

銀行法 Banking Act

(昭和五十六年六月一日法律第五十九号)
(Act No. 59 of June 1, 1981)

銀行法（昭和二年法律第二十一号）の全部を改正する。
The Banking Act (Act No. 21 of 1927) is hereby fully amended.

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第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、銀行の業務の公共性にかんがみ、信用を維持し、預金者等の保護を確保するとともに金融の円滑を図るため、銀行の業務の健全かつ適切な運営を期し、もつて国民経済の健全な発展に資することを目的とする。

Article 1 (1) The purpose of this Act is to preserve the credibility of bank services in view of their public nature; to achieve the sound and appropriate management of bank services in order to ensure protection for depositors and facilitate the smooth functioning of financial services; and to thereby contribute to the sound development of the national economy.

2 この法律の運用に当たっては、銀行の業務の運営についての自主的な努力を尊重するよう配慮しなければならない。

(2) In the application of this Act, due consideration must be given to respecting banks' voluntary efforts to manage their own services.

(定義等)

(Definitions)

第二条 この法律において「銀行」とは、第四条第一項の内閣総理大臣の免許を受けて

銀行業を営む者をいう。

Article 2 (1) The term "bank" as used in this Act means a person engaging in banking under a license from the Prime Minister as referred to in Article 4, paragraph (1).

2 この法律において「銀行業」とは、次に掲げる行為のいずれかを行う営業をいう。

(2) The term "banking" as used in this Act means the business of performing any of the following activities:

一 預金又は定期積金の受入れと資金の貸付け又は手形の割引とを併せ行うこと。

(i) acceptance of deposits or installment savings, as well as the lending of funds or the discounting of bills and notes; or

二 為替取引を行うこと。

(ii) dealing in funds transfer transactions.

3 この法律において「定期積金」とは、期限を定めて一定金額の給付を行うことを約して、定期に又は一定の期間内において数回にわたり受け入れる金銭をいう。

(3) The term "installment savings" as used in this Act means money that is accepted on multiple occasions at regular intervals or within a fixed period of time, with the promise that a fixed amount of money will be paid on a designated date.

4 この法律において「定期積金等」とは、定期積金のほか、一定の期間を定め、その中途又は満了の時において一定の金額の給付を行うことを約して、当該期間内において受け入れる掛金をいう。

(4) The term "installment savings, etc." as used in this Act means, in addition to installment savings, money paid in in installments, and accepted within a fixed period of time, with the promise that a fixed amount of money will be paid at or before the end of that period.

5 この法律において「預金者等」とは、預金者及び定期積金の積金者（前項に規定する掛金の掛金者を含む。）をいう。

(5) The term "depositor, etc." as used in this Act means a depositor or a person that puts money into installment savings (including a person that pays in money in installments as prescribed in the preceding paragraph).

6 この法律において「総株主等の議決権」とは、総株主又は総出資者の議決権（株式会社にあつては、株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法（平成十七年法律第八十六号）第八百七十九条第三項（特別清算事件の管轄）の規定により議決権を有するものとみなされる株式についての議決権を含む。以下同じ。）をいう。

(6) The term "voting rights of all shareholders, etc." as used in this Act means voting rights of all shareholders or voting rights of all equity investors (for a stock company, this excludes voting rights in respect of shares that do not allow the holder to exercise voting rights with regard to all of the matters that can be resolved at a shareholders meeting, but includes voting rights in respect of shares whose holders are deemed to have voting rights pursuant to the

provisions of Article 879, paragraph (3) (Jurisdiction in Special Liquidation Cases) of the Companies Act (Act No. 86 of 2005); the same applies hereinafter).

7 この法律において「株式等」とは、株式又は持分をいう。

(7) The term "shares, etc." as used in this Act means shares or equity interest.

8 この法律において「子会社」とは、会社がその総株主等の議決権の百分の五十を超える議決権を保有する他の会社をいう。この場合において、会社及びその一若しくは二以上の子会社又は当該会社の一若しくは二以上の子会社がその総株主等の議決権の百分の五十を超える議決権を保有する他の会社は、当該会社の子会社とみなす。

(8) The term "subsidiary company" as used in this Act means a second company in which a first company holds voting rights over fifty percent of all shareholders', etc. voting rights. In this case, a second company in which a first company and one or more of its subsidiary companies hold voting rights over fifty percent of all shareholders', etc. voting rights, or in which one or more of a first company's subsidiary companies hold voting rights over fifty percent of all shareholders', etc. voting rights is deemed to be the subsidiary company of the first company.

9 この法律において「主要株主基準値」とは、総株主の議決権の百分の二十（会社の財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実が存在するものとして内閣府令で定める要件に該当する者が当該会社の議決権の保有者である場合にあつては、百分の十五）をいう。

(9) The term "major shareholder threshold" as used in this Act means twenty percent (or fifteen percent, if a person falling under the requirement specified by Cabinet Office Order as one with regard to which a fact exists that is expected to have a material influence on decisions about the company's financial and business policies, holds the voting rights in the company) of all shareholders' voting rights.

10 この法律において「銀行主要株主」とは、銀行の主要株主基準値以上の数の議決権の保有者（他人（仮設人を含む。）の名義をもつて保有する者を含む。以下同じ。）であつて、第五十二条の九第一項の認可を受けて設立され、又は同項若しくは同条第二項ただし書の認可を受けているものをいう。

(10) The term a "bank's major shareholder" as used in this Act means a person that holds a number of voting rights in a Bank which is equal to or greater than the major shareholder threshold (including a person that holds those voting rights in the name of another person (or under a fictitious name); the same applies hereinafter), and is incorporated under the authorization referred to in Article 52-9, paragraph (1) or obtains the authorization referred to in Article 52-9, paragraph (1) or the proviso to Article 52-9, paragraph (2).

11 第八項又は前項の場合において、会社又は議決権の保有者が保有する議決権には、金銭又は有価証券の信託に係る信託財産として所有する株式等に係る議決権（委託者又は受益者が行使し、又はその行使について当該会社若しくは当該議決権の保有者に指図を行うことができるものに限る。）その他内閣府令で定める議決権を含まないも

のとし、信託財産である株式等に係る議決権で、当該会社又は当該議決権の保有者が委託者若しくは受益者として行使し、又はその行使について指図を行うことができるもの（内閣府令で定める議決権を除く。）及び社債、株式等の振替に関する法律（平成十三年法律第七十五号）第四百七条第一項又は第四百八条第一項の規定により発行者に対抗することができない株式に係る議決権を含むものとする。

(11) In the case referred to in paragraph (8) and the preceding paragraph, the voting rights held by the company or the person that holds those voting rights are not to include voting rights from shares, etc. that the company or person holds as trust property in a monetary or security trust (but only those that the settlor or beneficiary may exercise or those with regard to whose exercise the settlor or beneficiary may give instructions to the company or the person that holds them) or the voting rights specified by Cabinet Office Order, but are to include voting rights from shares, etc. that constitute trust property which the company or the person that holds those voting rights may exercise, as the settlor or beneficiary, or with regard to whose exercise the company or person may give instructions, as the settlor or beneficiary (excluding those specified by Cabinet Office Order), and voting rights from shares which cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001).

1 2 この法律において「持株会社」とは、子会社（国内の会社に限る。）の株式等の取得価額（最終の貸借対照表において別に付した価額があるときは、その価額）の合計額の総資産の額（内閣府令で定める方法による資産の合計金額をいう。）から内閣府令で定める資産の額（内閣府令で定めるところにより算出した額をいう。）を除いた額に対する割合が百分の五十を超える会社をいう。

(12) The term "holding company" as used in this Act means a company whose percentage of the total amount of the acquisition cost (or any other value if it is so listed in the latest balance sheet) of shares, etc. in subsidiary companies (limited to domestic companies) to the amount calculated by deducting the amount of assets specified by Cabinet Office Order (meaning the amount calculated pursuant to the provisions of Cabinet Office Order) from the amount of total assets (meaning the total amount of assets calculated by a method specified by Cabinet Office Order) exceeds fifty percent.

1 3 この法律において「銀行持株会社」とは、銀行を子会社とする持株会社であつて、第五十二条の十七第一項の認可を受けて設立され、又は同項若しくは同条第三項ただし書の認可を受けているものをいう。

(13) The term "bank holding company" as used in this Act means a holding company that has a bank as its subsidiary company, and that is incorporated under the authorization referred to in Article 52-17, paragraph (1) or has obtained the authorization referred to in Article 52-17, paragraph (1) or the proviso to Article 52-17, paragraph (3).

14 この法律において「銀行代理業」とは、銀行のために次に掲げる行為のいずれかを行う営業をいう。

(14) The term "bank agency services" as used in this Act means the business of performing any of the following activities on behalf of a bank:

一 預金又は定期積金等の受入れを内容とする契約の締結の代理又は媒介

(i) acting as agent or intermediary in the entry into a contract for the acceptance of deposits or installment savings, etc.;

二 資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介

(ii) acting as an agent or intermediary in the entry into a contract for the lending of funds or the discounting of bills and notes; or

三 為替取引を内容とする契約の締結の代理又は媒介

(iii) acting as an agent or intermediary in the entry into a contract for funds transfer transactions.

15 この法律において「銀行代理業者」とは、第五十二条の三十六第一項の内閣総理大臣の許可を受けて銀行代理業を営む者をいう。

(15) The term "bank agent" as used in this Act means a person that performs bank agency services under the license of the Prime Minister as referred to in Article 52-36, paragraph (1).

16 この法律において「所属銀行」とは、銀行代理業者が行う第十四項各号に掲げる行為により、同項各号に規定する契約において同項各号の預金若しくは定期積金等の受入れ、資金の貸付け若しくは手形の割引又は為替取引を行う銀行をいう。

(16) The term "principal bank" as used in this Act means a bank that accepts deposits or installment savings, etc., lends funds, discounts bills and notes, or deals in funds transfer transactions as referred to in the items of paragraph (14) under a contract provided for in each item of the same paragraph, based on an activity set forth in each item of the same paragraph which a bank agent performs.

17 この法律において「電子決済等代行業」とは、次に掲げる行為（第一号に規定する預金者による特定の者に対する定期的な支払を目的として行う同号に掲げる行為その他の利用者の保護に欠けるおそれが少ないと認められるものとして内閣府令で定める行為を除く。）のいずれかを行う営業をいう。

(17) The term "electronic payment services" as used in this Act means the business of performing any of the following activities (excluding the activities set forth in item (i) that are performed in order to enable a depositor as prescribed in that item to make periodic payments to a specific person and any other activities specified by Cabinet Office Order as those that are found to be less likely to result in insufficient user protection):

一 銀行に預金の口座を開設している預金者の委託（二以上の段階にわたる委託を含む。）を受けて、電子情報処理組織を使用する方法により、当該口座に係る資金を移動させる為替取引を行うことの当該銀行に対する指図（当該指図の内容のみを含む。）の伝達（当該指図の内容のみの伝達にあつては、内閣府令で定める方法によ

るものに限る。)を受け、これを当該銀行に対して伝達すること。

(i) upon entrustment (including entrustment at two or more degrees of separation from the original entrustment) from a depositor that has opened an account for deposits with a bank, receiving a communication of an instruction addressed to the bank (including the content of the instruction alone) to execute a fund transfer transaction for transferring funds in that account, and communicating the instruction to the bank, by a means that employs an electronic data processing system (limited to a communication made by a method specified by Cabinet Office Order, in the case of a communication of the content of the instruction alone); or

二 銀行に預金又は定期積金等の口座を開設している預金者等の委託（二以上の段階にわたる委託を含む。）を受けて、電子情報処理組織を使用する方法により、当該銀行から当該口座に係る情報を取得し、これを当該預金者等に提供すること（他の者を介する方法により提供すること及び当該情報を加工した情報を提供することを含む。）。

(ii) upon entrustment (including entrustment at two or more degrees of separation from the original entrustment) from a depositor, etc. that has opened an account for deposits or installment savings, etc. with a bank, acquiring information on that account from the bank and providing it to the depositor, etc. (including provision of that information via another person and provision of information created by processing that information), by a means that employs an electronic data processing system.

18 この法律において「電子決済等代行業者」とは、第五十二条の六十一の二の登録を受けて電子決済等代行業を営む者をいう。

(18) The term "electronic payment service provider" as used in this Act means a person engaging in electronic payment services under an Article 52-61-2 registration.

19 この法律において「認定電子決済等代行業者協会」とは、第五十二条の六十一の十九の規定による認定を受けた一般社団法人をいう。

(19) The term "certified association of electronic payment service providers" as used in this Act means a general incorporated association that has been granted the certification under the provisions of Article 52-61-19.

20 この法律において「指定紛争解決機関」とは、第五十二条の六十二第一項の規定による指定を受けた者をいう。

(20) The term "designated dispute resolution organization" as used in this Act means a person that has been designated under Article 52-62, paragraph (1).

21 この法律において「銀行業務」とは、銀行が第十条及び第十一条の規定により営む業務並びに担保付社債信託法（明治三十八年法律第五十二号）その他の法律により営む業務並びに当該銀行のために銀行代理業を営む者が営む銀行代理業をいう。

(21) The term "banking services" as used in this Act means services that a bank performs pursuant to the provisions of Article 10 and Article 11, services that a

bank performs pursuant to the provisions of the Secured Corporate Bonds Trust Act (Act No. 52 of 1905) and other laws, and bank agency services that a person engaged in bank agency services performs for a bank.

2 2 この法律において「苦情処理手続」とは、銀行業務関連苦情（銀行業務に関する苦情をいう。第五十二条の六十七、第五十二条の六十八及び第五十二条の七十二において同じ。）を処理する手続をいう。

(22) The term "complaint processing procedures" as used in this Act means procedures for processing a complaint related to banking services (meaning a complaint about banking services; the same applies in Article 52-67, Article 52-68 and Article 52-72).

2 3 この法律において「紛争解決手続」とは、銀行業務関連紛争（銀行業務に関する紛争で当事者が和解をすることができるものをいう。第五十二条の六十七、第五十二条の六十八及び第五十二条の七十三から第五十二条の七十五までにおいて同じ。）について訴訟手続によらずに解決を図る手続をいう。

(23) The term "dispute resolution procedures" as used in this Act means procedures that attempt to resolve a dispute related to banking services (meaning a dispute about banking services which can be settled between the parties; the same applies in Article 52-67, Article 52-68, and Articles 52-73 to 52-75 inclusive) without recourse to court proceedings.

2 4 この法律において「紛争解決等業務」とは、苦情処理手続及び紛争解決手続に係る業務並びにこれに付随する業務をいう。

(24) The term "dispute resolution, etc." as used in this Act means services involved in complaint processing procedures and dispute resolution procedures, as well as services incidental thereto.

2 5 この法律において「手続実施基本契約」とは、紛争解決等業務の実施に関し指定紛争解決機関と銀行との間で締結される契約をいう。

(25) The term "basic contract for the implementation of dispute resolution procedures" as used in this Act means a contract entered into between a designated dispute resolution organization and a bank with regard to the implementation of dispute resolution, etc.

第三条 預金又は定期積金等の受入れ（前条第二項第一号に掲げる行為に該当するものを除く。）を行う営業は、銀行業とみなして、この法律を適用する。

Article 3 The business of accepting deposits or installment savings, etc. (other than that which falls under the category of an activity set forth in paragraph (2), item (i) of the preceding Article) is deemed to be banking, and this Act applies.

第三条の二 次の各号に掲げる者は、それぞれ当該各号に定める数の銀行の議決権の保有者とみなして、第七章の三第一節及び第二節、第八章並びに第九章の規定を適用する。

Article 3-2 (1) A person set forth in one of the following items is deemed to be a holder of voting rights in a bank, in the numbers specified in the relevant item, and the provisions of Chapter VII-3, Sections 1 and 2, Chapter VIII and Chapter IX apply:

一 法人でない団体（法人に準ずるものとして内閣府令で定めるものに限る。） 当該法人でない団体の名義をもつて保有される銀行の議決権の数

(i) an organization that is not a corporation (limited to one specified by Cabinet Office Order as being equivalent to a corporation): the number of voting rights in the Bank which are held in the name of the organization that is not a corporation;

二 内閣府令で定めるところにより連結してその計算書類その他の書類を作成するものとされる会社（次号において「連結基準対象会社」という。）であつて、その連結する会社その他の法人（前号に掲げる法人でない団体を含む。以下この項において「会社等」という。）のうち銀行を含むもののうち、他の会社の計算書類その他の書類に連結される会社以外の会社 当該会社の当該銀行に対する実質的な影響力を表すものとして内閣府令で定めるところにより計算される数

(ii) a company that is required to prepare financial statements or other documents on a consolidated basis pursuant to the provisions of Cabinet Office Order (referred to as "company subject to consolidation standards" in the following item), whose consolidated companies and other corporations (which includes an organization that is not a corporation as set forth in the preceding item; hereinafter collectively referred to as a "company, etc." in this paragraph) include a bank, and which is not itself consolidated into any other company's financial statements or other documents: the number calculated pursuant to the provisions of Cabinet Office Order as representing the substantial influence that the company could exercise on the bank;

三 連結基準対象会社以外の会社等（銀行の議決権の保有者である会社等に限り、前号に掲げる会社の計算書類その他の書類に連結されるものを除く。）が会社等集団（当該会社等及び当該会社等が他の会社等に係る議決権の過半数を保有していることその他の当該会社等と密接な関係を有する会社等として内閣府令で定める会社等の集団をいう。以下この項において同じ。）に属し、かつ、当該会社等集団が当該会社等集団に属する全部の会社等の保有する一の銀行の議決権の数を合算した数（以下この号及び次号において「会社等集団保有議決権数」という。）が当該銀行の主要株主基準値以上の数である会社等集団（以下この号及び次号において「特定会社等集団」という。）である場合において、当該特定会社等集団に属する会社等のうち、その会社等に係る議決権の過半数の保有者である会社等がない会社等 当該特定会社等集団に係る会社等集団保有議決権数

(iii) a company, etc. not constituting a company subject to consolidation standards (excluding one that is consolidated in the financial statement or other documents of a company as set forth in the preceding item, limited to one that holds voting rights in a bank) which belongs to a group of companies,

etc. (meaning a group consisting of the company, etc. itself and any other company, etc. that Cabinet Office Order specifies as being one in which the relevant company, etc. holds majority voting rights or as being closely related to the relevant company, etc. in any other such way; hereinafter the same applies in this paragraph) if the total number of voting rights in a single bank held by all of the companies, etc. belonging to that group of companies, etc. (hereinafter referred to as the "number of voting rights held by the group of companies, etc." in this item and the following item) is equal to or greater than the major shareholder threshold for the bank (hereinafter referred to as a "specified group of companies, etc." in this item and the following item), and if none of the companies, etc. belonging to that specified group of companies, etc. is the holder of majority voting rights in that company, etc.: the number of voting rights held by the group of companies, etc. which is associated with that specified group of companies, etc.;

四 特定会社等集団に属する会社等のうちに前号に掲げる会社等がない場合において、当該特定会社等集団に属する会社等のうちその貸借対照表上の資産の額が最も多い会社等 当該特定会社等集団に係る会社等集団保有議決権数

(iv) the company, etc. with the most assets on the balance sheet out of the companies, etc. belonging to a specified group of companies, etc., if there is no company, etc. as set forth in the preceding item among the companies, etc. that belong to that specified group of companies, etc.: the number of voting rights held by the group of companies, etc. which is associated with that specified group of companies, etc.;

五 銀行の議決権の保有者である会社等（第二号から前号までに掲げる者を含む。以下この号において同じ。）に係る議決権の過半数の保有者である個人のうち、当該個人がその議決権の過半数の保有者である会社等がそれぞれ保有する一の銀行の議決権の数（当該会社等が前各号に掲げる者であるときは、それぞれ当該各号に定める数）を合算した数（当該個人が当該銀行の議決権の保有者である場合にあっては、当該合算した数に当該個人が保有する当該銀行の議決権の数を加算した数。以下この号において「合算議決権数」という。）が当該銀行の総株主の議決権の百分の二十以上の数である者 当該個人に係る合算議決権数

(v) an individual who holds majority voting rights in a company, etc. that holds voting rights in a bank (such a company, etc. includes a person set forth in item (ii) to the preceding item inclusive; hereinafter the same applies in this item), if the total number of voting rights in a single bank which are held by all companies, etc. in which the individual holds majority voting rights (or, the total of the number of those voting rights in that bank and the number specified in the preceding items, if any of those company, etc. falls under any of the categories set forth in those items) (or, the number of voting rights arrived at when the number of voting rights in that bank held by the individual is added to that total number in question if the individual has

voting rights in that bank; the number calculated thereby is hereinafter referred to as the "total number of voting rights" in this item) is equal to or greater than twenty percent of all shareholders' voting rights in that bank: the total number of voting rights associated with that individual;

六 銀行の議決権の保有者（前各号に掲げる者を含む。以下この号において同じ。）のうち、その保有する当該銀行の議決権の数（当該議決権の保有者が前各号に掲げる者であるときは、それぞれ当該各号に定める数）とその共同保有者（銀行の議決権の保有者が、当該銀行の議決権の他の保有者（前各号に掲げる者を含む。）と共同して当該議決権に係る株式を取得し、若しくは譲渡し、又は当該銀行の株主としての議決権その他の権利を行使することを合意している場合における当該他の保有者（当該議決権の保有者が第二号に掲げる会社である場合においては当該会社の計算書類その他の書類に連結される会社等を、当該議決権の保有者が第三号又は第四号に掲げる会社等である場合においては当該会社等が属する会社等集団に属する当該会社等以外の会社等を、当該議決権の保有者が前号に掲げる個人である場合においては当該個人がその議決権の過半数の保有者である会社等を除き、当該議決権の保有者と政令で定める特別な関係を有する者を含む。）をいう。）の保有する当該銀行の議決権の数（当該共同保有者が前各号に掲げる者であるときは、それぞれ当該各号に定める数）を合算した数（以下この号において「共同保有議決権数」という。）が当該銀行の総株主の議決権の百分の二十以上の数である者 共同保有議決権数

(vi) a person that holds voting rights in a bank (this person includes one as set forth in the preceding items; hereinafter the same applies in this item), if the sum total of the number of voting rights in that bank that person holds (or, the number specified in the relevant item if the person is one as set forth in one of the preceding items) and the number of voting rights in that bank held by the person's joint holders (this joint holder means a second person that holds voting rights in a bank (this person includes a person as set forth in one of the preceding items) with which a first person that holds voting rights in that bank has agreed to jointly acquire or transfer the shares to which those voting rights are attached, or has agreed to jointly exercise voting rights and other rights as bank shareholders (that second person excludes a company, etc. whose financial statements and other documents are consolidated to another company set forth in item (ii) if that first person that holds voting rights in the bank is that other company; excludes a company, etc. that does not constitute another company, etc. as set forth in item (iii) or item (iv) but belongs to the group of companies, etc. to which that other company, etc. belongs if the first person is that other company, etc. as set forth in item (iii) or item (iv); and excludes a company, etc. in which an individual as set forth in the preceding item holds majority voting rights if the first person is that individual; but includes any person that has a special affiliation to the first person as specified by Cabinet Order)) (or, the sum

- total of the number of voting rights in that bank that person holds and the number prescribed in the relevant item, if that joint holder is a person as set forth in one of the preceding items) (this total number of voting rights is hereinafter referred to as the "number of voting rights jointly held" in this item) is equal to or greater than twenty percent of all shareholders' voting rights in that bank: the number of voting rights jointly held; and
- 七 前各号に掲げる者に準ずる者として内閣府令で定める者 銀行に対する実質的な影響力を表すものとして内閣府令で定めるところにより計算される数
- (vii) a person specified by Cabinet Office Order as being equivalent to any of those set forth in one of the preceding items: the number calculated pursuant to the provisions of Cabinet Office Order as representing a substantial influence on the bank.
- 2 第二条第十一項の規定は、前項各号の場合において同項各号に掲げる者が保有するものとみなされる議決権及び議決権の保有者が保有する議決権について準用する。
- (2) In the case referred to in one of the items of the preceding paragraph, the provisions of Article 2, paragraph (11) apply mutatis mutandis to voting rights that the person set forth in the relevant item of that paragraph is deemed to hold and to the voting rights that the holder of the voting rights holds.

(営業の免許)

(Business License)

第四条 銀行業は、内閣総理大臣の免許を受けた者でなければ、営むことができない。

Article 4 (1) A person may not engage in banking unless licensed by the Prime Minister to do so.

2 内閣総理大臣は、銀行業の免許の申請があつたときは、次に掲げる基準に適合するかどうかを審査しなければならない。

- (2) Whenever an application is filed for a banking license, the Prime Minister must examine whether the following criteria are met:
- 一 銀行業の免許を申請した者（以下この項において「申請者」という。）が銀行の業務を健全かつ効率的に遂行するに足りる財産的基礎を有し、かつ、申請者の当該業務に係る収支の見込みが良好であること。
- (i) the person filing application for the banking license (hereinafter referred to as the "applicant" in this paragraph) has a sufficient financial basis to perform bank services soundly and efficiently, and has good prospects for income and expenditures in connection with those services; and
- 二 申請者が、その人的構成等に照らして、銀行の業務を的確、公正かつ効率的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者であること。
- (ii) in light of such points as its personnel structure, the applicant has the knowledge and experience to perform bank services appropriately, fairly, and efficiently, and has sufficient social credibility.

3 外国の法令に準拠して外国において銀行業を営む者（その者と政令で定める特殊の関係のある者を含むものとし、銀行等を除く。以下この項において「外国銀行等」という。）をその株主の全部又は一部とする者が銀行業の免許を申請した場合において、当該外国銀行等が当該免許を申請した者の総株主の議決権に内閣府令で定める率を乗じて得た数を超える議決権を適法に保有しているときは、内閣総理大臣は、前項各号に掲げる基準のほか、当該外国銀行等の主たる営業所が所在する国において、銀行に対し、この法律による取扱いと実質的に同等な取扱いが行われると認められるかどうかの審査をしなければならない。ただし、当該審査が国際約束の誠実な履行を妨げることとなる場合その他の政令で定める場合は、この限りでない。

(3) If a person whose entire or partial body of shareholders comprises persons engaged in banking in a foreign state in accordance with foreign laws and regulations (including a person uniquely related to such a person as specified by Cabinet Order, but excluding a bank, etc.; hereinafter a person so engaged in banking in a foreign state is referred to as a "foreign bank, etc." in this paragraph) files a banking license application, and the foreign bank, etc. lawfully holds voting rights in the person filing the banking license application which exceed the number arrived at by multiplying all shareholders' voting rights in that person shareholders by the rate specified by Cabinet Office Order, in addition to the criteria set forth in each item of the preceding paragraph, the Prime Minister must examine whether it can be found that Banks are treated in substantially the same manner as under this Act in the state where the principal business office of the foreign bank, etc. is located; provided, however, that this does not apply to the cases specified by Cabinet Order, including the case in which the examination would interfere with the faithful fulfillment of an international agreement.

4 内閣総理大臣は、前二項の規定による審査の基準に照らし公益上必要があると認めるときは、その必要の限度において、第一項の免許に条件を付し、及びこれを変更することができる。

(4) If the Prime Minister finds it to be necessary in the public interest in light of the examination criteria under the preceding two paragraphs, the minister may attach conditions to the license referred to in paragraph (1) or change those conditions, within the scope of that necessity,.

5 第三項の「銀行等」とは、銀行、長期信用銀行（長期信用銀行法（昭和二十七年法律第百八十七号）第二条（定義）に規定する長期信用銀行をいう。以下同じ。）その他内閣府令で定める金融機関をいう。

(5) The term "bank, etc." as used in paragraph (3) means a bank, a long-term credit bank (meaning a long-term credit bank as prescribed in Article 2 (Definitions) of the Long-Term Credit Bank Act (Act No. 187 of 1952); the same applies hereinafter), or a financial institution specified by Cabinet Office Order.

（銀行の機関）

(Administrative Organs of a Bank)

第四条の二 銀行は、株式会社であつて次に掲げる機関を置くものでなければならない。

Article 4-2 A bank must be a stock company and must have in place the following administrative organs:

一 取締役会

(i) a board of directors;

二 監査役会、監査等委員会又は指名委員会等（会社法第二条第十二号（定義）に規定する指名委員会等をいう。第五十二条の十八第二項第二号において同じ。）

(ii) a board of company auditors, a supervisory committee or a nominating committee, etc. (meaning a nominating committee, etc. as defined in Article 2, paragraph (12) (Definitions) of the Companies Act; the same applies in Article 52-18, paragraph (2), item (ii));

三 会計監査人

(iii) a financial auditor.

(資本金の額)

(Amount of Stated Capital)

第五条 銀行の資本金の額は、政令で定める額以上でなければならない。

Article 5 (1) The stated capital of a Bank must be equal to or more than the amount specified by Cabinet Order.

2 前項の政令で定める額は、十億円を下回つてはならない。

(2) The amount specified by Cabinet Order that is referred to in the preceding paragraph must not be less than one billion yen.

3 銀行は、その資本金の額を減少しようとするときは、内閣総理大臣の認可を受けなければならない。

(3) A bank must obtain the authorization of the Prime Minister if it seeks to reduce its stated capital.

(商号)

(Trade Name)

第六条 銀行は、その商号中に銀行という文字を使用しなければならない。

Article 6 (1) A bank must use the characters "銀行" (with a pronunciation of "ginkou" and with a meaning of "bank") in its trade name.

2 銀行でない者は、その名称又は商号中に銀行であることを示す文字を使用してはならない。

(2) A person that is not a bank must not use characters in its name or trade name which indicate it to be a bank.

3 銀行は、その商号を変更しようとするときは、内閣総理大臣の認可を受けなければならない。

(3) A bank must obtain the authorization of the Prime Minister if it seeks to change its trade name.

(取締役等の兼職の制限)

(Restriction on the Concurrent Holding of Positions by a Director)

第七条 銀行の常務に従事する取締役（指名委員会等設置会社にあつては、執行役）は、内閣総理大臣の認可を受けた場合を除くほか、他の会社の常務に従事してはならない。

Article 7 (1) A director (or, an executive officer, if the bank is a company with nominating committee, etc.) that is engaged in the day-to-day business operations of a bank must not engage in the day-to-day business operations of any other company without the authorization of the Prime Minister.

2 内閣総理大臣は、前項の認可の申請があつたときは、当該申請に係る事項が当該銀行の業務の健全かつ適切な運営を妨げるおそれがないと認める場合でなければ、これを認可してはならない。

(2) Whenever an application is filed for the authorization referred to in the preceding paragraph, the Prime Minister must not grant that authorization unless the minister finds that the particulars to which the application pertains are unlikely to interfere with the sound and appropriate management of bank services.

(取締役等の適格性等)

(Eligibility as a Director)

第七条の二 次の各号に掲げる者は、当該各号に定める知識及び経験を有し、かつ、十分な社会的信用を有する者でなければならない。

Article 7-2 (1) A person as set forth in one of the following items must have the knowledge and experience specified in the relevant item, and must have sufficient social credibility:

一 銀行の常務に従事する取締役（指名委員会等設置会社にあつては、銀行の常務に従事する取締役及び執行役） 銀行の経営管理を的確、公正かつ効率的に遂行することができる知識及び経験

(i) a director engaged in the day-to-day business of a bank (director and executive officer engaged in the day-to-day business of a bank, if the bank is a company with nominating committee, etc.): the knowledge and experience to be able to carry out the business management of a bank appropriately, fairly and efficiently;

二 銀行の監査役（監査等委員会設置会社にあつては、監査等委員） 銀行の取締役（会計参与設置会社にあつては、取締役及び会計参与）の職務の執行の監査を的確、公正かつ効率的に遂行することができる知識及び経験

(ii) company auditors of a bank (or supervisory committee member, if the bank is a company with supervisory committee): the knowledge and experience to be able to audit the execution of duties by directors of a bank (or by directors and an accounting advisors, if the bank is a company with accounting advisors), appropriately, fairly and efficiently; and

三 銀行の監査委員 銀行の執行役及び取締役（会計参与設置会社にあつては、執行役、取締役及び会計参与）の職務の執行の監査を的確、公正かつ効率的に遂行することができる知識及び経験

(iii) a member of bank audit committee: the knowledge and experience to be able to audit the execution of duties by executive officers and directors of a bank (or by executive officers, directors and accounting advisors, if the bank is a company with accounting advisors), appropriately, fairly and efficiently.

2 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と同様に取り扱われている者は、銀行の取締役、執行役又は監査役となることができない。

(2) A person subject to an order commencing bankruptcy proceedings that has not been discharged from bankruptcy or a person that is treated in the same manner under foreign laws and regulations may not become the director, executive officer, or auditor of a bank.

3 銀行の取締役、執行役又は監査役に対する会社法第三百三十一条第一項第三号（取締役の資格等）（同法第三百三十五条第一項（監査役の資格等）及び第四百二条第四項（執行役の選任等）において準用する場合を含む。）の規定の適用については、同号中「この法律」とあるのは、「銀行法、この法律」とする。

(3) To apply the provisions of Article 331, paragraph (1), item (iii) of the Companies Act (Qualifications of Directors) (including as applied mutatis mutandis pursuant to Article 335, paragraph (1) of that Act (Qualifications of Company Auditors) and Article 402, paragraph (4) of that Act (Election of Executive Officers)) to the director, executive officer, or auditor of a bank, the term "this Act" in that item is deemed to be replaced with "the Banking Act, this Act".

4 会社法第三百三十一条第二項ただし書（取締役の資格等）（同法第三百三十五条第一項（監査役の資格等）において準用する場合を含む。）、第三百三十二条第二項（取締役の任期）（同法第三百三十四条第一項（会計参与の任期）において準用する場合を含む。）、第三百三十六条第二項（監査役の任期）及び第四百二条第五項ただし書（執行役の選任等）の規定は、銀行については、適用しない。

(4) The provisions of the proviso to Article 331, paragraph (2) of the Companies Act (Qualifications of Directors) (including as applied mutatis mutandis pursuant to Article 335, paragraph (1) of that Act (Qualifications of Company Auditors)), Article 332, paragraph (2) of that Act (Directors' Terms of Office) (including as applied mutatis mutandis pursuant to Article 334, paragraph (1) of that Act (Accounting Advisors' Terms of Office)), Article 336, paragraph (2) of that Act (Company Auditors' Terms of Office), and the proviso to Article 402, paragraph (5) of that Act (Election of Executive Officers) do not apply to a bank.

（営業所の設置等）

（Establishment of Business Offices）

第八条 銀行は、日本において支店その他の営業所の設置、位置の変更（本店の位置の

変更を含む。) 、種類の変更又は廃止をしようとするときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、内閣総理大臣に届け出なければならない。

Article 8 (1) Except in a case as specified by Cabinet Office Order, a bank must file a notification with the Prime Minister pursuant to the provisions of Cabinet Office Order if it seeks to establish a branch or other business office in Japan, change its location (including a change in the location of its head office), change its type, or close it.

2 銀行は、外国において支店その他の営業所の設置、種類の変更又は廃止をしようとするときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、内閣総理大臣の認可を受けなければならない。

(2) Except in a case as specified by Cabinet Office Order, a bank must obtain the authorization of the Prime Minister pursuant to the provisions of Cabinet Office Order if it seeks to establish a branch or other business office in a foreign state, change its type, or close it.

3 銀行は、第二条第十四項各号に掲げる行為を外国において委託する旨の契約を締結しようとするとき、又は当該契約を終了しようとするときは、内閣府令で定めるところにより、内閣総理大臣の認可を受けなければならない。

(3) A bank must obtain the authorization of the Prime Minister pursuant to the provisions of Cabinet Office Order if it seeks to enter into or terminate a contract under which it entrusts a person with an activity set forth in one of the items of Article 2, paragraph (14) in a foreign state.

4 前項の規定は、銀行が当該銀行の子会社である外国の法令に準拠して外国において銀行業を営む者その他の内閣府令で定める者との間で同項の契約を締結しようとするとき、又は当該契約を終了しようとするときは、適用しない。この場合において、当該銀行は、内閣府令で定めるところにより、あらかじめ、内閣総理大臣に届け出なければならない。

(4) The provisions of the preceding paragraph do not apply to the case in which a bank seeks to enter into or terminate a contract referred to in that paragraph with a subsidiary company of that bank that constitutes a person engaged in banking in a foreign state in accordance with foreign laws and regulations, or with any other person specified by Cabinet Office Order. In those cases, the bank must file a notification with the Prime Minister in advance, pursuant to the provisions of Cabinet Office Order.

(名義貸しの禁止)

(Prohibition on Name Lending)

第九条 銀行は、自己の名義をもつて、他人に銀行業を営ませてはならない。

Article 9 A bank must not allow another person to engage in banking using its name.

第二章 業務

Chapter II Services

(業務の範囲)

(Scope of Services)

第十条 銀行は、次に掲げる業務を営むことができる。

Article 10 (1) A bank may perform the following services:

一 預金又は定期積金等の受入れ

(i) acceptance of deposits and installment savings, etc.;

二 資金の貸付け又は手形の割引

(ii) the lending of funds and the discounting of bills and notes; and

三 為替取引

(iii) funds transfer transactions.

2 銀行は、前項各号に掲げる業務のほか、次に掲げる業務その他の銀行業に付随する業務を営むことができる。

(2) In addition to the services set forth in the items of the preceding paragraph, a bank may perform the following services and any other services incidental to banking:

一 債務の保証又は手形の引受け

(i) guaranteeing obligations and accepting bills;

二 有価証券（第五号に規定する証書をもって表示される金銭債権に該当するもの及び短期社債等を除く。第五号の二及び第六号において同じ。）の売買（有価証券関連デリバティブ取引に該当するものを除く。）又は有価証券関連デリバティブ取引（投資の目的をもってするもの又は書面取次ぎ行為に限る。）

(ii) effecting purchases and sales of securities (excluding securities that fall under the category of monetary claims indicated in the form of certificates as prescribed in item (v) and short-term bonds, etc.; the same applies in item (v)-2 and item (vi)) (excluding a purchase and sale that falls under the category of a transaction of securities-related derivatives) and transactions of securities-related derivatives (limited to those made with the purpose of investment or that constitute brokerage with written orders);

三 有価証券の貸付け

(iii) lending securities;

四 国債、地方債若しくは政府保証債（以下この条において「国債等」という。）の引受け（売出しの目的をもってするものを除く。）又は当該引受けに係る国債等の募集の取扱い

(iv) underwriting national government bonds, local government bonds, and government-guaranteed bonds (hereinafter collectively referred to as "national government bonds, etc." in this Article) (excluding underwriting that is done for a secondary distribution), and handling of public offerings of national government bonds, etc. linked to that underwriting;

五 金銭債権（譲渡性預金証書その他の内閣府令で定める証書をもって表示されるも

のを含む。)の取得又は譲渡

(v) acquiring and transferring monetary claims (including negotiable certificates of deposits and other monetary claims indicated in the form of certificates specified by Cabinet Office Order);

五の二 特定目的会社が発行する特定社債（特定短期社債を除き、資産流動化計画において当該特定社債の発行により得られる金銭をもつて指名金銭債権又は指名金銭債権を信託する信託の受益権のみを取得するものに限る。）その他これに準ずる有価証券として内閣府令で定めるもの（以下この号において「特定社債等」という。）の引受け（売出しの目的をもつてするものを除く。）又は当該引受けに係る特定社債等の募集の取扱い

(v)-2 underwriting specified bonds issued by special purpose companies (excluding specified short-term bonds, and limited to those to acquire only a nominative monetary claim or a beneficiary interest in a trust into which a nominative monetary claim is placed with the money earned through the issuance of the specified bonds under the asset securitization plan) and any other securities specified by Cabinet Office Order as equivalent thereto (hereinafter referred to as "specified bonds, etc." in this item) (excluding underwriting that is done for a secondary distribution), and handling of public offerings of specified bonds, etc. linked to that underwriting;

五の三 短期社債等の取得又は譲渡

(v)-3 acquiring and transferring short-term bonds, etc.;

六 有価証券の私募の取扱い

(vi) engaging in private placements of securities;

七 地方債又は社債その他の債券の募集又は管理の受託

(vii) accepting entrustment of public offerings of local government bonds, corporate bonds, or other bond certificates, or with the management of the same;

八 銀行その他金融業を行う者（外国の法令に準拠して外国において銀行業を営む者（第四条第五項に規定する銀行等を除く。以下「外国銀行」という。）を除く。）の業務（次号に掲げる業務に該当するものを除く。）の代理又は媒介（内閣府令で定めるものに限る。）

(viii) acting as agent or intermediary (limited to those specified by Cabinet Office Order) in connection with the services of a bank or other person engaged in financial services (excluding persons engaged in banking in a foreign state in accordance with foreign laws and regulations (other than a bank, etc. as provided for in Article 4, paragraph (5); hereinafter referred to as a "foreign bank")) (excluding services falling under the category of services set forth in the following item);

八の二 外国銀行の業務の代理又は媒介（銀行の子会社である外国銀行の業務の代理又は媒介を当該銀行が行う場合における当該代理又は媒介その他の内閣府令で定めるものに限る。）

- (viii)-2 acting as agent or intermediary in connection with the services of a foreign bank (limited to agency, intermediation, and any other services specified by Cabinet Office Order in a case in which the bank acts as agent or intermediary in connection with the services of a foreign bank which is a subsidiary company of that bank);
- 九 国、地方公共団体、会社等の金銭の収納その他金銭に係る事務の取扱い
- (ix) accepting payments of money to the State, local public entities, companies or other entities and handling the administration of other money matters;
- 十 有価証券、貴金属その他の物品の保護預り
- (x) safe depositing securities, precious metals, and other goods;
- 十の二 振替業
- (x)-2 book-entry transfer business;
- 十一 両替
- (xi) money changing;
- 十二 デリバティブ取引（有価証券関連デリバティブ取引に該当するものを除く。次号において同じ。）であつて内閣府令で定めるもの（第五号に掲げる業務に該当するものを除く。）
- (xii) derivatives transactions (other than those that fall under the category of a transaction of securities-related derivatives; the same applies in the following item) that are specified by Cabinet Office Order (other than those that fall under the category of business set forth in item (v));
- 十三 デリバティブ取引（内閣府令で定めるものに限る。）の媒介、取次ぎ又は代理
- (xiii) acting as the intermediary, broker, or agent in derivatives transactions (limited to those specified by Cabinet Office Order);
- 十四 金利、通貨の価格、商品の価格、算定割当量（地球温暖化対策の推進に関する法律（平成十年法律第百十七号）第二条第六項（定義）に規定する算定割当量その他これに類似するものをいう。次条第四号において同じ。）の価格その他の指標の数値としてあらかじめ当事者間で約定された数値と将来の一定の時期における現実の当該指標の数値の差に基づいて算出される金銭の授受を約する取引又はこれに類似する取引であつて内閣府令で定めるもの（次号において「金融等デリバティブ取引」という。）のうち銀行の経営の健全性を損なうおそれがないと認められる取引として内閣府令で定めるもの（第五号及び第十二号に掲げる業務に該当するものを除く。）
- (xiv) transactions comprising the parties' promises to pay and receive an amount of money calculated based on the difference between a numerical value that the parties have agreed upon in advance as the numerical value for an money interest, value of currencies, commodity price, carbon dioxide-equivalent quota price (meaning a carbon dioxide equivalent quota as defined in Article 2, paragraph (6) (Definitions) of the Act to Promote Global Warming Countermeasures (Act No. 117 of 1998) or anything else equivalent thereto; the same applies in item (iv) of the following Article), or any other

index, and the actual numerical value of that index at a fixed point of time in the future, or any equivalent transaction specified by Cabinet Office Order (referred to as a "financial derivatives transaction" in the following item) which is specified by Cabinet Office Order as a transaction that is found to be unlikely to damage the soundness of bank management (excluding transactions that fall under a category of business set forth in item (v) or item (xii));

十五 金融等デリバティブ取引の媒介、取次ぎ又は代理（第十三号に掲げる業務に該当するもの及び内閣府令で定めるものを除く。）

(xv) acting as the intermediary, broker, or agent for financial derivatives transactions (excluding the services that fall under the category of services set forth in item (xiii), and excluding what is specified by Cabinet Office Order);

十六 有価証券関連店頭デリバティブ取引（当該有価証券関連店頭デリバティブ取引に係る有価証券が第五号に規定する証書をもつて表示される金銭債権に該当するもの及び短期社債等以外のものである場合には、差金の授受によつて決済されるものに限る。次号において同じ。）（第二号に掲げる業務に該当するものを除く。）

(xvi) over-the-counter securities-related derivatives transactions (limited to those that are settled by payment and receipt of the difference, if the securities involved in the over-the-counter securities-related derivatives transactions fall under the category of monetary claims that are indicated in the form of certificates as prescribed in item (v) and are not short-term bonds, etc.; the same applies in the following item) (excluding transactions that fall under the category of business set forth in item (ii)); and

十七 有価証券関連店頭デリバティブ取引の媒介、取次ぎ又は代理

(xvii) acting as the intermediary, broker, or agent for over-the-counter securities-related derivatives transactions.

十八 機械類その他の物件を使用させる契約であつて次に掲げる要件の全てを満たすものに基づき、当該物件を使用させる業務

(xviii) the service of allowing the use of machinery and other articles based on a contract satisfying all of the following requirements, under which the use of such articles is allowed:

イ 契約の対象とする物件（以下この号において「リース物件」という。）を使用させる期間（以下この号において「使用期間」という。）の中途において契約の解除をすることができないものであること又はこれに準ずるものとして内閣府令で定めるものであること。

(a) the contract is one that the parties may not cancel before the end of the period during which the use of the article subject to the contract (hereinafter referred to as a "leased article" in this item) is allowed (hereinafter referred to as the "period of use" in this item), or one that is specified by Cabinet Office Order as being equivalent to such a contract;

ロ 使用期間において、リース物件の取得価額から当該リース物件の使用期間の満了の時ににおいて譲渡するとした場合に見込まれるその譲渡対価の額に相当する金額を控除した額及び固定資産税に相当する額、保険料その他当該リース物件を使用させるために必要となる付随費用として内閣府令で定める費用の合計額を対価として受領することを内容とするものであること。

(b) the contract stipulates that the lessor is to receive the sum total of the acquisition costs of the leased article less the amount corresponding to the transfer price that could be expected if the leased article were to be transferred at the end of the leased article's period of use, plus the amount corresponding to fixed asset taxes, insurance premiums, and the costs specified by Cabinet Office Order as incidental costs that are needed in order to allow the use of the leased article, as consideration during the period of use.

ハ 使用期間が満了した後、リース物件の所有権又はリース物件の使用及び収益を目的とする権利が相手方に移転する旨の定めがないこと。

(c) the contract does not provide for ownership of the leased article or a right to use or to earn profit from the leased article to transfer to the other party at the end of the period of use.

十九 前号に掲げる業務の代理又は媒介

(xix) acting as agent or intermediary as regards the services set forth in the preceding item.

3 前項第二号、第五号の三及び第十六号並びに第六項の「短期社債等」とは、次に掲げるものをいう。

(3) The term "short-term bonds, etc." as used in item (ii), item (v)-3, and item (xvi) of the preceding paragraph and paragraph (6) means the following bonds:

一 社債、株式等の振替に関する法律第六十六条第一号（権利の帰属）に規定する短期社債

(i) short-term bonds as prescribed in Article 66, item (i) (Vesting of Rights) of the Act on Book-Entry Transfer of Corporate Bonds and Shares;

二 削除

(ii) deleted;

三 投資信託及び投資法人に関する法律（昭和二十六年法律第百九十八号）第百三十九条の十二第一項（短期投資法人債に係る特例）に規定する短期投資法人債

(iii) short-term investment corporation bonds as prescribed in Article 139-12, paragraph (1) (Special Provisions on Short-Term Investment Corporation Bonds) of the Act on Investment Trust and Investment Corporations (Act No. 198 of 1951);

四 信用金庫法（昭和二十六年法律第二百三十八号）第五十四条の四第一項（短期債の発行）に規定する短期債

(iv) short-term bonds as prescribed in Article 54-4, paragraph (1) (Issuance of Short-Term Bonds) of the Credit Union Act (Act No. 238 of 1951);

- 五 保険業法（平成七年法律第百五号）第六十一条の十第一項（短期社債に係る特例）に規定する短期社債
- (v) short-term bonds prescribed in Article 61-10, paragraph (1) (Special Provisions on Short-Term Bonds) of the Insurance Business Act (Act No. 105 of 1995);
- 六 資産の流動化に関する法律（平成十年法律第百五号）第二条第八項（定義）に規定する特定短期社債
- (vi) specified short-term bonds as prescribed in Article 2, paragraph (8) (Definitions) of the Act on the Securitization of Assets (Act No. 105 of 1998);
- 七 農林中央金庫法（平成十三年法律第九十三号）第六十二条の二第一項（短期農林債の発行）に規定する短期農林債
- (vii) short-term Norinchukin bonds as prescribed in Article 62-2, paragraph (1) (Issuance of Short-Term Agricultural and Forestry Bonds) of the Norinchukin Act (Act No. 93 of 2001); and
- 八 その権利の帰属が社債、株式等の振替に関する法律の規定により振替口座簿の記載又は記録により定まるものとされる外国法人の発行する債券（新株予約権付社債券の性質を有するものを除く。）に表示されるべき権利のうち、次に掲げる要件のすべてに該当するもの
- (viii) rights that are required to be indicated on bond certificates issued by a foreign corporation, which are to vest based on the entry or record in the transfer account registry pursuant to the provisions of the Act on the Book-Entry of Corporate Bonds and Shares, (excluding those with the nature of corporate bond certificates with share options), and which satisfy all of the following requirements:
- イ 各権利の金額が一億円を下回らないこと。
- (a) the value of each right is not less than 100 million yen;
- ロ 元本の償還について、権利の総額の払込みのあつた日から一年未満の日とする確定期限の定めがあり、かつ、分割払の定めがないこと。
- (b) a fixed due date for redemption of the principal is prescribed and is within one year from the day on which the total value of the rights is paid, and there are no provisions for an installment payment; and
- ハ 利息の支払期限を、ロの元本の償還期限と同じ日とする旨の定めがあること。
- (c) provisions indicate that the due date for the payment of interest is the same date as the due date for the redemption of the principal referred to in sub-item (b).
- 4 第二項第二号又は第十二号の「有価証券関連デリバティブ取引」又は「書面取次ぎ行為」とは、それぞれ金融商品取引法（昭和二十三年法律第二十五号）第二十八条第八項第六号（定義）に規定する有価証券関連デリバティブ取引又は同法第三十三条第二項（金融機関の有価証券関連業の禁止等）に規定する書面取次ぎ行為をいう。
- (4) The terms "transaction of securities-related derivatives" and "brokerage with written orders" as used in paragraph (2), item (ii) and item (xii) mean the

transaction of securities-related derivatives defined in Article 28, paragraph (8), item (vi) (Definitions) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) and the brokerage with written orders provided for in Article 33, paragraph (2) (Prohibition on Engagement in Securities Services by Financial Institutions) of that Act.

5 第二項第四号の「政府保証債」とは、政府が元本の償還及び利息の支払について保証している社債その他の債券をいう。

(5) The term "government-garanteed bonds" as used in paragraph (2), item (iv) means corporate bonds and other bond certificates for which the government guarantees redemption of the principal and payment of interest.

6 第二項第五号に掲げる業務には同号に規定する証書をもつて表示される金銭債権のうち有価証券に該当するものについて、同項第五号の三に掲げる業務には短期社債等について、金融商品取引法第二条第八項第一号から第六号まで及び第八号から第十号まで（定義）に掲げる行為を行う業務を含むものとする。

(6) The services set forth in paragraph (2), item (v) include the services of performing the activities set forth in Article 2, paragraph (8), items (i) through (vi) and items (viii) through (x) (Definitions) of the Financial Instruments and Exchange Act for monetary claims that are indicated in the form of certificates as prescribed in paragraph 2, item (v) and that fall under the category of securities, and the services set forth in paragraph (2), item (v)-3 include the services of performing such activities for short-term bonds, etc.

7 第二項第五号の二の「特定目的会社」、「資産流動化計画」、「特定社債」又は「特定短期社債」とは、それぞれ資産の流動化に関する法律第二条第三項、第四項、第七項又は第八項（定義）に規定する特定目的会社、資産流動化計画、特定社債又は特定短期社債をいう。

(7) The terms "special purpose company", "asset securitization plan", "specified bonds", and "specified short-term bonds" as used in paragraph (2), item (v)-2 mean, a special purpose company, asset securitization plan, specified bond, or specified short-term bond as prescribed in Article 2, paragraph (3), paragraph (4), paragraph (7), and paragraph (8) (Definitions), respectively, of the Act on the Securitization of Assets.

8 第二項第六号の「有価証券の私募の取扱い」とは、有価証券の私募（金融商品取引法第二条第三項（定義）に規定する有価証券の私募をいう。）の取扱いをいう。

(8) The term "engaging in private placements of securities" as used in paragraph (2), item (vi) means the engaging in a private placement of securities (meaning a private placement of securities as prescribed in Article 2, paragraph (3) (Definitions) as provided for in the Financial Instruments and Exchange Act).

9 第二項第十号の二の「振替業」とは、社債、株式等の振替に関する法律第二条第四項（定義）の口座管理機関として行う振替業をいう。

(9) The term "book-entry transfer business" as used in paragraph (2), item (x)-2 means the book-entry transfer business that a person performs as an account

management institution set forth in Article 2, paragraph (4) (Definitions) of the Act on book-entry transfer of corporate bonds and shares.

10 第二項第十二号若しくは第十三号の「デリバティブ取引」又は同項第十六号若しくは第十七号の「有価証券関連店頭デリバティブ取引」とは、それぞれ金融商品取引法第二条第二十項（定義）に規定するデリバティブ取引又は同法第二十八条第八項第四号（定義）に掲げる行為をいう。

(10) The term "derivatives transactions" as used in paragraph (2), items (xii) and (xiii) and the term "over-the-counter securities-related derivatives transactions" as used in paragraph (2), item (xvi) and item (xvii) mean the derivatives transactions prescribed in Article 2, paragraph (20) (Definitions) of the Financial Instruments and Exchange Act and the activity set forth in Article 28, paragraph (8), item (iv) (Definitions) of that Act.

第十一条 銀行は、前条の規定により営む業務のほか、同条第一項各号に掲げる業務の遂行を妨げない限度において、次に掲げる業務を行うことができる。

Article 11 In addition to the services it performs pursuant to the provisions of the preceding Article, a bank may perform the following services, to the extent that this does not interfere with the performance of the services set forth in the items of Article 10, paragraph (1):

一 金融商品取引法第二十八条第六項（通則）に規定する投資助言業務

(i) investment advisory services as defined in Article 28, paragraph (6) (General Rules) of the Financial Instruments and Exchange Act;

二 金融商品取引法第三十三条第二項各号（金融機関の有価証券関連業の禁止等）に掲げる有価証券又は取引について、同項各号に定める行為を行う業務（前条第二項の規定により営む業務を除く。）

(ii) services for performing the activities provided for in the items of Article 33, paragraph (2) (Prohibition on Engagement in Securities Services by Financial Institutions) of the Financial Instruments and Exchange Act for the securities or transactions set forth in the items of that paragraph (other than services performed pursuant to the provisions of paragraph (2) of the preceding Article);

三 信託法（平成十八年法律第百八号）第三条第三号（信託の方法）に掲げる方法によつてする信託に係る事務に関する業務

(iii) services for administrative process relating to a trust which are performed by the method set forth in Article 3, item (iii) (Methods of Creating Trust) of the Trust Act (Act No. 108 of 2006); and

四 算定割当量を取得し、若しくは譲渡することを内容とする契約の締結又はその媒介、取次ぎ若しくは代理を行う業務（前条第二項の規定により営む業務を除く。）であつて、内閣府令で定めるもの

(iv) services involved in the entry into a contract detailing the acquisition or transfer of carbon dioxide equivalent quotas, or services specified by Cabinet

Office Order that constitute a person acting as the intermediary, broker, or agent in this (other than services performed pursuant to paragraph (2) of the preceding Article).

第十二条 銀行は、前二条の規定により営む業務及び担保付社債信託法その他の法律により営む業務のほか、他の業務を営むことができない。

Article 12 A bank may not perform services other than those which it does pursuant to the provisions of the preceding two Articles and those which it does pursuant to the provisions of the Secured Bonds Trust Act or other laws.

(預金者等に対する情報の提供等)

(Provision of Information to Depositors)

第十二条の二 銀行は、預金又は定期積金等（以下この項において「預金等」という。）の受入れ（第十三条の四に規定する特定預金等の受入れを除く。）に関し、預金者等の保護に資するため、内閣府令で定めるところにより、預金等に係る契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない。

Article 12-2 (1) In order to contribute to the protection of depositors, etc. with regard to the acceptance of deposits or installment savings, etc. (hereinafter referred to as "deposits, etc." in this paragraph) (other than the acceptance of specified deposits, etc. as prescribed in Article 13-4), a bank must provide information on the details of deposit, etc. contracts and other information that is to serve as a reference to depositors, etc., pursuant to the provisions of Cabinet Office Order.

2 前項及び第十三条の四並びに他の法律に定めるもののほか、銀行は、内閣府令で定めるところにより、その業務に係る重要な事項の顧客への説明、その業務に関して取得した顧客に関する情報の適正な取扱い、その業務を第三者に委託する場合における当該業務の的確な遂行その他の健全かつ適切な運営を確保するための措置を講じなければならない。

(2) In addition to what is provided for in the preceding paragraph, Article 13-4 and other laws, a bank must explain the material details of its services to customers, appropriately handle customer information it acquires in the course of its services, take measures to ensure precise execution of its services if it entrusts them to a third party, and take other measures to ensure sound and appropriate management, pursuant to the provisions of Cabinet Office Order.

3 前項の規定（銀行がその業務を第三者に委託する場合における当該業務の的確な遂行を確保するための措置に関する部分に限る。）は、次に掲げる場合には、適用しない。

(3) The provisions of the preceding paragraph (limited to those parts concerning measures to be taken by a bank to ensure appropriate execution of its services if it entrusts them to a third party) do not apply to the following cases:

一 銀行持株会社グループ（銀行持株会社並びにその子会社である銀行、第五十二条

の二十三第一項各号に掲げる会社及び第五十二条の二十三の二第一項に規定する特例子会社対象会社の集団をいう。以下この項、第五十二条の二十一及び第五十二条の二十一の二第一項において同じ。)に属する二以上の会社(銀行を含む場合に限る。)が当該銀行持株会社グループに属する他の会社に当該二以上の会社に共通する業務を委託する場合(当該銀行持株会社グループに属する銀行持株会社(他の銀行又は銀行持株会社の子会社でないものに限る。次号において同じ。))が、内閣府令で定めるところにより、当該業務の的確な遂行を確保するための措置を講ずる場合に限る。)

(i) if two or more companies that belong to a bank holding company group (meaning a group consisting of a bank holding company and the banks, companies as set forth in the items of Article 52-23, paragraph (1), and companies eligible to be special subsidiary companies as referred to in Article 52-23-2, paragraph (1) that constitute its subsidiary companies; the same applies in this paragraph, Article 52-21, and Article 52-21-2, paragraph (1)) (limited to cases in which these two or more companies include a Bank) entrust their common services to another company that belongs to the bank holding company group (limited to cases in which the bank holding company that belongs to the bank holding company group (limited to one that is not a subsidiary company of any other bank or bank holding company; the same applies in the following item) takes measures to ensure precise execution of its services pursuant to the provisions of Cabinet Office Order); or

二 銀行持株会社グループに属する二以上の会社(銀行を含む場合に限る。)が当該銀行持株会社グループに属する銀行持株会社に当該二以上の会社に共通する業務を委託する場合

(ii) if two or more companies that belong to a bank holding company group (limited to cases in which these two or more companies include a bank) entrust their common services to the bank holding company that belongs to the bank holding company group.

(指定紛争解決機関との契約締結義務等)

(Obligation to Enter Into a Contract with a Designated Dispute Resolution Organization)

第十二条の三 銀行は、次の各号に掲げる場合の区分に応じ、当該各号に定める措置を講じなければならない。

Article 12-3 (1) A bank must take the measures specified in the relevant of the following items for the category of case set forth in that item:

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

(i) if there is a designated dispute resolution organization: measures to enter into a basic contract for the implementation of dispute resolution procedures with a single designated dispute resolution organization; and

二 指定紛争解決機関が存在しない場合 銀行業務に関する苦情処理措置（顧客からの苦情の処理の業務に従事する使用人その他の従業者に対する助言若しくは指導を第五十二条の七十三第三項第三号に掲げる者に行わせること又はこれに準ずるものとして内閣府令で定める措置をいう。）及び紛争解決措置（顧客との紛争の解決を認証紛争解決手続（裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）第二条第三号に規定する認証紛争解決手続をいう。）により図ること又はこれに準ずるものとして内閣府令で定める措置をいう。）

(ii) if there is no designated dispute resolution organization: complaint processing measures (meaning measures for having a person as set forth in Article 52-73, paragraph (3), item (iii) provide advice or guidance to the employee or any other worker engaged in the job of processing complaints from the customers or any other measures specified by Cabinet Office Order as being equivalent thereto) and dispute resolution measures (meaning measures for resolving a dispute with a customer through certified dispute resolution procedures (meaning the certified dispute resolution procedures defined in Article 2, item (iii) of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004)) or any other measures specified by Cabinet Office Order as being equivalent thereto) in connection with banking services.

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

(2) If a bank takes measures to enter into a basic contract for the implementation of dispute resolution procedures pursuant to the provisions of the preceding paragraph, it must publicly disclose the trade name or name of the designated dispute resolution organization that is the other party to the basic contract for the implementation of dispute resolution procedures.

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

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

一 第一項第一号に掲げる場合に該当していた場合において、同項第二号に掲げる場合に該当することとなつたとき 第五十二条の八十三第一項の規定による紛争解決等業務の廃止の認可又は第五十二条の八十四第一項の規定による指定の取消しの時に、同号に定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(i) a case that formerly fell under the category of case set forth in paragraph (1), item (i), which has come to fall under the category of case set forth in item (ii) of that paragraph: the period that the Prime Minister specifies as the period necessary for taking the measures specified in paragraph (1), item (ii) at the time of granting the authorization to discontinue dispute resolution, etc. under Article 52-83, paragraph (1) or at the time of revoking the

designation under Article 52-84, paragraph (1);

二 第一項第一号に掲げる場合に該当していた場合において、同号の一の指定紛争解決機関の紛争解決等業務の廃止が第五十二条の八十三第一項の規定により認可されたとき、又は同号の一の指定紛争解決機関の第五十二条の六十二第一項の規定による指定が第五十二条の八十四第一項の規定により取り消されたとき（前号に掲げる場合を除く。） その認可又は取消しの時に、第一項第一号に定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(ii) a case that formerly fell under the category of case set forth in paragraph (1), item (i), in which the discontinuation of the dispute resolution, etc. of the single designated dispute resolution organization as prescribed in that item has been authorized under Article 52-83, paragraph (1) or the designation under Article 52-62, paragraph (1) of the single designated dispute resolution organization as set forth in that item has been revoked pursuant to the provisions of Article 52-84, paragraph (1) (other than cases as set forth in the preceding item): the period that the Prime Minister specifies as the period necessary for taking the measures specified in paragraph (1), item (i) at the time of granting the authorization or making the revocation; and

三 第一項第二号に掲げる場合に該当していた場合において、同項第一号に掲げる場合に該当することとなつたとき 第五十二条の六十二第一項の規定による指定の時に、同号に定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(iii) a case that formerly fell under the category of case set forth in paragraph (1), item (ii), and then has come to fall under the category of case set forth in item (i) of that paragraph: the period that the Prime Minister specifies as the period necessary for taking the measures specified in paragraph (1), item (i) at the time of making the designation under Article 52-62, paragraph (1).

(無限責任社員等となることの禁止)

(Prohibition Against Becoming an Unlimited Liability Member)

第十二条の四 銀行は、持分会社の無限責任社員又は業務を執行する社員となることができない。

Article 12-4 A bank may not become the unlimited liability member of a membership company or a member involved in the executive position of a membership company.

(同一人に対する信用の供与等)

(Extending Credit g to a Single Person)

第十三条 銀行の同一人（当該同一人と政令で定める特殊の関係のある者を含む。以下この条において同じ。）に対する信用の供与等（信用の供与又は出資（信用の供与又は出資に相当するものを含む。）として政令で定めるものをいう。以下この条において同じ。）の額は、政令で定める区分ごとに、当該銀行の自己資本の額に政令で定める率を乗じて得た額（以下この条において「信用供与等限度額」という。）を超えて

はならない。ただし、信用の供与等を受けている者が合併をし、共同新設分割（二以上の株式会社又は合同会社が共同してする新設分割をいう。第十六条の四第四項第四号及び第五十二条の二十二第一項において同じ。）若しくは吸収分割をし、又は事業を譲り受けたことにより銀行の同一人に対する信用の供与等の額が信用供与等限度額を超えることとなる場合その他政令で定めるやむを得ない理由がある場合において、内閣総理大臣の承認を受けたときは、この限りでない。

Article 13 (1) The total amount in which credit is extended and contributions are made (meaning the extension of credit or the making of financial contributions (including anything equivalent to the extension of credit or the making of a contribution) as specified by Cabinet Order; hereinafter the same applies in this Article) by a bank to a single person (a single person includes any other person uniquely related to that single person as specified by Cabinet Order; hereinafter the same applies in this Article) must not exceed the amount arrived at by multiplying the amount of the bank's equity capital by the rate specified by Cabinet Order in respect of each of the categories specified by Cabinet Order (the amount thus calculated is referred to as the "limit on credit and contributions" in this Article); provided, however, that this does not apply with the approval of the Prime Minister, if the total amount in which credit is extended and contributions are made by a bank to a single person comes to exceed the limit on credit and contributions as a result of a merger, joint incorporation-type company split (meaning an incorporation-type company split that two or more stock companies or limited liability companies effect jointly; the same applies in Article 16-4, paragraph (4), item (iv) and Article 52-22, paragraph (1)), absorption-type company split, or business acquisition by the person to which the credit is extended and contributions are made, or due to a compelling reason as specified by Cabinet Order.

2 銀行が子会社（内閣府令で定める会社を除く。）その他の当該銀行と内閣府令で定める特殊の関係のある者（以下この条において「子会社等」という。）を有する場合には、当該銀行及び当該子会社等又は当該子会社等の同一人に対する信用の供与等の額は、政令で定める区分ごとに、合算して、当該銀行及び当該子会社等の自己資本の純合計額に政令で定める率を乗じて得た額（以下この条において「合算信用供与等限度額」という。）を超えてはならない。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 a bank has a subsidiary company (other than one specified by Cabinet Office Order) or other person uniquely related to the bank as specified by Cabinet Office Order (hereinafter referred to as a "subsidiary company, etc." in this Article), the total amount in which credit is extended and contributions are made to a single person by the bank and its subsidiary companies, etc. or by its subsidiary companies, etc. must not exceed the amount arrived at by multiplying the total net amount of the equity capital of the bank and its subsidiary companies, etc. by the rate specified by Cabinet Order in respect of

each of the categories specified by Cabinet Order (hereinafter referred to as the "consolidated limit on credit and contributions" in this Article). In that case, the proviso to the preceding paragraph applies *mutatis mutandis*.

3 前二項の規定は、次に掲げる信用の供与等については、適用しない。

(3) The provisions of the preceding two paragraphs do not apply to the extension of credit and making of contributions as follows:

一 国及び地方公共団体に対する信用の供与、政府が元本の返済及び利息の支払について保証している信用の供与その他これらに準ずるものとして政令で定める信用の供与等

(i) the extension of credit to the State or a local public entity, the extension of credit for which redemption of the principal and payment of interest are guaranteed by the government, and any other extension of credit, etc. specified by Cabinet Order as being equivalent thereto; and

二 信用の供与等を行う銀行又はその子会社等と実質的に同一と認められる者に対する信用の供与等その他の政令で定める信用の供与等

(ii) the extension of credit and making of contributions to a person that is deemed to be identical, in substance, to a bank that itself extends credit and makes contributions or to its subsidiary company, etc., and any other extension of credit and making of contributions specified by Cabinet Order.

4 第二項の場合において、銀行及びその子会社等又はその子会社等の同一人に対する信用の供与等の合計額が合算信用供与等限度額を超えることとなつたときは、その超える部分の信用の供与等の額は、当該銀行の信用の供与等の額とみなす。

(4) In the case referred to in paragraph (2), if the total amount in which credit has been extended and makes contributions to a single person by the bank and its subsidiary companies, etc. or by their subsidiary companies, etc. exceeds the consolidated limit on credit and contributions, the excess amount in which credit has been extended and contributions have been made is deemed to be an amount in which credit has been extended and contributionsa have been made by that bank.

5 いかなる名義をもつてするかを問わず、又はいかなる方法をもつてするかを問わず、銀行又はその子会社等が第一項本文又は第二項前段の規定の適用を免れる目的で信用の供与等を行つた場合であつて、名義人以外の者が実質的に当該信用の供与等を受けるときは、当該信用の供与等は、銀行又はその子会社等の実質的に当該信用の供与等を受ける者に対する信用の供与等として、これらの規定を適用する。

(5) If a bank or its subsidiary company, etc. has extended credit and has made contirbuitons, irrespective of the name used or the means employed, with the purpose of sparing itself from the application of the provisions of the main clause of paragraph (1) or the first sentence of paragraph (2), and a person other than the named person is the one to which, in substance, the credit is extended or the contibuiton is made, that extension of credit or making of a contribution is deemed to be the extension of credit or making of a contribution

to the person to which, in substance, the credit is extended or the contribution is made by the bank or its subsidiary company, etc., and the aforementioned provisions apply.

6 前各項に定めるもののほか、信用の供与等の額、第一項に規定する自己資本の額、信用供与等限度額、第二項に規定する自己資本の純合計額及び合算信用供与等限度額の計算方法その他第一項及び第二項の規定の適用に関し必要な事項は、内閣府令で定める。

(6) Beyond what is provided for in the preceding paragraphs, Cabinet Order prescribes the necessary particulars relevant to the application of the provisions of paragraphs (1) and (2), such as the method of calculating the amount in which credit is extended and contributions are made, the amount of equity capital prescribed in paragraph (1), the limit on credit and contributions, the total net amount of the equity capital prescribed in paragraph (2), and the consolidated limit on credit and contributions.

