らなかったことを証明したときは、この限りでない。

Article 11 In the cases listed in the respective items of paragraph (1) of the preceding Article, or in the cases prescribed in paragraph (2) of the preceding Article, the electronic monetary claim recording institution is responsible for compensating for damage suffered by the person requesting the electronic recording and other third parties due to a cause prescribed in these provisions; provided, however, that this does not apply if the representative person, employees, and other workers at the electronic monetary claim recording institution prove that they did not neglect to exercise care in conducting their duties.

第二款　電子記録債権に係る意思表示等

Subsection 2 Manifestation of Intention Pertaining to Electronically Recorded Monetary Claims

（意思表示の無効又は取消しの特則）

(Special Provision for Nullity or Rescission of Manifestation of Intention)

第十二条　電子記録の請求における相手方に対する意思表示についての民法第九十三条ただし書若しくは第九十五条の規定による無効又は同法第九十六条第一項若しくは第二項の規定による取消しは、善意でかつ重大な過失がない第三者（同条第一項及び第二項の規定による取消しにあっては、取消し後の第三者に限る。）に対抗することができない。

Article 12 (1) Regarding manifestation of intention to the counterparty in a request for an electronic recording, nullity pursuant to the provisions of the proviso to Article 93 or the provisions of Article 95 of the Civil Code, and rescission pursuant to Article 96, paragraph (1) or (2) of the Civil Code, may not be asserted against a third party in good faith and without gross negligence (limited to a third party after rescission carried out pursuant to the provisions of Article 96, paragraph (1) and (2) of the Civil Code).

２　前項の規定は、次に掲げる場合には、適用しない。

(2) The provisions of the preceding paragraph do not apply in the following cases:

一　前項に規定する第三者が、支払期日以後に電子記録債権の譲渡、質入れ、差押え、仮差押え又は破産手続開始の決定（分割払の方法により支払う電子記録債権の場合には、到来した支払期日に係る部分についてのものに限る。）があった場合におけるその譲受人、質権者、差押債権者、仮差押債権者又は破産管財人であるとき。

(i) the third party prescribed in the preceding paragraph is the assignee, pledgee, attaching creditor, provisional attaching creditor, or bankruptcy trustee of an electronically recorded monetary claim, and the respective assignment, pledge, attachment, provisional attachment, or ruling for the commencement of bankruptcy proceedings with regard to the electronically recorded monetary claim was made after the payment date (regarding an electronically recorded monetary claim to be paid in installments, limited to the parts of the claim whose payment dates have arrived); or

二　前項の意思表示の無効又は取消しを対抗しようとする者が個人（当該電子記録において個人事業者（消費者契約法（平成十二年法律第六十一号）第二条第二項に規定する事業者である個人をいう。以下同じ。）である旨の記録がされている者を除く。）である場合

(ii) a person who attempts to assert the nullity or rescission of manifestation of intention under the preceding paragraph is an individual (excluding those who are recorded as an individual business operator (meaning an individual who is also a business operator as provided in Article 2, paragraph (2) of the Consumer Contract Act (Act No. 61 of 2000); the same applies hereinafter) in the relevant electronic recording).

（無権代理人の責任の特則）

(Special Provisions Regarding the Responsibility of Unauthorized Agents)

第十三条　電子記録の請求における相手方に対する意思表示についての民法第百十七条第二項の規定の適用については、同項中「過失」とあるのは、「重大な過失」とする。

Article 13 When applying the provisions of Article 117, paragraph (2) of the Civil Code regarding the manifestation of intention toward the other party in a request for an electronic recording, the term "negligence" in that paragraph is replaced with "gross negligence".

（権限がない者の請求による電子記録についての電子債権記録機関の責任）

(Responsibility of Electronic Monetary Claim Recording Institutions Regarding Requests for an Electronic Recording Filed by Person without Authority)

第十四条　電子債権記録機関は、次に掲げる者の請求により電子記録をした場合には、これによって第三者に生じた損害を賠償する責任を負う。ただし、電子債権記録機関の代表者及び使用人その他の従業者がその職務を行うについて注意を怠らなかったことを証明したときは、この限りでない。

Article 14 The electronic monetary claim recording institution is responsible for compensating for damage suffered by a third party if it makes an electronic recording based on a request from either of the following persons; provided, however, that this does not apply if the representative person, employees, and other workers of the electronic monetary claim recording institution can prove that they did not neglect to exercise care in conducting their duties:

一　代理権を有しない者

(i) a person without authority of representation; or

二　他人になりすました者

(ii) a person who impersonates another person.

第二節　発生

Section 2 Accrual

（電子記録債権の発生）

(Accrual of Electronically Recorded Monetary Claims)

第十五条　電子記録債権（保証記録に係るもの及び電子記録保証をした者（以下「電子記録保証人」という。）が第三十五条第一項（同条第二項及び第三項において準用する場合を含む。）の規定により取得する電子記録債権（以下「特別求償権」という。）を除く。次条において同じ。）は、発生記録をすることによって生ずる。

Article 15 An electronically recorded monetary claim (excluding an electronically recorded monetary claim connected with a record of guarantee and an electronically recorded monetary claim acquired by a person that has provided an electronically recorded guarantee (hereinafter referred to as "recorded guarantor") pursuant to the provisions of Article 35, paragraph (1) (including when those provisions are applied mutatis mutandis to paragraphs (2) and (3) of the same Article) (that electronically recorded monetary claim is hereinafter referred to as a "special right to reimbursement"); the same applies to the following Article) accrues as a result of a record being made of its accrual.

（発生記録）

(Record of Accrual)

第十六条　発生記録においては、次に掲げる事項を記録しなければならない。

Article 16 (1) In the record of an accrual, the following matters must be recorded:

一　債務者が一定の金額を支払う旨

(i) a statement that the obligor pays a fixed amount of money;

二　支払期日（確定日に限るものとし、分割払の方法により債務を支払う場合にあっては、各支払期日とする。）

(ii) the payment date (limited to a fixed date; if the obligation is paid in installments, each of the payment dates);

三　債権者の氏名又は名称及び住所

(iii) the name and address of the obligee;

四　債権者が二人以上ある場合において、その債権が不可分債権であるときはその旨、可分債権であるときは債権者ごとの債権の金額

(iv) if there are two or more obligees, and the claim is an indivisible claim, a statement to that effect, and if the claim is divisible, the amount of the claim for each obligee;

五　債務者の氏名又は名称及び住所

(v) the name and address of the obligor;

六　債務者が二人以上ある場合において、その債務が不可分債務又は連帯債務であるときはその旨、可分債務であるときは債務者ごとの債務の金額

(vi) if there are two or more obligors, and the obligation is an indivisible or joint and several obligation, a statement to that effect, and if the obligation is divisible, the amount of the obligation for each obligor;

七　記録番号（発生記録、分割記録又は記録機関変更記録をする際に一の債権記録ごとに付す番号をいう。以下同じ。）

(vii) the record number (meaning the number attached to the respective monetary claims record, which is given when a record of accrual, record of a division, or record of change of recording institution is made; the same applies hereinafter); and

八　電子記録の年月日

(viii) the date on which the electronic recording was made.

２　発生記録においては、次に掲げる事項を記録することができる。

(2) In the record of an accrual, the following matters may be recorded:

一　第六十二条第一項に規定する口座間送金決済に関する契約に係る支払をするときは、その旨並びに債務者の預金又は貯金の口座（以下「債務者口座」という。）及び債権者の預金又は貯金の口座（以下「債権者口座」という。）

(i) when making a payment pertaining to a contract regarding settlement of remittance between accounts provided in Article 62, paragraph (1), records to that effect and the obligor's account of deposits or postal savings (hereinafter referred to as "obligor's account") and the obligee's account of deposits or postal savings (hereinafter referred to as "obligee's account");

二　第六十四条に規定する契約に係る支払をするときは、その旨

(ii) when making a payment pertaining to the contract provided in Article 64, a statement to that effect;

三　前二号に規定するもののほか、支払方法についての定めをするときは、その定め（分割払の方法により債務を支払う場合にあっては、各支払期日ごとに支払うべき金額を含む。）

(iii) beyond the cases prescribed in the preceding two items, when there are other provisions stipulating the payment method, those provisions (if an obligation is paid in installments, including the amount payable on each of the payment dates);

四　利息、遅延損害金又は違約金についての定めをするときは、その定め

(iv) when there are provisions stipulating interest, delinquency charges or penalties, those provisions;

五　期限の利益の喪失についての定めをするときは、その定め

(v) when there are provisions stipulating acceleration of payment, those provisions;

六　相殺又は代物弁済についての定めをするときは、その定め

(vi) when there are provisions stipulating set-off or substitute performance, those provisions;

七　弁済の充当の指定についての定めをするときは、その定め

(vii) when there are provisions stipulating the appropriation of payments, those provisions;

八　第十九条第一項（第三十八条において読み替えて準用する場合を含む。）の規定を適用しない旨の定めをするときは、その定め

(viii) when there are provisions stipulating that the provisions of Article 19, paragraph 1 (including when the provisions are applied mutatis mutandis to Article 38 by replacing terms) do not apply, those provisions;

九　債権者又は債務者が個人事業者であるときは、その旨

(ix) when the obligee or the obligor is an individual business operator, a statement to that effect;

十　債務者が法人又は個人事業者（その旨の記録がされる者に限る。）である場合において、第二十条第一項（第三十八条において読み替えて準用する場合を含む。）の規定を適用しない旨の定めをするときは、その定め

(x) when the obligor is a corporation or an individual business operator (limited to those who are recorded as such) and there are provisions stipulating that the provisions of Article 20, paragraph (1) (including when the provisions are applied mutatis mutandis to Article 38 by replacing terms) do not apply, those provisions;

十一　債務者が法人又は個人事業者（その旨の記録がされる者に限る。）であって前号に掲げる定めが記録されない場合において、債務者が債権者（譲渡記録における譲受人を含む。以下この項において同じ。）に対抗することができる抗弁についての定めをするときは、その定め

(xi) when the obligor is a corporation or an individual business operator (limited to those who are recorded as such) and the provisions listed in the preceding item have not been recorded, if there are provisions stipulating a defense that the obligor can assert against the obligee (including the assignee in the record of assignment; hereinafter the same applies in this paragraph), those provisions;

十二　譲渡記録、保証記録、質権設定記録、分割記録若しくは記録機関変更記録をすることができないこととし、又はこれらの電子記録について回数の制限その他の制限をする旨の定めをするときは、その定め

(xii) when there are provisions stipulating that a record of an assignment, record of a guarantee, record of a pledge's creation, record of a division, or record of change of recording institution may not be made, or there are provisions stipulating a restriction on the number of electronic recordings or other restrictions, those provisions;

十三　債権者と債務者との間の通知の方法についての定めをするときは、その定め

(xiii) when there are provisions stipulating the method of notice between obligee and obligor, those provisions;

十四　債権者と債務者との間の紛争の解決の方法についての定めをするときは、その定め

(xiv) when there are provisions stipulating the method of the settlement of disputes between obligee and obligor, those provisions;

十五　電子債権記録機関が第七条第二項の規定により保証記録、質権設定記録、分割記録若しくは記録機関変更記録をしないこととし、又はこれらの電子記録若しくは譲渡記録について回数の制限その他の制限をしたときは、その定め

(xv) when there are provisions stipulating that the electronic monetary claim recording institution will not make a record of guarantee, record of pledge creation, record of division, or record of change of recording institution pursuant to the provision of Article 7, paragraph (2), or there are provisions stipulating a restriction on the number of electronic recordings or records of assignment, or other restrictions, those provisions; or

十六　前各号に掲げるもののほか、電子記録債権の内容となるものとして政令で定める事項

(xvi) beyond the matters listed in the preceding items, matters that are specified by Cabinet Order as those that may be the contents of electronically recorded monetary claims.

３　第一項第一号から第六号までに掲げる事項のいずれかの記録が欠けているときは、電子記録債権は、発生しない。

(3) If a record of any matter listed in paragraph (1), items (i) through (vi) is lacking, relevant electronically recorded monetary claims do not accrue.

４　消費者契約法第二条第一項に規定する消費者（以下単に「消費者」という。）についてされた第二項第九号に掲げる事項の記録は、その効力を有しない。

(4) Records made on the matters listed in Article 2, paragraph (2), item (ix) of the Consumer Contract Act pertaining to the consumer defined by Article 2, paragraph (1) of the same Act (hereinafter simply referred to as "Consumer") have no effect.

５　第一項及び第二項の規定にかかわらず、電子債権記録機関は、業務規程の定めるところにより、第一項第二号（分割払の方法により債務を支払う場合における各支払期日の部分に限る。）及び第二項各号（第一号、第二号及び第九号を除く。）に掲げる事項について、その記録をしないこととし、又はその記録を制限することができる。

(5) Notwithstanding the provisions of paragraphs (1) and (2), electronic monetary claim recording institutions may decide not to record the matters listed in paragraph (1), item (ii) (if the obligation is paid in installments, limited to each installment pertaining to each respective payment date) and in the items of paragraph (2) (excluding items (i), (ii), and (ix)) or to restrict the recording of the matters, pursuant to the provisions of its rules of operation.

第三節　譲渡

Section 3 Assignment

（電子記録債権の譲渡）

(Assignment of Electronically Recorded Monetary Claims)

第十七条　電子記録債権の譲渡は、譲渡記録をしなければ、その効力を生じない。

Article 17 An assignment of electronically recorded monetary claims has no effect unless a record has been made of that assignment.

（譲渡記録）

(Record of Assignment)

第十八条　譲渡記録においては、次に掲げる事項を記録しなければならない。

Article 18 (1) In the record of an assignment, the following matters must be recorded:

一　電子記録債権の譲渡をする旨

(i) a statement that electronically recorded monetary claims are being assigned;

二　譲渡人が電子記録義務者の相続人であるときは、譲渡人の氏名及び住所

(ii) if the assignor is the heir to the electronically recorded claim obligor, the name and address of the assignor;

三　譲受人の氏名又は名称及び住所

(iii) the name and address of the assignee; and

四　電子記録の年月日

(iv) the date on which the electronic recording was made.

２　譲渡記録においては、次に掲げる事項を記録することができる。

(2) In the record of an assignment, the following matters may be recorded:

一　発生記録（当該発生記録の記録事項について変更記録がされているときは、当該変更記録を含む。以下同じ。）において債務の支払を債権者口座に対する払込みによってする旨の定めが記録されている場合において、譲渡記録に当たり譲受人が譲受人の預金又は貯金の口座に対する払込みによって支払を受けようとするときは、当該口座（発生記録において払込みをする預金又は貯金の口座の変更に関する定めが記録されているときは、これと抵触しないものに限る。）

(i) when provisions are recorded in the record of accrual stipulating that payment of the obligation is to be made to the obligee's account (including the record of an alteration if that is made with regard to a record matter in the recording of the accrual; the same applies hereinafter), and, in the recording of the assignment, the assignee intends to receive the payment by payment to the assignee's deposit account or postal savings account, the account (limited to those that are the same as those in the record of accrual if provisions regarding a change in the deposit or postal savings account used for payments have been recorded in the record of accrual);

二　譲渡人が個人事業者であるときは、その旨

(ii) if the assignor is an individual business operator, a statement to that effect;

三　譲渡人と譲受人（譲渡記録後に譲受人として記録された者を含む。次号において同じ。）との間の通知の方法についての定めをするときは、その定め

(iii) when there are provisions stipulating the method of notice between assignor and assignee (including those who are recorded as assignee after the recording of the assignment; the same applies in the following item), those provisions;

四　譲渡人と譲受人との間の紛争の解決の方法についての定めをするときは、その定め

(iv) when there are provisions stipulating the method for settling disputes between the assignor and assignee, those provisions; or

五　前各号に掲げるもののほか、政令で定める事項

(v) beyond what is listed in the preceding items, matters specified by Cabinet Order.

３　消費者についてされた前項第二号に掲げる事項の記録は、その効力を有しない。

(3) Records on matters listed in item (ii) of the preceding paragraph regarding consumers have no effect.

４　電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（譲渡記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する譲渡記録をしてはならない。

(4) When matters listed in Article 16, paragraph (2), item (xii) or (xv) are recorded in a record of accrual (limited to the part involving the record of assignment), the electronic monetary claim recording institution must not make a record of assignment that conflicts with the contents of the record of accrual.

（善意取得）

(Good Faith Acquisition)

第十九条　譲渡記録の請求により電子記録債権の譲受人として記録された者は、当該電子記録債権を取得する。ただし、その者に悪意又は重大な過失があるときは、この限りでない。

Article 19 (1) A person recorded as the assignee of an electronically recorded monetary claim due to a request for the recording of an assignment acquires the electronically recorded monetary claim; provided, however that this does not apply if the person has acted in bad faith or with gross negligence.

２　前項の規定は、次に掲げる場合には、適用しない。

(2) The provisions of the preceding paragraph do not apply in the following cases:

一　第十六条第二項第八号に掲げる事項が記録されている場合

(i) the matters listed in Article 16, paragraph (2), item (viii) are recorded;

二　前項に規定する者が、支払期日以後にされた譲渡記録の請求により電子記録債権（分割払の方法により支払うものにあっては、到来した支払期日に係る部分に限る。）の譲受人として記録されたものである場合

(ii) a person prescribed in the preceding paragraph has been recorded as the assignee of the electronically recorded monetary claim (if payments are made in installments, limited to the part whose payment date has arrived) by a request filed after the payment date for the recording of an assignment; or

三　個人（個人事業者である旨の記録がされている者を除く。）である電子記録債権の譲渡人がした譲渡記録の請求における譲受人に対する意思表示が効力を有しない場合において、前項に規定する者が当該譲渡記録後にされた譲渡記録の請求により記録されたものであるとき。

(iii) the manifestation of intention that the individual who is the assignor of the electronically recorded monetary claim (excluding those recorded as individual business operators) makes to the assignee in the request for the recording of an assignment is not valid, and a person prescribed in the preceding paragraph has been recorded due to a request for the recording of an assignment filed after the recording of that assignment.

（抗弁の切断）

(Restriction on Assertion of Defense)

第二十条　発生記録における債務者又は電子記録保証人（以下「電子記録債務者」という。）は、電子記録債権の債権者に当該電子記録債権を譲渡した者に対する人的関係に基づく抗弁をもって当該債権者に対抗することができない。ただし、当該債権者が、当該電子記録債務者を害することを知って当該電子記録債権を取得したときは、この限りでない。

Article 20 (1) The obligor in a record of accrual or an electronically recorded guarantor (hereinafter referred to as "electronically recorded obligor) may not assert a defense based on a personal relationship with the person who assigned the electronically recorded monetary claim to the obligee of the claim, against the obligee; provided, however, that this does not apply if that obligee acquired the electronically recorded monetary claim knowing that that electronically recorded obligor would be harmed.

２　前項の規定は、次に掲げる場合には、適用しない。

(2) The provisions of the preceding paragraph do not apply in the following cases:

一　第十六条第二項第十号又は第三十二条第二項第六号に掲げる事項が記録されている場合

(i) the matters listed in Article 16, paragraph (2), item (x) or Article 32, paragraph (2), item (vi) are recorded;

二　前項の債権者が、支払期日以後にされた譲渡記録の請求により電子記録債権（分割払の方法により支払うものにあっては、到来した支払期日に係る部分に限る。）の譲受人として記録されたものである場合

(ii) the obligee in the preceding paragraph is recorded as an assignee of the electronically recorded monetary claim (if payments are made in installments, limited to the part whose payment date has arrived) due to a request filed after the payment date for the recording of an assignment; or

三　前項の電子記録債務者が個人（個人事業者である旨の記録がされている者を除く。）である場合

(iii) the electronically recorded obligor in the preceding paragraph is an individual (excluding those recorded as an individual business operator).

第四節　消滅

Section 4 Extinguishment

（支払免責）

(Payment Discharge)

第二十一条　電子記録名義人に対してした電子記録債権についての支払は、当該電子記録名義人がその支払を受ける権利を有しない場合であっても、その効力を有する。ただし、その支払をした者に悪意又は重大な過失があるときは、この限りでない。

Article 21 The payment of an electronically recorded monetary claim to an electronically recorded person is effective even if that electronically recorded person does not have the right to receive the payment; provided, however, that this does not apply if the person who made the payment has acted in bad faith or with gross negligence.

（混同等）

(Merger)

第二十二条　電子記録債務者（その相続人その他の一般承継人を含む。以下この項において同じ。）が電子記録債権を取得した場合には、民法第五百二十条本文の規定にかかわらず、当該電子記録債権は消滅しない。ただし、当該電子記録債務者又は当該電子記録債務者の承諾を得た他の電子記録債務者の請求により、当該電子記録債権の取得に伴う混同を原因とする支払等記録がされたときは、この限りでない。

Article 22 (1) When an electronically recorded obligor (including the person's heir and other general successors; hereinafter the same applies in this paragraph) acquires an electronically recorded monetary claim, that claim does not expire, notwithstanding the provisions of the main clause of Article 520 of the Civil Code; provided, however, that this does not apply if a record of a payment, etc. has been made due to a merger accompanying the acquisition of the electronically recorded monetary claim pursuant to a request by that electronically recorded obligor or another electronically recorded obligor with the approval of the former.

２　次の各号に掲げる者は、電子記録債権を取得しても、当該各号に定める者に対して電子記録保証によって生じた債務（以下「電子記録保証債務」という。）の履行を請求することができない。

(2) The persons listed in the following items may not request the performance of an obligation that arises from an electronically recorded guarantee (hereinafter referred to as an "electronically recorded guarantee obligation") against the persons prescribed in those items, even if they acquire the electronically recorded monetary claim:

一　発生記録における債務者　電子記録保証人

(i) the obligor in the record of accrual: the electronically recorded guarantor; and

二　電子記録保証人　他の電子記録保証人（弁済その他自己の財産をもって主たる債務として記録された債務を消滅させるべき行為をしたとするならば、この号に掲げる電子記録保証人に対して特別求償権を行使することができるものに限る。）

(ii) the electronically recorded guarantor: other electronically recorded guarantors (limited to those who are able to exercise a special right to reimbursement against the electronically recorded guarantor listed in this item if they make a payment or otherwise conduct any act with their own property to extinguish the obligation recorded as principal obligation).

（消滅時効）

(Extinctive Prescription)

第二十三条　電子記録債権は、三年間行使しないときは、時効によって消滅する。

Article 23 Electronically recorded monetary claims extinguish if they are not exercised for three years, due to extinctive prescription.

（支払等記録の記録事項）

(Record Matters in the Record of a Payment)

第二十四条　支払等記録においては、次に掲げる事項を記録しなければならない。

Article 24 In the record of a payment, etc., the following matters must be recorded:

一　支払、相殺その他の債務の全部若しくは一部を消滅させる行為又は混同（以下「支払等」という。）により消滅し、又は消滅することとなる電子記録名義人に対する債務を特定するために必要な事項

(i) matters that are needed to identify the obligation to the electronically recorded person that has been or is to be extinguished by payment, set-off or other conduct that extinguishes all or a part of an obligation, or merger (hereinafter referred to as "payment, etc.");

二　支払等をした金額その他の当該支払等の内容（利息、遅延損害金、違約金又は費用が生じている場合にあっては、消滅した元本の額を含む。）

(ii) the amount of the payment, etc. made and other information regarding that payment, etc. (including the amount of principal that has been extinguished if there are interest payments, delinquency charges, penalties, or expenses);

三　支払等があった日

(iii) the date on which the payment, etc. was made;

四　支払等をした者（支払等が相殺による債務の消滅である場合にあっては、電子記録名義人が当該相殺によって免れた債務の債権者。以下同じ。）の氏名又は名称及び住所

(iv) the name and address of the person who made the payment, etc. (if the payment, etc. was made in the form of extinguishment of obligation by setting-off, the obligee to the electronically recorded person's obligation thus extinguished; the same applies hereinafter);

五　支払等をした者が当該支払等をするについて民法第五百条の正当な利益を有する者であるときは、その事由

(v) if the person who made the payment, etc. has a legitimate interest prescribed in Article 500 of the Civil Code in regard to making that payment, etc., the reason therefor;

六　電子記録の年月日

(vi) the date on which the electronic recording was made; and

七　前各号に掲げるもののほか、政令で定める事項

(vii) beyond what is listed in the respective preceding items, matters that are specified by Cabinet Order.

（支払等記録の請求）

(Request for the Recording of a Payment)

第二十五条　支払等記録は、次に掲げる者だけで請求することができる。

Article 25 (1) A request for the recording of a payment, etc. may be made solely by the persons listed in the following items:

一　当該支払等記録についての電子記録義務者

(i) the electronically recorded claim obligor for the recording of the payment, etc.;

二　前号に掲げる者の相続人その他の一般承継人

(ii) an heir or other general successors to the person listed in the preceding item; or

三　次に掲げる者であって、前二号に掲げる者全員の承諾を得たもの

(iii) a person listed in the following sub-items who has obtained approval from all the persons listed in the two preceding items:

イ　電子記録債務者

(a) an electronically recorded obligor;

ロ　支払等をした者（前二号及びイに掲げる者を除く。）

(b) a person who has made the payment, etc. (excluding those listed in the preceding two items and (a)); or

ハ　イ又はロに掲げる者の相続人その他の一般承継人

(c) an heir or other general successors to the person listed in (a) or (b).

２　電子記録債権又はこれを目的とする質権の被担保債権（次項において「電子記録債権等」という。）について支払等がされた場合には、前項第三号イからハまでに掲げる者は、同項第一号又は第二号に掲げる者に対し、同項第三号の承諾をすることを請求することができる。

(2) When payments, etc. have been made for electronically recorded monetary claims or secured claims of pledges on electronically recorded monetary claims (referred to as "electronically recorded monetary claims, etc." in the following paragraph), the persons listed in item (iii), (a) through (c) of the preceding paragraph may request the persons listed in item (i) or item (ii) of the same paragraph to give approval regarding item (iii) of the same paragraph.

３　電子記録債権等について支払をする者は、第一項第一号又は第二号に掲げる者に対し、当該支払をするのと引換えに、同項第三号の承諾をすることを請求することができる。

(3) A person who makes the payment for electronically recorded monetary claims, etc. may request approval under paragraph (1), item (iii), in exchange for that payment, from the person listed in item (i) or item (ii) of the same paragraph.

４　根質権の担保すべき債権についての支払等をしたことによる支払等記録の請求は、当該支払等が当該根質権の担保すべき元本の確定後にされたものであり、かつ、当該確定の電子記録がされている場合でなければ、することができない。

(4) A request for the recording of a payment, etc. because of the payment, etc. was made for claims secured by a revolving pledge may not be filed unless that payment, etc. was made after the determination of the principal secured by the revolving pledge and an electronic recording has been made of that determination.

第五節　記録事項の変更

Section 5 Alteration of a Record Matter

（電子記録債権の内容等の意思表示による変更）

(Alteration of the Contents of Electronically Recorded Monetary Claims by Means of Manifestation of Intention)

第二十六条　電子記録債権又はこれを目的とする質権の内容の意思表示による変更は、この法律に別段の定めがある場合を除き、変更記録をしなければ、その効力を生じない。

Article 26 Alteration of the contents of electronically recorded monetary claims or pledges on the electronically recorded monetary claims by manifestation of intention has no effect unless a record is made of the alteration, unless otherwise prescribed by this Act.

（変更記録の記録事項）

(Record Matter in a Record of Alteration)

第二十七条　変更記録においては、次に掲げる事項を記録しなければならない。

Article 27 In the record of an alteration, the following matters must be recorded:

一　変更する記録事項

(i) the record matter that is being altered;

二　前号の記録事項を変更する旨及びその原因

(ii) a statement that an alteration is being made to the record matter prescribed in the preceding item and the cause of the alteration;

三　第一号の記録事項についての変更後の内容（当該記録事項を記録しないこととする場合にあっては、当該記録事項を削除する旨）

(iii) the contents of the record matter prescribed in item (i) after the alteration (if the record matter will no longer be recorded, a statement that the record matter is being deleted); and

四　電子記録の年月日

(iv) the date on which the electronic recording was made.

（求償権の譲渡に伴い電子記録債権が移転した場合の変更記録）

(Record of Alteration to Be Made when an Electronically Recorded Monetary Claim Is Transferred with the Assignment of the Right to Reimbursement)

第二十八条　債権記録に支払等をした者として記録されている者であって当該支払等により電子記録債権の債権者に代位したものがした求償権（特別求償権を除く。）の譲渡に伴い当該電子記録債権が移転した場合における変更記録は、その者の氏名又は名称及び住所を当該求償権の譲受人の氏名又は名称及び住所に変更する記録をすることによって行う。

Article 28 A record of alteration when an electronically recorded monetary claim is transferred as the result of an assignment of the right to reimbursement (excluding a special right to reimbursement) by the person who is recorded as having made a payment, etc. in the monetary claim record and who has become the obligee of the claim by subrogation due to the payment, etc., is made through a recording that alters the name and address of that person to those of the assignee of the right to reimbursement.

（変更記録の請求）

(Request for the Recording of an Alteration)

第二十九条　変更記録の請求は、当該変更記録につき電子記録上の利害関係を有する者（その者について相続その他の一般承継があったときは、その相続人その他の一般承継人）の全員がしなければならない。

Article 29 (1) A request for the recording of an alteration must be filed by all persons that have an interest (in case of inheritance or other general succession regarding these persons, meaning their heirs or other general successors) in the electronic recording with regard to the recording of the alteration.

２　前項の規定にかかわらず、相続又は法人の合併による電子記録名義人又は電子記録債務者の変更を内容とする変更記録は、相続人又は合併後存続する法人若しくは合併により設立された法人だけで請求することができる。ただし、相続人が二人以上ある場合には、その全員が当該変更記録を請求しなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, the recording of an alteration to alter the electronically recorded persons or electronically recorded obligors due to inheritance or corporate merger may be requested solely by the heir, or the corporation that will continue to exist after the merger, or the corporation established by the merger. However, if there are two or more heirs, the request for the recording of the alteration must be filed by all of them.

３　第五条第二項及び第三項の規定は、第一項及び前項ただし書の場合について準用する。

(3) The provisions of Article 5, paragraphs (2) and (3) apply mutatis mutandis to cases prescribed in paragraph (1) and the proviso to the preceding paragraph.

４　第一項の規定にかかわらず、電子記録名義人又は電子記録債務者の氏名若しくは名称又は住所についての変更記録は、その者が単独で請求することができる。他の者の権利義務に影響を及ぼさないことが明らかな変更記録であって業務規程の定めるものについても、同様とする。

(4) Notwithstanding the provisions of paragraph (1), a request for the recording of an alteration involving the name or address of the electronically recorded person or electronically recorded obligor may be filed independently by the person. The same applies to the record of an alteration that will clearly have no influence on another person's rights and obligations and is prescribed in the rules of operation.

（変更記録が無効な場合における電子記録債務者の責任）

(Responsibility of the Electronically Recorded Obligor when a Record of Alteration Is Invalid)

第三十条　変更記録がその請求の無効、取消しその他の事由により効力を有しない場合には、当該変更記録前に債務を負担した電子記録債務者は、当該変更記録前の債権記録の内容に従って責任を負う。ただし、当該変更記録の請求における相手方に対する意思表示を適法にした者の間においては、当該意思表示をした電子記録債務者は、当該変更記録以後の債権記録の内容に従って責任を負う。

Article 30 (1) When a record of alteration is not in effect due to the invalidity or rescission of the request, or for other reasons, the electronically recorded obligor who bore the obligation before the recording of the alteration bears the responsibility in accordance with the contents of the monetary claims record before the recording of the alteration; provided, however, that between a person who made a legitimate manifestation of intention in the request for the recording of the alteration and the counterparty to the request, the electronically recorded obligor who manifested that intention bears responsibility in accordance with the contents of the monetary claims record after the recording of that alteration.

２　前項本文に規定する場合には、当該変更記録後に債務を負担した電子記録債務者は、当該変更記録後の債権記録の内容に従って責任を負う。

(2) In the case provided for in the main clause of the preceding paragraph, the electronically recorded obligor who came to bear the obligation after the recording of the alteration bears the responsibility in accordance with the contents of the monetary claims record after the recording of that alteration.

第六節　電子記録保証

Section 6 Electronically Recorded Guarantee

（保証記録による電子記録債権の発生）

(Accrual of Electronically Recorded Monetary Claims through the Recording of a Guarantee)

第三十一条　電子記録保証に係る電子記録債権は、保証記録をすることによって生ずる。

Article 31 An electronically recorded monetary claim connected to an electronically recorded guarantee accrues through the recording of a guarantee.

（保証記録）

(Recording of a Guarantee)

第三十二条　保証記録においては、次に掲げる事項を記録しなければならない。

Article 32 (1) The following matters must be recorded in the record of a guarantee:

一　保証をする旨

(i) a statement that a guarantee is being provided;

二　保証人の氏名又は名称及び住所

(ii) the name and address of the guarantor;

三　主たる債務者の氏名又は名称及び住所その他主たる債務を特定するために必要な事項

(iii) the name and address of the principal obligor and other matters that are required to identify the principal obligation; and

四　電子記録の年月日

(iv) the date on which the electronic recording was made.

２　保証記録においては、次に掲げる事項を記録することができる。

(2) The following matters may be recorded in the record of a guarantee:

一　保証の範囲を限定する旨の定めをするときは、その定め

(i) if there are provisions limiting the scope of guarantee, those provisions;

二　遅延損害金又は違約金についての定めをするときは、その定め

(ii) if there are provisions stipulating delinquency charges or penalties, those provisions;

三　相殺又は代物弁済についての定めをするときは、その定め

(iii) if there are provisions stipulating set-off or substitute performance, those provisions;

四　弁済の充当の指定についての定めをするときは、その定め

(iv) if there are provisions stipulating the appropriation of payments, those provisions;

五　保証人が個人事業者であるときは、その旨

(v) if the guarantor is an individual business operator, a statement to that effect;

六　保証人が法人又は個人事業者（その旨の記録がされる者に限る。）である場合において、保証記録をした時の債権者に対抗することができる事由について第二十条第一項（第三十八条において読み替えて準用する場合を含む。）の規定を適用しない旨の定めをするときは、その定め

(vi) if the guarantor is a corporation or an individual business operator (limited to those who are recorded as such) and there are provisions stipulating that the provisions of Article 20, paragraph (1) (including when the provisions are applied mutatis mutandis to Article 38 by replacing terms) do not apply regarding matters which the guarantor may assert against the obligee at the time of the recording of the guarantee, those provisions;

七　保証人が法人又は個人事業者（その旨の記録がされる者に限る。）であって前号に掲げる定めが記録されない場合において、保証人が債権者（譲渡記録における譲受人を含む。以下この項において同じ。）に対抗することができる抗弁についての定めをするときは、その定め

(vii) if the guarantor is a corporation or an individual business operator (limited to those who are recorded as such) and the provisions provided for in the preceding item have not been recorded, but there are provisions stipulating a defense that the guarantor may assert against the obligee (including assignee under a record of assignment; hereinafter the same applies in this paragraph), those provisions;

八　債権者と保証人との間の通知の方法についての定めをするときは、その定め

(viii) if there are provisions stipulating the method of notice between obligee and guarantor, those provisions;

九　債権者と保証人との間の紛争の解決の方法についての定めをするときは、その定め

(ix) if there are provisions stipulating the method for settling disputes between obligee and guarantor, those provisions; or

十　前各号に掲げるもののほか、政令で定める事項

(x) beyond what is listed in the respective preceding items, matters specified by Cabinet Order.

３　第一項第一号から第三号までに掲げる事項のいずれかの記録が欠けているときは、電子記録保証に係る電子記録債権は、発生しない。

(3) When there is any lack of records of matters listed in paragraph (1), items (i) through (iii), electronically recorded monetary claims pertaining to the electronically recorded guarantee do not accrue.

４　消費者についてされた第二項第五号に掲げる事項の記録は、その効力を有しない。

(4) A record on matters listed in paragraph (2), item (v) regarding a consumer has no effect.

５　電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（保証記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する保証記録をしてはならない。

(5) When a matter listed in Article 16, paragraph (2), item (xii) or (xv) (limited to those pertaining to the record of a guarantee) has been recorded in a record of accrual, the electronic monetary claim recording institution must not make a record of guarantee that conflicts with the contents of the record of accrual.

（電子記録保証の独立性）

(Independence of Electronically Recorded Guarantees)

第三十三条　電子記録保証債務は、その主たる債務者として記録されている者がその主たる債務を負担しない場合（第十六条第一項第一号から第六号まで又は前条第一項第一号から第三号までに掲げる事項の記録が欠けている場合を除く。）においても、その効力を妨げられない。

Article 33 (1) The validity of an electronically recorded guarantee obligation is not impaired, even if the person recorded as the principal obligor does not owe the principal obligation (excluding when a record of matters listed in Article 16, paragraph (1), items (i) through (vi), or paragraph (1), items (i) through (iii) of the preceding Article is not made).