(特定関係者との間の取引等)

(Transactions with Specified Related Parties)

第十三条の二 銀行は、その特定関係者（当該銀行の子会社、当該銀行の銀行主要株主、当該銀行を子会社とする銀行持株会社、当該銀行持株会社の子会社（当該銀行を除く。））、当該銀行を所属銀行とする銀行代理業者その他の当該銀行と政令で定める特殊の関係のある者をいう。以下この条及び次条において同じ。）又はその特定関係者の顧客との間で、次に掲げる取引又は行為をしてはならない。ただし、当該取引若しくは行為をすることにつき内閣府令で定めるやむを得ない理由がある場合において、内閣総理大臣の承認を受けたとき、又は当該銀行を子会社とする銀行持株会社（他の銀行又は銀行持株会社の子会社でないものに限る。）の子会社（当該銀行以外の銀行に限る。）との間で当該取引若しくは行為を行う場合において、当該銀行の経営の健全性を損なうおそれがないことその他の内閣府令で定める要件を満たすものとして内閣総理大臣の承認を受けたときは、この限りでない。

Article 13-2 A bank must not effect the following transactions or perform the following activities with a specified related party (meaning a subsidiary company of that bank, that bank's major shareholder, a bank holding company that has that bank as its subsidiary company, a subsidiary company of the bank holding company (other than that bank itself), or a bank agent that has that bank as its principal bank, and other person which is uniquely related to that bank as specified by Cabinet Order; hereinafter the same applies in this Article and the following Article) or with the customer of its specified related party; provided, however, that this does not apply if there is a compelling reason as specified by Cabinet Office Order for the bank to effect that transaction or perform that activity and the bank has obtained the approval of the Prime Minister, nor does it apply if the bank effects that transaction or performs that activity with a subsidiary company of the bank holding company

(limited to one that is not itself a subsidiary company of any other bank or bank holding company) that has the bank in question as its subsidiary company (limited to a bank other than itself), and this has been approved by the Prime Minister as being unlikely to damage the soundness of the management of the bank or as satisfying any other requirements specified by Cabinet Office Order:

一 当該特定関係者との間で行う取引で、その条件が当該銀行の取引の通常の場合に照らして当該銀行に不利益を与えるものとして内閣府令で定める取引

(i) a transaction effected with a specified related party which is specified by Cabinet Office Order as having terms and conditions that are disadvantageous to the bank in light of the ordinary terms and conditions under which the bank effects transactions; and

二 当該特定関係者との間又は当該特定関係者の顧客との間で行う取引又は行為のうち前号に掲げるものに準ずる取引又は行為で、当該銀行の業務の健全かつ適切な遂行に支障を及ぼすおそれのあるものとして内閣府令で定める取引又は行為

(ii) a transaction effected or activity performed with a specified related party or with the customer of a specified related party which is equivalent to one set forth in the preceding item, and which is specified by Cabinet Office Order as being likely to impair the sound and appropriate performance of bank services.

(銀行の業務に係る禁止行為)

(Prohibited Conduct as Concerns Bank Services)

第十三条の三 銀行は、その業務に関し、次に掲げる行為（第十三条の四に規定する特定預金等契約の締結の業務に関しては、第四号に掲げる行為を除く。）をしてはならない。

Article 13-3 A bank must not engage in any of the following conduct in connection with its services (in connection with services involved in entering into a specified deposit, etc. contract as prescribed in the Article 13-4, this excludes what is set forth in item (iv)):

一 顧客に対し、虚偽のことを告げる行為

(i) conveying false information to a customer;

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

(ii) providing a customer with a conclusive assessment with regard to a matter that is uncertain or with information that could mislead the customer into believing that an uncertain matter is actually certain;

三 顧客に対し、当該銀行又は当該銀行の特定関係者その他当該銀行と内閣府令で定める密接な関係を有する者の営む業務に係る取引を行うことを条件として、信用を供与し、又は信用の供与を約する行為（顧客の保護に欠けるおそれがないものとして内閣府令で定めるものを除く。）

(iii) extending or promising to extend credit to a customer on the condition that the customer effect a transaction connected with the services performed by the bank, a specified related party of the bank, or a person closely related to the bank as specified by Cabinet Office Order (other than conduct specified by Cabinet Office Order as being unlikely to result in insufficient customer protection); and

四 前三号に掲げるもののほか、顧客の保護に欠けるおそれがあるものとして内閣府令で定める行為

(iv) beyond what is set forth in the preceding three items, conduct which is specified by Cabinet Office Order as being likely to result in insufficient customer protection.

(顧客の利益の保護のための体制整備)

(Establishment of a System for Protecting the Customers' Interests)

第十三条の三の二 銀行は、当該銀行、当該銀行を所属銀行とする銀行代理業者又は当該銀行の親金融機関等若しくは子金融機関等が行う取引に伴い、当該銀行、当該銀行を所属銀行とする銀行代理業者又は当該銀行の子金融機関等が行う業務（銀行業、銀行代理業その他の内閣府令で定める業務に限る。）に係る顧客の利益が不当に害されることのないよう、内閣府令で定めるところにより、当該業務に関する情報を適正に管理し、かつ、当該業務の実施状況を適切に監視するための体制の整備その他必要な措置を講じなければならない。

Article 13-3-2 (1) In connection with transactions effected by a bank, the bank agent that has that bank as its principal bank, or the parent financial institution, etc., or subsidiary financial institution, etc. of the bank, the bank must properly manage information about the services performed by the bank, the bank agent that has that bank as its principal bank, or the subsidiary financial institution, etc. of the bank (limited to the banking, bank agency services, and other services specified by Cabinet Office Order) pursuant to the provisions of Cabinet Office Order, and establish a system for properly supervising the implementation status of those services or take other necessary measures, in order to ensure that the interests of the customers of its services are not unjustly impaired.

2 前項の「親金融機関等」とは、銀行の総株主の議決権の過半数を保有している者その他の当該銀行と密接な関係を有する者として政令で定める者のうち、銀行、金融商品取引業者（金融商品取引法第二条第九項（定義）に規定する金融商品取引業者をいう。以下同じ。）、保険会社（保険業法第二条第二項（定義）に規定する保険会社をいう。以下同じ。）その他政令で定める金融業を行う者をいう。

(2) The term "parent financial institution, etc." as used in the preceding paragraph means a bank, financial instruments business operator (meaning a financial instruments business operator as defined in Article 2, paragraph (9) (Definitions) of the Financial Instruments and Exchange Act; the same applies

hereinafter), insurance company (meaning an insurance company as defined in Article 2, paragraph (2) (Definitions) of the Insurance Business Act; the same applies hereinafter), or other person engaged in financial services which is specified by Cabinet Order, which Cabinet Order prescribes as holding the majority of all shareholders' voting rights in the relevant bank or as being closely related to that bank in any other way.

3 第一項の「子金融機関等」とは、銀行が総株主等の議決権の過半数を保有している者その他の当該銀行と密接な関係を有する者として政令で定める者のうち、銀行、金融商品取引業者、保険会社その他政令で定める金融業を行う者をいう。

(3) The term "subsidiary financial institution, etc." as used in paragraph (1) means a bank, financial instruments business operator, insurance company, or other person engaged in financial services which is specified by Cabinet Order, in which Cabinet Order prescribes the relevant bank to hold the majority of all shareholders', etc. voting rights or which Cabinet Order prescribes to be closely related to that bank in any other such way.

(金融商品取引法の準用)

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

第十三条の四 金融商品取引法第三章第一節第五款（第三十四条の二第六項から第八項まで（特定投資家が特定投資家以外の顧客とみなされる場合）並びに第三十四条の三第五項及び第六項（特定投資家以外の顧客である法人が特定投資家とみなされる場合）を除く。）（特定投資家）、同章第二節第一款（第三十五条から第三十六条の四まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲、第二種金融商品取引業又は投資助言・代理業のみを行う者の兼業の範囲、業務管理体制の整備、顧客に対する誠実義務、標識の掲示、名義貸しの禁止、社債の管理の禁止等）、第三十七条第一項第二号（広告等の規制）、第三十七条の二（取引態様の事前明示義務）、第三十七条の三第一項第二号及び第六号並びに第三項（契約締結前の書面の交付）、第三十七条の五（保証金の受領に係る書面の交付）、第三十七条の七（指定紛争解決機関との契約締結義務等）、第三十八条第一号、第二号、第七号及び第八号並びに第三十八条の二（禁止行為）、第三十九条第三項ただし書、第四項、第六項及び第七項（損失補填等の禁止）並びに第四十条の二から第四十条の七まで（最良執行方針等、分別管理が確保されていない場合の売買等の禁止、金銭の流用が行われている場合の募集等の禁止、特定投資家向け有価証券の売買等の制限、特定投資家向け有価証券に関する告知義務、のみ行為の禁止、店頭デリバティブ取引に関する電子情報処理組織の使用義務等）を除く。）（通則）及び第四十五条（第三号及び第四号を除く。）

（雑則）の規定は、銀行が行う特定預金等契約（特定預金等（金利、通貨の価格、同法第二条第十四項に規定する金融商品市場における相場その他の指標に係る変動によりその元本について損失が生ずるおそれがある預金又は定期積金等として内閣府令で定めるものをいう。）の受入れを内容とする契約をいう。以下同じ。）の締結について準用する。この場合において、これらの規定中「金融商品取引契約」とあるのは

「特定預金等契約」と、「金融商品取引業」とあるのは「特定預金等契約の締結の業務」と、これらの規定（同法第三十四条の規定を除く。）中「金融商品取引行為」とあるのは「特定預金等契約の締結」と、同法第三十四条中「顧客を相手方とし、又は顧客のために金融商品取引行為（第二条第八項各号に掲げる行為をいう。以下同じ。）を行うことを内容とする契約」とあるのは「銀行法第十三条の四に規定する特定預金等契約」と、同法第三十七条の三第一項中「交付しなければならない」とあるのは「交付するほか、預金者等（銀行法第二条第五項に規定する預金者等をいう。以下この項において同じ。）の保護に資するため、内閣府令で定めるところにより、当該特定預金等契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない」と、同法第三十九条第一項第一号中「有価証券の売買その他の取引（買戻価格があらかじめ定められている買戻条件付売買その他の政令で定める取引を除く。）又はデリバティブ取引（以下この条において「有価証券売買取引等」という。）」とあるのは「特定預金等契約の締結」と、「有価証券又はデリバティブ取引（以下この条において「有価証券等」という。）」とあるのは「特定預金等契約」と、「顧客（信託会社等（信託会社又は金融機関の信託業務の兼営等に関する法律第一条第一項の認可を受けた金融機関をいう。以下同じ。））が、信託契約に基づいて信託をする者の計算において、有価証券の売買又はデリバティブ取引を行う場合にあっては、当該信託をする者を含む。以下この条において同じ。）」とあるのは「顧客」と、「補足するため」とあるのは「補足するため、当該特定預金等契約によらないで」と、同項第二号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、「追加するため」とあるのは「追加するため、当該特定預金等契約によらないで」と、同項第三号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、「追加するため、」とあるのは「追加するため、当該特定預金等契約によらないで」と、同条第二項中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、同条第三項中「原因となるものとして内閣府令で定めるもの」とあるのは「原因となるもの」と、同法第四十五条第二号中「第三十七条の二から第三十七条の六まで、第四十条の二第四項及び第四十三条の四」とあるのは「第三十七条の三（第一項の書面の交付に係る部分に限り、同項第二号及び第六号並びに第三項を除く。）、第三十七条の四及び第三十七条の六」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 13-4 The provisions of Chapter III, Section 1, Subsection 5 of the Financial Instruments and Exchange Act (excluding Article 34-2, paragraphs (6) to (8) (Cases in Which a Professional Investor Is Deemed to Be a Customer Other Than a Professional Investor) and Article 34-3, paragraphs (5) and (6) (When a Customer Other than a Professional Investor Is a Corporation and That Corporation Is Deemed to Be a Professional Investor)) (Professional Investors); Section 2, Subsection 1 of that Chapter (excluding Articles 35 to 36-4 (Scope of Services for Persons Engaged in Type I Financial Instruments Business or Investment Management Business; Scope of Concurrent Business by Persons Only Engaged in Type II Financial Instruments Business or

Investment Advisory and Agency Business; Establishment of an Operational Control System; Duty of Good Faith to Customers; Posting of Signs; Prohibition on Name Lending; Prohibition on Corporate Bond Management), Article 37, paragraph (1), item (ii) (Regulation of Advertising); Article 37-2 (Obligation to Clarify the Conditions of Transactions in Advance); Article 37-3, paragraph (1), items (ii) and (vi) and Article 37-3, paragraph (3) (Delivery of Documents Prior to the Conclusion of a Contract); Article 37-5 (Delivery of Documents in Connection with the Receipt of a Security Deposit); Article 37-7 (Obligation to Enter Into a Contract with a Designated Dispute Resolution Organization); Article 38, items (i), (ii), (vii) and (viii), Article 38-2 (Prohibited Acts); the proviso to Article 39, paragraph (3), and paragraphs (4), (6) and (7) of that Article (Prohibition on Compensation of Loss); Articles 40-2 to 40-7 (Best Execution Policy; Prohibition of Purchase and Sale, etc. If Separate Management Is Not Ensured; Prohibition of Public Offering, etc. Where Money Has Been Diverted; Restrictions on the Purchase and Sale, etc. of Securities for Professional Investors, Obligation to Notify in Connection with Securities for Professional Investors, Prohibition of Trading Against, Obligation to Use Electronic Data Processing System for Over-the-Counter Transactions of Derivatives)) (General Rules); and Article 45 (excluding items (iii) and (iv)) (Miscellaneous Provisions) of the Financial Instruments and Exchange Act apply mutatis mutandis to a bank's entry into a specified deposit, etc. contract (meaning a contract detailing the acceptance of specified deposits, etc. (meaning those that are specified by Cabinet Office Order as deposits or installment savings, etc. that carry the risk of a loss of the principal due to fluctuations in the money rate, value of currencies, quotations on a financial instruments market as prescribed in Article 2, paragraph (14) of that Act, or any other index); the same applies hereinafter). In this case, the term "financial instruments transaction contract" in these provisions is deemed to be replaced with "specified deposit, etc. contract"; the term "financial instruments business" in these provisions is deemed to be replaced with "services involved in entering into a specified deposit, etc. contract"; the term "act that constitutes a financial instruments transaction" in these provisions (excluding the provisions of Article 34 of that Act) is deemed to be replaced with "entry into a specified deposit, etc. contract"; the phrase "contract for the financial instruments business operator, etc. to perform an act that constitutes a financial instruments transaction (meaning an act as set forth in the items of Article 2, paragraph (8); the same applies hereinafter) with the customer as the other party or on behalf of the customer" in Article 34 of that Act is deemed to be replaced with "specified deposit, etc. contract as prescribed in Article 13-4 of the Banking Act"; the term "; provided" in Article 37-3, paragraph (1) of that Act is deemed to be replaced with "and, in order to contribute to the protection

of depositors, etc. (meaning depositors, etc. as prescribed in Article 2, paragraph (5) of the Banking Act; hereinafter the same applies in this paragraph), must provide the customer with information on the details of the specified deposit, etc. contract and other information that is to serve as a reference to the depositors, etc. in advance, pursuant to the provisions of Cabinet Office Order; provided"; in Article 39, paragraph (1), item (i) of that Act, the phrase "a purchase and sale or other transaction of securities (excluding a purchase and sale with a repurchase requirement and a predetermined repurchase price, and other transactions specified by Cabinet Order) or a derivatives transaction (hereinafter collectively referred to as a "purchase and sale or other transaction of securities, etc." in this Article)" is deemed to be replaced with "the entry into a specified deposit, etc. contract", the phrase "securities or derivatives transaction (hereinafter collectively referred to as 'securities, etc.' in this Article)" is deemed to be replaced with "specified deposit, etc. contract", the phrase "customer (if a trust company, etc. (meaning a trust company or a financial institution that has obtained the authorization referred to in Article 1, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions; the same applies hereinafter) conducts the purchase and sale of securities or a derivatives transaction on the account of a person that establishes a trust based on a trust contract, this includes the person that establishes the trust; hereinafter the same applies in this Article)" is deemed to be replaced with "customer", and the phrase "to supplement its profits" is deemed to be replaced with "to supplement its profits, other than as under the specified deposit, etc. contract"; in Article 39, paragraph (1), item (ii) of that Act, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a specified deposit, etc. contract", the term "securities, etc." is deemed to be replaced with "specified deposit, etc. contract" and the phrase "in order to add to the profit that the customer has accrued in connection with those securities, etc." is deemed to be replaced with "in order to add to the profit that the customer has accrued in connection with those securities, etc., other than as under the specified deposit, etc. contract"; in item (iii) of that paragraph, the term "purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a specified deposit, etc. contract", the term "securities, etc." is deemed to be replaced with "specified deposit, etc. contract" and the term "in order to add to the profit that the customer has accrued in connection with those securities, etc." is deemed to be replaced with "in order to add to the profit that the customer has accrued in connection with those Securities, etc., other than as under the specified deposit, etc. contract"; in paragraph (2) of that Article, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a

specified deposit, etc. contract"; in paragraph (2) of that Article, the phrase "which is specified by Cabinet Office Order as a potential cause of" is deemed to be replaced with "which is a potential cause of"; in Article 45, item (ii) of that Act the phrase "Articles 37-2 to 37-6 inclusive; Article 40-2, paragraph (4); and Article 43-4" is deemed to be replaced with "Article 37-3 (limited to the part involving to delivery of a document set forth in paragraph (1) and excluding items (ii) and (vi) of that paragraph and paragraph (3)); Article 37-4; and Article 37-6"; and any other necessary technical replacement of terms is specified by Cabinet Order.

(取締役等に対する信用の供与)

(Extension of Credit to a Director)

第十四条 銀行の取締役又は執行役が当該銀行から受ける信用の供与については、その条件が、当該銀行の信用の供与の通常 conditions に照らして、当該銀行に不利益を与えるものであつてはならない。

Article 14 (1) A bank must not extend credit to the director or executive officer of the bank under terms and conditions that are disadvantageous to the bank in light of the ordinary terms and conditions under which the bank extends credit.

2 銀行の取締役又は執行役が当該銀行から信用の供与を受ける場合における会社法第三百六十五条第一項（競業及び取締役会設置会社との取引等の制限）の規定により読み替えて適用する同法第三百五十六条第一項（競業及び利益相反取引の制限）の規定及び同法第四百十九条第二項（執行役の監査委員に対する報告義務等）において準用する同法第三百五十六条第一項の規定による取締役会の承認に対する同法第三百六十九条第一項（取締役会の決議）の規定の適用については、同項中「その過半数（これを上回る割合を定款で定めた場合にあっては、その割合以上）」とあるのは、「その三分の二（これを上回る割合を定款で定めた場合にあっては、その割合）以上に当たる多数」とする。

(2) To apply the provisions of Article 369, paragraph (1) (Resolution of Board of Directors Meetings) of the Companies Act to approval by the board of directors under Article 356, paragraph (1) (Restrictions on Competition and Conflicting Interest Transactions) of that Act as applied following the deemed replace of the terms pursuant to Article 365, paragraph (1) (Restrictions on Competition and Transactions with Companies with Board of Directors) of that Act and to approval by the board of directors under Article 356, paragraph (1) of that Act as applied mutates mutandis pursuant to Article 419, paragraph (2) (Executive Officer's Duty to Report to Audit Committee Members) of that Act when a bank director or executive officer is extended credit by that bank, the term "the majority (when a higher proportion is provided for in the articles of incorporation, that proportion or more)" in that paragraph is deemed to be replaced with "at least a two-thirds majority (when a higher proportion is provided for in the articles of incorporation, that proportion)".

(経営の健全性の確保)

(Ensuring Sound Management)

第十四条の二 内閣総理大臣は、銀行の業務の健全な運営に資するため、銀行がその経営の健全性を判断するための基準として次に掲げる基準その他の基準を定めることができる。

Article 14-2 The Prime Minister may establish the criteria set forth as follows and any other criteria as the criteria for a bank to use in order to determine the soundness of its management, in order to contribute to the sound management of bank services:

一 銀行の保有する資産等に照らし当該銀行の自己資本の充実の状況が適当であるかどうかの基準

(i) whether the adequacy of the bank's equity capital is appropriate in light of circumstances such as the assets owned by that bank; and

二 銀行及びその子会社その他の当該銀行と内閣府令で定める特殊の関係のある会社（以下この号、第三章及び第四章において「子会社等」という。）の保有する資産等に照らし当該銀行及びその子会社等の自己資本の充実の状況が適当であるかどうかの基準

(ii) whether the adequacy of equity capital of the bank and any company, such as its subsidiary company, which is uniquely related to that bank as specified by Cabinet Office Order (hereinafter referred to as a "subsidiary company, etc." in this item, Chapter III, and Chapter IV), are appropriate in light of circumstances such as the assets owned by the bank and its subsidiary companies, etc.

(休日及び営業時間)

(Non-Business Days and Business Hours)

第十五条 銀行の休日は、日曜日その他政令で定める日に限る。

Article 15 (1) banks' non-business days are limited to Sundays and the days specified by Cabinet Order.

2 銀行の営業時間は、金融取引の状況等を勘案して内閣府令で定める。

(2) banks' business hours are specified by Cabinet Office Order in consideration of circumstances such as the status of financial transactions.

(臨時休業等)

(Temporary Suspension of Business)

第十六条 銀行は、内閣府令で定める場合を除き、天災その他のやむを得ない理由によりその営業所において臨時にその業務の全部又は一部を休止するときは、直ちにその旨を、理由を付して内閣総理大臣に届け出るとともに、公告し、かつ、内閣府令で定めるところにより、当該営業所の店頭に掲示しなければならない。銀行が臨時にその業務の全部又は一部を休止した営業所においてその業務の全部又は一部を再開すると

きも、同様とする。

Article 16 (1) Except in the cases specified by Cabinet Office Order, if a bank temporarily suspends the whole or part of business at its business office due to a natural disaster or for any other compelling reasons, it must immediately file a notification with the Prime Minister indicating this and giving the reason for the same, as well as issuing a public notice of this and posting this at that business office, pursuant to the provisions of Cabinet Office Order. The same applies if a bank resumes the whole or part of its business at a business office where it has or temporarily suspended the whole or part of its business.

2 前項の規定にかかわらず、銀行の無人の営業所において臨時にその業務の全部又は一部を休止する場合その他の内閣府令で定める場合については、同項の規定による公告は、することを要しない。

(2) Notwithstanding the provisions of the preceding paragraph, the public notice under that paragraph is not required if a bank temporarily suspends the whole or part of its business at an unmanned business office, and in any other case specified by Cabinet Office Order.

3 第一項の規定にかかわらず、銀行の無人の営業所において臨時にその業務の一部を休止する場合その他の内閣府令で定める場合については、同項の規定による店頭の掲示は、することを要しない。

(3) Notwithstanding the provisions of paragraph (1), the posting at the business office under that paragraph is not required if a bank temporarily suspends part of its business at an unmanned business office or in any other case specified by Cabinet Office Order.

第二章の二 子会社等

Chapter II-2 Subsidiary Companies, etc.

(銀行の子会社の範囲等)

(Scope of a Bank's Subsidiary Companies, etc.)

第十六条の二 銀行は、次に掲げる会社（以下この条及び次条第一項において「子会社対象会社」という。）以外の会社を子会社としてはならない。

Article 16-2 (1) A bank must not have a company other than one set forth in the following (hereinafter referred to as a "company eligible to be a subsidiary company" in this Article and paragraph (1) of the following Article) as its subsidiary company:

一 銀行

(i) a bank;

二 長期信用銀行

(ii) a long-term credit bank;

二の二 資金決済に関する法律（平成二十一年法律第五十九号）第二条第三項（定義）に規定する資金移動業者（第七号に掲げる会社に該当するものを除く。）のう

ち、資金移動業（同条第二項に規定する資金移動業をいう。）その他内閣府令で定める業務を専ら営むもの（第五十二条の二十三第一項第一号の二において「資金移動専門会社」という。）

(ii)-2 a fund transfer service provider as defined in Article 2, paragraph (3) (Definitions) of the Act on Financial Settlements (Act No. 59 of 2009) (excluding a fund transfer service provider falling under the category of a company set forth in item (vii)) which exclusively engages in fund transfer service (meaning fund transfer service as defined in paragraph (2) of that Article) or services specified by Cabinet Office Order (referred to as a "company specialized in fund transfers" in Article 52-23, paragraph (1), item (i)-2);

三 金融商品取引業者のうち、有価証券関連業（金融商品取引法第二十八条第八項（通則）に規定する有価証券関連業をいう。以下同じ。）のほか、同法第三十五条第一項第一号から第八号まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲）に掲げる行為を行う業務その他の内閣府令で定める業務を専ら営むもの（以下「証券専門会社」という。）

(iii) a financial instruments business operator that, apart from securities services (meaning securities services as defined in Article 28, paragraph (8) (General Rules) of the Financial Instruments and Exchange Act; the same applies hereinafter), exclusively engages in services through which it performs the actions set forth in any of items (i) through (viii) of Article 35, paragraph (1) (Scope of Services for Persons Engaged in Type I Financial Instruments Business or Investment Management Business) of that Act and other services specified by Cabinet Office Order (hereinafter referred to as a "company specialized in securities");

四 金融商品取引法第二条第十二項（定義）に規定する金融商品仲介業者のうち、金融商品仲介業（同条第十一項（定義）に規定する金融商品仲介業をいい、次に掲げる行為のいずれかを営む業務に係るものに限る。以下この号において同じ。）のほか、金融商品仲介業に付随する業務その他の内閣府令で定める業務を専ら営むもの（以下「証券仲介専門会社」という。）

(iv) a financial instruments intermediary service provider as prescribed in Article 2, paragraph (12) (Definitions) of the Financial Instruments and Exchange Act which, apart from financial instruments intermediary services (meaning financial instruments intermediary services as prescribed in Article 2, paragraph (11) (Definitions) of that Act and limited to services through which it performs the actions set forth in any of the following; hereinafter the same applies in this item), exclusively engages in services incidental to financial instruments intermediary service and other services specified by Cabinet Office Order (hereinafter referred to as a "company specialized in securities intermediation");

イ 金融商品取引法第二条第十一項第一号（定義）に掲げる行為

(a) actions set forth in Article 2, paragraph (11), item (i) (Definitions) of the Financial Instruments and Exchange Act;

ロ 金融商品取引法第二条第十七項（定義）に規定する取引所金融商品市場又は同条第八項第三号ロ（定義）に規定する外国金融商品市場における有価証券の売買の委託の媒介（ハに掲げる行為に該当するものを除く。）

(b) intermediation for entrusting a person with the purchase and sale of securities on a financial instruments exchange market as prescribed in Article 2, paragraph (17) (Definitions) of the Financial Instruments and Exchange Act, or on a foreign financial instruments market as prescribed in Article 2, paragraph (8), item (iii), (b) (Definitions) of that Act (other than actions as set forth in sub-item (c));

ハ 金融商品取引法第二十八条第八項第三号又は第五号（通則）に掲げる行為の委託の媒介

(c) acting as intermediary for entrusting a person with the action set forth in Article 28, paragraph (8), item (iii) or (v) (General Rules) of the Financial Instruments and Exchange Act; and

ニ 金融商品取引法第二条第十一項第三号（定義）に掲げる行為

(d) actions set forth in Article 2, paragraph (11), item (iii) (Definitions) of the Financial Instruments and Exchange Act.

五 保険会社

(v) an insurance company;

五の二 保険業法第二条第十八項（定義）に規定する少額短期保険業者（以下「少額短期保険業者」という。）

(v)-2 a low-cost, short-term insurance provider as prescribed in Article 2, paragraph (18) (Definitions) of the Insurance Business Act (hereinafter referred to as a "low-cost, short-term insurance provider");

六 信託業法（平成十六年法律第百五十四号）第二条第二項（定義）に規定する信託会社のうち、信託業務（金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号。以下「兼営法」という。）第一条第一項（兼営の認可）に規定する信託業務をいう。以下同じ。）を専ら営む会社（以下「信託専門会社」という。）

(vi) a trust company as prescribed in Article 2, paragraph (2) (Definitions) of the Trust Business Act (Act No. 154 of 2004) which exclusively engages in trust business, etc. (meaning trust business, etc. as prescribed in Article 1, paragraph (1) (Authorization for Trust Business, etc.) of the Act on Engagement in Trust Business Activities by Financial Institutions (Act No. 43 of 1943; hereinafter referred to as "Act on Trust Business by Financial Institutions"); the same applies hereinafter) (hereinafter referred to as a "company specialized in trust business");

七 銀行業を営む外国の会社

(vii) a foreign company engaging in banking;

八 有価証券関連業を営む外国の会社（前号に掲げる会社に該当するものを除く。）

- (viii) a foreign company engaging in securities services (other than one that falls under the category of company set forth in the preceding item);
- 九 保険業（保険業法第二条第一項（定義）に規定する保険業をいう。以下同じ。）を営む外国の会社（第七号に掲げる会社に該当するものを除く。）
- (ix) a foreign company engaging in insurance business (meaning insurance business as prescribed in Article 2, paragraph (1) (Definitions) of the Insurance Business Act; the same applies hereinafter) (other than one that falls under the category of company set forth in item (vii));
- 十 信託業（信託業法第二条第一項（定義）に規定する信託業をいう。以下同じ。）を営む外国の会社（第七号に掲げる会社に該当するものを除く。）
- (x) a foreign company engaging in trust business (meaning trust business as prescribed in Article 2, paragraph (1) (Definitions) of the Trust Business Act; the same applies hereinafter) (other than one that falls under the category of company set forth in item (vii));
- 十一 従属業務又は金融関連業務を専ら営む会社（従属業務を営む会社にあつては当該銀行、その子会社（第一号から第二号の二まで及び第七号に掲げる会社に限る。）その他これらに類する者として内閣府令で定めるもの（第十一項において「銀行等」という。）の営む業務のためにその業務を営んでいるものに限るものとし、金融関連業務を営む会社であつて次に掲げる業務の区分に該当する場合には、当該区分に定めるものに、それぞれ限るものとする。）
- (xi) a company that exclusively performs dependent services or financial services (if a company performs dependent services, this is limited to one that does so in respect of services performed by the relevant bank, its subsidiary company (limited to a company as set forth in one of items (i) to (ii)-2 inclusive and (vii)), or any other entity specified by Cabinet Office Order as being similar to the bank or its subsidiary company (referred to as a "bank, etc." in paragraph (11)), and if a company performs financial services and falls under one of the following business categories, this is limited to the case as prescribed in the relevant category):
- イ 証券専門関連業務、保険専門関連業務及び信託専門関連業務のいずれも営むものの当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等、保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（証券子会社等、保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（証券子会社等、保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの
- (a) a company that performs specialized securities services, specialized insurance services, and specialized trust services: the total number of voting rights held in the company by the bank's securities subsidiary

companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities subsidiary companies, etc., insurance subsidiary companies, etc., and trust subsidiary companies, etc.); the total number of voting rights held in the company by the bank's insurance subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities subsidiary companies, etc., insurance subsidiary companies, etc., and trust subsidiary companies, etc.); and the total number of voting rights held in the company by the bank's trust subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities subsidiary companies, etc., insurance subsidiary companies, etc., and trust subsidiary companies, etc.);

- ロ 証券専門関連業務及び保険専門関連業務のいずれも営むもの（イに掲げるものを除く。） 当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等及び保険子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（証券子会社等及び保険子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(b) a company that performs both Specialized securities services and Specialized insurance services (other than one as set forth in sub-item (a)): the total number of voting rights held in the company by the bank's securities subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities subsidiary companies, etc. and insurance subsidiary companies, etc.); and the total number of voting rights held in the company by the bank's insurance subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities subsidiary companies, etc. and insurance subsidiary companies, etc.);

- ハ 証券専門関連業務及び信託専門関連業務のいずれも営むもの（イに掲げるものを除く。） 当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（証券子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(c) a company that performs both Specialized securities services and specialized trust services (other than one as set forth in sub-item (a)): the total number of voting rights in the company held by the bank's securities subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities

subsidiary companies, etc. and trust subsidiary companies, etc.); and the total number of voting rights held in the company by the bank's trust subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities subsidiary companies, etc. and trust subsidiary companies, etc.);

ニ 保険専門関連業務及び信託専門関連業務のいずれも営むもの（イに掲げるものを除く。） 当該会社の議決権について、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(d) a company that performs both specialized insurance services and specialized trust services (other than one as set forth in sub-item (a)): the total number of voting rights held in the company by the bank's insurance subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its insurance subsidiary companies, etc. and trust subsidiary companies, etc.); and the total number of voting rights held in the company by the bank's trust subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its insurance subsidiary companies, etc. and trust subsidiary companies, etc.);

ホ 証券専門関連業務を営むもの（イ、ロ及びハに掲げるものを除く。） 当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(e) a company that performs Specialized securities services (other than one as set forth in sub-item (a), (b), or (c)): the total number of voting rights held in the company by the bank's securities subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its securities subsidiary companies, etc.);

ヘ 保険専門関連業務を営むもの（イ、ロ及びニに掲げるものを除く。） 当該会社の議決権について、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（保険子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(f) a company that performs specialized insurance services (other than one as set forth in sub-item (a), (b), or (d)): the total number of voting rights held in the company by the bank's insurance subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its insurance subsidiary companies, etc.); and

ト 信託専門関連業務を営むもの（イ、ハ及びニに掲げるものを除く。） 当該会

社の議決権について、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(g) a company that performs specialized trust services (other than one as set forth in sub-item (a), sub-item (c), or sub-item (d)): the total number of voting rights held in the company by the bank's trust subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies (other than its trust subsidiary companies, etc.).

十二 新たな事業分野を開拓する会社として内閣府令で定める会社（当該会社の議決権を、当該銀行又はその子会社のうち前号に掲げる会社で内閣府令で定めるもの（次号並びに第十六条の四第七項及び第八項において「特定子会社」という。）以外の子会社が、合算して、同条第一項に規定する基準議決権数を超えて保有していないものに限る。）

(xii) a company specified by Cabinet Office Order as one that is developing a new field of business (but only if the total number of voting rights in that company that are held by the bank and those of its subsidiary companies not constituting the companies as set forth in the preceding item that are specified by Cabinet Office Order (a company so specified is referred to as a "specified subsidiary company" in the following item and Article 16-4, paragraphs (7) and (8)) does not exceed the maximum threshold for voting rights held as prescribed in Article 16-4, paragraph (1)); and

十二の二 経営の向上に相当程度寄与すると認められる新たな事業活動を行う会社として内閣府令で定める会社（その事業に係る計画又は当該計画に基づく措置について内閣府令で定める要件に該当しない会社（第十六条の四第一項及び第七項において「特別事業再生会社」という。）にあつては、当該会社の議決権を、当該銀行又はその特定子会社以外の子会社が、合算して、同条第一項に規定する基準議決権数を超えて保有していないものに限る。）

(xii)-2 a company specified by Cabinet Office Order as one that is engaged in new business activities that are found to contribute considerably to improving management (with regard to a company that fails to meet the requirements specified by Cabinet Office Order in relation to the business plan or any measures based on that plan (referred to as "company under special business revitalization process" in Article 16-4, paragraph (1) and paragraph (7)), but only if the total number of voting rights in that company that are held by the bank and those of its subsidiary companies not constituting specified subsidiary companies does not exceed the maximum threshold for voting rights held as prescribed in paragraph (1) of that Article);

十二の三 前各号に掲げる会社のほか、情報通信技術その他の技術を活用した当該銀行の営む銀行業の高度化若しくは当該銀行の利用者の利便の向上に資する業務又はこれに資すると見込まれる業務を営む会社

(xii)-3 a company other than as set forth in the preceding items which provides services that contribute to or are expected to contribute to increased sophistication in the banking conducted by the bank or to enhanced convenience for bank users, through the use of information and telecommunications technology or other technology;

十三 前各号及び次号に掲げる会社のみを子会社とする持株会社で内閣府令で定めるもの（当該持株会社になることを予定している会社を含む。）

(xiii) a holding company as specified by Cabinet Office Order, that has only companies that are as set forth in the preceding items and the following item as its Subsidiary Companies (including a company that is scheduled to become that holding company); and

十四 前各号に掲げる会社のみを子会社とする外国の会社であつて、持株会社と同種のもの又は持株会社に類似するもの（当該会社になることを予定している会社を含み、前号に掲げる会社に該当するものを除く。）

(xiv) a foreign company that has only companies that are as set forth in the preceding items as its subsidiary companies, and which is of the same type as a holding company or is similar to a holding company (including a company that is scheduled to become that company, and excluding a company that falls under the category of companies set forth in the preceding item).

2 前項において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In the preceding paragraph, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

一 従属業務 銀行又は前項第二号から第十号までに掲げる会社の営む業務に従属する業務として内閣府令で定めるもの

(i) dependent services: services specified by Cabinet Office Order as being dependent on the services performed by a bank or by a company as set forth in items (ii) through (x) of the preceding paragraph;

二 金融関連業務 銀行業、有価証券関連業、保険業又は信託業に付随し、又は関連する業務として内閣府令で定めるもの

(ii) financial services: services specified by Cabinet Office Order as being incidental or related to banking, securities services, insurance business, or trust business;

三 証券専門関連業務 専ら有価証券関連業に付随し、又は関連する業務として内閣府令で定めるもの

(iii) specialized securities services: services specified by Cabinet Office Order as being incidental or related exclusively to securities services;

四 保険専門関連業務 専ら保険業に付随し、又は関連する業務として内閣府令で定めるもの

(iv) specialized insurance services: services specified by Cabinet Office Order as being incidental or related exclusively to insurance business;

五 信託専門関連業務 専ら信託業に付随し、又は関連する業務として内閣府令で定

めるもの

(v) specialized trust services: services specified by Cabinet Office Order as being incidental or related exclusively to trust business;

六 証券子会社等 銀行の子会社である次に掲げる会社

(vi) securities subsidiary company, etc.: a bank's subsidiary company that constitutes one of the following companies:

イ 証券専門会社、証券仲介専門会社又は有価証券関連業を営む外国の会社

(a) a company specialized in securities, company specialized in securities intermediation, or foreign company engaging in securities services;

ロ イに掲げる会社を子会社とする前項第十三号又は第十四号に掲げる会社

(b) a company as set forth in item (xiii) or item (xiv) of the preceding paragraph, which has a company as set forth in sub-item (a), above, as its subsidiary company; and

ハ その他の会社であつて、当該銀行の子会社である証券専門会社又は証券仲介専門会社の子会社のうち内閣府令で定めるもの

(c) any other company as specified by Cabinet Office Order that is the subsidiary company of a company specialized in securities or company specialized in securities intermediation that, in turn, is the subsidiary company of that bank.

七 保険子会社等 銀行の子会社である次に掲げる会社

(vii) insurance subsidiary company, etc.: a bank's subsidiary company that constitutes one of the following companies:

イ 保険会社、少額短期保険業者又は保険業を営む外国の会社

(a) an insurance company; low-cost, short-term insurance provider; or foreign company which engages in insurance business;

ロ イに掲げる会社を子会社とする前項第十三号又は第十四号に掲げる会社

(b) a company as set forth in item (xiii) or item (xiv) of the preceding paragraph, which has a company as set forth in sub-item (a), above, as its subsidiary company; and

ハ その他の会社であつて、当該銀行の子会社である保険会社又は少額短期保険業者の子会社のうち内閣府令で定めるもの

(c) any other company that is the subsidiary company of an insurance company or low-cost, short-term insurance provider that, in turn, is the subsidiary company of that bank, and is specified by Cabinet Office Order.

八 信託子会社等 銀行の子会社である次に掲げる会社

(viii) trust subsidiary company, etc.: a bank's subsidiary company that constitutes one of the following companies:

イ 兼営法第一条第一項（兼営の認可）の認可を受けて信託業務を営む銀行（以下「信託兼営銀行」という。）

(a) a bank engaging in trust business, etc. under the authorization set forth in Article 1, paragraph (1) (Authorization of Trust Business, etc.) of the Act

on Trust Business by Financial Institutions (hereinafter referred to as a "trust bank");

ロ 信託専門会社又は信託業を営む外国の会社

(b) a company specialized in trust business, or a foreign company engaging in trust business;

ハ イ又はロに掲げる会社を子会社とする前項第十三号又は第十四号に掲げる会社

(c) a company as set forth in item (xiii) or item (xiv) of the preceding paragraph, which has a company as set forth in sub-item (a) or sub-item (b), above, as its subsidiary company; and

ニ その他の会社であつて、当該銀行の子会社である信託兼営銀行又は信託専門会社の子会社のうち内閣府令で定めるもの

(d) any other company that is the subsidiary company of a trust bank or company specialized in trust business that, in turn, is the subsidiary company of that bank, and is specified by Cabinet Office Order.

3 第一項の規定は、子会社対象会社以外の会社が、銀行又はその子会社の担保権の実行による株式等の取得、銀行又はその子会社による同項第十二号又は第十二号の二に掲げる会社の株式等の取得その他の内閣府令で定める事由により当該銀行の子会社となる場合には、適用しない。ただし、当該銀行は、その子会社となつた会社が当該事由（当該銀行又はその子会社による同項第十二号又は第十二号の二に掲げる会社の株式等の取得その他内閣府令で定める事由を除く。）の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

(3) The provisions of paragraph (1) do not apply if a company not constituting a company eligible to be a subsidiary company becomes the subsidiary company of a bank through a bank's or its subsidiary company's acquisition of shares, etc. due to the exercise of security right, through a bank's or its subsidiary company's acquisition of shares, etc. in a company as set forth in item (xii) or item (xii)-2 of that paragraph, or due to any other cause specified by Cabinet Office Order; provided, however, that the bank must take the measures that it needs to take so that the company that has so become its subsidiary company is no longer its subsidiary company by the last day in the one-year period that begins on the date on which that cause (excluding a bank's or its subsidiary company's acquisition of shares, etc. in a company as set forth in item (xii) or item (xii)-2 of that paragraph or any other cause specified by Cabinet Office Order) arose.

4 第一項の規定は、銀行が、現に子会社対象会社以外の外国の会社を子会社としている同項第七号から第十一号までに掲げる会社（同号に掲げる会社にあつては、外国の会社に限る。第六項において同じ。）又は特例対象持株会社（持株会社（子会社対象会社を子会社としている会社に限る。）又は外国の会社であつて持株会社と同種のもの若しくは持株会社に類似するもの（子会社対象会社を子会社としているもの限り、持株会社を除く。）をいう。第六項において同じ。）を子会社とすることにより子会社対象会社以外の外国の会社を子会社とする場合には、適用しない。ただし、当該銀

行は、当該子会社対象会社以外の外国の会社が子会社となつた日から五年を経過する日までに当該子会社対象会社以外の外国の会社が子会社でなくなるよう、所要の措置を講じなければならない。

(4) The provisions of paragraph (1) do not apply if a bank has a foreign company not constituting a company eligible to be a subsidiary company as its subsidiary company due to having one of the companies set forth in items (vii) through (xi) of that paragraph (in the case of a company as set forth in item (xi), limited to a foreign company; the same applies in paragraph (6)) or a holding company subject to special provisions (meaning a holding company (limited to a company that has a company eligible to be a subsidiary company as its subsidiary company) or a foreign company that is of the same type as a holding company or that is similar to a holding company (limited to a foreign company that has a company eligible to be a subsidiary company as its subsidiary company, and excluding a holding company)); the same applies in paragraph (6) that has a foreign company not constituting a company eligible to be a subsidiary company as its subsidiary company at the time in question; provided, however, that the bank must take the measures that it needs to take so that the foreign company not constituting a company eligible to be a subsidiary company is no longer its subsidiary company by the last day in the five-year period after the date on which the foreign company not constituting a company eligible to be a subsidiary company became its subsidiary company.

5 銀行は、前項ただし書の期限又はこの項の規定により延長された期限が到来する場合には、その子会社となつた子会社対象会社以外の外国の会社を引き続き子会社とすることについて内閣総理大臣の承認を受けて、一年を限り、これらの期限を延長することができる。

(5) Before the arrival of the deadline referred to in the proviso to the preceding paragraph or the deadline as extended pursuant to the provisions of this paragraph, the bank may have it extended for up to one year by obtaining the Prime Minister's approval for the bank to continue to have as its subsidiary company the foreign company not constituting a company eligible to be a subsidiary company that has become its subsidiary company.

6 内閣総理大臣は、銀行につき次の各号のいずれかに該当する場合に限り、前項の承認をするものとする。

(6) The Prime Minister is to give the approval referred to in the preceding paragraph only if the bank falls under one of the following items:

一 当該銀行が、その子会社となつた子会社対象会社以外の外国の会社又は当該会社を子会社としている第一項第七号から第十一号までに掲げる会社若しくは特例対象持株会社の本店又は主たる事務所の所在する国の金融市場又は資本市場の状況その他の事情に照らして、前項の期限までにその子会社となつた子会社対象会社以外の外国の会社が子会社でなくなるよう、所要の措置を講ずることができないことについてやむを得ない事情があると認められること。

(i) there is found to be a compelling reason for the bank being unable to take the measures it needs to take so that the foreign company not constituting a company eligible to be a subsidiary company that has become its subsidiary company is no longer its subsidiary company by the deadline referred to in the preceding paragraph, in light of the financial market or capital market or any other circumstances in the country where the head office or principal office of the foreign company not constituting a company eligible to be a subsidiary company that has become its subsidiary company is located or where the head office or principal office of the company set forth in paragraph (1), items (vii) through (xi) or the holding company subject to special provisions that has that foreign company as its subsidiary company is located; and

二 当該銀行が子会社とした第一項第七号から第十一号までに掲げる会社又は特例対象持株会社の事業の遂行のため、当該銀行がその子会社となつた子会社対象会社以外の外国の会社を引き続き子会社とすることについてやむを得ない事情があると認められること。

(ii) there is found to be a compelling reason for the bank to continue to have as its subsidiary company the foreign company not constituting a company eligible to be a subsidiary company that has become its subsidiary company, in order to execute the business of any of the companies set forth in paragraph (1), items (vii) through (xi) or of a holding company subject to special provisions which that bank has made its subsidiary company.

7 銀行は、子会社対象会社のうち、第一項第一号から第十一号まで又は第十二号の三から第十四号までに掲げる会社（従属業務（第二項第一号に掲げる従属業務をいう。以下この項及び第十一項において同じ。）又は銀行業に付随し、若しくは関連する業務として内閣府令で定めるものを専ら営む会社（従属業務を営む会社にあつては、当該銀行の営む業務のためにその業務を営んでいる会社に限る。）を除く。以下この条及び第十六条の四第四項第一号において「子会社対象銀行等」という。）を子会社としようとするとき（第一項第十二号の三に掲げる会社にあつては、当該銀行又はその子会社が合算してその基準議決権数（同条第一項に規定する基準議決権数をいう。次項及び第十項において同じ。）を超える議決権を取得し、又は保有しようとするとき）は、第三十条第一項から第三項まで又は金融機関の合併及び転換に関する法律（昭和三十四年法律第八十六号）第五条第一項（認可）の規定により合併、会社分割又は事業の譲受けの認可を受ける場合を除き、あらかじめ、内閣総理大臣の認可を受けなければならない。

(7) Unless a bank obtains authorization for a merger, company split, or business acquisition pursuant to the provisions of Article 30, paragraphs (1) through (3) of this Act or Article 5, paragraph (1) (Authorization) of the Act on Mergers and Conversions in Financial Institutions (Act No. 86 of 1968), the bank must obtain the authorization of the Prime Minister before seeking to make a

subsidiary company out of a company eligible to be a subsidiary company which constitutes a company set forth in one of items (i) through (xi), or items (xii)-3 through (xiv) of paragraph (1) (other than a company that exclusively engages in dependent services (meaning dependent services as defined in paragraph (2), item (i); hereinafter the same applies in this paragraph and paragraph (11)) or services specified by Cabinet Office Order as being incidental or related exclusively to banking (if it is a company engaging in dependent services, this is limited to one that does so in respect of services performed by the bank); such a company eligible to be subsidiary company is referred to as a "bank, etc. eligible to be a subsidiary company" in this Article and Article 16-4, paragraph (4), item (i)) (or, in the case of a company set forth in paragraph (1), item (xii)-3, the bank must obtain that authorization before the bank or its subsidiary company seeks to acquire or hold voting rights in that company that would cause their total number of voting rights to exceed the maximum threshold for voting rights held (meaning the maximum threshold for voting rights held that is prescribed in paragraph (1) of that Article; the same applies in the following paragraph and paragraph (10))).

8 前項の規定は、子会社対象銀行等が、銀行又はその子会社の担保権の実行による株式等の取得その他の内閣府令で定める事由により当該銀行の子会社（第一項第十二号の三に掲げる会社にあつては、当該銀行又はその子会社が合算してその基準議決権数を超える議決権を保有する会社。以下この項において同じ。）となる場合には、適用しない。ただし、当該銀行は、その子会社となつた子会社対象銀行等を引き続き子会社とすることについて内閣総理大臣の認可を受けた場合を除き、当該子会社対象銀行等が当該事由の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

(8) The provisions of the preceding paragraph do not apply if a bank, etc. eligible to be a subsidiary company becomes the subsidiary company of a bank (in the case of a company set forth in paragraph (1), item (xii)-3, the company in which the bank and its subsidiary companies hold a total number of voting rights that exceed the maximum threshold for voting rights held; hereinafter the same applies in this paragraph) through a bank's or its subsidiary company's acquisition of Shares, etc. due to the exercise of security right or any other cause specified by Cabinet Office Order; provided, however, that unless it obtains the authorization of the Prime Minister to continue to have, as its subsidiary company, the bank, etc. eligible to be a subsidiary company that has become its subsidiary company, the bank must take the measures that it needs to take so that the bank, etc. eligible to be a subsidiary company is no longer its subsidiary company by the last day in the one-year period that begins on the date on which that cause arose.

9 第七項の規定は、銀行が、その子会社としている第一項各号に掲げる会社を当該各号のうち他の号に掲げる会社（子会社対象銀行等に限る。）に該当する子会社としよ

うとするときについて準用する。

(9) The provisions of paragraph (7) apply mutatis mutandis if a bank seeks to make a subsidiary company that constitutes a company as set forth in one of the items of paragraph (1) into a subsidiary company that constitutes a company as set forth in any other item of that paragraph (limited to one that is a bank, etc. eligible to be a subsidiary company).

10 銀行は、当該銀行又はその子会社が合算してその基準議決権数を超える議決権を保有している子会社対象会社（当該銀行の子会社及び第一項第十二号の三に掲げる会社を除く。）が同号に掲げる会社となったことを知ったときは、引き続きその基準議決権数を超える議決権を保有することについて内閣総理大臣の認可を受けた場合を除き、これを知った日から一年を経過する日までに当該同号に掲げる会社が当該銀行又はその子会社が合算してその基準議決権数を超える議決権を保有する会社でなくなるよう、所要の措置を講じなければならない。

(10) If a bank becomes aware that a company eligible to be a subsidiary company (other than a subsidiary company of that bank or a company set forth in paragraph (1), item (xii)-3) in which the bank and its subsidiary companies hold a total number of voting rights that exceeds the maximum threshold for voting rights held has become a company as set forth in that item, the bank must take the measures that it needs to take so that the company set forth in that item is no longer a company in which the bank and its subsidiary companies hold a total number of voting rights that exceeds the maximum threshold for voting rights held, by the last day in the one-year period that begins on the date on which the bank became aware of that fact, unless it obtains the authorization of the Prime Minister to continue to hold voting rights exceeding the maximum threshold for voting rights held.

11 第一項第十一号又は第七項の場合において、会社が銀行等又は銀行の営む業務のために従属業務を営んでいるかどうかの基準は、当該従属業務を営む会社の当該銀行等又は当該銀行からの当該従属業務に係る収入の額の当該従属業務に係る総収入の額に占める割合等を勘案して内閣総理大臣が定める。

(11) In the case referred to in paragraph (1), item (xi) or paragraph (7), the Prime Minister sets the criteria for whether a company is performing dependent services in association with the services performed by a bank, etc. or in association with the services performed by a bank, in consideration of circumstances such as the proportion of the amount of revenue associated with dependent services that the company performing those dependent services receives from that bank, etc. or from that bank, to the amount of gross revenue associated with its dependent services.

12 銀行が信託兼営銀行である場合における第一項第十一号の規定の適用については、同号イ、ハ、ニ及びト中「当該銀行の信託子会社等が合算して、当該銀行又はその子会社」とあるのは、「当該銀行又はその信託子会社等が合算して、当該銀行の子会社」とする。

(12) With regard to application of the provisions of paragraph (1), item (xi) if a bank is a trust bank, the term "the total number of voting rights held in the company by the bank's trust subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank and its subsidiary companies" in paragraph (1), item (xi), (a), (c), (d), and (g) is deemed to be replaced with "the total number of voting rights held in the company by the bank and its trust subsidiary companies, etc. exceeds the total number of voting rights held therein by the bank's subsidiary companies".

(銀行による銀行グループの経営管理)

(Business Management of a Bank Group by a Bank)

第十六条の三 銀行（子会社対象会社を子会社としているものであつて、他の銀行又は銀行持株会社の子会社でないものに限る。）は、当該銀行の属する銀行グループ（銀行及びその子会社の集団をいう。次項において同じ。）の経営管理を行わなければならない。

Article 16-3 (1) A bank (limited to one that has a company eligible to be a subsidiary company as its subsidiary company and that is not a subsidiary company of any other bank or bank holding company) must carry out the business management of the bank group (meaning the group consisting of that bank and its subsidiary companies; the same applies in the following paragraph) to which it belongs.

2 前項の「経営管理」とは、次に掲げるものをいう。

(2) The term "business management" as used in the preceding paragraph means the following activities:

一 銀行グループの経営の基本方針その他これに準ずる方針として内閣府令で定めるものの策定及びその適正な実施の確保

(i) formulating the bank group's basic management policy or any other policy specified by Cabinet Office Order as being equivalent thereto, and ensuring the proper implementation thereof;

二 銀行グループに属する会社相互の利益が相反する場合における必要な調整

(ii) undertaking the necessary coordination in the event of a conflict of interests among the companies that belong to the bank group;

三 銀行グループの業務の執行が法令に適合することを確保するために必要なものとして内閣府令で定める体制の整備

(iii) developing systems specified by Cabinet Office Order as being necessary for ensuring that the execution of the bank group's services complies with laws and regulations; and

四 前三号に掲げるもののほか、銀行グループの業務の健全かつ適切な運営の確保に資するものとして内閣府令で定めるもの

(iv) beyond what is set forth in the preceding three items, activities specified by Cabinet Office Order as contributing to ensuring the sound and

appropriate management of the bank group's services.

(銀行等による議決権の取得等の制限)

(Restriction on Acquisition of Voting Rights by a Bank)

第十六条の四 銀行又はその子会社は、国内の会社（第十六条の二第一項第一号から第六号まで、第十一号及び第十二号の二から第十三号までに掲げる会社（同項第十二号の二に掲げる会社にあつては、特別事業再生会社を除く。）並びに特例対象会社を除く。次項から第六項までにおいて同じ。）の議決権については、合算して、その基準議決権数（国内の会社の総株主等の議決権に百分の五を乗じて得た議決権の数をいう。以下この条において同じ。）を超える議決権を取得し、又は保有してはならない。

Article 16-4 (1) It is prohibited for a bank or its subsidiary company to acquire or hold voting rights in a domestic company (other than a company as set forth in Article 16-2, paragraph (1), items (i) through (vi), item (xi), and items (xii)-2 through (xiii) (in the case of the company set forth in item (xii)-2 of that paragraph, excluding a company under special business revitalization process) and a company subject to special provisions; hereinafter the same applies in this Article) that would cause their voting rights to exceed the maximum threshold for voting rights held if their voting rights are combined (meaning the number of voting rights that constitutes five percent of all shareholders', etc. voting rights in the domestic company; the same applies in the following paragraph to paragraph (6) inclusive).

2 前項の規定は、銀行又はその子会社が、担保権の実行による株式等の取得その他の内閣府令で定める事由により、国内の会社の議決権をその基準議決権数を超えて取得し、又は保有することとなる場合には、適用しない。ただし、当該銀行又はその子会社は、合算してその基準議決権数を超えて取得し、又は保有することとなつた部分の議決権については、当該銀行があらかじめ内閣総理大臣の承認を受けた場合を除き、その取得し、又は保有することとなつた日から一年を超えてこれを保有してはならない。

(2) The provisions of the preceding paragraph do not apply if a bank and its subsidiary companies come to acquire or hold voting rights in a domestic company in excess of the maximum threshold for voting rights through the bank's or its subsidiary company's acquisition of shares, etc. due to the exercise of security right or any other cause specified by Cabinet Office Order; provided, however, that unless the bank obtains the approval of the Prime Minister in advance, it is prohibited for the bank and its subsidiary companies to continue to hold the part of the voting rights that they have come to acquire or hold in excess of the maximum threshold for voting rights when their voting rights are combined, after one year has passed since the day on which they came to acquire or hold those voting rights.

3 前項ただし書の場合において、内閣総理大臣がする同項の承認の対象には、銀行又はその子会社が国内の会社の議決権を合算してその総株主等の議決権の百分の五十を

超えて取得し、又は保有することとなつた議決権のうち当該百分の五十を超える部分の議決権は含まれないものとし、内閣総理大臣が当該承認をするときは、銀行又はその子会社が合算してその基準議決権数を超えて取得し、又は保有することとなつた議決権のうちその基準議決権数を超える部分の議決権を速やかに処分することを条件としなければならない。

(3) In the case referred to in the proviso to the preceding paragraph, a part of voting rights in a domestic company that a bank and its subsidiary companies have come to acquire or hold over fifty percent of all shareholders, etc. voting rights in that company when their voting rights are combined is to be treated as not being subject to the approval referred to in the preceding paragraph that the Prime Minister gives; and if the Prime Minister gives the approval referred to in the preceding paragraph, this must be made conditional upon the bank and its subsidiary companies promptly disposing of a part of the voting rights that they have come to acquire or hold that exceed the maximum threshold for voting rights when their voting rights are combined.

4 銀行又はその子会社は、次の各号に掲げる場合には、第一項の規定にかかわらず、当該各号に定める日に保有することとなる国内の会社の議決権がその基準議決権数を超える場合であつても、同日以後、当該議決権をその基準議決権数を超えて保有することができる。ただし、内閣総理大臣は、銀行又はその子会社が、次の各号に掲げる場合に国内の会社の議決権を合算してその総株主等の議決権の百分の五十を超えて保有することとなるときは、当該各号に規定する認可（第四号に該当する場合には、免許。次項において同じ。）をしてはならない。

(4) Notwithstanding the provisions of paragraph (1), in a case set forth in one of the following items, even if the voting rights in a domestic company that a bank and its Subsidy Companies come to hold on the day prescribed in the relevant item exceed the maximum threshold for voting rights held, the bank and its subsidiary companies may hold those voting rights in excess of the maximum threshold for voting rights held, from that day forward; provided, however, that the Prime Minister must not grant the authorization provided for in the relevant of the following items (or the license, in the case under item (vi); the same applies in the following paragraph) if, in the case set forth in those items, the bank and its subsidiary companies would come to hold voting rights over fifty percent of v all shareholders, etc. voting rights in a domestic company if their voting rights are combined:

一 第十六条の二第七項の認可を受けて当該銀行が子会社対象銀行等を子会社としたとき（内閣府令で定める場合に限る。） その子会社とした日

(i) a bank makes a bank, etc. eligible to be a subsidiary company its subsidiary company, under the authorization referred to in Article 16-2, paragraph (7) (limited to a case as specified by Cabinet Office Order): the day it makes it its subsidiary company;

二 第三十条第一項又は金融機関の合併及び転換に関する法律第五条第一項（認可）

- の認可を受けて当該銀行が合併により設立されたとき その設立された日
- (ii) a bank is incorporated in a merger, under the authorization referred to in Article 30, paragraph (1) of this Act or Article 5, paragraph (1) (Authorization) of the Act on Mergers and Conversions by Financial Institutions: the day it is incorporated;
- 三 当該銀行が第三十条第一項又は金融機関の合併及び転換に関する法律第五条第一項（認可）の認可を受けて合併をしたとき（当該銀行が存続する場合に限る。）その合併をした日
- (iii) a bank implements a merger, under the authorization referred to in Article 30, paragraph (1) of this Act or Article 5, paragraph (1) (Authorization) of the Act on Mergers and Conversions by Financial Institutions (but only if the bank survives the merger): the day it implements the merger;
- 四 第三十条第二項の認可を受けて共同新設分割により設立された会社が第四条第一項の免許を受けて当該銀行になったとき その免許を受けた日
- (iv) a company incorporated in a joint incorporation-type company split under the authorization referred to in Article 30, paragraph (2) obtains the license referred to in Article 4, paragraph (1) and becomes a bank: the day it obtains the license;
- 五 当該銀行が第三十条第二項の認可を受けて吸収分割により事業を承継したとき（内閣府令で定める場合に限る。） その吸収分割をした日
- (v) a bank succeeds to a business in an absorption-type company split, under the authorization referred to in Article 30, paragraph (2) (limited to a case as specified by Cabinet Office Order): the day the absorption-type company split is implemented; and
- 六 当該銀行が第三十条第三項の認可を受けて事業の譲受けをしたとき（内閣府令で定める場合に限る。） その事業の譲受けをした日
- (vi) a bank makes a business acquisition, under the authorization referred to in Article 30, paragraph (3) (limited to a case as specified by Cabinet Office Order): the day it makes that business acquisition.
- 5 内閣総理大臣は、前項各号に規定する認可をするときは、当該各号に定める日に銀行又はその子会社が合算してその基準議決権数を超えて保有することとなる国内の会社の議決権のうちその基準議決権数を超える部分の議決権を、同日から五年を経過する日までに内閣総理大臣が定める基準に従つて処分することを条件としなければならない。
- (5) The Prime Minister, in giving the authorization provided for in the items of the preceding paragraph, must make this conditional on the bank's or its subsidiary company's disposal of the part of the voting rights in the domestic company that it will come to hold on the day set forth in the relevant of those items which will cause their total number of voting rights to exceed the maximum threshold for voting rights held, in accordance with the requirements set by the Prime Minister, by the last day in the five-year period

after that day.

6 銀行又はその子会社が、国内の会社の議決権を合算してその基準議決権数を超えて保有することとなつた場合には、その超える部分の議決権は、当該銀行が取得し、又は保有するものとみなす。

(6) If a bank and its subsidiary companies come to hold a total number of voting rights in a domestic company that exceeds the maximum threshold for voting rights held, the bank is deemed to be the one that has acquired or that holds the part of the voting rights that is in excess of this.

7 前各項の場合において、第十六条の二第一項第十二号に掲げる会社又は特別事業再生会社の議決権の取得又は保有については、特定子会社は、銀行の子会社に該当しないものとみなす。

(7) In a case as referred to in one of the preceding paragraphs, a specified subsidiary company is deemed not to be the subsidiary company of a bank with respect to the acquisition or holding of voting rights in a company set forth in Article 16-2, paragraph (1), item (xii) or a company under special business revitalization process.

8 第一項の「特例対象会社」とは、地域の活性化に資すると認められる事業を行う会社として内閣府令で定める会社（当該会社の議決権を、当該銀行又はその特定子会社以外の子会社が、合算して、同項に規定する基準議決権数を超えて保有していないものに限る。）及び第十六条の二第一項第十二号又は第十二号の二に掲げる会社（当該銀行の子会社であるものに限る。）と内閣府令で定める特殊の関係のある会社をいう。

(8) The term "company subject to special provisions" as used in paragraph (1) means a company specified by Cabinet Office Order as a company engaged in business that is found to contribute to regional development (but only if the total number of voting rights in that company that are held by the bank and those of its subsidiary companies not constituting specified subsidiary companies does not exceed the maximum threshold for voting rights held as prescribed in that paragraph) and a company uniquely related as specified by Cabinet Office Order to the company set forth in Article 16-2, paragraph (1), item (xii) or item (xii)-2 (limited to a company which is a subsidiary company of the bank).

9 第二条第十一項の規定は、第一項から第七項までの場合において銀行又はその子会社が取得し、又は保有する議決権について準用する。

(9) The provisions of Article 2, paragraph (11) apply mutatis mutandis to voting rights that a bank or its subsidiary company acquires or holds in a case referred to in paragraphs (1) through (7).

第三章 経理

Chapter III Accounting

(事業年度)

(Business Year)

第十七条 銀行の事業年度は、四月一日から翌年三月三十一日までとする。

Article 17 The business year of a bank is from April 1 to March 31 of the following year.

(資本準備金及び利益準備金の額)

(Amount of Capital Reserves and Retained Earnings Reserves)

第十八条 銀行は、剰余金の配当をする場合には、会社法第四百四十五条第四項（資本金の額及び準備金の額）の規定にかかわらず、内閣府令で定めるところにより、当該剰余金の配当により減少する剰余金の額に五分の一を乗じて得た額を資本準備金又は利益準備金として計上しなければならない。

Article 18 Notwithstanding the provisions of Article 445, paragraph (4)

(Amounts of Stated Capital and Amounts of Reserves) of the Companies Act, if a bank pays dividends from surplus, it must record an amount corresponding to one-fifth of the deduction from surplus as a result of the payment of those dividends of surplus, as capital reserves or retained earnings reserves, pursuant to the provisions of Cabinet Office Order.

(業務報告書等)

(Business Reports)

第十九条 銀行は、事業年度ごとに、業務及び財産の状況を記載した当該事業年度の間事業年度（当該事業年度の四月一日から九月三十日までの期間をいう。以下同じ。）に係る中間業務報告書及び当該事業年度に係る業務報告書を作成し、内閣総理大臣に提出しなければならない。

Article 19 (1) Each business year, a bank must prepare an interim business report for the interim period of the business year (meaning the period from April 1 through September 30 of the business year; the same applies hereinafter) that is a part of the relevant business year stating its business and financial condition, prepare a business report for the entire business year stating its business and financial condition, and submit these to the Prime Minister.

2 銀行が子会社等を有する場合には、当該銀行は、事業年度ごとに、前項の報告書のほか、当該銀行及び当該子会社等の業務及び財産の状況を連結して記載した当該事業年度の間事業年度に係る中間業務報告書及び当該事業年度に係る業務報告書を作成し、内閣総理大臣に提出しなければならない。

(2) If a bank has a subsidiary company, etc., each business year, in addition to the reports referred to in the preceding paragraph, the bank must prepare an interim business report for the interim period of the business year that is a part of the relevant business year, in which it states the business and financial condition of that bank and its subsidiary companies, etc. on a consolidated basis; prepare a business report for the entire business year in which it states

this on a consolidated basis; and submit these reports to the Prime Minister.

3 前二項の報告書の記載事項、提出期日その他これらの報告書に関し必要な事項は、内閣府令で定める。

(3) The information for inclusion in the reports set forth in the preceding two paragraphs, the due dates for submission, and other necessary information with regard to these reports is specified by Cabinet Office Order.

(貸借対照表等の公告等)

(Public Notice of Balance Sheets)

第二十条 銀行は、事業年度ごとに、内閣府令で定めるところにより、当該事業年度の中間事業年度に係る貸借対照表及び損益計算書（以下この条において「中間貸借対照表等」という。）並びに当該事業年度に係る貸借対照表及び損益計算書（以下この条において「貸借対照表等」という。）を作成しなければならない。

Article 20 (1) Each business year, a bank must prepare a balance sheet and a profit and loss statement for the interim period of the business year that is a part of the relevant business year (hereinafter referred to as an "interim balance sheet, etc." in this Article) and a balance sheet and a profit and loss statement for the entire business year (hereinafter referred to as a "balance sheet, etc." in this Article), pursuant to the provisions of Cabinet Office Order.

2 銀行が子会社等を有する場合には、当該銀行は、事業年度ごとに、中間貸借対照表等及び貸借対照表等のほか、内閣府令で定めるところにより、当該銀行及び当該子会社等につき連結して記載した当該事業年度の中間事業年度に係る貸借対照表及び損益計算書（以下この条において「中間連結貸借対照表等」という。）並びに当該事業年度に係る貸借対照表及び損益計算書（以下この条において「連結貸借対照表等」という。）を作成しなければならない。

(2) If a bank has a subsidiary company, etc., each business year, in addition to an interim balance sheet, etc. and a balance sheet, etc., the bank must prepare a balance sheet and a profit and loss statement for the interim period of the business year that is a part of the relevant business year in which it makes entries for the bank and its subsidiary companies, etc. on a consolidated basis (hereinafter referred to as an "interim consolidated balance sheet, etc." in this Article), and prepare a balance sheet and a profit and loss statement for the entire business year in which it makes entries for the bank and its subsidiary companies, etc. on a consolidated basis (hereinafter referred to as a "consolidated balance sheet, etc." in this Article), pursuant to the provisions of Cabinet Office Order.

3 中間貸借対照表等、貸借対照表等、中間連結貸借対照表等及び連結貸借対照表等は、電磁的記録（電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものとして内閣府令で定めるものをいう。以下同じ。）をもつて作成することができる。

(3) An interim balance sheet, etc.; a balance sheet, etc.; an interim consolidated

balance sheet, etc.; or a consolidated balance sheet, etc. may be prepared as an electronic or magnetic record (meaning a record prepared in an electronic form, magnetic form, or any other form that cannot be perceived through the human senses alone, which is specified by Cabinet Office Order as being used in computer data processing; the same applies hereinafter).

4 銀行は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間貸借対照表等及び中間連結貸借対照表等を、その事業年度経過後三月以内に貸借対照表等及び連結貸借対照表等を公告しなければならない。ただし、やむを得ない理由により当該三月以内にこれらの書類の公告をすることができない場合には、内閣総理大臣の承認を受けて、当該公告を延期することができる。

(4) Pursuant to the provisions of Cabinet Office Order, a bank must issue public notice of its interim balance sheet, etc. and its interim consolidated balance sheet, etc. within three months after the end of the relevant interim period of the business year, and of its balance sheet, etc. and its consolidated balance sheet, etc. within three months after the end of the relevant business year; provided, however, that if it is not possible for a bank to issue public notice of these documents within that three-month period due to compelling reasons, it may postpone that public notice, with the approval of the Prime Minister.

5 前項の規定にかかわらず、その公告方法（会社法第二条第三十三号（定義）に規定する公告方法をいう。以下同じ。）が第五十七条第一号に掲げる方法である銀行は、内閣府令で定めるところにより、中間貸借対照表等、貸借対照表等、中間連結対照表等及び連結貸借対照表等の要旨を公告することで足りる。この場合においては、同項ただし書の規定を準用する。

(5) Notwithstanding the provisions of the preceding paragraph, it is sufficient for a bank that uses the means of public notice (meaning a means of public notices prescribed in Article 2, item (xxxiii) (Definitions) of the Companies Act; the same applies hereinafter) set forth in Article 57, item (i), to issue a public notice that gives an overview of the interim balance sheet, etc.; the balance sheet, etc.; the interim consolidated balance sheet, etc.; and the consolidated balance sheet, etc. pursuant to the provisions of Cabinet Office Order. The proviso to the preceding paragraph applies mutatis mutandis in this case.