２　前項の規定は、電子記録保証人が個人（個人事業者である旨の記録がされている者を除く。）である場合には、適用しない。

(2) The provisions in the preceding paragraph do not apply if the electronically recorded guarantor is an individual (excluding those who are recorded as individual business operators).

（民法等の適用除外）

(Exclusion from Application of the Civil Code)

第三十四条　民法第四百五十二条、第四百五十三条及び第四百五十六条から第四百五十八条まで並びに商法（明治三十二年法律第四十八号）第五百十一条第二項の規定は、電子記録保証については、適用しない。

Article 34 (1) The provisions of Articles 452, 453 and 456 through 458 of the Civil Code and Article 511, paragraph (2) of the Commercial Code (Act No. 48 of 1899) do not apply to electronically recorded guarantees.

２　前項の規定にかかわらず、電子記録保証人が個人（個人事業者である旨の記録がされている者を除く。）である場合には、当該電子記録保証人は、主たる債務者の債権による相殺をもって債権者に対抗することができる。

(2) Notwithstanding the provisions of the preceding paragraph, if the electronically recorded guarantor is an individual (excluding those who are recorded as individual business operators), the electronically recorded guarantor may assert set-off against the obligee with any claim that the principal obligor may have against the obligee.

（特別求償権）

(Special Right to Reimbursement)

第三十五条　発生記録によって生じた債務を主たる債務とする電子記録保証人が出えん（弁済その他自己の財産をもって主たる債務として記録された債務を消滅させるべき行為をいう。以下この条において同じ。）をした場合において、その旨の支払等記録がされたときは、民法第四百五十九条、第四百六十二条、第四百六十三条及び第四百六十五条の規定にかかわらず、当該電子記録保証人は、次に掲げる者に対し、出えんにより共同の免責を得た額、出えんをした日以後の遅延損害金の額及び避けることができなかった費用の額の合計額について電子記録債権を取得する。ただし、第三号に掲げる者に対しては、自己の負担部分を超えて出えんをした額のうち同号に掲げる者の負担部分の額に限る。

Article 35 (1) When an electronically recorded guarantor whose principal obligation accrued through the recording of accrual makes a disbursement (meaning acts to extinguish an obligation recorded as the principal obligation through payment or other conducts with the guarantor's own property; the same applies hereinafter in this Article), and a record of a payment, etc. is made to that effect, notwithstanding the provisions of Articles 459, 462, 463 and 465 of the Civil Code, that guarantor acquires the electronically recorded monetary claims in an amount equal to the aggregate of the amount jointly discharged with the disbursement, the amount of delinquency charges accrued after the date of the disbursement, and the amount of unavoidable expenses, against the persons listed in the following sub-items; provided, however, that the electronically recorded monetary claims so acquired from the person listed in item (iii) are limited to the share to be borne by the person from among the amount of the disbursement that the electronically recorded guarantor bear in excess of the person's share:

一　主たる債務者

(i) the principal obligor;

二　当該出えんをした者が電子記録保証人となる前に当該者を債権者として当該主たる債務と同一の債務を主たる債務とする電子記録保証をしていた他の電子記録保証人

(ii) other electronically recorded guarantors who have extended electronically recorded guaranties for the same principal obligation whose creditor is the person who made the disbursement, before that person became an electronically recorded guarantor of the obligation; and

三　当該主たる債務と同一の債務を主たる債務とする他の電子記録保証人（前号に掲げる者及び電子記録保証人となる前に当該出えんをした者の電子記録保証に係る債権者であったものを除く。）

(iii) other electronically recorded guarantors whose principal obligation is the same as the relevant principal obligation (excluding persons listed in the preceding item and the person who was the obligee under the electronically recorded guarantee of the person who made the disbursement before becoming the electronically recorded guarantor).

２　前項の規定は、同項の規定によって生じた債務を主たる債務とする電子記録保証人が出えんをした場合について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis when an electronically recorded guarantor whose principal obligation is the obligation accrued pursuant to the provisions of that paragraph makes a disbursement.

３　第一項の規定は、電子記録保証債務を主たる債務とする電子記録保証人が出えんをした場合について準用する。この場合において、同項中「次に掲げる者」とあるのは、「次に掲げる者及びその出えんを主たる債務者として記録されている電子記録保証人がしたとするならば、次に掲げる者に該当することとなるもの」と読み替えるものとする。

(3) The provisions of the first paragraph apply mutatis mutandis when an electronically recorded guarantor whose principal obligation is an electronically recorded guarantee obligation makes a disbursement. In this case, the phrase "persons listed in the following sub-items" in that paragraph is deemed to be replaced with "persons listed in the following sub-items and persons who would fall under the category of those listed in the following sub-items if the disbursement were made by the electronically recorded guarantor who is recorded as the principal obligor".

第七節　質権

Section 7 Pledges

（電子記録債権の質入れ）

(Pledging of Electronically Recorded Monetary Claims)

第三十六条　電子記録債権を目的とする質権の設定は、質権設定記録をしなければ、その効力を生じない。

Article 36 (1) The creation of a pledge on electronically recorded monetary claims has no effect unless a record is made of the pledge's creation.

２　民法第三百六十二条第二項の規定は、前項の質権については、適用しない。

(2) The provisions of Article 362, paragraph (2) of the Civil Code do not apply to pledges in the preceding paragraph.

３　民法第二百九十六条から第三百条まで、第三百四条、第三百四十二条、第三百四十三条、第三百四十六条、第三百四十八条、第三百四十九条、第三百五十一条、第三百七十三条、第三百七十四条、第三百七十八条、第三百九十条、第三百九十一条、第三百九十八条の二から第三百九十八条の十まで、第三百九十八条の十九、第三百九十八条の二十（第一項第三号を除く。）及び第三百九十八条の二十二の規定は、第一項の質権について準用する。

(3) The provisions of Articles 296 through 300, Articles 304, 342, 343, 346, 348, 349, 351, 373, 374, 378, 390, and 391, Articles 398-2 through 398-10, 398-19, 398-20 (excluding paragraph (1), item (iii)), and 398-22 of the Civil Code apply mutatis mutandis to pledges provided in paragraph (1).

（質権設定記録の記録事項）

(Record Matters in a Record of Pledge Creation)

第三十七条　質権設定記録（根質権の質権設定記録を除く。次項において同じ。）においては、次に掲げる事項を記録しなければならない。

Article 37 (1) In a record of pledge creation (excluding the record of a revolving pledge's creation; the same applies in the following paragraph), the following matters must be recorded:

一　質権を設定する旨

(i) a statement creating the pledge;

二　質権者の氏名又は名称及び住所

(ii) the name and address of the pledgee;

三　被担保債権の債務者の氏名又は名称及び住所、被担保債権の額（一定の金額を目的としない債権については、その価額。以下同じ。）その他被担保債権を特定するために必要な事項

(iii) the name and address of the obligor of the secured claim, the amount of the secured claim (regarding claims for an unfixed amount of money, their values; the same applies hereinafter), and other matters necessary in order to identify the secured claim;

四　一の債権記録における質権設定記録及び転質の電子記録がされた順序を示す番号（以下「質権番号」という。）

(iv) a number showing the order of the recording of the pledge's creation and the electronic recording of the sub-pledge in one monetary claim record (hereinafter referred to as the "pledge number"); and

五　電子記録の年月日

(v) the date on which the electronic recording was made.

２　質権設定記録においては、次に掲げる事項を記録することができる。

(2) In the record of a pledge's creation, the following matters may be recorded:

一　被担保債権につき利息、遅延損害金又は違約金についての定めがあるときは、その定め

(i) if there are provisions regarding the interest on secured claims, delinquency charges, or penalties, those provisions;

二　被担保債権に付した条件があるときは、その条件

(ii) if a condition is attached to secured claims, that condition;

三　前条第三項において準用する民法第三百四十六条ただし書の別段の定めをするときは、その定め

(iii) if the special provisions referred to in the proviso to Article 346 of the Civil Code as applied mutatis mutandis to paragraph (3) of the preceding Article are stipulated, those provisions;

四　質権の実行に関し、その方法、条件その他の事項について定めをするときは、その定め

(iv) if there are provisions stipulating the method, conditions, or other matters regarding the execution of the pledge, those provisions;

五　発生記録において電子記録債権に係る債務の支払を債権者口座に対する払込みによってする旨の定めが記録されている場合において、質権設定記録に当たり質権者が質権者の預金又は貯金の口座に対する払込みによって支払を受けようとするときは、当該口座（発生記録において払込みをする預金又は貯金の口座の変更に関する定めが記録されているときは、これと抵触しないものに限る。）

(v) if provisions that the payment of the obligation pertaining to electronically recorded monetary claims is to be made to the obligee's account have been recorded in the record of accrual, and, in recording the pledge's creation, the pledgee intends to receive the payment in a deposit account or postal savings account, that account (limited to those that do not conflict with the record of accrual if provisions regarding a change in the deposit or postal savings account used for payments are recorded in the record of accrual);

六　質権設定者と質権者（質権設定記録後に当該質権についての質権者として記録された者を含む。次号において同じ。）との間の通知の方法についての定めをするときは、その定め

(vi) if there are provisions stipulating the method of notice between the pledgor and the pledgee (including those who are recorded as pledgee for the pledge after the recording of the pledge's creation; the same applies in the following item), those provisions;

七　質権設定者と質権者との間の紛争の解決の方法についての定めをするときは、その定め

(vii) if there are provisions stipulating the method for settling disputes between the pledgor and the pledgee, those provisions; or

八　前各号に掲げるもののほか、政令で定める事項

(viii) beyond what is listed in the respective preceding items, matters specified by Cabinet Order.

３　根質権の質権設定記録においては、次に掲げる事項を記録しなければならない。

(3) In the record of a revolving pledge's creation, the following matters must be recorded:

一　根質権を設定する旨

(i) a statement creating the revolving pledge;

二　根質権者の氏名又は名称及び住所

(ii) the name and address of the revolving pledgee;

三　担保すべき債権の債務者の氏名又は名称及び住所

(iii) the name and address of the obligor of secured claims;

四　担保すべき債権の範囲及び極度額

(iv) the scope and maximum amount of secured claims;

五　質権番号

(v) the pledge number: and

六　電子記録の年月日

(vi) the date on which the electronic recording was made.

４　根質権の質権設定記録においては、次に掲げる事項を記録することができる。

(4) In the record of a revolving pledge's creation, the following matters may be recorded:

一　担保すべき元本の確定すべき期日の定めをするときは、その定め

(i) if there are provisions stipulating the date on which the principal of the secured claim is to be determined, those provisions;

二　根質権の実行に関し、その方法、条件その他の事項について定めをするときは、その定め

(ii) if there are provisions stipulating the method, condition, or other matters regarding the execution of revolving pledge, those provisions;

三　発生記録において電子記録債権に係る債務の支払を債権者口座に対する払込みによってする旨の定めが記録されている場合において、根質権の質権設定記録に当たり根質権者が根質権者の預金又は貯金の口座に対する払込みによって支払を受けようとするときは、当該口座（発生記録において払込みをする預金又は貯金の口座の変更に関する定めが記録されているときは、これと抵触しないものに限る。）

(iii) if provisions that the payment of the obligation pertaining to electronically recorded monetary claims is to be made to the obligee's account have been recorded in the record of accrual, and, in recording a revolving pledge's creation, the revolving pledgee intends to receive the payment in a deposit account or postal savings account, that account (limited to those that do not conflict with the record of accrual if provisions regarding a change in the deposit or postal savings account for payments are recorded in the record of accrual);

四　根質権設定者と根質権者（根質権の質権設定記録後に当該根質権についての根質権者として記録された者を含む。次号において同じ。）との間の通知の方法についての定めをするときは、その定め

(iv) if there are provisions stipulating the method of notice between the revolving pledgor and revolving pledgee (including those who are recorded as revolving pledgee with regard to the revolving pledge after the recording of the revolving pledge's creation; the same applies in regard to the following item), those provisions;

五　根質権設定者と根質権者との間の紛争の解決の方法についての定めをするときは、その定め

(v) if there are provisions stipulating the method for settlement of disputes between the revolving pledgor and revolving pledgee, those provisions; or

六　前各号に掲げるもののほか、政令で定める事項

(vi) beyond what is listed in the respective preceding items, matters specified by Cabinet Order.

５　電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（質権設定記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する質権設定記録をしてはならない。

(5) When matters listed in Article 16, paragraph (2), item (xii) or (xv) (limited to the part pertaining to a record of pledge creation) have been recorded in the record of accrual, the electronic monetary claim recording institution must not make a record of pledge creation that conflicts with the contents of the record of accrual.

（善意取得及び抗弁の切断）

(Good Faith Acquisition and Restriction on Assertion of Defense)

第三十八条　第十九条及び第二十条の規定は、質権設定記録について準用する。この場合において、第十九条第一項中「譲受人」とあるのは「質権者」と、「当該電子記録債権」とあるのは「その質権」と、同条第二項第二号中「譲受人」とあるのは「質権者」と、同項第三号中「された譲渡記録」とあるのは「された質権設定記録」と、第二十条第一項中「債権者に当該電子記録債権を譲渡した」とあるのは「質権者にその質権を設定した」と、「当該債権者に」とあるのは「当該質権者に」と、同項ただし書中「当該債権者が」とあるのは「当該質権者が」と、「当該電子記録債権を取得した」とあるのは「当該質権を取得した」と、同条第二項第二号中「債権者」とあり、及び「譲受人」とあるのは「質権者」と読み替えるものとする。

Article 38 The provisions of Articles 19 and 20 apply mutatis mutandis to records of pledge creation. In this case, the term "assignee" in Article 19, paragraph (1) is deemed to be replaced with "pledgee", the phrase "the electronically recorded monetary claims" in the same paragraph is deemed to be replaced with "the pledge", the term "assignee" in paragraph (2), item (ii) of the same Article is deemed to be replaced with "pledgee", the phrase "the recording of the assignment" in item (iii) of the same paragraph is deemed to be replaced with "the recording of the pledge's creation", the phrase "with the person who assigned the electronically recorded monetary claim to the obligee of the claim, against the obligee" in Article 20, paragraph (1) is deemed to be replaced with "with the person who created the pledge for the pledgee, against the pledgee", the phrase "the obligee acquired the electronically recorded monetary claims" in the proviso to the same paragraph is deemed to be replaced with "the pledgee acquired the pledge", and the terms "the obligee" and "an assignee" in paragraph (2), item (ii) of the same Article are deemed to be replaced with "the pledgee".

（質権の順位の変更の電子記録）

(Electronic Recording of a Change in the Order of Pledges)

第三十九条　第三十六条第三項において準用する民法第三百七十四条第一項の規定による質権の順位の変更の電子記録においては、次に掲げる事項を記録しなければならない。

Article 39 (1) In an electronic recording of a change in the order of pledges pursuant to the provisions of Article 374, paragraph (1) of the Civil Code as applied mutatis mutandis to Article 36, paragraph (3), the following matters must be recorded:

一　質権の順位を変更する旨

(i) a statement that the order of pledges is being changed;

二　順位を変更する質権の質権番号

(ii) the pledge number of the pledges whose order is being changed;

三　変更後の質権の順位

(iii) the order of pledges after the change; and

四　電子記録の年月日

(iv) the date on which the electronic recording was made.

２　前項の電子記録の請求は、順位を変更する質権の電子記録名義人の全員がしなければならない。この場合においては、第五条第二項及び第三項の規定を準用する。

(2) The request for an electronic recording referred to in the preceding paragraph must be filed by all electronically recorded persons for which the order of pledges is to be changed. In this case, the provisions of Article 5, paragraphs (2) and (3) apply mutatis mutandis.

（転質）

(Sub-Pledges)

第四十条　第三十六条第三項において準用する民法第三百四十八条の規定による転質は、転質の電子記録をしなければ、その効力を生じない。

Article 40 (1) A sub-pledge pursuant to the provisions of Article 348 of the Civil Code applied mutatis mutandis to Article 36, paragraph (3) has no effect unless an electronic recording is made of the sub-pledge.

２　第三十七条第一項から第四項までの規定は、転質の電子記録について準用する。

(2) The provisions of Article 37, paragraphs (1) through (4) apply mutatis mutandis to the electronic recording of a sub-pledge.

３　転質の電子記録においては、転質の目的である質権の質権番号をも記録しなければならない。

(3) The pledge number of the pledge that is the subject matter of a sub-pledge must also be recorded in the electronic recording of the sub-pledge.

４　質権者が二以上の者のために転質をしたときは、その転質の順位は、転質の電子記録の前後による。

(4) When a pledgee creates a sub-pledge for two or more persons, the order of priority of these sub-pledges follows the chronological order of their electronic recording.

（被担保債権の譲渡に伴う質権等の移転による変更記録の特則）

(Special Provisions on the Recording of an Alteration Due to the Transfer of a Pledge Accompanying the Assignment of a Secured Claim)

第四十一条　被担保債権の一部について譲渡がされた場合における質権又は転質の移転による変更記録においては、第二十七条各号に掲げる事項のほか、当該譲渡の目的である被担保債権の額をも記録しなければならない。

Article 41 (1) In the recording of an alteration due to a transfer of pledges or sub-pledges in case of partial assignment of secured claims, the amount of the secured claim that is the subject of that assignment must also be recorded beyond the matters listed in relevant items of Article 27.

２　根質権の担保すべき債権の譲渡がされた場合における根質権の移転による変更記録の請求は、当該譲渡が当該根質権の担保すべき元本の確定後にされたものであり、かつ、当該確定の電子記録がされている場合でなければ、することができない。

(2) When a claim to be secured by a revolving pledge has been assigned, a request for the recording of an alteration due to the transfer of the revolving pledge may not be made unless that assignment was made after the determination of the principal amount secured by the revolving pledge and an electronic recording has been made of that determination.

（根質権の担保すべき元本の確定の電子記録）

(Electronic Recording of the Determination of Principal Secured by Revolving Pledge)

第四十二条　根質権の担保すべき元本（以下この条において単に「元本」という。）の確定の電子記録においては、次に掲げる事項を記録しなければならない。

Article 42 (1) In an electronic recording of the determination of principal secured by a revolving pledge (hereinafter simply referred to as "principal" in this Article), the following matters must be recorded:

一　元本が確定した旨

(i) a statement that the principal has been determined;

二　元本が確定した根質権の質権番号

(ii) the pledge number of the revolving pledge whose principal has been determined;

三　元本の確定の年月日

(iii) the date of determination of the principal; and

四　電子記録の年月日

(iv) the date on which the electronic recording was made.

２　第三十六条第三項において準用する民法第三百九十八条の十九第二項又は第三百九十八条の二十第一項第四号の規定により元本が確定した場合の電子記録は、当該根質権の電子記録名義人だけで請求することができる。ただし、同号の規定により元本が確定した場合における請求は、当該根質権又はこれを目的とする権利の取得の電子記録の請求と併せてしなければならない。

(2) An electronic recording of principal that has been determined pursuant to the provisions of Article 398-19, paragraph (2) or Article 398-20, paragraph (1), item (iv) of the Civil Code, applied mutatis mutandis to Article 36, paragraph (3) may be requested solely by the electronically recorded person of the revolving pledge; provided, however, that when a request is made after the principal is determined pursuant to the provisions of Article 398-20, paragraph (1), item (iv) of the Civil Code, the request must be made jointly with the request for an electronic recording of the acquisition of the revolving pledge or the right whose subject is the revolving pledge.

第八節　分割

Section 8 Division

（分割記録）

(Recording of a Division)

第四十三条　電子記録債権は、分割（債権者又は債務者として記録されている者が二人以上ある場合において、特定の債権者又は債務者について分離をすることを含む。）をすることができる。

Article 43 (1) Electronically recorded monetary claims may be divided (including when there are two or more recorded obligees or obligors and a separation is made with respect to specific obligees or obligors).

２　電子記録債権の分割は、次条から第四十七条までの規定により、分割をする電子記録債権が記録されている債権記録（以下「原債権記録」という。）及び新たに作成する債権記録（以下「分割債権記録」という。）に分割記録をすると同時に原債権記録に記録されている事項の一部を分割債権記録に記録することによって行う。

(2) Electronically recorded monetary claims are divided, pursuant to the provisions of the following Article through Article 47, by a record of the division being made in the monetary claims record in which the electronically recorded monetary claims being divided have been recorded (hereinafter referred to as "original monetary claims record"), and in the monetary claims record which is being newly created (hereinafter referred to as "divided monetary claims record"), and by some of the matters recorded in the original monetary claims record being recorded in the divided monetary claims record simultaneously with the recording of the division.

３　分割記録の請求は、分割債権記録に債権者として記録される者だけですることができる。

(3) A request for the recording of a division may be filed solely by the person that will be recorded as the obligee in the divided monetary claims record.

（分割記録の記録事項）

(Record Matters in a Recording of a Division)

第四十四条　分割記録においては、分割債権記録に次に掲げる事項を記録しなければならない。

Article 44 (1) In a recording of a division, the following matters must be recorded in the divided monetary claims record:

一　原債権記録から分割をした旨

(i) a statement that the claim has been divided from the original monetary claims record;

二　原債権記録及び分割債権記録の記録番号

(ii) the record numbers of the original monetary claims record and the divided monetary claims record;

三　発生記録における債務者であって分割債権記録に記録されるものが一定の金額を支払う旨

(iii) a statement that the person who is the obligor in the record of accrual and is recorded in the divided monetary claims record pays a fixed amount of money;

四　債権者の氏名又は名称及び住所

(iv) the name and address of the obligee; and

五　電子記録の年月日

(v) the date on which the electronic recording was made.

２　分割記録においては、原債権記録に次に掲げる事項を記録しなければならない。

(2) When recording a division, the following matters must be recorded in the original monetary claims record:

一　分割をした旨

(i) a statement that the claim has been divided;

二　分割債権記録の記録番号

(ii) the record number of the divided monetary claims record; and

三　電子記録の年月日

(iii) the date on which the electronic recording was made.

３　電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（分割記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する分割記録をしてはならない。

(3) If matters listed in Article 16, paragraph (2), item (xii) or (xv) (limited to the part pertaining to the record of a division) have been recorded in the record of accrual, the electronic monetary claim recording institution must not make a record of a division that conflicts with the contents of the record of accrual.

（分割記録に伴う分割債権記録への記録）

(Recording in Divided Monetary Claims Records Accompanying the Recording of a Division)

第四十五条　電子債権記録機関は、分割記録と同時に、分割債権記録に次に掲げる事項を記録しなければならない。

Article 45 (1) When an electronic monetary claim recording institution records a division, it must record the following matters in the divided monetary claims record at the same time:

一　分割債権記録に記録される電子記録債権についての原債権記録中の現に効力を有する電子記録において記録されている事項（次に掲げるものを除く。）

(i) matters recorded in the currently valid electronic recordings made in the original monetary claims record with regard to the electronically recorded monetary claims being recorded in the divided monetary claims record (excluding the following matters):

イ　債務者が一定の金額を支払う旨

(a) a statement that the obligor pays a fixed amount of money;

ロ　当該電子記録債権が分割払の方法により債務を支払うものである場合における各支払期日及び当該支払期日ごとに支払うべき金額

(b) if the obligation pertaining to the electronically recorded monetary claim is to be paid in installments, the payment dates and the amount payable on each of those payment dates;

ハ　譲渡記録、保証記録、質権設定記録、分割記録又は記録機関変更記録をすることができる回数（以下「記録可能回数」という。）が記録されている場合におけるその記録可能回数

(c) if a ceiling on the number of times it is permitted to make a record of assignment, a record of guarantee, a record of pledge creation, a record of division, or record of change of recording institution has been recorded, that number (hereinafter referred to as the "recording ceiling number");

ニ　原債権記録の記録番号

(d) the record number of the original monetary claims record; and

ホ　原債権記録に分割記録がされている場合における当該分割記録において記録されている事項（イに掲げるものを除く。）

(e) if a record of the division has been made in the original monetary claims record, the matters recorded in the record of the division (excluding those listed above in (a));

二　分割債権記録に記録される電子記録債権が原債権記録において分割払の方法により債務を支払うものとして記録されている場合には、当該電子記録債権の支払期日（原債権記録に支払期日として記録されているものに限る。）

(ii) if the electronically recorded monetary claim being recorded in the divided monetary claims record has been recorded in the original monetary claims record as an obligation to be paid in installments, the payment dates for the electronically recorded monetary claim (limited to those that are recorded in the original monetary claims record as payment dates);

三　前号に規定する場合において、分割債権記録に記録される電子記録債権が分割払の方法により債務を支払うものであるときは、当該電子記録債権の各支払期日ごとに支払うべき金額（原債権記録に記録されている対応する各支払期日ごとに支払うべき金額の範囲内のものに限る。）

(iii) in the case prescribed in the preceding item, when the electronically recorded monetary claims recorded in the divided monetary claims record are to be paid in installments, the amount payable on each payment date for the electronically recorded monetary claims (limited to those that are within the amount payable on corresponding payment dates recorded in the original monetary claims record); and

四　原債権記録に記録可能回数が記録されている場合には、当該記録可能回数（分割記録の記録可能回数にあっては、当該記録可能回数から一を控除した残りの記録可能回数）のうち、分割債権記録における記録可能回数

(iv) if a recording ceiling number is recorded in the original monetary claims record, the portion of the recording ceiling number (the portion of the recording ceiling number that remains for the recording of divisions after deducting one from the recording ceiling number for the recording of divisions) that constitutes the recording ceiling number for the divided monetary claims record.

２　電子債権記録機関は、分割債権記録に前項第一号に掲げる事項を記録したときは当該事項を原債権記録から転写した旨及びその年月日を、同項第二号から第四号までに掲げる事項を記録したときはその記録の年月日を当該分割債権記録に記録しなければならない。

(2) When the electronic monetary claim recording institution has recorded matters listed in item (i) of preceding paragraph in the divided monetary claims record, a statement that that matter has been transferred from the original monetary claims record and the date of the transfer must be recorded in the divided monetary claims record, and when the electronic monetary claim recording institution has recorded matters listed in item (ii) through item (iv) of the same paragraph, the date of the records must be recorded in that divided monetary claims record.

（分割記録に伴う原債権記録への記録）

(Recording in the Original Monetary Claims Record Accompanying the Recording of a Division)

第四十六条　電子債権記録機関は、分割記録と同時に、原債権記録に次に掲げる事項を記録しなければならない。

Article 46 (1) When an electronic monetary claim recording institution records a division, it must record the following matters in the original monetary claims record at the same time:

一　分割債権記録に記録される電子記録債権について原債権記録に記録されている事項のうち、前条第一項第一号イからハまでに掲げる事項の記録を削除する旨

(i) a statement that, among the matters recorded in the original monetary claims record with regard to the electronically recorded monetary claims being recorded in the divided monetary claims record, the record of matters listed in paragraph (1), item (i), sub-items (a) through (c) of the preceding Article is being deleted;

二　発生記録における債務者が分割記録の直前に原債権記録に記録されていた第十六条第一項第一号（当該原債権記録が他の分割における分割債権記録である場合にあっては、第四十四条第一項第三号）に規定する一定の金額から分割債権記録に記録される第四十四条第一項第三号に規定する一定の金額を控除して得た金額を支払う旨

(ii) a statement that the obligor in the record of accrual pays an amount calculated by deducting the fixed amount of money provided for in Article 44, paragraph (1), item (iii) which is being recorded in the divided monetary claims record from the fixed amount of money provided for in Article 16, paragraph (1), item (i) (Article 44, paragraph (1), item (iii), if the original monetary claims record is a divided monetary claims record arising from another division of monetary claims) which was recorded in the original monetary claims record just before the recording of the division;

三　分割債権記録に記録される電子記録債権が原債権記録において分割払の方法により債務を支払うものとして記録されている場合には、分割記録の後も原債権記録に引き続き記録されることとなる支払期日

(iii) if the electronically recorded monetary claims being recorded in the divided monetary claims records have been recorded in the original monetary claims record as obligations to be paid in installments, the payment dates that will continue to be recorded in the original monetary claims record even after the recording of the division;

四　前号に規定する場合において、分割記録の後も原債権記録に引き続き記録されることとなる電子記録債権が分割払の方法により債務を支払うものであるときは、当該電子記録債権の各支払期日ごとに支払うべき金額

(iv) in the case prescribed in the preceding item, when electronically recorded monetary claims that will continue to be recorded in the original monetary claims record even after the recording of the division are to be paid in installments, the amounts payable for the electronically recorded monetary claims on each payment date; and

五　原債権記録に記録可能回数が記録されている場合には、当該記録可能回数（分割記録の記録可能回数にあっては、当該記録可能回数から一を控除した残りの記録可能回数）から分割債権記録における記録可能回数を控除した残りの記録可能回数

(v) if a recording ceiling number is recorded in the original monetary claims record, the portion of the recording ceiling number that remains after deducting the recording ceiling number in the divided monetary claims record from the recording ceiling number in the original monetary claims record (from the recording ceiling number for the recording of divisions, after deducting one from that recording ceiling number).

２　電子債権記録機関は、原債権記録に前項各号に掲げる事項を記録したときは、その記録の年月日を当該原債権記録に記録しなければならない。

(2) When an electronic monetary claim recording institution records matters listed in the items of the preceding paragraphs in the original monetary claims record, it must record the date of the record in the original monetary claims record.

（主務省令への委任）

(Delegation to Order of the Competent Ministry)

第四十七条　第四十三条第三項及び前三条の規定にかかわらず、次に掲げる場合における分割記録の請求、分割記録の記録事項並びに分割記録に伴う分割債権記録及び原債権記録への記録について必要な事項は、これらの規定の例に準じて主務省令で定める。

Article 47 Notwithstanding the provisions of Article 43, paragraph (3) and the preceding three Articles, necessary matters regarding a request for the recording of a division, the record matters in the record of a division, and recording in a divided monetary claims record and in an original monetary claims record accompanying the recording of a division in the following cases are specified by order of the competent ministry, in accordance with these provisions:

一　原債権記録に債権者ごとの債権の金額又は債務者ごとの債務の金額が記録されている場合

(i) the amount of the claims of each respective obligee or the amount of the obligations owed by each respective obligor is recorded in the original monetary claims record;

二　原債権記録に第三十二条第二項第一号に掲げる事項が記録された保証記録がされている場合

(ii) the record of a guarantee in which matters listed in Article 32, paragraph (2), item (i) have been recorded is included in the original monetary claims record;

三　原債権記録に特別求償権が記録されている場合

(iii) a special right to reimbursement has been recorded in the original monetary claims record; or

四　前三号に掲げるもののほか、主務省令で定める場合

(iv) beyond what is listed in the preceding three items, a case specified by order of the competent ministry.

第九節　電子債権記録機関の変更

Section 9 Change of Electronic Monetary Claim Recording Institution

（記録機関変更記録）

(Recording of Change of Recording Institution)

第四十七条の二　電子記録債権は、その電子記録を行う電子債権記録機関の変更（以下単に「電子債権記録機関の変更」という。）をすることができる。

Article 47-2 (1) An electronic monetary claim recording institution engaged in the electronic recording of monetary claims may be changed (hereinafter referred to simply as a "change of the electronic monetary claim recording institution").

２　電子債権記録機関の変更は、次条から第四十七条の五までの規定により、電子債権記録機関の変更をしようとする電子記録債権についての債権記録（以下「変更前債権記録」という。）を記録原簿に記録している電子債権記録機関（以下「変更前電子債権記録機関」という。）から変更前債権記録の記録事項を引き継ぐ電子債権記録機関（以下「変更後電子債権記録機関」という。）がその記録原簿に新たに作成し、変更前債権記録の記録事項を記録する債権記録（以下「変更後債権記録」という。）に記録機関変更記録をすることによって行う。

(2) A change of electronic monetary claim recording institution is made by the process wherein the monetary claims record concerning the electronically recorded monetary claims for which a change of electronic monetary claim recording institution is to be made (hereinafter referred to as the "pre-change monetary claims record") is handed over from the electronic monetary claim recording institution that has recorded the pre-change monetary claims record in the registry (hereinafter referred to as the "pre-change electronic monetary claim recording institution") to the electronic monetary claim recording institution that is to take over the record matters in the pre-change monetary claims record (hereinafter referred to as the "post-change electronic monetary claim recording institution"), and the latter institution makes a record of change of recording institution in the monetary claims record to be newly created in its registry to record the record matters in the pre-change monetary claims record (hereinafter that newly created record is referred to as the "post-change monetary claims record"), pursuant to the provisions of the following Article through Article 47-5.

（記録機関変更記録の請求等）

(Request for Recording of Change of Recording Institution)

第四十七条の三　記録機関変更記録の請求は、変更前債権記録に電子記録債権の債権者として記録されている者（その者について相続その他の一般承継があったときは、その相続人その他の一般承継人）であって、当該電子記録債権の債務者全員の承諾を得たものがすることができる。

Article 47-3 (1) A request for a recording of change of the recording institution may be filed by the person who is recorded in the pre-change monetary claims record as the obligee of the electronically recorded claim (meaning the person's heir or other general successor in case of inheritance or other general succession regarding the person) and has obtained approval from all obligors of the electronically recorded monetary claims.

２　記録機関変更記録の請求は、次に掲げる場合には、することができない。

(2) A request for a recording of change of recording institution may not be filed in the following cases:

一　変更前債権記録に質権設定記録がされている場合

(i) a record of pledge creation has been made in the pre-change monetary claims record;

二　変更後電子債権記録機関が第七条第二項の規定により保証記録、質権設定記録、分割記録若しくは記録機関変更記録をしないこととし、又はこれらの電子記録若しくは譲渡記録について回数の制限その他の制限をしている場合において、その内容と変更前債権記録の内容が抵触するとき。

(ii) the post-change electronic monetary claim recording institution decides not to make a record of guarantee, record of pledge creation, record of division, or record of change of recording institution pursuant to the provisions of Article 7, paragraph (2), or imposes restrictions on the number of times these electronic records or records of assignment or other restrictions can be made, and the contents of the post-change monetary claims record conflict with the contents of the pre-change monetary claims record; or

三　変更後電子債権記録機関が第十六条第五項の規定により同項に規定する事項について、その記録をしないこととし、又はその記録を制限している場合において、その内容と変更前債権記録の内容が抵触するとき。

(iii) the post-change electronic monetary claim recording institution decides not to record the matters prescribed in Article 16, paragraph (5) pursuant to the provisions of that paragraph or restricts the recording of the matters, and the contents of the post-change monetary claims record conflict with the contents of the pre-change monetary claims record.

３　記録機関変更記録の請求についての第六条の規定の適用については、同条中「電子債権記録機関」とあるのは、「第四十七条の二第二項に規定する変更前電子債権記録機関」とする。

(3) In applying the provisions of Article 6 regarding a request for a recording of change of recording institution, the term "electronic monetary claim recording institution" in the Article is replaced with "pre-change electronic monetary claim recording institution prescribed in Article 47-2, paragraph (2)".

４　変更前電子債権記録機関は、記録機関変更記録の請求があったときは、遅滞なく、変更前債権記録に次に掲げる事項を記録しなければならない。

(4) If a request for a recording of change of recording institution is filed, the pre-change electronic monetary claim recording institution must record the following matters in the pre-change monetary claims record without delay:

一　記録機関変更記録の請求があった旨

(i) a statement that a request for a recording of change of recording institution has been filed;

二　変更後電子債権記録機関の名称及び住所

(ii) the name and address of the post-change electronic monetary claim recording institution; and

三　電子記録の年月日

(iii) the date on which the electronic recording was made.

５　変更前電子債権記録機関は、前項の規定による記録をしたときは、遅滞なく、変更後電子債権記録機関に対し、次に掲げる事項を通知しなければならない。

(5) When the pre-change electronic monetary claim recording institution makes a recording pursuant to the provisions of the preceding paragraph, it must notify the post-change electronic monetary claim recording institution of the following matters without delay:

一　変更前電子債権記録機関の名称及び住所

(i) the name and address of the pre-change electronic monetary claim recording institution;

二　変更前債権記録の記録事項

(ii) the record matters in the pre-change monetary claims record; and

三　前二号に掲げるもののほか、変更前債権記録の記録事項の引継ぎに必要な事項として政令で定めるもの

(iii) beyond the matters listed in the preceding two items, matters that are specified by Cabinet Order as necessary for handing over the record matters in the pre-change monetary claims record.

（変更前電子債権記録機関の記録の禁止）

(Prohibition of Recording by Pre-change Electronic Monetary Claim Recording Institution)

第四十七条の四　第七条第一項の規定にかかわらず、変更前電子債権記録機関は、前条第四項の規定による記録をしたときは、変更前債権記録に電子記録（次条第四項の規定による記録を除く。）をしてはならない。

Article 47-4 Notwithstanding the provisions of Article 7, paragraph (1), when a pre-change electronic monetary claim recording institution makes a recording pursuant to the provisions of paragraph (4) of the preceding Article, it must not make an electronic recording (excluding the recording pursuant to the provisions of paragraph (4) of the following Article) in the pre-change monetary claims record.