6 前項に規定する銀行は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間貸借対照表等及び中間連結貸借対照表等の内容である情報を、その事業年度経過後三月以内に貸借対照表等及び連結貸借対照表等の内容である情報を、五年間継続して電磁的方法（電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて内閣府令で定めるものをいう。以下同じ。）により不特定多数の者が提供を受けることができる状態に置く措置をとることができる。この場合においては、第四項の規定による公告をしたものとみなす。

(6) Pursuant to the provisions of Cabinet Office Order, a bank as provided in the preceding paragraph may employ a measure which involves using electronic or magnetic means (meaning a means of employing an electronic data processing

system or of applying any other information and communications technology that is specified by Cabinet Office Order; the same applies hereinafter) to put the information contained in the interim balance sheet, etc. and the interim consolidated balance sheet, etc. within three months after the end of the relevant interim period of the business year into a form that will make it possible for many and unspecified persons to be provided with it over a continuous period of five years; and may employ a measure which involves using electronic or magnetic means to put the information contained in the balance sheet, etc. and the consolidated balance sheet, etc. within three months after the end of the relevant business year into a form that will make it possible for many and unspecified persons to be provided with it over a continuous period of five years. In this case, the bank is deemed to have issued the public notice under paragraph (4).

7 金融商品取引法第二十四条第一項（有価証券報告書の提出）の規定により有価証券報告書を内閣総理大臣に提出しなければならない銀行については、前各項の規定は、適用しない。

(7) The provisions of the preceding paragraphs do not apply to a bank that must submit an annual securities report to the Prime Minister pursuant to the provisions of Article 24, paragraph (1) (Submission of Annual Securities Reports) of the Financial Instruments and Exchange Act.

（業務及び財産の状況に関する説明書類の縦覧等）

(Making Explanatory Documents about the Business and Financial Condition of a Bank Available for Public Inspection)

第二十一条 銀行は、事業年度ごとに、業務及び財産の状況に関する事項として内閣府令で定めるものを記載した当該事業年度の間接事業年度に係る説明書類及び当該事業年度に係る説明書類を作成し、当該銀行の営業所（無人の営業所その他の内閣府令で定める営業所を除く。次項及び第四項において同じ。）に備え置き、公衆の縦覧に供しなければならない。前条第一項の規定により作成した書類についても、同様とする。

Article 21 (1) Each business year, a bank must prepare explanatory documents for the interim period of the business year that is a part of the relevant business year, in which it states the particulars specified by Cabinet Office Order as pertinent to its business and financial condition; prepare explanatory documents for the entire business year in which it states these particulars; keep these documents at its business offices (other than unmanned business offices and other offices specified by Cabinet Office Order; the same applies in the following paragraph and paragraph (4)); and make them available for public inspection. The same applies to documents prepared pursuant to the provisions of paragraph (1) of the preceding Article.

2 銀行が子会社等を有する場合には、当該銀行は、事業年度ごとに、当該銀行及び当該子会社等の業務及び財産の状況に関する事項として内閣府令で定めるものを当該銀

行及び当該子会社等につき連結して記載した当該事業年度の間接事業年度に係る説明書類及び当該事業年度に係る説明書類を作成し、前項前段の規定により作成した書類とともに当該銀行の営業所に備え置き、公衆の縦覧に供しなければならない。前条第一項及び第二項の規定により作成した書類についても、同様とする。

(2) If a bank has a subsidiary company, etc., each business year, it must prepare explanatory documents for the interim period of the business year that is a part of the relevant business year, in which it states the particulars specified by Cabinet Office Order as pertinent to the business and financial condition of the bank and its subsidiary companies, etc., on a consolidated basis; prepare explanatory documents for the entire business year in which it states those particulars on a consolidated basis; keep these documents at its business offices together with the documents prepared pursuant to the provisions of the first sentence of the preceding paragraph; and make them available for public inspection. The same applies to documents prepared pursuant to the provisions of paragraphs (1) and (2) of the preceding Article.

3 第一項前段又は前項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類は、電磁的記録をもつて作成することができる。

(3) Explanatory documents for the interim period of the business year and those for the entire business year as prescribed in the first sentence of paragraph (1) and the first sentence of the preceding paragraph may be prepared as electronic or magnetic records.

4 第一項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類が電磁的記録をもつて作成されているときは、銀行の営業所において、当該電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類を、同項の規定により備え置き、公衆の縦覧に供したものとみなす。

(4) If the explanatory documents for the interim period of the business year and those for the entire business year which are provided for in the first sentence of paragraph (1) or the documents provided for in the second sentence of that paragraph are prepared as electronic or magnetic records, the bank may employ what is specified by Cabinet Office Order as a measure that involves using electronic or magnetic means to put the information recorded in an electronic or magnetic record into a form that makes it possible for many and unspecified persons to be provided with it, at its business offices. In this case, the bank is deemed to be keeping the explanatory documents for the interim period of the business year and those for the entire business year which are provided for in the first sentence of paragraph (1) or the documents provided for in the second sentence of that paragraph and making them available for public inspection pursuant to the provisions of that paragraph.

5 前項の規定は、第二項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類について準用する。

(5) The provisions of the preceding paragraph apply mutatis mutandis to the explanatory documents for the interim period of the business year and those for the entire business year as prescribed in the first sentence of paragraph (2) and to the documents prescribed in the second sentence of that paragraph.

6 前各項に定めるもののほか、第一項又は第二項の書類を公衆の縦覧に供する期間その他これらの規定の適用に関し必要な事項は、内閣府令で定める。

(6) Beyond what is provided for in the provisions of the preceding paragraphs, Cabinet Order prescribes the necessary particulars relevant to the application of those provisions, such as the periods of time during which the documents referred to in paragraph (1) or (2) are made available for public inspection.

7 銀行は、前各項に規定する事項のほか、預金者その他の顧客が当該銀行及びその子会社等の業務及び財産の状況を知るために参考となるべき事項の開示に努めなければならない。

(7) A bank must endeavor to disclose information that should serve as a reference in allowing depositors or other customers to learn of the business and financial condition of the bank and its subsidiary companies, etc., in addition to the information prescribed in the preceding paragraphs.

(事業報告等の記載事項等)

(Information for Inclusion in a Business Report)

第二十二條 銀行が会社法第四百三十五條第二項（計算書類等の作成及び保存）の規定により作成する事業報告及び附属明細書の記載事項又は記録事項は、内閣府令で定める。

Article 22 Information for inclusion in the business reports and annexed detailed statements which a bank prepares pursuant to Article 435, paragraph (2) (Preparation and Retention of Financial Statements, etc.) of the Companies Act, or information to be recorded in the same, is specified by Cabinet Office Order.

(株主等の帳簿閲覧権の否認)

(Inapplicability of the Right of a Shareholder, etc. to Inspect the Account Books)

第二十三條 会社法第四百三十三條（会計帳簿の閲覧等の請求）の規定は、銀行の会計帳簿及びこれに関する資料については、適用しない。

Article 23 The provisions of Article 433 (Request to Inspect Account Books) of the Companies Act do not apply to the accounting books of a bank or materials connected with these.

第四章 監督

Chapter IV Supervision

(報告又は資料の提出)

(Submission of Reports or Materials)

第二十四条 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、銀行（当該銀行を所属銀行とする銀行代理業者を含む。）に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 24 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank services, the minister may ask a bank (including a bank agent that has the relevant bank as its principal bank) to submit reports or materials connected with its business or financial condition.

2 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該銀行の子法人等（子会社その他銀行がその経営を支配している法人として内閣府令で定めるものをいう。次項、次条第二項及び第五項並びに第四十七条第二項において同じ。）又は当該銀行から業務の委託を受けた者（その者から委託（二以上の段階にわたる委託を含む。）を受けた者を含み、前項の銀行代理業者を除く。次項並びに次条第二項及び第五項において同じ。）に対し、当該銀行の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of bank services, the minister, within the scope of that necessity, may ask the subsidiary corporation, etc. of a bank (meaning a subsidiary company, or a corporation that is specified by Cabinet Office Order as one whose management is controlled by a bank; the same applies in the following paragraph, paragraphs (2) and (5) of the following Article and Article 47, paragraph (2)) or a person that a bank has entrusted with its services (including a person further entrusted by that entrusted person (including entrustment at two or more degrees of separation from the original entrustment) and excluding a bank agent as referred to in the preceding paragraph; the same applies in the following paragraph and paragraphs (2) and (5) of the following Article) to submit reports or materials that should serve as a reference in connection with the business or financial condition of the bank.

3 銀行の子法人等又は当該銀行から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) The subsidiary corporation, etc. of a bank or a person that a bank has entrusted with its services may refuse to submit the reports or materials under the preceding paragraph if it has a legitimate grounds for doing so.

(立入検査)

(On-Site Inspections)

第二十五条 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に銀行（当該銀行を所属銀行とする銀行代理業者を含む。）の営業所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 25 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank services, the minister may have the relevant officials enter the business office or other facility of a bank (including a bank agent that has the relevant bank as its principal bank); have those officials ask questions about its business or financial condition; and have them inspect its books and documents and other articles.

2 内閣総理大臣は、前項の規定による立入り、質問又は検査を行う場合において特に必要があると認めるときは、その必要の限度において、当該職員に銀行の子法人等若しくは当該銀行から業務の委託を受けた者の施設に立ち入らせ、銀行に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) If an entry into a facility, questioning, or inspection under the preceding paragraph is to take place and the Prime Minister finds it to be particularly necessary, the minister, within the scope of that necessity, may have the relevant officials enter the facility of a subsidiary corporation, etc. of the relevant bank or the facility of the person that the bank has entrusted with its services; have those officials ask questions about any particular that needs to be asked about in connection with the questioning or inspection of the bank; and have them inspect its books and documents and other articles.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In the cases referred to in the preceding two paragraphs, the relevant officials must carry identification, and must present it if a concerned person requests them to do so.

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

(4) The authority under paragraph (1) and paragraph (2) must not be construed as being granted for criminal investigation purposes.

5 前条第三項の規定は、第二項の規定による銀行の子法人等又は当該銀行から業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the questioning and inspection under paragraph (2) of the subsidiary corporation, etc. of a bank or of the person that a bank has entrusted with its services.

(業務の停止等)

(Suspension of Business)

第二十六条 内閣総理大臣は、銀行の業務若しくは財産又は銀行及びその子会社等の財産の状況に照らして、当該銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行に対し、措置を講ずべき事項及び期限を示して、当該銀行の経営の健全性を確保するための改善計画の提出を求め、若しくは提出された改善計画の変更を命じ、又はその必要の限度において、期限を付して当該銀行の業務の全部若しくは一部の停止を命じ、若しくは当該銀行の財産の供託その他監督上必要な措置を命ずることができる。

Article 26 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank services in light of the business or financial condition of a bank or the financial condition of a bank and its subsidiary companies, etc., the minister may indicate to the bank the particulars to which the bank must take measures and the deadline for taking them, ask it to submit an improvement plan for ensuring soundness in bank management, or order it to change an improvement plan that has been submitted; or, within the scope of the necessity to do so, may order the bank to suspend all or part of its business by a set deadline, order it to deposit bank assets, or otherwise issue orders with respect to measures that are necessary from a supervisory perspective.

2 前項の規定による命令（改善計画の提出を求めることを含む。）であつて、銀行又は銀行及びその子会社等の自己資本の充実の状況によつて必要があると認めるときにするものは、内閣府令・財務省令で定める銀行又は銀行及びその子会社等の自己資本の充実の状況に係る区分に応じ、それぞれ内閣府令・財務省令で定めるものでなければならない。

(2) An order under the preceding paragraph (including asking a bank to submit an improvement plan) that is issued when it is found to be necessary in light of adequacy in the equity capital of a bank or that of a bank and its subsidiary companies, etc. must be one as is specified by Cabinet Office Order or Ministry of Finance Order for the relevant category of adequacy in the equity capital of a bank or a bank and its subsidiary companies, etc., as specified by Cabinet Office Order or an Ministry of Finance Order.

（免許の取消し等）

（Revocation of Licenses）

第二十七条 内閣総理大臣は、銀行が法令、定款若しくは法令に基づく内閣総理大臣の処分に違反したとき又は公益を害する行為をしたときは、当該銀行に対し、その業務の全部若しくは一部の停止若しくは取締役、執行役、会計参与、監査役若しくは会計監査人の解任を命じ、又は第四条第一項の免許を取り消すことができる。

Article 27 If a bank violates laws and regulations, its articles of incorporation, or a disposition by the Prime Minister based on laws and regulations, or commits an act that harms the public interest, the Prime Minister may order the bank to suspend all or part of its business or to dismiss its director, executive officer,

accounting advisor, company auditor or accounting auditor, or may revoke the license referred to in Article 4, paragraph (1).

第二十八条 内閣総理大臣は、前二条の規定により、銀行に対し、その業務の全部又は一部の停止を命じた場合において、その整理の状況に照らして必要があると認めるときは、第四条第一項の免許を取り消すことができる。

Article 28 If the Prime Minister orders a bank to suspend all or part of its business pursuant to the provisions of the preceding two Articles, and finds it to be necessary in light of the circumstances of its arrangement, the minister may revoke the license referred to in Article 4, paragraph (1).

(資産の国内保有)

(Keeping Assets Within Japan)

第二十九条 内閣総理大臣は、預金者等の保護その他公益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、政令で定めるところにより、銀行に対し、その資産のうち政令で定めるものを国内において保有することを命ずることができる。

Article 29 If the Prime Minister finds it to be necessary for protecting depositors, etc. or in the public interest, the minister, within the scope of that necessity, may order a bank to keep the part of its assets specified by Cabinet Order within Japan, pursuant to the provisions of Cabinet Order.

第五章 合併、会社分割又は事業の譲渡若しくは譲受け

Chapter V Mergers, Company Splits, and Business Transfers and Acquisitions

(合併、会社分割又は事業の譲渡若しくは譲受けの認可等)

(Authorization for a Merger, Company Split, or Business Transfer or Acquisition)

第三十条 銀行を全部又は一部の当事者とする合併（当該合併後存続する会社又は当該合併により設立される会社が銀行であるものに限るものとし、金融機関の合併及び転換に関する法律第三条（合併）の規定による合併に該当するものを除く。以下この章において「合併」という。）は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 30 (1) A merger in which banks constitute all or some of the parties (limited to one in which the surviving company or the company incorporated in the merger is a bank, and excluding a merger under Article 3 (Mergers) of the Act on Mergers and Conversions in Financial Institutions; hereinafter referred to as a "merger" in this Chapter) does not become effective without the authorization of the Prime Minister.

2 銀行を当事者とする会社分割は、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(2) Except as specified by Cabinet Order, a company split to which a bank is a party does not become effective without the authorization of the Prime Minister.

3 銀行を当事者とする事業の全部又は一部の譲渡又は譲受けは、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(3) Except as specified by Cabinet Order, a business transfer or acquisition to which a bank is party and which involves all or part of a business does not become effective without the authorization of the Prime Minister.

4 銀行が信用金庫、信用協同組合又は労働金庫（これらの法人をもつて組織する連合会を含む。以下この章において「信用金庫等」という。）から事業の全部又は一部を譲り受ける場合においては、当該信用金庫等を会社とみなして、私的独占の禁止及び公正取引の確保に関する法律（昭和二十二年法律第五十四号）第十六条（事業の譲受け等の制限）及び同条に係る同法の規定を適用する。

(4) If a bank acquires all or part of the business of a shinkin bank, credit cooperative, or labor bank (including a federation consisting of those corporations; hereinafter collectively referred to as a "shinkin bank, etc." in this Chapter), the shinkin bank, etc. is deemed to be a company and the provisions of Article 16 (Restriction on Business Acquisitions, etc.) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) and other related provisions of that Act apply.

第三十一条 内閣総理大臣は、前条の認可の申請があつたときは、次に掲げる基準に適合するかどうかを審査しなければならない。

Article 31 Whenever an application is filed for the authorization referred to in the preceding Article, the Prime Minister must examine whether the following criteria are met:

一 前条の規定による合併、会社分割、事業の全部又は一部の譲渡又は譲受け（以下この条において「合併等」という。）が、当該合併等の当事者である銀行等（銀行及び長期信用銀行をいう。第五十二条の六十一を除き、以下同じ。）又は信用金庫等が業務を行つている地域（会社分割により事業の一部を承継させ、若しくは承継する場合又は事業の一部の譲渡若しくは譲受けに係る場合にあつては、当該一部の事業が行われている地域に限る。）における資金の円滑な需給及び利用者の利便に照らして、適当なものであること。

(i) a merger, company split, or the transfer or acquisition of all or part of a business under the preceding Article (hereinafter referred to as the "merger, etc." in this Article) is appropriate in consideration of the smooth supply and demand of funds and customer convenience in the region where the bank, etc. (meaning a bank or long-term credit bank; hereinafter the same applies except in Article 52-61) or shinkin bank, etc. which is party to the merger, etc. does business (if a part of the business would be have succeeded or be succeeded to in a company split or a part of a business would be transferred

or acquired, this is limited to the region in which that part of business is done);

二 合併等が金融機関相互間の適正な競争関係を阻害する等金融秩序を乱すおそれがないものであること。

(ii) it is unlikely that the merger, etc. would disrupt the order of the financial system by impeding fair competition among financial institutions or in any other way; and

三 前条の認可の申請をした銀行又は合併により設立される銀行が、合併等の後に、その業務を的確、公正かつ効率的に遂行する見込みが確実であること。

(iii) the bank filing the application for the authorization referred to in the preceding Article or the bank incorporated in the merger is fully expected to perform its services appropriately, fairly, and efficiently after the merger, etc.

(みなし免許)

(Deemed License)

第三十二条 第三十条第一項の認可を受けて合併により設立される銀行業を営む会社は、当該設立の時に、第四条第一項の内閣総理大臣の免許を受けたものとみなす。

Article 32 A company engaged in banking which is incorporated in a merger under the authorization referred to in Article 30, paragraph (1) is deemed to have been licensed by the Prime Minister as referred to in Article 4, paragraph (1) at the time of its incorporation.

(合併の場合の債権者の異議の催告)

(Notice of Objections by the Creditors in a Merger)

第三十三条 銀行が合併の決議をした場合においては、預金者等その他政令で定める債権者に対する会社法第七百八十九条第二項、第七百九十九条第二項又は第八百十条第二項（債権者の異議）の規定による催告は、することを要しない。

Article 33 If a bank passes a resolution for a merger, it is not required to give the notice under the provisions of Article 789, paragraph (2) of the Companies Act or of Article 799, paragraph (2) or Article 810, paragraph (2) (Objections by the Creditors) of that Act to Depositors, etc. or any other creditors specified by Cabinet Order.

(会社分割の場合の債権者の異議の催告)

(Notice of Objections by the Creditors If There Is a Company Split)

第三十三条の二 銀行が会社分割の決議をした場合においては、預金者等その他政令で定める債権者に対する会社法第七百八十九条第二項、第七百九十九条第二項又は第八百十条第二項（債権者の異議）の規定による催告は、することを要しない。

Article 33-2 (1) If a bank passes a resolution for a company split, the bank is not required to give the notice under the provisions of Article 789, paragraph (2) of the Companies Act, or of Article 799, paragraph (2) or Article 810, paragraph

(2) (Objections by the Creditors) of that Act to Depositors, etc. or to the creditors specified by Cabinet Order.

2 会社法第七百五十九条第二項及び第三項（株式会社に権利義務を承継させる吸収分割の効力の発生等）、第七百六十一条第二項及び第三項（持分会社に権利義務を承継させる吸収分割の効力の発生等）、第七百六十四条第二項及び第三項（株式会社を設立する新設分割の効力の発生等）並びに第七百六十六条第二項及び第三項（持分会社を設立する新設分割の効力の発生等）の規定は、前項の規定により催告をすることを要しないものとされる預金者等その他政令で定める債権者には、適用しない。

(2) The provisions of Article 759, paragraph (2) and paragraph (3) (Effectuation of an Absorption-Type Company Split Which Causes the Succession of Rights and Obligations by a Stock Company) of the Companies Act, and of Article 761, paragraph (2) and paragraph (3) (Effectuation of an Absorption-Type Company Split Which Causes the Succession of Rights and Obligations by a Membership Company); Article 764, paragraph (2) and paragraph (3) (Effectuation of an Incorporation-type Company Split by Which a Stock Company Is Established); and Article 766, paragraph (2) and paragraph (3) (Effectuation of an Incorporation-type Company Split by Which a Membership Company is Established) of that Act do not apply to depositors, etc. or to the creditors specified by Cabinet Order to which notice of an objection is not required to be given pursuant to the provisions of the preceding paragraph.

（事業の譲渡又は譲受けの場合の債権者の異議の催告等）

(Notice of Objections by the Creditors If There Is a Business Transfer or Acquisition)

第三十四条 銀行を当事者とする事業の全部の譲渡又は譲受けについて株主総会の決議（会社法第四百六十八条（事業譲渡等の承認を要しない場合）の規定により同法第四百六十七条第一項（事業譲渡等の承認等）の決議によらずに事業の全部の譲受けを行う場合には、取締役会の決議又は執行役の決定）がされたときは、当該銀行は、当該決議又は決定の日から二週間以内に、当該決議又は決定の要旨及び当該事業の全部の譲渡又は譲受けに異議のある債権者は一定の期間内に異議を述べるべき旨を官報に公告し、かつ、預金者等その他政令で定める債権者以外の知れている債権者には、各別にこれを催告しなければならない。

Article 34 (1) If a resolution at a shareholders meeting is passed for a business transfer or acquisition to which the bank is party which involves all of a business (or if a board of directors' resolution is passed or the executive officers reach a decision, rather than the resolution referred to in Article 467, paragraph (1) (Approval for the Assignment of Business) of the Companies Act being passed for the bank's acquisition of all of a business, pursuant to the provisions of Article 468 (Cases where Approval for the Assignment of Business Is Not Required) of that Act), the bank, within two weeks after the day of the resolution or decision, must issue public notice in the official gazette, giving an

overview of the resolution or the decision and indicating that a creditor that has an objection to the transfer or acquisition of all of the business must state that objection within a specified period of time, and must issue individual notices to each known creditor other than a depositor, etc. or a creditor as specified by Cabinet Order.

2 前項の期間は、一月を下つてはならない。

(2) The period referred to in the preceding paragraph must not be less than one month.

3 第一項の規定にかかわらず、銀行が、同項の規定による公告を、官報のほか、第五十七条の規定による定款の定めに従い、同条各号に掲げる公告方法によりするときは、同項の各別の催告は、することを要しない。

(3) Notwithstanding the provisions of paragraph (1), if, in addition to issuing the public notice referred to in that paragraph in the official gazette, a bank issues that public notice using a means of public notice set forth in the items of Article 57, in accordance with the provisions of the articles of incorporation under that Article, the bank is not required to issue the individual notices referred to in paragraph (1).

4 債権者が第一項の期間内に異議を述べなかつたときは、当該債権者は、当該事業の全部の譲渡又は譲受けについて承認したものとみなす。

(4) If a creditor does not state an objection within the period referred to in paragraph (1), it is deemed to accept the transfer or acquisition of all of the relevant business.

5 債権者が第一項の期間内に異議を述べたときは、当該銀行は、弁済し、又は相当の担保を提供し、若しくは当該債権者に弁済を受けさせることを目的として信託会社若しくは信託業務を営む他の金融機関に相当の財産を信託しなければならない。ただし、当該事業の全部の譲渡又は譲受けをしても当該債権者を害するおそれがないときは、この限りでない。

(5) If a creditor states an objection within the period referred to in paragraph (1), the bank must pay that creditor or provide suitable collateral, or must deposit suitable property with a trust company or other financial institution engaging in trust business, etc. for the purpose of ensuring that the creditor will receive payment; provided, however, that this does not apply if the transfer or acquisition of all of the relevant business is unlikely to harm the creditor.

第三十五条 銀行を当事者とする事業の一部の譲渡又は譲受けについて株主総会若しくは取締役会の決議又は執行役の決定がされたときは、当該銀行は、当該決議又は決定の日から二週間以内に、当該決議又は決定の要旨及び当該事業の一部の譲渡又は譲受けに異議のある債権者は一定の期間内に異議を述べるべき旨を官報に公告することができる。ただし、預金者等その他政令で定める債権者以外の知れている債権者には、各別にこれを催告しなければならない。

Article 35 (1) If a resolution at a shareholders meeting or of board of directors is

passed or the executive officers decide in favor of a business transfer or acquisition to which the bank is party and which involves part of a business, the bank, within two weeks after the day of the resolution or decision, may issue public notice in the official gazette, giving an overview of the resolution or the decision and indicating that a creditor that has an objection to the partial business transfer or acquisition must state that objection within a specified period of time; provided, however, that the bank must give such notices separately to each known creditor other than a depositor, etc. or a creditor specified by Cabinet Order.

2 前項の期間は、一月を下つてはならない。

(2) The period referred to in the preceding paragraph must not be less than one month.

3 前条第三項から第五項までの規定は、第一項の規定によりされた公告及び催告に係る債権者の異議について準用する。

(3) The provisions of paragraphs (3) through (5) of the preceding Article apply mutatis mutandis to the objection of a creditor that is subject to a public notice or notice issued pursuant to the provisions of paragraph (1).

(会社分割又は事業の譲渡の公告等)

(Public Notice of a Company Split or Business Transfer)

第三十六条 銀行は、会社分割により事業の全部若しくは一部を承継させ、又は事業の全部若しくは一部を譲渡したときは、遅滞なくその旨を公告しなければならない。

Article 36 (1) If a bank has the whole or a part of its business succeeded to in a company split or if it transfers the whole or part of its business, it must issue public notice of this without delay.

2 その公告方法が第五十七条第一号に掲げる方法である銀行が前項の規定による公告をしたときは、当該公告をした銀行の債務者に対して民法（明治二十九年法律第八十九号）第四百六十七条（指名債権の譲渡の対抗要件）の規定による確定日付のある証書による通知があつたものとみなす。この場合においては、当該公告の日付をもつて確定日付とする。

(2) If a bank issues a public notice under the preceding paragraph by the means of public notice set forth in Article 57, item (i), notice is deemed to have been issued to the creditors of the bank issuing that public notice, through an instrument bearing a fixed date under Article 467 (Defense of Obligor upon Assignment of Nominative Claim) of the Civil Code (Act No. 89 of 1896). In this case, the date of the public notice is deemed to be the fixed date.

第六章 廃業及び解散

Chapter VI Business Discontinuance and Dissolution

(廃業及び解散等の認可)

(Authorization for Business Discontinuance and Dissolution)

第三十七条 次に掲げる事項は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 37 (1) The following matters do not become effective without the authorization of the Prime Minister:

一 銀行業の廃止に係る定款の変更についての株主総会の決議

(i) a resolution at a shareholders meeting to amend the articles of incorporation with regard to the discontinuation of banking;

二 銀行を全部又は一部の当事者とする合併（第三十条第一項に規定する合併及び金融機関の合併及び転換に関する法律第三条（合併）の規定による合併に該当するものを除く。）

(ii) a merger in which banks constitute all or some of the parties (other than a merger as prescribed in Article 30, paragraph (1) or a merger that falls under a category of merger under Article 3 (Mergers) of the Act on Mergers and Conversions by Financial Institutions); or

三 銀行の解散についての株主総会の決議

(iii) a resolution at a shareholders meeting on the dissolution of the bank.

2 内閣総理大臣は、前項の認可の申請があつたときは、次に掲げる基準のいずれかに適合するかどうかを審査しなければならない。

(2) Whenever an application is filed for the authorization referred to in the preceding paragraph, the Prime Minister must examine whether any of the following criteria are met:

一 当該銀行業の廃止、合併又は解散が当該銀行の業務及び財産の状況に照らしてやむを得ないものであること。

(i) the discontinuation of banking, the merger or the dissolution is inevitable in light of the business and financial conditions of the bank; or

二 当該銀行業の廃止、合併又は解散が、当該銀行が業務を営んでいる地域における資金の円滑な需給及び利用者の利便に支障を及ぼすおそれのないものであること。

(ii) the discontinuation of banking, the merger or the dissolution is unlikely to impair the smooth supply and demand of funds and customer convenience in the region where the bank does business.

3 内閣総理大臣は、第二十六条第一項又は第二十七条の規定による業務の全部又は一部の停止の命令をした銀行から第一項の認可の申請があつた場合においては、当該銀行に対し、同項の認可をしてはならない。これらの命令をすること又は同条の規定により第四条第一項の免許を取り消すことが必要であると認める銀行から第一項の認可の申請があつた場合も、同様とする。

(3) If an application for the authorization referred to in paragraph (1) is filed by a bank that the Prime Minister has ordered to suspend all or part of its business under the provisions of Article 26, paragraph (1) or Article 27, the minister must not grant the bank the authorization referred to in paragraph (1). The same applies if an application for the authorization referred to in

paragraph (1) is filed by a bank to which the Prime Minister finds it necessary to issue that order or whose Article 4, paragraph (1) license the Prime Minister finds it necessary to revoke pursuant to the provisions of Article 27.

(廃業等の公告等)

(Public Notice of Business Discontinuance)

第三十八条 銀行は、前条第一項の認可を受けたときは、内閣府令で定めるところにより、直ちに、その旨及び当該認可を受けた事項の内容を公告するとともに、当該銀行を所属銀行とする銀行代理業者に通知し、かつ、一月を下らない期間、すべての営業所の公衆の目につきやすい場所に掲示しなければならない。

Article 38 Upon obtaining the authorization referred to in paragraph (1) of the preceding Article, a bank must immediately issue public notice of this, giving the details of the particulars with regard to which it has obtained the authorization, as well as notifying bank agents that have that bank as their principal bank of this and posting notice of the same in a place easily seen by the public at all of its business offices for a period of not less than one month, pursuant to the provisions of Cabinet Office Order.

(定款の解散事由の規定の効力)

(Validity of Provisions on Grounds for Dissolution in the Articles of Incorporation)

第三十九条 銀行は、会社法第四百七十一条第一号及び第二号（解散の事由）の規定にかかわらず、同条第一号又は第二号に掲げる事由によつては、解散しない。

Article 39 Notwithstanding the provisions of Article 471, items (i) and (ii) (Grounds for Dissolution) of the Companies Act, a bank is not dissolved based on grounds set forth in items (i) and (ii) of that Article.

(免許の取消しによる解散)

(Dissolution as a Result of the Revocation of a License)

第四十条 銀行は、第二十七条又は第二十八条の規定により第四条第一項の内閣総理大臣の免許を取り消されたときは、解散する。

Article 40 A bank is dissolved if it has its license of the Prime Minister as referred to in Article 4, paragraph (1) revoked pursuant to the provisions of Article 27 or Article 28.

(免許の失効)

(Loss of License)

第四十一条 銀行が次の各号のいずれかに該当するときは、第四条第一項の内閣総理大臣の免許は、効力を失う。

Article 41 If a bank falls under one of the following items, the license of the Prime Minister as referred to in Article 4, paragraph (1) ceases to be effective:

一 銀行業の全部を廃止したとき。

(i) it discontinues all of its banking;

二 会社分割により事業の全部を承継させ、又は事業の全部を譲渡したとき。

(ii) it has all of its business succeeded to in a company split or it transfers all of its business;

三 解散したとき（設立、株式移転、合併（当該合併により銀行を設立するものに限る。）又は新設分割を無効とする判決が確定したときを含む。）。

(iii) it is dissolved (or a judgment invalidating its incorporation, share transfer, merger (limited to a merger resulting in the incorporation of the bank), or incorporation-type company split becomes final and binding); or

四 当該免許を受けた日から六月以内に業務を開始しなかつたとき（やむを得ない理由がある場合において、あらかじめ内閣総理大臣の承認を受けたときを除く。）。

(iv) it fails to commence business within six months after the day on which it obtains its license (unless it has failed to do so due to compelling reasons, and the approval of the Prime Minister is obtained in advance).

（免許の取消し等の場合のみなし銀行）

(Deemed Banks Following the Revocation of a License)

第四十二条 銀行が第二十七条若しくは第二十八条の規定により第四条第一項の内閣総理大臣の免許を取り消された場合又は前条の規定により当該免許が効力を失った場合においては、当該銀行であつた会社は、第三十六条、第三十八条及び第四十六条第一項の規定の適用については、なお銀行とみなす。

Article 42 If a bank has become subject to a revocation of the license from the Prime Minister as referred to in Article 4, paragraph (1), pursuant to the provisions of Article 27 or Article 28, or if that license ceases to be effective pursuant to the provisions of the preceding Article, the company that was formerly that bank is deemed to continue to be a bank as concerns the application of the provisions of Article 36, Article 38, and Article 46, paragraph (1).

（他業会社への転移等）

(Conversion into a Non-Banking Company)

第四十三条 銀行が第四十一条第一号の規定に該当して第四条第一項の内閣総理大臣の免許が効力を失った場合において、当該銀行であつた会社に従前の預金又は定期積金等の債務が残存するときは、政令で定める場合を除き、内閣総理大臣は、当該会社が当該債務を完済する日又は当該免許が効力を失った日以後十年を経過する日のいずれか早い日まで、当該会社に対し、当該債務の総額を限度として財産の供託を命じ、又は預金者等の保護を図るため当該債務の処理若しくは資産の管理若しくは運用に関し必要な命令をすることができる。

Article 43 (1) If a bank falls under the provisions of Article 41, item (i) and the license of the Prime Minister referred to in Article 4, paragraph (1) ceases to be

effective, and the company that was formerly that bank has outstanding obligations such as deposits or installment savings, etc., unless it is a case as specified by Cabinet Order, the Prime Minister may order the company to deposit property up to the total amount of its obligations, or may issue the orders necessary for protecting the depositors, etc. with respect to the discharge of its obligations or the management or investment of its assets, until the day on which the company completes the payment of those obligations or until the last day in the ten-year period after that license ceases to be effective, whichever comes first.

2 前項の規定は、銀行等以外の会社が合併又は会社分割により銀行の預金又は定期積金等の債務を承継した場合について準用する。

(2) The provisions of the preceding paragraph apply *mutatis mutandis* if a company other than a bank, etc. succeeds to the outstanding obligations of a bank such as deposits or installment savings, etc., through a merger or company split.

3 第二十四条第一項並びに第二十五条第一項、第三項及び第四項の規定は、前二項の規定の適用を受ける会社について準用する。

(3) The provisions of Article 24, paragraph (1) and Article 25, paragraphs (1), (3), and (4) apply *mutatis mutandis* to a company to which the provisions of the preceding two paragraphs are applicable.

(清算人の任免等)

(Appointment and Dismissal of Liquidators)

第四十四条 銀行が第四条第一項の内閣総理大臣の免許の取消しにより解散した場合には、裁判所は、利害関係人若しくは内閣総理大臣の請求により又は職権をもつて、清算人を選任する。当該清算人の解任についても、同様とする。

Article 44 (1) If a bank dissolves due to the revocation of the license of the Prime Minister as referred to in Article 4, paragraph (1), the court appoints a liquidator at the request of an interested party or at the request of the Prime Minister, or *ex officio*. The same applies to the dismissal of that liquidator.

2 前項の場合を除くほか、裁判所は、利害関係人若しくは内閣総理大臣の請求により又は職権をもつて、清算人を解任することができる。この場合においては、裁判所は、清算人を選任することができる。

(2) In addition to the case as referred to in the preceding paragraph, the court may dismiss a liquidator at the request of an interested party or at the request of the Prime Minister, or *ex officio*. In this case, the court may appoint a new liquidator.

3 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と同様に取り扱われている者は、清算をする銀行（次項並びに次条第三項、第五項、第七項及び第八項において「清算銀行」という。）の清算人となることができない。

(3) A person subject to an order commencing bankruptcy proceedings that has not

been discharged from bankruptcy or a person that is treated in the same manner pursuant to foreign laws and regulations may not be appointed as the liquidator of a bank that goes into liquidation (referred to as "bank in liquidation" in the following paragraph and paragraph (3), paragraph (5), paragraph (7), and paragraph (8) of the following Article).

4 清算銀行の清算人に対する会社法第四百七十八条第八項（清算人の就任）において準用する同法第三百三十一条第一項第三号（取締役の資格等）の規定の適用については、同号中「この法律」とあるのは、「銀行法、この法律」とする。

(4) With regard to application of the provisions of Article 331, paragraph (1), item (iii) (Qualifications of Directors) of the Companies Act as applied mutatis mutandis pursuant to Article 478, paragraph (8) (Assumption of the Role of Liquidator) of that Act, the term "this Act" in that item is deemed to be replaced with "the Banking Act, this Act".

（清算の監督）

(Supervision of Liquidation)

第四十五条 銀行の清算は、裁判所の監督に属する。

Article 45 (1) The liquidation of a bank is subject to court supervision.

2 銀行の清算の監督は、銀行の本店の所在地を管轄する地方裁判所の管轄に属する。

(2) The supervision of a bank's liquidation falls under the jurisdiction of the district court with jurisdiction over the bank's head office location.

3 裁判所は、清算銀行の清算事務及び財産の状況を検査するとともに、当該清算銀行に対し、財産の供託を命じ、その他清算の監督に必要な命令をすることができる。この場合においては、当該検査をさせるため、特別検査人を選任することができる。

(3) The court may inspect progress in the liquidation and the financial condition of the bank in liquidation, may order the bank in liquidation to deposit property, and may issue other orders that are necessary for supervising the liquidation. In this case, the court may appoint a special inspector in order to have that inspection carried out.

4 会社法第八百七十一条本文（理由の付記）、第八百七十二条（第一号に係る部分に限る。）（即時抗告）、第八百七十五条（非訟事件手続法の規定の適用除外）及び第八百七十六条（最高裁判所規則）の規定は前項前段の規定による命令について、同法第八百七十四条（第二号に係る部分に限る。）（不服申立ての制限）、第八百七十五条及び第八百七十六条の規定は同項後段の規定による特別検査人の選任について、それぞれ準用する。

(4) The provisions of the main clause of Article 871 (Grounds for Decisions) of the Companies Act, and of Article 872 (limited to the part that involves item (i)) (Immediate Appeal), Article 875 (Exclusion from Application of the Act on Non-Contentious Cases Procedures Act), and Article 876 (Supreme Court Rules) of that Act apply mutatis mutandis to an order under the first sentence of the preceding paragraph; and the provisions of Article 874 (limited to the part that

involves item (ii) (Restriction on Appeals) of the Companies Act, and of Article 875 and Article 876 of that Act apply mutatis mutandis to the appointment of a special inspector under the second sentence of the preceding paragraph.

5 裁判所は、第三項後段の規定により特別検査人を選任した場合には、清算銀行が当該特別検査人に対して支払う報酬の額を定めることができる。

(5) If the court appoints a special inspector pursuant to the second sentence of paragraph (3), it may fix the amount of remuneration that the bank in liquidation is to pay the special inspector.

6 会社法第八百七十条第一項（第一号に係る部分に限る。）（陳述の聴取）、第八百七十二條（第四号に係る部分に限る。）（即時抗告）、第八百七十五條（非訟事件手続法の規定の適用除外）及び第八百七十六條（最高裁判所規則）の規定は、前項の報酬の額の決定について準用する。

(6) The provisions of Article 870, paragraph (1) (limited to the part that involves item (i)) (Hearing of Statements) of the Companies Act, and of Article 872 (limited to the part that involves item (iv)) (Immediate Appeal), Article 875 (Exclusion from Application of the Act on Non-Contentious Cases Procedures Act), and Article 876 (Supreme Court Rules) of that Act apply mutatis mutandis to the fixing of the amount of remuneration as referred to in the preceding paragraph.

7 清算銀行の清算人は、その就任の日から二週間以内に、次に掲げる事項を裁判所に届け出なければならない。

(7) The liquidator of a bank in liquidation must file a notification with the court in respect of the following particulars within two weeks from the day on which the liquidator assumes that position:

一 解散の事由（会社法第四百七十五條第二号又は第三号（清算の開始原因）に掲げる場合に該当することとなつた清算銀行にあつては、その旨）及びその年月日

(i) the grounds for dissolution (or, if the bank in liquidation falls under a case set forth in Article 475, item (ii) or item (iii) (Causes of Commencement of Liquidation) of the Companies Act, an indication of this) and the date of dissolution; and

二 清算人の氏名及び住所

(ii) the name and address of the liquidator.

8 清算銀行の清算人は、会社法第四百九十二條第三項（財産目録等の作成等）の規定により同項に規定する財産目録等について株主総会の承認を受けた場合には、遅滞なく、当該財産目録等（当該財産目録等が電磁的記録をもつて作成されている場合にあつては、当該電磁的記録に記録された事項を記載した書面）を裁判所に提出しなければならない。

(8) Upon obtaining the approval at the shareholders meeting pursuant to Article 492, paragraph (3) (Preparation of Inventory of Property, etc.) of the Companies Act for the inventory of property provided for in that paragraph, the liquidator of the bank in liquidation must provide the court without delay

with the inventory of property (or, with a document stating the particulars recorded in an electronic or magnetic record, if the inventory of property is prepared in the form of an electronic or magnetic record).

(清算手続等における内閣総理大臣の意見等)

(The Prime Minister's Opinion in Liquidation Proceedings)

第四十六条 裁判所は、銀行の清算手続、破産手続、再生手続、更生手続又は承認援助手続において、内閣総理大臣に対し、意見を求め、又は検査若しくは調査を依頼することができる。

Article 46 (1) In the liquidation proceedings, bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or recognition and assistance proceedings for a bank, the court may ask for the opinion of the Prime Minister, and may call upon the Prime Minister to conduct an inspection or investigation.

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

(2) In the proceedings referred to in the preceding paragraph, if the Prime Minister finds it to be necessary, the minister may state an opinion to the court.

3 第二十五条第一項、第三項及び第四項の規定は、第一項の規定により内閣総理大臣が裁判所から検査又は調査の依頼を受けた場合について準用する。

(3) The provisions of Article 25, paragraphs (1), (3), and (4) apply mutatis mutandis if the Prime Minister is called upon by the court to conduct an inspection or investigation pursuant to the provisions of paragraph (1).

第七章 外国銀行支店

Chapter VII Foreign Bank Branches

(外国銀行の免許等)

(Licenses for Foreign Banks)

第四十七条 外国銀行が日本において銀行業を営もうとするときは、当該外国銀行は、内閣府令で定めるところにより、当該外国銀行の日本における銀行業の本拠となる一の支店（以下この章において「主たる外国銀行支店」という。）を定めて、第四条第一項の内閣総理大臣の免許を受けなければならない。

Article 47 (1) A foreign bank must specify the single branch to serve as the principal base of that foreign bank's banking in Japan (hereinafter referred to as the "principal foreign bank branch" in this Chapter) and obtain the license of the Prime Minister which is referred to in Article 4, paragraph (1) pursuant to the provisions of Cabinet Office Order if it seeks to engage in banking in Japan.

2 前項の規定により外国銀行が第四条第一項の内閣総理大臣の免許を受けたときは、その主たる外国銀行支店及び当該外国銀行の日本における他の支店その他の営業所

(以下この章において「従たる外国銀行支店」という。)(以下この章において「外国銀行支店」と総称する。)を一の銀行とみなし、当該外国銀行の日本における代表者を当該一の銀行とみなされた外国銀行支店の取締役とみなして、この法律の規定を適用する。ただし、第四条の二、第五条、第六条、第七条の二第四項、第八条、第十二条の二第三項、第十三条第二項及び第四項、第十四条第二項、第二章の二、第十七条、第十八条、第十九条第二項、第二十条第二項、第二十一条第二項、第二十二条、第二十三条、第二十四条第二項及び第三項(これらの規定中子法人等に係る部分に限る。)、第二十五条第二項及び第五項(これらの規定中子法人等に係る部分に限る。)、第三十条第一項及び第二項、第三十二条から第三十三条の二まで、第三十六条(会社分割に係る部分に限る。)、第三十七条第一項第二号及び第三号、第三十九条、第四十条、第四十一条第二号(会社分割に係る部分に限る。))及び第三号、第四十三条、第四十四条、第七章の三、第五十三条第一項(第一号、第五号及び第八号を除く。)、第二項、第三項及び第六項、第五十五条第二項及び第三項、第五十六条第五号から第九号まで、第五十七条並びに第五十七条の二第二項の規定を除く。

(2) Once a foreign bank obtains the license of the Prime Minister which is referred to in Article 4, paragraph (1) pursuant to the provisions of the preceding paragraph, the principal foreign bank branch and the other branches and business offices of that foreign bank in Japan (each of these latter branches and offices in Japan is hereinafter referred to as a "Secondary foreign bank branch" in this Chapter) (hereinafter each such a branch or business office in Japan is collectively referred to as a "foreign bank branch" in this Chapter) are deemed to be a single bank, the foreign bank's representative in Japan is deemed to be the director of the foreign bank branch that has been deemed to be a single bank, and the provisions of this Act apply; provided, however, that the provisions of Article 4-2; Article 5; Article 6; Article 7-2, paragraph (4); Article 8; Article 12-2, paragraph (3); Article 13, paragraphs (2) and (4); Article 14, paragraph (2); Chapter II-2, Article 17, Article 18, Article 19, paragraph (2); Article 20, paragraph (2); Article 21, paragraph (2); Article 22; Article 23; Article 24, paragraphs (2) and (3) (limited to the parts of these provisions that involve Subsidiaries, etc.); Article 25, paragraphs (2) and (5) (limited to the parts of these provisions that involve Subsidiaries, etc.); Article 30, paragraphs (1) and (2); Articles 32 through 33-2; Article 36 (limited to the part that involves company splits); Article 37, paragraph (1), items (ii) and (iii); Article 39; Article 40; Article 41, item (ii) (limited to the part that involves company splits) and item (iii) of that Article; Article 43; Article 44; Chapter VII-3; Article 53, paragraph (1) (excluding items (i), (v), and (viii)), paragraphs (2), (3), and (6) of that Article; Article 55, paragraphs (2) and (3); Article 56, items (v) through (ix); Article 57; and Article 57-2, paragraph (2) are excluded from that application.

3 前項の場合において、第十条第二項(第八号の二に係る部分に限る。)及び次章の規定並びにこれらの規定に係る第九章及び第十章の規定の適用については、外国銀行

支店に係る外国銀行の主たる営業所及びその外国における支店その他の営業所（以下この項において「外国銀行外国営業所」と総称する。）は、一の外国銀行とみなし、当該外国銀行支店が行う当該外国銀行支店に係る外国銀行の外国銀行外国営業所とその顧客の取引の仲介（外国銀行の業務の代理又は媒介に相当するものとして内閣府令で定めるものに限る。）は、当該一の外国銀行の業務の媒介とみなし、当該取引の仲介に係る外国銀行外国営業所は、当該外国銀行支店が当該一の外国銀行の業務の媒介の委託を受ける旨の契約の相手方とみなす。

(3) In the case referred to in the preceding paragraph, to apply the provisions of Article 10, paragraph (2) (limited to the part that involves item (viii)-2) and the provisions of the following Chapter, and the provisions of Chapters IX and X in connection with these provisions, the principal business office of the foreign bank with which a foreign bank branch is affiliated, and its branches and other business offices in the relevant foreign state (hereinafter each of such branches and offices in that state is correctively referred to as a "business office in the home state") are deemed to be a single foreign bank; the foreign bank branch's intermediation as regards transactions between the business offices in the home state of the foreign bank with which the foreign bank branch is affiliated and its customer (limited to acting as the intermediary or agent specified by Cabinet Office Order as equivalent to acting as the intermediary or agent in respect of the services of a foreign bank) is deemed to intermediation as regards the services of the single foreign bank; and the business offices in the home state which are connected with the foreign bank branch's intermediation of that transactions are deemed to be the other party to a contract indicating that the foreign bank branch is entrusted with acting as intermediary in respect of the services of that single foreign bank.

4 外国銀行に対する第四条第一項の内閣総理大臣の免許に係る特例、外国銀行支店に対しこの法律の規定を適用する場合における技術的読替えその他外国銀行支店に対するこの法律の規定の適用に関し必要な事項は、政令で定める。

(4) Special provisions for a foreign bank in respect of the license of the Prime Minister which is referred to in Article 4, paragraph (1); the technical replacement of terms when the provisions of this Act are applied to a foreign bank branch; and any other necessary particulars relevant to the application of the provisions of this Act to a foreign bank branch are specified by Cabinet Order.

(外国銀行支店の資本金に対応する資産の国内保有)

(Keeping Assets Corresponding to the Stated Capital of a Foreign Bank Branch Within Japan)

第四十七条の二 外国銀行支店は、常時、政令で定めるところにより、十億円を下回らない範囲内において政令で定める額以上の資本金に対応する資産を国内において保有していなければならない。

Article 47-2 Pursuant to the provisions of Cabinet Order, a foreign bank branch must always keep assets corresponding to its stated capital within Japan in at least the amount specified by Cabinet Order within a scope of no less than one billion yen.

(従たる外国銀行支店の設置等)

(Establishment of a Secondary Foreign Bank Branch)

第四十七条の三 外国銀行支店は、従たる外国銀行支店の設置、種類の変更又は廃止をしようとするときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、内閣総理大臣の認可を受けなければならない。

Article 47-3 Except in a case as specified by Cabinet Office Order, a foreign bank branch must obtain the authorization of the Prime Minister pursuant to the provisions of Cabinet Office Order if it seeks to establish a secondary foreign bank branch, change its type, or close it.

(外国銀行支店の事業年度)

(Business Year of a Foreign Bank Branch)

第四十七条の四 外国銀行支店の事業年度は、四月一日から翌年三月三十一日までの期間又は当該外国銀行支店に係る外国銀行の事業年度の期間と同一の期間（当該期間が一年であるものであつて、当該期間の開始の日が各月の初日であるものに限る。）とする。ただし、事業年度の開始の日を変更する場合における変更前の最後の事業年度については、変更後の最初の事業年度の開始の日の前日までとする。

Article 47-4 The business year of a foreign bank branch is from April 1 to March 31 of the following year, or is the same period as that of the business year of the foreign bank with which the foreign bank branch is affiliated (limited to a business year with a period of one year and which commences on the first day of a month); provided, however, that if the first day of the business year changes, the last business year before the change runs up until the day before the first day of the first business year after the change.

(外国銀行支店の資料の提出等)

(Submission of Materials by a Foreign Bank Branch)

第四十八条 内閣総理大臣は、外国銀行支店の業務の健全かつ適切な運営を確保するため必要があると認めるときは、外国銀行支店（当該外国銀行支店を所属銀行とする銀行代理業者を含む。）に対し、外国銀行支店に係る外国銀行（当該外国銀行と政令で定める特殊の関係のある者を含む。）の業務又は財産の状況に関する報告又は資料の提出を求めることができる。

Article 48 If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of foreign bank branch services, the minister may ask a foreign bank branch (including a bank agent that has that foreign bank branch as its principal bank) to submit reports or materials in connection

with the business or financial condition of the foreign bank with which the foreign bank branch is affiliated (including a person uniquely related to that foreign bank as specified by Cabinet Order).

(外国銀行支店の届出)

(Notification by Foreign Bank Branches)

第四十九条 外国銀行支店は、当該外国銀行支店に係る外国銀行が次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 49 (1) If the foreign bank with which a foreign bank branch is affiliated falls under one of the following items, the branch must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order:

一 資本金又は出資の額を変更したとき。

(i) it changes its stated capital or amount of contribution;

二 商号又は本店の所在地を変更したとき。

(ii) it changes its trade name or the location of its head office;

三 合併をし、会社分割により事業を承継させ、若しくは承継し、又は事業の全部若しくは重要な一部の譲渡若しくは譲受け（当該外国銀行支店のみに係るものを除く。）をしたとき。

(iii) it merges, has its business succeeded to in a company split or succeeds to a business in a company split, or, transfers or acquires the whole or a material part of a business (other than a business that only involves that foreign bank branch);

四 解散（合併によるものを除く。）をし、又は銀行業の廃止をしたとき。

(iv) it is dissolved (other than a dissolution resulting from a merger) or discontinues banking;

五 銀行業に係る免許（当該免許に類する許可、登録その他の行政処分を含む。）を取り消されたとき。

(v) its banking license (including any permission, registration, or other administrative disposition similar to the license) is revoked;

六 破産手続開始の決定があつたとき。

(vi) it becomes subject to an order commencing bankruptcy proceedings; or

七 その他内閣府令で定める場合に該当するとき。

(vii) it falls under a case specified by Cabinet Office Order.

2 外国銀行支店は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

(2) If a foreign bank branch falls under one of the following items, it must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order:

一 主たる外国銀行支店又は従たる外国銀行支店の位置の変更をしようとするとき

(内閣府令で定める場合を除く。)

(i) it seeks to change the location of the principal foreign bank branch or a secondary foreign bank branch (other than in a case specified by Cabinet Office Order);

二 従たる外国銀行支店（支店でない営業所を除く。以下この号において同じ。）を主たる外国銀行支店とし、主たる外国銀行支店を従たる外国銀行支店としようとするとき。

(ii) it seeks to change a secondary foreign bank branch (other than a business office that is not a branch; hereinafter the same applies in this item) into the principal foreign bank branch and change the principal foreign bank branch into a secondary foreign bank branch;

三 外国銀行支店の事業年度の変更をしようとするとき。

(iii) it seeks to change the business year of a foreign bank branch; or

四 その他内閣府令で定める場合に該当するとき。

(iv) it falls under a case specified by Cabinet Office Order.

(外国銀行支店の公告方法)

(Means of Public Notice by a Foreign Bank Branch)

第四十九条の二 外国銀行支店は、公告方法として、次に掲げる方法のいずれかを定めなければならない。

Article 49-2 (1) A foreign bank branch must establish one of the following means as its means of public notice:

一 時事に関する事項を掲載する日刊新聞紙に掲載する方法

(i) publication in a daily newspaper that publishes information about current events; or

二 電子公告（会社法第二条第三十四号（定義）に規定する電子公告をいう。以下同じ。）

(ii) electronic public notice (meaning electronic public notice as prescribed in Article 2, item (xxxiv) (Definitions) of the Companies Act; the same applies hereinafter).

2 会社法第九百四十条第三項（電子公告の公告期間等）、第九百四十一条（電子公告調査）、第九百四十六条（調査の義務等）、第九百四十七条（電子公告調査を行うことができない場合）、第九百五十一条第二項（財務諸表等の備置き及び閲覧等）、第九百五十三条（改善命令）及び第九百五十五条（調査記録簿等の記載等）の規定は、外国銀行支店が電子公告によりこの法律又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合について準用する。この場合において、同法第九百四十条第三項中「前二項」とあるのは「銀行法第四十七条第二項の規定により外国銀行支店を一の銀行とみなして適用する同法第五十七条の二第一項」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 940, paragraph (3) (Public Notice Period, etc. of Electronic Public Notice) of the Companies Act, and of Article 941 (Electronic

Public Notice Investigation), Article 946 (Obligation, etc. of Investigation), Article 947 (Cases Where Investigation of electronic public notice Is Unable to Be Carried Out), Article 951, paragraph (2) (Keeping and Inspection, etc. of Financial Statements, etc.), Article 953 (Order for Improvement), and Article 955 (Statements, etc. in an Investigation Record Books, etc.) of that Act apply mutatis mutandis when a foreign bank branch issues a public notice under the provisions of this Act or any other laws (other than a public notice under the provisions of the Companies Act) by way of an electronic public notice. In this case, the term "preceding two paragraphs" in Article 940, paragraph (3) of that Act is deemed to be replaced with "Article 57-2, paragraph (1) of the Banking Act as applied by deeming the foreign bank branch to be a single bank pursuant to the provisions of Article 47, paragraph (2) of that Act", and any other necessary technical replacement of terms is specified by Cabinet Order.

(外国銀行に対する免許の失効)

(Loss of License for a Foreign Bank)

第五十条 第四十九条第一項第三号から第六号までのいずれかに該当して同項の規定による届出（同項第三号に係る届出にあつては当該合併後当該外国銀行支店に係る外国銀行が消滅することとなる合併、当該外国銀行支店に係る事業の全部を承継させることとなる会社分割及び事業の全部の譲渡に係る届出に限るものとし、同項第四号に係る届出にあつては銀行業の一部の廃止に係る届出を除く。）があつたときは、当該届出をした外国銀行支店に係る外国銀行に対する第四条第一項の内閣総理大臣の免許は、効力を失う。

Article 50 If a foreign bank branch files a notification under Article 49, paragraph (1) due to its falling under one of the categories in Article 49, paragraph (1), item (iii) through (vi) (with regard to a notification under item (iii) of that paragraph, this is limited to a notification pertaining to a merger resulting in the disappearance of the foreign bank with which the foreign bank branch is affiliated, a company split resulting in all of the business of the foreign bank branch being succeeded to, or the transfer of all business, and with regard to a notification under item (iv) of that paragraph, this excludes a notification pertaining to a partial discontinuance of banking), the license of the Prime Minister which is referred to in Article 4, paragraph (1) for the foreign bank with which the foreign bank branch that files the notification is affiliated ceases to be effective.

(外国銀行支店の清算)

(Liquidation of a Foreign Bank Branch)

第五十一条 外国銀行支店は、次の各号のいずれかに該当するときは、日本にある財産の全部について清算をしなければならない。

Article 51 (1) If a foreign bank branch falls under one of the following items, it

must liquidate all of its property in Japan:

一 第二十七条又は第二十八条の規定により当該外国銀行支店に係る外国銀行に対する第四条第一項の内閣総理大臣の免許を取り消されたとき。

(i) the license of the Prime Minister which is referred to in Article 4, paragraph (1) for the foreign bank with which the foreign bank branch is affiliated is revoked pursuant to the provisions of Article 27 or Article 28; or

二 第四十一条第一号又は前条の規定により当該外国銀行支店に係る外国銀行に対する第四条第一項の内閣総理大臣の免許が効力を失ったとき。

(ii) the license of the Prime Minister which is referred to in Article 4, paragraph (1) for the foreign bank with which the foreign bank branch is affiliated ceases to be effective pursuant to the provisions of Article 41, item (i) or the preceding Article.

2 前項の規定により外国銀行支店が清算をする場合には、裁判所は、利害関係人若しくは内閣総理大臣の請求により又は職権をもつて、清算人を選任する。当該清算人の解任についても、同様とする。

(2) If a foreign bank branch is liquidated pursuant to the provisions of the preceding paragraph, the court appoints a liquidator at the request of an interested party, at the request of the Prime Minister, or ex-officio. The same applies to the dismissal of that liquidator.

3 会社法第四百七十六条（清算株式会社の能力）、第二編第九章第一節第二款（清算株式会社の機関）、第四百九十二条（財産目録等の作成等）、同節第四款（債務の弁済等）、第五百八条（帳簿資料の保存）、同章第二節（第五百十条、第五百十一条及び第五百十四条を除く。）（特別清算）、第七編第三章第一節（総則）及び第三節（特別清算の手続に関する特則）並びに第九百三十八条第一項から第五項まで（特別清算に関する裁判による登記の嘱託）の規定は、その性質上許されないものを除き、第一項の規定による日本にある外国銀行支店の財産についての清算について準用する。

(3) The provisions of Article 476 (Capacity of Liquidating Stock Companies); Part II, Chapter IX, Section 1, Subsection 2 (Structures for Liquidating Stock Companies); Article 492 (Preparation of Inventory of Property); Subsection 4 of that Section (Performance of Obligations); Article 508 (Retention of Accounting Materials); Section 2 of that Chapter (excluding Article 510, Article 511, and Article 514) (Special Liquidations); Part VII, Chapter III, Section 1 (General Provisions) and Section 3 (Special Provisions on the Procedures of Special Liquidation); and Article 938, paragraph (1) through (5) (Commissioning of Registration by a Juridical Decision Concerning Special Liquidation) of the Companies Act apply mutatis mutandis to the liquidation of a foreign bank branch's property in Japan as prescribed in paragraph (1), other than property to which these cannot be applied due to its nature.

4 第四条第一項の免許を受けた外国銀行については、会社法第八百二十条（日本に住所を有する日本における代表者の退任）の規定は、適用しない。

(4) The provisions of Article 820 (Resignation of Representative Person in Japan

Whose Domicile Is in Japan) of the Companies Act do not apply to a foreign bank that has obtained the license referred to in Article 4, paragraph (1).

5 外国銀行支店に対する会社法第八百二十二条第一項（日本にある外国会社の財産についての清算）の規定の適用については、同項中「利害関係人」とあるのは、「利害関係人若しくは内閣総理大臣」とする。

(5) With regard to application of the provisions of Article 822, paragraph (1) (Liquidation of a Foreign Company's Property in Japan) of the Companies Act to a foreign bank branch, the term "interested persons" in that paragraph is deemed to be replaced with "an interested party or the Prime Minister".

(外国銀行の駐在員事務所の設置の届出等)

(Notification of the Establishment of the Representative Office of a Foreign Bank)

第五十二条 外国銀行（外国銀行が外国銀行支店を設けている場合は、当該外国銀行支店。以下この条において同じ。）は、次に掲げる業務を行うため、日本において駐在員事務所その他の施設を設置しようとする場合（他の目的により設置している事務所その他の施設において当該業務を行おうとする場合を含む。）には、あらかじめ、当該業務の内容、当該業務を行う施設の所在地その他内閣府令で定める事項を内閣総理大臣に届け出なければならない。

Article 52 (1) Before seeking to establish a representative office or other facility in Japan in order to perform one of the following businesses (and also before seeking to perform those businesses at an office or other facility already established for another purpose), a foreign bank (or, if the foreign bank has established a foreign bank branch, that foreign bank branch; hereinafter the same applies in this Article) must file a notification with the Prime Minister with respect to the contents of those businesses, the location of the facility where it will perform those businesses, and other particulars specified by Cabinet Office Order:

一 銀行の業務に関する情報の収集又は提供

(i) the collection or provision of information concerning bank services; or

二 その他銀行の業務に関連を有する業務

(ii) other business associated with bank services.

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

(2) If the Prime Minister finds it to be necessary in the public interest, the minister may ask a foreign bank to submit reports or materials concerning the business set forth in the items of the preceding paragraph to be performed at a facility referred to in that paragraph.

3 外国銀行は、その設置した第一項の施設を廃止したとき、当該施設において行う同項各号に掲げる業務を廃止したときその他同項の規定により届け出た事項を変更したときは、遅滞なくその旨を内閣総理大臣に届け出なければならない。

- (3) If a foreign bank closes a facility referred to in paragraph (1) which it has established, if it discontinues a business set forth in the items of that paragraph which is performed at such a facility, or if it changes any other particular with regard to which it has filed a notification pursuant to the provisions of that paragraph, the foreign bank must file a notification with the Prime Minister indicating this, without delay.

第七章の二 外国銀行代理業務に関する特則

Chapter VII-2 Special Provisions for Foreign Bank Agency Services

(外国銀行代理業務に係る認可等)

(Authorization for Foreign Bank Agency Services)

第五十二条の二 銀行は、第十条第二項第八号の二に掲げる業務（次条第二号から第四号までを除き、以下「外国銀行代理業務」という。）を営もうとするときは、当該外国銀行代理業務の委託を受ける旨の契約の相手方である外国銀行（次条第二号から第四号までを除き、以下「所属外国銀行」という。）ごとに、内閣府令で定めるところにより、あらかじめ、内閣総理大臣の認可を受けなければならない。

Article 52-2 (1) Before seeking to perform services as set forth in Article 10, paragraph (2), item (viii)-2 (hereinafter referred to "foreign bank agency services", except in items (ii) through (iv) of the following Article), a bank must obtain the authorization of the Prime Minister pursuant to the provisions of Cabinet Office Order, for each foreign bank that is the other party to a contract indicating that the bank is being entrusted with foreign bank agency services (hereinafter referred to a "principal foreign bank", except in items (ii) through (iv) of the following Article).

2 前項の規定にかかわらず、銀行は、外国銀行グループ（外国銀行及びその子会社である外国銀行その他の内閣府令で定める者の集団をいう。）ごとに、認可を受けて当該外国銀行グループに属する外国銀行を所属外国銀行とする外国銀行代理業務を営むことができる。

(2) Notwithstanding the provisions of the preceding paragraph, if so authorized, a bank may perform foreign bank agency services for each foreign bank group (meaning a group consisting of a foreign bank and the foreign bank's subsidiary companies that are foreign banks or of any other persons specified by Cabinet Office Order) that has a principal foreign bank among the foreign banks that belong to that foreign bank group.

3 第一項の規定は、銀行が当該銀行の子会社である外国銀行その他の内閣府令で定める外国銀行を所属外国銀行として外国銀行代理業務を営もうとするときは、適用しない。この場合において、当該銀行は、当該外国銀行代理業務に係る所属外国銀行ごとに、内閣府令で定めるところにより、あらかじめ、内閣総理大臣に届け出なければならない。

(3) The provisions of paragraph (1) do not apply if a bank seeks to perform

foreign bank agency services on behalf of a principal foreign bank and that foreign bank is its subsidiary company or any other foreign bank specified by Cabinet Office Order. In this case, the bank must first file a notification with the Prime Minister, pursuant to the provisions of Cabinet Office Order, for each principal foreign bank that is concerned in the relevant foreign bank agency services.

(外国銀行の免許に関する特例)

(Special Provisions on the License of a Foreign Bank)

第五十二条の二の二 次の各号に掲げる場合には、当該各号に定める業務（第十条第一項第一号又は第三号に掲げる業務に限る。）については、第四条第一項及び第四十七条第一項の規定は、適用しない。

Article 52-2-2 In a case set forth in one of the following items, the provisions of Article 4, paragraph (1) and Article 47, paragraph (1) do not apply to the services specified in the relevant item (but only if these constitute services as set forth in Article 10, paragraph (1), item (i) or item (iii)):

一 銀行が、前条第一項若しくは第二項の認可を受け、又は同条第三項の規定による届出をして外国銀行代理業務を営んでいる場合 当該外国銀行代理業務に係る所属外国銀行の当該外国銀行代理業務に係る業務

(i) a bank performs foreign bank agency services with the authorization referred to in paragraph (1) or paragraph (2) of the preceding Article or after filing a notification under the provisions of paragraph (3) of that Article: services in connection with those foreign bank agency services, by the principal foreign bank that is linked to those foreign bank agency services;

二 長期信用銀行が、長期信用銀行法第六条の三第一項若しくは第二項（外国銀行代理業務に係る認可等）の認可を受け、又は同条第三項の規定による届出をして外国銀行代理業務（同条第一項に規定する外国銀行代理業務をいう。）を営んでいる場合 当該外国銀行代理業務に係る所属外国銀行（同条第一項に規定する所属外国銀行をいう。）の当該外国銀行代理業務に係る業務

(ii) a long-term credit bank performs foreign bank agency services (meaning foreign bank agency services as provided in Article 6-3, paragraph (1) of the Long-Term Credit Bank Act) with the authorization referred to in Article 6-3, paragraph (1) or paragraph (2) (Authorization for foreign bank agency services) of that Act or after filing a notification under the provisions of paragraph (3) of that Article: services in connection with those foreign bank agency services, by the principal foreign bank (meaning a principal foreign bank as provided in paragraph (1) of that Article) that is linked to those foreign bank agency services;

三 信用金庫連合会が、信用金庫法第五十四条の二第二項（外国銀行代理業務に係る認可等）の規定による届出をして外国銀行代理業務（同項に規定する外国銀行代理業務をいう。）を営んでいる場合 当該外国銀行代理業務に係る所属外国銀行（同

- 条第一項に規定する所属外国銀行をいう。) の当該外国銀行代理業務に係る業務
- (iii) a federation of shinkin banks performs foreign bank agency services (meaning foreign bank agency services as provided in Article 54-2, paragraph (2) (Authorization for Foreign Bank Agency Services) of the Shinkin Bank Act) after giving the notification under that paragraph of that Act: services in connection with those foreign bank agency services, by the principal foreign bank (meaning a principal foreign bank as provided in paragraph (1) of that Article) that is linked to those foreign bank agency services; and
- 四 農林中央金庫が、農林中央金庫法第五十九条の四第二項（外国銀行代理業務に係る認可等）の規定による届出をして外国銀行代理業務（同条第一項に規定する外国銀行代理業務をいう。）を営んでいる場合 当該外国銀行代理業務に係る所属外国銀行（同条第一項に規定する所属外国銀行をいう。）の当該外国銀行代理業務に係る業務
- (iv) a Norinchukin bank performs foreign bank agency services (meaning the foreign bank agency services as provided in Article 59-4, paragraph (1) (Authorization for Foreign Bank Agency Services) of the Norinchukin Bank Act) after giving the notification under Article 59-4, paragraph (2) of that Act: services in connection with the foreign bank agency services, by the principal foreign bank (meaning the principal foreign bank as provided in paragraph (1) of that Article) that is linked to those foreign bank agency services.

（出資の受入れ、預り金及び金利等の取締りに関する法律の特例）

(Special Provisions on the Act Regulating the Receipt of Contributions, the Receipt of Deposits, and Interest Rates)

第五十二条の二の三 銀行が、第五十二条の二第一項若しくは第二項の認可を受け、又は同条第三項の規定による届出をして外国銀行代理業務を営んでいる場合には、当該外国銀行代理業務に係る所属外国銀行が業としてする預り金（出資の受入れ、預り金及び金利等の取締りに関する法律（昭和二十九年法律第百九十五号）第二条第二項（預り金の禁止）に規定する預り金をいう。）であつて当該外国銀行代理業務に係るものについては、同法第二条第一項の規定は、適用しない。

Article 52-2-3 If a bank performs foreign bank agency services with the authorization referred to in Article 52-2, paragraph (1) or paragraph (2) or after filing a notification under paragraph (3) of that Article, the provisions of Article 2, paragraph (1) (Prohibition on Deposits) of the Act Regulating the Receipt of Contributions, the Receipt of Deposits, and Interest Rates (Act No. 195 of 1954) do not apply to a deposit (meaning a deposit as prescribed in Article 2, paragraph (2) of that Act) that is connected with those foreign bank agency services, and that is made in the course of trade by the principal foreign bank that is linked to those foreign bank agency services.

(貸金業法の特例)

(Special Provisions on the Money Lending Business Act)

第五十二条の二の四 銀行が、第五十二条の二第一項若しくは第二項の認可を受け、又は同条第三項の規定による届出をして外国銀行代理業務を営んでいる場合には、当該外国銀行代理業務に係る所属外国銀行が業として行う貸付け（貸金業法（昭和五十八年法律第三十二号）第二条第一項（定義）に規定する貸付けをいう。）であつて当該外国銀行代理業務に係るものについては、同法第二条第一項に規定する貸金業に該当しないものとみなす。

Article 52-2-4 If a bank performs foreign bank agency services with the authorization referred to in Article 52-2, paragraph (1) or paragraph (2) or after filing a notification under the provisions of paragraph (3) of that Article, a loan (meaning a loan as prescribed in Article 2, paragraph (1) (Definitions) of the Money Lending Business Act (Act No. 32 of 1983)) that is connected with those foreign bank agency services, and that is made in the course of trade by the principal foreign bank that is linked to those foreign bank agency services is deemed not to fall under the category of money lending business as prescribed in Article 2, paragraph (1) of that Act.