（記録機関変更記録の記録事項等）

(Record Matters in Recording of Change of Recording Institution)

第四十七条の五　変更後電子債権記録機関は、第四十七条の三第五項の規定による通知を受けたときは、遅滞なく、記録機関変更記録をしなければならない。

Article 47-5 (1) When a post-change electronic monetary claim recording institution receives a notification of matters pursuant to the provisions of Article 47-3, paragraph (5), it must make a recording of change of recording institution without delay.

２　記録機関変更記録においては、変更後債権記録に次に掲げる事項を記録しなければならない。この場合において、変更後電子債権記録機関は、変更後債権記録に第十六条第二項第十五号に掲げる事項を記録することができる。

(2) When recording a change of recording institution, the following matters must be recorded in the post-change monetary claims record. In this case, the post-change electronic monetary claim recording institution may record the matters listed in Article 16, paragraph (2), item (xv) in the post-change monetary claims record:

一　電子債権記録機関の変更をした旨

(i) a statement that a change of electronic monetary claim recording institution has been made;

二　変更後債権記録の記録番号

(ii) the record number of the post-change monetary claims record;

三　第四十七条の三第五項第一号及び第二号に掲げる事項（記録機関変更記録の記録可能回数にあっては、当該記録可能回数から一を控除した残りの記録可能回数）

(iii) the matters listed in Article 47-3, paragraph (5), items (i) and (ii) (in the case of the recording ceiling number for the recording of change of recording institution, the portion of the recording ceiling number that remains after deducting one from that recording ceiling number); and

四　電子記録の年月日

(iv) the date on which the electronic recording was made.

３　変更後電子債権記録機関は、記録機関変更記録をしたときは、遅滞なく、変更前電子債権記録機関に対し、次に掲げる事項を通知しなければならない。

(3) When the post-change electronic monetary claim recording institution makes a recording of change of recording institution, it must notify the pre-change electronic monetary claim recording institution of the following matters without delay:

一　変更後電子債権記録機関の名称及び住所

(i) the name and address of the post-change electronic monetary claim recording institution;

二　前項の規定による記録をした旨

(ii) a statement that the recording under the provisions of the preceding paragraph has been made; and

三　前項第二号に掲げる事項

(iii) the matters listed in item (ii) of the preceding paragraph.

４　変更前電子債権記録機関は、前項の規定による通知を受けたときは、遅滞なく、変更前債権記録に次に掲げる事項を記録しなければならない。

(4) When the pre-change electronic monetary claim recording institution receives a notification of matters pursuant to the provisions of the preceding paragraph, it must record the following matters in the pre-change monetary claims record without delay:

一　前項第二号及び第三号に掲げる事項

(i) the matters listed in items (ii) and (iii) of the preceding paragraph; and

二　電子記録の年月日

(ii) the date on which the electronic recording was made.

第十節　雑則

Section 10 Miscellaneous Provisions

（信託の電子記録）

(Electronic Recording for a Trust)

第四十八条　電子記録債権又はこれを目的とする質権（以下この項において「電子記録債権等」という。）については、信託の電子記録をしなければ、電子記録債権等が信託財産に属することを第三者に対抗することができない。

Article 48 (1) With regard to electronically recorded monetary claims or pledges on them, it may not be asserted that they are part of trust property against a third party unless an electronic recording has been made for the trust.

２　この法律に定めるもののほか、信託の電子記録に関し必要な事項は、政令で定める。

(2) Beyond what is provided for in this Act, matters necessary for electronic recording for a trust are provided for by Cabinet Order.

（電子記録債権に関する強制執行等）

(Compulsory Execution Concerning Electronically Recorded Monetary Claims)

第四十九条　電子債権記録機関は、電子記録債権に関する強制執行、滞納処分その他の処分の制限がされた場合において、これらの処分の制限に係る書類の送達を受けたときは、遅滞なく、強制執行等の電子記録をしなければならない。

Article 49 (1) When compulsory execution concerning electronically recorded monetary claims, or restrictions on tax delinquency dispositions or other dispositions concerning electronically recorded monetary claims are conducted and an electronic monetary claim recording institution has received documents pertaining to these restrictions, the institution must make an electronic recording of the compulsory execution, etc. without delay.

２　強制執行等の電子記録に関し必要な事項は、政令で定める。

(2) Necessary matters concerning the electronic recording of compulsory execution, etc. are specified by Cabinet Order.

３　電子記録債権に関する強制執行、仮差押え及び仮処分、競売並びに没収保全の手続に関し必要な事項は、最高裁判所規則で定める。

(3) Necessary matters concerning procedures for compulsory execution, provisional attachment, provisional disposition, and auctions, and for injunction in anticipation of confiscation with regard to electronically recorded monetary claims are provided by way of Supreme Court rules.

（政令への委任）

(Delegation to Cabinet Order)

第五十条　この法律に定めるもののほか、電子記録債権の電子記録の手続その他電子記録に関し必要な事項は、政令で定める。

Article 50 Beyond what is provided for in this Act, procedures for the electronic recording of electronically recorded monetary claims and other matters necessary for electronic recording are specified by Cabinet Order.

第三章　電子債権記録機関

Chapter III Electronic Monetary Claim Recording Institutions

第一節　通則

Section 1 General Rules

（電子債権記録業を営む者の指定）

(Designation of Persons Performing Electronic Monetary Claims Recording Business)

第五十一条　主務大臣は、次に掲げる要件を備える者を、その申請により、第五十六条に規定する業務（以下「電子債権記録業」という。）を営む者として、指定することができる。

Article 51 (1) The competent minister may designate a person who meets the following requirements as a person performing the business prescribed in Article 56 (hereinafter referred to as the "electronic monetary claims recording business") upon the person's application:

一　次に掲げる機関を置く株式会社であること。

(i) the person is a stock company with bodies listed as follows:

イ　取締役会

(a) a board of directors;

ロ　監査役会、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) a board of company auditors, audit and supervisory committee, nominating committee, etc. (meaning the "nominating committee, etc." prescribed in Article 2, item (xii), Companies Act (Act No. 86 of 2005)); or

ハ　会計監査人

(c) an accounting auditor;

二　第七十五条第一項の規定によりこの項の指定を取り消された日から五年を経過しない者でないこと。

(ii) the person is not a person whose designation under this paragraph has been rescinded pursuant to the provisions of Article 75, paragraph (1) within the last five years;

三　この法律又はこれに相当する外国の法令の規定に違反し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者でないこと。

(iii) the person is not a person who violated provisions of this Act or of a foreign law or regulation equivalent to this Act, and was subject to a fine (including equivalent punishment pursuant to a foreign law or regulation), if five years have not passed from the completion of the execution of the punishment or from the date on which the person became no longer subject to the execution;

四　取締役、会計参与、監査役又は執行役のうちに次のいずれかに該当する者がないこと。

(iv) none of the person's directors, accounting advisors, company auditors or executive officers fall under any of the following categories:

イ　成年被後見人若しくは被保佐人又は外国の法令上これらに相当する者

(a) an adult ward or person under curatorship, or a person equivalent to these according to a foreign law or regulation;

ロ　破産手続開始の決定を受けて復権を得ない者又は外国の法令上これに相当する者

(b) a person who has not had their rights restored after receiving an order for commencement of bankruptcy, or a person equivalent thereto according to 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 who has been sentenced to imprisonment or a more severe punishment (including an equivalent punishment pursuant to a foreign law or regulation), if five years have not passed from the completion of the execution of the punishment or from the date on which the person became no longer subject to the execution;

ニ　第七十五条第一項の規定によりこの項の指定を取り消された場合又はこの法律に相当する外国の法令の規定により当該外国において受けているこの項の指定に類する行政処分を取り消された場合において、その取消しの日前三十日以内にその会社の取締役、会計参与、監査役又は執行役（外国会社における外国の法令上これらに相当する者を含む。ホにおいて同じ。）であった者でその取消しの日から五年を経過しない者

(d) a person whose designation under this paragraph has been rescinded pursuant to the provisions of Article 75, paragraph (1) or an administrative disposition in a foreign country that is similar to the designation under this paragraph has been rescinded pursuant to the provisions of a foreign law or regulation equivalent to this Act, and who had been a company director, accounting advisor, company auditor or executive officer (including those equivalent to these persons in foreign companies according to a foreign law or regulation; the same applies in item (e)) within thirty days prior to the date of rescission, if five years have not passed from the date of the rescission;

ホ　第七十五条第一項の規定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、会計参与、監査役又は執行役でその処分を受けた日から五年を経過しない者

(e) a director, accounting advisor, company auditor, or executive officer who has been dismissed under the provisions of Article 75, paragraph (1) or the provisions of a foreign law or regulation equivalent to this Act, if five years have not passed since the date of the dismissal; or

ヘ　この法律、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

(f) a person who has violated the provisions of this Act, the Companies Act, or a foreign law or regulation equivalent to those Acts or has committed a crime under Article 204, 206, 208, 208-2, 222, or 247 of the Penal Code (Act No.45 of 1907), a crime under the Act on Punishment of Violent Conduct (Act No. 60 of 1926), or a crime under Articles 46 through 49, Article 50 (limited to the part concerning item (i)) or Article 51 of Act on the Prevention of Wrongful Conduct by Members of Organized Crime Groups (Act No. 77 of 1991), and who has been subject to a fine (including equivalent punishment pursuant to a foreign law or regulation), if five years have not passed since completion of the execution of the punishment or the day on which the person became no longer subject to the execution;

五　定款及び電子債権記録業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電子債権記録業を適正かつ確実に遂行するために十分であると認められること。

(v) the person's articles of incorporation and its rules concerning the performance of the electronic monetary claims recording business (hereinafter referred to as "rules of operation") are recognized as being in accordance with laws and regulations, and sufficient for appropriately and reliably engaging in the electronic monetary claims recording business, pursuant to the provisions of this Act;

六　電子債権記録業を健全に遂行するに足りる財産的基礎を有し、かつ、電子債権記録業に係る収支の見込みが良好であると認められること。

(vi) the person is recognized as having a sufficient financial basis for soundly performing the electronic monetary claims recording business, and having good prospects for income and expenditure pertaining to the electronic monetary claims recording business; and

七　その人的構成に照らして、電子債権記録業を適正かつ確実に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有すると認められること。

(vii) the person is recognized as having knowledge and experience necessary for appropriately and reliably performing the electronic monetary claims recording business and having sufficient social credibility, in light of the person's personnel structure.

２　主務大臣は、前項の指定をしたときは、その指定した電子債権記録機関の商号及び本店の所在地を官報で公示しなければならない。

(2) Upon making a designation provided for in the preceding paragraph, the competent minister must give public notice regarding the trade name and address of the head office of the designated electronic monetary claim recording institution in an official gazette.

（指定の申請）

(Application for Designation)

第五十二条　前条第一項の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主務大臣に提出しなければならない。

Article 52 (1) An applicant that intends to receive a designation provided for in paragraph (1) of the preceding Article must submit to the competent minister a written application for designation that states the following matters:

一　商号

(i) the trade name;

二　資本金の額及び純資産額

(ii) the amount of stated capital and net assets;

三　本店その他の営業所の名称及び所在地

(iii) the names and addresses of the head office and other business offices;

四　取締役及び監査役（監査等委員会設置会社にあっては取締役、指名委員会等設置会社にあっては、取締役及び執行役）の氏名

(iv) the names of directors and company auditors (for a company with an audit and supervisory committee, directors; for a company with a nominating committee, etc., directors and executive officers); and

五　会計参与設置会社にあっては、会計参与の氏名又は名称

(v) for a company with accounting advisors, the names of the accounting advisors.

２　指定申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must be attached to the written application for designation:

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旨を誓約する書面

(i) documents pledging compliance with the requirements listed in paragraph (1), items (iii) and (iv) of the preceding Article;

二　定款

(ii) the articles of incorporation;

三　会社の登記事項証明書

(iii) a certificate of registered matters of the company;

四　業務規程

(iv) the rules of operation;

五　貸借対照表及び損益計算書

(v) a balance sheet, and profit and loss statement;

六　収支の見込みを記載した書類

(vi) documents stating the prospects for income and expenditure; and

七　前各号に掲げるもののほか、主務省令で定める書類

(vii) beyond the matters listed in the preceding items, documents specified by order of the competent ministry.

３　前項の場合において、定款、貸借対照表又は損益計算書が電磁的記録で作成されているときは、書類に代えて電磁的記録（主務省令で定めるものに限る。）を添付することができる。

(3) In the case referred to in the preceding paragraph, when articles of incorporation, a balance sheet, or a profit and loss statement is prepared in the form of electronic or magnetic records, the electronic or magnetic records (limited to those specified by order of the competent ministry) may be attached in lieu of documents.

（資本金の額等）

(Amount of Stated Capital)

第五十三条　電子債権記録機関の資本金の額は、政令で定める金額以上でなければならない。

Article 53 (1) The amount of stated capital of an electronic monetary claim recording institution must not be less than an amount specified by Cabinet Order.

２　前項の政令で定める金額は、五億円を下回ってはならない。

(2) The amount specified by Cabinet Order in the preceding paragraph must not be under 500,000,000 yen.

３　電子債権記録機関の純資産額は、第一項の政令で定める金額以上でなければならない。

(3) The amount of net assets of an electronic monetary claim recording institution must not be less than the amount specified by Cabinet Order referred to in paragraph (1).

（適用除外）

(Exclusion from Application)

第五十四条　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。）、第三百三十六条第二項及び第四百二条第五項ただし書の規定は、電子債権記録機関については、適用しない。

Article 54 The provisions of the proviso to Article 331, paragraph (2) (including cases in which it is applied mutatis mutandis to Article 335, paragraph (1) of the Companies Act), Article 332, paragraph (2) (including cases in which it is applied mutatis mutandis to Article 334, paragraph (1) of the Companies Act), Article 336, paragraph (2), and the proviso to Article 402, paragraph (5) of the Companies Act do not apply to an electronic monetary claim recording institution.

（秘密保持義務）

(Confidentiality Obligations)

第五十五条　電子債権記録機関の取締役、会計参与（会計参与が法人であるときは、その職務を行うべき社員）、監査役、執行役若しくは職員又はこれらの職にあった者は、電子債権記録業に関して知り得た秘密を漏らし、又は盗用してはならない。

Article 55 Directors, accounting advisors (when an accounting advisor is a corporation, its members who are to perform the duty), company auditors, executive officers or employees of the electronic monetary claim recording institution, and those who were formerly in those positions, must not disclose or misappropriate any secrets obtained in the course of their duties relating to the electronic monetary claims recording business.

第二節　業務

Section 2 Business

（電子債権記録機関の業務）

(Business of Electronic Monetary Claim Recording Institution)

第五十六条　電子債権記録機関は、この法律及び業務規程の定めるところにより、電子記録債権に係る電子記録に関する業務を行うものとする。

Article 56 An electronic monetary claim recording institution is to conduct business for the electronic recording of electronically recorded monetary claims, in accordance with the provisions of this Act and the institution's rules of operation.

（兼業の禁止）

(Prohibition of Subsidiary Business)

第五十七条　電子債権記録機関は、電子債権記録業及びこれに附帯する業務のほか、他の業務を営むことができない。

Article 57 An electronic monetary claim recording institution may not engage in business other than electronic monetary claims recording business and business incidental thereto.

（電子債権記録業の一部の委託）

(Partial Entrustment of Electronic Monetary Claims Recording Business)

第五十八条　電子債権記録機関は、主務省令で定めるところにより、電子債権記録業の一部を、主務大臣の承認を受けて、銀行等（銀行（銀行法（昭和五十六年法律第五十九号）第二条第一項に規定する銀行をいう。）、協同組織金融機関（協同組織金融機関の優先出資に関する法律（平成五年法律第四十四号）第二条第一項に規定する協同組織金融機関をいう。）その他の政令で定める金融機関をいう。以下同じ。）その他の者に委託することができる。

Article 58 (1) Pursuant to the provisions of the order of the competent ministry, electronic monetary claim recording institutions may entrust a part of their electronic monetary claims recording business to banks, etc. (meaning banks (meaning the banks prescribed in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981)), cooperative financial institutions (meaning the cooperative financial institution prescribed in Article 2, paragraph (1) of the Act on Preferred Equity Investment by Cooperative Financial Institutions (Act No. 44 of 1993)), and other financial institutions specified by Cabinet Order; the same applies hereinafter),and other organizations, with the approval of the competent minister.

２　銀行等は、他の法律の規定にかかわらず、前項の規定による委託を受け、当該委託に係る業務を行うことができる。

(2) Notwithstanding the provisions of other laws, banks, etc. may be entrusted, pursuant to the provisions of the preceding paragraph, to perform the entrusted business.

（業務規程）

(Rules of Operation)

第五十九条　電子債権記録機関は、業務規程において、電子記録の実施の方法、第六十二条第一項に規定する口座間送金決済に関する契約又は第六十四条に規定する契約に係る事項その他の主務省令で定める事項を定めなければならない。

Article 59 An electronic monetary claim recording institution must prescribe, in its rules of operation, procedures for electronic recording, contracts regarding settlement of remittance between accounts provided in Article 62, paragraph (1), or matters pertaining to the contract provided in Article 64, and other matters specified by order of the competent ministry.

（電子債権記録機関を利用する者の保護）

(Protection of Persons Who Use Electronic Monetary Claim Recording Institutions)

第六十条　電子債権記録機関は、当該電子債権記録機関を利用する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。

Article 60 An electronic monetary claim recording institution must perform its business so as to provide sufficient protection for persons who use the electronic monetary claim recording institution.

（差別的取扱いの禁止）

(Prohibition of Discriminatory Treatment)

第六十一条　電子債権記録機関は、特定の者に対し不当な差別的取扱いをしてはならない。

Article 61 An electronic monetary claim recording institution must not unreasonably discriminate against specific persons.

第三節　口座間送金決済等に係る措置

Section 3 Measures for Settlement of Remittance between Accounts

（口座間送金決済に関する契約の締結）

(Concluding Contracts Regarding Settlement of Remittance between Accounts)

第六十二条　電子債権記録機関は、債務者及び銀行等と口座間送金決済に関する契約を締結することができる。

Article 62 (1) An electronic monetary claim recording institution may conclude a contract regarding the settlement of remittances between accounts with an obligor and banks, etc.