(外国銀行代理銀行についての金融商品取引法の準用)

(Application, Mutatis Mutandis, of the Financial Instruments and Exchange Act to a Foreign Bank's Agent Bank)

第五十二条の二の五 金融商品取引法第三章第一節第五款（第三十四条の二第六項から第八項まで（特定投資家が特定投資家以外の顧客とみなされる場合）並びに第三十四条の三第五項及び第六項（特定投資家以外の顧客である法人が特定投資家とみなされる場合）を除く。）（特定投資家）、同章第二節第一款（第三十五条から第三十六条の四まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲、第二種金融商品取引業又は投資助言・代理業のみを行う者の兼業の範囲、業務管理体制の整備、顧客に対する誠実義務、標識の掲示、名義貸しの禁止、社債の管理の禁止等）、第三十七条第一項第二号（広告等の規制）、第三十七条の二（取引態様の事前明示義務）、第三十七条の三第一項第二号及び第六号並びに第三項（契約締結前の書面の交付）、第三十七条の五から第三十七条の七まで（保証金の受領に係る書面の交付、書面による解除、指定紛争解決機関との契約締結義務等）、第三十八条第一号、第二号、第七号及び第八号並びに第三十八条の二（禁止行為）、第三十九条第三項ただし書、第四項、第六項及び第七項（損失補填等の禁止）並びに第四十条の二から第四十条の七まで（最良執行方針等、分別管理が確保されていない場合の売買等の禁止、金銭の流用が行われている場合の募集等の禁止、特定投資家向け有価証券の売買等の制限、特定投資家向け有価証券に関する告知義務、のみ行為の禁止、店頭デリバティブ取引に関する電子情報処理組織の使用義務等）を除く。）（通則）及び第四十五条（第三号及び第四号を除く。）（雑則）の規定は、外国銀行代理銀行（第五十二条の二第一項若しくは第二項の認可を受け、又は同条第三項の規定による届出をして外国銀行代理業務を営んでいる銀行をいう。以下同じ。）が行う外国銀行代理業務に係る特定預金等

契約の締結の代理又は媒介について準用する。この場合において、これらの規定中「金融商品取引契約」とあるのは「特定預金等契約」と、「金融商品取引業」とあるのは「特定預金等契約の締結の代理又は媒介の業務」と、「締結の勧誘又は締結」とあるのは「締結の勧誘又は締結の代理若しくは媒介」と、これらの規定（同法第三十四条の規定を除く。）中「金融商品取引行為」とあるのは「特定預金等契約の締結」と、同法第三十四条中「顧客を相手方とし、又は顧客のために金融商品取引行為（第二条第八項各号に掲げる行為をいう。以下同じ。）を行うことを内容とする契約」とあるのは「銀行法第十三条の四に規定する特定預金等契約」と、「を過去に当該特定投資家との間で締結」とあるのは「の締結の代理又は媒介を過去に当該特定投資家との間で」と、「を締結する」とあるのは「の締結の代理又は媒介をする」と、同法第三十四条の二第五項第二号中「締結する」とあるのは「締結の代理又は媒介をする」と、同法第三十四条の三第二項第四号イ中「と対象契約」とあるのは「による代理若しくは媒介により対象契約」と、同条第四項第二号中「締結する」とあるのは「締結の代理又は媒介をする」と、同法第三十七条の三第一項中「を締結しようとするとき」とあるのは「の締結の代理又は媒介を行うとき」と、「交付しなければならない」とあるのは「交付するほか、預金者等（銀行法第二条第五項に規定する預金者等をいう。以下この項において同じ。）の保護に資するため、内閣府令で定めるところにより、当該特定預金等契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない」と、同項第一号中「金融商品取引業者等」とあるのは「外国銀行代理銀行（銀行法第五十二条の二の五に規定する外国銀行代理銀行をいう。）の所属外国銀行（同法第五十二条の二第一項に規定する所属外国銀行をいう。）」と、同法第三十九条第一項第一号中「有価証券の売買その他の取引（買戻価格があらかじめ定められている買戻条件付売買その他の政令で定める取引を除く。）又はデリバティブ取引（以下この条において「有価証券売買取引等」という。））」とあるのは「特定預金等契約の締結」と、「有価証券又はデリバティブ取引（以下この条において「有価証券等」という。））」とあるのは「特定預金等契約」と、「顧客（信託会社等（信託会社又は金融機関の信託業務の兼営等に関する法律第一条第一項の認可を受けた金融機関をいう。以下同じ。））が、信託契約に基づいて信託をする者の計算において、有価証券の売買又はデリバティブ取引を行う場合にあつては、当該信託をする者を含む。以下この条において同じ。））」とあるのは「顧客」と、「補足するため」とあるのは「補足するため、当該特定預金等契約によらないで」と、同項第二号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、「追加するため」とあるのは「追加するため、当該特定預金等契約によらないで」と、同項第三号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、「追加するため、」とあるのは「追加するため、当該特定預金等契約によらないで」と、同条第二項中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、同条第三項中「原因となるものとして内閣府令で定めるもの」とあるのは「原因となるもの」と、同法第四十五条第二号中「第三十七条の二から第三十七条の六まで、第四十条の二第四項及び第四十三条の四」とあるのは「第三十七条の三（第一項の書面の交付に係る部分に限り、同項第二号及び第六号並びに第三項を除く。）及び第三十七条の四」と、

「締結した」とあるのは「締結の代理若しくは媒介をした」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 52-2-5 The provisions of Chapter III, Section 1, Subsection 5 (excluding Article 34-2, paragraphs (6) through (8) (Cases In Which a Professional Investor Is Deemed to Be a Customer Other Than a Professional Investor) and Article 34-3, paragraph (5) and paragraph (6) (When a Corporation is a Customer Other Than a Professional Investor and That Corporation Is Deemed to Be a Professional Investor)) of the Financial Instruments and Exchange Act (Professional Investors) and of Section 2, Subsection 1 of that Chapter (excluding Articles 35 through 36-4 (Scope of Services for Persons Engaged in Type I Financial Instruments Business or Investment Management Business; Scope of Concurrent Business by Persons Only Engaged in Type II Financial Instruments Business or Investment Advisory and Agency Business; Establishment of an Operational Control System; Duty of Good Faith to Customers; Posting of Signs; Prohibition on Name Lending; Prohibition on Corporate Bond Management); Article 37, paragraph (1), item (ii) (Regulation of Advertising); Article 37-2 (Obligation to Clarify the Conditions of Transactions in Advance); Article 37-3, paragraph (1), item (ii) and item (vi) and paragraph (3) (Delivery of Documents Prior to the Conclusion of a Contract); Articles 37-5 through 37-7 (Delivery of Documents in Connection with the Receipt of a Security Deposit; Written Cancellation; Obligation to Conclude a Contract with a Designated Dispute Resolution Organization); Article 38, item (i), item (ii), item (vii) and item (viii), and Article 38-2 (Prohibited Acts); the proviso to Article 39, paragraph (3), and paragraph (4), paragraph (6) and paragraph (7) of that Article (Prohibition on Compensation of Loss); and Articles 40-2 through 40-7 (Best Execution Policy; Prohibition of Purchase and Sale, etc. If Separate Management Is Not Ensured; Prohibition of Public Offering, etc. Where Money Has Been Diverted; Restrictions on the Purchase and Sale, etc. of Securities for Professional Investors; Obligation to Notify in Connection with Securities for Professional Investors; Prohibition of Trading Against; Obligation to Use Electronic Data Processing System for Over-the-Counter Transactions of Derivatives)) (General Rules); and Article 45 (excluding item (iii) and item (iv)) (Miscellaneous Provisions) of that Act apply mutatis mutandis to actions as an agent or intermediary in a person's entry into a specified deposit, etc. contract in connection with foreign bank agency services that a foreign bank's agent bank (meaning a bank which performs foreign bank agency services with the authorization referred to in Article 52-2, paragraph (1) or paragraph (2) or after filing a notification under paragraph (3) of that Article; the same applies hereinafter) performs. In this case, in these provisions, the term "financial instruments transaction Contract" is deemed to be replaced with "specified deposit, etc. contract"; the term "financial

instruments business" is deemed to be replaced with "actions as an agent or intermediary in a person's entry into a specified deposit, etc. contract"; the terms "concludes" and "concluding" are deemed to be replaced with "performs actions as the agent or intermediary in a person's entry into" and "performing actions as the agent or intermediary in a person's entry into"; the term "act that constitutes a Financial Instruments transaction" in these provisions (excluding Article 34 of that Act) is deemed to be replaced with "entry into a specified deposit, etc. contract"; in Article 34 of that Act, the term "contract for the financial instruments business operator, etc. to perform an act that constitutes a financial instruments transaction (meaning an act as set forth in the items of Article 2, paragraph (8); the same applies hereinafter) with the customer as the other party or on behalf of the customer" is deemed to be replaced with "specified deposit, etc. contract prescribed in Article 13-4 of the Banking Act", the term "and has never in the past concluded a financial instruments transaction contract with that professional Investor" is deemed to be replaced with "and has never in the past acted as agent or intermediary in a person's entry into a specified deposit, etc. contract with that professional investor", and the term "before concluding" is deemed to be replaced with "before acting as agent or intermediary in a person's entry into"; in Article 34-2, paragraph (5), item (ii) of that Act, the term "concludes" is deemed to be replaced with "acts as agent or intermediary in a person's entry into"; the term "subject contract with" in Article 34-3, paragraph (2), item (iv), (a) of that Act is deemed to be replaced with "a subject contract through the agency or intermediation of"; the term "concludes" in Article 34-3, paragraph (4), item (ii) is deemed to be replaced with "provides agency or intermediation in a person's entry into"; in Article 37-3, paragraph (1) of that Act, the term "seeks to conclude" is deemed to be replaced with "acts as agent or intermediary in a person's entry into" and the term "it must deliver a document stating the following particulars to the customer in advance" is deemed to be replaced with "in addition to delivering a document stating the following particulars to the customer in advance, it must provide information about the contents of specified deposit, etc. contracts and other information that is to serve as a reference to the depositors, etc., pursuant to the provisions of Cabinet Office Order, in order to contribute to the protection of depositors, etc. (meaning the depositors, etc. as defined in Article 2, paragraph (5) of the Banking Act; hereinafter the same applies in this paragraph)"; in Article 37-3, paragraph (1), item (i) of that Act, the term "the financial instruments business operator, etc." is deemed to be replaced with "the principal foreign bank (meaning a principal foreign bank as defined in Article 52-2, paragraph (1) of the Banking Act) with which the foreign bank's agent bank (meaning the foreign bank's agent bank defined in Article 52-2-5 of that Act) is affiliated"; in Article 39, paragraph (1),

item (i) of that Act, the term "a purchase and sale or other transaction of securities (excluding a purchase and sale with a repurchase requirement and a predetermined repurchase price, and other transactions specified by Cabinet Order) or a derivatives transaction (hereinafter collectively referred to as a "purchase and sale or other transaction of securities, etc." in this Article)" is deemed to be replaced with "the entry into a specified deposit, etc. contract", the term "securities or derivatives transaction (hereinafter collectively referred to as 'Securities, etc.' in this Article)" is deemed to be replaced with "specified deposit, etc. contract", the term "customer (if a trust company, etc. (meaning a trust company or a financial institution that has obtained the authorization referred to in Article 1, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions; the same applies hereinafter) conducts the purchase and sale of securities or a derivatives transaction on the account of a person that establishes a trust based on a trust contract, this includes the person that establishes the trust; hereinafter the same applies in this Article)" is deemed to be replaced with "customer", and the term "to supplement its profits" is deemed to be replaced with "to supplement its profits, other than as under the specified deposit, etc. contract"; in Article 39, paragraph (1), item (ii) of that Act, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a specified deposit, etc. contract", the term "securities, etc." is deemed to be replaced with "specified deposit, etc. contract" and the term "in order to add to the profit that the customer has accrued in connection with those securities, etc." is deemed to be replaced with "in order to add to the profit that the customer has accrued in connection with those securities, etc., other than as under the specified deposit, etc. contract"; in item (iii) of that paragraph, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a specified deposit, etc. contract", the term "securities, etc." is deemed to be replaced with "specified deposit, etc. contract" and the term "in order to add to the profit that the customer has accrued in connection with those securities, etc." is deemed to be replaced with "in order to add to the profit that the customer has accrued in connection with those securities, etc., other than as under the specified deposit, etc. contract"; in paragraph (2) of that Article, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a specified deposit, etc. contract"; in paragraph (2) of that Article, the term "which is specified by Cabinet Office Order as a potential cause of" is deemed to be replaced with "which is a potential cause of"; in Article 45, item (ii) of that Act, the term "Articles 37-2 through 37-6; Article 40-2, paragraph (4); and Article 43-4" is deemed to be replaced with "Article 37-3 (limited to the part that involves the delivery of documents under paragraph (1); the provisions of

paragraph (1), item (ii) and item (vi); and paragraph (3) are excluded) and Article 37-4" and the term "concluded" is deemed to be replaced with "acted as agent or intermediary in a person's entry into"; and any other necessary technical replacement of terms is specified by Cabinet Order.

(所属外国銀行に係る説明書類等の縦覧)

(Making Explanatory Documents, etc. about a Principal Foreign Bank Available for Public Inspection)

第五十二条の二の六 外国銀行代理銀行は、内閣府令で定めるところにより、その所属外国銀行及びその所属外国銀行を子会社とする持株会社で外国の法令に準拠して設立された会社（以下この項において「外国銀行持株会社」という。）がその事業年度ごとに作成した書面であつて、当該所属外国銀行又は当該外国銀行持株会社の業務及び財産の状況に関する事項を記載したもの（第二十一条第一項及び第二項並びに第五十二条の二十九第一項に規定する事業年度に係る説明書類又はこれに類するものであつて、日本語又は英語により記載したものに限る。）を、当該所属外国銀行のために外国銀行代理業務を営む国内のすべての営業所（無人の営業所を除く。次項において同じ。）に備え置き、公衆の縦覧に供しなければならない。

Article 52-2-6 (1) A foreign bank's agent bank, pursuant to the provisions of Cabinet Office Order, must keep the documents that its principal foreign bank and any company incorporated under foreign laws and regulations as the holding company that has that principal foreign bank as its subsidiary company (hereinafter referred to as a "foreign bank holding company" in this paragraph) prepares each business year, stating the particulars of the business and financial condition of the principal foreign bank and foreign bank holding company (limited to the explanatory documents for the business year as prescribed in Article 21, paragraph (1) and paragraph (2) and Article 52-29, paragraph (1) and documents similar to these which are written in Japanese or English) at all of the business offices in Japan where the foreign bank's agent bank performs foreign bank agency services for that principal foreign bank (excluding unmanned business offices; the same applies in the following paragraph), and must make them available for public inspection.

2 前項に規定する書面が電磁的記録をもつて作成されているときは、外国銀行代理業務を営むすべての営業所において、当該書面の内容である情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項に規定する書面を、同項の規定により備え置き、公衆の縦覧に供したものとみなす。

(2) If the documents provided for in the preceding paragraph have been prepared as electronic or magnetic records, the foreign bank's agent bank may employ what is specified by Cabinet Office Order as a measure that involves using electronic or magnetic means to put the information contained in those documents into a form that makes it possible for many and unspecified persons

to be provided with it at all of the business offices where the foreign bank's agent bank provides foreign bank agency services. In this case, the foreign bank's agent bank is deemed to be keeping the documents provided for in the preceding paragraph and making them available for public inspection pursuant to the provisions of that paragraph.

(外国銀行代理業務の健全化措置)

(Measures for Ensuring Sound Foreign Bank Agency Services)

第五十二条の二の七 外国銀行代理銀行は、内閣府令で定めるところにより、その所属外国銀行の業務又は財産の状況に関する事項の顧客への説明その他の当該外国銀行代理銀行が営む外国銀行代理業務の健全かつ適切な運営を確保するための措置を講じなければならない。

Article 52-2-7 A foreign bank's agent bank, pursuant to the provisions of Cabinet Office Order, must explain to customers the particulars of the business and financial condition of its principal foreign bank, and take any other measures for ensuring the sound and appropriate management of the foreign bank agency services performed by that foreign bank's agent bank.

(所属外国銀行に関する資料の提出等)

(Submission of Materials in Connection with the Principal Foreign Bank)

第五十二条の二の八 内閣総理大臣は、外国銀行代理業務の健全かつ適切な運営を確保するため必要があると認めるときは、外国銀行代理銀行に対し、その所属外国銀行（当該所属外国銀行と政令で定める特殊の関係のある者を含む。）の業務又は財産の状況に関する報告又は資料の提出を求めることができる。

Article 52-2-8 If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of foreign bank agency services, the minister may ask a foreign bank's agent bank to submit reports or materials in connection with the business or financial condition of its principal foreign bank (including a person that is uniquely related to the principal foreign bank as specified by Cabinet Order).

(所属外国銀行に関する届出等)

(Notification Concerning a Principal Foreign Bank)

第五十二条の二の九 外国銀行代理銀行は、その所属外国銀行（外国銀行代理銀行（外国銀行支店に限る。）が営む外国銀行代理業務に係る所属外国銀行（当該外国銀行支店に係る外国銀行に限る。）を除く。）が次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 52-2-9 (1) A foreign bank's agent bank must file a notification with the Prime Minister indicating that such is the case if its principal foreign bank (other than a principal foreign bank (but only the foreign bank with which the relevant foreign bank branch is affiliated) linked to the foreign bank agency

services that the foreign bank's agent bank performs (but only to the services performed by that foreign bank branch)) falls under one of the following items, pursuant to the provisions of Cabinet Office Order:

一 資本金又は出資の額を変更したとき。

(i) it changes its stated capital or amount of contribution;

二 商号又は本店の所在地を変更したとき。

(ii) it changes its trade name or the location of its head office;

三 合併をし、会社分割により事業を承継させ、若しくは承継し、又は事業の全部若しくは重要な一部の譲渡若しくは譲受け（当該外国銀行支店のみに係るものを除く。）をしたとき。

(iii) it merges, has its business succeeded to in a company split, succeeds to a business in a company split, or transfers or acquires the whole or a material part of a business (other than business that only involves the relevant foreign bank branch);

四 解散（合併によるものを除く。）をし、又は銀行業の廃止をしたとき。

(iv) it is dissolved (excluding dissolution resulting from a merger) or discontinues banking;

五 銀行業に係る免許（当該免許に類する許可、登録その他の行政処分を含む。）を取り消されたとき。

(v) its banking license (including permission, registration, or any other administrative disposition similar to that license) is revoked;

六 破産手続開始の決定があつたとき。

(vi) it becomes subject to an order commencing bankruptcy proceedings; or

七 その他内閣府令で定める場合に該当するとき。

(vii) it falls under a case specified by Cabinet Office Order.

2 外国銀行代理銀行は、前項（第二号から第六号までに係る部分に限る。）の規定による届出をしたときは、内閣府令で定めるところにより、その届出をした内容を公告するとともに、一月を下らない期間、当該届出に係る所属外国銀行に係る外国銀行代理業務を営む当該外国銀行代理銀行のすべての営業所の公衆の目につきやすい場所に掲示しなければならない。

(2) If a foreign bank's agent bank files a notification under the preceding paragraph (limited to the part that involves items (ii) to (vi) inclusive) it must issue public notice of the content of that notification, as well as posting notice of the same in a place easily seen by the public at all of the business offices of the foreign bank's agent bank where it performs foreign bank agency services for the principal foreign bank to which the notification pertains for a period of not less than one month, pursuant to the provisions of Cabinet Office Order.

（準用）

(Application, Mutatis Mutandis)

第五十二条の二の十 第五十二条の四十、第五十二条の四十一、第五十二条の四十三か

ら第五十二条の四十五（第四号を除く。）まで、第五十二条の四十九及び第五十二条の五十第一項の規定は、銀行代理業者に係るものにあつては外国銀行代理銀行について、所属銀行に係るものにあつては所属外国銀行について、銀行代理業に係るものにあつては外国銀行代理業務について、それぞれ準用する。この場合において、第五十二条の四十五第五号中「所属銀行の業務」とあるのは、「外国銀行代理業務」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 52-2-10 The provisions of Article 52-40; Article 52-41, Articles 52-43 through 52-45 (excluding item (iv)); Article 52-49; and Article 52-50, paragraph (1) apply mutatis mutandis to a foreign bank's agent bank in respect of a bank agent, to a principal foreign bank in respect of a principal bank, and to a foreign bank agency services in respect of Bank Agency Services. In this case, the term "services of the principal bank" in Article 52-45, item (v) is deemed to be replaced with "foreign bank agency services" and any other necessary technical replacement of terms is specified by Cabinet Order.

第七章の三 株主

Chapter VII-3 Shareholders

第一節 通則

Section 1 General Rules

（銀行等の議決権保有に係る届出書の提出）

(Submission of a Statement of Holdings in Bank Voting Rights)

第五十二条の二の十一 一の銀行の総株主の議決権の百分の五を超える議決権又は一の銀行持株会社の総株主の議決権の百分の五を超える議決権の保有者（国、地方公共団体その他これらに準ずるものとして政令で定める法人（第五十二条の九において「国等」という。）を除く。以下この章及び第九章において「銀行議決権大量保有者」という。）は、内閣府令で定めるところにより、銀行議決権大量保有者となつた日から五日（日曜日その他政令で定める休日の日数は、算入しない。次条第一項において同じ。）以内（保有する議決権の数に増加がない場合その他の内閣府令で定める場合にあつては、内閣府令で定める日以内）に、次に掲げる事項を記載した届出書（以下この章において「銀行議決権保有届出書」という。）を内閣総理大臣に提出しなければならない。

Article 52-2-11 (1) A person that holds voting rights exceeding five percent of all shareholders' voting rights in a single bank or voting rights exceeding five percent of all shareholders' voting rights in a single bank holding company (other than the national or local government or any corporation specified by Cabinet Order as equivalent thereto (collectively referred to as the "National Government, etc." in Article 52-9); hereinafter referred to as a "major holder of voting rights in a bank" in this Chapter and Chapter IX) must submit a statement to the Prime Minister, pursuant to the provisions of Cabinet Office Order, in which that person states the following particulars (hereinafter

referred to as a "statement of holdings in bank voting rights" in this Chapter), within five days (Sundays and the non-business days specified by Cabinet Order not included; the same applies in paragraph (1) of the following Article) from the day on which the person becomes the major holder of voting rights in the bank (or within the number of days specified by Cabinet Office Order, if the number of voting rights that the person holds has not increased or in any other case specified by Cabinet Office Order):

一 議決権保有割合（銀行議決権大量保有者の保有する当該銀行議決権大量保有者がその総株主の議決権の百分の五を超える数の株式の保有者である銀行又は銀行持株会社の議決権の数を、当該銀行又は当該銀行持株会社の総株主の議決権で除して得た割合をいう。以下この章において同じ。）に関する事項、取得資金に関する事項、保有の目的その他の銀行又は銀行持株会社の議決権の保有に関する重要な事項として内閣府令で定める事項

(i) the particulars of the proportion of voting rights held (meaning the proportion arrived at when the number of voting rights that the major holder of voting rights in the bank holds, in the bank or bank holding company in which that major holder of voting rights in the bank holds voting rights which constitutes more than five percent of all shareholders' voting rights, is divided by all shareholders' voting rights in that bank or bank holding company; hereinafter the same applies in this Chapter), the particulars of funds for the acquisition, the purpose of the holdings, and any other particulars specified by Cabinet Office Order as material details about voting rights held in a bank or bank holding company;

二 商号、名称又は氏名及び住所

(ii) its trade name or name, and its address;

三 法人である場合においては、その資本金の額（出資総額を含む。）及びその代表者の氏名

(iii) if it is a corporation, its stated capital (including the total amount of contributions) and the name of its representative; and

四 事業を行っているときは、営業所の名称及び所在地並びにその事業の種類

(iv) if it engages in business, the name and location of its business office and its business type.

2 第二条第十一項の規定は、前項の場合において銀行議決権大量保有者が保有する議決権について準用する。

(2) The provisions of Article 2, paragraph (11) apply mutatis mutandis to the voting rights held by the major holder of voting rights in a bank in the case referred to in the preceding paragraph.

(銀行議決権保有届出書に関する変更報告書の提出)

(Submission of a Statement of Changes to a Statement of Holdings in Bank Voting Rights)

第五十二条の三 銀行議決権大量保有者は、一の銀行の総株主の議決権の百分の五を超える議決権又は一の銀行持株会社の総株主の議決権の百分の五を超える議決権の保有者となつた日の後に、前条第一項各号に掲げる事項の変更があつた場合（議決権保有割合の変更の場合にあつては、百分の一以上増加し又は減少した場合に限る。）には、内閣府令で定めるところにより、その日から五日以内（保有する議決権の数に増加がない場合その他の内閣府令で定める場合にあつては、内閣府令で定める日以内）に、当該変更に係る報告書（以下この条及び次条において「変更報告書」という。）を内閣総理大臣に提出しなければならない。ただし、議決権保有割合が百分の一以上減少したことによる変更報告書で当該変更報告書に記載された議決権保有割合が百分の五以下であるものを既に提出している場合その他の内閣府令で定める場合については、この限りでない。

Article 52-3 (1) If a particular set forth in one of the items of paragraph (1) of the preceding Article changes (in the case of a change in the proportion of voting rights held, this is only if the proportion increases or decreases by at least one percent) after the day on which a person becomes a holder of voting rights exceeding five percent of all shareholders' voting rights in a single bank or of voting rights exceeding five percent of all shareholders' voting rights in a single bank holding company, the major holder of voting rights in the bank must submit a statement in respect of that change (hereinafter referred to as a "statement of changes" in this Article and the following Article) to the Prime Minister within five days from the day on which this occurs (or within the number of days specified by Cabinet Office Order, if the number of voting rights that the person holds has not increased or in any other case specified by Cabinet Office Order), pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply if the person has already submitted a statement of changes based on a decrease of one percent or more in the proportion of voting rights held, and the proportion of voting rights held which is stated in that statement of changes is five percent or less, nor does this apply to any other case specified by Cabinet Office Order.

2 議決権保有割合が減少したことにより変更報告書を提出する者は、短期間に大量の議決権を譲渡したものとして政令で定める基準に該当する場合においては、内閣府令で定めるところにより、譲渡の相手方及び対価に関する事項についても当該変更報告書に記載しなければならない。

(2) In a case that meets the criteria specified by Cabinet Order as those whereby a person is judged to have transferred a large number of voting rights within a short time span, a person submitting a statement of changes based on a decrease in the proportion of voting rights held must also include information in that statement of changes about the party to which it transferred the voting rights and the consideration received, pursuant to the provisions of Cabinet Office Order.

3 銀行議決権保有届出書又は変更報告書（以下この節において「提出書類」とい

う。)を提出する日の前日までに、新たに変更報告書を提出しなければならない事由が生じた場合には、当該変更報告書は、第一項本文の規定にかかわらず、提出されていない当該提出書類の提出と同時に内閣総理大臣に提出しなければならない。

(3) Notwithstanding the provisions of the main clause of paragraph (1), if, by the day before that on which a person submits a statement of holdings in bank voting rights or a statement of changes (hereinafter each of these is referred to as a "required document" in this Section), circumstances arise that require the person to submit a new statement of changes, the person must submit the new statement of changes to the Prime Minister at the same time as it submits the unsubmitted required documents.

4 提出書類を提出した者は、当該提出書類に記載された内容が事実と相違し、又は記載すべき事項若しくは誤解を生じさせないために必要な事実の記載が不十分であり、若しくは欠けていると認めるときは、訂正報告書を内閣総理大臣に提出しなければならない。

(4) If a person that has submitted a required document finds that the content stated in that required document differs from the fact of the matter, or, that the document insufficiently states or omits a statement as to a particular that is required to be stated or that the document insufficiently states or omits a statement as to a fact that it needs to prevent it from being misleading, that person must submit an amended report to the Prime Minister.

5 第二条第十一項の規定は、第一項及び第二項の場合において銀行議決権大量保有者が保有する議決権について準用する。

(5) The provisions of Article 2, paragraph (11) apply mutatis mutandis to the voting rights held by a major holder of voting rights in a bank in a case referred to in paragraph (1) or paragraph (2).

(銀行議決権保有届出書等に関する特例)

(Special Provisions on Statements of Holdings in Bank Voting Rights)

第五十二条の四 銀行、金融商品取引業者（有価証券関連業を営む者に限る。）、信託会社（信託業法第三条又は第五十三条第一項の免許を受けたものに限る。）その他の内閣府令で定める者のうち基準日を内閣総理大臣に届け出た者が保有する議決権で当該議決権に係る株式の発行者である銀行又は銀行持株会社の営業活動を支配することを保有の目的としないもの（議決権保有割合が内閣府令で定める数を超えた場合及び保有の態様その他の事情を勘案して内閣府令で定める場合を除く。以下この条において「特例対象議決権」という。）に係る銀行議決権保有届出書は、第五十二条の二の十一第一項の規定にかかわらず、議決権保有割合が初めて百分の五を超える数となった基準日における当該議決権の保有状況に関する事項であつて、内閣府令で定めるものを記載したものを、内閣府令で定めるところにより、当該基準日の属する月の翌月十五日までに、内閣総理大臣に提出しなければならない。

Article 52-4 (1) Notwithstanding the provisions of Article 52-2-11, paragraph (1), a bank, financial instruments business operator (limited to one engaged in

securities services), trust company (limited to one that has obtained the license referred to in Article 3 or Article 53, paragraph (1) of the Trust Business Act), or other person specified by Cabinet Office Order that has filed a notification of the reference date with the Prime Minister and which holds voting rights in respect of shares issued by a bank or bank holding company but does not hold them with the aim of controlling the business of the bank or bank holding company that issued those shares (unless the proportion of voting rights held exceeds the number specified by Cabinet Office Order and excluding a case as specified by Cabinet Office Order in consideration of the manner in which the voting rights are held and other circumstances; hereinafter referred to as "voting rights subject to special provisions" in this Article) must submit a statement of holdings in bank voting rights in respect of those shares to the Prime Minister, by the 15th day of the month following the month in which the relevant reference date falls and pursuant to the provisions of Cabinet Office Order, in which it states the particulars specified by Cabinet Office Order as relevant to the holding status of those voting rights as of the reference date on which its proportion of voting rights held exceeded five percent for the first time.

2 特例対象議決権に係る変更報告書（当該議決権が特例対象議決権以外の議決権になる場合の変更に係るものを除く。）は、次の各号に掲げる場合の区分に応じ当該各号に定める日までに、内閣府令で定めるところにより、内閣総理大臣に提出しなければならない。

(2) A statement of changes in respect of voting rights subject to special provisions (other than one for a change in which those voting rights come to be other than voting rights subject to special provisions) must be submitted to the Prime Minister by the day prescribed in the relevant of the following items for the category of case set forth in that item, pursuant to the provisions of Cabinet Office Order:

一 前項の銀行議決権保有届出書に係る基準日の後の基準日における議決権保有割合が当該銀行議決権保有届出書に記載された議決権保有割合より百分の一以上増加し又は減少した場合その他の同項に規定する内閣府令で定めるものの重要な変更があった場合 当該後の基準日の属する月の翌月十五日

(i) the proportion of voting rights held on a reference date that comes after the reference date for the statement of holdings in bank voting rights that is referred to in the preceding paragraph increases or decreases by one percent or more from the proportion of voting rights held that is stated in that statement of holdings in bank voting rights, or there is a material change in a particular specified by Cabinet Office Order as prescribed in that paragraph: the 15th day of the month following the month in which the later reference date falls;

二 当該銀行議決権保有届出書に係る基準日の属する月の後の月の末日において議決

権保有割合が大幅に増加し又は減少した場合として内閣府令で定める基準に該当することとなつた場合 当該末日の属する月の翌月十五日

(ii) circumstances come to meet the criteria specified by Cabinet Office Order as a case in which the proportion of voting rights held have considerably increased or decreased by the last day of any month after the month that includes the reference date for a statement of holdings in bank voting rights: the 15th day of the month following the month in which the last day falls;

三 変更報告書に係る基準日の後の基準日における議決権保有割合が当該変更報告書に記載された議決権保有割合より百分の一以上増加し又は減少した場合その他の前項に規定する内閣府令で定めるものの重要な変更があつた場合 当該後の基準日の属する月の翌月十五日

(iii) the proportion of voting rights held on a reference date that comes after the reference date for the statement of changes increases or decreases by one percent or more from the proportion of voting rights held that is stated in that statement of changes, or there is other material change in a particular specified by Cabinet Office Order as prescribed in the preceding paragraph: the 15th day of the month following the month in which the later reference date falls; and

四 前三号に準ずる場合として内閣府令で定める場合 内閣府令で定める日

(iv) the case is specified by Cabinet Office Order as a case equivalent to one of the preceding three items: the day specified by Cabinet Office Order.

3 前二項の基準日とは、第一項に規定する内閣府令で定める者が内閣府令で定めるところにより内閣総理大臣に届出をした三月ごとの月の末日をいう。

(3) The reference date referred to in the preceding two paragraphs means the last day of every third month, after the day on which the person specified by Cabinet Office Order as prescribed in paragraph (1) files a notification with the Prime Minister pursuant to the provisions of Cabinet Office Order.

4 第二条第十一項の規定は、第一項及び第二項の場合において銀行議決権大量保有者が保有する特例対象議決権について準用する。

(4) The provisions of Article 2, paragraph (11) apply mutatis mutandis to the voting rights subject to special provisions held by a major holder of voting rights in a bank in a case as referred to in paragraph (1) or paragraph (2).

(訂正報告書の提出命令)

(Order to Submit an Amended Report)

第五十二条の五 内閣総理大臣は、第五十二条の二の十一第一項、第五十二条の三第一項若しくは第三項又は前条第一項若しくは第二項の規定により提出書類の提出を受けた場合において、当該提出書類に形式上の不備があり、又は当該提出書類に記載すべき事項のうち重要なものの記載が不十分であると認めるときは、当該提出書類の提出をした者に対し、訂正報告書の提出を命ずることができる。この場合においては、行政手続法（平成五年法律第八十八号）第十三条第一項（不利益処分をしようとする場

合の手続)の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

Article 52-5 If a required document is submitted pursuant to the provisions of Article 52-2-11, paragraph (1), Article 52-3, paragraph (1) or paragraph (3), or paragraph (1) or paragraph (2) of the preceding Article, but the Prime Minister finds there to be a formal deficiency in the required document or finds the required document to insufficiently state a material particular that is required to be stated, the minister may order the person submitting the required document to submit an amended report. In this case, notwithstanding the applicable category of proceeding for hearing statements of opinion under Article 13, paragraph (1) (Procedures Prerequisite for Adverse Dispositions) of the Administrative Procedure Act (Act No. 88 of 1993), the minister must conduct a hearing.

第五十二条の六 内閣総理大臣は、提出書類のうちに重要な事項について虚偽の記載があり、又は記載すべき事項のうち重要なもの若しくは誤解を生じさせないために必要な重要な事実の記載が欠けていることを発見したときは、いつでも、当該提出書類の提出をした者に対し、訂正報告書の提出を命ずることができる。この場合においては、行政手続法第十三条第一項（不利益処分をしようとする場合の手続）の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

Article 52-6 If the Prime Minister discovers that a required document contains a false statement about a material particular, omits a statement as to a material particular that is required to be stated, or omits a statement of material fact that it needs to prevent it from being misleading, the minister, at any time, may order the person submitting the required document to submit an amended report. In this case, notwithstanding the applicable category of proceeding for hearing statements of opinion under Article 13, paragraph (1) (Procedures Prerequisite for Adverse Dispositions) of the Administrative Procedure Act, the minister must conduct a hearing.

(銀行議決権大量保有者による報告又は資料の提出)

(Submission of Reports or Materials by a Major Holder of Voting Rights in a Bank)

第五十二条の七 内閣総理大臣は、提出書類のうちに重要な事項について虚偽の記載があり、又は記載すべき事項のうち重要なもの若しくは誤解を生じさせないために必要な重要な事実の記載が欠けている疑いがあると認めるときは、当該提出書類を提出した銀行議決権大量保有者に対し、当該提出書類に記載すべき事項又は誤解を生じさせないために必要な事実に関し参考となるべき報告又は資料の提出を求めることができる。

Article 52-7 If the Prime Minister suspects that a required document contains a false statement about a material particular, omits a statement as to a material

particular that is required to be stated, or omits a statement of material fact that it needs to prevent it from being misleading, the minister may ask the major holder of voting rights in the bank submitting the required document to submit reports or materials that are to serve as a reference with regard to a particular that is required to be stated in the required document or a fact that it needs to prevent it from being misleading.

(銀行議決権大量保有者に対する立入検査)

(On-Site Inspection of a Major Holder of Voting Rights in a Bank)

第五十二条の八 内閣総理大臣は、提出書類のうち重要な事項について虚偽の記載があり、又は記載すべき事項のうち重要なもの若しくは誤解を生じさせないために必要な重要な事実の記載が欠けている疑いがあると認めるときは、当該職員に当該提出書類を提出した銀行議決権大量保有者の事務所その他の施設に立ち入らせ、当該提出書類に記載すべき事項若しくは誤解を生じさせないために必要な事実に関し質問させ、又は当該銀行議決権大量保有者の帳簿書類その他の物件を検査させることができる。

Article 52-8 (1) If the Prime suspects that a required document contains a false statement about a material particular, omits a statement as to a material particular that is required to be stated, or omits a statement of material fact that it needs to prevent it from being misleading, the minister may have the relevant officials enter the office or other facility of the major holder of voting rights in the bank submitting that required document; have those officials ask questions about a particular that is required to be stated in that required document or about a fact that it needs to prevent it from being misleading; and have them inspect the books and documents and other articles of the major holder of voting rights in the bank.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) In the case referred to in the preceding paragraph, the relevant officials must carry identification, and must present it if a concerned person requests them to do so.

3 第一項の規定による権限は、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 under paragraph (1) must not be construed as being granted for criminal investigation purposes.

第二節 銀行主要株主に係る特例

Section 2 Special Provisions on a Bank's Major Shareholder

第一款 通則

Subsection 1 General Rules

(銀行主要株主に係る認可等)

(Authorization to Be Obtained by a Bank's Major Shareholder)

第五十二条の九 次に掲げる取引若しくは行為により一の銀行の主要株主基準値以上の数の議決権の保有者になろうとする者又は銀行の主要株主基準値以上の数の議決権の保有者である会社その他の法人の設立をしようとする者（国等並びに第五十二条の十七第一項に規定する持株会社になろうとする会社、同項に規定する者及び銀行を子会社としようとする銀行持株会社を除く。）は、あらかじめ、内閣総理大臣の認可を受けなければならない。

Article 52-9 (1) A person seeking to become the holder of a number of voting rights in a single bank which is equal to or greater than the major shareholder threshold, through one of the following transactions or actions, or to incorporate a company or other corporation that would be the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold (other than the National Government, etc., a company seeking to become a holding company as prescribed in Article 52-17, paragraph (1), the person prescribed in that paragraph, and a bank holding company seeking to make a bank its subsidiary company) must obtain the authorization of the Prime Minister to do so, in advance:

一 当該議決権の保有者になろうとする者による銀行の議決権の取得（担保権の実行による株式の取得その他の内閣府令で定める事由によるものを除く。）

(i) acquisition of voting rights in a bank by the person seeking to become the holder of the relevant voting rights (unless this occurs through an acquisition of shares due to exercise of security right or any other cause specified by Cabinet Office Order);

二 当該議決権の保有者になろうとする者がその主要株主基準値以上の数の議決権を保有している会社による第四条第一項の免許の取得

(ii) acquisition of the license referred to in Article 4, paragraph (1) by a company in which the person seeking to become the holder of the relevant voting rights holds a number of voting rights which is equal to or greater than the major shareholder threshold of that company; or

三 その他政令で定める取引又は行為

(iii) a transaction or action specified by Cabinet Order.

2 前項各号に掲げる取引又は行為以外の事由により一の銀行の主要株主基準値以上の数の議決権の保有者になつた者（国等並びに銀行持株会社及び第五十二条の十七第二項に規定する特定持株会社を除く。以下この条及び第六十五条において「特定主要株主」という。）は、当該事由の生じた日の属する当該銀行の事業年度の終了の日から一年を経過する日（以下この項及び第四項において「猶予期限日」という。）までに銀行の主要株主基準値以上の数の議決権の保有者でなくなるよう、所要の措置を講じなければならない。ただし、当該特定主要株主が、猶予期限日後も引き続き銀行の主要株主基準値以上の数の議決権の保有者であることについて内閣総理大臣の認可を受けた場合は、この限りでない。

(2) A person that becomes the holder of a number of voting rights in a single bank which is equal to or greater than the major shareholder threshold due to a

cause other than a transaction or action set forth in the items of the preceding paragraph (other than the National Government, etc., a bank holding company, or a specified holding company prescribed in Article 52-17, paragraph (2); hereinafter referred to as a "specified major shareholder" in this Article and Article 65) must take the measures that it needs to take so that it will no longer be the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold by the last day in the one-year period that begins on the final day of whichever business year of the bank includes the date on which that cause arose (hereinafter referred to as the "last day of the grace period" in this paragraph and paragraph (4)); provided, however, that this does not apply if the specified major shareholder obtains the authorization of the Prime Minister to remain the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold even after the last day of the grace period.

3 特定主要株主は、前項の規定による措置により銀行の主要株主基準値以上の数の議決権の保有者でなくなつたときは、遅滞なく、その旨を内閣総理大臣に届け出なければならない。当該措置によることなく銀行の主要株主基準値以上の数の議決権の保有者でなくなつたときも、同様とする。

(3) Once a specified major shareholder ceases to be the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold through a measure under the preceding paragraph, it must file a notification with the Prime Minister indicating this, without delay. The same applies if a specified major shareholder ceases to be the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold without recourse to that measure.

4 内閣総理大臣は、第一項の認可を受けずに同項各号に掲げる取引若しくは行為により銀行の主要株主基準値以上の数の議決権の保有者になつた者若しくは銀行の主要株主基準値以上の数の議決権の保有者として設立された会社その他の法人又は第二項ただし書の認可を受けることなく猶予期限日後も銀行の主要株主基準値以上の数の議決権の保有者である者に対し、当該銀行の主要株主基準値以上の数の議決権の保有者でなくなるよう、所要の措置を講ずることを命ずることができる。

(4) The Prime Minister may order a person that becomes the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold through a transaction or action set forth in one of the items of paragraph (1), without the authorization referred to in that paragraph; a company or other corporation that is incorporated as the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold, without the authorization referred to in that paragraph; or a person that remains the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold even after the last day of the grace period, without the authorization referred to in the

proviso to paragraph (2); to take the measures that it needs to take so that it will no longer be the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold.

第五十二条の十 内閣総理大臣は、前条第一項又は第二項ただし書の認可の申請があつたときは、次に掲げる基準に適合するかどうかを審査しなければならない。

Article 52-10 Whenever an application is filed for the authorization referred to in paragraph (1) of the preceding Article or the proviso to paragraph (2) of the preceding Article, the Prime Minister must examine whether the following criteria are met:

一 当該認可の申請をした者（以下この条において「申請者」という。）が会社その他の法人である場合又は当該認可を受けて会社その他の法人が設立される場合にあつては、次に掲げる基準に適合すること。

(i) the following criteria are met, if the person filing the application for that authorization (hereinafter referred to as the "applicant" in this Article) is a company or other corporation, or, if a company or other corporation would be incorporated under the authorization:

イ 取得資金に関する事項、保有の目的その他の当該申請者又は当該認可を受けて設立される会社その他の法人（以下この号において「法人申請者等」という。）による銀行の主要株主基準値以上の数の議決権の保有に関する事項に照らして、当該法人申請者等がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(a) in light of the particulars of the funds for the acquisition, the purpose of holdings in the voting rights, or any other particulars relevant to the holding of a number voting rights in a bank which is equal to or greater than the major shareholder threshold by that applicant or by the company or other corporation that would be incorporated under the authorization (hereinafter referred to as the "corporate applicant, etc." in this item), the sound and appropriate management of the services of the bank in which the corporate applicant, etc. is or would become the holder of a number of voting rights which is equal to or greater than the major shareholder threshold is unlikely to be impaired;

ロ 法人申請者等及びその子会社（子会社となる会社を含む。）の財産及び収支の状況に照らして、当該法人申請者等がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(b) in light of the financial condition and income and expenditures of the corporate applicant, etc. and its subsidiary companies (including a company that will become its subsidiary company), the sound and appropriate management of the services of the bank in which that

corporate applicant, etc. is or would become the holder of a number of voting rights which is equal to or greater than the major shareholder threshold is unlikely to be impaired; and

ハ 法人申請者等が、その人的構成等に照らして、銀行の業務の公共性に関し十分な理解を有し、かつ、十分な社会的信用を有する者であること。

(c) in light of such points as its personnel structure, the corporate applicant, etc. has a sufficient understanding of the public nature of bank services, and has sufficient social credibility.

二 前号に掲げる場合以外の場合にあつては、次に掲げる基準に適合すること。

(ii) the following criteria are met, if the case is other than what is set forth in the preceding item:

イ 取得資金に関する事項、保有の目的その他の当該申請者による銀行の主要株主基準値以上の数の議決権の保有に関する事項に照らして、当該申請者がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(a) in light of the particulars of the funds for the acquisition, the purpose of holdings in the voting rights, or any other particulars relevant to the holding of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold by the applicant, the sound and appropriate management of the services of the bank in which the applicant is or would become the holder of a number of voting rights which is equal to or greater than the major shareholder threshold is unlikely to be impaired;

ロ 当該申請者の財産の状況（当該申請者が事業を行う者である場合においては、収支の状況を含む。）に照らして、当該申請者がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(b) in light of the financial condition of the applicant (including the status of the applicant's income and expenditures, if that applicant is a person that does business), the sound and appropriate management of the services of the bank in which the applicant is or would become the holder of a number of voting rights which is equal to or greater than the major shareholder threshold is unlikely to be impaired: and

ハ 当該申請者が、銀行の業務の公共性に関し十分な理解を有し、かつ、十分な社会的信用を有する者であること。

(c) the applicant has a sufficient understanding of the public nature of bank services, and has sufficient social credibility.

第二款 監督

Subsection 2 Supervision

(銀行主要株主による報告又は資料の提出)

(Submission of Reports or Materials by a Bank's Major Shareholder)

第五十二条の十一 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該銀行の主要株主基準値以上の数の議決権の保有者である銀行主要株主に対し、当該銀行の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

Article 52-11 If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of bank services, the minister, within the scope of that necessity, may ask a bank's major shareholder that holds a number of voting rights in that bank which is equal to or greater than the major shareholder threshold, to submit reports or materials that are to serve as a reference in connection with the business or financial condition of the bank.

(銀行主要株主に対する立入検査)

(On-Site Inspection of a Bank's Major Shareholder)

第五十二条の十二 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該職員に当該銀行の主要株主基準値以上の数の議決権の保有者である銀行主要株主の事務所その他の施設に立ち入らせ、当該銀行若しくは当該銀行主要株主の業務若しくは財産の状況に関し質問させ、又は当該銀行主要株主の帳簿書類その他の物件を検査させることができる。

Article 52-12 (1) If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of bank services, the minister, within the scope of that necessity, may have the relevant officials enter the office or other facility of a bank's major shareholder that holds a number of voting rights in that bank which is equal to or greater than the major shareholder threshold; have those officials ask questions about the business or financial condition of the bank or the bank's major shareholder; and have them inspect the books and documents and other objects of the bank's major shareholder.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) In the case referred to in the preceding paragraph, the relevant officials must carry identification, and must present it if a concerned person requests them to do so.

3 第一項の規定による権限は、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 under paragraph (1) must not be construed as being granted for criminal investigation purposes.

(銀行主要株主に対する措置命令)

(Issuance of an Order for Action to a Bank's Major Shareholder)

第五十二条の十三 内閣総理大臣は、銀行主要株主が第五十二条の十各号に掲げる基準（当該銀行主要株主に係る第五十二条の九第一項又は第二項ただし書の認可に第五十四条第一項の規定に基づく条件が付されている場合にあつては、当該条件を含む。）に適合しなくなつたときは、当該銀行主要株主に対し、措置を講ずべき期限を示して、当該基準に適合させるために必要な措置をとるべき旨の命令をすることができる。

Article 52-13 If a bank's major shareholder comes to no longer meet a criterion set forth in one of the items of Article 52-10 (if conditions are imposed on the authorization referred to in Article 52-9, paragraph (1) or the proviso to Article 52-9, paragraph (2) of the bank's major shareholder, based on the provisions of Article 54, paragraph (1), the criteria set forth in those items include such conditions), the minister may order the bank's major shareholder to take the necessary measures to allow it to meet that criterion, indicating a deadline by which it must take those measures.

(銀行主要株主に対する改善計画の提出の求め等)

(Asking a Bank's Major Shareholder to Submit an Improvement Plan)

第五十二条の十四 内閣総理大臣は、銀行主要株主（銀行の総株主の議決権の百分の五十を超える議決権の保有者に限る。以下この条において同じ。）の業務又は財産の状況（銀行主要株主が会社その他の法人である場合にあつては、当該銀行主要株主の子会社その他の当該銀行主要株主と内閣府令で定める特殊の関係のある会社の財産の状況を含む。）に照らして、当該銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該銀行主要株主に対し、措置を講ずべき事項及び期限を示して、当該銀行の経営の健全性を確保するための改善計画の提出を求め、若しくは提出された改善計画の変更を命じ、又はその必要の限度において監督上必要な措置を命ずることができる。

Article 52-14 (1) If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of bank services in light of the business or financial condition of the bank's major shareholder (limited to a person that holds more than fifty percent of all shareholders' voting rights in the bank; hereinafter the same applies in this Article) (if the bank's major shareholder is a company or other corporation, this includes the financial condition of any company, such as the subsidiary company of the bank's major shareholder, which is uniquely related to the bank's major shareholder as specified by Cabinet Office Order), the minister, within the scope of that necessity, may indicate to the bank's major shareholder the measures that it must take and the deadline for taking them, ask it to submit an improvement plan for ensuring soundness in bank management, or order it to change an improvement plan that has been submitted; or may issue orders with respect to measures that are necessary from a supervisory perspective, within the scope of that necessity.

2 内閣総理大臣は、銀行主要株主に対し前項の規定による命令をした場合において、当該命令に係る措置の実施の状況に照らして必要があると認めるときは、当該銀行主要株主がその総株主の議決権の百分の五十を超える議決権の保有者である銀行に対し、その業務の健全かつ適切な運営を確保するために必要な措置を命ずることができる。

(2) If the Prime Minister issues an order under the preceding paragraph to a bank's major shareholder and finds it to be necessary in light of its compliance with the measures under that order, the minister may order the bank in which the bank's major shareholder holds more than fifty percent of all shareholders' voting rights to take the necessary measures for ensuring the sound and appropriate management of bank services.

(銀行主要株主に係る認可の取消し等)

(Revoking the Authorization of a Bank's Major Shareholder)

第五十二条の十五 内閣総理大臣は、銀行主要株主が法令若しくは法令に基づく内閣総理大臣の処分に違反したとき又は公益を害する行為をしたときは、当該銀行主要株主に対し監督上必要な措置を命じ、又は当該銀行主要株主の第五十二条の九第一項若しくは第二項ただし書の認可を取り消すことができる。この場合において、同条第一項の認可のうち設立に係るものは、当該認可を受けて設立された会社その他の法人である銀行主要株主に対して与えられているものとみなす。

Article 52-15 (1) If a bank's major shareholder violates laws and regulations or a disposition by the Prime Minister based on laws and regulations, or commits an act that harms the public interest, the Prime Minister may order the bank's major shareholder to take measures that are necessary from a supervisory perspective, or may revoke the authorization referred to in Article 52-9, paragraph (1) or in the proviso to Article 52-9, paragraph (2) for the bank's major shareholder. In this case, the authorization for incorporation referred to in paragraph (1) of that Article is deemed to have been granted to the bank's major shareholder that constitutes the company or other corporation that has been incorporated under that authorization.

2 銀行主要株主は、前項の規定により第五十二条の九第一項又は第二項ただし書の認可を取り消されたときは、内閣総理大臣が指定する期間内に銀行の主要株主基準値以上の数の議決権の保有者でなくなるよう、所要の措置を講じなければならない。

(2) If the authorization referred to in Article 52-9, paragraph (1) or in the proviso to Article 52-9, paragraph (2) is revoked pursuant to the provisions of the preceding paragraph, a bank's major shareholder must take the measures that it needs to take so that it will no longer be the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold, within the period designated by the Prime Minister.

第三款 雑則

Subsection 3 Miscellaneous Provisions

(外国銀行主要株主に対する法律の適用関係)

(Application of the Act to a Bank's Foreign Major Shareholder)

第五十二条の十六 銀行の主要株主基準値以上の数の議決権の保有者であつて外国人又は外国法人であるもの（以下この条において「外国銀行主要株主」という。）に対しこの法律を適用する場合における特例及び技術的読替えその他外国銀行主要株主に対するこの法律の規定の適用に関し必要な事項は、政令で定める。

Article 52-16 Special provisions and technical replacements of terms for applying this Act to the holder of a number of voting rights in a bank which is equal to or greater than the major shareholder threshold if the holder is a foreign national or foreign corporation (hereinafter referred to as a "bank's foreign major shareholder" in this Article), and other necessary particulars relevant to the application of the provisions of this Act to a bank's foreign major shareholder are specified by Cabinet Order.

第三節 銀行持株会社に係る特例

Section 3 Special Provisions on Bank Holding Companies

第一款 通則

Subsection 1 General Rules

(銀行持株会社に係る認可等)

(Authorization as a Bank Holding Company)

第五十二条の十七 次に掲げる取引若しくは行為により銀行を子会社とする持株会社になろうとする会社又は銀行を子会社とする持株会社の設立をしようとする者は、あらかじめ、内閣総理大臣の認可を受けなければならない。

Article 52-17 (1) A company seeking to become a holding company that has a bank as a subsidiary company or to incorporate that holding company through any of the following transactions or actions, must obtain the authorization of the Prime Minister to do so in advance:

一 当該会社又はその子会社による銀行の議決権の取得（担保権の実行による株式の取得その他の内閣府令で定める事由によるものを除く。）

(i) acquisition of voting rights in the bank by the company or its subsidiary companies (unless this occurs through an acquisition of shares due to exercise of security right or any other cause specified by Cabinet Office Order);

二 当該会社の子会社による第四条第一項の免許の取得

(ii) acquisition of the license referred to in Article 4, paragraph (1) by the subsidiary company of that company; or

三 その他政令で定める取引又は行為

(iii) a transaction or action specified by Cabinet Order.

2 前項各号に掲げる取引又は行為以外の事由により銀行を子会社とする持株会社にな

つた会社（以下「特定持株会社」という。）は、当該事由の生じた日の属する事業年度経過後三月以内に、当該会社が銀行を子会社とする持株会社になった旨その他の内閣府令で定める事項を内閣総理大臣に届け出なければならない。

(2) If a company becomes a holding company that has a bank as a subsidiary company due to a cause other than a transaction or action set forth in one of the items of the preceding paragraph (hereinafter referred to as "specified holding company"), it must file a notification with the Prime Minister indicating that it has become a holding company that has a bank as a subsidiary company and giving other particulars specified by Cabinet Office Order, within three months after the end of the relevant business year that includes the day on which that cause arises.

3 特定持株会社は、前項の事由の生じた日の属する事業年度の終了の日から一年を経過する日（以下この項及び第五項において「猶予期限日」という。）までに銀行を子会社とする持株会社でなくなるよう、所要の措置を講じなければならない。ただし、当該特定持株会社が、猶予期限日後も引き続き銀行を子会社とする持株会社であることについて内閣総理大臣の認可を受けた場合は、この限りでない。

(3) A specified holding company must take the measures that it needs to take so that it is no longer a holding company that has a bank as its subsidiary company by the last day in the one-year period that begins on the final day of the business year that includes the day on which the cause referred to in the preceding paragraph arose (hereinafter referred to as the "last day of the grace period" in this paragraph and paragraph (5)); provided, however, that this does not apply if the specified holding company obtains the authorization of the Prime Minister to remain a holding company that has a bank as its subsidiary company even after the last day of the grace period.

4 特定持株会社は、前項の規定による措置により銀行を子会社とする持株会社でなくなつたときは、遅滞なく、その旨を内閣総理大臣に届け出なければならない。当該措置によることなく銀行を子会社とする持株会社でなくなつたときも、同様とする。

(4) Once a specified holding company ceases to be a holding company that has a bank as its subsidiary company through a measure under the preceding paragraph, it must file a notification with the Prime Minister indicating this, without delay. The same applies if a specified holding company ceases to be a holding company that has a bank as its subsidiary company without recourse to that measure.

5 内閣総理大臣は、第一項の認可を受けずに同項各号に掲げる取引若しくは行為により銀行を子会社とする持株会社になつた会社若しくは銀行を子会社とする持株会社として設立された会社又は第三項ただし書の認可を受けることなく猶予期限日後も銀行を子会社とする持株会社である会社に対し、銀行を子会社とする持株会社でなくなるよう、所要の措置を講ずることを命ずることができる。

(5) The Prime Minister may order a company that becomes a holding company which has a bank as its subsidiary company through a transaction or action set

forth in one of the items of paragraph (1), without the authorization referred to in that paragraph; a company that is incorporated as a holding company which has a bank as its subsidiary company without the authorization under that paragraph; or a company that remains a holding company which has a bank as its subsidiary company even after the last day of the grace period without the authorization referred to in the proviso to paragraph (3); to take the measures that it needs to take so that it is no longer a holding company that has a bank as its subsidiary company.

第五十二条の十八 内閣総理大臣は、前条第一項又は第三項ただし書の認可の申請があつたときは、次に掲げる基準に適合するかどうかを審査しなければならない。

Article 52-18 (1) Whenever an application is filed for the authorization referred to in paragraph (1) or in the proviso to paragraph (3) of the preceding Article, the Prime Minister must examine whether the following criteria are met:

一 当該認可の申請をした会社又は当該認可を受けて設立される会社（以下この条において「申請者等」という。）及びその子会社（子会社となる会社を含む。次号において同じ。）の収支の見込みが良好であること。

(i) the company filing the application for the authorization or the company that would be incorporated under the authorization (hereinafter referred to as the "applicant, etc." in this Article) and its subsidiary companies (including any company that is to become its subsidiary company; the same applies in the following item) have good prospects in terms of income and expenditures;

二 申請者等及びその子会社が保有する資産等に照らしこれらの者の自己資本の充実の状況が適当であること。

(ii) the adequacy of equity capital of the applicant, etc. and its subsidiary companies are appropriate in light of the circumstances such as the assets that they own; and

三 申請者等が、その人的構成等に照らして、その子会社であり、又はその子会社となる銀行の経営管理を的確かつ公正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者であること。

(iii) in light of such points as its personnel structure, the applicant, etc. has the knowledge and experience to be able to carry out the business management of the subsidiary company or the bank that would become its subsidiary company appropriately and fairly, and has sufficient social credibility.

2 銀行持株会社（外国の法令に準拠して設立されたものを除く。）は、株式会社であつて次に掲げる機関を置くものでなければならない。

(2) A bank holding company (excluding one established under the laws and regulations of a foreign state) must be a stock company and have in place the following bodies:

一 取締役会

(i) a board of directors;

二 監査役会、監査等委員会又は指名委員会等

(ii) a board of company auditors, a supervisory committee or a nominating committee; and

三 会計監査人

(iii) a financial auditor.

(銀行持株会社の取締役の兼職の制限等)

(Restriction on the Concurrent Holding of Positions by Directors of Bank Holding Companies)

第五十二条の十九 銀行持株会社の常務に従事する取締役（指名委員会等設置会社にあつては、執行役）は、内閣総理大臣の認可を受けた場合を除くほか、他の会社の常務に従事してはならない。

Article 52-19 (1) Unless a director (or executive officer, if a bank is a company with nominating committee, etc.) that is engaged in the day-to-day business operations of a bank holding company obtains the authorization of the Prime Minister to do so, it is prohibited for the director to engage in the day-to-day business operations of any other company.

2 内閣総理大臣は、前項の認可の申請があつたときは、当該申請に係る事項が当該銀行持株会社の子会社である銀行の業務の健全かつ適切な運営を妨げるおそれがあると認める場合を除き、これを認可しなければならない。

(2) Whenever an application is filed for the authorization referred to in the preceding paragraph, the Prime Minister must grant that authorization unless the minister finds that the particulars to which the application pertains are likely to interfere with the sound and appropriate management of services at a bank that is the subsidiary company of the bank holding company.

3 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と同様に取り扱われている者は、銀行持株会社の取締役、執行役又は監査役となることができない。

(3) A person subject to an order commencing bankruptcy proceedings and that has not been discharged from bankruptcy or a person that is treated in the same manner pursuant to foreign laws and regulations may not become the director, executive officer, or auditor of a bank holding company.

4 会社法第三百三十一条第二項ただし書（取締役の資格等）（同法第三百三十五条第一項（監査役の資格等）において準用する場合を含む。）、第三百三十二条第二項（取締役の任期）（同法第三百三十四条第一項（会計参与の任期）において準用する場合を含む。）、第三百三十六條第二項（監査役の任期）及び第四百二条第五項ただし書（執行役の選任等）の規定は、銀行持株会社については、適用しない。

(4) The provisions of the proviso of Article 331, paragraph (2) (Qualifications of Directors) (including as applied mutatis mutandis pursuant to Article 335, paragraph (1) (Qualifications of Company Auditors) of the Companies Act) of the Companies Act and of Article 332, paragraph (2) (Directors' Terms of Office) (including as applied mutatis mutandis pursuant to Article 334,

paragraph (1) (Accounting Advisors' Terms of Office) of that Act); Article 336, paragraph (2) (Company Auditors' Terms of Office); and the proviso to Article 402, paragraph (5) (Election of Executive Officers) of that Act do not apply to a bank holding company.

5 銀行持株会社は、持分会社の無限責任社員又は業務を執行する社員となることができない。

(5) A bank holding company may not become the member with unlimited liability member of a membership company or a member engaged in the executive operation of a membership company.

(銀行主要株主に係る規定の準用)

(Application, Mutatis Mutandis, of Provisions on a Bank's Major Shareholder)

第五十二条の二十 第五十二条の十六の規定は、銀行を子会社とする持株会社であつて外国の法令に準拠して設立されたものについて準用する。

Article 52-20 The provisions of Article 52-16 apply mutatis mutandis to a holding company incorporated under foreign laws and regulations which has a bank as its subsidiary company.

第二款 業務及び子会社等

Subsection 2 Business and Subsidiary Companies, etc.

(銀行持株会社の業務範囲等)

(Scope of Business of a Bank Holding Company)

第五十二条の二十一 銀行持株会社（他の銀行又は銀行持株会社の子会社でないものに限る。次条において同じ。）は、当該銀行持株会社の属する銀行持株会社グループの経営管理を行わなければならない。

Article 52-21 (1) A bank holding company (limited to one that is not a subsidiary company of any other bank or bank holding company; the same applies in the following Article) must carry out the business management of a bank holding company group to which it belongs.

2 銀行持株会社は、当該銀行持株会社の属する銀行持株会社グループの経営管理（当該銀行持株会社並びに当該銀行持株会社の子会社である銀行、第五十二条の二十三第一項各号に掲げる会社及び第五十二条の二十三の二第一項に規定する特例子会社対象会社に係るものに限る。）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。

(2) A bank holding company may not engage in business other than the business management of the bank holding company group to which it belongs (limited to that related to the bank holding company, and, the banks, the companies set forth in the items of Article 52-23, paragraph (1), and the companies eligible to be special subsidiary companies as referred to in Article 52-23-2, paragraph (1) which are its subsidiary companies) and the business incidental thereto.

3 銀行持株会社は、その業務を営むに当たっては、その子会社である銀行の業務の健全かつ適切な運営の確保に努めなければならない。

(3) In the running of its business, a bank holding company must endeavor to ensure the sound and appropriate management of services at any bank that is its subsidiary company.

4 第一項及び第二項の「経営管理」とは、次に掲げるものをいう。

(4) The term "business management" as used in paragraphs (1) and (2) means the following activities:

一 銀行持株会社グループの経営の基本方針その他これに準ずる方針として内閣府令で定めるものの策定及びその適正な実施の確保

(i) formulating the bank holding company group's basic management policy or any other policy specified by Cabinet Office Order as being equivalent thereto, and ensuring the proper implementation thereof;

二 銀行持株会社グループに属する会社相互の利益が相反する場合における必要な調整

(ii) undertaking the necessary coordination in the event of a conflict of interests among the companies that belong to the bank holding company group;

三 銀行持株会社グループの業務の執行が法令に適合することを確保するために必要なものとして内閣府令で定める体制の整備

(iii) developing systems specified by Cabinet Office Order as being necessary for ensuring that the execution of the bank holding company group's services complies with laws and regulations; and

四 前三号に掲げるもののほか、銀行持株会社グループの業務の健全かつ適切な運営の確保に資するものとして内閣府令で定めるもの

(iv) beyond what is set forth in the preceding three items, activities specified by Cabinet Office Order as contributing to ensuring the sound and appropriate management of the bank holding company group's services.

第五十二条の二十一の二 銀行持株会社は、前条第二項の規定にかかわらず、当該銀行持株会社の銀行持株会社グループに属する二以上の会社（銀行を含む場合に限る。）に共通する業務であつて、当該業務を当該銀行持株会社において行うことが当該銀行持株会社グループの業務の一体的かつ効率的な運営に資するものとして内閣府令で定めるものを、当該会社に代わつて行うことができる。

Article 52-21-2 (1) Notwithstanding the provisions of paragraph (2) of the preceding Article, a bank holding company may perform services on behalf of two or more companies which are common to these two or more companies that belong to the bank holding company group of the bank holding company (limited to cases in which these two or more companies include a bank) and which are specified by Cabinet Office Order as services that, if performed by the bank holding company, contribute to the uniform and efficient management

of the bank holding company group's services.

2 銀行持株会社は、前項に規定する内閣府令で定める業務を行おうとするときは、あらかじめ、内閣総理大臣の認可を受けなければならない。

(2) Before seeking to perform the services specified by Cabinet Office Order in the preceding paragraph, a bank holding company must obtain the authorization of the Prime Minister.

(顧客の利益の保護のための体制整備)

(Establishment of a System to Protect the Interests of the Customer)

第五十二条の二十一の三 銀行持株会社は、その子会社である銀行、当該銀行持株会社の子会社である銀行を所属銀行とする銀行代理業者又は当該銀行持株会社の親金融機関等若しくは子金融機関等が行う取引に伴い、当該銀行持株会社の子会社である銀行、当該銀行持株会社の子会社である銀行を所属銀行とする銀行代理業者又は当該銀行持株会社の子金融機関等が行う業務（銀行業、銀行代理業その他の内閣府令で定める業務に限る。）に係る顧客の利益が不当に害されることのないよう、内閣府令で定めるところにより、当該業務に関する情報を適正に管理し、かつ、当該業務の実施状況を適切に監視するための体制の整備その他必要な措置を講じなければならない。

Article 52-21-3 (1) A bank holding company, pursuant to Cabinet Office Order, must appropriately manage information connected with the services performed by a bank that is the subsidiary company of the bank holding company, a bank agent that has a bank which is the subsidiary company of the bank holding company as its principal bank, or the bank holding company's parent financial institution, etc. or subsidiary financial institution, etc. (such services are limited to the banking, bank agency services, and other services specified by Cabinet Office Order); and must establish a system for appropriately supervising the compliance of those services and take any other measures as are necessary, in line with the transactions that a bank that is the subsidiary company of the bank holding company, a bank agent that has a bank which is the subsidiary company of the bank holding company as its principal bank, or the bank holding company's subsidiary financial institution, etc. carries out, so that the interests of the customers connected with those services are not unjustly prejudiced.

2 前項の「親金融機関等」とは、銀行持株会社の総株主の議決権の過半数を保有している者その他の当該銀行持株会社と密接な関係を有する者として政令で定める者のうち、銀行、金融商品取引業者、保険会社その他政令で定める金融業を行う者をいう。

(2) The term "parent financial institution, etc." as used in the preceding paragraph means a bank, financial instruments business operator, insurance company, or other person engaged in financial services which is specified by Cabinet Order, which Cabinet Order prescribes as holding the majority of all shareholders' voting rights in the relevant bank holding company or as being closely related to the bank holding company in any other such way.

3 第一項の「子金融機関等」とは、銀行持株会社が総株主等の議決権の過半数を保有している者その他の当該銀行持株会社と密接な関係を有する者として政令で定める者のうち、銀行（当該銀行持株会社の子会社である銀行を除く。）、金融商品取引業者、保険会社その他政令で定める金融業を行う者をいう。

(3) The term "subsidiary financial institution, etc." as used in paragraph (1) means a bank (other than a bank that is the subsidiary company of the relevant bank holding company), financial instruments business operator, insurance company, or other person engaged in financial services which is specified by Cabinet Order, in which Cabinet Order prescribes the relevant bank holding company to hold the majority of all shareholders', etc. voting rights or which Cabinet Order prescribes as being closely related to that bank holding company in any other such way.

(銀行持株会社に係る同一人に対する信用の供与等)

(Extending Credit and Making Contributions to a Single Person That Is Connected with a Bank Holding Company)

第五十二条の二十二 銀行持株会社又はその子会社等（当該銀行持株会社の子会社（内閣府令で定める会社を除く。）その他の当該銀行持株会社と内閣府令で定める特殊の関係のある者をいう。以下この条において同じ。）の同一人（当該同一人と政令で定める特殊の関係のある者を含む。以下この条において同じ。）に対する信用の供与等（信用の供与又は出資（信用の供与又は出資に相当するものを含む。）として政令で定めるものをいう。以下この条において同じ。）の額は、政令で定める区分ごとに、合算して、当該銀行持株会社及びその子会社等の自己資本の純合計額に政令で定める率を乗じて得た額（以下この条において「銀行持株会社に係る信用供与等限度額」という。）を超えてはならない。ただし、信用の供与等を受けている者が合併をし、共同新設分割若しくは吸収分割をし、又は営業を譲り受けたことにより銀行持株会社又はその子会社等の同一人に対する信用の供与等の額が合算して銀行持株会社に係る信用供与等限度額を超えることとなる場合その他政令で定めるやむを得ない理由がある場合において、内閣総理大臣の承認を受けたときは、この限りでない。

Article 52-22 (1) The total amount in which credit is extended and contributions are made (meaning the extension of credit and the making of a financial contribution (including anything equivalent to the extension of credit or making of a contribution) as specified by Cabinet Order; hereinafter the same applies in this Article) by a bank holding company or its subsidiary company, etc. (meaning a person, such as a subsidiary company of the bank holding company (other than one as specified by Cabinet Office Order), which is uniquely related to the bank holding company as specified by Cabinet Order; hereinafter the same applies in this Article) to a single person (a single person includes any other person that is uniquely related to that single person as specified by Cabinet Order; hereinafter the same applies in this Article) must not exceed the amount arrived at by multiplying the total net amount of the

equity capital of the bank holding company and its subsidiary companies by the rate specified by Cabinet Order in respect of each of the categories provided by Cabinet Order (hereinafter the amount thus calculated is referred to as the "limit on credit and contributions by a bank holding company" in this Article); provided, however, that this does not apply with the approval of the Prime Minister, if the total amount in which credit is extended and contributions are made by a bank holding company and its subsidiary companies to a single person comes to exceed the limit on credit and contributions by a bank holding company as a result of a merger, joint incorporation-type company split, absorption-type company split, or business acquisition by the person to which the credit is extended or the contribution is made, or due to a compelling reason as specified by Cabinet Order.