２　前項及び次条第二項に規定する「口座間送金決済」とは、電子記録債権（保証記録に係るもの及び特別求償権を除く。以下この節において同じ。）に係る債務について、電子債権記録機関、債務者及び銀行等の合意に基づき、あらかじめ電子債権記録機関が当該銀行等に対し債権記録に記録されている支払期日、支払うべき金額、債務者口座及び債権者口座に係る情報を提供し、当該支払期日に当該銀行等が当該債務者口座から当該債権者口座に対する払込みの取扱いをすることによって行われる支払をいう。

(2) The phrase "settlement of remittances between accounts" prescribed in the preceding paragraph and paragraph (2) of the following Article means a form of payment, used with regard to the obligation under an electronically recorded monetary claim (excluding one involving a record of guarantee, and a special right to reimbursement; hereinafter the same applies in this section), in which, based on an agreement among the electronic monetary claim recording institution, the obligor, and the bank, etc., the institution provides the bank, etc. with information, in advance, regarding the payment date that is recorded in the monetary claims records, the amount payable, and the obligor's and obligee's accounts, and on the payment date, the bank, etc. transfers a payment from the obligor's account to the obligee's account.

（口座間送金決済についての支払等記録）

(Recording of a Payment for the Settlement of Remittance between Accounts)

第六十三条　電子債権記録機関は、前条第一項に規定する口座間送金決済に関する契約を締結した場合において、第十六条第二項第一号に掲げる事項が債権記録に記録されているときは、当該契約に係る銀行等に対し、前条第二項に規定する情報を提供しなければならない。

Article 63 (1) When an electronic monetary claim recording institution concludes a contract regarding settlements of remittance between accounts provided in paragraph (1) of the preceding Article and the matters listed in Article 16, paragraph (2), item (i) are recorded in the monetary claims record, the electronic monetary claim recording institution must provide the bank, etc. to which that contract pertains with the information prescribed in paragraph (2) of the preceding Article.

２　前項の場合において、支払期日に支払うべき電子記録債権に係る債務の全額について口座間送金決済があった旨の通知を同項に規定する銀行等から受けたときは、電子債権記録機関は、遅滞なく、当該口座間送金決済についての支払等記録をしなければならない。

(2) In the case referred to in the preceding paragraph, when an electronic monetary claim recording institution receives a notice from a bank, etc. prescribed in the same paragraph stating that there has been a settlement of remittance between accounts for the full amount of the obligation pertaining to the electronically recorded monetary claims to be paid on the payment date, the electronic monetary claim recording institution must make a record of the payment, etc. regarding that settlement of remittance without delay.

（支払に関するその他の契約の締結）

(Concluding other Contracts Pertaining to Payment)

第六十四条　電子債権記録機関は、第六十二条第一項に規定する口座間送金決済に関する契約のほか、債務者又は債権者及び銀行等と電子記録債権に係る債務の債権者口座に対する払込みによる支払に関する契約を締結することができる。

Article 64 Beyond a contract regarding a settlement of remittance between accounts provided in Article 62, paragraph (1), an electronic monetary claim recording institution may conclude a contract with the obligor or obligee and the bank, etc. regarding payment of obligations pertaining to electronically recorded monetary claims to the obligee's account.

（その他の契約に係る支払についての支払等記録）

(Record of a Payment Record for Payment Pertaining to Other Contracts)

第六十五条　電子債権記録機関は、前条に規定する契約を締結し、第十六条第二項第二号に掲げる事項が債権記録に記録されている場合において、電子記録債権に係る債務の債権者口座に対する払込みによる支払に関する通知を当該契約に係る銀行等から受けたとき（電子記録債権に係る債務の支払があったことを電子債権記録機関において確実に知り得る場合として主務省令で定める場合に限る。）は、遅滞なく、当該支払についての支払等記録をしなければならない。

Article 65 When an electronic monetary claim recording institution concludes a contract provided in the preceding Article and the matters listed in Article 16, paragraph (2), item (ii) have been recorded in the monetary claims record, if the electronic monetary claim recording institution receives a notice regarding the transfer payment of obligations pertaining to electronically recorded monetary claims to the obligee's account from the bank, etc. to which the contract pertains (limited to cases specified by order of the competent ministry as cases in which it is possible for the electronic monetary claim recording institution to be certain that the obligation pertaining to the electronically recorded monetary claims has been paid), the electronic monetary claim recording institution must make a record of payment, etc. for the payment without delay.

（口座間送金決済等の通知に係る第八条の適用）

(Application of Article 8 to Notice of Settlement of Remittance between Accounts)

第六十六条　第六十三条第二項及び前条に規定する通知は、電子記録の請求とみなして、第八条の規定を適用する。

Article 66 The notice prescribed in Article 63, paragraph (2) and the preceding Article is deemed to be a request for an electronic recording and the provisions of Article 8 apply.

第四節　監督

Section 4 Supervision

（帳簿書類等の作成及び保存）

(Preparation and Keeping of Books and Documents)

第六十七条　電子債権記録機関は、主務省令で定めるところにより、業務に関する帳簿書類その他の記録を作成し、保存しなければならない。

Article 67 An electronic monetary claim recording institution must prepare books and documents, and other records on its business and keep these documents, pursuant to order of the competent ministry.

（業務及び財産に関する報告書の提出）

(Submission of Reports on Business and Assets)

第六十八条　電子債権記録機関は、事業年度ごとに、業務及び財産に関する報告書を作成し、主務大臣に提出しなければならない。

Article 68 (1) An electronic monetary claim recording institution must prepare a report on business and assets every business year and submit it to the competent minister.

２　前項の報告書の記載事項、提出期日その他同項の報告書に関し必要な事項は、主務省令で定める。

(2) Matters to be stated in the report referred to in the preceding paragraph, the submission date, and other matters necessary regarding the report are specified by order of the competent ministry.

（資本金の額の変更）

(Alteration in the Amount of Stated Capital)

第六十九条　電子債権記録機関は、その資本金の額を減少しようとするときは、主務省令で定めるところにより、主務大臣の認可を受けなければならない。

Article 69 (1) If an electronic monetary claim recording institution intends to reduce the amount of its stated capital, it must obtain approval from the competent minister, pursuant to order of the competent ministry.

２　電子債権記録機関は、その資本金の額を増加しようとするときは、主務省令で定めるところにより、主務大臣に届け出なければならない。

(2) If an electronic monetary claim recording institution intends to increase the amount of its stated capital, it must give notice to the competent minister, pursuant to order of the competent ministry.

（定款又は業務規程の変更）

(Alteration of Articles of Incorporation or Rules of Operation)

第七十条　電子債権記録機関の定款又は業務規程の変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 70 An alteration of an electronic monetary claim recording institution's articles of incorporation or rules of operation has no effect unless the competent minister approves it.

（電子債権記録業の休止の認可）

(Approval for Discontinuation of Electronic Monetary Claims Recording Business)

第七十一条　電子債権記録機関は、電子債権記録業を休止しようとするときは、主務省令で定めるところにより、主務大臣の認可を受けなければならない。

Article 71 If an electronic monetary claim recording institution intends to discontinue electronic monetary claims recording business, it must obtain approval from the competent minister, pursuant to the order of the competent ministry.

（商号等の変更の届出）

(Notification Regarding a Change of Trade Name)

第七十二条　電子債権記録機関は、第五十二条第一項第一号又は第三号から第五号までに掲げる事項に変更があったときは、その旨及び同条第二項第一号又は第三号に掲げる書類を、主務省令で定めるところにより、主務大臣に届け出なければならない。

Article 72 (1) When a matter listed in Article 52, paragraph (1), item (i), or items (iii) through (v) is changed, the electronic monetary claim recording institution must give notification to that effect and submit the documents listed in Article 52, paragraph (2), item (i) or (iii) to the competent minister, pursuant to order of the competent ministry.

２　主務大臣は、前項の規定により電子債権記録機関の商号又は本店の所在地の変更の届出があったときは、その旨を官報で公示しなければならない。

(2) When a notification of changes to the electronic monetary claim recording institution's trade name or the address of its head office has been given pursuant to the provisions of the preceding paragraph, the competent minister must make a public notice to that effect in an official gazette.

（報告及び検査）

(Report and Inspection)

第七十三条　主務大臣は、電子債権記録業の適正かつ確実な遂行のため必要があると認めるときは、電子債権記録機関若しくは当該電子債権記録機関から業務の委託を受けた者に対し、当該電子債権記録機関の業務若しくは財産に関して報告若しくは資料の提出を命じ、又は当該職員に、電子債権記録機関若しくは当該電子債権記録機関から業務の委託を受けた者の営業所若しくは事務所に立ち入り、当該電子債権記録機関若しくは当該電子債権記録機関から業務の委託を受けた者の業務若しくは財産の状況若しくは帳簿書類その他の物件の検査（当該電子債権記録機関から業務の委託を受けた者にあっては、当該電子債権記録機関の業務又は財産に関し必要なものに限る。）をさせ、若しくは関係者に質問（当該電子債権記録機関から業務の委託を受けた者の関係者にあっては、当該電子債権記録機関の業務又は財産に関し必要なものに限る。）をさせることができる。

Article 73 (1) When the competent minister finds it necessary for the appropriate and reliable performance of electronic monetary claims recording business, the competent minister may order the electronic monetary claim recording institution, or the person that has been entrusted with the business by the institution, to submit reports or materials regarding the electronic monetary claim recording institution's business or assets, or may have the employees of the competent ministry conduct on-site inspections of the institution or the business office or office of the person who has been entrusted with the business from the institution regarding its business operation or inspections of financial conditions or books and documents, and other materials (for a person that has been entrusted with the business from the institution, limited to matters necessary for the inspection of the business of the institution or its financial conditions) or have the employees ask the relevant persons questions (for a relevant person of a person that has been entrusted with the business from the institution, limited to matters necessary for the questioning regarding the business of the institution or its financial conditions).

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) The employees conducting on-site inspections, pursuant to the provisions of the preceding paragraph, must carry identification cards certifying their status and show them to the relevant persons.

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 to conduct an on-site inspection pursuant to the provisions of paragraph (1) must not be construed as being accorded for the purposes of carrying out criminal investigations.

（業務改善命令）

(Order for Business Improvement)

第七十四条　主務大臣は、電子債権記録業の適正かつ確実な遂行のため必要があると認めるときは、その必要の限度において、電子債権記録機関に対し、業務の運営又は財産の状況の改善に必要な措置をとるべきことを命ずることができる。

Article 74 If the competent minister finds it necessary for the appropriate and reliable performance of electronic monetary claims recording business, the competent minister may, to the extent necessary, order an electronic monetary claim recording institution to take necessary measures for the improvement of business operation or conditions of assets.

（指定の取消し等）

(Rescission of Designation)

第七十五条　主務大臣は、電子債権記録機関が次の各号のいずれかに該当するときは、第五十一条第一項の指定を取り消し、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じ、又はその取締役、会計参与、監査役若しくは執行役の解任を命ずることができる。

Article 75 (1) If an electronic monetary claim recording institution falls under any of the following items, the competent minister may rescind the designation of Article 51, paragraph (1), order the suspension of the whole or a part of its business for a period not exceeding six months, or order the dismissal of the director, the accounting advisor, the company auditor, or executive officers:

一　第五十一条第一項第三号又は第四号に掲げる要件に該当しないこととなったとき。

(i) the electronic monetary claim recording institution no longer falls under any of the requirements listed in Article 51, paragraph (1), item (iii) or (iv);

二　第五十一条第一項の指定当時に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。

(ii) it is found that the electronic monetary claim recording institution did not fall under any of the items of Article 51, paragraph (1) at the time of designation pursuant to that paragraph;

三　不正の手段により第五十一条第一項の指定を受けたことが判明したとき。

(iii) it is found that the electronic monetary claim recording institution obtained the designation as described in Article 51, paragraph (1) by wrongful means; or

四　この法律若しくはこの法律に基づく命令又はこれらに基づく処分に違反したとき。

(iv) the electronic monetary claim recording institution violates this Act or orders based on this Act, or dispositions based thereon.

２　主務大臣は、前項の規定により第五十一条第一項の指定を取り消したときは、その旨を官報で公示しなければならない。

(2) If the competent minister rescinds the designation under Article 51, paragraph (1) pursuant to the provisions of the preceding paragraph, the minister must give public notice to that effect in an official gazette.

（業務移転命令）

(Business Transfer Order)

第七十六条　主務大臣は、電子債権記録機関が次の各号のいずれかに該当するときは、期限を定めて、電子債権記録業を他の株式会社に移転することを命ずることができる。

Article 76 (1) If an electronic monetary claim recording institution falls under any of the following items, the competent minister may order it to transfer its electronic monetary claims recording business to another stock company within a period fixed by the minister:

一　前条第一項の規定により第五十一条第一項の指定を取り消されたとき。

(i) the designation referred to in Article 51, paragraph (1) has been rescinded pursuant to the provisions of paragraph (1) of the preceding Article;

二　電子債権記録業を廃止したとき。

(ii) the electronic monetary claim recording institution terminates its electronic monetary claims recording business;

三　解散したとき（設立、新設合併又は新設分割を無効とする判決が確定したときを含む。）。

(iii) the electronic monetary claim recording institution dissolves (including when a judgment confirming the nullity of establishment, consolidation-type merger, or incorporation-type company split becomes final); or

四　電子債権記録業の継続に著しい支障を来すことなく弁済期にある債務を弁済することができない事態又は破産手続開始の原因となる事実の生ずるおそれがあると認められるとき。

(iv) it is likely that the electronic monetary claim recording institution will be unable to pay its debts when due without materially impeding the continuity of its electronic monetary claims recording business, or that a fact constituting a cause of bankruptcy will arise.

２　前項の規定による命令を受けた電子債権記録機関における会社法第三百二十二条第一項、第四百六十六条、第四百六十七条第一項、第七百八十三条第一項又は第七百九十五条第一項の規定による決議（同法第七百八十三条第一項の規定による決議にあっては、同法第三百九条第三項第二号の株主総会の決議を除く。）は、同法第三百九条第二項及び第三百二十四条第二項の規定にかかわらず、出席した株主の議決権の三分の二以上に当たる多数をもって、仮にすることができる。

(2) A resolution reached pursuant to the provisions of Article 322, paragraph (1), Article 466, Article 467, paragraph (1), Article 783, paragraph (1) or Article 795, paragraph (1) of the Companies Act at a shareholders meeting of an electronic monetary claim recording institution (excluding a resolution by shareholders meeting provided for in Article 309, paragraph (3), item (ii) of the Companies Act with regard to a resolution made pursuant to the provisions of Article 783, paragraph (1) of the Companies Act) that has received an order pursuant to the provisions of the preceding paragraph may be made provisionally with a two-thirds majority of the voting rights of the shareholders present, notwithstanding the provisions of Article 309, paragraph (2) and Article 324, paragraph (2) of the Companies Act.

３　第一項の規定による命令を受けた電子債権記録機関における会社法第三百九条第三項第二号の株主総会の決議は、同項の規定にかかわらず、出席した株主の半数以上であって出席した株主の議決権の三分の二以上に当たる多数をもって、仮にすることができる。

(3) A resolution reached at a shareholders meeting referred to in Article 309, paragraph (3), item (ii) of the Companies Act of an electronic monetary claim recording institution that has received an order pursuant to the provisions of paragraph (1) may be made provisionally with half or more of the shareholders present and a two-thirds majority of the voting rights of the shareholders present, notwithstanding the provisions of Article 309, paragraph (3) of the Companies Act.

４　第二項の規定により仮にした決議（以下この項及び次項において「仮決議」という。）があった場合においては、各株主に対し、当該仮決議の趣旨を通知し、当該仮決議の日から一月以内に再度の株主総会を招集しなければならない。

(4) When a resolution is reached provisionally pursuant to the provisions of paragraph (2) (hereinafter referred to as a "provisional resolution" in this paragraph and the following paragraph), notice of the purport of the provisional resolution must be given to each shareholder, and another shareholders meeting must be convened within one month from the day of that provisional resolution.

５　前項の株主総会において第二項に規定する多数をもって仮決議を承認した場合には、当該承認のあった時に、当該仮決議をした事項に係る決議があったものとみなす。

(5) When a provisional resolution is approved by the majority prescribed in paragraph (2) in the shareholders meeting referred to in the preceding paragraph, it is deemed that the resolution pertaining to the matter which was provisionally resolved was made when the provisional resolution was approved.

６　前二項の規定は、第三項の規定により仮にした決議があった場合について準用する。この場合において、前項中「第二項」とあるのは、「第三項」と読み替えるものとする。

(6) The provisions of the preceding two paragraphs apply mutatis mutandis when a resolution is provisionally made pursuant to the provisions of paragraph (3). In this case, the phrase "paragraph (2)" in the preceding paragraph is deemed to be replaced with "paragraph (3)".

（債権記録の失効）

(Lapse of Monetary Claims Record)

第七十七条　電子債権記録機関が前条第一項の規定による命令を受けた場合において、当該命令において定められた期限内にその電子債権記録業を移転することなく当該期限を経過したときは、当該期限を経過した日にその備える記録原簿に記録されている債権記録は、その効力を失う。

Article 77 (1) If an electronic monetary claim recording institution receives an order pursuant to the provisions of paragraph (1) of the preceding Article, and the institution fails to transfer the electronic monetary claims recording business within the period provided by the aforementioned order, the monetary claims record in the registry of the electronic monetary claim recording institution ceases to be effective as of the day after the last date of the period.

２　電子記録債権及びこれを目的とする質権は、前項の規定により債権記録がその効力を失った日（以下この条において「効力失効日」という。）以後は、当該債権記録に記録された電子記録債権の内容をその権利の内容とする指名債権及びこれを目的とする質権として存続するものとする。

(2) After the day on which the monetary claims record ceases to be effective pursuant to the provisions of the preceding paragraph (hereinafter referred to as "date of validity expiry" in this Article), electronically recorded monetary claims and pledges created on them continue to exist as nominative claims and pledges on them with the contents of the electronically recorded monetary claims which were recorded in the record.

３　効力失効日に電子記録保証人であった者が前項の指名債権についての弁済その他自己の財産をもって主たる債務として記録されていた債務を消滅させるべき行為をしたときは、その者は、特別求償権と同一の内容の求償権を取得する。

(3) When a person who was an electronically recorded guarantor on the date of validity expiry performs payment with the person's own property or other conduct to extinguish the obligation recorded as the principal obligation with regard to the nominative claim in the preceding paragraph, the person acquires the right to reimbursement with the same contents as a special right to reimbursement.

４　主務大臣は、効力失効日以後、速やかに、第一項に規定する債権記録がその効力を失った旨を官報で公示しなければならない。

(4) The competent minister must, after the date of validity expiry, promptly give public notice to the effect that the monetary claims record referred to in paragraph (1) ceases to be effective in an official gazette.