2 前項の規定は、次に掲げる信用の供与等については、適用しない。

(2) The provisions of the preceding paragraph do not apply to the extension of credit and making of contributions as follows:

一 国及び地方公共団体に対する信用の供与、政府が元本の返済及び利息の支払について保証している信用の供与その他これらに準ずるものとして政令で定める信用の供与等

(i) the extension of credit to the State or a local public entity, the extension of credit for which redemption of the principal and payment of interest are guaranteed by the government and any other extension of credit or making of a contribution specified by Cabinet Order as being equivalent thereto; and.

二 信用の供与等を行う銀行持株会社又はその子会社等と実質的に同一と認められる者に対する信用の供与等その他の政令で定める信用の供与等

(ii) the extension of credit or the making of a contribution to a person that is deemed to be identical, in substance, to a bank holding company that itself extends credit or makes contributions or its subsidiary company, etc., and any other extension of credit or making of a contribution specified by Cabinet Order.

3 第一項の場合において、銀行持株会社又はその子会社等の同一人に対する信用の供与等の合計額が銀行持株会社に係る信用供与等限度額を超えることとなったときは、その超える部分の信用の供与等の額は、当該銀行持株会社の信用の供与等の額とみなす。

(3) In the case referred to in paragraph (1), if the total amount in which credit has been extended and contributions have been made to a single person by the bank holding company and its subsidiary companies, etc. exceeds the limit on credit and contributions by a bank holding company, the excess amount by which the credit has been extended or the contributions have been made is deemed to be an amount in which the bank holding company has extended the credit or made the contribution.

4 いかなる名義をもつてするかを問わず、又はいかなる方法をもつてするかを問わず、

銀行持株会社又はその子会社等が第一項本文の規定の適用を免れる目的で信用の供与等を行った場合であつて、名義人以外の者が実質的に当該信用の供与等を受けるときは、当該信用の供与等は、銀行持株会社又はその子会社等の実質的に当該信用の供与等を受けける者に対する信用の供与等として、同項本文の規定を適用する。

(4) If a bank holding company or its subsidiary company, etc. has extended credit or made a contribution, irrespective of the name used or the means employed, with the purpose of sparing itself from the application of the provisions of the main clause of paragraph (1), and a person other than the named person is the one to which, in substance, the credit is extended or the contribution is made, that extension of credit or making of a contribution is deemed to be the extension of credit or making of a contribution to the person to which, in substance, the credit is extended or the contribution is made by the bank holding company or its subsidiary company, etc., and the aforementioned provisions apply.

5 前各項に定めるもののほか、信用の供与等の額、第一項に規定する自己資本の純合計額及び銀行持株会社に係る信用供与等限度額の計算方法その他これらの規定の適用に関し必要な事項は、内閣府令で定める。

(5) Beyond what is provided for in the preceding paragraphs, Cabinet Order prescribes the necessary particulars relevant to the application of those provisions, such as the way of calculating the amount in which credit has been extended or contributions have been made, the total net amount of equity capital referred to in paragraph (1), and the limit on credit and contributions by the bank holding company.

(銀行持株会社の子会社の範囲等)

(Scope of a Bank Holding Company's Subsidiary Companies, etc.)

第五十二条の二十三 銀行持株会社は、銀行及び次に掲げる会社（以下この条及び次条第二項において「子会社対象会社」という。）以外の会社を子会社としてはならない。

Article 52-23 (1) A bank holding company must not have a company other than a bank or a company that falls under one of the following (hereinafter referred to as a "company eligible to be a subsidiary company" in this Article and paragraph (2) of the following Article) as its subsidiary company:

一 長期信用銀行

(i) a long-term credit bank;

一の二 資金移動専門会社

(i)-2 a company specialized in fund transfers;

二 証券専門会社

(ii) a company specialized in securities;

三 証券仲介専門会社

(iii) a company specialized in securities intermediation;

四 保険会社

(iv) an insurance company;

四の二 少額短期保険業者

(iv)-2 a low-cost, short-term insurance provider;

五 信託専門会社

(v) a company specialized in trust business;

六 銀行業を営む外国の会社

(vi) a foreign company engaging in banking;

七 有価証券関連業を営む外国の会社（前号に掲げる会社に該当するものを除く。）

(vii) a foreign company engaging in securities services (other than one that falls under the category of company set forth in the preceding item);

八 保険業を営む外国の会社（第六号に掲げる会社に該当するものを除く。）

(viii) a foreign company engaging in insurance business (other than one that falls under the category of company set forth in item (vi));

九 信託業を営む外国の会社（第六号に掲げる会社に該当するものを除く。）

(ix) a foreign company engaging in trust business (other than one that falls under the category of company set forth in item (vi));

十 次に掲げる業務を専ら営む会社（イに掲げる業務を営む会社にあつては、当該銀行持株会社、その子会社（銀行並びに第一号、第一号の二及び第六号に掲げる会社に限る。）その他これらに類する者として内閣府令で定めるもの（第十項において「銀行持株会社等」という。）の営む業務のためにその業務を営んでいる会社に限る。）

(x) a company exclusively engaging in the following services (if the company performs the service set forth in sub-item (a) below, limited to one that does so in respect of services performed by the bank holding company, its subsidiary companies (limited to banks and to companies set forth in item (i), (i)-2, and (vi)) and other persons specified by Cabinet Office Order as being similar thereto (referred to as "bank holding company, etc." in paragraph (10))):

イ 銀行又は前各号に掲げる会社の営む業務に従属する業務として内閣府令で定めるもの（以下この条において「従属業務」という。）

(a) services specified by Cabinet Office Order as being dependent on the services performed by a bank or by a company as set forth in one of the preceding items (hereinafter referred to as "dependent services" in this Article); or

ロ 第十六条の二第二項第二号に掲げる金融関連業務（当該銀行持株会社が証券専門会社、証券仲介専門会社及び有価証券関連業を営む外国の会社のいずれをも子会社としていない場合にあつては同項第三号に掲げる証券専門関連業務を、当該銀行持株会社が保険会社、少額短期保険業者及び保険業を営む外国の会社のいずれをも子会社としていない場合にあつては同項第四号に掲げる保険専門関連業務を、当該銀行持株会社が信託兼営銀行、信託専門会社及び信託業を営む外国の会社のいずれをも子会社としていない場合にあつては同項第五号に掲げる信託専門

関連業務をそれぞれ除くものとする。)

(b) financial services as defined in Article 16-2, paragraph (2), item (ii) (this excludes specialized securities services as defined in Article 16-2, paragraph (2), item (iii) if the bank holding company does not have a company specialized in securities, company specialized in securities intermediation, or foreign company engaging in securities services as its subsidiary company; excludes specialized insurance services as defined in Article 16-2, paragraph (2), item (iv) if the bank holding company does not have an insurance company, low-cost, short-term insurance provider, or foreign company engaging in insurance business as its subsidiary company; and excludes specialized trust services as defined in Article 16-2, paragraph (2), item (v) if the bank holding company does not have a trust bank, company specialized in trust business, or foreign company engaging in trust business as its subsidiary company).

十一 新たな事業分野を開拓する会社として内閣府令で定める会社（当該会社の議決権を、銀行持株会社又はその子会社のうち前号に掲げる会社で内閣府令で定めるもの（次号並びに第五十二条の二十四第七項及び第八項において「特定子会社」という。）以外の子会社が、合算して、同条第一項に規定する基準議決権数を超えて保有していないものに限る。）

(xi) a company specified by Cabinet Office Order as one that is developing a new field of business (but only if the total number of voting rights in the company that are held by the bank holding company and those of its subsidiary companies not constituting the companies as set forth in the preceding item that are specified by Cabinet Office Order (a company so specified is referred to as a "specified subsidiary company" in the following item and Article 52-24, paragraph (7) and paragraph (8)) does not exceed the maximum threshold for voting rights held as prescribed in Article 52-24, paragraph (1));

十一の二 経営の向上に相当程度寄与すると認められる新たな事業活動を行う会社として内閣府令で定める会社（その事業に係る計画又は当該計画に基づく措置について内閣府令で定める要件に該当しない会社（第五十二条の二十四第一項及び第七項において「特別事業再生会社」という。）にあつては、当該会社の議決権を、銀行持株会社又はその特定子会社以外の子会社が、合算して、同条第一項に規定する基準議決権数を超えて保有していないものに限る。）

(xi)-2 a company specified by Cabinet Office Order as one that is engaged in new businesses that are found to contribute considerably to improving management (with regard to a company that fails to meet the requirements specified by Cabinet Office Order in relation to the business plan or any measures based on the plan (referred to as "company under special business revitalization process" in Article 52-24, paragraph (1) and paragraph (7)), but only if the total number of voting rights in that company that are held by the

bank holding company and those of its subsidiary companies not constituting specified subsidiary companies does not exceed the maximum threshold for voting rights held as prescribed in paragraph (1) of that Article);

十一の三 前各号に掲げる会社のほか、情報通信技術その他の技術を活用した当該銀行持株会社の子会社である銀行の営む銀行業の高度化若しくは当該銀行の利用者の利便の向上に資する業務又はこれに資すると見込まれる業務を営む会社

(xi)-3 a company other than as set forth in the preceding items, which provides services that contribute to or are expected to contribute to increased sophistication in the banking conducted by the bank that is a subsidiary company of the bank holding company or to the enhanced convenience for bank users, through the use of information and telecommunication technology or other technology;

十二 銀行又は前各号及び次号に掲げる会社のみを子会社とする持株会社で内閣府令で定めるもの（当該持株会社になることを予定している会社を含む。）

(xii) a holding company that has only Banks or the companies set forth in the preceding items and the following item as its subsidiary companies, and which is specified by Cabinet Office Order (including a company that is scheduled to become that holding company); and

十三 銀行又は前各号に掲げる会社のみを子会社とする外国の会社であつて、持株会社と同種のもの又は持株会社に類似するもの（当該会社になることを予定している会社を含み、前号に掲げる会社に該当するものを除く。）

(xiii) a foreign company that has only banks and the companies set forth in the preceding items as its subsidiary companies, and which is of the same type as a holding company or is similar to a holding company (including a company that is scheduled to become that company, and excluding a company that falls under the category of companies set forth in the preceding item).

2 前項の規定は、子会社対象会社以外の会社が、銀行持株会社又はその子会社の担保権の実行による株式等の取得、銀行持株会社又はその子会社による同項第十一号又は第十一号の二に掲げる会社の株式等の取得その他の内閣府令で定める事由により当該銀行持株会社の子会社となる場合には、適用しない。ただし、当該銀行持株会社は、その子会社となつた会社が当該事由（当該銀行持株会社又はその子会社による同項第十一号又は第十一号の二に掲げる会社の株式等の取得その他内閣府令で定める事由を除く。）の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

(2) The provisions of the preceding paragraph do not apply if a company not constituting a company eligible to be a subsidiary company becomes the Subsidiary Company of a bank holding company through a bank holding company's or its subsidiary company's acquisition of shares, etc. due to exercise of security right, through a bank holding company's or its subsidiary company's acquisition of shares, etc. in a company as set forth in item (xi) or item (xi)-2 of that paragraph, or due to any other cause specified by Cabinet Office Order;

provided, however, that the bank holding company must take the measures that it needs to take so that the company that has so become its subsidiary company is no longer its subsidiary company by the last day in the one-year period that begins on the date on which that cause (excluding a bank holding company's or its subsidiary company's acquisition of shares, etc. in a company as set forth in item (xi) or item (xi)-2 of that paragraph or any other cause specified by Cabinet Office Order) arose.

3 第一項の規定は、銀行持株会社が、現に子会社対象会社以外の外国の会社を子会社としている同項第六号から第十号までに掲げる会社（同号に掲げる会社にあつては、外国の会社に限る。第五項において同じ。）又は特例対象持株会社（持株会社（子会社対象会社を子会社としている会社に限る。）又は外国の会社であつて持株会社と同種のもの若しくは持株会社に類似するもの（子会社対象会社を子会社としているものに限り、持株会社を除く。）をいう。第五項において同じ。）を子会社とすることにより子会社対象会社以外の外国の会社を子会社とする場合には、適用しない。ただし、当該銀行持株会社は、当該子会社対象会社以外の外国の会社の子会社となつた日から五年を経過する日までに当該子会社対象会社以外の外国の会社の子会社でなくなるよう、所要の措置を講じなければならない。

(3) The provisions of paragraph (1) do not apply if a bank holding company owns a foreign company not constituting a company eligible to be a subsidiary company as its subsidiary company due to having one of the companies set forth in items (vi) through (x) of that paragraph (in the case of the company set forth in item (x), limited to a foreign company; the same applies in paragraph (5)) or a holding company subject to special provisions (meaning a holding company (limited to a company that has a company eligible to be a subsidiary company as its subsidiary company) or a foreign company that is of the same type as a holding company or that is similar to a holding company (limited to a foreign company that has a company eligible to be a subsidiary company as its subsidiary company, and excluding a holding company)); the same applies in paragraph (5)) that has a foreign company not constituting a company eligible to be a subsidiary company as its subsidiary company at the time in question; provided, however, that the bank holding company must take the measures that it needs to take so that the foreign company not constituting a company eligible to be a subsidiary company is no longer its subsidiary company by the last day in the five-year period after the date on which the foreign company not constituting a company eligible to be a subsidiary company became its subsidiary company.

4 銀行持株会社は、前項ただし書の期限又はこの項の規定により延長された期限が到来する場合には、その子会社となつた子会社対象会社以外の外国の会社を引き続き子会社とすることについて内閣総理大臣の承認を受けて、一年を限り、これらの期限を延長することができる。

(4) Before the arrival of the deadline referred to in the proviso to the preceding

paragraph or the deadline as extended pursuant to the provisions of this paragraph, the bank holding company may have it extended for up to one year by obtaining the Prime Minister's approval for the bank to continue to have as its subsidiary company the foreign company not constituting a company eligible to be a subsidiary company that has become its subsidiary company.

5 内閣総理大臣は、銀行持株会社につき次の各号のいずれかに該当する場合に限り、前項の承認をするものとする。

(5) The Prime Minister is to give the approval referred to in the preceding paragraph only if the bank holding company falls under one of the following items:

一 当該銀行持株会社が、その子会社となつた子会社対象会社以外の外国の会社又は当該会社を子会社としている第一項第六号から第十号までに掲げる会社若しくは特例対象持株会社の本店又は主たる事務所の所在する国の金融市場又は資本市場の状況その他の事情に照らして、前項の期限までにその子会社となつた子会社対象会社以外の外国の会社が子会社でなくなるよう、所要の措置を講ずることができないことについてやむを得ない事情があると認められること。

(i) there is found to be a compelling reason for the bank holding company being unable to take the measures it needs to take so that the foreign company not constituting a company eligible to be a subsidiary company that has become its subsidiary company is no longer its subsidiary company by the deadline referred to in the preceding paragraph, in light of the financial market or capital market or any other circumstances in the country where the head office or principal office of the foreign company not constituting a company eligible to be a subsidiary company which became its subsidiary company is located, or where the head office or principal office of the company set forth in paragraph (1), items (vi) through (x) or the holding company subject to special provisions that has that foreign company as its subsidiary company is located; and

二 当該銀行持株会社が子会社とした第一項第六号から第十号までに掲げる会社又は特例対象持株会社の事業の遂行のため、当該銀行持株会社はその子会社となつた子会社対象会社以外の外国の会社を引き続き子会社とすることについてやむを得ない事情があると認められること。

(ii) there is found to be a compelling reason for the bank holding company to continue to have as its subsidiary company the foreign company not constituting a company eligible to be a subsidiary company that has become its subsidiary company, in order to execute the business of any of the companies set forth in paragraph (1), items (vi) through (x) or of a holding company subject to special provisions which that bank has made its subsidiary company.

6 銀行持株会社は、子会社対象会社のうち、銀行又は第一項第一号から第十号まで若しくは第十一号の三から第十三号までに掲げる会社（従属業務又は銀行業に付随し、

若しくは関連する業務として内閣府令で定めるものを専ら営む会社（従属業務を営む会社にあつては、当該銀行持株会社の子会社である銀行の営む業務のためにその業務を営んでいる会社に限る。）を除く。）（以下この条及び第五十二条の二十四第四項第四号において「子会社対象銀行等」という。）を子会社としようとするとき（第一項第十一号の三に掲げる会社にあつては、当該銀行持株会社又はその子会社が合算してその基準議決権数（同条第一項に規定する基準議決権数をいう。次項及び第九項において同じ。）を超える議決権を取得し、又は保有しようとするとき）は、第五十二条の三十五第一項から第三項までの規定により合併、会社分割又は事業の譲受けの認可を受ける場合を除き、あらかじめ、内閣総理大臣の認可を受けなければならない。

(6) Unless a bank holding company obtains authorization for a merger, company split, or business acquisition pursuant to the provisions of Article 52-35, paragraphs (1) through (3), it must obtain the authorization of the Prime Minister before seeking to make a company eligible to be a subsidiary company which is a bank or a company as set forth in one of items (i) through (x), or items (xi)-3 through (xiii) of paragraph (1) (other than a company exclusively engaged in dependent services or services specified by Cabinet Office Order as incidental or related to banking (if a company performs dependent services, limited to one that does so in respect of services performed by a bank which is a subsidiary company of the bank holding company)) (hereinafter that company eligible to be a subsidiary company is referred to as a "bank, etc. eligible to be a subsidiary company" in this Article and Article 52-24, paragraph (4), item (iv)) a subsidiary company (in the case of a company set forth in paragraph (1), item (xi)-3, before the bank holding company or its subsidiary company seeks to acquire or hold voting rights in that company that would cause their total number of voting rights to exceed the maximum threshold for voting rights held (meaning the maximum threshold for voting rights held prescribed in paragraph (1) of that Article; the same applies in the following paragraph and paragraph (9))).

7 前項の規定は、子会社対象銀行等が、銀行持株会社又はその子会社の担保権の実行による株式等の取得その他の内閣府令で定める事由により当該銀行持株会社の子会社（第一項第十一号の三に掲げる会社にあつては、当該銀行持株会社又はその子会社が合算してその基準議決権数を超える議決権を保有する会社。以下この項において同じ。）となる場合には、適用しない。ただし、当該銀行持株会社は、その子会社となつた子会社対象銀行等を引き続き子会社とすることについて内閣総理大臣の認可を受けた場合を除き、当該子会社対象銀行等が当該事由の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

(7) The provisions of the preceding paragraph do not apply if a bank, etc. eligible to be a subsidiary company becomes the subsidiary company of a bank holding company (in case of a company set forth in paragraph (1), item (xi)-3, the company in which the bank holding company and its subsidiary companies hold a total number of voting rights that exceeds the maximum threshold for voting

rights held; hereinafter the same applies in this paragraph) through the bank holding company's or its subsidiary company's acquisition of Shares, etc. due to the exercise of security right or due to any other cause specified by Cabinet Office Order; provided, however, that unless it obtains the authorization of the Prime Minister to continue to have as its subsidiary company the bank, etc. eligible to be a subsidiary company that has become its subsidiary company, the bank holding company must take the measures that it needs to take so that the bank, etc. eligible to be a subsidiary company is no longer its subsidiary company by the last day in the one-year period that begins on the date on which that cause arose.

8 第六項の規定は、銀行持株会社が、その子会社としている第一項各号に掲げる会社を当該各号のうち他の号に掲げる会社（子会社対象銀行等に限る。）に該当する子会社としようとするときについて準用する。

(8) The provisions of paragraph (6) apply mutatis mutandis if a bank holding company seeks to make a subsidiary company that constitutes a company as set forth in one of the items of paragraph (1) into a subsidiary company that constitutes a company as set forth in one of the other items of that paragraph (limited to one that is a bank, etc. eligible to be a subsidiary company).

9 銀行持株会社は、当該銀行持株会社又はその子会社が合算してその基準議決権数を超える議決権を保有している子会社対象会社（当該銀行持株会社の子会社及び第一項第十一号の三に掲げる会社を除く。）が同号に掲げる会社となつたことを知つたときは、引き続きその基準議決権数を超える議決権を保有することについて内閣総理大臣の認可を受けた場合を除き、これを知つた日から一年を経過する日までに当該同号に掲げる会社が当該銀行持株会社又はその子会社が合算してその基準議決権数を超える議決権を保有する会社でなくなるよう、所要の措置を講じなければならない。

(9) If a bank holding company becomes aware that a company eligible to be a subsidiary company (other than a subsidiary company of that bank holding company or a company set forth in paragraph (1), item (xi)-3) in which the bank holding company and its subsidiary companies hold a total number of voting rights that exceeds the maximum threshold for voting rights held has become a company as set forth in that item, the bank holding company must take the measures that it needs to take so that the company set forth in that item is no longer a company in which the bank holding company and its subsidiary companies hold a total number of voting rights that exceed the maximum threshold for voting rights held, by the last day in the one-year period that begins on the date on which the bank holding company became aware of that fact, unless it obtains the authorization of the Prime Minister to continue to hold voting rights exceeding the maximum threshold for voting rights held.

10 第一項第十号又は第六項の場合において、会社が銀行持株会社等又は銀行持株会社の子会社である銀行の営む業務のために従属業務を営んでいるかどうかの基準は、

当該従属業務を営む会社の当該銀行持株会社等又は当該銀行からの当該従属業務に係る収入の額の当該従属業務に係る総収入の額に占める割合等を勘案して内閣総理大臣が定める。

- (10) In the case referred to in paragraph (1), item (x) or paragraph (6), the Prime Minister sets the criteria for whether a company is performing dependent services in association with the services performed by the bank holding company, etc. or in association with the services performed by a bank constituting the subsidiary company of a bank holding company, in consideration of circumstances such as the proportion of the amount of revenue associated with dependent services that the company performing those dependent services receives from the bank holding company, etc. or from that bank, to the amount of gross revenue associated with its dependent services.

(銀行持株会社の子会社の範囲等の特例)

(Special Provisions on the Scope of Subsidiary Companies for a Bank Holding Company)

第五十二条の二十三の二 銀行持株会社は、前条第一項の規定にかかわらず、次に掲げる会社（以下「特例子会社対象会社」という。）を子会社（当該銀行持株会社の子会社である銀行の子会社を除く。以下「持株特定子会社」という。）とすることができる。

Article 52-23-2 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, a bank holding company may have the following companies (hereinafter referred to as a "company eligible to be a special subsidiary company") as a subsidiary company (excluding the subsidiary company of a bank which is the subsidiary company of that bank holding company; hereinafter referred to as a "specified bank holding company subsidiary"):

一 特例子会社対象業務を専ら営む会社（次に掲げる会社を除く。）

(i) a company exclusively engaged in the subject services of a special subsidiary company (excluding the following companies):

イ 前条第一項第十号イ又はロに掲げる業務を専ら営む会社（同号イに掲げる業務（次項において「従属業務」という。）を営む会社に限る。）であつて、当該銀行持株会社、その子会社（銀行並びに同条第一項第一号及び第六号に掲げる会社に限る。）その他これらに類する者として内閣府令で定めるものの営む業務のためにその業務を営んでいる会社

(a) a company exclusively engaged in services set forth in paragraph (1) item (x), (a) or (b) of the preceding Article (limited to a company that performs the services set forth in sub-item (a) of that item (referred to as "dependent services" in the following paragraph)), which does so in respect of services performed by the bank holding company, its subsidiary company (limited to one that is a bank or a company as set forth in paragraph (1), item (i) or item (vi) of that Article), or any other person specified by Cabinet Office

Order as similar thereto; and

ロ 前条第一項第十一号及び第十一号の二に掲げる会社

(b) a company as set forth in paragraph (1), item (xi) and item (xi)-2 of the preceding Article.

二 前条第一項各号（第十一号及び第十一号の二を除く。）に掲げる会社が営むことができる業務及び特例子会社対象業務を専ら営む会社（前号ロに掲げる会社を除く。）

(ii) a company exclusively engaged in services in which a company set forth in the items of paragraph (1) of the preceding Article (excluding item (xi) and item (xi)-2) is permitted to engage, or in the subject services of a special subsidiary company (other than a company as set forth in sub-item (b) of the preceding item).

2 前項各号の「特例子会社対象業務」とは、子会社対象会社（前条第一項第十一号及び第十一号の二に掲げる会社を除く。）が営むことができる業務（従属業務を除く。以下この項において「特定業務」という。）以外の業務であつて、第十条第二項第十四号に規定する金融等デリバティブ取引に係る同号に規定する商品の売買その他の特定業務に準ずるものとして内閣府令で定めるものをいう。

(2) The term "subject services of a special subsidiary company" as used in the items of the preceding paragraph means services which are other than those in which a company eligible to be a subsidiary company (excluding a company set forth in paragraph (1), item (xi) and item (xi)-2 of the preceding Article) is permitted to engage (excluding dependent services; hereinafter those in which such a company is permitted to engage are referred to as "specified services" in this paragraph), and which constitute the purchase and sale of commodities as prescribed in Article 10, paragraph (2), item (xiv) through financial derivative transactions as prescribed in that item, and any other services specified by Cabinet Office Order as equivalent to specified services.

3 銀行持株会社は、第一項の規定により特例子会社対象会社を持株特定子会社としようとするときは、あらかじめ、当該持株特定子会社が営もうとする特例子会社対象業務（前項に規定する特例子会社対象業務をいう。以下この条及び第六十五条第十七号において同じ。）を定めて、内閣総理大臣の認可を受けなければならない。

(3) A bank holding company must prescribe the subject services of the special subsidiary company (meaning the subject services of a special subsidiary company as prescribed in the preceding paragraph; hereinafter the same applies in this Article and Article 65, item (xvii)) in which the specified bank holding company Subsidiary would seek to engage and obtain the authorization of the Prime Minister before seeking to make a company eligible to be a special subsidiary company its specified bank holding company subsidiary pursuant to the provisions of paragraph (1).

4 銀行持株会社は、第一項の規定により特例子会社対象会社を持株特定子会社として
いる場合には、当該持株特定子会社が、その営む特例子会社対象業務につき当該特例

子会社対象業務の内容その他の事情を勘案し、当該銀行持株会社の子会社である銀行の業務の健全かつ適切な運営を確保するために必要と認められる要件として内閣府令で定めるものを満たすために必要な措置を講じなければならない。

- (4) If a bank holding company makes a company eligible to be a special subsidiary company a specified bank holding company subsidiary pursuant to the provisions of paragraph (1), it must take the measures it needs to take in order for the specified bank holding company Subsidiary to satisfy the requirements specified by Cabinet Office Order as those that are found to be necessary for ensuring the sound and appropriate management of services at a bank that is the subsidiary company of the bank holding company in respect of the subject services of the special subsidiary company, in consideration of the contents of the subject services of that special subsidiary company and other circumstances.
- 5 第三項の規定は、特例子会社対象会社が、前条第七項に規定する内閣府令で定める事由により銀行持株会社の持株特定子会社となる場合には、適用しない。ただし、当該銀行持株会社は、その持株特定子会社となつた特例子会社対象会社を引き続き持株特定子会社とすることについて内閣総理大臣の認可を受けた場合を除き、当該特例子会社対象会社が当該事由の生じた日から一年を経過する日までに持株特定子会社でなくなるよう、所要の措置を講じなければならない。
- (5) The provisions of paragraph (3) do not apply if a company eligible to be a special subsidiary company becomes a specified bank holding company Subsidiary due to a cause specified by Cabinet Office Order as provided in paragraph (7) of the preceding Article; provided, however, that unless it obtains the authorization of the Prime Minister to continue to have as its specified bank holding company Subsidiary the company eligible to be a special subsidiary company which has become its specified bank holding company subsidiary, the bank holding company must take the measures that it needs to take so that the company eligible to be a special subsidiary company is no longer its specified bank holding company subsidiary by the last day in the one-year period that begins on the date on which that cause arose.
- 6 第三項の規定は、銀行持株会社が、その持株特定子会社としている特例子会社対象会社を同項の認可に係る特例子会社対象業務以外の特例子会社対象業務を営む持株特定子会社としようとするときについて準用する。
- (6) The provisions of paragraph (3) apply mutatis mutandis if a bank holding company seeks to make a company eligible to be a special subsidiary company which it has as a specified bank holding company subsidiary into a specified bank holding company subsidiary engaging in subject services of a special subsidiary company which are other than the subject services of a special subsidiary company to which the authorization referred to in that paragraph pertains.
- 7 第四項の規定は、第五項本文に規定する場合（同項ただし書の規定により内閣総理

大臣の認可を受けて持株特定子会社となつた特例子会社対象会社を引き続き持株特定子会社とする場合を除く。)には、適用しない。

(7) The provisions of paragraph (4) do not apply to the cases prescribed in the main clause of paragraph (5) (excluding those in which the bank holding company continues to have as its as its specified bank holding company subsidiary the company eligible to be a special subsidiary company that has become its specified bank holding company subsidiary with the authorization of the Prime Minister pursuant to the proviso to paragraph (5)).

(銀行持株会社等による議決権の取得等の制限)

(Restriction on the Acquisition of Voting Rights by a Bank Holding Company)

第五十二条の二十四 銀行持株会社又はその子会社は、国内の会社（銀行、第五十二条の二十三第一項第一号から第五号まで、第十号及び第十一号の二から第十二号までに掲げる会社（同項第十一号の二に掲げる会社にあつては、特別事業再生会社を除く。）並びに特例子会社対象会社並びに特例対象会社を除く。次項から第六項までにおいて同じ。）の議決権については、合算して、その基準議決権数（国内の会社の総株主等の議決権に百分の十五を乗じて得た議決権の数をいう。以下この条において同じ。）を超える議決権を取得し、又は保有してはならない。

Article 52-24 (1) It is prohibited for a bank holding company or its subsidiary company to acquire or hold voting rights in a domestic company (excluding a bank, a company as set forth in one of Article 52-23, paragraph (1), items (i) through (v), item (x), and items (xi)-2 through (xii) (in the case of the company set forth in item (xi)-2 of that paragraph, excluding a company under special business revitalization process), a company eligible to be a special subsidiary company, or a company subject to special provisions; hereinafter the same applies in the following paragraph through paragraph (6)) that cause the total number of voting rights held by the bank holding company and its subsidiary companies to exceed the maximum threshold for voting rights held (meaning the number of voting rights that constitutes fifteen percent of all shareholders, etc. voting rights in the domestic company; the same applies hereinafter in this Article).

2 前項の規定は、銀行持株会社又はその子会社が、担保権の実行による株式等の取得その他の内閣府令で定める事由により、国内の会社の議決権をその基準議決権数を超えて取得し、又は保有することとなる場合には、適用しない。ただし、当該銀行持株会社又はその子会社は、合算してその基準議決権数を超えて取得し、又は保有することとなつた部分の議決権については、当該銀行持株会社があらかじめ内閣総理大臣の承認を受けた場合を除き、その取得し、又は保有することとなつた日から一年を超えてこれを保有してはならない。

(2) The provisions of the preceding paragraph do not apply if a bank holding company and its subsidiary companies come to acquire or hold voting rights in a domestic company that exceed the maximum threshold for voting rights held

through the bank holding company's or its subsidiary company's acquisition of shares, etc. due to the exercise of security right or any other cause specified by Cabinet Office Order; provided, however, that unless the bank holding company obtains the approval of the Prime Minister in advance, it is prohibited for the bank holding company and its subsidiary companies to continue to hold the part of the total number of voting rights that they have come to acquire or hold in excess of the maximum threshold for voting rights held after one year has passed since the day on which they came to acquire or hold those voting rights.

3 前項ただし書の場合において、内閣総理大臣がする同項の承認の対象には、銀行持株会社又はその子会社が国内の会社の議決権を合算してその総株主等の議決権の百分の五十を超えて取得し、又は保有することとなつた議決権のうち当該百分の五十を超える部分の議決権は含まれないものとし、内閣総理大臣が当該承認をするときは、銀行持株会社又はその子会社が合算してその基準議決権数を超えて取得し、又は保有することとなつた議決権のうちその基準議決権数を超える部分の議決権を速やかに処分することを条件としなければならない。

(3) In the case referred to in the proviso to the preceding paragraph, it is prohibited for any part of the total number of voting rights in a domestic company that a bank holding company and its subsidiary companies have come to acquire or hold which exceeds fifty percent of all shareholders, etc. voting rights in that company, to be made subject to the approval referred to in that paragraph that the Prime Minister gives; and if the Prime Minister gives the approval referred to in the preceding paragraph, this must be made conditional upon the bank holding company and its subsidiary companies promptly disposing of the part of the voting rights they have come to acquire or hold in excess of the maximum threshold for voting rights held.

4 銀行持株会社又はその子会社は、次の各号に掲げる場合には、第一項の規定にかかわらず、当該各号に定める日に保有し、又は保有することとなる国内の会社の議決権がその基準議決権数を超える場合であつても、同日以後、当該議決権をその基準議決権数を超えて保有することができる。ただし、内閣総理大臣は、銀行持株会社又はその子会社が、次の各号に掲げる場合に国内の会社の議決権を合算してその総株主等の議決権の百分の五十を超えて保有し、又は保有することとなるときは、当該各号に規定する認可をしてはならない。

(4) Notwithstanding the provisions of paragraph (1), in the case prescribed in one of the following items, even if the voting rights in a domestic company that a bank holding company and its subsidiary companies have hold as of the day specified in the relevant item or come to hold on that day exceed the maximum threshold for voting rights held, the bank holding company and its subsidiary companies may hold those voting rights in excess of the maximum threshold for voting rights held, from that day forward; provided, however, that the Prime Minister must not grant the authorization provided for in the relevant of the

following items if, in the case set forth in that item, the bank holding company and its subsidiary companies have hold or come to hold a total number of voting rights in a domestic company that exceeds fifty percent of all Shareholders', etc. voting rights in that company:

一 第五十二条の十七第一項の認可を受けた会社が当該銀行持株会社になつたとき
その銀行持株会社になつた日

(i) a company that has obtained the authorization referred to in Article 52-17, paragraph (1) becomes a bank holding company: the day it becomes a bank holding company;

二 第五十二条の十七第一項の認可を受けて当該銀行持株会社が設立されたとき
その設立された日

(ii) a bank holding company is incorporated under the authorization referred to in Article 52-17, paragraph (1): the day it is incorporated;

三 特定持株会社が第五十二条の十七第三項ただし書の認可を受けて当該銀行持株会社になつたとき
その認可を受けた日

(iii) a specified holding company becomes the bank holding company, under the authorization referred to in the proviso to Article 52-17, paragraph (3): the day it obtains the authorization;

四 第五十二条の二十三第六項の認可を受けて当該銀行持株会社が子会社対象銀行等
を子会社としたとき（内閣府令で定める場合に限る。）
その子会社とした日

(iv) the bank holding company makes a bank, etc. eligible to be a subsidiary company its subsidiary company, under the authorization referred to in Article 52-23, paragraph (6) (limited to a case as specified by Cabinet Office Order): the day it makes it its subsidiary company;

五 当該銀行持株会社が第五十二条の三十五第一項の認可を受けて合併をしたとき
（当該銀行持株会社が存続する場合に限る。）
その合併をした日

(v) the bank holding company implements a merger under the authorization referred to in Article 52-35, paragraph (1) (but only if the bank holding company survives the merger): the day it implements the merger;

六 当該銀行持株会社が第五十二条の三十五第二項の認可を受けて吸収分割により事業を承継したとき（内閣府令で定める場合に限る。）
その吸収分割をした日

(vi) the bank holding company succeeds to a business in an absorption-type company split, under the authorization referred to in Article 52-35, paragraph (2) (limited to a case as specified by Cabinet Office Order): the day the absorption-type company split is implemented;

七 当該銀行持株会社が第五十二条の三十五第三項の認可を受けて事業の譲受けをしたとき（内閣府令で定める場合に限る。）
その事業の譲受けをした日

(vii) the bank holding company makes a business acquisition, under the authorization referred to in Article 52-35, paragraph (3) (limited to a case as specified by Cabinet Office Order): the day it makes that business acquisition.

5 内閣総理大臣は、前項各号に規定する認可をするときは、当該各号に定める日に銀

行持株会社又はその子会社が合算してその基準議決権数を超えて保有し、又は保有することとなる国内の会社の議決権のうちその基準議決権数を超える部分の議決権を、同日から五年を経過する日までに内閣総理大臣が定める基準に従つて処分することを条件としなければならない。

(5) The Prime Minister, in giving the authorization provided for in the items of the preceding paragraph, must make this conditional on the bank holding company's or its subsidiary company's disposal of the part of the voting rights in the domestic company that it has hold as of the day set forth in the relevant of those items or it will come to hold on that day that will cause their total number of voting rights to exceed the maximum threshold for voting rights held, in accordance with the requirements set by the Prime Minister, by the last day in the five-year period after that day.

6 銀行持株会社又はその子会社が、国内の会社の議決権を合算してその基準議決権数を超えて保有することとなつた場合には、その超える部分の議決権は、当該銀行持株会社が取得し、又は保有するものとみなす。

(6) If a bank holding company and its subsidiary companies come to hold a total number of voting rights in a domestic company that exceeds the maximum threshold for voting rights held, the bank holding company is deemed to be the one that has acquired or that holds the part of the voting rights that is in excess of this.

7 前各項の場合において、第五十二条の二十三第一項第十一号に掲げる会社又は特別事業再生会社の議決権の取得又は保有については、特定子会社は、銀行持株会社の子会社に該当しないものとみなす。

(7) In a case as referred to in the preceding paragraphs, a specified subsidiary company is deemed not to be the subsidiary company of a bank holding company with respect to acquisition or holding of voting rights in a company set forth in Article 52-23, paragraph (1), item (xi) or a company under special business revitalization process.

8 第一項の「特例対象会社」とは、地域の活性化に資すると認められる事業を行う会社として内閣府令で定める会社（当該会社の議決権を、銀行持株会社又はその特定子会社以外の子会社が、合算して、同項に規定する基準議決権数を超えて保有していないものに限る。）及び第五十二条の二十三第一項第十一号又は第十一号の二に掲げる会社（銀行持株会社の子会社であるものに限る。）と内閣府令で定める特殊の関係のある会社をいう。

(8) The term "company subject to special provisions" as used in paragraph (1) means a company specified by Cabinet Office Order as a company engaged in business that is found to contribute to regional development (but only if the total number of voting rights in that company that are held by the bank holding company and those of its subsidiary companies not constituting specified subsidiary companies does not exceed the maximum threshold for voting rights held as prescribed in that paragraph) and a company that has a

unique relationship specified by Cabinet Office Order with the company set forth in Article 52-23, paragraph (1), item (xi) or item (xi)-2 (but only if that company is the subsidiary company of the the bank holding company).

9 第二条第十一項の規定は、第一項から第七項までの場合において銀行持株会社又はその子会社が取得し、又は保有する議決権について準用する。

(9) The provisions of Article 2, paragraph (11) apply mutatis mutandis to voting rights that a bank holding company or its subsidiary company acquires or holds in a case referred to in the paragraphs (1) through (7).

(銀行持株会社に係る銀行の経営の健全性の確保)

(Ensuring Soundness in the Management of Banks Connected with a Bank Holding Company)

第五十二条の二十五 内閣総理大臣は、銀行の業務の健全な運営に資するため、銀行持株会社が銀行持株会社及びその子会社その他の当該銀行持株会社と内閣府令で定める特殊の関係のある会社（以下この節において「子会社等」という。）の保有する資産等に照らし当該銀行持株会社及びその子会社等の自己資本の充実の状況が適当であるかどうかその他銀行持株会社及びその子会社等の経営の健全性を判断するための基準であつて、銀行の経営の健全性の判断のために参考となるべきものを定めることができる。

Article 52-25 The Prime Minister, in order to contribute to the sound management of bank services, may establish criteria that are to serve as a reference for determining the soundness of bank management, as the criteria for a bank holding company to use in order to determine whether the adequacy of equity capital of the bank holding company or of any company, such as its subsidiary company, which is uniquely related to the bank holding company as specified by Cabinet Office Order (hereinafter referred to as a "subsidiary company, etc." in this Section) is appropriate in light of circumstances such as the assets owned by the bank holding company and its subsidiary companies, etc. or as the criteria for it to use in order to otherwise determine the soundness of its and its subsidiary companies' management.

第三款 経理

Subsection 3 Accounting

(銀行持株会社の事業年度)

(Business Year of a Bank Holding Company)

第五十二条の二十六 銀行持株会社の事業年度は、四月一日から翌年三月三十一日までとする。

Article 52-26 The business year of a bank holding company is from April 1 to March 31 of the following year.

(銀行持株会社に係る業務報告書等)

(Business Reports of a Bank Holding Company)

第五十二条の二十七 銀行持株会社は、事業年度ごとに、当該銀行持株会社及びその子会社等の業務及び財産の状況を連結して記載した当該事業年度の間接事業年度に係る中間業務報告書及び当該事業年度に係る業務報告書を作成し、内閣総理大臣に提出しなければならない。

Article 52-27 (1) Each business year, a bank holding company must prepare an interim business report for the interim period of the business year that is a part of the relevant business year, in which it states the business and financial condition of the bank holding company and its subsidiary companies, etc. on a consolidated basis; prepare a business report for the entire business year in which it states this on a consolidated basis; and submit these reports to the Prime Minister.

2 中間業務報告書及び業務報告書の記載事項、提出期日その他これらの報告書に関し必要な事項は、内閣府令で定める。

(2) The information for inclusion in the interim business report and business report, the due dates for submission, and any other necessary information with regard to these reports is specified by Cabinet Office Order.

(銀行持株会社に係る貸借対照表等の公告等)

(Public Notice of the Balance Sheet of a Bank Holding Company)

第五十二条の二十八 銀行持株会社は、事業年度ごとに、内閣府令で定めるところにより、当該銀行持株会社及びその子会社等につき連結して記載した当該事業年度の間接事業年度に係る貸借対照表及び損益計算書（以下この条において「中間連結貸借対照表等」という。）並びに当該事業年度に係る貸借対照表及び損益計算書（以下この条において「連結貸借対照表等」という。）を作成しなければならない。

Article 52-28 (1) Each business year, a bank holding company must prepare a balance sheet and a profit and loss statement for the interim period of the business year that is a part of the relevant business year, in which it makes entries for the bank holding company and its subsidiary companies, etc. on a consolidated basis (hereinafter referred to as an "interim consolidated balance sheet, etc." in this Article), and prepare a balance sheet and a profit and loss statement for the entire business year in which it makes those consolidated entries (hereinafter referred to as a "consolidated balance sheet, etc." in this Article), pursuant to the provisions of Cabinet Office Order.

2 中間連結貸借対照表等及び連結貸借対照表等は、電磁的記録をもつて作成することができる。

(2) interim consolidated balance sheets, etc. and consolidated balance sheets, etc. may be prepared as electronic or magnetic records.

3 銀行持株会社は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間連結貸借対照表等を、その事業年度経過後三月以内に連結貸借対照表等を公

告しなければならない。ただし、やむを得ない理由により当該三月以内にこれらの書類の公告をすることができない場合には、内閣総理大臣の承認を受けて、当該公告を延期することができる。

(3) A bank holding company must issue public notice of its interim consolidated balance sheet, etc. within three months after the end of the relevant interim period of the business year, and of its consolidated balance sheet, etc. within three months after the end of the relevant business year, pursuant to the provisions of Cabinet Office Order; provided, however, that if it is not possible for a bank holding company to issue public notice of these documents within that three-month period due to the compelling reasons, it may postpone that public notice, with the approval of the Prime Minister.

4 前項の規定にかかわらず、その公告方法が第五十七条第一号に掲げる方法である銀行持株会社は、内閣府令で定めるところにより、中間連結貸借対照表等及び連結貸借対照表等の要旨を公告することで足りる。この場合においては、同項ただし書の規定を準用する。

(4) Notwithstanding the provisions of the preceding paragraph, it is sufficient for a bank holding company that uses the means of public notice set forth in Article 57, item (i), to issue a public notice that gives an overview of the interim consolidated balance sheet, etc. and consolidated balance sheet, etc. pursuant to the provisions of Cabinet Office Order. In this case, the proviso to the preceding paragraph applies *mutatis mutandis*.

5 前項に規定する銀行持株会社は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間連結貸借対照表等を、その事業年度経過後三月以内に連結貸借対照表等の内容である情報を、五年間継続して電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとることができる。この場合においては、第三項の規定による公告をしたものとみなす。

(5) Pursuant to the provisions of Cabinet Office Order, a bank holding company as prescribed in the preceding paragraph may employ a measure which involves using electronic or magnetic means to put the interim consolidated balance sheet, etc. within three months after the end of the relevant interim period of the business year into a form that will make it possible for many and unspecified persons to be provided with it over a continuous period of five years; and may employ a measure which involves using electronic or magnetic means to put the information contained in the consolidated balance sheet, etc. within three months after the end of the relevant business year into a form that will make it possible for many and unspecified persons to be provided with it over a continuous period of five years. In this case, the bank is deemed to have issued public notice under paragraph (3).

6 金融商品取引法第二十四条第一項（有価証券報告書の提出）の規定により有価証券報告書を内閣総理大臣に提出しなければならない銀行持株会社については、前各項の規定は、適用しない。

- (6) The provisions of the preceding paragraphs do not apply to a bank holding company which is required to submit an annual securities report to the Prime Minister pursuant to the provisions of Article 24, paragraph (1) (Submission of Annual Securities Reports) of the Financial Instruments and Exchange Act.

(銀行持株会社に係る業務及び財産の状況に関する説明書類の縦覧等)

(Making Explanatory Documents about the Business and Financial Condition of a Bank Holding Company Available for Public Inspection)

第五十二条の二十九 銀行持株会社は、事業年度ごとに、当該銀行持株会社及びその子会社等の業務及び財産の状況に関する事項として内閣府令で定めるものを当該銀行持株会社及び当該子会社等につき連結して記載した当該事業年度の間接事業年度に係る説明書類及び当該事業年度に係る説明書類を作成し、当該銀行持株会社の子会社である銀行の営業所（無人の営業所その他の内閣府令で定める営業所を除く。第三項において同じ。）に備え置き、公衆の縦覧に供しなければならない。前条第一項の規定により作成した書類についても、同様とする。

Article 52-29 (1) Each business year, a bank holding company must prepare explanatory documents for the interim period of the business year that is a part of the relevant business year, in which it states the particulars specified by Cabinet Office Order as pertinent to the business and financial condition of the bank holding company and its subsidiary companies, etc. on a consolidated basis; prepare explanatory documents for the entire business year in which it states these particulars on a consolidated basis; keep these documents at the business offices (excluding unmanned business offices and other offices specified by Cabinet Office Order; the same applies in paragraph (3)) of the banks which are subsidiary companies of the bank holding company; and make those documents available for public inspection. The same applies to the documents prepared pursuant to the provisions of paragraph (1) of the preceding Article.

2 前項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類は、電磁的記録をもつて作成することができる。

(2) Explanatory documents for the interim period of the business year and those for the entire business year as provided in the first sentence of the preceding paragraph may be prepared as electronic or magnetic records.

3 第一項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類が電磁的記録をもつて作成されているときは、銀行持株会社の子会社である銀行の営業所において、当該電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類を同項の規定により備え置き、公衆の縦覧に供したものとみなす。

(3) If the explanatory documents for the interim period of the business year and

those for the entire business year which are provided for in the first sentence of paragraph (1) or the documents provided for in the second sentence of that paragraph have been prepared as electronic or magnetic records, the bank holding company may employ what is specified by Cabinet Office Order as a measure that involves using electronic or magnetic means to put the information recorded in an electronic or magnetic record into a form that makes it possible for many and unspecified persons to be provided with it at the business offices of the banks that are subsidiary companies of the bank holding company. In this case, the bank holding company is deemed to be keeping the explanatory documents for the interim period of the business year and those for the entire business year which are provided for in the first sentence of paragraph (1) or the documents provided for in the second sentence of that paragraph and making them available for public inspection pursuant to the provisions of that paragraph.

4 前三項に定めるもののほか、第一項前段の当該事業年度の間接事業年度に係る説明書類及び当該事業年度に係る説明書類又は同項後段の書類を公衆の縦覧に供する期間その他これらの規定の適用に関し必要な事項は、内閣府令で定める。

(4) Beyond what is provided for in the preceding three paragraphs, Cabinet Order prescribes the necessary particulars relevant to the application of those provisions, such as the periods of time during which explanatory documents for the interim period of the business year that is a part of the relevant business year and those for the entire business year which are referred to in the first sentence of paragraph (1) and the documents referred to in the second sentence of that paragraph are made available for public inspection.

5 銀行持株会社は、前各項に規定する事項のほか、当該銀行持株会社の子会社である銀行の預金者その他の顧客が当該銀行持株会社及びその子会社等の業務及び財産の状況を知るために参考となるべき事項の開示に努めなければならない。

(5) A bank holding company must endeavor to disclose information beyond what is provided for in the preceding paragraphs, which is to serve as a reference so as to allow the depositors and other customers of the banks that are its subsidiary companies to learn of the business and financial condition of the bank holding company and its subsidiary companies, etc..

(銀行持株会社の事業報告等の記載事項等)

(Information for Inclusion in the Business Report of a Bank Holding Company)
第五十二条の三十 銀行持株会社が会社法第四百三十五条第二項（計算書類等の作成及び保存）の規定により作成する銀行持株会社の事業報告及び附属明細書の記載事項又は記録事項は、内閣府令で定める。

Article 52-30 Information for inclusion in business reports and annexed detailed statements which a bank holding company prepares pursuant to the provisions of Article 435, paragraph (2) (Preparation and Retention of Financial

Statements, etc.) of the Companies Act, or information to be recorded in the same, is specified by Cabinet Office Order.

第四款 監督

Subsection 4 Supervision

(銀行持株会社等による報告又は資料の提出)

(Submission of Reports or Materials by a Bank Holding Company)

第五十二条の三十一 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行を子会社とする銀行持株会社に対し、当該銀行の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

Article 52-31 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank services, the minister may ask the bank holding company which has a bank as its subsidiary company to submit reports or materials that are to serve as a reference in connection with the business or financial condition of that bank.

2 内閣総理大臣は、第二十四条第一項の規定により銀行に対して報告又は資料の提出を求め、及び前項の規定により当該銀行を子会社とする銀行持株会社に対して報告又は資料の提出を求める場合において、特に必要があると認めるときは、その必要の限度において、当該銀行持株会社の子法人等（子会社その他銀行持株会社がその経営を支配している法人として内閣府令で定めるものをいい、当該銀行を除く。次項並びに次条第二項及び第五項において同じ。）又は当該銀行持株会社から業務の委託を受けた者（その者から委託（二以上の段階にわたる委託を含む。）を受けた者を含む。次項並びに次条第二項及び第五項において同じ。）に対し、当該銀行又は当該銀行持株会社の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) If the Prime Minister requests a bank to submit reports or materials pursuant to the provisions of Article 24, paragraph (1), requests the bank holding company which has that bank as its subsidiary company to submit reports or materials pursuant to the provisions of the preceding paragraph, and finds it to be particularly necessary, the minister, within the scope of that necessity, may ask the subsidiary corporation, etc. of that bank holding company (meaning a subsidiary company or a company specified by Cabinet Office Order as a corporation whose management is controlled by that bank holding company, and excluding the bank in question; the same applies in the following paragraph and paragraphs (2) and (5) of the following Article) or the person that a bank holding company has entrusted with its services (including a person further entrusted by that entrusted person (including entrustment at two or more degrees of separation from the original entrustment); the same applies in the following paragraph, and paragraphs (2) and (5) of the following

Article) to submit reports or materials that are to serve as a reference in connection with the business or financial condition of that bank or bank holding company.

- 3 銀行持株会社の子法人等又は当該銀行持株会社から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。
- (3) The subsidiary corporation, etc. of a bank holding company or the person that a bank holding company has entrusted with its services may refuse to submit a report or material under the preceding paragraph if it has reasonable grounds for doing so.

(銀行持株会社等に対する立入検査)

(On-Site Inspection of a Bank Holding Company)

第五十二条の三十二 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に当該銀行を子会社とする銀行持株会社の事務所その他の施設に立ち入らせ、当該銀行若しくは当該銀行持株会社の業務若しくは財産の状況に関し質問させ、又は当該銀行持株会社の帳簿書類その他の物件を検査させることができる。

Article 52-32 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank services, the minister may have the relevant officials enter the business office or other facility of the bank holding company which has a bank as its subsidiary company; have those officials ask questions about the business or financial condition of the bank or the bank holding company; and have them inspect the books and documents and other articles of the bank holding company.

- 2 内閣総理大臣は、第二十五条第一項の規定による銀行に対する立入り、質問又は検査を行い、及び前項の規定による当該銀行を子会社とする銀行持株会社に対する立入り、質問又は検査を行う場合において、特に必要があると認めるときは、その必要の限度において、当該職員に当該銀行持株会社の子法人等若しくは当該銀行持株会社から業務の委託を受けた者の営業所その他の施設に立ち入らせ、当該銀行若しくは当該銀行持株会社に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) If an entry into a facility, questioning, or inspection under Article 25, paragraph (1) is to take place at a bank; if an entry into a facility, questioning, or inspection under the preceding paragraph is also to take place at the bank holding company that has that bank as its subsidiary company; and if the Prime Minister finds it to be particularly necessary, the minister, within the scope of that necessity, may have the relevant officials enter the business office or other facility of a subsidiary corporation, etc. of the bank holding company or the business office or other facility of the person that a bank holding company has entrusted with its services; have those officials ask questions about any particular that needs to be asked about in connection with the

questioning or inspection of the bank or the bank holding company; and have them inspect its books and documents and other objects.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In a case as referred to in one of the preceding two paragraphs, the relevant officials must carry identification, and must present it if a concerned person requests them to do so.

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

(4) The authority under paragraph (1) or (2) must not be construed as being granted for criminal investigation purposes.

5 前条第三項の規定は、第二項の規定による銀行持株会社の子法人等又は当該銀行持株会社から業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the questioning and inspection under paragraph (2) of the subsidiary corporation, etc. of a bank holding company or the questioning and inspection under that paragraph of the person that a bank holding company has entrusted with its services.

(銀行持株会社に対する改善計画の提出の求め等)

(Asking a Bank Holding Company to Submit an Improvement Plan)

第五十二条の三十三 内閣総理大臣は、銀行持株会社の業務又は銀行持株会社及びその子会社等の財産の状況に照らして、当該銀行持株会社の子会社である銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行持株会社に対し、措置を講ずべき事項及び期限を示して、当該銀行の経営の健全性を確保するための改善計画の提出を求め、若しくは提出された改善計画の変更を命じ、又はその必要の限度において監督上必要な措置を命ずることができる。

Article 52-33 (1) If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of services at a bank that is the subsidiary company of a bank holding company, in light of the condition of the businesses of the bank holding company or the financial condition of the bank holding company and its subsidiary companies, etc., the minister may indicate to the bank holding company the measures that it must take and the deadline for taking them, ask it to submit an improvement plan for ensuring soundness in bank management, or order it to change an improvement plan that has been submitted; or may issue orders with respect to measures that are necessary from a supervisory perspective, within the scope of that necessity.

2 前項の規定による命令（改善計画の提出を求めることを含む。次項において同じ。）であつて、銀行持株会社及びその子会社等の自己資本の充実の状況によつて必要があると認めるときにするものは、内閣府令・財務省令で定める銀行持株会社及びその子会社等の自己資本の充実の状況に係る区分に応じ内閣府令・財務省令で定める

ものでなければならない。

(2) An order under the preceding paragraph (this includes asking the bank holding company to submit an improvement plan; the same applies in the following paragraph) that is issued when it is found necessary to do so in light of adequacy in the equity capital of the bank holding company and its subsidiary companies, etc. must be one as is specified by Cabinet Office Order or Ministry of Finance Order for the relevant category of adequacy in the equity capital of the bank holding company and its subsidiary companies, etc., as specified by Cabinet Office Order or Ministry of Finance Order.

3 内閣総理大臣は、銀行持株会社に対し第一項の規定による命令をした場合において、当該命令に係る措置の実施の状況に照らして特に必要があると認めるときは、当該銀行持株会社の子会社である銀行に対し、その業務の健全かつ適切な運営を確保するために必要な措置を命ずることができる。

(3) If the Prime Minister has issued the order under paragraph (1) to a bank holding company, and finds it to be particularly necessary in light of compliance with the measures under that order, the minister may order a bank which is the subsidiary company of the bank holding company to take the necessary measures for ensuring the sound and appropriate management of its business.

(銀行持株会社に係る認可の取消し等)

(Revocation of the Authorization of a Bank Holding Company)

第五十二条の三十四 内閣総理大臣は、銀行持株会社が法令、定款若しくは法令に基づく内閣総理大臣の処分に違反したとき又は公益を害する行為をしたときは、当該銀行持株会社に対しその取締役、執行役、会計参与、監査役若しくは会計監査人の解任その他監督上必要な措置を命じ、若しくは当該銀行持株会社の第五十二条の十七第一項若しくは第三項ただし書の認可を取り消し、又は当該銀行持株会社の子会社である銀行に対しその業務の全部若しくは一部の停止を命ずることができる。この場合において、同条第一項の認可のうち設立に係るものは、当該認可を受けて設立された銀行持株会社に対して与えられているものとみなす。

Article 52-34 (1) If a bank holding company violates laws and regulations, its articles of incorporation, or a disposition by the Prime Minister based on applicable laws and regulations, or commits an act that harms the public interest, the Prime Minister may order the bank holding company to dismiss its director, executive officer, accounting advisor, company auditor, or accounting auditor, order it to take other measures that are necessary from a supervisory perspective, or revoke the authorization referred to in Article 52-17, paragraph (1) or the proviso to Article 52-17, paragraph (3) for the bank holding company; or may order a bank which is the subsidiary company of that bank holding company to suspend the whole or part of its businesses. In this case, the authorization for incorporation referred in paragraph (1) of that

Article is deemed to have been granted to the bank holding company incorporated under that authorization.

2 銀行持株会社は、前項の規定により第五十二条の十七第一項又は第三項ただし書の認可を取り消されたときは、内閣総理大臣が指定する期間内に銀行を子会社とする持株会社でなくなるよう、所要の措置を講じなければならない。

(2) If a bank holding company has its authorization as referred to in Article 52-17, paragraph (1) or the proviso to Article 52-17, paragraph (3) revoked pursuant to the provisions of the preceding paragraph, it must take the measures that it needs to take so that it is no longer a Holding Company that has a bank as its subsidiary company, within the period designated by the Prime Minister.

3 前項に規定する措置が講じられた場合において、当該措置を講じた会社がなお銀行の主要株主基準値以上の数の議決権の保有者であるときは、当該措置を講じた日を第五十二条の九第二項に規定する事由の生じた日とみなして、同項の規定を適用する。

(3) If the measures provided for in the preceding paragraph are taken, but the company that takes those measures is still the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold, the day on which these measures are taken is deemed to be the date on which the cause referred to in that provisions arose, and the provisions of Article 52-9, paragraph (2) apply.

4 内閣総理大臣は、銀行を子会社とする持株会社が次の各号のいずれかに該当する場合において必要があると認めるときは、当該持株会社の子会社である銀行に対し、その業務の全部又は一部の停止を命ずることができる。

(4) If a holding company that has a bank as its subsidiary company falls under one of the following items and the Prime Minister finds it to be necessary, the minister may order a bank which is the subsidiary company of that holding company to suspend the whole or part of its businesses:

一 第五十二条の十七第一項の認可を受けずに同項各号に掲げる取引又は行為により銀行を子会社とする持株会社になつたもの

(i) it became a holding company that has a bank as its subsidiary company through one of the transactions or actions set forth in the items of Article 52-17, paragraph (1), without the authorization set forth in that paragraph;

二 第五十二条の十七第一項の認可を受けずに銀行を子会社とする持株会社として設立されたもの

(ii) it was incorporated as a holding company that has a bank as its subsidiary company without the authorization set forth in Article 52-17, paragraph (1);

三 第五十二条の十七第三項ただし書の認可を受けることなく同項の猶予期限日後も銀行を子会社とする持株会社であるもの

(iii) it remains a holding company that has a bank as its subsidiary company after the last day of the grace period referred to in Article 52-17, paragraph (3), without the authorization referred to in the proviso to that Article; or

四 第一項の規定により第五十二条の十七第一項又は第三項ただし書の認可を取り消

された持株会社であつて、第二項の規定による措置を講ずることなく同項の内閣総理大臣が指定する期間後も銀行を子会社とする持株会社であるもの

(iv) it is a holding company that has had the authorization referred to in Article 52-17, paragraph (1) or the proviso to Article 52-17, paragraph (3) revoked pursuant to the provisions of paragraph (1), has not taken the measures under paragraph (2), and still has a bank as its subsidiary company after the expiration of the period designated by the Prime Minister as prescribed in that paragraph.

第五款 雑則

Subsection 5 Miscellaneous Provisions

(銀行持株会社に係る合併、会社分割又は事業の譲渡若しくは譲受けの認可)

(Authorization for a Merger, Company Split, or Business Transfer or Acquisition Involving Bank Holding Company)

第五十二条の三十五 銀行持株会社を全部又は一部の当事者とする合併（当該合併前に銀行持株会社であつた一の会社が当該合併後も銀行持株会社として存続するものに限る。）は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 52-35 (1) A merger in which bank holding companies constitute all or some of the parties (limited to one in which a company that was a bank holding company before the merger survives as a bank holding company after the merger) does not become effective without the authorization of the Prime Minister.

2 銀行持株会社を当事者とする会社分割（当該会社分割により事業を承継させた銀行持株会社又は当該会社分割により事業を承継した銀行持株会社が、その会社分割後も引き続き銀行持株会社であるものに限る。）は、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(2) Except as specified by Cabinet Order, a company split to which a bank holding company is party (limited to one in which the bank holding company that has its business succeeded to or the bank holding company that succeeds to a business continues to exist as a bank holding company after the company split) does not become effective without the authorization of the Prime Minister.

3 銀行持株会社を当事者とする事業の全部又は一部の譲渡又は譲受け（当該事業の譲渡又は譲受けをした銀行持株会社が、その譲渡又は譲受け後も引き続き銀行持株会社であるものに限る。）は、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(3) Except as specified by Cabinet Order, a business transfer or acquisition in which a bank holding company transfers or acquires all or a part of a business (limited to one in which the bank holding company that transfers or acquires the business continues to exist as a bank holding company even after the transfer or acquisition) does not become effective without the authorization of

the Prime Minister.

4 第五十二条の十八第一項の規定は、前三項の認可の申請があつた場合について準用する。

(4) The provisions of Article 52-18, paragraph (1) apply mutatis mutandis when an application for the authorization referred to in one of the preceding three paragraphs is filed.

第七章の四 銀行代理業

Chapter VII-4 Bank Agency Services

第一節 通則

Section 1 General Rules

(許可)

(License)

第五十二条の三十六 銀行代理業は、内閣総理大臣の許可を受けた者でなければ、営むことができない。

Article 52-36 (1) A person may not perform bank agency services unless licensed by the Prime Minister to do so.

2 銀行代理業者は、所属銀行の委託を受け、又は所属銀行の委託を受けた銀行代理業者の再委託を受ける場合でなければ、銀行代理業を営んではならない。

(2) A bank agent may not perform bank agency services unless entrusted by a principal bank to do so, or unless further entrusted to do so by a bank agent that has been entrusted to do so by a principal bank.

3 銀行代理業者は、あらかじめ、所属銀行の許諾を得た場合でなければ、銀行代理業の再委託をしてはならない。

(3) A bank agent may not further entrust a person with bank agency services unless it obtains the authorization of the principal bank to do so in advance.

(許可の申請)

(Application for a License)

第五十二条の三十七 前条第一項の許可を受けようとする者（次条第一項及び第五十二条の四十二第四項において「申請者」という。）は、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

Article 52-37 (1) A person seeking to be licensed as referred to in paragraph (1) of the preceding Article (hereinafter referred to as an "applicant" in paragraph (1) of the following Article and Article 52-42, paragraph (4)) must submit a written application to the Prime Minister in which it states the following particulars:

一 商号、名称又は氏名

(i) the trade name or name of the applicant;

二 法人であるときは、その役員の名

(ii) if the applicant is a corporation, the names of its officers;

三 銀行代理業を営む営業所又は事務所の名称及び所在地

(iii) the name and location of the applicant's business offices and other offices at which the bank agency services would be performed;

四 所属銀行の商号

(iv) the trade name of the principal bank;

五 他に業務を営むときは、その業務の種類

(v) if the applicant has other business dealings, the business type; and

六 その他内閣府令で定める事項

(vi) the particulars specified by Cabinet Office Order.

2 前項の申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must accompany the written application referred to in the preceding paragraph.

一 法人であるときは、定款及び登記事項証明書（これらに準ずるものを含む。）

(i) If the applicant is a corporation, the articles of incorporation and certificate of registered information (or documents equivalent thereto);

二 銀行代理業の業務の内容及び方法として内閣府令で定めるものを記載した書類

(ii) documents stating the things specified by Cabinet Office Order as constituting the business outline and business methods as relates to bank agency services; or

三 その他内閣府令で定める書類

(iii) the documents specified by Cabinet Office Order.

(許可の基準)

(Criteria for a License)

第五十二条の三十八 内閣総理大臣は、第五十二条の三十六第一項の許可の申請があつたときは、申請者が次に掲げる基準に適合するかどうかを審査しなければならない。

Article 52-38 (1) Whenever an application is filed for the license referred to in Article 52-36, paragraph (1), the Prime Minister must examine whether the applicant meets the following criteria:

一 銀行代理業を遂行するために必要と認められる内閣府令で定める基準に適合する財産的基礎を有する者であること。

(i) it has what is found to be the necessary financial basis for it to perform bank agency services, and this meets the criteria specified by Cabinet Office Order;

二 人的構成等に照らして、銀行代理業を的確、公正かつ効率的に遂行するために必要な能力を有し、かつ、十分な社会的信用を有する者であること。

(ii) in light of such points as its personnel structure, the applicant has the ability necessary to perform bank agency services appropriately, fairly, and efficiently, and has sufficient social credibility; and

三 他に業務を営むことによりその銀行代理業を適正かつ確実に営むことにつき支障

を及ぼすおそれがあると認められない者であること。

(iii) other business in which the applicant has dealings is unlikely to prevent the applicant from performing bank agency services appropriately and reliably.

2 内閣総理大臣は、前項の規定による審査の基準に照らし公益上必要があると認めるときは、その必要の限度において、第五十二条の三十六第一項の許可に銀行代理業の業務の内容その他の事項について条件を付し、及びこれを変更することができる。

(2) If the Prime Minister finds it to be necessary in the public interest, in light of the examination criteria under the preceding paragraph, the minister, within the scope of that necessity, may attach conditions on the content of bank agency services or other particulars to an Article 52-36, paragraph (1) license, and may change those conditions.

(変更の届出)

(Notification of a Change)

第五十二条の三十九 銀行代理業者は、第五十二条の三十七第一項各号に掲げる事項に変更があつたときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、その日から三十日以内に、その旨を内閣総理大臣に届け出なければならない。

Article 52-39 (1) Except in a case as specified by the Cabinet Office Order, if a particular set forth in one of the items of Article 52-37, paragraph (1) changes, the bank agent must file a notification with the Prime Minister indicating this, within 30 days after the day on which this occurs, pursuant to the provisions of Cabinet Office Order.

2 銀行代理業者は、第五十二条の三十七第二項第二号に掲げる書類に定めた事項を変更しようとするときは、内閣府令で定めるところにより、あらかじめ、その旨を内閣総理大臣に届け出なければならない。

(2) When seeking to change a particular prescribed in the document set forth in Article 52-37, paragraph (2), item (ii), an bank agent must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order.

(標識の掲示)

(Posting of Signs)

第五十二条の四十 銀行代理業者は、銀行代理業を営む営業所又は事務所ごとに、公衆の見やすい場所に、内閣府令で定める様式の標識を掲示しなければならない。

Article 52-40 (1) A bank agent must post a sign in the format specified by Cabinet Office Order in a place that is accessible to the public at each of its business offices and other offices where the bank agent performs bank agency services.

2 銀行代理業者以外の者は、前項の標識又はこれに類似する標識を掲示してはならない。

(2) It is prohibited for a person other than a bank agent to post the sign referred to in the preceding paragraph or a sign similar thereto.

(名義貸しの禁止)

(Prohibition on Name Lending)

第五十二条の四十一 銀行代理業者は、自己の名義をもつて、他人に銀行代理業を営ませてはならない。

Article 52-41 A bank agent must not allow another person to engage in bank agency services using the name of that bank agent.

第二節 業務

Section 2 Services

(業務の範囲)

(Scope of Services)

第五十二条の四十二 銀行代理業者は、銀行代理業及び銀行代理業に付随する業務のほか、内閣総理大臣の承認を受けた業務を営むことができる。

Article 52-42 (1) In addition to bank agency services and services incidental to bank agency services, a bank agent may perform other businesses or services with the approval of the Prime Minister.

2 内閣総理大臣は、前項の承認の申請があつた場合には、当該申請に係る業務を営むことが銀行代理業を適正かつ確実に営むことについて支障を及ぼすおそれがあると認められるときに限り、承認しないことができる。

(2) When an application is filed for the approval referred to in the preceding paragraph, the Prime Minister may only choose not to grant the approval if it is found that the businesses or services to which the application pertains could prevent the applicant from performing bank agency services appropriately and reliably.

3 銀行代理業者は、第一項の規定により営む業務のほか、他の業務を営むことができない。

(3) A bank agent may not perform businesses or services other than those it performs pursuant to the provisions of paragraph (1).

4 第五十二条の三十六第一項の許可の申請書に申請者が銀行代理業及び銀行代理業に付随する業務以外の業務を営む旨の記載がある場合において、当該申請者が当該許可を受けたときには、当該業務を営むことについて第一項の承認を受けたものとみなす。

(4) If a written application for the license referred to in Article 52-36, paragraph (1) states that the applicant will perform businesses or services other than bank agency services and services incidental to them, and the applicant obtains that license, the applicant is deemed to have obtained the approval referred to in paragraph (1) for those businesses or services.

(分別管理)

(Separate Management)

第五十二条の四十三 銀行代理業者は、第二条第十四項各号に掲げる行為（以下この章において「銀行代理行為」という。）に関して顧客から金銭その他の財産の交付を受けた場合には、内閣府令で定めるところにより、自己の固有財産と分別して管理しなければならない。

Article 52-43 When a bank agent receives money or other property from a customer in connection with an activity set forth in one of the items of Article 2, paragraph (14) (hereinafter referred to as an "activity as a bank agent" in this Chapter), it must manage the money or other property separately from its own property, pursuant to the provisions of Cabinet Office Order.

(顧客に対する説明等)

(Explanation to Customers)

第五十二条の四十四 銀行代理業者は、銀行代理行為を行うときは、あらかじめ、顧客に対し、次に掲げる事項を明らかにしなければならない。

Article 52-44 (1) Before engaging in activities as a bank agent, a bank agent must disclose the following information to the customer:

一 所属銀行の商号

(i) the trade name of the principal bank;

二 第二条第十四項各号に規定する契約の締結を代理するか、又は媒介するかの別

(ii) whether the bank agent acts as an agent or as an intermediary, for the entry into the contracts set forth in the items of Article 2, paragraph (14);
and

三 その他内閣府令で定める事項

(iii) the particulars specified by Cabinet Office Order.