５　電子債権記録機関であった者又は一般承継人（合併により消滅した電子債権記録機関の権利義務を承継した者であって、電子債権記録業を営まないものに限る。以下この章において同じ。）は、効力失効日以後、直ちに、次の各号に掲げる者に対し、それぞれ当該各号に定める事項（債務者口座を除く。）について、当該事項の全部を証明した書面を送付しなければならない。

(5) A person who was an electronic monetary claims recording institution or a general successor (limited to a person who has succeeded to the rights and obligations of the electronic monetary claims recording institution that ceases to exist after a merger, and does not perform electronic monetary claims recording business; hereinafter the same applies in this chapter) must, immediately after the date of validity expiry, send documents evidencing all the matters provided for in the following items (excluding the obligor's account) to persons listed in those respective items:

一　効力失効日に電子記録名義人であった者　効力失効日に債権記録に記録されていた事項（この号に掲げる者が分割債権記録に記録されていた者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）のうち、譲渡記録又は質権設定記録若しくは転質の電子記録（これらの電子記録の記録事項について変更記録がされていたときは、当該変更記録を含む。以下「譲渡記録等」という。）であって電子記録名義人以外の者が譲受人又は質権者として記録されていたもの（次に掲げるものを除く。）において記録されている事項を除き、すべての事項

(i) the person who was an electronically recorded person on the date of validity expiry: all the matters recorded in the monetary claims record on the date of validity expiry (if the person listed this item is a person that was recorded in a divided monetary claims record, these include matters recorded in the original monetary claims records until the relevant divided monetary claims record was created, before the record of the division at the time of creation of the divided monetary claims record was made in the original monetary claims records), except matters recorded in the record of assignment, or record of pledge creation or the electronic recording of a sub-pledge (if a record of alteration has been made regarding a matter recorded in these electronic recordings, the record of the alteration is included; hereinafter referred to as the "record of assignment, etc.") in which the assignee or pledgee (excluding those in the following cases) who is not the electronically recorded person is recorded:

イ　第十八条第二項第三号若しくは第四号、第三十七条第二項第六号若しくは第七号又は同条第四項第四号若しくは第五号に掲げる事項が記録されていた譲渡記録等

(a) a record of assignment, etc. in which the matters listed in Article 18, paragraph (2), item (iii) or (iv), Article 37, paragraph (2), item (vi) or (vii), or Article 37, paragraph (4), item (iv) or (v) were recorded;

ロ　個人が譲渡人又は譲受人として記録されていた譲渡記録

(b) a record of assignment in which an individual was recorded as an assignor or an assignee; and

ハ　効力失効日に電子記録名義人であった者が変更記録において記録されていた場合における当該変更記録に係る譲渡記録等

(c) a record of assignment, etc. in connection with the relevant record of alteration when a person who was the electronically recorded person on the date of validity expiry was recorded in the record of alteration;

二　効力失効日に電子記録債務者として記録されていた者　効力失効日に債権記録に記録されていた事項（この号に掲げる者が分割債権記録に記録されていた者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）

(ii) the person who was recorded as the electronically recorded obligor on the date of validity expiry: matters recorded in the monetary claims record as of the date of validity expiry (when the person listed in this item is a person that was recorded in a divided monetary claims record, these include matters recorded in the original monetary claims records until the relevant divided monetary claims record was created, before the record of the division at the time of creation of the divided monetary claims record was made in the original monetary claims records).

第五節　合併、分割及び事業の譲渡

Section 5 Merger, Company Split, and Transfer of Business

（特定合併の認可）

(Approval for Specified Merger)

第七十八条　電子債権記録機関を全部又は一部の当事者とする合併（合併後存続する株式会社又は合併により設立される株式会社が電子債権記録業を営む場合に限る。以下この条において「特定合併」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 78 (1) A merger in which at least one of the parties is an electronic monetary claim recording institution (limited to when a stock company that continues to exist after the merger or a stock company that is established by the merger performs electronic monetary claims recording business; hereinafter referred to as "specified merger" in this Article) has no effect without the approval of the competent minister.

２　前項の認可を受けようとする電子債権記録機関は、特定合併後存続する株式会社又は特定合併により設立される株式会社（以下この条において「特定合併後の電子債権記録機関」という。）について第五十二条第一項各号に掲げる事項を記載した合併認可申請書を主務大臣に提出しなければならない。

(2) An electronic monetary claim recording institution that intends to receive the approval under the preceding paragraph must submit to the competent minister a written application for merger approval that states matters listed in the items of Article 52, paragraph (1) regarding a stock company that will continue to exist after the specified merger or a stock company that will be established by the specified merger (hereinafter referred to as "electronic monetary claim recording institution after the specified merger" in this Article).

３　合併認可申請書には、合併契約の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electronic or magnetic records in which the contents of the merger contract are stated or recorded (limited to those specified by order of the competent ministry; hereinafter the same applies in this paragraph) and other documents or electronic or magnetic records specified by order of the competent ministry must be attached to a written application for merger approval.

４　主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) When an application for approval under paragraph (1) is made, the competent minister must examine whether the application meets the following standards:

一　特定合併後の電子債権記録機関が第五十一条第一項各号に掲げる要件に該当すること。

(i) the electronic monetary claim recording institution after the specified merger satisfies the requirements listed in the items of Article 51, paragraph (1); and

二　電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) succession of the electronic monetary claims recording business is expected to be conducted smoothly and appropriately.

５　特定合併後の電子債権記録機関（電子債権記録機関が特定合併後存続する株式会社である場合を除く。）は、特定合併の時に第五十一条第一項の指定を受けたものとみなす。

(5) An electronic monetary claim recording institution after the specified merger (excluding an electronic monetary claim recording institution that is a stock company that continues to exist after the specified merger) is deemed to have obtained the designation under Article 51, paragraph (1) at the time of the specified merger.

６　特定合併後の電子債権記録機関は、特定合併により消滅した電子債権記録機関の業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The electronic monetary claim recording institution after the specified merger succeeds to the rights and obligations arising out of the administrative authority's approval and other dispositions regarding the business of the electronic monetary claim recording institution extinguished after the specified merger.

（新設分割の認可）

(Approval of Incorporation-Type Company Split)

第七十九条　電子債権記録機関が新たに設立する株式会社に電子債権記録業の全部又は一部を承継させるために行う新設分割（以下この条において単に「新設分割」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 79 (1) An incorporation-type company split conducted by an electronic monetary claim recording institution for the purpose of having a newly formed stock company succeed to the whole or a part of its electronic monetary claims recording business (hereinafter simply referred to as "incorporation-type company split" in this Article) has no effect without the competent minister's approval.

２　前項の認可を受けようとする電子債権記録機関は、新設分割により設立される株式会社（以下この条において「設立会社」という。）について次に掲げる事項を記載した新設分割認可申請書を主務大臣に提出しなければならない。

(2) The electronic monetary claim recording institution that intends to receive an approval under the preceding paragraph must submit to the competent minister a written application for incorporation-type company split approval that states the following matters regarding the stock company to be established by the incorporation-type company split (hereinafter referred to as the "formed company" in this Article):

一　第五十二条第一項各号に掲げる事項

(i) matters provided for in the items of Article 52, paragraph (1); and

二　設立会社が承継する電子債権記録業

(ii) the electronic monetary claims recording business to be taken over by the formed company.

３　新設分割認可申請書には、新設分割計画の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electronic or magnetic records in which the contents of the incorporation-type company split plan are stated or recorded (limited to those specified by order of the competent ministry; hereinafter the same applies in this paragraph) and other documents or electronic or magnetic records specified by order of the competent ministry must be attached to the written application for incorporation-type company split approval.

４　主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) When an application for approval under paragraph (1) is made, the competent minister must examine whether the application meets the following standards:

一　設立会社が第五十一条第一項第一号及び第四号から第七号までに掲げる要件に該当すること。

(i) the formed company falls under the requirements listed in Article 51, paragraph (1), item (i) and items (iv) through (vii); and

二　電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) a smooth and appropriate succession to electronic monetary claims recording business is expected.

５　設立会社は、新設分割の時に第五十一条第一項の指定を受けたものとみなす。

(5) The formed company is deemed to have obtained the designation under Article 51, paragraph (1) at the time of the incorporation-type company split.

６　設立会社は、新設分割をした電子債権記録機関の承継の対象となる業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The formed company succeeds to the rights and obligations based on the administrative authority's approval and other dispositions regarding the business subject to succession from the electronic monetary claim recording institution that conducted the incorporation-type company split.

（吸収分割の認可）

(Approval for Absorption-Type Company Split)

第八十条　電子債権記録機関が他の株式会社に電子債権記録業の全部又は一部を承継させるために行う吸収分割（以下この条において単に「吸収分割」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 80 (1) An absorption-type company split conducted by an electronic monetary claim recording institution for the purpose of having another stock company succeed to the whole or a part of its electronic monetary claims recording business (hereinafter simply referred to as "absorption-type company split" in this Article) has no effect without a competent minister's approval.

２　前項の認可を受けようとする電子債権記録機関は、吸収分割により電子債権記録業の全部又は一部を承継する株式会社（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吸収分割認可申請書を主務大臣に提出しなければならない。

(2) The electronic monetary claim recording institution that intends to obtain approval under the preceding paragraph must submit to the competent minister a written application for absorption-type company split approval that states the following matters regarding a stock company that is taking over the whole or a part of its electronic monetary claims recording business by the absorption-type company split (hereinafter referred to as the "succeeding company" in this Article):

一　第五十二条第一項各号に掲げる事項

(i) matters provided for in the items of Article 52, paragraph (1); and

二　承継会社が承継する電子債権記録業

(ii) the electronic monetary claims recording business to be taken over by the succeeding company.

３　吸収分割認可申請書には、吸収分割契約の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electronic or magnetic records in which the contents of the absorption-type company split contract are stated or recorded (limited to those specified by order of the competent ministry; hereinafter the same applies in this paragraph) and other documents or electronic or magnetic records specified by order of the competent ministry must be attached to the written application for an absorption-type company split approval.

４　主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) When an application for approval under paragraph (1) is made, the competent minister must examine whether the application meets the following standards:

一　承継会社が第五十一条第一項各号に掲げる要件に該当すること。

(i) the succeeding company satisfies the requirements provided for in the items of Article 51, paragraph (1); and

二　電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) a smooth and appropriate succession to electronic monetary claims recording business is expected.

５　承継会社（電子債権記録機関が承継会社である場合を除く。）は、吸収分割の時に第五十一条第一項の指定を受けたものとみなす。

(5) The succeeding company (excluding a succeeding company that is an electronic monetary claim recording institution) is deemed to have obtained the designation under Article 51, paragraph (1) at the time of the absorption-type company split.

６　承継会社は、吸収分割をした電子債権記録機関の承継の対象となる業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The succeeding company succeeds to the rights and obligations based on the administrative authority's approval and other dispositions regarding the business subject to succession from the electronic monetary claim recording institution that conducted the absorption-type company split.

（事業譲渡の認可）

(Approval for Business Transfer)

第八十一条　電子債権記録機関が他の株式会社に行う電子債権記録業の全部又は一部の譲渡（以下この条において「事業譲渡」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 81 (1) The transfer of the whole or a part of electronic monetary claims recording business conducted by an electronic monetary claim recording institution to another stock company (hereinafter referred to as "business transfer" in this Article) has no effect without the competent minister's approval.

２　前項の認可を受けようとする電子債権記録機関は、事業譲渡により電子債権記録業の全部又は一部を譲り受ける株式会社（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事業譲渡認可申請書を主務大臣に提出しなければならない。

(2) The electronic monetary claim recording institution that intends to obtain an approval under the preceding paragraph must submit to the competent minister a written application for business transfer approval that states the following matters regarding the stock company to be transferred the whole or a part of its electronic monetary claims recording business through the business transfer (hereinafter referred to as "transferee company" in this Article):

一　第五十二条第一項各号に掲げる事項

(i) matters provided for in the items of Article 52, paragraph (1); and

二　譲受会社が承継する電子債権記録業

(ii) the electronic monetary claims recording business to be taken over by the transferee company.

３　事業譲渡認可申請書には、譲渡契約の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electronic or magnetic records in which the contents of the transfer contract are stated or recorded (limited to those specified by order of the competent ministry; hereinafter the same applies in this paragraph) and other documents or electronic or magnetic records specified by order of the competent ministry must be attached to the written application for business transfer approval.

４　主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) When an application for approval under paragraph (1) is made, the competent minister must examine whether the application meets the following standards:

一　譲受会社が第五十一条第一項各号に掲げる要件に該当すること。

(i) the transferee company satisfies the requirements listed in the items of Article 51, paragraph (1); and

二　電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) a smooth and appropriate succession to electronic monetary claims recording business is expected.

５　譲受会社（電子債権記録機関が譲受会社である場合を除く。）は、事業譲渡の時に第五十一条第一項の指定を受けたものとみなす。

(5) The transferee company (excluding a transferee company that is an electronic monetary claim recording institution) is deemed to have obtained the designation under Article 51, paragraph (1) at the time of business transfer.

６　譲受会社は、事業譲渡をした電子債権記録機関の譲渡の対象となる業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The transferee company succeeds to the rights and obligations based on the administrative authority's approval and other dispositions regarding the business subject to the transfer from the electronic monetary claim recording institution that made the business transfer.

第六節　解散等

Section 6 Dissolution

（解散等の認可）

(Approval for Dissolution)

第八十二条　次に掲げる事項は、主務大臣の認可を受けなければ、その効力を生じない。

Article 82 The following matters have no effect without the competent minister's approval:

一　電子債権記録機関の解散についての株主総会の決議

(i) a resolution at a shareholders meeting for the dissolution of an electronic monetary claim recording institution; and

二　電子債権記録機関を全部又は一部の当事者とする合併（合併後存続する株式会社又は合併により設立される株式会社が電子債権記録業を営まない場合に限る。）

(ii) a merger in which at least one of the parties is an electronic monetary claim recording institution (limited to when a stock company that continues to exist after the merger or a stock company that is established by the merger does not perform electronic monetary claims recording business) .

（指定の失効）

(Lapse of Designation)

第八十三条　電子債権記録機関が次の各号のいずれかに該当するときは、第五十一条第一項の指定は、その効力を失う。

Article 83 (1) When an electronic monetary claim recording institution falls under any of the following items, its designation under Article 51, paragraph (1) ceases to be effective:

一　電子債権記録業を廃止したとき。

(i) the electronic monetary claim recording institution has terminated the electronic monetary claims recording business;

二　解散したとき（設立、新設合併又は新設分割を無効とする判決が確定したときを含む。）。

(ii) the electronic monetary claim recording institution dissolves (including when a judgment confirming the nullity of establishment, of consolidation-type merger, or of incorporation-type company split has become final and binding); or

三　第七十六条第一項の規定による命令を受けた場合（同項第四号に該当する場合に限る。）において、当該命令において定められた期限内にその電子債権記録業を移転しなかったとき。

(iii) the electronic monetary claim recording institution has received an order pursuant to the provisions of Article 76, paragraph (1) (limited to cases that fall under item (iv) of the same paragraph) and failed to transfer the electronic monetary claims recording business within the period stated in the order.

２　前項の規定により第五十一条第一項の指定が効力を失ったときは、その電子債権記録機関であった者又は一般承継人は、主務省令で定めるところにより、その旨を主務大臣に届け出なければならない。

(2) When a designation under Article 51, paragraph (1) ceases to be effective pursuant to the provisions of the preceding paragraph, the person who was the electronic monetary claim recording institution or general successor must notify the competent minister to that effect, as specified by order of the competent ministry.

３　主務大臣は、前項の規定による届出があったときは、その旨を官報で公示しなければならない。

(3) When a notification pursuant to the provisions of the preceding paragraph is made, the competent minister must give public notice to that effect in an official gazette.

（指定取消し等の場合のみなし電子債権記録機関）

(Electronic Monetary Claim Recording Institutions in Case of Rescission of Designation)

第八十四条　電子債権記録機関が第七十五条第一項の規定により第五十一条第一項の指定を取り消された場合又は前条第一項の規定により当該指定が効力を失った場合（同項第三号に該当する場合を除く。）においては、その電子債権記録機関であった者又は一般承継人は、当該電子債権記録機関が行った電子債権記録業を速やかに結了しなければならない。この場合において、当該電子債権記録機関であった者又は一般承継人は、その電子債権記録業の結了の目的の範囲内において、なおこれを電子債権記録機関とみなす。

Article 84 When a designation under Article 51, paragraph (1) is rescinded pursuant to the provisions of Article 75, paragraph (1) or that designation ceases to be effective pursuant to the provisions of paragraph (1) of the preceding Article (excluding cases that fall under item (iii) of the same paragraph), the person who was the electronic monetary claim recording institution or general successor must promptly finish the electronic monetary claims recording business that was performed by the institution. In this case, the person who was the institution or general successor is still deemed to be an electronic monetary claim recording institution within the scope of the purpose of finishing the electronic monetary claims recording business.

（清算手続等における主務大臣の意見等）

(Competent Minister's Opinion in Liquidation Procedures)

第八十五条　裁判所は、電子債権記録機関の清算手続、破産手続、再生手続、更生手続又は承認援助手続において、主務大臣に対し、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 85 (1) In liquidation procedures, bankruptcy procedures, rehabilitation proceedings, reorganization proceedings, or procedures for the recognition and assistance of an electronic monetary claim recording institution, the court may ask the competent minister for an opinion or submit a request to the competent minister for an inspection or investigation.

２　主務大臣は、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) In the procedures prescribed in the preceding paragraph, when finding it necessary, the competent minister may state an opinion to the court.

３　第七十三条の規定は、第一項の規定により主務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 73 apply mutatis mutandis when the competent minister has received a request from the court for an inspection or investigation, pursuant to the provisions of paragraph (1).

第四章　雑則

Chapter IV Miscellaneous Provisions

（債権記録等の保存）

(Preservation of Monetary Claims Record)

第八十六条　電子債権記録機関は、次に掲げる場合の区分に応じ、当該各号に定める日までの間、債権記録及び当該債権記録に記録された電子記録の請求に当たって電子債権記録機関に提供された情報が記載され、又は記録されている書面又は電磁的記録を保存しなければならない。

Article 86 An electronic monetary claim recording institution must preserve documents or electronic or magnetic records in which information provided to the electronic monetary claim recording institution has been stated or recorded in connection with a monetary claims record or a request for an electronic recording in the monetary claims record, until each of the dates specified in the following items according to the cases listed in the respective items:

一　次号に掲げる場合以外の場合　次のイ又はロに定める日のいずれか早い日

(i) cases other than those set forth in the following items: either of the dates specified in (a) and (b), whichever comes earlier:

イ　当該債権記録に記録された全ての電子記録債権に係る債務の全額について支払等記録がされた日又は変更記録により当該債権記録中の全ての記録事項について削除する旨の記録がされた日から五年を経過する日

(a) the date on which five years have passed from the day of the recording of the payment, etc. of the entire amount of the debts pertaining to all the electronically recorded monetary claims recorded in the monetary claims record or the day on which the deletion of all record matters in the monetary claims was recorded through the recording of an alteration; or

ロ　当該債権記録に記録された支払期日（分割払の方法により債務を支払う場合にあっては、最終の支払期日）又は最後の電子記録がされた日のいずれか遅い日から十年を経過する日

(b) the date on which ten years have passed from the latest of the following days: the payment date recorded in the monetary claims record (if debts are paid in installments, the final payment date) or the day on which the last electronic recording was made; or

二　当該債権記録が変更前債権記録である場合　第四十七条の五第四項各号に掲げる事項の記録がされた日から五年を経過する日

(ii) cases in which the monetary claims record is a pre-change monetary claims record: the date on which five years have passed from the date on which the matters listed in the items of Article 47-5, paragraph (4) were recorded.

（記録事項の開示）

(Disclosure of Record Matters)

第八十七条　次の各号に掲げる者及びその相続人その他の一般承継人並びにこれらの者の財産の管理及び処分をする権利を有する者は、電子債権記録機関に対し、その営業時間内は、いつでも、業務規程の定める費用を支払って、当該各号に定める事項（債務者口座を除く。）について、主務省令で定める方法により表示したものの閲覧又は当該事項の全部若しくは一部を証明した書面若しくは電磁的記録の提供の請求（以下この条において「開示請求」という。）をすることができる。

Article 87 (1) The persons listed in the following items, the persons' heirs or other general successors, and the persons entitled to manage and dispose of the assets of the persons listed in the items may, after having paid expenses prescribed in the electronic monetary claim recording institution's rules of operation, submit a request to the institution for the inspection of the matters prescribed in the items (excluding the obligor's account) that are displayed with the methods specified by order of the competent ministry, or the provision of documents or electronic or magnetic records that certify all or a part of the matters (hereinafter referred to as "request for disclosure" in this Article) at any time during the business hours of the institution:

一　電子記録名義人　債権記録に記録されている事項（当該電子記録名義人が分割債権記録に記録されている者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）のうち、譲渡記録等であって電子記録名義人以外の者が譲受人又は質権者として記録されているもの（次に掲げるものを除く。）において記録されている事項を除き、すべての事項

(i) the electronically recorded person: all matters recorded in a monetary claims record (if the person is recorded in a divided monetary claims record, these include matters recorded in the original monetary claims records until the relevant divided monetary claims record was created, before the record of the division at the time of creation of the divided monetary claims record was made in the original monetary claims records), other than those recorded in a record of assignment, etc. in which a person who is not the electronically recorded person is recorded as an assignee or a pledgee (excluding the matters listed as follows):

イ　第十八条第二項第三号若しくは第四号、第三十七条第二項第六号若しくは第七号又は同条第四項第四号若しくは第五号に掲げる事項が記録されている譲渡記録等

(a) the record of assignment, etc. in which the matters listed in Article 18, paragraph (2), item (iii) or (iv), Article 37, paragraph (2), item (vi) or (vii), or Article 37, paragraph (4), item (iv) or (v) have been recorded;

ロ　個人が譲渡人又は譲受人として記録されている譲渡記録

(b) the record of assignment in which an individual is recorded as an assignor or an assignee; and

ハ　電子記録名義人が変更記録において記録されている場合における当該変更記録に係る譲渡記録等

(c) the record of assignment, etc. connected with the record of alteration when an electronically recorded person has been recorded in the record of an alteration;

二　電子記録債務者として記録されている者　債権記録に記録されている事項（当該電子記録債務者として記録されている者が分割債権記録に記録されている者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）のうち、譲渡記録等であって電子記録名義人以外の者が譲受人又は質権者として記録されているものにおいて記録されている事項（次に掲げるものを除く。）を除き、すべての事項

(ii) A person recorded as an electronically recorded obligor: all matters recorded in a monetary claims record (when that person is recorded in a divided monetary claims record, these include matters recorded in the original monetary claims records until the relevant divided monetary claims record was created, before the record of the division at the time of creation of the divided monetary claims record was made in the original monetary claims records), other than those recorded in a record of assignment, etc. in which a person who is not the electronically recorded person is recorded as an assignee or a pledgee (excluding the matters listed as follows):

イ　電子記録名義人が変更記録において記録されている場合における当該変更記録に係る譲渡記録等において記録されている事項

(a) matters recorded in the record of assignment, etc. connected with a record of alteration when an electronically recorded person has been recorded in the record of the alteration;

ロ　当該電子記録債務者として記録されている者が発生記録若しくは譲渡記録等において債権者、譲受人若しくは質権者として記録されている者又はこれらの者の相続人その他の一般承継人（以下この号において「債権者等」という。）に対して人的関係に基づく抗弁を有するときは、当該債権者等から電子記録名義人に至るまでの一連の譲渡記録等において譲受人又は質権者として記録されている者（電子記録名義人を除く。）の氏名又は名称及び住所

(b) when the person who is recorded as the electronically recorded obligor has a defense based on a personal relationship with a person recorded as an obligee, an assignee or a pledgee, or an heir or other general successor thereof in the record of accrual or a record of assignment, etc. (hereinafter referred to as "obligee, etc." in this item), the names and addresses of persons recorded as an assignee or pledgee (excluding an electronically recorded person) in the series of records of assignment, etc. leading from the obligee, etc. to the electronically recorded person; and

三　債権記録に記録されている者であって、前二号に掲げる者以外のもの　債権記録に記録されている事項（この号に掲げる者が原債権記録に記録されている者であるときは、その後の分割債権記録に記録された事項を含む。）のうち、次に掲げる事項

(iii) a person other than those listed in the preceding two items who is recorded in the monetary claims record: the following matters among the matters recorded in the monetary claims record (including matters recorded in a divided monetary claims record that will be made later, if the person listed in this item is the person recorded in the original monetary claims record):

イ　当該債権記録中の発生記録及び開示請求をする者（ロにおいて「開示請求者」という。）が電子記録の請求をした者となっている電子記録（当該電子記録の記録事項について変更記録がされているときは、当該変更記録を含む。）において記録されている事項

(a) matters recorded in a record of accrual within the monetary claims record and in an electronic recording (including a record of alteration, if a record of an alteration has been made with regard to a matter recorded in the electronic recording) regarding which a person who makes a request for disclosure (referred to as "disclosure requester" in (b)) is the person who filed the request for the electronic recording; and

ロ　開示請求者を電子記録義務者とする譲渡記録等がされている場合において、当該電子記録が、代理権を有しない者が当該開示請求者の代理人としてした請求又は当該開示請求者になりすました者の請求によってされたものであるときは、当該開示請求者から電子記録名義人に至るまでの一連の譲渡記録等において譲受人又は質権者として記録されている者の氏名又は名称及び住所

(b) the names and addresses of those who are recorded as an assignee or pledgee in the series of records of assignment, etc. leading from the disclosure requester to the electronically recorded person, if a record of assignment, etc. has been made in which the disclosure requester is the electronically recorded claim obligor and the electronic recording was made at the request of a person without the authority to represent the disclosure requester or the request of a person who falsely represented the disclosure requester.

２　電子債権記録機関は、前項に規定するもののほか、電子記録の請求をした者が請求に際しその開示について同意をしている記録事項については、主務省令で定めるところにより、その同意の範囲内で一定の者が開示請求をすることを認めることができる。

(2) Beyond the provisions of the preceding paragraph, regarding record matters which the person who requested the electronic recording agrees, at the time of the request, to disclose, the relevant electronic monetary claim recording institution may accept to requests for disclosure within the scope of the agreement, pursuant to order of the competent ministry.

（電子記録の請求に当たって提供された情報の開示）

(Disclosure of Information Provided in the Request for an Electronic Recording)

第八十八条　自己の氏名又は名称が電子記録の請求者として電子債権記録機関に提供された者は、電子債権記録機関に対し、その営業時間内は、いつでも、業務規程の定める費用を支払って、当該電子記録の請求に当たって電子債権記録機関に提供された情報について、次に掲げる請求をすることができる。当該電子記録の請求が適法であるかどうかについて利害関係を有する者も、正当な理由があるときは、当該利害関係がある部分に限り、同様とする。

Article 88 A person whose name was provided to an electronic monetary claim recording institution as a person requesting an electronic recording may, having paid expenses prescribed in the institution's rules of operation, submit a request provided for as follows to the institution for the information provided to the institution when the request for the electronic recording was made at any time during the business hours of the institution, and the same applies to those who have an interest in the legitimacy of the request for the electronic recording, if there are justifiable grounds, to the extent that the person has an interest:

一　当該情報が書面に記載されているときは、当該書面の閲覧の請求

(i) if the information is stated in a document, a request for inspection of the document;

二　前号の書面の謄本又は抄本の交付の請求

(ii) a request for issuance of a transcript or an extract of the document referred to in the preceding item;

三　当該情報が電磁的記録に記録されているときは、当該電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) if the information is recorded in an electronic or magnetic record, a request for inspection of the matters recorded in the electronic or magnetic record in a manner specified by order of the competent ministry; or

四　前号の電磁的記録に記録された事項を電磁的方法（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って主務省令で定めるものをいう。）であって業務規程の定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request for the provision of matters recorded in the electronic or magnetic record under the preceding item by an electronic or magnetic method (a method specified by order of the competent ministry which uses information and communications technology including, a method which uses an electronic data processing system) that is prescribed by the rules of operation, or a request for delivery of a document that contains those matters.

（財務大臣への資料提出等）

(Submission of Materials to the Minister of Finance)

第八十九条　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、電子記録債権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 89 The Minister of Finance may request the Prime Minister to submit the necessary materials and give an explanation, if the Minister of Finance finds it necessary for the planning or drafting of a system pertaining to electronically recorded monetary claims for the financial failures resolution system and the management of financial crises under the jurisdiction of the Minister of Finance.

（主務省令への委任）

(Delegation to Order of the Competent Ministry)

第九十条　この法律に定めるもののほか、この法律の実施のため必要な事項は、主務省令で定める。

Article 90 Beyond what is provided for in this Act, matters necessary for the enforcement of this Act are provided by order of the competent ministry.

（主務大臣及び主務省令）

(Competent Minister and Order of the Competent Ministry)

第九十一条　この法律において、主務大臣は法務大臣及び内閣総理大臣とし、主務省令は法務省令・内閣府令とする。

Article 91 In this Act, the competent minister is the Minister of Justice and the Prime Minister, and order of the competent ministry is Ministry of Justice Order or Cabinet Office Order.

（権限の委任）

(Delegation of Authority)

第九十二条　内閣総理大臣は、この法律の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 92 (1) The Prime Minister delegates the authority under the provisions of this Act (excluding that specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

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

(2) The Commissioner of the Financial Services Agency may, pursuant to Cabinet Order, delegate a part of the Commissioner's authority delegated pursuant to the provision of the preceding paragraph to the Directors-General of Local Finance Bureaus or the Directors-General of Local Finance Branch Bureaus.

第五章　罰則

Chapter V Penal Provisions

第九十三条　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 93 A person who falls under either of the following items is subject to imprisonment for not more than three years or a fine of not more than 3,000,000 yen, or both:

一　第七条第一項、第四十七条の五第一項若しくは第四十九条第一項の規定に違反して、記録原簿に電子記録をすべき事項を記録せず、又はこれに虚偽の記録をした者

(i) a person who, in violation of the provisions of Article 7, paragraph (1), Article 47-5, paragraph (1), or Article 49, paragraph (1), did not record a matter to be recorded in the registry in electronic form or made a false record in the registry; or

二　第四十七条の三第五項の規定に違反して、通知をすべき事項を通知せず、又は虚偽の通知をした者

(ii) a person who, in violation of the provisions of Article 47-3, paragraph (5), did not make a notification of the necessary matters or made a false notification.

第九十四条　第七十五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 94 A person who violated a business suspension order under the provisions of Article 75, paragraph (1) is subject to imprisonment for not more than two years or a fine of not more than 3,000,000 yen, or both.

第九十五条　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 95 A person who falls under any of the following items is subject to imprisonment for not more than one year or a fine of not more than 3,000,000 yen, or both:

一　第五十二条第一項、第七十八条第二項、第七十九条第二項、第八十条第二項若しくは第八十一条第二項の申請書若しくは第五十二条第二項の書類に虚偽の記載をし、若しくは当該書類に代えて電磁的記録を添付すべき場合における当該電磁的記録に虚偽の記録をし、又は第七十八条第三項、第七十九条第三項、第八十条第三項若しくは第八十一条第三項の書面若しくは電磁的記録に虚偽の記載若しくは記録をして提出した者

(i) a person who made and submitted a false statement in a written application referred to in Article 52, paragraph (1), Article 78, paragraph (2), Article 79, paragraph (2), Article 80, paragraph (2), or Article 81, paragraph (2), or in a document referred to in Article 52, paragraph (2), or who made and submitted a false record in an electronic or magnetic record when an electronic or magnetic record was to be attached instead of the document, or who made and submitted a false statement or a false record in a document or electronic or magnetic record under Article 78, paragraph (3), Article 79, paragraph (3), Article 80, paragraph (3), or Article 81, paragraph (3);

二　第六十七条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

(ii) a person who did not prepare or preserve records pursuant to the provisions of Article 67, or who prepared false records;

三　第六十八条第一項の規定による報告書の提出をせず、又は虚偽の記載をした報告書を提出した者

(iii) a person who did not submit a report pursuant to the provisions of Article 68, paragraph (1), or who submitted a report that contained a false statement;

四　第七十三条第一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をし、若しくは虚偽の資料を提出し、又は同項の規定による検査を拒み、妨げ、若しくは忌避し、若しくは同項の規定による質問に対し答弁をせず、若しくは虚偽の答弁をした者

(iv) a person who did not report or submit a material pursuant to the provisions of Article 73, paragraph (1), or reported a false report or submitted a false material, or who refused, obstructed, or evaded an inspection under the provisions of the same paragraph, or who failed to answer questions under the provisions of the same paragraph or gave a false answer to the questions;

五　第八十五条第三項において準用する第七十三条第一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をし、若しくは虚偽の資料を提出し、又は同項の規定による検査を拒み、妨げ、若しくは忌避し、若しくは同項の規定による質問に対し答弁をせず、若しくは虚偽の答弁をした者

(v) a person who did not report or submit a material pursuant to the provisions of Article 73, paragraph (1) applied mutatis mutandis to Article 85, paragraph (3), or who reported a false report or submitted a false material, or who refused, obstructed, or evaded an inspection under the provisions of the same paragraph, or who failed to answer questions under the provisions of the same paragraph or gave a false answer to the question; or

六　第八十六条の規定に違反して、同条の債権記録又は書面若しくは電磁的記録を保存しなかった者

(vi) a person who, in violation of the provisions of Article 86, did not preserve monetary claims records, documents, or electronic or magnetic records in accordance with the same Article.

第九十六条　第五十五条の規定に違反した者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 96 A person who violated the provisions of Article 55 is subject to imprisonment for not more than one year or a fine of not more than 500,000 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 who falls under any of the following items is subject to a fine of not more than 300,000 yen:

一　第六十九条第一項の規定による認可を受けないで資本金の額を減少し、又は虚偽の申請をして同項の認可を受けた者

(i) a person who reduced the amount of stated capital without approval under the provisions of Article 69, paragraph (1) or a person who received the approval under the same paragraph by way of a false application; or

二　第七十二条第一項の規定による届出をせず、又は虚偽の届出をした者

(ii) a person who failed to give the notification under the provisions of Article 72, paragraph (1) or provided a false notification.

第九十八条　法人の代表者、代理人、使用人その他の従業者が、その法人の業務に関し、次の各号に掲げる規定の違反行為をしたときは、その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科する。

Article 98 If a representative, an agent, an employee or any other worker of a corporation commits a violation of any of the provisions set forth in the following items with regard to the business of the corporation, not only the individual offender but also the corporation is subject to the fine prescribed in the respective items:

一　第九十三条又は第九十四条　三億円以下の罰金刑

(i) Article 93 or 94: a fine of not more than 300,000,000 yen;

二　第九十五条（第五号を除く。）　二億円以下の罰金刑

(ii) Article 95 (excluding item (v)): a fine of not more than 200,000,000 yen; and

三　第九十五条第五号又は前条　各本条の罰金刑

(iii) Article 95, item (v) or Article 97: the fine prescribed in the respective Articles.

第九十九条　電子債権記録機関（第三号にあっては、第七十七条第五項に規定する電子債権記録機関であった者又は一般承継人）の役員又は清算人が次の各号のいずれかに該当するときは、百万円以下の過料に処する。

Article 99 An officer or a liquidator of the electronic monetary claim recording institution (regarding item (iii), a person who was the electronic monetary claim recording institution or general successor prescribed in Article 77, paragraph (5)) who falls under any of the following items is subject to a civil fine of not more than 1,000,000 yen:

一　第六十九条第二項の規定に違反して、届出をせず、又は虚偽の届出をしたとき。

(i) the officer or a liquidator failed to give notice or gave false notice, in violation of the provisions of Article 69, paragraph (2);

二　第七十四条又は第七十六条第一項の規定による命令に違反したとき。

(ii) the officer or a liquidator violated an order under the provisions of Article 74 or Article 76, paragraph (1);

三　第七十七条第五項の規定に違反して、同項の書面を送付しなかったとき。

(iii) the officer or a liquidator failed to send the document referred to in Article 77, paragraph (5), in violation of the provisions of the same paragraph; or

四　正当な理由がないのに第八十七条第一項又は第八十八条の規定による請求を拒み、又は虚偽の記載若しくは記録をした書面若しくは電磁的記録を提供したとき。

(iv) the officer or a liquidator refused a request made pursuant to the provisions of Article 87, paragraph (1) or Article 88 without justifiable grounds, or provided documents or electronic or magnetic records containing a false statement or record.

第百条　第八十三条第二項に規定する電子債権記録機関であった者又は一般承継人の役員又は清算人が同項の規定に違反して、届出を怠ったときは、三十万円以下の過料に処する。

Article 100 A person who was an officer or a liquidator of a person that was an electronic monetary claim recording institution or general successor prescribed in Article 83, paragraph (2), and failed to give a notification in violation of the provisions of the same paragraph, is subject to a civil fine of not more than 300,000 yen.