2 銀行代理業者は、第二条第十四項第一号に掲げる行為（特定預金等契約の締結の代理及び媒介を除く。）に関し、預金者等の保護に資するため、内閣府令で定めるところにより、預金又は定期積金等に係る契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない。

(2) In order to contribute to depositor, etc. protection with regard to the activity set forth in Article 2, paragraph (14), item (i) (other than acting as agent or intermediary as regards a specified deposit, etc. contract), a bank agent must provide information about the details of contracts involving deposits or installment savings, etc. and other information that is to serve as a reference to the depositors, etc., pursuant to the provisions of Cabinet Office Order.

3 前二項及び第五十二条の四十五の二並びに他の法律に定めるもののほか、銀行代理業者は、内閣府令で定めるところにより、その銀行代理行為に係る重要な事項の顧客への説明、その銀行代理行為に関して取得した顧客に関する情報の適正な取扱いその他の健全かつ適切な運営を確保するための措置を講じなければならない。

(3) Beyond what is provided for in the preceding two paragraphs, Article 52-45-2,

and other laws, a bank agent must explain the material details of its activities as a bank agent to customers, appropriately handle customer information acquired in connection with its activities as a bank agent, and take any other measures for ensuring the sound and appropriate management of its business operations, pursuant to the provisions of Cabinet Office Order.

(銀行代理業に係る禁止行為)

(Prohibited Conduct as Concerns Bank Agency Services)

第五十二条の四十五 銀行代理業者は、銀行代理業に関し、次に掲げる行為（特定預金等契約の締結の代理又は媒介の業務に関しては、第五号に掲げる行為を除く。）をしてはならない。

Article 52-45 A bank agent must not engage in any of the following conduct (excluding what is specified in item (v), in acting as agent or intermediary as regards a specified deposit, etc. contract) as concerns its bank agency services:

一 顧客に対し、虚偽のことを告げる行為

(i) conveying false information to a customer;

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

(ii) providing a customer with a conclusive assessment with regard to a matter that is uncertain or with information that could mislead the customer into believing that an uncertain matter is actually certain;

三 顧客に対し、当該銀行代理業者又は当該銀行代理業者の子会社その他当該銀行代理業者と内閣府令で定める密接な関係を有する者（次号において「密接関係者」という。）の営む業務に係る取引を行うことを条件として、資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介をする行為（顧客の保護に欠けるおそれがないものとして内閣府令で定めるものを除く。）

(iii) acting as agent or intermediary in a person's entry into a contract detailing the lending of funds or the discounting of bills and notes to a customer on the condition that the customer effect a transaction connected with the services performed by the bank agent, or that the customer effect a transaction connected with the services performed by the subsidiary company of the bank agent or a person closely related to the bank agent as specified by Cabinet Office Order (referred to as a "closely related party" in the following item) (other than conduct specified by Cabinet Office Order as being unlikely to result in insufficient customer protection);

四 当該銀行代理業者の密接関係者に対し、取引の条件が所属銀行の取引の通常の場合に照らして当該所属銀行に不利益を与えるものであることを知りながら、その通常の場合よりも有利な条件で資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介をする行為（所属銀行の業務の健全かつ適切な遂行に支障を及ぼすおそれがないものとして内閣府令で定めるものを除く。）

(iv) acting as agent or intermediary in a person's entry into a contract detailing

the lending of funds or the discounting of bills and notes to a closely related party with terms and conditions that are more favorable than the ordinary terms and conditions applied to transactions with the principal bank, with the knowledge that those terms and conditions put the principal bank at a disadvantage, in light of the ordinary terms and conditions for transactions by the principal bank (other than conduct specified by Cabinet Office Order as unlikely to impair the sound and appropriate performance of the services of the principal bank)

五 前各号に掲げるもののほか、顧客の保護に欠け、又は所属銀行の業務の健全かつ適切な遂行に支障を及ぼすおそれがあるものとして内閣府令で定める行為

(v) conduct beyond what is set forth in the preceding items, which is specified by Cabinet Office Order as resulting in insufficient customer protection or being unlikely to impair the sound and appropriate performance of the services of the principal bank

(銀行代理業者についての金融商品取引法の準用)

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

第五十二条の四十五の二 金融商品取引法第三章第二節第一款（第三十五条から第三十六条の四まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲、第二種金融商品取引業又は投資助言・代理業のみを行う者の兼業の範囲、業務管理体制の整備、顧客に対する誠実義務、標識の掲示、名義貸しの禁止、社債の管理の禁止等）、第三十七条第一項第二号（広告等の規制）、第三十七条の二（取引態様の事前明示義務）、第三十七条の三第一項第二号及び第六号並びに第三項（契約締結前の書面の交付）、第三十七条の五（保証金の受領に係る書面の交付）、第三十七条の六第一項、第二項、第四項ただし書及び第五項（書面による解除）、第三十七条の七（指定紛争解決機関との契約締結義務等）、第三十八条第一号、第二号、第七号及び第八号並びに第三十八条の二（禁止行為）、第三十九条第三項ただし書、第四項、第六項及び第七項（損失補填等の禁止）並びに第四十条の二から第四十条の七まで（最良執行方針等、分別管理が確保されていない場合の売買等の禁止、金銭の流用が行われている場合の募集等の禁止、特定投資家向け有価証券の売買等の制限、特定投資家向け有価証券に関する告知義務、のみ行為の禁止、店頭デリバティブ取引に関する電子情報処理組織の使用義務等）を除く。）（通則）の規定は、銀行代理業者が行う銀行代理業に係る特定預金等契約の締結の代理又は媒介について準用する。この場合において、これらの規定中「金融商品取引業」とあるのは「銀行法第十三条の四に規定する特定預金等契約の締結の代理又は媒介の業務」と、「金融商品取引行為」とあるのは「銀行法第十三条の四に規定する特定預金等契約の締結」と、これらの規定（同法第三十七条の六第三項の規定を除く。）中「金融商品取引契約」とあるのは「銀行法第十三条の四に規定する特定預金等契約」と、同法第三十七条の三第一項中「を締結しようとするとき」とあるのは「の締結の代理又は媒介を行うとき」と、「交付しなければならない」とあるのは「交付するほか、預金者等（銀行法第二条第五項に規定する預金

者等をいう。以下この項において同じ。)の保護に資するため、内閣府令で定めるところにより、当該特定預金等契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない」と、同項第一号中「金融商品取引業者等」とあるのは「銀行代理業者（銀行法第二条第十五項に規定する銀行代理業者をいう。）の所属銀行（同条第十六項に規定する所属銀行をいう。））」と、同法第三十七条の六第三項中「金融商品取引契約の解除があつた場合には」とあるのは「特定預金等契約（銀行法第十三条の四に規定する特定預金等契約をいう。第三十九条において同じ。）の解除に伴い銀行に損害賠償その他の金銭の支払をした場合において」と、「金融商品取引契約の解除までの期間に相当する手数料、報酬その他の当該金融商品取引契約に関して顧客が支払うべき対価（次項において「対価」という。）の額として内閣府令で定める金額を超えて当該金融商品取引契約の解除」とあるのは「支払」と、「又は違約金の支払を」とあるのは「その他の金銭の支払を、解除をした者に対し、」と、同法第三十九条第一項第一号中「有価証券の売買その他の取引（買戻価格があらかじめ定められている買戻条件付売買その他の政令で定める取引を除く。）又はデリバティブ取引（以下この条において「有価証券売買取引等」という。））」とあるのは「特定預金等契約の締結」と、「有価証券又はデリバティブ取引（以下この条において「有価証券等」という。））」とあるのは「特定預金等契約」と、「顧客（信託会社等（信託会社又は金融機関の信託業務の兼営等に関する法律第一条第一項の認可を受けた金融機関をいう。以下同じ。））が、信託契約に基づいて信託をする者の計算において、有価証券の売買又はデリバティブ取引を行う場合にあつては、当該信託をする者を含む。以下この条において同じ。））」とあるのは「顧客」と、「補足するため」とあるのは「補足するため、当該特定預金等契約によらないで」と、同項第二号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、「追加するため」とあるのは「追加するため、当該特定預金等契約によらないで」と、同項第三号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、「追加するため、」とあるのは「追加するため、当該特定預金等契約によらないで」と、同条第二項中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、同条第三項中「原因となるものとして内閣府令で定めるもの」とあるのは「原因となるもの」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 52-45-2 The provisions of Chapter III, Section 2, Subsection 1 of the Financial Instruments and Exchange Act (excluding Articles 35 through 36-4 (Scope of Services for Persons Engaged in Type I Financial Instruments Business or Investment Management Business; Scope of Concurrent Business by Persons Only Engaged in Type II Financial Instruments Business or Investment Advisory and Agency Business; Establishment of an Operational Control System; Duty of Sincerity to Customers; Posting of Signs; Prohibition on Name Lending; Prohibition on Corporate Bond Management); Article 37, paragraph (1), item (ii) (Regulation of Advertising); Article 37-2 (Obligation to Clarify the Conditions of Transactions in Advance); Article 37-3, paragraph (1), item (ii) and item (vi) and paragraph (3) (Delivery of Documents Prior to the

Conclusion of a Contract); Article 37-5 (Delivery of Documents in Connection with the Receipt of a Security Deposit); Article 37-6, paragraph (1) and paragraph (2); the proviso to Article 37-6, paragraph (4) and Article 37-6, paragraph (5) (Written Cancellation); Article 37-7 (Obligation to Conclude a Contract with a Designated Dispute Resolution Organization); Article 38, item (i), item (ii), item (vii) and item (viii), Article 38-2 (Prohibited Acts); the proviso to Article 39, paragraph (3), and paragraphs paragraph (4), paragraph (6) and paragraph (7) of that Article (Prohibition on Compensation of Loss); Articles 40-2 through 40-7 (Best Execution Policy; Prohibition of Purchase and Sale, etc. If Separate Management Is Not Ensured; Prohibition of Public Offering, etc. Where Money Has Been Diverted; Restrictions on the Purchase and Sale, etc. of Securities for Professional Investors; Obligation to Notify in Connection with Securities for Professional Investors, Prohibition of Trading Against, Obligation to Use Electronic Data Processing Systems for Over-the-Counter Transactions of Derivatives)) (General Rules) apply mutatis mutandis to a bank agent's actions as agent or intermediary for the entry into a specified deposit, etc. contract. In this case, the term "financial instruments business" in these provisions is deemed to be replaced with "actions as an agent or intermediary in a person's entry into a specified deposit, etc. contract as defined in Article 13-4 of the Banking Act"; the phrase "act that constitutes a Financial Instruments transaction" in these provisions is deemed to be replaced with "entry into a specified deposit, etc. contract as defined in Article 13-4 of the Banking Act"; the term "financial instruments transaction contract" in the aforementioned provisions (excluding Article 37-6, paragraph (3)) is deemed to be replaced with "specified deposit, etc. contract as defined in Article 13-4 of the Banking Act"; the phrase "seeks to conclude" in Article 37-3, paragraph (1) of the Financial Instruments and Exchange Act is deemed to be replaced with "acts as agent or intermediary for the entry into"; the term "; provided" in that paragraph is deemed to be replaced with "and, in order to contribute to depositor, etc. protection (meaning the protection of depositors, etc. as defined in Article 2, paragraph (5) of the Banking Act; hereinafter the same applies in this paragraph), must provide the customer with information on the contents of the specified deposit, etc. contract and other information that should serve as a reference to the depositors, etc. in advance, pursuant to the provisions of Cabinet Office Order; provided"; the term "financial instruments business operator, etc." in Article 37-3, paragraph (1), item (i) of the Financial Instruments and Exchange Act is deemed to be replaced with "principal bank (meaning a principal bank as defined in Article 2, paragraph (16) of the Banking Act) on behalf of which the bank agent (meaning a bank agent as defined in Article 2, paragraph (15) of the Banking Act) is acting"; in Article 37-6, paragraph (3) of that Act, the phrase "If a financial instruments

transaction contract becomes subject to a cancellation" is deemed to be replaced with "If a financial instruments business operator pays damages or other monies to a bank for the cancellation of a specified deposit, etc. contract (meaning a specified deposit, etc. contract as defined in Article 13-4 of the Banking Act; the same applies in Article 39)" and the phrase "may not request the customer to pay damages or a penalty for the cancellation of that financial instruments transaction Contract beyond the amount specified by Cabinet Office Order as the amount of fees, remuneration, or other consideration payable by the customer with regard to that financial instruments transaction Contract (referred to as a "Consideration" in the following paragraph) for the period until the cancellation of that financial instruments transaction Contract" is deemed to be replaced with "may not request the customer to pay damages or a penalty in connection with that payment"; in Article 39, paragraph (1), item (i) of that Act, the phrase "a purchase and sale or other transaction of securities (excluding a purchase and sale with a repurchase requirement and a predetermined repurchase price, and other transactions specified by Cabinet Order) or a derivatives transaction (hereinafter collectively referred to as a "purchase and sale or other transaction of securities, etc." in this Article)" is deemed to be replaced with "the entry into a specified deposit, etc. contract", the phrase "securities or derivatives transaction (hereinafter collectively referred to as 'securities, etc.' in this Article)" is deemed to be replaced with "specified deposit, etc. contract", the phrase "customer (if a trust company, etc. (meaning a trust company or a financial institution that has obtained the authorization referred to in Article 1, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions; the same applies hereinafter) conducts the purchase and sale of securities or a derivatives transaction on the account of a person that establishes a trust based on a trust contract, this includes the person that establishes the trust; hereinafter the same applies in this Article)" is deemed to be replaced with "customer", and the phrase "to supplement its profits" is deemed to be replaced with "to supplement its profits, other than as under the specified deposit, etc. contract"; in Article 39, paragraph (1), item (ii) of that Act, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a specified deposit, etc. contract", the term "securities, etc." is deemed to be replaced with "specified deposit, etc. contract", and the phrase "in order to add to the profit that the customer has accrued in connection with those securities, etc." is deemed to be replaced with "in order to add to the profit that the customer has accrued in connection with those securities, etc., other than as under the specified deposit, etc. contract"; in item (iii) of that paragraph, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a

specified deposit, etc. contract", the term "securities, etc." is deemed to be replaced with "specified deposit, etc. contract" and the term "in order to add to the profit that the customer has accrued in connection with those securities, etc." is deemed to be replaced with "in order to add to the profit that the customer has accrued in connection with those securities, etc., other than as under the specified deposit, etc. contract"; in paragraph (2) of that Article, the term "a purchase and sale or other transaction of securities, etc." is deemed to be replaced with "the entry into a specified deposit, etc. contract"; in paragraph (2) of that Article, the phrase "which is specified by Cabinet Office Order as a potential cause of" is deemed to be replaced with "which is a potential cause of"; and any other necessary technical replacement of terms is specified by Cabinet Order.

(特定銀行代理業者の休日及び営業時間)

(Non-Business Days and Business Hours of a Specified Bank Agent)

第五十二条の四十六 特定銀行代理業者（特定銀行代理行為（内閣府令で定める預金の受入れを内容とする契約の締結の代理をいう。次条第一項において同じ。）を行う銀行代理業者をいう。次項及び同条において同じ。）の休日は、日曜日その他政令で定める日に限る。

Article 52-46 (1) The non-business days of a specified bank agent (meaning a bank agent that performs specified activities as a bank agent (meaning that it acts as agent in a person's entry into contracts detailing the acceptance of deposits, as specified by Cabinet Office Order; the same applies in paragraph (1) of the following Article); the same applies in the following paragraph and that Article) are limited to Sundays and the days specified by Cabinet Order.

2 特定銀行代理業者の営業時間は、金融取引の状況等を勘案して内閣府令で定める。

(2) The business hours of a specified bank agent are specified by Cabinet Office Order in consideration of circumstances such as the status of financial transactions.

(臨時休業等)

(Temporary Suspension of Business)

第五十二条の四十七 特定銀行代理業者は、内閣府令で定める場合を除き、天災その他のやむを得ない理由によりその特定銀行代理行為に係る業務を行う営業所又は事務所において臨時に当該業務の全部又は一部を休止するときは、直ちにその旨を、理由を付して内閣総理大臣に届け出るとともに、当該営業所又は事務所の店頭に掲示しなければならない。特定銀行代理業者が臨時に当該業務の全部又は一部を休止した営業所又は事務所において当該業務の全部又は一部を再開するときも、同様とする。

Article 52-47 (1) Except in the cases specified by Cabinet Office Order, if a specified bank agent temporarily suspends the whole or part of business at its business office or other office where it performs services involved in its

specified activities as a bank agent due to a natural disaster or for any other compelling reasons, it must immediately file a notification with the Prime Minister indicating this and giving the reason for the same, as well as posting an indication of this at that business office or other office. The same applies if the specified bank agent resumes whole or part of its business at a business office or other office where it has temporarily suspended the whole or part of its business.

2 前項の規定にかかわらず、特定銀行代理業者の無人の営業所又は事務所において臨時にその業務の一部を休止する場合その他の内閣府令で定める場合については、同項の規定による店頭の掲示は、することを要しない。

(2) Notwithstanding the provisions of the preceding paragraph, the posting at the business office under that paragraph is not required if a specified bank agent temporarily suspends part of its business at unmanned business offices or other unmanned offices, and in any other case specified by Cabinet Office Order.

(所属銀行の廃業等)

(Principal Bank's Discontinuance of Business)

第五十二条の四十八 銀行代理業者は、所属銀行から第三十八条の通知を受けたときは、その通知を受けた内容を、内閣府令で定めるところにより、一月を下らない期間、当該所属銀行に係る銀行代理業を営むすべての営業所又は事務所の公衆の目につきやすい場所に掲示しなければならない。

Article 52-48 If a bank agent receives a notification referred to in Article 38 from its principal bank, the bank agent, pursuant to the provisions of Cabinet Office Order, must post the details of the notification so received in a place easily seen by the public at all of the business offices and other offices where it performs bank agency services for that principal bank, for a period of not less than one month.

第三節 経理

Section 3 Accounting

(銀行代理業に関する帳簿書類)

(Books and Documents on Bank Agency Services)

第五十二条の四十九 銀行代理業者は、内閣府令で定めるところにより、銀行代理業に関する帳簿書類を作成し、これを保存しなければならない。

Article 52-49 A bank agent must prepare and keep on file books and documents on its bank agency services pursuant to the provisions of Cabinet Office Order.

(銀行代理業に関する報告書)

(Reports on Bank Agency Services)

第五十二条の五十 銀行代理業者は、事業年度ごとに、内閣府令で定めるところにより、銀行代理業に関する報告書を作成し、内閣総理大臣に提出しなければならない。

Article 52-50 (1) Each business year, a bank agent must prepare a report on its bank agency services and submit it to the Prime Minister, pursuant to the provisions of Cabinet Office Order.

2 内閣総理大臣は、内閣府令で定めるところにより、前項の銀行代理業に関する報告書のうち、顧客の秘密を害するおそれのある事項又は当該銀行代理業者の業務の遂行上不当な不利益を与えるおそれのある事項を除き、公衆の縦覧に供しなければならない。

(2) The Prime Minister, pursuant to the provisions of Cabinet Office Order, must make a report on bank agency services as referred to in the preceding paragraph available for public inspection, with the exception of particulars that could harm the confidentiality of customers or put a bank agent at an undue disadvantage from a business execution perspective if made available.

(所属銀行の説明書類等の縦覧)

(Making a Principal Bank's Explanatory Documents Available for Public Inspection)

第五十二条の五十一 銀行代理業者は、その所属銀行又は当該所属銀行を子会社とする銀行持株会社の事業年度ごとに、当該所属銀行が第二十条第一項及び第二項並びに第二十一条第一項及び第二項の規定により作成する書類又は当該所属銀行を子会社とする銀行持株会社が第五十二条の二十八第一項及び第五十二条の二十九第一項の規定により作成する書類を、当該所属銀行のために銀行代理業を営むすべての営業所又は事務所に備え置き、公衆の縦覧に供しなければならない。

Article 52-51 (1) For each business year of a principal bank or of the bank holding company that has that principal bank as its subsidiary company, a bank agent must keep the documents that its principal bank prepares pursuant to the provisions of Article 20, paragraphs (1) and (2) and Article 21, paragraphs (1) and (2) or the documents that the bank holding company that has that principal bank as its subsidiary company prepares pursuant to the provisions of Article 52-28, paragraph (1) and Article 52-29, paragraph (1) at all of the business offices and other offices where it performs bank agency services for that principal bank, and make them available for public inspection.

2 前項に規定する説明書類が電磁的記録をもつて作成されているときは、銀行代理業を営むすべての営業所又は事務所において当該説明書類の内容である情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項に規定する説明書類を公衆の縦覧に供したものとみなす。

(2) If the explanatory documents provided for in the preceding paragraph have been prepared in the form of electronic or magnetic records, the bank agent may employ what is specified by Cabinet Office Order as a measure that

involves using electronic or magnetic means to put the information contained in the explanatory documents into a form that makes it possible for many and unspecified persons to be provided with it at all of its business offices or other offices. In this case, the bank agent is deemed to be making the explanatory documents available for public inspection pursuant to the provisions of the preceding paragraph.

3 前二項に定めるもののほか、同項の書類を公衆の縦覧に供する期間その他同項の規定の適用に関し必要な事項は、内閣府令で定める。

(3) Beyond what is provided for in the provisions of the preceding two paragraphs, Cabinet Order prescribes the necessary particulars relevant to the application of the provisions of those paragraphs, such as the periods of time during which the documents referred to in those paragraphs are made available for public inspection.

第四節 監督

Section 4 Supervision

(廃業等の届出)

(Notification of Business Discontinuance)

第五十二条の五十二 銀行代理業者が次の各号のいずれかに該当することとなつたときは、当該各号に定める者は、その日から三十日以内に、その旨を内閣総理大臣に届け出なければならない。

Article 52-52 If a bank agent comes to fall under one of the conditions referred to in the following items, the person specified in that item must file a notification with the Prime Minister indicating this, within 30 days from the day on which this occurs.

一 銀行代理業を廃止したとき、又は会社分割により銀行代理業の全部の承継をさせるとき若しくは銀行代理業の全部の譲渡をしたとき。その銀行代理業を廃止し、又は承継をさせ若しくは譲渡をした個人又は法人

(i) it discontinues bank agency services, has the whole of bank agency services succeeded to in a company split, or transfers the whole of bank agency services: the individual or corporation that discontinues the bank agency services, has them succeeded to, or transfers them;

二 銀行代理業者である個人が死亡したとき。その相続人

(ii) the bank agent is an individual and that individual dies: the heir;

三 銀行代理業者である法人が合併により消滅したとき。その法人を代表する役員であつた者

(iii) the bank agent is a corporation and that corporation disappears in a merger: the person that was the representative officer of that corporation;

四 銀行代理業者である法人が破産手続開始の決定により解散したとき。その破産管財人

(iv) the bank agent is a corporation and that corporation is dissolved due to an order commencing bankruptcy proceedings; the bankruptcy trustee;

五 銀行代理業者である法人が合併及び破産手続開始の決定以外の理由により解散したとき。その清算人

(v) the bank agent is a corporation and that corporation is dissolved for reasons other than a merger or an order commencing bankruptcy proceedings; the liquidator.

(銀行代理業者による報告又は資料の提出)

(Submission of Reports or Materials by a Bank Agent)

第五十二条の五十三 内閣総理大臣は、銀行代理業者の銀行代理業の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行代理業者に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 52-53 If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank agency services by a bank agent, the minister may ask the bank agent to submit reports or materials in connection with its business or financial condition.

(銀行代理業者に対する立入検査)

(On-Site Inspection of a Bank Agent)

第五十二条の五十四 内閣総理大臣は、銀行代理業者の銀行代理業の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に当該銀行代理業者の営業所若しくは事務所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 52-54 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank agency services by a bank agent, the minister may have the relevant officials enter the business office, office, or other facility of the bank agent; have those officials ask questions about its business or financial condition; and have them inspect its books and documents and other articles.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) In the case referred to in the preceding paragraph, the relevant officials must carry identification, and must present it if a concerned person requests them to do so.

3 第一項の規定による権限は、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 under paragraph (1) must not be construed as being granted for criminal investigation purposes.

(業務改善命令等)

(Business Improvement Orders)

第五十二条の五十五 内閣総理大臣は、銀行代理業者の業務又は財産の状況に照らして、当該銀行代理業者の銀行代理業の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行代理業者に対し、その必要の限度において、業務の内容及び方法の変更その他監督上必要な措置を命ずることができる。

Article 52-55 If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of bank agency services by a bank agent in light of the business or financial condition of that bank agent, the minister, within the scope of that necessity, may order the bank agent to change its business outline or business methods and issue other orders with respect to measures that are necessary from a supervisory perspective.

(銀行代理業者に対する監督上の処分)

(Supervisory Measures for a Bank Agent)

第五十二条の五十六 内閣総理大臣は、銀行代理業者が次の各号のいずれかに該当するときは、当該銀行代理業者に対し、第五十二条の三十六第一項の許可を取り消し、又は期限を付して銀行代理業の全部若しくは一部の停止を命ずることができる。

Article 52-56 (1) If a bank agent falls under one of the following items, the Prime Minister may revoke the license referred to in Article 52-36, paragraph (1) or order it to suspend all or part of its bank agency services by a set deadline:

一 第五十二条の三十八第一項各号に掲げる基準に適合しなくなったとき。

(i) it no longer meets criteria set forth in one of the items of Article 52-38, paragraph (1);

二 不正の手段により第五十二条の三十六第一項の許可を受けたことが判明したとき。

(ii) it is discovered to have obtained the license referred to in Article 52-36, paragraph (1) by wrongful means;

三 第五十二条の三十六第一項の許可に付した条件に違反したとき。

(iii) it violates the conditions attached to the license referred to in Article 52-36, paragraph (1);

四 法令又は法令に基づく内閣総理大臣の処分に違反したとき。

(iv) it violates laws and regulations or a disposition by the Prime Minister based on laws and regulations; or

五 公益を害する行為をしたとき。

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

2 内閣総理大臣は、銀行代理業者の役員が、前項第三号から第五号までのいずれかに該当することとなったときは、当該銀行代理業者に対し当該役員の解任を命ずることができる。

(2) If the officer of a bank agent comes to fall under one of items (iii) through (v) of the preceding paragraph, the Prime Minister may order the bank agent to dismiss that officer.

(許可の失効)

(Loss of License)

第五十二条の五十七 銀行代理業者が次の各号のいずれかに該当するときは、第五十二条の三十六第一項の許可は、効力を失う。

Article 52-57 If a bank agent falls under one of the following items, the license referred to in Article 52-36, paragraph (1) ceases to be effective:

一 第五十二条の五十二各号のいずれかに該当することとなつたとき。

(i) it comes to fall under a category referred to in one of the items of Article 52-52;

二 所属銀行がなくなつたとき。

(ii) it no longer has a principal bank; or

三 当該許可を受けた日から六月以内に銀行代理業を開始しなかつたとき（やむを得ない理由がある場合において、あらかじめ内閣総理大臣の承認を受けたときを除く。）。

(iii) it fails to commence bank agency services within six months of the day on which it becomes licensed to do so (unless it has failed to do so due to the compelling reasons, and the approval of the Prime Minister is obtained in advance).

第五節 所属銀行等

Section 5 Principal Banks

(銀行代理業者に対する指導等)

(Guidance for Bank Agents)

第五十二条の五十八 所属銀行は、銀行代理業者が営む銀行代理業に関し、内閣府令で定めるところにより、銀行代理業に係る業務の指導その他の健全かつ適切な運営を確保するための措置を講じなければならない。

Article 52-58 (1) A principal bank, pursuant to the provisions of Cabinet Office Order, must take measures in connection with the bank agency services that its bank agent performs, such as giving guidance about the services involved in those bank agency services, in order to ensure sound and appropriate management.

2 銀行代理業再委託者（銀行代理業を再委託する銀行代理業者をいう。以下同じ。）は、銀行代理業再受託者（銀行代理業再委託者の再委託を受けて銀行代理業を営む銀行代理業者をいう。以下同じ。）が営む銀行代理業に関し、内閣府令で定めるところにより、銀行代理業に係る業務の指導その他の健全かつ適切な運営を確保するための措置を講じなければならない。

(2) A principal bankbank agent (meaning a bank agent that further entrusts another bank agent with bank agency services; the same applies hereinafter), pursuant to the provisions of Cabinet Office Order, must take measures in connection with the bank agency services that its secondary bank agent (meaning a bank agent that carries out bank agency services on re-

entrustment from a principal bank Agent; the same applies hereinafter) performs, such as giving guidance about the services involved in those bank agency services, in order to ensure sound and appropriate management.

(所属銀行等の賠償責任)

(Compensatory Damage Liability of a principal bank)

第五十二条の五十九 所属銀行は、銀行代理業者がその銀行代理行為について顧客に加えた損害を賠償する責任を負う。

Article 52-59 (1) A principal bank is liable to compensate for any damage that its bank agent causes a customer in its activities as a bank agent.

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:

一 所属銀行の委託を受けた銀行代理業者が行う銀行代理行為については、所属銀行が当該委託をするについて相当の注意をし、かつ、当該銀行代理業者が行う銀行代理行為について顧客に加えた損害の発生の防止に努めたとき。

(i) in respect of activities as a bank agent that the bank agent performs under entrustment by the principal bank, if the principal bank exercises reasonable care in entrusting it with those activities and endeavors to prevent the occurrence of the damage that the bank agent causes to the customer in connection with the activities as a bank agent it performs; or

二 銀行代理業再受託者が行う銀行代理行為については、所属銀行が当該銀行代理業再受託者に対する再委託の許諾を行うについて相当の注意をし、かつ、当該銀行代理業再受託者の行う銀行代理行為について顧客に加えた損害の発生の防止に努めたとき。

(ii) in respect of activities as a bank agent that the secondary bank agent performs, if the principal bank exercises reasonable care in authorizing further entrustment of those activities to the secondary bank agent and endeavors to prevent the occurrence of the damage that the secondary bank agent causes to the customer in connection with the activities as a bank agent it performs.

3 銀行代理業再委託者は、銀行代理業再受託者が行う銀行代理行為について顧客に加えた損害を賠償する責任を負う。ただし、当該銀行代理業再委託者が再委託をするについて相当の注意をし、かつ、当該銀行代理業再受託者の行う銀行代理行為について顧客に加えた損害の発生の防止に努めたときは、この限りでない。

(3) A principal bank Agent is liable to compensate for any damage that its secondary bank agent causes a customer in its activities as a bank agent; provided, however, that this does not apply if the principal bank Agent exercises reasonable care in further entrusting the secondary bank agent with those activities and endeavors to prevent the occurrence of the damage that the secondary bank agent causes to the customer in connection with the activities as a bank agent it performs.

4 第一項の規定は所属銀行から銀行代理業者に対する求償権の行使を妨げず、また、前項の規定は銀行代理業再委託者から銀行代理業再受託者に対する求償権の行使を妨げない。

(4) The provisions of paragraph (1) do not preclude the principal bank from exercising its right to reimbursement against the bank agent, and the provisions of the preceding paragraph do not preclude the principal bank agent from exercising its right to reimbursement against the secondary bank agent.

5 民法第七百二十四条（不法行為による損害賠償請求権の期間の制限）の規定は、第一項及び第三項の請求権について準用する。

(5) The provisions of Article 724 (Restriction of Period of Right to Demand Compensation for Damages in Tort) of the Civil Code apply to a claim as referred to in paragraph (1) or paragraph (3).

（銀行代理業者の原簿）

(Bank Agent Register)

第五十二条の六十 所属銀行は、内閣府令で定めるところにより、当該所属銀行に係る銀行代理業者に関する原簿を、当該所属銀行の営業所（無人の営業所その他の内閣府令で定める営業所を除く。）に備え置かなければならない。

Article 52-60 (1) A principal bank, pursuant to the provisions of Cabinet Office Order, must keep a register of its bank agents at its business offices (other than the unmanned business offices and other business offices specified by Cabinet Office Order).

2 預金者等その他の利害関係人は、必要があるときは、所属銀行に対して、前項の原簿の閲覧を求めることができる。

(2) When necessary, a depositor, etc. or other interested party may file a demand with the principal bank to inspect the register referred to in the preceding paragraph.

第六節 雑則

Section 6 Miscellaneous Provisions

（適用除外）

(Exclusion from Application)

第五十二条の六十一 第五十二条の三十六第一項の規定にかかわらず、銀行等（銀行その他政令で定める金融業を行う者をいう。以下この条において同じ。）は、銀行代理業を営むことができる。

Article 52-61 (1) Notwithstanding the provisions of Article 52-36, paragraph (1), a bank, etc. (meaning a bank or a person engaged in financial services which is specified by Cabinet Order; hereinafter the same applies in this Article) may perform bank agency services.

2 銀行等が前項の規定により銀行代理業を営む場合においては、当該銀行等を銀行代

理業者とみなして、第十三条の二、第二十四条、第二十五条、第三十八条、第四十八条、第五十二条の三十六第二項及び第三項、第五十二条の三十九（銀行が銀行代理業を営む場合においては、第一項を除く。）から第五十二条の四十一まで、第五十二条の四十三から第五十二条の五十六まで、前三条、第五十三条第四項、第五十六条（第十一号に係る部分に限る。）並びに第五十七条の七第二項の規定並びにこれらの規定に係る第九章及び第十章の規定を適用する。この場合において、第五十二条の五十六第一項中「次の各号のいずれか」とあるのは「第四号又は第五号」と、「第五十二条の三十六第一項の許可を取り消し、又は期限を付して銀行代理業の全部若しくは」とあるのは「期限を付して銀行代理業の全部又は」とするほか、必要な技術的読替えは、政令で定める。

(2) If a bank, etc. performs bank agency services pursuant to the preceding paragraph, the bank, etc. is deemed to be a bank agent, and the provisions of Article 13-2; Article 24; Article 25; Article 38; Article 48; Article 52-36, paragraph (2) and paragraph (3); Article 52-39 (excluding paragraph (1) if the bank performs bank agency services) through Article 52-41; Articles 52-43 through 52-56; the preceding three Articles; Article 53, paragraph (4); Article 56 (limited to the part that involves item (xi)); Article 57-7, paragraph (2); and the provisions of Chapter IX and Chapter X that are connected with these provisions apply. In this case, in Article 52-56, paragraph (1), the term "one of the following items" is deemed to be replaced with "item (iv) or item (v)", the term "revoke the license referred to in Article 52-36, paragraph (1) or order it to suspend all or part of its bank agency services by a set deadline" is deemed to be replaced with "order it to suspend all or part of its bank agency services by a set deadline", and any other necessary technical replacement of terms is specified by Cabinet Order.

3 銀行等は、銀行代理業を営もうとするときは、第五十二条の三十七第一項各号に掲げる事項を記載した書類及び同条第二項第二号に掲げる書類を内閣総理大臣に届け出なければならない。

(3) A bank, etc. must file documents stating the particulars set forth in the items of Article 52-37, paragraph (1) and the documents set forth in Article 52-37, paragraph (2), item (ii) with the Prime Minister if it seeks to engage in bank agency services.

第七章の五 電子決済等代行業

Chapter VII-5 Electronic Payment Services

第一節 通則

Section 1 General Rules

(登録)

(Registration)

第五十二条の六十一の二 電子決済等代行業は、内閣総理大臣の登録を受けた者でなけ

れば、営むことができない。

Article 52-61-2 A person may not engage in electronic payment services unless registered with the Prime Minister.

(登録の申請)

(Application for Registration)

第五十二条の六十一の三 前条の登録を受けようとする者（次条第二項及び第五十二条の六十一の五において「登録申請者」という。）は、次に掲げる事項を記載した登録申請書を内閣総理大臣に提出しなければならない。

Article 52-61-3 (1) A person seeking the registration referred to in the preceding Article (referred to as a "registration applicant" in paragraph (2) of the following Article and Article 52-61-5) must submit a written application for registration to the Prime Minister in which the person states the following particulars:

一 商号、名称又は氏名

(i) the trade name or name of the registration applicant;

二 法人であるときは、その役員（外国法人にあつては、外国の法令上これと同様に取り扱われている者及び日本における代表者を含む。以下この章において同じ。）の氏名

(ii) if the registration applicant is a corporation, the names of its officers (if the registration applicant is a foreign corporation, including a person that is treated in the same manner pursuant to foreign laws and regulations and its representative in Japan; hereinafter the same applies in this Chapter);

三 電子決済等代行業を営む営業所又は事務所の名称及び所在地

(iii) the name and location of the registration applicant's business offices and other offices where the registration applicant would engage in electronic payment services; and

四 その他内閣府令で定める事項

(iv) the particulars specified by Cabinet Office Order.

2 前項の登録申請書には、次に掲げる書類を添付しなければならない。

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

一 第五十二条の六十一の五第一項各号（第一号ロを除く。）のいずれにも該当しないことを誓約する書面

(i) a document in which the registration applicant pledges not to fall under any of the items of Article 52-61-5, paragraph (1) (excluding item (i), (b));

二 法人であるときは、定款及び登記事項証明書（これらに準ずるものを含む。）

(ii) if the registration applicant is a corporation, the articles of incorporation and certificate of registered information (or documents equivalent thereto);

三 電子決済等代行業の業務の内容及び方法として内閣府令で定めるものを記載した書類

(iii) documents stating the things specified by Cabinet Office Order as constituting the business outline and business methods related to electronic payment services; and

四 その他内閣府令で定める書類

(iv) the documents specified by Cabinet Office Order.

(登録の実施)

(Implementation of Registration)

第五十二条の六十一の四 内閣総理大臣は、第五十二条の六十一の二の登録の申請があつたときは、次条第一項の規定により登録を拒否する場合を除くほか、次に掲げる事項を電子決済等代行業者登録簿に登録しなければならない。

Article 52-61-4 (1) If an application is filed for an Article 52-61-2 registration, the Prime Minister must register the following particulars in the electronic payment service providers register, except when refusing to register the registration applicant pursuant to the provisions of paragraph (1) of the following Article:

一 前条第一項各号に掲げる事項

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

二 登録年月日及び登録番号

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

2 内閣総理大臣は、前項の規定による登録をしたときは、遅滞なく、その旨を登録申請者に通知しなければならない。

(2) If the Prime Minister registers a registration applicant pursuant to the provisions of the preceding paragraph, the Prime Minister must notify the registration applicant to that effect without delay.

3 内閣総理大臣は、電子決済等代行業者登録簿を公衆の縦覧に供しなければならない。

(3) The Prime Minister must make the electronic payment service providers register available for public inspection.

(登録の拒否)

(Refusal of Registration)

第五十二条の六十一の五 内閣総理大臣は、登録申請者が次の各号のいずれかに該当するとき、又は第五十二条の六十一の三第一項の登録申請書若しくはその添付書類のうち重要な事項について虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

Article 52-61-5 (1) The Prime Minister must refuse to register a registration applicant if that applicant falls under any of the following items, or if a written application for registration referred to in Article 52-61-3, paragraph (1) or any accompanying document contains a false statement about material particulars or lacks a statement about material facts:

一 次のいずれかに該当する者

(i) a person falling under one of the following:

イ 電子決済等代行業を適正かつ確実に遂行するために必要と認められる内閣府令で定める基準に適合する財産的基礎を有しない者

(a) a person that does not have a financial basis that satisfies the requirements specified by Cabinet Office Order as those found to be necessary for performing the electronic payment service appropriately and reliably;

ロ 電子決済等代行業を適正かつ確実に遂行する体制の整備が行われていない者

(b) a person that has not developed a system for performing electronic payment services appropriately and reliably;

ハ 次に掲げる処分を受け、その処分の日から五年を経過しない者

(c) a person subject to any of the following dispositions, if five years have not yet passed since the date of the disposition:

(1) 第五十二条の六十一の十七第一項又は第二項の規定による第五十二条の六十一の二の登録の取消し

1. a disposition to revoke an Article 52-61-2 registration, under the provisions of Article 52-61-17, paragraph (1) or (2);

(2) 農業協同組合法（昭和二十二年法律第百三十二号）第九十二条の五の九第一項において準用する第五十二条の六十一の十七第一項又は第二項の規定による同法第九十二条の五の二第一項の登録の取消し

2. a disposition to revoke the registration referred to in Article 92-5-2, paragraph (1) of the Agricultural Cooperatives Act (Act No. 132 of 1947), which is made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 92-5-9, paragraph (1) of that Act;

(3) 水産業協同組合法（昭和二十三年法律第二百四十二号）第二百一条の五の九第一項（特定信用事業電子決済等代行業に関する銀行法の準用）において準用する第五十二条の六十一の十七第一項又は第二項の規定による同法第二百一条の五の二第一項（登録）の登録の取消し

3. a disposition to revoke the registration referred to in Article 121-5-2, paragraph (1) (Registration) of the Fisheries Cooperatives Act (Act No. 242 of 1948), which is made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 121-5-9, paragraph (1) (Application, Mutatis Mutandis, of the Banking Act to Specified Electronic Payment Services for Credit Business) of that Act;

(4) 協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条の五の十第一項（信用協同組合電子決済等代行業者等についての銀行法の準用）において準用する第五十二条の六十一の十七第一項又は第二項の規定による同法第六条の五の二第一項（信用協同組合電子決済等代行業

の登録) の登録の取消し

4. a disposition to revoke the registration referred to in Article 6-5-2, paragraph (1) (Registration of Electronic Payment Services for Credit Cooperatives) of the Act on Financial Services by Cooperatives (Act No. 183 of 1949), which is made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 6-5-10, paragraph (1) (Application Mutatis Mutandis of the Banking Act to Electronic Payment Services for Credit Cooperatives) of that Act;
 - (5) 信用金庫法第八十九条第七項(銀行法の準用)において準用する第五十二条の六十一の十七第一項又は第二項の規定による同法第八十五条の四第一項(登録)の登録の取消し
5. a disposition to revoke the registration referred to in Article 85-4, paragraph (1) (Registration) of the Shinkin Bank Act, which is made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 89, paragraph (7) (Application, Mutatis Mutandis, of the Banking Act) of that Act;
 - (6) 労働金庫法(昭和二十八年法律第二百二十七号)第九十四条第五項(銀行法の準用)において準用する第五十二条の六十一の十七第一項又は第二項の規定による同法第八十九条の五第一項(登録)の登録の取消し
6. a disposition to revoke the registration referred to in Article 89-5, paragraph (1) (Registration) of the Labor Bank Act (Act No. 227 of 1953), which is made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 94, paragraph (5) (Application Mutatis Mutandis of the Banking Act) of that Act;
 - (7) 農林中央金庫法第九十五条の五の十第一項(農林中央金庫電子決済等代行業に関する銀行法の準用)において準用する第五十二条の六十一の十七第一項又は第二項の規定による同法第九十五条の五の二第一項(登録)の登録の取消し
7. a disposition to revoke the registration referred to in Article 95-5-2, paragraph (1) (Registration) of the Norinchukin Bank Act, which is made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 95-5-10, paragraph (1) (Application Mutatis Mutandis of the Banking Act to Electronic Payment Service for Norinchukin Bank) of that Act;
 - (8) 株式会社商工組合中央金庫法(平成十九年法律第七十四号)第六十条の十九第一項又は第二項(登録の取消し等)の規定による同法第六十条の三(登録)の登録の取消し
8. a disposition to revoke the registration referred to in Article 60-3 (Registration) of the Shoko Chukin Bank Limited Act (Act No. 74 of

- 2007), which is made pursuant to the provisions of Article 60-19, paragraph (1) or (2) (Revocation of Registration) of that Act; or
- (9) この法律、農業協同組合法、水産業協同組合法、協同組合による金融事業に関する法律、信用金庫法、労働金庫法、農林中央金庫法又は株式会社商工組合中央金庫法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(1)から(8)までの登録と同種類の登録(当該登録に類する許可その他の行政処分を含む。)の取消し
9. a disposition to revoke a registration of the same kind as the registrations referred to in sub-items 1. through 8. which the registration applicant has obtained in a foreign state pursuant to the provisions of the laws and regulations of the foreign state that are equivalent to this Act, the Agricultural Cooperatives Act, the Fisheries Cooperatives Act, the Act on Financial Services by Cooperatives, the Shinkin Bank Act, the Labor Bank Act, the Norinchukin Bank Act or the Shoko Chukin Bank Limited Act (including administrative dispositions similar to the registration, such as a license or permission);
- ニ 次に掲げる命令を受け、その命令の日から五年を経過しない者
- (d) a person that has been issued one of the following orders, if five years have not yet passed since the date of the order:
- (1) 農業協同組合法第九十二条の五の八第四項の規定による同法第九十二条の五の二第二項に規定する特定信用事業電子決済等代行業の廃止の命令
1. an order to discontinue specified electronic payment services for credit business as prescribed in Article 92-5-2, paragraph (2) of the Agricultural Cooperatives Act, which is issued pursuant to the provisions of Article 92-5-8, paragraph (4) of that Act;
- (2) 水産業協同組合法第二百一条の五の八第四項(電子決済等代行業者による特定信用事業電子決済等代行業)の規定による同法第二百一条の五の二第二項に規定する特定信用事業電子決済等代行業の廃止の命令
2. an order to discontinue specified electronic payment services for credit business prescribed in Article 121-5-2, paragraph (2) of the Fisheries Cooperatives Act, which is issued pursuant to the provisions of Article 121-5-8, paragraph (4) (Specified Electronic Payment Services for Credit Business by Electronic Payment Service Providers) of that Act;
- (3) 協同組合による金融事業に関する法律第六条の五の九第四項(電子決済等代行業者による信用協同組合電子決済等代行業)の規定による同法第六条の五の二第二項に規定する信用協同組合電子決済等代行業の廃止の命令
3. an order to discontinue electronic payment services for credit cooperatives prescribed in Article 6-5-2, paragraph (2) of the Act on Financial Services by Cooperatives, which is issued pursuant to the provisions of Article 6-5-9, paragraph (4) (Electronic Payment Services

- for Credit Cooperatives by Electronic Payment Service Providers) of that Act;
- (4) 信用金庫法第八十五条の十一第四項（電子決済等代行業者による信用金庫電子決済等代行業）の規定による同法第八十五条の四第二項に規定する信用金庫電子決済等代行業の廃止の命令
4. an order to discontinue electronic payment services for credit cooperatives prescribed in Article 85-4, paragraph (2) of the Shinkin Bank Act, which is issued pursuant to the provisions of Article 85-11, paragraph (4) (Electronic Payment Services for Shinkin Banks by Electronic Payment Service Providers) of that Act;
- (5) 労働金庫法第八十九条の十二第四項（電子決済等代行業者による労働金庫電子決済等代行業）の規定による同法第八十九条の五第二項に規定する労働金庫電子決済等代行業の廃止の命令
5. an order to discontinue electronic payment services for labor banks prescribed in Article 89-5, paragraph (2) of the Labor Bank Act, which is issued pursuant to the provisions of Article 89-12, paragraph (4) (Electronic Payment Services for Labor Banks by Electronic Payment Service Providers) of that Act;
- (6) 農林中央金庫法第九十五条の五の九第四項（電子決済等代行業者による農林中央金庫電子決済等代行業）の規定による同法第九十五条の五の二第二項に規定する農林中央金庫電子決済等代行業の廃止の命令
6. an order to discontinue electronic payment services for the Norinchukin Bank prescribed in Article 95-5-2, paragraph (2) of the Norinchukin Bank Act, which is issued pursuant to the provisions of Article 95-5-9, paragraph (4) (Electronic Payment Services for the Norinchukin Bank by Electronic Payment Service Providers) of that Act;
- (7) 株式会社商工組合中央金庫法第六十条の三十二第四項（電子決済等代行業者による商工組合中央金庫電子決済等代行業）の規定による同法第六十条の二第一項（定義）に規定する商工組合中央金庫電子決済等代行業の廃止の命令
7. an order to discontinue electronic payment services for the Shoko Chukin bank prescribed in Article 60-2, paragraph (1) (Definitions) of the Shoko Chukin Bank Limited Act, which is issued pursuant to the provisions of Article 60-32, paragraph (4) (Electronic Payment Services for the Shoko Chukin Bank by Electronic Payment Service Providers) of that Act; or
- (8) 農業協同組合法、水産業協同組合法、協同組合による金融事業に関する法律、信用金庫法、労働金庫法、農林中央金庫法又は株式会社商工組合中央金庫法に相当する外国の法令の規定による（1）から（7）までの業務と同種類の業務の廃止の命令
8. an order to discontinue services of the same kind as the services referred

to in 1. through 7. under foreign laws and regulations that are equivalent to the Agricultural Cooperatives Act, the Fisheries Cooperatives Act, the Act on Financial Services by Cooperatives, the Shinkin Bank Act, the Labor Bank Act, the Norinchukin Bank Act or the Shoko Chukin Bank Limited Act;

ホ この法律、農業協同組合法、水産業協同組合法、協同組合による金融事業に関する法律、信用金庫法、労働金庫法、農林中央金庫法、株式会社商工組合中央金庫法その他政令で定める法律又はこれらに相当する外国の法令の規定に違反し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなつた日から五年を経過しない者

(e) a person that has been sentenced to a fine (including an equivalent sentence under foreign laws and regulations) for violating the provisions of this Act, the Agricultural Cooperatives Act, the Fisheries Cooperatives Act, the Act on Financial Services by Cooperatives, the Shinkin Bank Act, the Labor Bank Act, the Norinchukin Bank Act, the Shoko Chukin Bank Limited Act, or any other laws specified by Cabinet Order or for violating the provisions of foreign laws and regulations that are equivalent to those of these laws, if five years have not yet passed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;

二 法人である場合においては、次のいずれかに該当する者

(ii) a person falling under one of the following, if the registration applicant is a corporation:

イ 外国法人であつて日本における代表者を定めていない者

(a) a foreign corporation that has not designated its representative in Japan;
or

ロ 役員のうち次のいずれかに該当する者のある者

(b) a corporation whose officers include a person falling under one of the following:

(1) 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

1. an adult ward or person under curatorship, or a person equivalent thereto under foreign laws and regulations;

(2) 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

2. a person subject to an order commencing bankruptcy proceedings that has not been discharged from bankruptcy, or a person equivalent thereto under foreign laws and regulations;

(3) 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つた日から五年を経過しない者

3. a person that has been sentenced to imprisonment without work or a heavier punishment (including an equivalent sentence under foreign laws and regulations), if five years have not yet passed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;
- (4) 法人が前号ハ（１）から（９）までに掲げる処分を受けた場合において、その処分の日前三十日以内にその法人の役員であつた者で、その処分の日から五年を経過しない者
4. a person that, within 30 days prior to the date of the relevant disposition, was an officer of a corporation that was subject to one of the dispositions set forth in (c), 1. through 9. of the preceding item, if five years have not yet passed since the date of the disposition;
- (5) 法人が前号ニ（１）から（８）までに掲げる命令を受けた場合において、その命令の日前三十日以内にその法人の役員であつた者で、その命令の日から五年を経過しない者
5. a person that, within 30 days prior to the date of the relevant order, was an officer of a corporation that was issued one of the orders set forth in (d), 1. through 8. of the preceding item, if five years have not yet passed since the date of the order; or
- (6) 前号ハからホまでのいずれかに該当する者
6. a person falling under any of (c) through (e) of the preceding item; or
- 三 個人である場合においては、次のいずれかに該当する者
- (iii) a person falling under one of the following, if the registration applicant is an individual:
- イ 外国に住所を有する個人であつて日本における代理人を定めていない者
- (a) an individual domiciled in a foreign state who has not designated their agent in Japan; or
- ロ 前号ロ（１）から（５）までのいずれかに該当する者
- (b) an individual falling under any of (b), 1. through 5. of the preceding item.
- 2 内閣総理大臣は、前項の規定により登録を拒否したときは、遅滞なく、その理由を示して、その旨を登録申請者に通知しなければならない。
- (2) If the Prime Minister refuses the registration pursuant to the provisions of the preceding paragraph, the minister must notify the registration applicant to that effect by indicating the reason therefor without delay.

(変更の届出)

(Notification of a Change)

第五十二条の六十一の六 電子決済等代行業者は、第五十二条の六十一の三第一項各号に掲げる事項について変更があつたときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、その日から三十日以内に、その旨を内閣総理大臣に届け出なければならない。

Article 52-61-6 (1) Except in a case as specified by the Cabinet Office Order, if a particular set forth in one of the items of Article 52-61-3, paragraph (1) changes, the electronic payment service provider must file a notification to that effect with the Prime Minister indicating this pursuant to the provisions of Cabinet Office Order, within 30 days after the day on which this occurs.

2 内閣総理大臣は、前項の規定による届出を受理したときは、届出があつた事項を電子決済等代行業者登録簿に登録しなければならない。

(2) Upon accepting a notification under the preceding paragraph, the Prime Minister must register the particular of which the minister has been notified in the electronic payment service providers register.

3 電子決済等代行業者は、第五十二条の六十一の三第二項第三号に掲げる書類に記載した業務の内容又は方法について変更があつたときは、内閣府令で定めるところにより、遅滞なく、その旨を内閣総理大臣に届け出なければならない。

(3) If the business outline or business methods that an electronic payment service provider has stated in the documents set forth in Article 52-61-3, paragraph (2), item (iii) change, the electronic payment service provider must notify the Prime Minister of this without delay pursuant to the provisions of Cabinet Office Order.

(廃業等の届出)

(Notification of Business Discontinuance)

第五十二条の六十一の七 電子決済等代行業者が次の各号のいずれかに該当することとなつたときは、当該各号に定める者は、その日から三十日以内に、その旨を内閣総理大臣に届け出なければならない。

Article 52-61-7 (1) If an electronic payment service provider comes to fall under any of the conditions referred to in the following items, the person specified in that item must file a notification to that effect with the Prime Minister, within 30 days from the day on which this occurs:

一 電子決済等代行業を廃止したとき、又は会社分割により電子決済等代行業の全部の承継をさせたとき、若しくは電子決済等代行業の全部の譲渡をしたとき その電子決済等代行業を廃止し、又は承継をさせ、若しくは譲渡をした個人又は法人

(i) the electronic payment service provider discontinues electronic payment services, has the whole of its electronic payment services succeeded to in a company split, or transfers the whole of its electronic payment services: the individual or corporation that discontinues the electronic payment services, has them succeeded to, or transfers them;

二 電子決済等代行業者である個人が死亡したとき その相続人

(ii) the electronic payment service provider is an individual and that individual dies: the heir;

三 電子決済等代行業者である法人が合併により消滅したとき その法人を代表する役員であつた者

(iii) the electronic payment service provider is a corporation and that corporation disappears in a merger: the person that was the representative officer of that corporation;

四 電子決済等代行業者である法人が破産手続開始の決定により解散したとき その破産管財人

(iv) the electronic payment service provider is a corporation and that corporation is dissolved due to an order commencing bankruptcy proceedings: the bankruptcy trustee; or

五 電子決済等代行業者である法人が合併及び破産手続開始の決定以外の理由により解散したとき その清算人

(v) the electronic payment service provider is a corporation and that corporation is dissolved for reasons other than a merger or an order commencing bankruptcy proceedings: the liquidator.

2 電子決済等代行業者が前項各号のいずれかに該当することとなつたときは、当該電子決済等代行業者の登録は、その効力を失う。

(2) If an electronic payment service provider comes to fall under one of the items of the preceding paragraph, the registration of the electronic payment service provider ceases to be effective.

第二節 業務

Section 2 Services

(利用者に対する説明等)

(Explanation to Users)

第五十二条の六十一の八 電子決済等代行業者は、第二条第十七項各号に掲げる行為（同項に規定する内閣府令で定める行為を除く。）を行うときは、内閣府令で定める場合を除き、あらかじめ、内閣府令で定めるところにより、利用者に対し、次に掲げる事項を明らかにしなければならない。

Article 52-61-8 (1) Before engaging in an activity set forth in one of the items of Article 2, paragraph (17) (excluding the activities specified by Cabinet Office Order as prescribed in that paragraph), an electronic payment service provider must explain the following particulars to users in advance pursuant to the provisions of Cabinet Office Order, except for the cases specified by Cabinet Office Order:

一 電子決済等代行業者の商号、名称又は氏名及び住所

(i) the trade name or name and address of the electronic payment service provider;

二 電子決済等代行業者の権限に関する事項

(ii) particulars concerning the authority of the electronic payment service provider;

三 電子決済等代行業者の損害賠償に関する事項

(iii) particulars concerning compensation for loss or damage to be provided by the electronic payment service provider;

四 電子決済等代行業に関する利用者からの苦情又は相談に応ずる営業所又は事務所の連絡先

(iv) the contact information of the business office or office that handles complaints or inquiries from users about electronic payment services; and

五 その他内閣府令で定める事項

(v) other particulars specified by Cabinet Office Order.

2 電子決済等代行業者は、電子決済等代行業に関し、内閣府令で定めるところにより、電子決済等代行業と銀行が営む業務との誤認を防止するための情報の利用者への提供、電子決済等代行業に関して取得した利用者に関する情報の適正な取扱い及び安全管理、電子決済等代行業の業務を第三者に委託する場合における当該業務の的確な遂行その他の健全かつ適切な運営を確保するための措置を講じなければならない。

(2) An electronic payment service provider, pursuant to the provisions of Cabinet Office Order, must take measures for ensuring the sound and appropriate management of electronic payment services, such as providing users with information to prevent them from mistaking electronic payment services for the services conducted by banks, ensuring the proper handling and safe control of the information on users that the electronic payment service provider has acquired in connection with the electronic payment services, and ensuring the precise execution of electronic payment services if the electronic payment service provider entrusts them to a third party.

(電子決済等代行業者の誠実義務)

(Electronic Payment Service Providers' Duty of Good Faith)

第五十二条の六十一の九 電子決済等代行業者は、利用者のため誠実にその業務を遂行しなければならない。

Article 52-61-9 An electronic payment service provider must perform its services for its users in good faith.

(銀行との契約締結義務等)

(Obligation to Contract with a Bank)

第五十二条の六十一の十 電子決済等代行業者は、第二条第十七項各号に掲げる行為（同項に規定する内閣府令で定める行為を除く。）を行う前に、それぞれ当該各号の銀行との間で、電子決済等代行業に係る契約を締結し、これに従って当該銀行に係る電子決済等代行業を営まなければならない。

Article 52-61-10 (1) Before engaging in an activity set forth in one of the items of Article 2, paragraph (17) (excluding the activities specified by Cabinet Office Order as prescribed in that Article), an electronic payment service provider must enter into a contract for electronic payment services with the bank referred to in that item, and conduct the electronic payment services involving

that bank in accordance with the contract.

2 前項の契約には、次に掲げる事項を定めなければならない。

(2) The following particulars must be provided for in the contract referred to in the preceding paragraph:

一 電子決済等代行業の業務（当該銀行に係るものに限る。次号において同じ。）に関し、利用者に損害が生じた場合における当該損害についての当該銀行と当該電子決済等代行業者との賠償責任の分担に関する事項

(i) particulars concerning the sharing between the bank and the electronic payment service provider of the liability to compensate users for any loss or damage sustained thereby in connection with electronic payment services (limited to the services involving the bank; the same applies in the following item);

二 当該電子決済等代行業者が電子決済等代行業の業務に関して取得した利用者に関する情報の適正な取扱い及び安全管理のために行う措置並びに当該電子決済等代行業者が当該措置を行わない場合に当該銀行が行うことができる措置に関する事項

(ii) particulars concerning the measures to be taken by the electronic payment service provider to ensure the proper handling and safe control of the information on users that the electronic payment service provider has acquired in connection with electronic payment services, and the measures that may be taken by the bank if the electronic payment service provider does not take those measures; and

三 その他電子決済等代行業の業務の適正を確保するために必要なものとして内閣府令で定める事項

(iii) particulars specified by Cabinet Office Order as being necessary to ensure the appropriate operation of electronic payment services.

3 銀行及び電子決済等代行業者は、第一項の契約を締結したときは、遅滞なく、当該契約の内容のうち前項各号に掲げる事項を、内閣府令で定めるところにより、インターネットの利用その他の方法により公表しなければならない。

(3) When a bank and an electronic payment service provider enter into a contract as referred to in paragraph (1), they must disclose the particulars set forth in the items of the preceding paragraph from among the terms and conditions of that contract over the internet or by any other such means, pursuant to the provisions of Cabinet Office Order.

（銀行による基準の作成等）

(Development of Standards by a Bank)

第五十二条の六十一の十一 銀行は、前条第一項の契約を締結するに当たつて電子決済等代行業者に求める事項の基準を作成し、内閣府令で定めるところにより、インターネットの利用その他の方法により公表しなければならない。

Article 52-61-11 (1) A bank must develop standards for particulars asked of an electronic payment service provider as concerns its entry into a contract as

referred to in paragraph (1) of the preceding Article, and must disclose these over the internet or by any other such means, pursuant to the provisions of Cabinet Office Order.

2 前項の求める事項には、前条第一項の契約の相手方となる電子決済等代行業者が電子決済等代行業の業務に関して取得する利用者に関する情報の適正な取扱い及び安全管理のために行うべき措置その他の内閣府令で定める事項が含まれるものとする。

(2) The particulars asked of an electronic payment service provider as referred to in the preceding paragraph are to include the measures that must be taken by the electronic payment service provider that will be the counterparty to the contract referred to in paragraph (1) of the preceding Article, to ensure the proper handling and safe control of the information on users that the electronic payment service provider acquires in connection with electronic payment services, and any other particulars specified by Cabinet Office Order.

3 銀行は、前条第一項の契約を締結するに当たつて、第一項の基準を満たす電子決済等代行業者に対して、不当に差別的な取扱いを行つてはならない。

(3) In entering into a contract as referred to in paragraph (1) of the preceding Article, a bank must not subject an electronic payment service provider that meets the standards referred to in paragraph (1) to unjustly differential treatment.

第三節 監督

Section 3 Supervision

(電子決済等代行業に関する帳簿書類)

(Books and Documents Related to Electronic Payment Services)

第五十二条の六十一の十二 電子決済等代行業者は、内閣府令で定めるところにより、電子決済等代行業に関する帳簿書類を作成し、これを保存しなければならない。

Article 52-61-12 An electronic payment service provider must prepare and keep on file books and documents related to its electronic payment services, pursuant to the provisions of Cabinet Office Order.

(電子決済等代行業に関する報告書)

(Reports Regarding Electronic Payment Services)

第五十二条の六十一の十三 電子決済等代行業者は、事業年度ごとに、内閣府令で定めるところにより、電子決済等代行業に関する報告書を作成し、内閣総理大臣に提出しなければならない。

Article 52-61-13 Each business year, an electronic payment service provider must prepare a report on its electronic payment services and submit it to the Prime Minister, pursuant to the provisions of Cabinet Office Order.

(報告又は資料の提出)

(Submission of Reports or Materials)

第五十二条の六十一の十四 内閣総理大臣は、電子決済等代行業者の電子決済等代行業の健全かつ適切な運営を確保するため必要があると認めるときは、当該電子決済等代行業者に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 52-61-14 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of an electronic payment service provider's electronic payment services, the minister may ask the electronic payment service provider to submit reports or materials concerning its business or financial condition.

2 内閣総理大臣は、電子決済等代行業者の電子決済等代行業の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該電子決済等代行業者と電子決済等代行業の業務に関して取引する者又は当該電子決済等代行業者から電子決済等代行業の業務の委託を受けた者（その者から委託（二以上の段階にわたる委託を含む。）を受けた者を含む。次項並びに次条第二項及び第五項において同じ。）に対し、当該電子決済等代行業者の業務又は財産の状況に関し報告又は資料の提出を求めることができる。

(2) If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of an electronic payment service provider's electronic payment services, the minister, within the scope of that necessity, may ask a person that conducts transactions with the electronic payment service provider that are connected with its electronic payment services or a person that the electronic payment service provider has entrusted with its electronic payment services (including a person further entrusted by that entrusted person (including entrustment at two or more degrees of separation from the original entrustment); the same applies in the following paragraph and paragraphs (2) and (5) of the following Article) to submit reports or materials concerning the business or financial condition of the electronic payment service provider.

3 電子決済等代行業者と電子決済等代行業の業務に関して取引する者又は電子決済等代行業者から電子決済等代行業の業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A person conducting transactions with an electronic payment service provider that are connected with its electronic payment services or a person that an electronic payment service provider has entrusted with its electronic payment services may refuse to submit the reports or materials under the preceding paragraph if the person has a legitimate reason for doing so.

(立入検査)

(On-Site Inspections)

第五十二条の六十一の十五 内閣総理大臣は、電子決済等代行業者の電子決済等代行業

の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に当該電子決済等代行業者の営業所若しくは事務所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 52-61-15 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of an electronic payment service provider's electronic payment services, the minister may have the relevant officials enter the business office, office or any other facility of the electronic payment service provider; have those officials ask questions about its business or financial condition; and have them inspect its books, documents and any other articles.

2 内閣総理大臣は、前項の規定による立ち入り、質問又は検査を行う場合において、特に必要があると認めるときは、その必要の限度において、当該職員に電子決済等代行業者と電子決済等代行業の業務に関して取引する者若しくは電子決済等代行業者から電子決済等代行業の業務の委託を受けた者の施設に立ち入らせ、電子決済等代行業者に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) If an entry into a facility, questioning, or inspection under the preceding paragraph is to take place and the Prime Minister finds it to be particularly necessary, the minister, within the scope of that necessity, may have the relevant officials enter the facility of a person conducting transactions with the electronic payment service provider that are connected with its electronic payment services or of a person that the electronic payment service provider has entrusted with its electronic payment services; have those officials ask that person questions about any particular that needs to be asked about in connection with the questioning or inspection of the electronic payment service provider; or have them inspect that person's books, documents and any other articles.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In the cases referred to in the preceding two paragraphs, the relevant official must carry an identification card, and must present it if a concerned person requests them to do so.

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

(4) The authority under paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

5 前条第三項の規定は、第二項の規定による電子決済等代行業者と電子決済等代行業の業務に関して取引する者又は電子決済等代行業者から電子決済等代行業の業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article apply mutatis

mutandis to the questioning and inspection under paragraph (2) of a person conducting transactions with an electronic payment service provider that are connected with its electronic payment services or of a person that the electronic payment service provider has entrusted with its electronic payment services.

(業務改善命令)

(Business Improvement Orders)

第五十二条の六十一の十六 内閣総理大臣は、電子決済等代行業者の電子決済等代行業の健全かつ適切な運営を確保するため必要があると認めるときは、当該電子決済等代行業者に対し、その必要の限度において、業務の内容及び方法の変更その他監督上必要な措置を命ずることができる。

Article 52-61-16 If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of an electronic payment service provider's electronic payment services in light of the business or financial condition of the electronic payment service provider, the minister, within the scope of that necessity, may order the electronic payment service provider to change its business outline or business methods and issue other orders with respect to measures that are necessary from a supervisory perspective.

(登録の取消し等)

(Revocation of Registration)

第五十二条の六十一の十七 内閣総理大臣は、電子決済等代行業者が次の各号のいずれかに該当するときは、第五十二条の六十一の二の登録を取り消し、又は六月以内の期間を定めて業務の全部若しくは一部の停止を命ずることができる。

Article 52-61-17 (1) If an electronic payment service provider falls under any of the following items, the Prime Minister may revoke its Article 52-61-2 registration, or order the suspension of all or a part of its businesses during a fixed period of no longer than six months:

一 電子決済等代行業者が第五十二条の六十一の五第一項各号のいずれかに該当することとなつたとき。

(i) the electronic payment service provider comes to fall under any of the items of Article 52-61-5, paragraph (1);

二 不正の手段により第五十二条の六十一の二の登録を受けたとき。

(ii) the electronic payment service provider has obtained its Article 52-61-2 registration by wrongful means; or

三 この法律又はこの法律に基づく内閣総理大臣の処分に違反したとき、その他電子決済等代行業の業務に関し著しく不適当な行為をしたと認められるとき。

(iii) the electronic payment service provider violates this Act or a disposition by the Prime Minister based on this Act, or is otherwise found to have engaged in extremely inappropriate conduct in connection with electronic payment services.

2 内閣総理大臣は、電子決済等代行業者の営業所若しくは事務所の所在地を確知できないとき、又は電子決済等代行業者の所在（法人である場合にあつては、その法人を代表する役員 of 所在）を確知できないときは、内閣府令で定めるところにより、その事実を公告し、その公告の日から三十日を経過しても当該電子決済等代行業者から申出がないときは、当該電子決済等代行業者の第五十二条の六十一の二の登録を取り消すことができる。

(2) If the Prime Minister is unable to ascertain the location of the business offices or offices of an electronic payment service provider or is unable to ascertain the whereabouts of an electronic payment service provider (in the case of a corporation, the whereabouts of the officer representing the corporation), the minister, pursuant to the provisions of Cabinet Office Order, may issue public notice of that fact and revoke the electronic payment service provider's Article 52-61-2 registration if no filing is made by the electronic payment service provider even after 30 days past the day of the public notice.

3 前項の規定による処分については、行政手続法第三章（不利益処分）の規定は、適用しない。

(3) The provisions of Chapter III (Adverse Dispositions) of the Administrative Procedure Act do not apply to a disposition under the preceding paragraph.

（登録の抹消）

(Deletion of Registration)

第五十二条の六十一の十八 内閣総理大臣は、次に掲げる場合には、電子決済等代行業者の登録を抹消しなければならない。

Article 52-61-18 In the following cases, the Prime Minister must delete the registration of an electronic payment service provider:

一 前条第一項又は第二項の規定により第五十二条の六十一の二の登録を取り消したとき。

(i) the Prime Minister has revoked its Article 52-61-2 registration pursuant to the provisions of paragraph (1) or (2) of the preceding Article; or

二 第五十二条の六十一の七第二項の規定により第五十二条の六十一の二の登録がその効力を失ったとき。

(ii) the Article 52-61-2 registration ceases to be effective pursuant to the provisions of Article 52-61-7, paragraph (2).

第四節 認定電子決済等代行事業者協会

Section 4 Certified Association of Electronic Payment Service Providers

（認定電子決済等代行事業者協会の認定）

(Certification of a Certified Association of Electronic Payment Service Providers)

第五十二条の六十一の十九 内閣総理大臣は、政令で定めるところにより、電子決済等

代行業者が設立した一般社団法人であつて、次に掲げる要件を備える者を、その申請により、次条に規定する業務（以下この節において「認定業務」という。）を行う者として認定することができる。

Article 52-61-19 The Prime Minister may certify a general incorporated association that has been incorporated by electronic payment service providers and that is found to satisfy the following requirements, to conduct the services prescribed in the following paragraph (hereinafter referred to as "certified services"), at the application of that general incorporated association, pursuant to the provisions of Cabinet Order:

一 電子決済等代行業の業務の適正を確保し、並びにその健全な発展及び利用者の利益の保護に資することを目的とすること。

(i) the purpose of the general incorporated association is to ensure the appropriate operation of electronic payment services and contribute to the sound development of electronic payment services and to the protection of the interests of users;

二 電子決済等代行業者を社員（以下この節及び第六十三条の三第五号において「会員」という。）に含む旨の定款の定めがあること。

(ii) the general incorporated association's articles of incorporation provide that electronic payment service providers are included in the scope of its members (hereinafter referred to as "association members" in this Section and Article 63-3, item (v));

三 認定業務を適正かつ確実に行うに必要な業務の実施の方法を定めていること。

(iii) the general incorporated association has established the necessary methods of business implementation for performing certified services properly and reliably; and

四 認定業務を適正かつ確実に行うに足りる知識及び能力並びに財産的基礎を有すること。

(iv) the general incorporated association has sufficient knowledge, ability, and financial basis for performing certified services properly and reliably.

（認定電子決済等代行業者協会の業務）

(Services of a Certified Association of Electronic Payment Service Providers)

第五十二条の六十一の二十 認定電子決済等代行業者協会は、次に掲げる業務を行うものとする。

Article 52-61-20 A certified association of electronic payment service providers is to perform the following services:

一 会員が電子決済等代行業を営むに当たり、この法律その他の法令の規定及び第三号の規則を遵守させるための会員に対する指導、勧告その他の業務

(i) services such as providing guidance and recommendations to association members in order to have them comply with this Act, with the provisions of other laws and regulations, and with the rules referred to in item (iii) in the

- course of engaging in electronic payment services;
- 二 会員の営む電子決済等代行業に関し、契約の内容の適正化その他電子決済等代行業の利用者の利益の保護を図るために必要な指導、勧告その他の業務
- (ii) services such as giving the necessary guidance and recommendations to ensure the propriety of contracts and otherwise protect the interests of users of the electronic payment services in which association members engage;
- 三 会員の営む電子決済等代行業の適正化並びにその取り扱う情報の適正な取扱い及び安全管理のために必要な規則の制定
- (iii) establishing the necessary rules for the rationalization of the electronic payment services in which association members engage and for the proper handling and safe control of the information on users that they handle;
- 四 会員のこの法律若しくはこの法律に基づく命令若しくはこれらに基づく処分又は前号の規則の遵守の状況の調査
- (iv) investigating the status of the association members' compliance with this Act, orders that are based on this Act, dispositions that are based on this Act or on such orders, or the rules referred to in the preceding item;
- 五 電子決済等代行業の利用者の利益を保護するために必要な情報の収集、整理及び提供
- (v) engaging in the necessary collection, arrangement and provision of information to protect the interests of users of electronic payment services;
- 六 会員の営む電子決済等代行業に関する利用者からの苦情の処理
- (vi) processing complaints filed by users concerning the electronic payment services in which association members engage;
- 七 電子決済等代行業の利用者に対する広報
- (vii) handling publicity to users of electronic payment services; and
- 八 前各号に掲げるもののほか、電子決済等代行業の健全な発展及び電子決済等代行業の利用者の保護に資する業務
- (viii) providing services that contribute to the sound development of electronic payment services and to protecting users of electronic payment services, beyond as set forth in the preceding items.

(会員名簿の縦覧等)

(Making a Membership List Available for Public Inspection)

第五十二条の六十一の二十一 認定電子決済等代行業者協会は、会員名簿を公衆の縦覧に供しなければならない。

Article 52-61-21 (1) A certified association of electronic payment service providers must make its membership list available for public inspection.

2 認定電子決済等代行業者協会でない者（信用金庫法第八十五条の九（認定信用金庫電子決済等代行業者協会の認定）の規定による認定を受けた者その他これに類する者として政令で定めるものを除く。）は、その名称中に、認定電子決済等代行業者協会と誤認されるおそれのある文字を使用してはならない。

(2) A person (other than one certified under Article 85-9 (Certification of Certified Association of Electronic Payment Service Providers for Shinkin Banks) of the Shinkin Bank Act and any other person specified by Cabinet Order as being similar thereto) that is not a certified association of electronic payment service providers must not use a term in its name that could give rise to the misconception that it is a certified association of electronic payment service providers.

3 認定電子決済等代行業者協会の会員でない者（信用金庫法第八十五条の十（認定信用金庫電子決済等代行業者協会の業務）に規定する認定信用金庫電子決済等代行業者協会の社員である者その他これに類する者として政令で定めるものを除く。）は、その名称中に、認定電子決済等代行業者協会の会員と誤認されるおそれのある文字を使用してはならない。

(3) A person (other than one that is a member of a certified association of electronic payment service providers for shinkin banks as prescribed in Article 85-10 (Services of Certified Association of Electronic Payment Service Providers for Shinkin Banks) of the Shinkin Bank Act and any other person specified by Cabinet Order as being similar thereto) that is not the association member of a certified association of electronic payment service providers must not use a term in its name that could give rise to the misconception that it is the association member of a certified association of electronic payment service providers.

（利用者の保護に資する情報の提供）

(Provision of Information Contributing to User Protection)

第五十二条の六十一の二十二 認定電子決済等代行業者協会は、第五十二条の六十一の二十九の規定により内閣総理大臣から提供を受けた情報のうち電子決済等代行業の利用者の保護に資する情報について、電子決済等代行業の利用者に提供できるようにしなければならない。

Article 52-61-22 A certified association of electronic payment service providers must make itself able to provide users of electronic payment services with the information with which it has been provided by the Prime Minister pursuant to the provisions of Article 52-61-29 that contributes to protecting users of electronic payment services.

（利用者からの苦情に関する対応）

(Handling Complaints from Users)

第五十二条の六十一の二十三 認定電子決済等代行業者協会は、電子決済等代行業の利用者から会員の営む電子決済等代行業に関する苦情について解決の申出があつたときは、その相談に応じ、申出人に必要な助言をし、その苦情に係る事情を調査するとともに、当該会員に対しその苦情の内容を通知してその迅速な処理を求めなければならない。

Article 52-61-23 (1) If a user of electronic payment services makes a filing with a certified association of electronic payment service providers to resolve a complaint related to the electronic payment services in which an association member engages, in addition to complying with any request for a consultation about this, providing the person making the filing with the necessary advice, and investigating the circumstances to which the complaint pertains, the certified association of electronic payment service providers must notify the association member of the substance and content of the complaint and ask it to process the complaint expeditiously.

2 認定電子決済等代行業者協会は、前項の申出に係る苦情の解決について必要があると認めるときは、当該会員に対し、文書若しくは口頭による説明を求め、又は資料の提出を求めることができる。

(2) If a certified association of electronic payment service providers finds that it is necessary for resolving a complaint under a filing referred to in the preceding paragraph, it may ask the relevant association member to provide a written or oral explanation or submit materials.

3 会員は、認定電子決済等代行業者協会から前項の規定による求めがあつたときは、正当な理由がないのに、これを拒んではならない。

(3) If asked to act as under the preceding paragraph by a certified association of electronic payment service providers, an association member must not refuse to do as asked without legitimate grounds.

4 認定電子決済等代行業者協会は、第一項の申出、苦情に係る事情及びその解決の結果について会員に周知させなければならない。

(4) A certified association of electronic payment service providers must fully inform its association members of any filing as referred to in paragraph (1), the circumstances to which the complaint pertains, and the outcome of its resolution.

(認定電子決済等代行業者協会への報告等)

(Reporting to a Certified Association of Electronic Payment Service Providers)

第五十二条の六十一の二十四 会員は、電子決済等代行業者が行つた利用者の保護に欠ける行為に関する情報その他電子決済等代行業の利用者の利益を保護するために必要な情報として内閣府令で定めるものを取得したときは、これを認定電子決済等代行業者協会に報告しなければならない。

Article 52-61-24 (1) Having obtained information about conduct in which an electronic payment service provider has engaged that is lacking in user protection or any other information specified by Cabinet Office Order as information that a certified association of electronic payment service providers needs to have in order to protect the interests of users of electronic payment services, an association member must report this to the certified association of electronic payment service providers.

2 認定電子決済等代行業者協会は、その保有する前項に規定する情報について会員から提供の請求があつたときは、正当な理由がある場合を除き、当該請求に係る情報を提供しなければならない。

(2) If a certified association of electronic payment service providers receives a request from an association member to provide any information as prescribed in the preceding paragraph that it holds, it must provide the association member with that information unless it has legitimate grounds not to.

(秘密保持義務等)

(Duty of Confidentiality)

第五十二条の六十一の二十五 認定電子決済等代行業者協会の役員若しくは職員又はこれらの職にあつた者（次項において「役員等」という。）は、その職務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 52-61-25 (1) It is prohibited for an officer or employee of a certified association of electronic payment service providers, or a person that has held one of these positions (referred to as a "former or current officer or employee" in the following paragraph), to divulge or misappropriate any confidential information learned in the course of duty.

2 認定電子決済等代行業者協会の役員等は、その職務に関して知り得た情報を、認定業務（当該認定電子決済等代行業者協会が信用金庫法第八十五条の九（認定信用金庫電子決済等代行業者協会の認定）の認定を受けた一般社団法人であつて、当該役員等が当該一般社団法人の同法第八十五条の十（認定信用金庫電子決済等代行業者協会の業務）に規定する業務に従事する役員等である場合における当該業務その他これに類する業務として政令で定める業務を含む。）の用に供する目的以外に利用してはならない。

(2) A former or current officer or employee of a certified association of electronic payment service providers must not use any information learned in the course of duty other than with the purpose of providing it for use in certified services (if the certified association of electronic payment service providers is a general incorporated association certified as referred to in Article 85-9 (Certification of Certified Association of Electronic Payment Service Providers) of the Shinkin Bank Act and the former or current officer or employee is a former or current officer or employee engaged in the services prescribed in Article 85-10 (Services of Certified Association of Electronic Payment Service Providers) of that Act that are conducted by the general incorporated association, this includes providing information for use in those services or in any other services specified by Cabinet Order as being similar thereto).

(定款の必要的記載事項)

(Information Required to Be Specified in the Articles of Incorporation)

第五十二条の六十一の二十六 一般社団法人及び一般財団法人に関する法律（平成十八

年法律第四十八号) 第十一条第一項各号(定款の記載又は記録事項)に掲げる事項及び第五十二条の六十一の十九第二号に規定する定款の定めのほか、認定電子決済等代行業者協会は、その定款において、この法律若しくはこの法律に基づく命令若しくはこれらに基づく処分又は第五十二条の六十一の二十第三号の規則に違反した会員に対し、定款で定める会員の権利の停止若しくは制限を命じ、又は除名する旨を定めなければならない。

Article 52-61-26 In addition to the particulars set forth in items of Article 11, paragraph (1) (Contents or Recorded Matters in the Articles of Incorporation) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) and the provisions of the articles of incorporation prescribed in Article 52-61-19, item (ii), a certified association of electronic payment service providers must provide in its articles of incorporation that if an association member violates this Act, an order that is based on this Act, a disposition that is based on this Act or on such an order, or the rules referred to in Article 52-61-20, item (iii), the certified association of electronic payment service providers will order the suspension or restriction of the association member's rights as provided for in the articles of incorporation, or expel the association member from the certified association of electronic payment service providers.

(立入検査等)

(On-Site Inspections)

第五十二条の六十一の二十七 内閣総理大臣は、この法律の施行に必要な限度において、認定電子決済等代行業者協会に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に当該認定電子決済等代行業者協会の事務所に立ち入らせ、その業務若しくは財産の状況に関して質問させ、若しくは帳簿書類その他の物件を検査させることができる。

Article 52-61-27 (1) The Prime Minister, within the scope that is necessary for bringing this Act into effect, may order a certified association of electronic payment service providers to make a report or submit materials to serve as a reference in connection with its business or financial condition, or may have the relevant officials enter the office of the certified association of electronic payment service providers; have those officials ask questions about its business or financial condition; or have them inspect its books, documents and any other articles.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) In the case referred to in the preceding paragraph, the relevant official must carry an identification card, and must present it if a concerned person requests them to do so.

3 第一項の規定による権限は、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 under paragraph (1) must not be construed as being granted for criminal investigation purposes.

(認定電子決済等代行事業者協会に対する監督命令等)

(Issuance of a Supervision Order against a Certified Association of Electronic Payment Service Providers)

第五十二条の六十一の二十八 内閣総理大臣は、認定業務の運営に関し改善が必要であると認めるときは、この法律の施行に必要な限度において、認定電子決済等代行事業者協会に対し、そ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 52-61-28 (1) Upon finding that the operation of certified services needs to be improved, the Prime Minister may order a certified association of electronic payment service providers to take the necessary measures to improve this, within the scope that is necessary for bringing this Act into effect.

2 内閣総理大臣は、認定電子決済等代行事業者協会の業務の運営が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は、その認定を取り消し、又は六月以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。

(2) Upon finding that the business operations of a certified association of electronic payment service providers have violated this Act, an order that is based on this Act, or a disposition that is based on this Act or on such an order, the minister may revoke its certification or order the suspension of all or part of its businesses during a fixed period of no longer than six months.

(認定電子決済等代行事業者協会への情報提供)

(Provision of Information to a Certified Association of Electronic Payment Service Providers)

第五十二条の六十一の二十九 内閣総理大臣は、認定電子決済等代行事業者協会の求めに応じ、認定電子決済等代行事業者協会が認定業務を適正に行うために必要な限度において、電子決済等代行業者に関する情報であつて認定業務に資するものとして内閣府令で定める情報を提供することができる。

Article 52-61-29 If asked to do so by a certified association of electronic payment service providers, the Prime Minister may provide a certified association of electronic payment service providers with the information on Payment Service Providers that is specified by Cabinet Office Order as contributing to certified services, within the necessary scope to ensure that the certified association of electronic payment service providers performs certified services properly.

第五節 雑則

Section 5 Miscellaneous Provisions

第五十二条の六十一の三十 電子決済等代行業者が外国法人又は外国に住所を有する個

人である場合におけるこの法律の規定の適用に当たつての技術的読替えその他当該外国法人又は個人に対するこの法律の規定の適用に関し必要な事項は、政令で定める。

Article 52-61-30 Technical replacements of terms for applying this Act to an electronic payment service provider that is a foreign corporation or an individual domiciled in a foreign state, and other necessary particulars relevant to the application of the provisions of this Act to such a foreign corporation or individual are specified by Cabinet Order.

第七章の六 指定紛争解決機関

Chapter VII-6 Designated Dispute Resolution Organizations

第一節 通則

Section 1 General Rules

(紛争解決等業務を行う者の指定)

(Designation of a Person to Carry Out Dispute Resolution, etc.)

第五十二条の六十二 内閣総理大臣は、次に掲げる要件を備える者を、その申請により、紛争解決等業務を行う者として、指定することができる。

Article 52-62 (1) At the application of a person satisfying the following requirements, the Prime Minister may designate that person as a person that carries out Dispute Resolution, etc.:

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

(i) it is a corporation (including an association or foundation without legal personality whose representative or administrator has been designated, and excluding a corporation incorporated under the laws and regulations of a foreign state or other foreign organization; the same applies in item (iv), (d));

二 第五十二条の八十四第一項の規定によりこの項の規定による指定を取り消され、その取消の日から五年を経過しない者又は他の法律の規定による指定であつて紛争解決等業務に相当する業務に係るものとして政令で定めるものを取り消され、その取消の日から五年を経過しない者でないこと。

(ii) it does not fall under the category of a person that has had a designation under this paragraph revoked pursuant to Article 52-84, paragraph (1) and not yet had five years pass since the date of the revocation, nor does it fall under the category of a person that has had a designation under the provisions of other laws which is specified by Cabinet Order as involving operations equivalent to Dispute Resolution, etc. revoked, and not yet had five years pass since the date of the revocation;

三 この法律若しくは弁護士法（昭和二十四年法律第二百五号）又はこれらに相当する外国の法令の規定に違反し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなく

なつた日から五年を経過しない者でないこと。

(iii) it does not fall under the category of a person that has been sentenced to a fine (including an equivalent sentence under foreign laws and regulations) for violating the provisions of this Act or the Attorney Act (Act No. 205 of 1949) or for violating the provisions of foreign laws and regulations that are equivalent to those of these Acts, and not yet had five years pass since the day on which it finished serving the sentence or ceased to be subject to its enforcement;

四 役員の中に、次のいずれかに該当する者がいないこと。

(iv) it has no officer that falls under one of the following categories of persons:

イ 成年被後見人若しくは被保佐人又は外国の法令上これらと同様に取り扱われている者

(a) an adult ward or a person under curatorship, or a person that is treated in the same manner under foreign laws and regulations;

ロ 破産者で復権を得ないもの又は外国の法令上これと同様に取り扱われている者

(b) a bankrupt that has not been discharged, or a person that is treated in the same manner under foreign laws and regulations;

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つた日から五年を経過しない者

(c) a person that has been sentenced to imprisonment or a heavier punishment (or an equivalent sentence under foreign laws and regulations), if five years have not yet passed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;

ニ 第五十二条の八十四第一項の規定によりこの項の規定による指定を取り消された場合若しくはこの法律に相当する外国の法令の規定により当該外国において受けている当該指定に類する行政処分を取り消された場合において、その取消しの日前一月以内にその法人の役員（外国の法令上これと同様に取り扱われている者を含む。ニにおいて同じ。）であつた者でその取消しの日から五年を経過しない者又は他の法律の規定による指定であつて紛争解決等業務に相当する業務に係るものとして政令で定めるもの若しくは当該他の法律に相当する外国の法令の規定により当該外国において受けている当該政令で定める指定に類する行政処分を取り消された場合において、その取消しの日前一月以内にその法人の役員であつた者でその取消しの日から五年を経過しない者

(d) a person that, within one month prior to the date of revocation, was the officer (including a person treated in the same manner under foreign laws and regulations; the same applies in this sub-item (d)) of a corporation, in a case in which a designation under this paragraph has been revoked pursuant to the provisions of Article 52-84, paragraph (1) or an administrative disposition which is similar to that designation and which a corporation has received in a foreign state pursuant to the provisions

foreign laws and regulations that are equivalent to this Act, has been revoked, and five years have not yet passed since the date of revocation; or a person that, within one month prior to the date of revocation, was the officer of a corporation, in a case in which a designation under the provisions of other laws which is specified by Cabinet Order as being for operations equivalent to Dispute Resolution, etc., has been revoked, or an administrative disposition which is similar to that designation specified by Cabinet Order, and which a corporation has been issued in a foreign state pursuant to the provisions of foreign laws and regulations that are equivalent to those of those other laws, has been revoked, and five years have not yet passed since the date of the revocation; or

ホ この法律若しくは弁護士法又はこれらに相当する外国の法令の規定に違反し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなつた日から五年を経過しない者

(e) a person that has been sentenced to a fine (including an equivalent sentence under foreign laws and regulations) for violating the provisions of this Act or the Attorney Act or for violating the provisions of foreign laws and regulations that are equivalent to those of these Acts, if five years have not yet passed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;

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

(v) it has a sufficient financial and technical basis to implement Dispute Resolution, etc. in a sound manner;

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

(vi) the composition of its officers or employees is unlikely to compromise the fair implementation of Dispute Resolution, etc.;

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

(vii) its rules for implementing Dispute Resolution, etc. (hereinafter referred to as the "Operational Rules") conform to laws and regulations and are found to be sufficient for allowing it to implement Dispute Resolution, etc. fairly and appropriately, pursuant to the provisions of this Act; and

八 次項の規定により意見を聴取した結果、手続実施基本契約の解除に関する事項その他の手続実施基本契約の内容（第五十二条の六十七第二項各号に掲げる事項を除く。）その他の業務規程の内容（同条第三項の規定によりその内容とするものでなければならぬこととされる事項並びに同条第四項各号及び第五項第一号に掲げる基準に適合するために必要な事項を除く。）について異議（合理的な理由が付されたものに限る。）を述べた銀行の数の銀行の総数に占める割合が政令で定める割合

以下の割合となつたこと。

- (viii) the result of the hearing of opinions held pursuant to the provisions of the following paragraph is that the proportion of the number of banks that have stated an objection to the content of a basic contract for the implementation of dispute resolution procedures (excluding the particulars set forth in the items of Article 52-67, paragraph (2)), such as the particulars involved in the cancellation of a basic contract for the implementation of dispute resolution procedures, or to any other content of the Operational Rules (excluding the particulars that the Operational Rules must have as their contents pursuant to the provisions of paragraph (3) of that Article and the particulars that are necessary for conforming to the criteria set forth in the items of paragraph (4) of that Article and paragraph (5), item (i) of that Article) (limited to objections for which there are reasonable grounds) to the total number of banks is less than the proportion specified by Cabinet Order.
- 2 前項の申請をしようとする者は、あらかじめ、内閣府令で定めるところにより、銀行に対し、業務規程の内容を説明し、これについて異議がないかどうかの意見（異議がある場合には、その理由を含む。）を聴取し、及びその結果を記載した書類を作成しなければならない。
- (2) A person seeking to file an application as referred to in the preceding paragraph must first explain the contents of its Operational Rules to the banks, hear opinions as to whether there are any objections to these (if there are objections, including the grounds for them), and prepare a document stating the results of this, pursuant to the provisions of Cabinet Office Order.
- 3 内閣総理大臣は、第一項の規定による指定をしようとするときは、同項第五号から第七号までに掲げる要件（紛争解決手続の業務に係る部分に限り、同号に掲げる要件にあつては、第五十二条の六十七第四項各号及び第五項各号に掲げる基準に係るものに限る。）に該当していることについて、あらかじめ、法務大臣に協議しなければならない。
- (3) Before seeking to make a designation under paragraph (1), the Prime Minister must consult with the Minister of Justice about the relevant person's satisfaction of the requirements set forth in items (v) through (vii) of that paragraph (limited to the part related to the operation of Dispute Resolution Procedures; with regard to the requirement set forth in item (vii), limited to that which involves the criteria set forth in the items of Article 52-67, paragraph (4) and the items of paragraph (5) of that Article).
- 4 内閣総理大臣は、第一項の規定による指定をしたときは、指定紛争解決機関の商号又は名称及び主たる営業所又は事務所の所在地並びに当該指定をした日を官報で告示しなければならない。
- (4) Upon making a designation under paragraph (1), the Prime Minister must issue public notice in the official gazette of the trade name or name and the location of the principal business office or principal office of the Designated

Dispute Resolution Organization, as well as of the day on which the Prime Minister made the designation, in the official gazette.

(指定の申請)

(Application for Designation)

第五十二条の六十三 前条第一項の規定による指定を受けようとする者は、次に掲げる事項を記載した指定申請書を内閣総理大臣に提出しなければならない。

Article 52-63 (1) A person seeking designation under paragraph (1) of the preceding Article must submit a written application for designation to the Prime Minister, in which it states the following particulars:

一 商号又は名称

(i) its trade name or name;

二 主たる営業所又は事務所その他紛争解決等業務を行う営業所又は事務所の名称及び所在地

(ii) the name and location of its principal business office or office or any other business office or office where it would carry out Dispute Resolution, etc.;

and

三 役員の氏名又は商号若しくは名称

(iii) the names and trade names of its officers.

2 前項の指定申請書には、次に掲げる書類を添付しなければならない。

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

一 前条第一項第三号及び第四号に掲げる要件に該当することを誓約する書面

(i) a document pledging that the person satisfies the requirements set forth in items (iii) and (iv) of paragraph (1) of the preceding Article;

二 定款及び法人の登記事項証明書（これらに準ずるものを含む。）

(ii) the articles of incorporation and the corporation's certificate of registered information (including anything equivalent to these);

三 業務規程

(iii) the Operational Rules;

四 組織に関する事項を記載した書類

(iv) documents stating particulars relevant to its organization;

五 財産目録、貸借対照表その他の紛争解決等業務を行うために必要な経理的な基礎を有することを明らかにする書類であつて内閣府令で定めるもの

(v) documents, such as an inventory of assets or balance sheet, which are specified by Cabinet Office Order and which make it clear that the relevant person has the necessary financial basis for conducting Dispute Resolution, etc.;

六 前条第二項に規定する書類その他同条第一項第八号に掲げる要件に該当することを証する書類として内閣府令で定めるもの

(vi) the documents provided for in paragraph (2) of the preceding Article, and

the documents specified by Cabinet Office Order as evidencing that the relevant person satisfies the requirements set forth in paragraph (1), item (viii) of that Article; and

七 その他内閣府令で定める書類

(vii) other documents specified by Cabinet Office Order.

3 前項の場合において、定款、財産目録又は貸借対照表が電磁的記録で作成されているときは、書類に代えて当該電磁的記録を添付することができる。

(3) In the case referred to in the preceding paragraph, if the articles of incorporation, inventory of assets, or balance sheet has been prepared as an electronic or magnetic record, the electronic or magnetic record may accompany the application in lieu of the paper document.

(秘密保持義務等)

(Duty of Confidentiality)

第五十二条の六十四 指定紛争解決機関の紛争解決委員（第五十二条の七十三第二項の規定により選任された紛争解決委員をいう。次項、次条第二項並びに第五十二条の六十七第二項及び第四項において同じ。）若しくは役員若しくは職員又はこれらの職にあつた者は、紛争解決等業務に関して知り得た秘密を漏らし、又は自己の利益のために使用してはならない。

Article 52-64 (1) It is prohibited for a dispute resolution mediator (meaning a dispute resolution mediator appointed pursuant to the provisions of Article 52-73, paragraph (2); the same applies in the following paragraph, paragraph (2) of the following Article, and Article 52-67, paragraphs (2) and (4)), the officer or employee of a Designated Dispute Resolution Organization, or a person that has held one of these positions, to divulge or use for personal benefit any confidential information learned in the course of Dispute Resolution, etc.

2 指定紛争解決機関の紛争解決委員又は役員若しくは職員で紛争解決等業務に従事する者は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) As concerns the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, a dispute resolution mediator, officer, or employee of a Designated Dispute Resolution Organization who is engaged in Dispute Resolution, etc. is deemed to be an official engaged in public service pursuant to laws and regulations.

第二節 業務

Section 2 Services

(指定紛争解決機関の業務)

(Services of a Designated Dispute Resolution Organization)

第五十二条の六十五 指定紛争解決機関は、この法律及び業務規程の定めるところによ

り、紛争解決等業務を行うものとする。

Article 52-65 (1) A Designated Dispute Resolution Organization is to perform Dispute Resolution, etc. pursuant to the provisions of this Act and the Operational Rules.

2 指定紛争解決機関（紛争解決委員を含む。）は、当事者である加入銀行（手続実施基本契約を締結した相手方である銀行をいう。以下この章において同じ。）若しくはその顧客（以下この章において単に「当事者」という。）又は当事者以外の者との手続実施基本契約その他の契約で定めるところにより、紛争解決等業務を行うことに関し、負担金又は料金その他の報酬を受けることができる。

(2) A designated dispute resolution organization (including dispute resolution mediators) may receive dues, fees, or any other remuneration for conducting Dispute Resolution, etc. pursuant to a basic contract for the implementation of dispute resolution procedures or any other contract entered into with a member bank (meaning a bank with which that designated dispute resolution organization has entered into a Basic contract for the implementation of dispute resolution procedures; hereinafter the same applies in this Chapter) that is a party to a dispute, with a customer of a member bank which is a party to a dispute (hereinafter, that member bank or relevant customer is simply referred to as a "Party" in this Chapter), or with a person other than a Party.

（苦情処理手続又は紛争解決手続の業務の委託）

(Entrustment of the Operation of Complaint Processing Procedures or Dispute Resolution Procedures)

第五十二条の六十六 指定紛争解決機関は、他の指定紛争解決機関又は他の法律の規定による指定であつて紛争解決等業務に相当する業務に係るものとして政令で定めるものを受けた者（第五十二条の七十三第四項及び第五項において「受託紛争解決機関」という。）以外の者に対して、苦情処理手続又は紛争解決手続の業務を委託してはならない。

Article 52-66 A designated dispute resolution organization must not entrust a person other than another designated dispute resolution organization or a person that has obtained the designation under the provisions of other laws which is specified by Cabinet Order as being for services that are equivalent to Dispute Resolution, etc. (referred to as the "entrusted dispute resolution organization" in Article 52-73, paragraphs (4) and (5)) with the operation of Complaint Processing Procedures or Dispute Resolution Procedures.

（業務規程）

(Operational Rules)

第五十二条の六十七 指定紛争解決機関は、次に掲げる事項に関する業務規程を定めなければならない。

Article 52-67 (1) A designated dispute resolution organization must establish

Operational Rules in respect of the following particulars:

一 手続実施基本契約の内容に関する事項

(i) particulars relevant to the substance of Master Contracts for the Implementation of Dispute Resolution Procedures;

二 手続実施基本契約の締結に関する事項

(ii) particulars relevant to entry into Master Contracts for the Implementation of Dispute Resolution Procedures;

三 紛争解決等業務の実施に関する事項

(iii) particulars relevant to the implementation of Dispute Resolution, etc.;

四 紛争解決等業務に要する費用について加入銀行が負担する負担金に関する事項

(iv) particulars relevant to the dues that a member bank incurs in respect of the cost required for Dispute Resolution, etc.;

五 当事者から紛争解決等業務の実施に関する料金を徴収する場合にあつては、当該料金に関する事項

(v) if it collects fees from the Parties for implementing Dispute Resolution, etc., the particulars of those fees;

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

(vi) particulars relevant to coordination with other designated dispute resolution organizations, national organs, local governments, private business operators, or any other persons complying with any request for a consultation, processing complaints or implementing dispute resolution;

七 紛争解決等業務に関する苦情の処理に関する事項

(vii) matters relevant to the processing of complaints about Dispute Resolution, etc.; and

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

(viii) particulars specified by Cabinet Office Order as being necessary for the implementation of Dispute Resolution, etc., other than what is set forth in the preceding items.

2 前項第一号の手続実施基本契約は、次に掲げる事項を内容とするものでなければならない。

(2) A basic contract for the implementation of dispute resolution procedures as referred to in item (i) of the preceding paragraph must have the following particulars as part of its substance:

一 指定紛争解決機関は、加入銀行の顧客からの銀行業務関連苦情の解決の申立て又は当事者からの紛争解決手続の申立てに基づき苦情処理手続又は紛争解決手続を開始すること。

(i) that the designated dispute resolution organization commences Complaint Processing Procedures based on a request for the resolution of a complaint related to banking services by the customer of a member bank, and

commences Dispute Resolution Procedures based on a request for Dispute Resolution Procedures by a Party;

二 指定紛争解決機関又は紛争解決委員は、苦情処理手続を開始し、又は加入銀行の顧客からの申立てに基づき紛争解決手続を開始した場合において、加入銀行にこれらの手続に応じるよう求めることができ、当該加入銀行は、その求めがあつたときは、正当な理由なくこれを拒んではならないこと。

(ii) that when the designated dispute resolution organization or dispute resolution mediator commences Complaint Processing Procedures or when one of them commences Dispute Resolution Procedures based on a request by the customer of a member bank, the designated dispute resolution organization or dispute resolution mediator may ask that the member bank comply with these procedures, and that the member bank must not refuse to do as asked without legitimate grounds;

三 指定紛争解決機関又は紛争解決委員は、苦情処理手続又は紛争解決手続において、加入銀行に対し、報告又は帳簿書類その他の物件の提出を求めることができ、当該加入銀行は、その求めがあつたときは、正当な理由なくこれを拒んではならないこと。

(iii) that the designated dispute resolution organization or dispute resolution mediator may ask a member bank to make reports or submit books and documents or any other articles in the course of Complaint Processing Procedures or Dispute Resolution Procedures, and that the member bank must not refuse to do as asked without legitimate grounds;

四 紛争解決委員は、紛争解決手続において、銀行業務関連紛争の解決に必要な和解案を作成し、当事者に対し、その受諾を勧告することができること。

(iv) that the dispute resolution mediator may prepare the necessary settlement proposal for resolving a dispute related to banking services in Dispute Resolution Procedures, and recommend that the Parties accept it;

五 紛争解決委員は、紛争解決手続において、前号の和解案の受諾の勧告によつては当事者間に和解が成立する見込みがない場合において、事案の性質、当事者の意向、当事者の手続追行の状況その他の事情に照らして相当であると認めるときは、銀行業務関連紛争の解決のために必要な特別調停案を作成し、理由を付して当事者に提示することができること。

(v) that, if there is no prospect of reaching a settlement between the Parties by recommending that they accept a settlement proposal as referred to in the preceding item, and the dispute resolution mediator finds it to be reasonable in light of the nature of the case, the intentions of the Parties, the Parties' pursuance of procedures, or any other circumstances, the mediator may prepare the necessary Special Conciliation Proposal for resolving a dispute related to banking services and present it to the Parties, giving them the reason for this;

六 加入銀行は、訴訟が係属している請求を目的とする紛争解決手続が開始された場

合には、当該訴訟が係属している旨、当該訴訟における請求の理由及び当該訴訟の程度を指定紛争解決機関に報告しなければならないこと。

(vi) that, if Dispute Resolution Procedures are commenced for a claim in pending litigation, the member bank must report to the designated dispute resolution organization, indicating that litigation is pending, the grounds for the claim under litigation, and the progress of the litigation;

七 加入銀行は、紛争解決手続の目的となつた請求に係る訴訟が提起された場合には、当該訴訟が提起された旨及び当該訴訟における請求の理由を指定紛争解決機関に報告しなければならないこと。

(vii) that, if litigation is filed in connection with a claim that is subject to Dispute Resolution Procedures, the member bank must report to the designated dispute resolution organization, indicating that litigation has been filed and the grounds for the claim under litigation;

八 前二号に規定する場合のほか、加入銀行は、紛争解決手続の目的となつた請求に係る訴訟に関し、当該訴訟の程度その他の事項の報告を求められた場合には、当該事項を指定紛争解決機関に報告しなければならないこと。

(viii) that if, in addition to what is provided for in the preceding two items, a member bank is asked to report on the progress of litigation involving a claim that is subject to Dispute Resolution Procedures or any other matter, it must report that matter to the designated dispute resolution organization;

九 加入銀行は、第六号若しくは第七号の訴訟が裁判所に係属しなくなつた場合又はその訴訟について裁判が確定した場合には、その旨及びその内容を指定紛争解決機関に報告しなければならないこと。

(ix) that if the litigation referred to in item (vi) or (vii) comes to no longer be pending before the court, or if the judicial decision on the litigation has become final and binding, the member bank must report this to the designated dispute resolution organization, giving the details of the same;

十 加入銀行は、その顧客に対し指定紛争解決機関による紛争解決等業務の実施について周知するため、必要な情報の提供その他の措置を講じなければならないこと。

(x) that a member bank must provide the necessary information or take other measures necessary for informing its customer of the implementation of Dispute Resolution, etc. by the designated dispute resolution organization; and

十一 前各号に掲げるもののほか、銀行業務関連苦情の処理又は銀行業務関連紛争の解決の促進のために必要であるものとして内閣府令で定める事項

(xi) particulars beyond what is set forth in the preceding items, which are specified by Cabinet Office Order as being necessary for promoting the processing of complaints related to banking services or the resolution of the dispute related to banking services.

3 第一項第二号の手続実施基本契約の締結に関する事項に関する業務規程は、銀行から手続実施基本契約の締結の申込みがあつた場合には、当該銀行が手続実施基本契約

に係る債務その他の紛争解決等業務の実施に関する義務を履行することが確実でない
と見込まれるときを除き、これを拒否してはならないことを内容とするものでなけれ
ばならない。

(3) The Operational Rules regarding the particulars involved in entry into a basic contract for the implementation of dispute resolution procedures under paragraph (1), item (ii) must have as part of their content that, if a designated dispute resolution organization receives an offer to enter into a basic contract for the implementation of dispute resolution procedures from a bank, unless the bank's performance of the obligations involved in the basic contract for the implementation of dispute resolution procedures or any other obligations involved in the implementation of Dispute Resolution, etc. is expected to be unreliable, the designated dispute resolution organization must not refuse the offer.

4 第一項第三号に掲げる事項に関する業務規程は、次に掲げる基準に適合するものでなければならない。

(4) The Operational Rules with regard to the particulars set forth in paragraph (1), item (iii), must conform to the following criteria:

一 苦情処理手続と紛争解決手続との連携を確保するための措置が講じられていること。

(i) measures have been taken to ensure coordination between Complaint Processing Procedures and Dispute Resolution Procedures;

二 紛争解決委員の選任の方法及び紛争解決委員が銀行業務関連紛争の当事者と利害関係を有することその他の紛争解決手続の公正な実施を妨げるおそれがある事由がある場合において、当該紛争解決委員を排除するための方法を定めていること。

(ii) the Operational Rules establish a method for appointing a dispute resolution mediator and for excluding a dispute resolution mediator if that mediator has an interest in the Party to a dispute related to banking services or if there are other circumstances that could interfere with the fair implementation of Dispute Resolution Procedures;

三 指定紛争解決機関の実質的支配者等（指定紛争解決機関の株式の所有、指定紛争解決機関に対する融資その他の事由を通じて指定紛争解決機関の事業を実質的に支配し、又はその事業に重要な影響を与える関係にあるものとして内閣府令で定める者をいう。）又は指定紛争解決機関の子会社等（指定紛争解決機関が株式の所有その他の事由を通じてその事業を実質的に支配する関係にあるものとして内閣府令で定める者をいう。）を銀行業務関連紛争の当事者とする銀行業務関連紛争について紛争解決手続の業務を行うこととしている指定紛争解決機関にあつては、当該実質的支配者等若しくは当該子会社等又は指定紛争解決機関が紛争解決委員に対して不当な影響を及ぼすことを排除するための措置が講じられていること。

(iii) if a designated dispute resolution organization has decided to carry out operations for Dispute Resolution Procedures in disputes related to banking services to which its substantial controller, etc. (meaning a person specified

by Cabinet Office Order as one that is related to the designated dispute resolution organization in such a way as to substantially control the business of the designated dispute resolution organization or to have a material influence on its business due to its holding of shares in the designated dispute resolution organization, its financing of the designated dispute resolution organization, or any other cause) or its subsidiary company, etc. (meaning a person specified by Cabinet Office Order as one to which the designated dispute resolution organization is related in such a way as to substantially control its business due to the designated dispute resolution organization's shareholdings or any other cause) is a Party, measures have been taken to prevent the substantial controller, etc., subsidiary company, etc., or designated dispute resolution organization from exercising undue influence on the dispute resolution mediator;

四 紛争解決委員が弁護士でない場合（司法書士法（昭和二十五年法律第百九十七号）第三条第一項第七号に規定する紛争について行う紛争解決手続において、紛争解決委員が同条第二項に規定する司法書士である場合を除く。）において、紛争解決手続の実施に当たり法令の解釈適用に関し専門的知識を必要とするときに、弁護士の助言を受けることができるようにするための措置を定めていること。

(iv) the Operational Rules establish measures for receiving the advice of an attorney-at-law when the dispute resolution mediator is not an attorney-at-law (other than when the dispute resolution mediator is a judicial scrivener as prescribed in Article 3, paragraph (2) of the Judicial Scriveners Act (Act No. 197 of 1950), and the Dispute Resolution Procedures are carried out for a dispute set forth in Article 3, paragraph (1), item (vii) of that Act) and the implementation of Dispute Resolution Procedures necessitates expert knowledge with regard to the interpretation and application of laws and regulations;

五 紛争解決手続の実施に際して行う通知について相当な方法を定めていること。

(v) the Operational Rules establish an appropriate means of giving notice upon the implementation of Dispute Resolution Procedures;

六 紛争解決手続の開始から終了に至るまでの標準的な手続の進行について定めていること。

(vi) the Operational Rules establish a standard operation process from the commencement to the termination of Dispute Resolution Procedures;

七 加入銀行の顧客が指定紛争解決機関に対し銀行業務関連苦情の解決の申立てをする場合又は銀行業務関連紛争の当事者が指定紛争解決機関に対し紛争解決手続の申立てをする場合の要件及び方式を定めていること。

(vii) the Operational Rules establish the requirements and formalities for the customer of a member bank to file a request for the resolution of a complaint related to banking services with the designated dispute resolution organization, and for the Party to a dispute related to banking services to file

a request for Dispute Resolution Procedures with the designated dispute resolution organization;

八 指定紛争解決機関が加入銀行から紛争解決手続の申立てを受けた場合において、銀行業務関連紛争の他方の当事者となる当該加入銀行の顧客に対し、速やかにその旨を通知するとともに、当該顧客がこれに応じて紛争解決手続の実施を依頼するか否かを確認するための手続を定めていること。

(viii) the Operational Rules establish procedures for the designated dispute resolution organization to promptly notify the customer of a member bank which is to be the other Party to a dispute related to banking services whenever it receives a request for Dispute Resolution Procedures from a member bank, as well as for confirming with the customer whether the customer is calling for Dispute Resolution Procedures to be implemented in response to this;

九 指定紛争解決機関が加入銀行の顧客から第七号の紛争解決手続の申立てを受けた場合において、銀行業務関連紛争の他方の当事者となる当該加入銀行に対し、速やかにその旨を通知する手続を定めていること。

(ix) the Operational Rules establish procedures for the designated dispute resolution organization to promptly notify the member bank which is to be the other Party to a dispute related to banking services whenever it receives a request for Dispute Resolution Procedures as referred to in item (vii) from the customer of the member bank;

十 紛争解決手続において提出された帳簿書類その他の物件の保管、返還その他の取扱いの方法を定めていること。

(x) the Operational Rules establish the way of retaining, returning, and otherwise handling books and documents and any other articles submitted in the course of Dispute Resolution Procedures;

十一 紛争解決手続において陳述される意見又は提出され、若しくは提示される帳簿書類その他の物件に含まれる銀行業務関連紛争の当事者又は第三者の秘密について、当該秘密の性質に応じてこれを適切に保持するための取扱いの方法を定めていること。第五十二条の七十三第九項に規定する手続実施記録に記載されているこれらの秘密についても、同様とする。

(xi) the Operational Rules establish a method of handling for properly maintaining confidentiality with regard to the confidential information of the Parties to a dispute related to banking services and of any third party, which is included in an opinion stated or in books and documents or any other article submitted or presented in the course of Dispute Resolution Procedures, in accordance with the nature of the confidential information. The same applies to any confidential information included in the dispute resolution procedure record referred to in Article 52-73, paragraph (9);

十二 銀行業務関連紛争の当事者が紛争解決手続を終了させるための要件及び方式を定めていること。

(xii) the Operational Rules establish the requirements and formalities for the Parties to a dispute related to banking services to terminate the Dispute Resolution Procedures;

十三 紛争解決委員が紛争解決手続によつては銀行業務関連紛争の当事者間に和解が成立する見込みがないと判断したときは、速やかに当該紛争解決手続を終了し、その旨を銀行業務関連紛争の当事者に通知することを定めていること。

(xiii) the Operational Rules prescribe that if the dispute resolution mediator judges there to be no prospect of reaching a settlement between the Parties to the dispute related to banking services through Dispute Resolution Procedures, the mediator will promptly terminate the Dispute Resolution Procedures and notify the Parties to the dispute related to banking services of the same; and

十四 指定紛争解決機関の紛争解決委員、役員及び職員について、これらの者が紛争解決等業務に関して知り得た秘密を確実に保持するための措置を定めていること。

(xiv) the Operational Rules establish measures for the dispute resolution mediator and the officers and employees of the designated dispute resolution organization to reliably maintain the confidentiality of any confidential information learned in the course of Dispute Resolution, etc.

5 第一項第四号及び第五号に掲げる事項に関する業務規程は、次に掲げる基準に適合するものでなければならない。

(5) The Operational Rules with regard to the particulars set forth in paragraph (1), items (iv) and (v) must conform to the following criteria:

一 第一項第四号に規定する負担金及び同項第五号に規定する料金の額又は算定方法及び支払方法（次号において「負担金額等」という。）を定めていること。

(i) the Operational Rules establish the amount of the dues provided for in paragraph (1), item (iv), the amount of the fees provided for in item (v) of that paragraph, or the way of calculating them, as well as the method of payment for these (collectively referred to as the "amount of dues, etc." in the following item) are provided; and

二 負担金額等が著しく不当なものでないこと。

(ii) the amount of dues, etc. is not such as to be extremely unreasonable.

6 第二項第五号の「特別調停案」とは、和解案であつて、次に掲げる場合を除き、加入銀行が受諾しなければならないものをいう。

(6) The term "Special Conciliation Proposal" as used in paragraph (2), item (v) means a settlement proposal that a member bank must accept except in one of the following cases:

一 当事者である加入銀行の顧客（以下この項において単に「顧客」という。）が当該和解案を受諾しないとき。

(i) the customer of the member bank that is a Party (hereinafter simply referred to as the "Customer" in this paragraph) does not accept the settlement proposal;

二 当該和解案の提示の時ににおいて当該紛争解決手続の目的となつた請求に係る訴訟が提起されていない場合において、顧客が当該和解案を受諾したことを加入銀行が知つた日から一月を経過する日までに当該請求に係る訴訟が提起され、かつ、同日までに当該訴訟が取り下げられないとき。

(ii) at the time the settlement proposal is presented, litigation has not been filed in connection with a claim subject to the Dispute Resolution Procedures, but by the last day in the one-month period after the day on which the member bank learns of the Customer having accepted the settlement proposal, litigation has been filed in connection with the claim and has not been withdrawn;

三 当該和解案の提示の時ににおいて当該紛争解決手続の目的となつた請求に係る訴訟が提起されている場合において、顧客が当該和解案を受諾したことを加入銀行が知つた日から一月を経過する日までに当該訴訟が取り下げられないとき。

(iii) at the time the settlement proposal is presented, litigation has been filed in connection with a claim subject to Dispute Resolution Procedure, and by the last day in the one-month period after the day on which the member bank learns of the Customer having accepted the settlement proposal, that litigation has not been withdrawn; or

四 顧客が当該和解案を受諾したことを加入銀行が知つた日から一月を経過する日までに、当該紛争解決手続が行われている銀行業務関連紛争について、当事者間において仲裁法（平成十五年法律第百三十八号）第二条第一項に規定する仲裁合意がされ、又は当該和解案によらずに和解若しくは調停が成立したとき。

(iv) by the last day in the one-month period after the day on which the member bank learns of the Customer having accepted the settlement proposal an arbitration agreement as defined in Article 2, paragraph (1) of the Arbitration Act (Act No. 138 of 2003) is entered into or a settlement or conciliation is reached between the Parties in the dispute related to banking services for which the Dispute Resolution Procedures were implemented, without recourse to the settlement proposal.

7 業務規程の変更は、内閣総理大臣の認可を受けなければ、その効力を生じない。

(7) Changes to the Operational Rules do not become effective without the authorization of the Prime Minister.

8 内閣総理大臣は、前項の規定による認可をしようとするときは、当該認可に係る業務規程が第四項各号及び第五項各号に掲げる基準（紛争解決手続の業務に係る部分に限る。）に適合していることについて、あらかじめ、法務大臣に協議しなければならない。

(8) Before seeking to grant the authorization under the preceding paragraph, the Prime Minister must consult with the Minister of Justice about whether the Operational Rules that would be subject to that authorization conform to the criteria set forth in the items of paragraph (4) and the items of paragraph (5) (limited to the part related to the operation of Dispute Resolution Procedures).

(手続実施基本契約の不履行の事実の公表等)

**(Disclosure of the Fact That a Basic Contract for the Implementation of
Dispute Resolution Procedures Has Been Breached)**

第五十二条の六十八 指定紛争解決機関は、手続実施基本契約により加入銀行が負担する義務の不履行が生じた場合において、当該加入銀行の意見を聴き、当該不履行につき正当な理由がないと認めるときは、遅滞なく、当該加入銀行の商号及び当該不履行の事実を公表するとともに、内閣総理大臣に報告しなければならない。

Article 52-68 (1) If the obligations that a member bank bears pursuant to a basic contract for the implementation of dispute resolution procedures are breached, and the designated dispute resolution organization hears the opinion of the member bank and finds there to be no legitimate reason for the breach, it must disclose the trade name or name of the member bank and the fact that the breach has occurred without delay, as well as reporting to the Prime Minister.

2 指定紛争解決機関は、銀行業務関連苦情及び銀行業務関連紛争を未然に防止し、並びに銀行業務関連苦情の処理及び銀行業務関連紛争の解決を促進するため、加入銀行その他の者に対し、情報の提供、相談その他の援助を行うよう努めなければならない。

(2) A designated dispute resolution organization must endeavor to provide information, consultation, and other support to member banks and to other persons, in order to preemptively prevent complaints related to banking services and disputes related to banking services, and to facilitate the processing of complaints related to banking services and the resolution of disputes related to banking services.

(暴力団員等の使用の禁止)

(Prohibition on the Employment of the Member of an Organized Crime Group)

第五十二条の六十九 指定紛争解決機関は、暴力団員等（暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第二条第六号に規定する暴力団員（以下この条において「暴力団員」という。）又は暴力団員でなくなつた日から五年を経過しない者をいう。）を紛争解決等業務に従事させ、又は紛争解決等業務の補助者として使用してはならない。

Article 52-69 A designated dispute resolution organization must not allow the member, etc. of an organized crime group (meaning a member of an organized crime group as defined in Article 2, item (vi) of the Act to Prevent Illegal Activities by Members of Organized Crime Groups (Act No. 77 of 1991) (hereinafter referred to as the "Member of an Organized Crime Group" in this Article) or a person that has not yet had five years pass since the day on which that person ceased to be the Member of an Organized Crime Group) to engage in Dispute Resolution, etc., nor must it employ the person as an assistant in Dispute Resolution, etc.

(差別的取扱いの禁止)

(Prohibition on Differential Treatment)

第五十二条の七十 指定紛争解決機関は、特定の加入銀行に対し不当な差別的取扱いをしてはならない。

Article 52-70 A designated dispute resolution organization must not subject any particular member bank to unjustly differential treatment.

(記録の保存)

(Keeping Records on File)

第五十二条の七十一 指定紛争解決機関は、第五十二条の七十三第九項の規定によるもののほか、内閣府令で定めるところにより、紛争解決等業務に関する記録を作成し、これを保存しなければならない。

Article 52-71 A designated dispute resolution organization must prepare and keep on file records concerning its Dispute Resolution, etc., in addition to those under the provisions of Article 52-73, paragraph (9), pursuant to the provisions of Cabinet Office Order.

(指定紛争解決機関による苦情処理手続)

(Complaint Processing Procedures by a Designated Dispute Resolution Organization)

第五十二条の七十二 指定紛争解決機関は、加入銀行の顧客から銀行業務関連苦情について解決の申立てがあつたときは、その相談に応じ、当該顧客に必要な助言をし、当該銀行業務関連苦情に係る事情を調査するとともに、当該加入銀行に対し、当該銀行業務関連苦情の内容を通知してその迅速な処理を求めなければならない。

Article 52-72 If the customer of a member bank has filed a request with a designated dispute resolution organization to resolve a complaint related to banking services, in addition to complying with any request for a consultation about this, providing the customer with the necessary advice, and investigating the circumstances to which the complaint related to banking services pertains, the designated dispute resolution organization must notify the relevant member bank of the substance and content of the complaint related to banking services and ask it to process the complaint expeditiously.

(指定紛争解決機関による紛争解決手続)

(Dispute Resolution Procedures by a Designated Dispute Resolution Organization)

第五十二条の七十三 加入銀行に係る銀行業務関連紛争の解決を図るため、当事者は、当該加入銀行が手続実施基本契約を締結した指定紛争解決機関に対し、紛争解決手続の申立てをすることができる。

Article 52-73 (1) The Party to a dispute related to banking services may file a request for Dispute Resolution Procedures with the designated dispute

resolution organization with which the member bank has entered into a basic contract for the implementation of dispute resolution procedures, for the purpose of resolving the dispute related to the banking services of the member bank.

2 指定紛争解決機関は、前項の申立てを受けたときは、紛争解決委員を選任するものとする。

(2) When a designated dispute resolution organization receives a request as referred to in the preceding paragraph, it is to appoint dispute resolution mediators.

3 紛争解決委員は、人格が高潔で識見の高い者であつて、次の各号のいずれかに該当する者（第一項の申立てに係る当事者と利害関係を有する者を除く。）のうちから選任されるものとする。この場合において、紛争解決委員のうち少なくとも一人は、第一号又は第三号（当該申立てが司法書士法第三条第一項第七号に規定する紛争に係るものである場合にあつては、第一号、第三号又は第四号）のいずれかに該当する者でなければならない。

(3) Dispute resolution mediators are to be appointed from among persons of the highest moral character and insight that fall under one of the following items (excluding any person with an interest in a Party to which the request referred to in paragraph (1) pertains). In this case, at least one of the dispute resolution mediators must be a person falling under item (i) or (iii) (or in item (i), (iii), or (iv), if the request pertains to a dispute as provided in Article 3, paragraph (1), item (vii) of the Judicial Scrivener Act):

一 弁護士であつてその職務に従事した期間が通算して五年以上である者

(i) an attorney-at-law who has been practicing for five years or more in total;

二 銀行業務に従事した期間が通算して十年以上である者

(ii) a person that has engaged in the banking Services for ten years or more in total;

三 消費生活に関する消費者と事業者との間に生じた苦情に係る相談その他の消費生活に関する事項について専門的な知識経験を有する者として内閣府令で定める者

(iii) a person provided for by Cabinet Office Order as having specialized knowledge of and experience in consulting on complaints that arise between consumers and enterprises with regard to consumer affairs or on any other consumer affairs matter;

四 当該申立てが司法書士法第三条第一項第七号に規定する紛争に係るものである場合にあつては、同条第二項に規定する司法書士であつて同項に規定する簡裁訴訟代理等関係業務に従事した期間が通算して五年以上である者

(iv) a judicial scrivener as prescribed in Article 3, paragraph (2) of the Judicial Scriveners Act, that has engaged in summary court legal representation services, etc. as defined in that paragraph for five years or more in total, if the request pertains to a dispute as prescribed in Article 3, paragraph (1), item (vii) of that Act; or

五 前各号に掲げる者に準ずる者として内閣府令で定める者

(v) a person specified by Cabinet Office Order as being equivalent to a person set forth in one of the preceding items.

4 指定紛争解決機関は、第一項の申立てを第二項の規定により選任した紛争解決委員（以下この条及び次条第一項において単に「紛争解決委員」という。）による紛争解決手続に付するものとする。ただし、紛争解決委員は、当該申立てに係る当事者である加入銀行の顧客が当該銀行業務関連紛争を適切に解決するに足りる能力を有する者と認められることその他の事由により紛争解決手続を行うのに適当でないとき、又は当事者が不当な目的のみだりに第一項の申立てをしたとき、紛争解決手続を実施しないものとし、紛争解決委員が当該申立てを受託紛争解決機関における紛争解決手続に相当する手続に付することが適当と認めるときは、指定紛争解決機関は、受託紛争解決機関に紛争解決手続の業務を委託するものとする。

(4) A designated dispute resolution organization is to send a request as referred to in paragraph (1) into Dispute Resolution Procedures implemented by dispute resolution mediators appointed pursuant to paragraph (2) (hereinafter simply referred to as the "dispute resolution mediators" in this Article and paragraph (1) of the following Article); provided, however, that if the dispute resolution mediators find that it is not appropriate to implement the Dispute Resolution Procedures due to it being found that the customer of the member bank that is a Party under that request has sufficient ability to properly resolve the dispute related to banking services or due to any other grounds, or if the dispute resolution mediators find that a Party has filed the request referred to in paragraph (1) for unjust purposes and without due cause, they are not to implement the Dispute Resolution Procedures, and if the dispute resolution mediators find it to be appropriate to send the request into procedures equivalent to Dispute Resolution Procedures at an entrusted dispute resolution organization, the designated dispute resolution organization is to entrust the operation of Dispute Resolution Procedures to an entrusted dispute resolution organization.

5 前項ただし書の規定により紛争解決委員が紛争解決手続を実施しないこととしたとき、又は受託紛争解決機関に業務を委託することとしたときは、指定紛争解決機関は、第一項の申立てをした者に対し、その旨を理由を付して通知するものとする。

(5) If the dispute resolution mediators decide not to implement Dispute Resolution Procedures pursuant to the proviso to the preceding paragraph, or if they decide to entrust the operation to an entrusted dispute resolution organization pursuant to the proviso to the preceding paragraph, the designated dispute resolution organization is to notify the person filing the request referred to in paragraph (1) of this, giving the reason for it.

6 紛争解決委員は、当事者若しくは参考人から意見を聴取し、若しくは報告書の提出を求め、又は当事者から参考となるべき帳簿書類その他の物件の提出を求め、和解案を作成して、その受諾を勧告し、又は特別調停（第五十二条の六十七第六項に規定す

る特別調停案を提示することをいう。)をすることができる。

(6) Dispute resolution mediators may hear the opinions of the Parties and witnesses, ask them to submit written reports, or ask the Parties to submit books and documents and other articles that are to serve as a reference, prepare the settlement proposal that is needed to resolve the case and recommend that the Parties accept it, or implement a special conciliation (meaning presenting the Special Conciliation Proposal provided for in Article 52-67, paragraph (6)).

7 紛争解決手続は、公開しない。ただし、紛争解決委員は、当事者の同意を得て、相当と認める者の傍聴を許すことができる。

(7) Dispute Resolution Procedures are not open to the public; provided, however, that the dispute resolution mediators may allow the attendance of a person that is considered to be appropriate, with the consent of the Parties.

8 指定紛争解決機関は、紛争解決手続の開始に先立ち、当事者である加入銀行の顧客に対し、内閣府令で定めるところにより、次に掲げる事項について、これを記載した書面を交付し、又はこれを記録した電磁的記録を提供して説明をしなければならない。

(8) Prior to the commencement of Dispute Resolution Procedures and pursuant to the provisions of Cabinet Office Order, a designated dispute resolution organization must deliver a document that states the following particulars or provide an electronic or magnetic record in which these have been recorded to the customer of the member bank that is a Party to the dispute, and give an explanation of the same:

一 当該顧客が支払う料金に関する事項

(i) the particulars of the fees to be paid by the customer;

二 第五十二条の六十七第四項第六号に規定する紛争解決手続の開始から終了に至るまでの標準的な手続の進行

(ii) the standard operation process from the commencement to the termination of Dispute Resolution Procedures, as provided in Article 52-67, paragraph (4), item (vi); and

三 その他内閣府令で定める事項

(iii) the particulars specified by Cabinet Office Order.

9 指定紛争解決機関は、内閣府令で定めるところにより、その実施した紛争解決手続に関し、次に掲げる事項を記載した手続実施記録を作成し、保存しなければならない。

(9) A designated dispute resolution organization must prepare and keep on file a dispute resolution procedure record detailing the following particulars with regard to the Dispute Resolution Procedures it implements, pursuant to the provisions of Cabinet Office Order:

一 銀行業務関連紛争の当事者が紛争解決手続の申立てをした年月日

(i) the date on which the Party to the dispute related to banking services filed the request for Dispute Resolution Procedures;

二 銀行業務関連紛争の当事者及びその代理人の氏名、商号又は名称

(ii) the names or trade names of the Parties to the dispute related to banking services and their agents;

三 紛争解決委員の氏名

(iii) the names of the dispute resolution mediators;

四 紛争解決手続の実施の経緯

(iv) the particulars of the Dispute Resolution Procedures;

五 紛争解決手続の結果（紛争解決手続の終了の理由及びその年月日を含む。）

(v) the results of the Dispute Resolution Procedures (including the reason for the termination of Dispute Resolution Procedures and the date thereof); and

六 前各号に掲げるもののほか、実施した紛争解決手続の内容を明らかにするために必要な事項であつて内閣府令で定めるもの

(vi) particulars necessary for clarifying the contents of the implemented Dispute Resolution Procedures which are specified by Cabinet Office Order, beyond what is set forth in the preceding items.

(時効の中断)

(Interruption of Prescription)

第五十二条の七十四 紛争解決手続によつては銀行業務関連紛争の当事者間に和解が成立する見込みがないことを理由に紛争解決委員が当該紛争解決手続を終了した場合において、当該紛争解決手続の申立てをした当該銀行業務関連紛争の当事者がその旨の通知を受けた日から一月以内に当該紛争解決手続の目的となつた請求について訴えを提起したときは、時効の中断に関しては、当該紛争解決手続における請求の時に、訴えの提起があつたものとみなす。

Article 52-74 (1) If the dispute resolution mediators terminate Dispute Resolution Procedures on the grounds that there is no prospect of reaching a settlement between the Parties to a dispute related to banking services through Dispute Resolution Procedures, and the Party to the dispute related to banking services which filed the request for Dispute Resolution Procedures files an action on a claim that was subject to the Dispute Resolution Procedures within one month from the day on which that Party receives notice of the termination, the action is deemed to have been filed at the time that the claim was filed for Dispute Resolution Procedures, in terms of the interruption of prescription.

2 指定紛争解決機関の紛争解決等業務の廃止が第五十二条の八十三第一項の規定により認可され、又は第五十二条の六十二第一項の規定による指定が第五十二条の八十四第一項の規定により取り消され、かつ、その認可又は取消しの日に紛争解決手続が実施されていた銀行業務関連紛争がある場合において、当該紛争解決手続の申立てをした当該銀行業務関連紛争の当事者が第五十二条の八十三第三項若しくは第五十二条の八十四第三項の規定による通知を受けた日又は当該認可若しくは取消しを知つた日のいずれか早い日から一月以内に当該紛争解決手続の目的となつた請求について訴えを提起したときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply if the discontinuation of Dispute Resolution, etc. by a designated dispute resolution organization is authorized pursuant to the provisions of Article 52-83, paragraph (1) or the designation under Article 52-62, paragraph (1) is revoked pursuant to the provisions of Article 52-84, paragraph (1), and there is a dispute related to banking services for which Dispute Resolution Procedures have been implemented as of the day of authorization or revocation, and the Party to the dispute related to banking services which has filed the request for Dispute Resolution Procedures files an action on a claim that was subject to those Dispute Resolution Procedures, within one month from the day on which the Party receives the notice under Article 52-83, paragraph (3) or Article 52-84, paragraph (3), or within one month from the day on which the Party comes to know of the authorization or revocation, whichever comes earlier.

(訴訟手続の中止)

(Suspension of Court Proceedings)

第五十二条の七十五 銀行業務関連紛争について当該銀行業務関連紛争の当事者間に訴訟が係属する場合において、次の各号のいずれかに掲げる事由があり、かつ、当該銀行業務関連紛争の当事者の共同の申立てがあるときは、受訴裁判所は、四月以内の期間を定めて訴訟手続を中止する旨の決定をすることができる。

Article 52-75 (1) If litigation is pending with regard to a dispute related to banking services between the Parties to a dispute related to banking services, and if any of the following grounds exist and the Parties to the dispute related to banking services file a joint petition, the court in charge of the case may decide to suspend the court proceedings for a fixed period of no longer than four months:

一 当該銀行業務関連紛争について、当該銀行業務関連紛争の当事者間において紛争解決手続が実施されていること。

(i) Dispute Resolution Procedures have been implemented for the dispute related to banking services between the Parties to the dispute related to banking services; and

二 前号の場合のほか、当該銀行業務関連紛争の当事者間に紛争解決手続によつて当該銀行業務関連紛争の解決を図る旨の合意があること。

(ii) the Parties to the dispute related to banking services reach an agreement to endeavor to resolve the dispute related to banking services through Dispute Resolution Procedures, beyond the case referred to in the preceding item.

2 受訴裁判所は、いつでも前項の決定を取り消すことができる。

(2) The court in charge of the case may revoke the decision referred to in the preceding paragraph at any time.

3 第一項の申立てを却下する決定及び前項の規定により第一項の決定を取り消す決定

に対しては、不服を申し立てることができない。

- (3) No appeal may be entered against a decision dismissing the petition referred to in paragraph (1) or a decision revoking the decision referred to in paragraph (1).

(加入銀行の名簿の縦覧)

(Making the Registry of Member Banks Available for Public Inspection)

第五十二条の七十六 指定紛争解決機関は、加入銀行の名簿を公衆の縦覧に供しなければならない。

Article 52-76 A designated dispute resolution organization must make the registry of the member banks available for public inspection.

(名称の使用制限)

(Restriction on the Use of Names)

第五十二条の七十七 指定紛争解決機関でない者（金融商品取引法第一百五十六条の三十九第一項の規定による指定を受けた者その他これに類する者として政令で定めるものを除く。）は、その名称又は商号中に、指定紛争解決機関と誤認されるおそれのある文字を使用してはならない。

Article 52-77 A person that is not a designated dispute resolution organization (excluding a person that has been designated as under Article 156-39, paragraph (1) of the Financial Instruments and Exchange Act or any other person specified by Cabinet Order as being similar thereto) must not use a term in its name or trade name which could give rise to the misconception that it is a designated dispute resolution organization.

第三節 監督

Section 3 Supervision

(変更の届出)

(Notification of a Change)

第五十二条の七十八 指定紛争解決機関は、第五十二条の六十三第一項各号に掲げる事項に変更があつたときは、その旨を内閣総理大臣に届け出なければならない。

Article 52-78 (1) If a particular set forth in one of the items of Article 52-63, paragraph (1) changes, a designated dispute resolution organization must file a notification with the Prime Minister indicating this.

2 内閣総理大臣は、前項の規定により指定紛争解決機関の商号若しくは名称又は主たる営業所若しくは事務所の所在地の変更の届出があつたときは、その旨を官報で告示しなければならない。

(2) If the Prime Minister receives a notification with respect to a change in the trade name or name of a designated dispute resolution organization or to the location of its principal business office or office, the minister must issue public

notice of this in the official gazette.

(手続実施基本契約の締結等の届出)

(Filing Notification of Entry into a Basic Contract for the Implementation of Dispute Resolution Procedures)

第五十二条の七十九 指定紛争解決機関は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 52-79 If a designated dispute resolution organization falls under one of the following items, it must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order:

一 銀行と手続実施基本契約を締結したとき、又は当該手続実施基本契約を終了したとき。

(i) it enters into a basic contract for the implementation of dispute resolution procedures with a bank, or it ends that basic contract for the implementation of dispute resolution procedures; or

二 その他内閣府令で定めるとき。

(ii) other cases as specified by Cabinet Office Order.

(業務に関する報告書の提出)

(Submission of Business Reports)

第五十二条の八十 指定紛争解決機関は、事業年度ごとに、当該事業年度に係る紛争解決等業務に関する報告書を作成し、内閣総理大臣に提出しなければならない。

Article 52-80 (1) Each business year, a designated dispute resolution organization must prepare a report on Dispute Resolution, etc. in the relevant business year and submit it to the Prime Minister.

2 前項の報告書に関する記載事項、提出期日その他必要な事項は、内閣府令で定める。

(2) The particulars for inclusion in the report referred to the preceding paragraph, the submission date, and other necessary particulars are specified by Cabinet Office Order.

(報告徴収及び立入検査)

(Collection of Reports and On-Site Inspection)

第五十二条の八十一 内閣総理大臣は、紛争解決等業務の公正かつ的確な遂行のため必要があると認めるときは、指定紛争解決機関に対し、その業務に関し報告若しくは資料の提出を命じ、又は当該職員に、指定紛争解決機関の営業所若しくは事務所その他の施設に立ち入らせ、当該指定紛争解決機関の業務の状況に関し質問させ、若しくは帳簿書類その他の物件を検査させることができる。

Article 52-81 (1) If the Prime Minister finds it to be necessary for the fair and appropriate performance of the Dispute Resolution, etc., the minister may order a designated dispute resolution organization to make a report or submit materials in connection with its services; and may have the relevant officials

enter the business office, office, or other facility of the designated dispute resolution organization; have those officials ask questions about the business condition of the designated dispute resolution organization; and have them inspect its books and documents and other articles.

2 内閣総理大臣は、紛争解決等業務の公正かつ的確な遂行のため特に必要があると認めるときは、その必要の限度において、指定紛争解決機関の加入銀行若しくは当該指定紛争解決機関から業務の委託を受けた者に対し、当該指定紛争解決機関の業務に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に、これらの者の営業所若しくは事務所その他の施設に立ち入らせ、当該指定紛争解決機関の業務の状況に関し質問させ、若しくはこれらの者の帳簿書類その他の物件を検査させることができる。

(2) If the Prime Minister finds it to be particularly necessary for the fair and appropriate performance of Dispute Resolution, etc., the minister, within the scope of that necessity, may order the member bank of a designated dispute resolution organization or a person that that designated dispute resolution organization has entrusted with its operations to make a report or submit materials to serve as a reference in connection with the operations of the designated dispute resolution organization; and may have the relevant officials enter the business office, office, or other facility of these persons; have those officials ask questions about the business conditions of the designated dispute resolution organization; and have them inspect the books and documents and other articles of these persons.

3 前二項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者の請求があつたときは、これを提示しなければならない。

(3) An official that conducts an on-site inspection pursuant to the provisions of the preceding two paragraphs must carry identification, and must present it if a concerned party so requests.

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

(4) The authority for an on-site inspection under paragraph (1) or (2) must not be construed as being granted for criminal investigation purposes.

(業務改善命令)

(Business Improvement Orders)

第五十二条の八十二 内閣総理大臣は、指定紛争解決機関の紛争解決等業務の運営に関し、紛争解決等業務の公正かつ的確な遂行を確保するため必要があると認めるときは、その必要の限度において、当該指定紛争解決機関に対して、その業務の運営の改善に必要な措置を命ずることができる。

Article 52-82 (1) If the Prime Minister finds it to be necessary for ensuring the fair and appropriate performance of Dispute Resolution, etc. as concerns a designated dispute resolution organization's operation of Dispute Resolution,

etc., the minister, within the scope of that necessity, may order the designated dispute resolution organization to take measures that are necessary for improving its operations.

2 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当する場合において、前項の規定による命令をしようとするときは、あらかじめ、法務大臣に協議しなければならない。

(2) If a designated dispute resolution organization falls under one of the following items, the Prime Minister must consult with the Minister of Justice in advance before seeking to issue the order under the preceding paragraph:

一 第五十二条の六十二第一項第五号から第七号までに掲げる要件（紛争解決手続の業務に係る部分に限り、同号に掲げる要件にあつては、第五十二条の六十七第四項各号及び第五項各号に掲げる基準に係るものに限る。以下この号において同じ。）に該当しないこととなつた場合又は第五十二条の六十二第一項第五号から第七号までに掲げる要件に該当しないこととなるおそれがあると認められる場合

(i) it comes to no longer satisfy the requirements set forth in Article 52-62, paragraph (1), items (v) through (vii) (limited to the part related to the operation of Dispute Resolution Procedures; with regard to the requirement set forth in item (vii) of that paragraph, limited to that which involves the criteria set forth in the items of Article 52-67, paragraph (4) and the items of paragraph (5) of that Article; hereinafter the same applies in this item) or it is found to be likely that it will come to no longer satisfy the requirements set forth in Article 52-62, paragraph (1), items (v) through (vii); or

二 第五十二条の六十五、第五十二条の六十六、第五十二条の六十九又は第五十二条の七十三の規定に違反した場合（その違反行為が紛争解決手続の業務に係るものである場合に限る。）

(ii) it violates the provisions of Article 52-65, Article 52-66, Article 52-69, or Article 52-73 (but only if the violation is related to the operation of Dispute Resolution Procedures).

（紛争解決等業務の休廃止）

(Suspension or Discontinuation of Dispute Resolution, etc.)

第五十二条の八十三 指定紛争解決機関は、紛争解決等業務の全部若しくは一部の休止（次項に規定する理由によるものを除く。）をし、又は廃止をしようとするときは、内閣総理大臣の認可を受けなければならない。

Article 52-83 (1) A designated dispute resolution organization must obtain the authorization of the Prime Minister if it seeks to suspend (excluding suspension on the grounds prescribed in the following paragraph) or discontinue the whole or part of its Dispute Resolution, etc..

2 指定紛争解決機関が、天災その他のやむを得ない理由により紛争解決等業務の全部又は一部の休止をした場合には、直ちにその旨を、理由を付して内閣総理大臣に届け出なければならない。指定紛争解決機関が当該休止をした当該紛争解決等業務の全部

又は一部を再開するときも、同様とする。

(2) If a designated dispute resolution organization suspends the whole or a part of Dispute Resolution, etc. due to a natural disaster or for any other compelling reasons, it must immediately file a notification with the Prime Minister indicating this and giving the reason for the same. The same applies if the designated dispute resolution organization recommences the whole or part of the Dispute Resolution, etc. so suspended.

3 第一項の規定による休止若しくは廃止の認可を受け、又は前項の休止をした指定紛争解決機関は、当該休止又は廃止の日から二週間以内に、当該休止又は廃止の日に苦情処理手続又は紛争解決手続（他の指定紛争解決機関又は他の法律の規定による指定であつて紛争解決等業務に相当する業務に係るものとして政令で定めるものを受けた者（以下この項において「委託紛争解決機関」という。）から業務の委託を受けている場合における当該委託に係る当該委託紛争解決機関の苦情を処理する手続又は紛争の解決を図る手続を含む。次条第三項において同じ。）が実施されていた当事者、当該当事者以外の加入銀行及び他の指定紛争解決機関に当該休止又は廃止をした旨を通知しなければならない。指定紛争解決機関が当該休止をした当該紛争解決等業務の全部又は一部を再開するときも、同様とする。

(3) A designated dispute resolution organization obtaining the authorization for suspension or discontinuation under paragraph (1) or that implements the suspension referred to in the preceding paragraph must notify a Party for which Complaint Processing Procedures or Dispute Resolution Procedures have been implemented as of the day of the suspension or discontinuation (if the designated dispute resolution organization has been entrusted with operations by another designated dispute resolution organization or a person that has received a designation under the provisions of other laws which is specified by Cabinet Order as being connected with operations equivalent to Dispute Resolution, etc. (hereinafter collectively referred to as the "entrusting dispute resolution organization" in this paragraph), this includes procedures for processing complaints and for resolving disputes for the entrusting dispute resolution organization in connection with that entrustment; the same applies in paragraph (3) of the following Article), the member banks that are not Parties, and other designated dispute resolution organizations, of the suspension or discontinuation, within two weeks after the day of the suspension or discontinuation. The same applies if the designated dispute resolution organization recommences the whole or a part of Dispute Resolution, etc. so suspended.

（指定の取消し等）

(Revocation of a Designation)

第五十二条の八十四 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当するときは、第五十二条の六十二第一項の規定による指定を取り消し、又は六月以内

の期間を定めて、その業務の全部若しくは一部の停止を命ずることができる。

Article 52-84 (1) If a designated dispute resolution organization falls under one of the following items, the Prime Minister may revoke the designation under Article 52-62, paragraph (1) or order the suspension of all or a part of its businesses during a fixed period of no longer than six months:

一 第五十二条の六十二第一項第二号から第七号までに掲げる要件に該当しないこととなつたとき、又は指定を受けた時点において同項各号のいずれかに該当していなかつたことが判明したとき。

(i) it comes to no longer satisfy the requirements set forth in Article 52-62, paragraph (1), items (ii) through (vii), or it is discovered not to have fallen under one of the items of that paragraph at the time it obtained its designation;

二 不正の手段により第五十二条の六十二第一項の規定による指定を受けたとき。

(ii) it has obtained the designation under Article 52-62, paragraph (1) by wrongful means; or

三 法令又は法令に基づく処分に違反したとき。

(iii) it violates laws and regulations or a disposition based on laws and regulations.

2 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当する場合において、前項の規定による処分又は命令をしようとするときは、あらかじめ、法務大臣に協議しなければならない。

(2) If a designated dispute resolution organization falls under one of the following items, the Prime Minister must consult with the Minister of Justice before seeking to reach a disposition or issue an order under the preceding paragraph:

一 第五十二条の六十二第一項第五号から第七号までに掲げる要件（紛争解決手続の業務に係る部分に限り、同号に掲げる要件にあつては、第五十二条の六十七第四項各号及び第五項各号に掲げる基準に係るものに限る。以下この号において同じ。）に該当しないこととなつた場合又は第五十二条の六十二第一項の規定による指定を受けた時点において同項第五号から第七号までに掲げる要件に該当していなかつたことが判明した場合

(i) it comes to no longer satisfy the requirements set forth in Article 52-62, paragraph (1), items (v) through (vii) (limited to the part related to the operation of Dispute Resolution Procedures; with regard to the requirement set forth in item (vii) of that paragraph, limited to that which involves the criteria set forth in the items of Article 52-67, paragraph (4) and the items of paragraph (5) of that Article; hereinafter the same applies in this item), or it is discovered not to have satisfied the requirements set forth in Article 52-62, paragraph (1), items (v) through (vii) at the time it obtained the designation under Article 52-62, paragraph (1); or

二 第五十二条の六十五、第五十二条の六十六、第五十二条の六十九又は第五十二条

の七十三の規定に違反した場合（その違反行為が紛争解決手続の業務に係るものである場合に限る。）

(ii) it violates the provisions of Article 52-65, Article 52-66, Article 52-69, or Article 52-73 (but only if the violation is related to the operation of Dispute Resolution Procedures).

3 第一項の規定により第五十二条の六十二第一項の規定による指定の取消しの処分を受け、又はその業務の全部若しくは一部の停止の命令を受けた者は、当該処分又は命令の日から二週間以内に、当該処分又は命令の日に苦情処理手続又は紛争解決手続が実施されていた当事者、当該当事者以外の加入銀行及び他の指定紛争解決機関に当該処分又は命令を受けた旨を通知しなければならない。

(3) A person that becomes subject to a disposition revoking the designation under Article 52-62, paragraph (1) or an order for the suspension of all or part of its operations pursuant to the provisions of paragraph (1) must notify Parties for which Complaint Processing Procedures or Dispute Resolution Procedures have been implemented as of the day of that disposition or order, member banks other than those Parties, and other designated dispute resolution organizations, that it has become subject to the disposition or order, within two weeks after the day of the disposition or order.

第八章 雑則

Chapter VIII Miscellaneous Provisions

(届出事項)

(Particulars Subject to Notification)

第五十三条 銀行は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 53 (1) If a bank falls under one of the following items, it must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order:

一 営業を開始したとき。

(i) it commences its operations;

二 第十六条の二第一項第十一号から第十二号の二までに掲げる会社（同条第七項の規定により子会社とすることについて認可を受けなければならないとされるものを除く。）を子会社としようとするとき（第三十条第一項から第三項まで又は金融機関の合併及び転換に関する法律第五条第一項（認可）の規定による認可を受けて合併、会社分割又は事業の譲受けをしようとする場合を除く。）。

(ii) it seeks to make a company as set forth in Article 16-2, paragraph (1), items (xi) through (xii)-2 its subsidiary company (excluding a company that the bank must obtain authorization for in order to make it a subsidiary company, pursuant to Article 16-2, paragraph (7)) (unless it seeks to do so by effecting a merger or company split or making a business acquisition, with the

authorization under Article 30, paragraphs (1) through (3) of this Act or Article 5, paragraph (1) (Authorization) of Act on Mergers and Conversions in Financial Institutions);

三 その子会社が子会社でなくなつたとき（第三十条第二項又は第三項の規定による認可を受けて会社分割又は事業の譲渡をした場合を除く。）、又は第十六条の二第七項に規定する子会社対象銀行等に該当する子会社が当該子会社対象銀行等に該当しない子会社になつたとき。

(iii) its subsidiary company ceases to be its subsidiary company (other than due to a company split or business transfer implemented with the authorization under Article 30, paragraph (2) or (3)), or its subsidiary company which constitutes a bank, etc. eligible to be a subsidiary company as set forth in Article 16-2, paragraph (7) ceases to constitute a bank, etc. eligible to be a subsidiary company;

四 資本金の額を増加しようとするとき。

(iv) it seeks to increase its stated capital;

五 この法律の規定による認可を受けた事項を実行したとき。

(v) it does something for which it has obtained authorization under the provisions of this Act;

六 外国において駐在員事務所を設置しようとするとき。

(vi) it seeks to establish a representative office in a foreign state;

七 その総株主の議決権の百分の五を超える議決権が一の株主により取得され、又は保有されることとなつたとき。

(vii) more than five percent of all shareholders' voting rights in it are acquired or come to be held by a single shareholder; or,

八 その他内閣府令（金融破綻処理制度及び金融危機管理に係るものについては、内閣府令・財務省令）で定める場合に該当するとき。

(viii) it falls under other cases specified by Cabinet Office Order (or Cabinet Office Order and Ministry of Finance Order, in a case that concerns the system for disposal of failed financial institutions and financial risk management).

2 銀行主要株主（銀行主要株主であつた者を含む。）は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

(2) If a bank's major shareholder (including a person that was formerly a bank's major shareholder) falls under one of the following items, it must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order:

一 第五十二条の九第一項の認可に係る銀行主要株主になつたとき、又は当該認可に係る銀行主要株主として設立されたとき。

(i) it becomes a bank's major shareholder to which the authorization referred to in Article 52-9, paragraph (1) pertains, or is incorporated as the bank's major

- shareholder to which that authorization pertains;
- 二 銀行の総株主の議決権の百分の五十を超える議決権の保有者となつたとき。
- (ii) it becomes the holder of more than fifty percent of all shareholders' voting rights in the bank;
- 三 銀行の主要株主基準値以上の数の議決権の保有者でなくなつたとき（第五号の場合を除く。）。
- (iii) it ceases to be the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold (other than in the case referred to in item (v));
- 四 銀行の総株主の議決権の百分の五十を超える議決権の保有者でなくなつたとき（前号及び次号の場合を除く。）。
- (iv) it ceases to be the holder of more than fifty percent of all shareholders' voting rights in the bank (other than in the case referred to in the preceding item or the following item);
- 五 解散したとき（設立、株式移転、合併（当該合併により銀行の主要株主基準値以上の数の議決権の保有者となる会社その他の法人を設立する場合に限る。）又は新設分割を無効とする判決が確定したときを含む。）。
- (v) it is dissolved (or a judicial decision nullifying its incorporation, share transfer, merger (limited to a merger resulting in the incorporation of a company or other corporation that is the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold), or incorporation-type split involving it becomes final and binding);
- 六 その総株主の議決権の百分の五十を超える議決権が一の株主により取得され、又は保有されることとなつたとき。
- (vi) more than fifty percent of all shareholders' voting rights in it are acquired or come to be held by a single shareholder; or;
- 七 その他内閣府令で定める場合に該当するとき。
- (vii) it falls under a case specified by Cabinet Office Order.
- 3 銀行持株会社（銀行持株会社であつた会社を含む。）は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。
- (3) If a holding companybank holding company (including a company that was formerly a bank holding company) falls under one of the following items, it must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order:
- 一 第五十二条の十七第一項の認可に係る銀行持株会社になつたとき、又は当該認可に係る銀行持株会社として設立されたとき。
- (i) it becomes a bank holding company to which the authorization referred to in Article 52-17, paragraph (1) pertains, or it is incorporated as a bank holding company to which that authorization pertains;

- 二 銀行を子会社とする持株会社でなくなつたとき（第五号の場合を除く。）。
- (ii) it ceases to be a holding company that has a bank as its subsidiary company (including the case referred to in item (v));
- 三 第五十二条の二十三第一項第十号から第十一号の二までに掲げる会社（同条第六項の規定により子会社とすることについて認可を受けなければならないとされるものを除く。）を子会社としようとするとき（第五十二条の三十五第一項から第三項までの規定による認可を受けて合併、会社分割又は事業の譲受けをしようとする場合を除く。）。
- (iii) it seeks to make a company as set forth in Article 52-23, paragraph (1), item (x) through (xi)-2 its subsidiary company (excluding a company for which a bank holding company must obtain authorization in order to make it a subsidiary company, pursuant to the provisions of Article 52-23, paragraph (6)) (unless it seeks to do so by effecting a merger or company split or making a business acquisition, with the authorization under Article 52-35, paragraphs (1) through (3) of this Act);
- 四 その子会社が子会社でなくなつたとき（第五十二条の三十五第二項又は第三項の規定による認可を受けて会社分割又は事業の譲渡をした場合及び第二号の場合を除く。）、又は第五十二条の二十三第六項に規定する子会社対象銀行等に該当する子会社が当該子会社対象銀行等に該当しない子会社になつたとき、若しくは特例子会社対象会社に該当する持株特定子会社が当該特例子会社対象会社に該当しない持株特定子会社になつたとき。
- (iv) its subsidiary company ceases to be its subsidiary company (other than due to a company split or business transfer implemented with the authorization under Article 52-35, paragraph (2) or (3) and other than in the case referred to in item (ii)); its subsidiary company that constitutes a bank, etc. eligible to be a subsidiary company as prescribed in Article 52-23, paragraph (6) ceases to constitute a bank, etc. eligible to be a subsidiary company; or its specified bank holding company Subsidiary which that constitutes a company eligible to be a special subsidiary company ceases to constitute a company eligible to be a special subsidiary company;
- 五 解散したとき（設立、株式移転、合併（当該合併により銀行を子会社とする持株会社を設立するものに限る。）又は新設分割を無効とする判決が確定したときを含む。）。
- (v) it is dissolved (or a judicial decision nullifying its incorporation, share transfer, merger (limited to a merger resulting in the incorporation of a holding company that has a bank as its subsidiary company), or incorporation-type split involving it becomes final and binding);
- 六 資本金の額を変更しようとするとき。
- (vi) it seeks to change the stated capital;
- 七 この法律の規定による認可（第一号に規定する認可を除く。）を受けた事項を実行したとき。

(vii) it does something for which it has obtained authorization (excluding the authorization referred to in item (i)) under the provisions of this Act;

八 その総株主の議決権の百分の五を超える議決権が一の株主により取得され、又は保有されることとなつたとき。

(viii) more than five percent of all shareholders' voting rights in it are acquired or come to be held by a single shareholder; or,

九 その他内閣府令で定める場合に該当するとき。

(ix) it falls under a case specified by Cabinet Office Order.

4 銀行代理業者は、銀行代理業を開始したとき、その他内閣府令で定める場合に該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

(4) When a bank agent commences bank agency services or if it falls under a case as specified by Cabinet Office Order, it must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order.

5 電子決済等代行業者は、電子決済等代行業を開始したとき、銀行との間で第五十二条の六十一の十第一項の契約を締結したとき、その他内閣府令で定める場合に該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

(5) When an electronic payment service provider commences electronic payment services, when it enters into a contract as referred to in Article 52-61-10, paragraph (1), or if it falls under a case as specified by Cabinet Office Order, it must file a notification with the Prime Minister indicating this, pursuant to the provisions of Cabinet Office Order.

6 第二条第十一項の規定は、第一項第七号、第二項第六号及び第三項第八号に規定する一の株主が取得し、又は保有することとなつた銀行、銀行主要株主又は銀行持株会社の議決権について準用する。

(6) The provisions of Article 2, paragraph (11) apply mutatis mutandis to voting rights in a bank, a bank's major shareholder, or bank holding company which are acquired or held by a single shareholder as prescribed in paragraph (1), item (vii); paragraph (2), item (vi); or paragraph (3), item (iii).

(認可等の条件)

(Conditions on Authorization)

第五十四条 内閣総理大臣は、この法律の規定による認可又は承認（次項において「認可等」という。）に条件を付し、及びこれを変更することができる。

Article 54 (1) The Prime Minister may attach conditions to an authorization or approval under the provisions of this Act (referred to as "authorization, etc." in the following paragraph) or change those conditions.

2 前項の条件は、認可等の趣旨に照らして、又は認可等に係る事項の確実な実施を図るため必要最小限のものでなければならない。

(2) The conditions referred to in the preceding paragraph must constitute the

minimum necessary conditions, in light of the purpose of the authorization, etc., for ensuring the reliable implementation of the thing that the authorization, etc. is for.

(認可の失効)

(Loss of Authorization)

第五十五条 銀行、銀行主要株主（第五十二条の九第一項の認可のうち設立に係るものを受けた者を含む。）又は銀行持株会社（第五十二条の十七第一項の認可を受けた者を含む。）がこの法律の規定による認可を受けた日から六月以内に当該認可を受けた事項を実行しなかつたときは、当該認可は、効力を失う。ただし、やむを得ない理由がある場合において、あらかじめ内閣総理大臣の承認を受けたときは、この限りでない。

Article 55 (1) If a bank, bank's major shareholder (including a person that has obtained the authorization for incorporation referred to in Article 52-9, paragraph (1)), or bank holding company (including a person that has obtained the authorization referred to in Article 52-17, paragraph (1)) does not do something for which it has obtained authorization under the provisions of this Act within six months after the day on which it obtains the authorization, the authorization ceases to be effective; provided, however, that this does not apply if it fails to do so for compelling reasons and the approval of the Prime Minister has been obtained in advance.

2 前項に規定するもののほか、第五十二条の九第一項又は第二項ただし書の認可（以下この項において「主要株主認可」という。）については、当該主要株主認可に係る銀行主要株主が銀行の主要株主基準値以上の数の議決権の保有者でなくなつたとき又は当該主要株主認可に係る銀行を子会社とすることについて第五十二条の十七第一項若しくは第三項ただし書若しくは第五十二条の二十三第六項若しくは第七項ただし書の認可を受けたときは、当該主要株主認可は、効力を失う。

(2) Beyond what is provided for in the preceding paragraph, the authorization referred to in Article 52-9, paragraph (1) or the proviso to Article 52-9, paragraph (2) (hereinafter referred to as a "major shareholder's authorization" in this paragraph) ceases to be effective if the bank's major shareholder to which that major shareholder's authorization pertains ceases to be the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold, or if it obtains the authorization referred to in Article 52-17, paragraph (1); the proviso to Article 52-17, paragraph (3); Article 52-23, paragraph (6); or the proviso to Article 52-23, paragraph (7), to make the bank to which the major shareholder's authorization pertains its subsidiary company.

3 第一項に規定するもののほか、第五十二条の十七第一項又は第三項ただし書の認可については、当該認可に係る銀行持株会社が銀行を子会社とする持株会社でなくなつたときは、当該認可は、効力を失う。

(3) Beyond what is provided for in paragraph (1), the authorization referred to in Article 52-17, paragraph (1) or the proviso to Article 52-17, paragraph (3) ceases to be effective if the bank holding company to which the authorization pertains ceases to be a holding company that has a bank as its subsidiary company.

(内閣総理大臣の告示)

(Public Notice by the Prime Minister)

第五十六条 次に掲げる場合には、内閣総理大臣は、その旨を官報で告示するものとする。

Article 56 In the following cases, the Prime Minister must issue public notice in the official gazette indicating that such is the case:

一 第二十六条第一項又は第二十七条の規定により銀行の業務の全部又は一部の停止を命じたとき。

(i) the Prime Minister orders the suspension of all or part of bank services pursuant to the provisions of Article 26, paragraph (1) or Article 27;

二 第二十七条又は第二十八条の規定により第四条第一項の免許を取り消したとき。

(ii) the Prime Minister revokes a license referred to in Article 4, paragraph (1), pursuant to the provisions of Article 27 or Article 28;

三 銀行が第四十一条第四号の規定に該当して第四条第一項の免許が効力を失ったとき。

(iii) a bank falls under the provisions of Article 41, item (iv) and its license referred to in Article 4, paragraph (1) ceases to be effective;

四 第五十条の規定により外国銀行に対する第四条第一項の免許が効力を失ったとき。

(iv) a foreign bank's license referred to in Article 4, paragraph (1) ceases to be effective pursuant to the provisions of Article 50;

五 第五十二条の十五第一項の規定により第五十二条の九第一項又は第二項ただし書の認可を取り消したとき。

(v) the Prime Minister revokes the authorization referred to in Article 52-9, paragraph (1) or the proviso to Article 52-9, paragraph (2), pursuant to the provisions of Article 52-15, paragraph (1);

六 第五十二条の三十四第一項の規定により第五十二条の十七第一項又は第三項ただし書の認可を取り消したとき。

(vi) the Prime Minister revokes the authorization referred to in Article 52-17, paragraph (1) or the proviso to Article 52-17, paragraph (3), pursuant to the provisions of Article 52-34, paragraph (1);

七 第五十二条の三十四第一項の規定により銀行持株会社の子会社である銀行の業務の全部又は一部の停止を命じたとき。

(vii) the Prime Minister orders the suspension of all or part of the services of a bank that is the subsidiary company of a bank holding company, pursuant to the provisions of Article 52-34, paragraph (1);

八 第五十二条の三十四第四項の規定により銀行の業務の全部又は一部の停止を命じたとき。

(viii) the Prime Minister orders the suspension of all or part of bank services pursuant to the provisions of Article 52-34, paragraph (4);

九 前条の規定により第五十二条の九第一項若しくは第二項ただし書又は第五十二条の十七第一項若しくは第三項ただし書の認可が効力を失ったとき。

(ix) the authorization referred to in Article 52-9, paragraph (1); the proviso to Article 52-9, paragraph (2); Article 52-17, paragraph (1); or the proviso to Article 52-17, paragraph (3) ceases to be effective pursuant to the provisions of the preceding Article;

十 第五十二条の五十六第一項の規定により第五十二条の三十六第一項の許可を取り消したとき。

(x) the Prime Minister revokes a license referred to in Article 52-36, paragraph (1), pursuant to the provisions of Article 52-56, paragraph (1);

十一 第五十二条の五十六第一項の規定により銀行代理業者の銀行代理業の全部又は一部の停止を命じたとき。

(xi) the Prime Minister orders a bank agent to suspend all or part of its bank agency services pursuant to the provisions of Article 52-56, paragraph (1);

十二 第五十二条の五十七の規定により第五十二条の三十六第一項の許可が効力を失ったとき。

(xii) a license referred to in Article 52-36, paragraph (1) ceases to be effective pursuant to the provisions of Article 52-57;

十三 第五十二条の六十一の七第二項の規定により第五十二条の六十一の二の登録が効力を失ったとき。

(xiii) the Article 52-61-2 registration ceases to be effective pursuant to the provisions of Article 52-61-7, paragraph (2);

十四 第五十二条の六十一の十七第一項の規定により電子決済等代行業者の電子決済等代行業の全部又は一部の停止を命じたとき。

(xiv) the Prime Minister orders an electronic payment service provider to suspend all or part of its electronic payment services pursuant to the provisions of Article 52-61-17, paragraph (1);

十五 第五十二条の六十一の十七第一項又は第二項の規定により第五十二条の六十一の二の登録を取り消したとき。

(xv) the Prime Minister revokes an Article 52-61-2 registration pursuant to the provisions of Article 52-61-17, paragraph (1) or (2);

十六 第五十二条の六十一の十九の規定による認定をしたとき。

(xvi) the Prime Minister issues a certification under Article 52-61-19;

十七 第五十二条の六十一の二十八第二項の規定により第五十二条の六十一の十九の認定を取り消したとき。

(xvii) the Prime Minister revokes an Article 52-61-19 certification pursuant to Article 52-61-28, paragraph (2);

十八 第五十二条の六十一の二十八第二項の規定により認定電子決済等代行事業者協会の業務の全部又は一部の停止を命じたとき。

(xviii) the Prime Minister orders a certified association of electronic payment service providers to suspend all or part of its services pursuant to the provisions of Article 52-61-28, paragraph (2); or

十九 第五十二条の八十四第一項の規定により第五十二条の六十二第一項の規定による指定を取り消したとき。

(xix) the Prime Minister revokes a designation under Article 52-62, paragraph (1) pursuant to the provisions of Article 52-84, paragraph (1).

(銀行等の公告方法)

(Banks' Means of Issuing Public Notice)

第五十七条 銀行又は銀行持株会社は、公告方法として、次に掲げる方法のいずれかを定款で定めなければならない。

Article 57 A bank or bank holding company must establish one of the following means as its means of issuing public notice in its articles of incorporation:

一 時事に関する事項を掲載する日刊新聞紙に掲載する方法

(i) publication in a daily newspaper that publishes information about current events; or

二 電子公告

(ii) electronic public notice.

(電子公告による公告をする期間等)

(Period for Issuing Public Notice in the Form of an Electronic Public Notice)

第五十七条の二 銀行又は銀行持株会社が電子公告によりこの法律又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合には、次の各号に掲げる公告の区分に応じ、それぞれ当該各号に定める日までの間、継続して電子公告による公告をしなければならない。

Article 57-2 (1) If a bank or bank holding company issues public notice in the form of an electronic public notice pursuant to the provisions of this Act or any other laws (excluding a public notice under the Companies Act), it must continue to issue that public notice in the form of an electronic public notice until the date specified in the relevant of the following items for the category of public notice set forth in that item:

一 公告に定める期間内に異議を述べることができる旨の公告 当該期間を経過する日

(i) public notice to the effect that an objection may be stated within the period specified therein: the last day of that period;

二 第十六条第一項前段の規定による公告 銀行が臨時にその業務の全部又は一部を休止した営業所においてその業務の全部又は一部を再開する日

(ii) the public notice under the first sentence of Article 16, paragraph (1): the

day on which the bank resumes all of its services at the business office where it has temporarily suspended all of its services or on which the bank resumes part of its services at the business office where it has temporarily suspended part of its services.

三 第十六条第一項後段の規定による公告 銀行が臨時にその業務の全部又は一部を休止した営業所においてその業務の全部又は一部を再開した日後一月を経過する日

(iii) the public notice under the second sentence of Article 16, paragraph (1):

the last day in the one-month period after the day on which the bank resumed all of its services at the business office where it had temporarily suspended all of its business or on which the bank resumed part of its services at the business office where it had temporarily suspended part of its business;

四 第二十条第四項又は第五十二条の二十八第三項の規定による公告 電子公告による公告を開始した日後五年を経過する日

(iv) the public notice under Article 20, paragraph (4) or Article 52-28, paragraph (3): the last day in the five-year period after the day it began to issue that public notice in the form of an electronic public notice;

五 前各号に掲げる公告以外の公告 電子公告による公告を開始した日後一月を経過する日

(v) a public notice other than one set forth in the preceding items: the last day in the one-month period after the day on which it began to issue that public notice in the form of an electronic public notice.

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

(2) The provisions of Article 940, paragraph (3) (Public Notice Period, etc. of Electronic Public Notice) of the Companies Act apply mutatis mutandis if a bank or bank holding company issues public notice pursuant to the provisions of this Act or any other laws (excluding a public notice under the Companies Act) in the form of an electronic public notice. In this case, the necessary technical replacement of terms is specified by Cabinet Order.

（電子公告調査の規定の適用）

(Application of the Provisions on Electronic Public Notice Investigations)

第五十七条の三 銀行又は銀行持株会社に対する会社法第九百四十一条（電子公告調査）の規定の適用については、同条中「第四百四十条第一項の規定」とあるのは、「第四百四十条第一項の規定並びに銀行法第十六条第一項、第二十条第四項及び第五十二条の二十八第三項の規定」とする。

Article 57-3 With regard to application of the provisions of Article 941 (Electronic Public Notice Investigation) of the Companies Act, the term "the

provisions of Article 440, paragraph (1)" in that Article is deemed to be replaced with "the provisions of Article 440, paragraph (1) of this Act; as well as the provisions of Article 16, paragraph (1) of the Banking Act and of Article 20, paragraph (4) and Article 52-28, paragraph (3) of that Act".

(登記)

(Registration)

第五十七条の四 銀行又は銀行持株会社は、次に掲げる事項の登記をしなければならない。

Article 57-4 A bank or bank holding company must register the following details:

一 第二十条第六項の規定による措置をとることとするときは、同項に規定する中間貸借対照表等、中間連結貸借対照表等及び連結貸借対照表等の内容である情報についてその提供を受けるために必要な事項であつて内閣府令で定めるもの

(i) if it decides to employ a measure under Article 20, paragraph (6), the details specified by Cabinet Office Order with respect to the information contained in the Interim Balance Sheet, etc., Interim Consolidated Balance Sheet, etc., and Consolidated Balance Sheet, etc. provided for in the Article 20, paragraph (6), which are necessary for allowing the relevant persons to be provided with that information; and

二 第五十二条の二十八第五項の規定による措置をとることとするときは、中間連結貸借対照表等及び連結貸借対照表等の内容である情報について不特定多数の者がその提供を受けるために必要な事項であつて内閣府令で定めるもの

(ii) if it decides to employ a measure under Article 52-28, paragraph (5), the details specified by Cabinet Office Order with respect to the information contained in the Interim Consolidated Balance Sheet, etc. and Consolidated Balance Sheet, etc., which are necessary for allowing many and unspecified persons to be provided with that information.

(財務大臣への協議)

(Consultation with the Minister of Finance)

第五十七条の五 内閣総理大臣は、銀行に対し次に掲げる処分をすることが信用秩序の維持に重大な影響を与えるおそれがあると認めるときは、あらかじめ、信用秩序の維持を図るために必要な措置に関し、財務大臣に協議しなければならない。

Article 57-5 If the Prime Minister finds that maintenance of an orderly financial system could be materially affected by the issuance of one of the following dispositions against a bank, the minister must consult with the Minister of Finance about the measures that are necessary for maintaining an orderly financial system, in advance:

一 第二十六条第一項、第二十七条又は第五十二条の三十四第一項若しくは第四項の規定による業務の全部又は一部の停止の命令

(i) an order to suspend all or part of bank services under Article 26, paragraph

- (1); Article 27; or Article 52-34, paragraph (1) or (4); or
二 第二十七条又は第二十八条の規定による第四条第一項の免許の取消し
(ii) the revocation of a license referred to in Article 4, paragraph (1), pursuant to the provisions of Article 27 or Article 28.

(財務大臣への通知)

(Notification with the Minister of Finance)

第五十七条の六 内閣総理大臣は、次に掲げる処分をしたときは、速やかに、その旨を財務大臣に通知するものとする。第五十三条第一項の規定による届出（同項第八号に係るもののうち内閣府令・財務省令で定めるものに限る。）があつたときも、同様とする。

Article 57-6 Whenever the Prime Minister issues one of the following dispositions, the minister is to promptly notify the Minister of Finance of this. The same applies whenever the Prime Minister receives a notification under Article 53, paragraph (1) (limited to one under Article 53, paragraph (1), item (viii) that is specified by Cabinet Office Order or Ministry of Finance Order):

一 第四条第一項の規定による免許

(i) the granting of a license referred to in Article 4, paragraph (1);

二 第十六条の二第七項（預金保険法（昭和四十六年法律第三十四号）第二条第四項に規定する破綻金融機関に該当する銀行を子会社とする場合に限る。）、第三十条第一項から第三項まで、第三十七条第一項、第五十二条の九第一項若しくは第二項ただし書、第五十二条の十七第一項若しくは第三項ただし書又は第五十二条の三十五第一項から第三項までの規定による認可

(ii) the granting of authorization under Article 16-2, paragraph (7) (but only for the relevant person to make a bank that falls under the category of a failed financial institution as provided in Article 2, paragraph (4) of the Deposit Insurance Act (Act No. 34 of 1971) its subsidiary company); Article 30, paragraphs (1) through (3); Article 37, paragraph (1); Article 52-9, paragraph (1); the proviso to Article 52-9, paragraph (2); Article 52-17, paragraph (1); the proviso to Article 52-17, paragraph (3); or Article 52-35, paragraph (1) through (3);

三 第二十六条第一項、第二十七条、第五十二条の五、第五十二条の六、第五十二条の九第四項、第五十二条の十三、第五十二条の十四、第五十二条の十五第一項、第五十二条の十七第五項、第五十二条の三十三第一項若しくは第三項又は第五十二条の三十四第一項若しくは第四項の規定による命令（改善計画の提出を求めることを含む。）

(iii) an order under Article 26, paragraph (1); Article 27; Article 52-5; Article 52-6; Article 52-9, paragraph (4); Article 52-13; Article 52-14; Article 52-15, paragraph (1); Article 52-17, paragraph (5); Article 52-33, paragraph (1) or (3); or Article 52-34, paragraph (1) or (4) (this includes asking for the submission of an improvement plan);

四 第二十七条又は第二十八条の規定による第四条第一項の免許の取消し
(iv) the revocation of a license referred to in n Article 4, paragraph (1)

pursuant to the provisions of Article 27 or Article 28; or

五 第五十二条の十五第一項の規定による第五十二条の九第一項若しくは第二項ただし書の認可の取消し又は第五十二条の三十四第一項の規定による第五十二条の十七第一項若しくは第三項ただし書の認可の取消し

(v) the revocation of the authorization referred to in Article 52-9, paragraph (1) or in the proviso to Article 52-9, paragraph (2) pursuant to the provisions of Article 52-15, paragraph (1); or the revocation of the authorization referred to in Article 52-17, paragraph (1) or in the proviso to Article 52-17, paragraph (3) pursuant to the provisions of Article 52-34, paragraph (1).

(財務大臣への資料提出等)

(Submission of Materials to the Minister of Finance)

第五十七条の七 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、銀行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 57-7 (1) If the Minister of Finance finds it to be necessary so that planning or policymaking can be undertaken regarding a bank-based system that is linked with the system for handling failed financial institutions and financial risk management under the minister's jurisdiction, the minister may ask the Prime Minister to provide the necessary materials and explanations.

2 財務大臣は、その所掌に係る金融破綻処理制度及び金融危機管理に関し、銀行に係る制度の企画又は立案をするため特に必要があると認めるときは、その必要の限度において、銀行、銀行主要株主、銀行持株会社、銀行代理業者その他の関係者に対し、資料の提出、説明その他の協力を求めることができる。

(2) If the Minister of Finance finds it to be particularly necessary so that planning or policymaking can be undertaken regarding a bank-based system that is linked with the system for handling failed financial institutions and financial risk management under the minister's jurisdiction, the minister, within the scope of that necessity, may ask a bank, bank's major shareholder, bank holding company, bank agent, or other relevant person to provide materials or explanations or any other cooperation.

(内閣府令への委任)

(Delegation to Cabinet Office Order)

第五十八条 この法律に定めるもののほか、この法律の規定による免許、許可、認可、承認、登録、認定又は指定に関する申請の手続、書類の提出の手続その他この法律を実施するため必要な事項は、内閣府令で定める。

Article 58 Beyond what is provided for in this Act, the application process involved in the licenses, permissions, authorizations, approvals, registrations,

certifications and designations under this Act, the process for submitting documents in connection with these, and particulars that need to be set forth in order for this Act to be implemented, are specified by Cabinet Office Order.

(権限の委任)

(Delegation of Authority)

第五十九条 内閣総理大臣は、この法律による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 59 (1) The Prime Minister delegates the authority under this Act (excluding what is 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 delegate part of the authority delegated thereto pursuant to the provisions of the preceding paragraph to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus, pursuant to the provisions of Cabinet Order.

(経過措置)

(Transitional Measures)

第六十条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 60 If an order based on this Act is enacted, amended, or abolished, the necessary transitional measures (including transitional measures for penal provisions) may be provided for by that order, to the extent considered reasonably necessary for its enactment, amendment, or abolition.

第九章 罰則

Chapter IX Penal Provisions

第六十一条 次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 61 A person falling under any of the following items is subject to punishment by imprisonment for not more than three years, a fine of not more than three million yen, or both:

一 第四条第一項の規定に違反して、免許を受けずに銀行業を営んだ者

(i) a person engaging in banking without being licensed, in violation of the provisions of Article 4, paragraph (1);

二 不正の手段により第四条第一項の免許を受けた者

(ii) a person obtaining a license referred to in Article 4, paragraph (1) by

wrongful means;

三 第九条の規定に違反して、他人に銀行業を営ませた者

(iii) a person violating the provisions of Article 9 in allowing another person to engage in banking;

四 第十三条の四、第五十二条の二の五又は第五十二条の四十五の二において準用する金融商品取引法（以下「準用金融商品取引法」という。）第三十九条第一項の規定に違反した者

(iv) a person violating the provisions of Article 39, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 13-4, Article 52-2-5 or Article 52-45-2 (hereinafter referred to as the "Financial Instruments and Exchange Act as Applied Mutatis Mutandis");

五 第五十二条の三十六第一項の規定に違反して、許可を受けずに銀行代理業を営んだ者

(v) a person violating the provisions of Article 52-36, paragraph (1) in performing bank agency services without being licensed;

六 不正の手段により第五十二条の三十六第一項の許可を受けた者

(vi) a person obtaining a license referred to in Article 52-36, paragraph (1) by wrongful means;

七 第五十二条の四十一（第五十二条の二の十において準用する場合を含む。）の規定に違反して、他人に銀行代理業（第五十二条の二の十において準用する場合にあつては、外国銀行代理業務）を営ませた者

(vii) a person violating the provisions of Article 52-41 (including as applied mutatis mutandis pursuant to Article 52-2-10) in allowing another person to engage in bank agency services (or in allowing another person to engage in foreign bank agency services, if applied mutatis mutandis pursuant to Article 52-2-10);

八 第五十二条の六十一の二の規定に違反して、登録を受けずに電子決済等代行業を営んだ者

(viii) a person violating the provisions of Article 52-61-2 in engaging in electronic payment services without being registered; or

九 不正の手段により第五十二条の六十一の二の登録を受けた者

(ix) a person obtaining an Article 52-61-2 registration by wrongful means.

第六十一条の二 次に掲げる違反があつた場合においては、その違反行為をした者は、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 61-2 If one of the following violations is committed, the person committing the violation is subject to punishment by imprisonment for not more than two years, a fine of not more than three million yen, or both:

一 第五十二条の十七第一項の規定による内閣総理大臣の認可を受けずに、同項各号に掲げる取引若しくは行為により銀行を子会社とする持株会社になつたとき又は

銀行を子会社とする持株会社を設立したとき。

(i) a person becomes or incorporates a holding company that has a bank as its subsidiary company through a transaction or action set forth in one of the items of Article 52-17, paragraph (1) without obtaining the authorization of the Prime Minister under that paragraph;

二 第五十二条の十七第三項の規定に違反して同項に規定する猶予期限日を超えて銀行を子会社とする持株会社であつたとき。

(ii) a person violates the provisions Article 52-17, paragraph (3) in remaining a holding company that has a bank as its subsidiary company after the last day of the grace period provided for in that paragraph; or

三 第五十二条の十七第五項の規定による命令に違反して銀行を子会社とする持株会社であつたとき又は第五十二条の三十四第二項の規定に違反して同項に規定する内閣総理大臣が指定する期間を超えて銀行を子会社とする持株会社であつたとき。

(iii) a person remains a holding company that has a bank as its subsidiary company in violation of an order under Article 52-17, paragraph (5), or remains a holding company that has a bank as its subsidiary company even after the end of the period designated by the Prime Minister as provided for in Article 52-34, paragraph (2), in violation of the provisions of that paragraph.

第六十二条 次の各号のいずれかに該当する場合には、その違反行為をした者は、二年以下の懲役又は三百万円以下の罰金に処する。

Article 62 In any of the cases referred to in the following items, the person committing the relevant violation is subject to punishment by imprisonment for not more than two years or a fine of not more than three million yen:

一 第四条第四項又は第五十二条の三十八第二項の規定により付した条件に違反したとき。

(i) a person violates a condition attached pursuant to the provisions of Article 4, paragraph (4) or Article 52-38, paragraph (2);

二 第二十六条第一項、第二十七条、第五十二条の三十四第一項若しくは第四項、第五十二条の五十六第一項又は第五十二条の六十一の十七第一項の規定による業務の全部又は一部の停止の命令に違反したとき。

(ii) a person violates an order to suspend all or part of its business under Article 26, paragraph (1); Article 27; Article 52-34, paragraph (1) or (4); Article 52-56, paragraph (1); or Article 52-61-17, paragraph (1); or

三 第五十二条の六十一の二十八第二項の規定による業務の全部又は一部の停止の命令に違反したとき。

(iii) a person violates an order to suspend all or part of its business under Article 52-61-28, paragraph (2).

第六十二条の二 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 62-2 A person falling under one of the following items is subject to punishment by imprisonment for not more than one year, a fine of not more than three million yen, or both:

一 第五十二条の六十三第一項の規定による指定申請書又は同条第二項の規定によりこれに添付すべき書類若しくは電磁的記録に虚偽の記載又は記録をしてこれらを提出した者

(i) a person including a false statement or record in a written application for designation under Article 52-63, paragraph (1) or in a document or electronic or magnetic record that must accompany it pursuant to paragraph (2) of that Article, and submitting it;

二 第五十二条の六十九の規定に違反した者

(ii) a person violating the provisions of Article 52-69;

三 第五十二条の八十第一項の規定による報告書を提出せず、又は虚偽の記載をした報告書を提出した者

(iii) a person failing to submit a report under Article 52-80, paragraph (1) or submitting a report under that paragraph in which the person has included a false statement;

四 第五十二条の八十一第一項若しくは第二項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告若しくは資料の提出をし、又はこれらの規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくはこれらの規定による検査を拒み、妨げ、若しくは忌避した者

(iv) a person failing to report, falsely reporting, failing to submit a material, or falsely submitting a material as under Article 52-81, paragraph (1) or (2); failing to answer or falsely answering a question from an official under one of those provisions; or refusing, interfering with, or avoiding an inspection under one of those provisions; or

五 第五十二条の八十二第一項の規定による命令に違反した者

(v) a person violating an order under Article 52-82, paragraph (1).

第六十三条 次の各号のいずれかに該当する者は、一年以下の懲役又は三百万円以下の罰金に処する。

Article 63 A person falling under one of the following items is subject to punishment by imprisonment for not more than one year or a fine of not more than three million yen:

一 第十九条、第五十二条の二十七、第五十二条の五十第一項（第五十二条の二の十において準用する場合を含む。）又は第五十二条の六十一の十三の規定に違反して、これらの規定に規定する書類の提出をせず、又はこれらの書類に記載すべき事項を記載せず、若しくは虚偽の記載をしてこれらの書類の提出をした者

(i) a person that, in violation of the provisions of Article 19, Article 52-27, Article 52-50, paragraph (1) (including as applied mutatis mutandis

pursuant to Article 52-2-10) or Article 52-61-13, fails to submit a document prescribed in those provisions, or a person that submits that document but fails to state a particular that is required to be stated in it or includes a false statement in it;

一の二 第二十条第四項若しくは第五十二条の二十八第三項の規定に違反して、これらの規定による公告をせず、若しくは第二十条第六項若しくは第五十二条の二十八第五項の規定に違反して、これらの規定に規定する情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとらず、又は当該公告をしなければならない書類に記載すべき事項を記載せず、若しくは虚偽の記載をして、公告をし、若しくは電磁的記録に記載すべき事項を記録せず、若しくは虚偽の記録をして、電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとった者

(i)-2 a person violating the provisions of Article 20, paragraph (4) or Article 52-28, paragraph (3) in failing to issue the public notice under those provisions; a person violating the provisions of Article 20, paragraph (6) or Article 52-28, paragraph (5) in failing to employ what is specified by Cabinet Office Order as a measure that involves using electronic or magnetic means to put the information prescribed in those provisions into a form that makes it possible for many and unspecified persons to be provided with it; a person issuing that public notice but failing to state a particular that is required to be stated in a document with regard to which that public notice must be issued or including a false statement in that document; or a person employing a measure that involves using electronic or magnetic means to put the information recorded in an electronic or magnetic record into a form that makes it possible for many and unspecified persons to be provided with it but failing to record a statement that is required to be recorded in that electronic or magnetic record or recording a false statement in it;

一の三 第二十一条第一項若しくは第二項、第五十二条の二の六第一項、第五十二条の二十九第一項若しくは第五十二条の五十一第一項の規定に違反して、これらの規定に規定する書類を公衆の縦覧に供せず、若しくは第二十一条第四項（同条第五項において準用する場合を含む。以下この号において同じ。）、第五十二条の二の六第二項、第五十二条の二十九第三項若しくは第五十二条の五十一第二項の規定に違反して、第二十一条第四項、第五十二条の二の六第二項、第五十二条の二十九第三項若しくは第五十二条の五十一第二項に規定する電磁的記録に記載された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとらず、又はこれらの規定に違反して、これらの書類に記載すべき事項を記載せず、若しくは虚偽の記載をして、公衆の縦覧に供し、若しくは電磁的記録に記載すべき事項を記録せず、若しくは虚偽の記録をして、電磁的記録に記載された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとった者

(i)-3 a person violating the provisions of Article 21, paragraph (1) or (2); Article

52-2-6, paragraph (1); Article 52-29, paragraph (1); or Article 52-51, paragraph (1) in failing to make a document prescribed in those provisions available for public inspection; a person violating the provisions of Article 21, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) of that Article; hereinafter the same applies in this item); Article 52-2-6, paragraph (2); Article 52-29, paragraph (3); or Article 52-51, paragraph (2) in failing to employ what is specified by Cabinet Office Order as a measure that involves using electronic or magnetic means to put the information recorded in the electronic or magnetic record prescribed in Article 21, paragraph (4); Article 52-2-6, paragraph (2); Article 52-29, paragraph (3); or Article 52-51, paragraph (2) into a form that makes it possible for many and unspecified persons to be provided with it; a person that, in violation of one of these provisions, makes that document available for public inspection but fails to state a particular that is required to be stated in it or makes a false statement in it; or a person that, in violation of one of these provisions, employs a measure that involves using electronic or magnetic means to put the information recorded in that electronic or magnetic record into a form that makes it possible for many and unspecified persons to be provided with it but fails to record a particular that is required to be recorded in that electronic or magnetic record or records a false statement in it;

二 第二十四条第一項（第四十三条第三項において準用する場合を含む。）、第二十四条第二項、第五十二条の七、第五十二条の十一、第五十二条の三十一第一項若しくは第二項、第五十二条の五十三若しくは第五十二条の六十一の十四第一項若しくは第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者

(ii) a person failing to report, falsely reporting, failing to submit a material, or falsely submitting a material as under Article 24, paragraph (1) (including as applied mutatis mutandis pursuant to Article 43, paragraph (3)); Article 24, paragraph (2); Article 52-7; Article 52-11; Article 52-31, paragraph (1) or (2); Article 52-53; or Article 52-61-14, paragraph (1) or (2);

三 第二十五条第一項（第四十三条第三項において準用する場合を含む。）、第二十五条第二項、第五十二条の八第一項、第五十二条の十二第一項、第五十二条の三十二第一項若しくは第二項、第五十二条の五十四第一項若しくは第五十二条の六十一の十五第一項若しくは第二項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避した者

(iii) a person failing to answer or falsely answering a question from an official under Article 25, paragraph (1) (including as applied mutatis mutandis pursuant to Article 43, paragraph (3)); Article 25, paragraph (2); Article 52-8, paragraph (1); Article 52-12, paragraph (1); Article 52-32, paragraph (1) or (2); Article 52-54, paragraph (1); or Article 52-61-15, paragraph (1) or (2); or

refusing, interfering with, or avoiding an inspection under one of those provisions;

三の二 第二十九条の規定による命令に違反した者

(iii)-2 a person violating an order under Article 29;

四 第四十三条第一項（同条第二項において準用する場合を含む。）の規定による命令に違反した者

(iv) a person violating an order under Article 43, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article);

五 第四十五条第三項の規定による検査を拒み、妨げ、若しくは忌避し、又は同項の規定による命令に違反した者

(v) a person refusing, interfering with, or avoiding an inspection under Article 45, paragraph (3) or violating an order under that paragraph;

六 第四十六条第三項において準用する第二十五条第一項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(vi) a person failing to answer or falsely answering a question from an official under Article 25, paragraph (1) as applied mutatis mutandis pursuant to Article 46, paragraph (3); or refusing, interfering with, or avoiding an inspection under that paragraph;

六の二 第五十二条の二第一項又は第二項の規定による内閣総理大臣の認可を受けな
いで外国銀行代理業務を営んだ者

(vi)-2 a person engaging in foreign bank agency services without obtaining the authorization of the Prime Minister under Article 52-2, paragraph (1) or paragraph (2);

七 第五十二条の三十四第一項の規定による命令（取締役、執行役、会計参与、監査役若しくは会計監査人の解任又は業務の全部若しくは一部の停止の命令を除く。）に違反した者

(vii) a person violating an order (excluding an order to dismiss a director, executive officer, accounting advisor, auditor or accounting auditor, or to suspend all or part of its business) under Article 52-34, paragraph (1);

八 第五十二条の三十七第一項の規定による申請書若しくは同条第二項の規定によりこれに添付すべき書類又は第五十二条の六十一の三第一項の規定による登録申請書若しくは同条第二項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者

(viii) a person including a false statement in an application under Article 52-37, paragraph (1) or a document that is required to accompany it pursuant to the provisions of paragraph (2) of that Article, or in a written application for registration under Article 52-61-3, paragraph (1) or a document that is required to accompany it pursuant to the provisions of paragraph (2) of that Article, and submitting it;

九 第五十二条の四十二第一項の規定による承認を受けな
いで銀行代理業及び銀行代

理業に付随する業務以外の業務を営んだ者

(ix) a person engaging in businesses or services other than bank agency services and services incidental thereto without obtaining the approval under Article 52-42, paragraph (1); or

十 第五十四条第一項の規定により付した条件（第五十二条の十七第一項又は第三項ただし書の規定による認可に係るものに限る。）に違反した者

(x) a person violating the conditions (limited to those linked to the authorization under Article 52-17, paragraph (1) or the proviso to Article 52-17, paragraph (3)) that have been attached pursuant to the provisions of Article 54, paragraph (1).

第六十三条の二 次の各号のいずれかに該当する者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 63-2 A person falling under one of the following items is subject to punishment by imprisonment for not longer than one year, a fine of not more than one million yen, or both:

一 第十三条の三（第一号に係る部分に限る。）又は第五十二条の四十五（第一号に係る部分に限り、第五十二条の二の十において準用する場合を含む。）の規定の違反があつた場合において、顧客以外の者（銀行又は銀行代理業者を含む。）の利益を図り、又は顧客に損害を与える目的で当該違反行為をした者

(i) a person violating the provisions of Article 13-3 (limited to the part that involves item (i)) or Article 52-45 (limited to the part that involves item (i), and including as applied mutatis mutandis pursuant to Article 52-2-10) for the benefit of a person other than a customer (including a bank or a bank agent) or with the aim of doing harm to a customer;

二 第五十二条の六十四第一項の規定に違反して、その職務に関して知り得た秘密を漏らし、又は自己の利益のために使用した者

(ii) a person divulging confidential information learned in the course of duty or using that information for a personal benefit, in violation of the provisions of Article 52-64, paragraph (1).

第六十三条の二の二 準用金融商品取引法第三十九条第二項の規定に違反した者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 63-2-2 A person violating the provisions of Article 39, paragraph (2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis is subject to punishment by imprisonment for not more than one year, a fine of not more than one million yen, or both.

第六十三条の二の三 前条の場合において、犯人又は情を知つた第三者が受けた財産上の利益は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

Article 63-2-3 (1) In a case as referred to in the preceding Article, the economic benefit received by the offender or a third party with knowledge of the circumstances is confiscated. If it is not possible to confiscate this in whole or part, its monetary value is collected.

2 金融商品取引法第二百九条の二（混和した財産の没収等）及び第二百九条の三第二項（没収の要件等）の規定は、前項の規定による没収について準用する。この場合において、同法第二百九条の二第一項中「第九十八条の二第一項又は第二百条の二」とあるのは「銀行法第六十三条の二の三第一項」と、「この条、次条第一項及び第二百九条の四第一項」とあるのは「この項」と、「次項及び次条第一項」とあるのは「次項」と、同条第二項中「混和財産（第二百条の二の規定に係る不法財産が混和したものに限り）」とあるのは「混和財産」と、同法第二百九条の三第二項中「第九十八条の二第一項又は第二百条の二」とあるのは「銀行法第六十三条の二の三第一項」と読み替えるものとする。

(2) The provisions of Article 209-2 (Confiscation of Mixed Property, etc.) and Article 209-3, paragraph (2) (Requirements for Confiscation, etc.) of the Financial Instruments and Exchange Act apply mutatis mutandis to confiscation under the preceding paragraph. In this case, the phrase "Article 198-2, paragraph (1) or Article 200-2" in Article 209-2, paragraph (1) of that Act is deemed to be replaced with "Article 63-2-3, paragraph (1) of the Banking Act," the phrase "this Article, paragraph (1) of the following Article, an Article 209-4, paragraph (1)" in that paragraph is deemed to be replaced with "this paragraph," the phrase "the following paragraph and paragraph (1) of the following Article" in that paragraph is deemed to be replaced with "the following paragraph," the phrase "mixed property (limited to property in which illegal property pertaining to the provisions of Article 200-2 is mixed)" in paragraph (2) of that Article is deemed to be replaced with "mixed property," and the phrase "Article 198-2, paragraph (1) or Article 200-2" in Article 209-3, paragraph (2) of that Act is deemed to be replaced with "Article 63-2-3, paragraph (1) of the Banking Act."

第六十三条の二の四 第五十二条の六十一の二十五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 63-2-4 A person violating the provisions of Article 52-61-25 is subject to punishment by imprisonment for not more than one year or a fine of not more than 500,000 yen.

第六十三条の二の五 次の各号のいずれかに該当する者は、六月以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 63-2-5 A person falling under one of the following items is subject to punishment by imprisonment for not more than six months, a fine of not more than 500,000 yen, or both:

- 一 準用金融商品取引法第三十七条第一項（第二号を除く。）に規定する事項を表示せず、又は虚偽の表示をした者
- (i) a person failing to give a particular prescribed in Article 37, paragraph (1) (excluding item (ii)) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis or giving a false particular;
- 二 準用金融商品取引法第三十七条第二項の規定に違反した者
- (ii) a person violating the provisions of Article 37, paragraph (2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis;
- 三 準用金融商品取引法第三十七条の三第一項（第二号及び第六号を除く。）の規定に違反して、書面を交付せず、若しくは同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付した者又は同条第二項において準用する金融商品取引法第三十四条の二第四項に規定する方法により当該事項を欠いた提供若しくは虚偽の事項の提供をした者
- (iii) a person violating the provisions of Article 37-3, paragraph (1) (excluding items (ii) and (vi)) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis in failing to deliver a document or in delivering a document that fails to state the particulars prescribed in that paragraph or a document that includes a false statement; or a person that provides another person with something that insufficiently states those particulars using the means prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 37-3, paragraph (2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis, or provides the other person with something that includes a false statement using those means;
- 四 準用金融商品取引法第三十七条の四第一項の規定による書面を交付せず、若しくは虚偽の記載をした書面を交付した者又は同条第二項において準用する金融商品取引法第三十四条の二第四項に規定する方法により虚偽の事項の提供をした者
- (iv) a person failing to deliver the document under Article 37-4, paragraph (1) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis or delivers a document that includes a false statement; or a person that provides another person with something that includes a false statement using the means prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 37-4, paragraph (2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis; or
- 五 第五十二条の六十一の二十七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若しくは資料の提出をし、又は同項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避した者
- (v) a person failing to report, falsely reporting, failing to submit a material, or falsely submitting a material as prescribed under Article 52-61-27,

paragraph (1); failing to answer or falsely answering a question from an official under that paragraph; or refusing, interfering with, or avoiding an inspection under that paragraph.

第六十三条の二の六 第五十二条の七十一若しくは第五十二条の七十三第九項の規定による記録の作成若しくは保存をせず、又は虚偽の記録を作成した者は、百万円以下の罰金に処する。

Article 63-2-6 A person failing to prepare or keep on file a record under the provisions of Article 52-71 or Article 52-73, paragraph (9) or preparing a false record as prescribed under those provisions is subject to punishment by a fine of not more than one million yen.

第六十三条の二の七 第五十二条の八十三第一項の認可を受けないで紛争解決等業務の全部若しくは一部の休止又は廃止をした者は、五十万円以下の罰金に処する。

Article 63-2-7 A person suspending or discontinuing all or part of its Dispute Resolution, etc. without obtaining the authorization set forth in Article 52-83, paragraph (1) is subject to punishment by a fine of not more than 500,000 yen.

第六十三条の三 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 63-3 A person falling under one of the following items is subject to punishment by a fine of not more than 300,000 yen:

一 第四十九条の二第二項において準用する会社法第九百五十五条第一項（調査記録簿等の記載等）の規定に違反して、調査記録簿等（同項に規定する調査記録簿等をいう。以下この号において同じ。）に同項に規定する電子公告調査に関し法務省令で定めるものを記載せず、若しくは記録せず、若しくは虚偽の記載若しくは記録をし、又は同項の規定に違反して調査記録簿等を保存しなかつた者

(i) a person that, in violation of the provisions of Article 955, paragraph (1) (Statements, etc. in an Investigation Record Books, etc.) of the Companies Act as applied mutatis mutandis pursuant to Article 49-2, paragraph (2), fails to state or record the particulars prescribed by Order of the Ministry of Justice concerning the electronic public notice investigations provided for in Article 955, paragraph (1) of that Act; that includes or records a false statement in the investigation record book, etc. (meaning the investigation record book, etc. provided for in that paragraph; hereinafter the same applies in this item); or that, in violation of the provisions of that paragraph, fails to keep on file the investigation record book, etc.;

二 第五十二条の三十九第二項、第五十二条の五十二、第五十二条の六十一の六第三項、第五十二条の六十一の七第一項、第五十二条の七十八第一項、第五十二条の七十九若しくは第五十二条の八十三第二項の規定による届出をせず、又は虚偽の届出をした者

(ii) a person failing to file a notification under Article 52-39, paragraph (2),

Article 52-52; Article 52-61-6, paragraph (3); Article 52-61-7, paragraph (1); Article 52-78, paragraph (1); Article 52-79; or Article 52-83, paragraph (2); or filing a false notification;

三 第五十二条の四十第一項（第五十二条の二の十において準用する場合を含む。次号において同じ。）の規定に違反した者

(iii) a person violating the provisions of Article 52-40, paragraph (1) (including as applied mutatis mutandis pursuant to Article 52-2-10; the same applies in the following item);

四 第五十二条の四十第二項（第五十二条の二の十において準用する場合を含む。）の規定に違反して、第五十二条の四十第一項の標識又はこれに類似する標識を掲示した者

(iv) a person posting a sign as referred to in Article 52-40, paragraph (1) or a sign similar thereto, in violation of the provisions of Article 52-40, paragraph (2) (including as applied mutatis mutandis pursuant to Article 52-2-10);

五 第五十二条の六十一の二十一第三項の規定に違反してその名称中に認定電子決済等代行業者協会の会員と誤認されるおそれのある文字を使用した者

(v) a person using a term in its name which could give rise to the misconception that it is a certified association of electronic payment service providers, in violation of Article 52-61-21, paragraph (3);

六 第五十二条の六十八第一項の規定による報告をせず、又は虚偽の報告をした者

(vi) a person failing to give a report under Article 52-68, paragraph (1) or giving a false report; or

七 第五十二条の八十三第三項若しくは第五十二条の八十四第三項の規定による通知をせず、又は虚偽の通知をした者

(vii) a person failing to make a notification under Article 52-83, paragraph (3) or Article 52-84, paragraph (3) or making a false notification.

第六十四条 法人（法人でない団体で代表者又は管理人の定めのあるものを含む。以下この項において同じ。）の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関し、次の各号に掲げる規定の違反行為をしたときは、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、その人に対して各本条の罰金刑を科する。

Article 64 (1) If the representative of a corporation (including an organization that is not a corporation but whose representative or administrator has been designated; hereinafter the same applies in this paragraph) or the agent, employee, or other worker of a corporation or individual violates the provisions set forth in one of the following items in connection with the business or property of that corporation or individual, in addition to the offender being subject to punishment, the corporation is subject to punishment by the fine prescribed in the relevant item, and the individual is subject to punishment by the fine referred to in the relevant Article:

- 一 第六十一条第四号又は第六十二条（第三号を除く。） 三億円以下の罰金刑
 (i) Article 61, item (iv) or Article 62 (excluding item (iii)): a fine of not more than 300 million yen;
- 二 第六十二条の二（第二号を除く。）、第六十三条第一号から第四号まで、第七号、第八号若しくは第十号又は第六十三条の二第一号 二億円以下の罰金刑
 (ii) Article 62-2 (excluding item (ii)); Article 63, items (i) through (iv), item (vii), item (viii) or item (x); or Article 63-2, item (i): a fine of not more than 200 million yen;
- 三 第六十三条の二の二 一億円以下の罰金刑
 (iii) Article 63-2-2: a fine of not more than 100 million yen; and
- 四 第六十一条（第四号を除く。）、第六十一条の二、第六十二条第三号、第六十二条の二第二号、第六十三条第五号から第六号の二まで若しくは第九号、第六十三条の二第二号又は第六十三条の二の五から前条まで 各本条の罰金刑
 (iv) Article 61 (excluding item (iv)); Article 61-2; Article 62, item (iii); Article 62-2, item (ii); Article 63, items (v) through (vi)-2 or item (ix); Article 63-2, item (ii); or Article 63-2-5 through the preceding Article: the fine referred to in the relevant Article.
- 2 前項の規定により法人でない団体を処罰する場合には、その代表者又は管理人がその訴訟行為につきその団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。
- (2) If an organization that is not a corporation is sentenced pursuant to the provisions of the preceding paragraph, its representative or administrator represents that organization with regard to the relevant procedural acts, and the provisions of laws concerning criminal proceedings that have a corporation as the accused or a suspect apply mutatis mutandis.

第六十五条 次の各号のいずれかに該当する場合には、その行為をした銀行（銀行が第四十一条第一号から第三号までのいずれかに該当して第四条第一項の内閣総理大臣の免許が効力を失った場合における当該銀行であつた会社を含む。）の取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、支配人若しくは清算人、外国銀行の代表者、代理人若しくは支配人、銀行議決権大量保有者（銀行議決権大量保有者が銀行議決権大量保有者でなくなつた場合における当該銀行議決権大量保有者であつた者を含み、銀行議決権大量保有者が法人等（法人及び第三条の二第一項第一号に掲げる法人でない団体をいう。以下この条において同じ。）であるときは、その取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、代表者、管理人、支配人、業務を執行する社員又は清算人）、銀行主要株主（銀行主要株主が銀行主要株主でなくなつた場合における当該銀行主要株主であつた者を含み、銀行主要株主が法人等であるときは、その取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、代表者、管理人、支配人、業務を執行する社員又は清算人）、特定主要株主（特定主要株主が銀行の主要株主基準値以上の数の議決権の保有者でなくなつた場合における当該特定主要株主であつた者を含み、特定主要株主が法人等であるときは、

その取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、代表者、管理人、支配人、業務を執行する社員又は清算人）、銀行持株会社（銀行持株会社が銀行持株会社でなくなつた場合における当該銀行持株会社であつた会社を含む。）の取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、支配人若しくは清算人、特定持株会社（特定持株会社が銀行を子会社とする持株会社でなくなつた場合における当該特定持株会社であつた会社を含む。）の取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、支配人、業務を執行する社員若しくは清算人、銀行代理業者若しくは電子決済等代行業者（銀行代理業者又は電子決済等代行業者が法人であるときは、その取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、理事、監事、代表者、業務を執行する社員又は清算人）又は認定電子決済等代行業者協会の理事、監事若しくは清算人は、百万円以下の過料に処する。

Article 65 In the following cases, the director, executive officer, or accounting advisor, the staff member responsible for performing the duties of a person in such a position, or the auditor, manager, or liquidator of the bank (or the company that was the relevant bank, if the license of the Prime Minister which is referred to in Article 4, paragraph (1) has lost its validity as a result of the bank falling under one of Article 41, items (i) to (iii) inclusive); the representative, agent, or manager of the foreign bank; the major holder of voting rights in the bank (or the person that was the major holder of voting rights in the relevant bank, if the major holder of voting rights in the bank has become a person that is no longer the major holder of voting rights in the bank; and if the major holder of voting rights in the bank is a corporation, etc. (meaning a corporation or an organization without legal personality which is provided for in Article 3-2, paragraph (1), item (i); hereinafter the same applies in this Article), this means the director, executive officer, or accounting advisor, the staff member responsible for performing the duties of a person in such a position, or the auditor, representative, administrator, manager, member involved in executive operations, or liquidator of that corporation, etc.); the bank's major shareholder (or the person that was the relevant bank's major shareholder, if the bank's major shareholder has become a person that is no longer the bank's major shareholder; and if the bank's major shareholder is a corporation, etc., this means the director, executive officer, or accounting advisor, the staff member responsible for performing the duties of a person in such a position, or the auditor, representative, administrator, manager, member involved in executive operations, or liquidator of that corporation, etc.); the specified major shareholder (or the person that was the relevant specified major shareholder, if the specified major shareholder has come to no longer be the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold; and if the specified major shareholder is a corporation, etc., this means the director, executive officer, or accounting advisor, the member responsible for performing the duties of a

person in such a position, or the auditor, representative, administrator, manager, member involved in executive operations, or liquidator of that corporation, etc.); the director, executive officer, or accounting advisor, the staff member responsible for performing the duties of a person in such a position, or the auditor, manager, or liquidator of the bank holding company (or the company that was the relevant bank holding company, if the bank holding company has become a company that is no longer a bank holding company); the director, executive officer, or accounting advisor, the staff member responsible for performing the duties of a person in such a position, or the auditor, manager, member involved in executive operations, or liquidator of the specified holding company (or the company that was the relevant specified holding company, if the specified holding company has become a company that is no longer a Holding Company which has a bank as its subsidiary company); the bank agent or electronic payment service provider (if the bank agent or electronic payment service provider is a corporation, this means the director, executive officer, accounting advisor or the members who are to perform the duties of the accounting advisors, auditor, board member, inspector, representative, member involved in executive operations, or liquidator of that bank agent); or the director, auditor or liquidator of a certified association of electronic payment service providers; which constitutes the person that has committed the relevant act, is subject to punishment by a civil fine of not more than one million yen:

一 第五条第三項、第六条第三項、第八条第二項若しくは第三項又は第四十七条の三の規定による内閣総理大臣の認可を受けないでこれらの規定に規定する行為をしたとき。

(i) the person performs the action prescribed in Article 5, paragraph (3); Article 6, paragraph (3); Article 8, paragraph (2) or (3); or Article 47-3 without obtaining the authorization of the Prime Minister under the relevant of those provisions;

二 第七条第一項又は第五十二条の十九第一項の規定に違反して他の会社の常務に従事したとき。

(ii) the person violates the provisions of Article 7, paragraph (1) or Article 52-19, paragraph (1) in engaging in the day-to-day business operations of another company;

三 第十二条又は第五十二条の二十一第二項の規定に違反して他の業務を営んだとき。

(iii) the person violates the provisions of Article 12 or Article 52-21, paragraph (2) in doing other business;

四 第八条第一項若しくは第四項、第十六条第一項、第三十四条第一項、第三十六条第一項、第三十八条、第四十九条、第五十二条第一項若しくは第三項、第五十二条の二第三項、第五十二条の二の九、第五十二条の三十九第一項、第五十二条の四十七第一項、第五十二条の四十八、第五十二条の六十一第三項、第五十二条の六十一

の六第一項若しくは第五十三条第一項から第五項までの規定に違反して、これらの規定による届出、公告若しくは掲示をせず、又は虚偽の届出、公告若しくは掲示をしたとき。

(iv) the person, in violation of the provisions of Article 8, paragraph (1) or paragraph (4); Article 16, paragraph (1); Article 34, paragraph (1); Article 36, paragraph (1); Article 38; Article 49; Article 52, paragraph (1) or paragraph (3); Article 52-2, paragraph (3); Article 52-2-9; Article 52-39, paragraph (1); Article 52-47, paragraph (1); Article 52-48; Article 52-61, paragraph (3); Article 52-61-6, paragraph (1); or Article 53, paragraphs (1) through (5), fails to file a notification, issue a public notice, or make a posting under those provisions; or the person files a false notification, issues a false public notice, or makes a false posting as under those provisions;

五 第十六条の二第一項の規定に違反して同項に規定する子会社対象会社以外の会社（第十六条の四第一項に規定する国内の会社を除く。）を子会社としたとき、又は第五十二条の二十三第一項の規定に違反して同項に規定する子会社対象会社以外の会社（第五十二条の二十四第一項に規定する国内の会社を除く。）を子会社としたとき。

(v) the person, in violation of the provisions of Article 16-2, paragraph (1), makes a company not constituting a company eligible to be a subsidiary company as provided in that paragraph (excluding a domestic company as provided in Article 16-4, paragraph (1)) its subsidiary company; or the person, in violation of the provisions of Article 52-23, paragraph (1), makes a company not constituting a company eligible to be a subsidiary company as provided in that paragraph (excluding a domestic company as provided in Article 52-24, paragraph (1)) its subsidiary company;

六 第十六条の二第七項の規定による内閣総理大臣の認可を受けないで同項に規定する子会社対象銀行等を子会社としたとき、又は同条第九項において準用する同条第七項の規定による内閣総理大臣の認可を受けないで同条第一項各号に掲げる会社を当該各号のうち他の号に掲げる会社（同条第七項に規定する子会社対象銀行等に限る。）に該当する子会社としたとき。

(vi) the person makes a bank, etc. eligible to be a subsidiary company as provided for in Article 16-2, paragraph (7) its subsidiary company without obtaining the authorization of the Prime Minister under that paragraph; or makes a company as set forth in one of the items of paragraph (1) of that Article into a subsidiary company that constitutes a company as set forth in one of the other items of that paragraph (limited to a bank, etc. eligible to be a subsidiary company as prescribed in paragraph (7) of that Article), without obtaining the authorization of the Prime Minister under paragraph (7) of that Article as applied mutatis mutandis pursuant to paragraph (9) of that Article;

七 第十六条の四第一項若しくは第二項ただし書又は第五十二条の二十四第一項若し

- くは第二項ただし書の規定に違反したとき。
- (vii) the person violates the provisions of Article 16-4, paragraph (1); the proviso to Article 16-4, paragraph (2); Article 52-24, paragraph (1); or the proviso to Article 52-24, paragraph (2);
- 八 第十六条の四第三項若しくは第五項又は第五十二条の二十四第三項若しくは第五項の規定により付した条件に違反したとき。
- (viii) the person violates conditions that have been attached pursuant to the provisions of Article 16-4, paragraph (3) or paragraph (5), or, Article 52-24, paragraph (3) or paragraph (5);
- 九 第十八条の規定に違反して資本準備金又は利益準備金を計上しなかつたとき。
- (ix) the person fails to record a capital reserve or a retained earnings reserve, in violation of the provisions of Article 18;
- 十 第二十六条第一項、第五十二条の十四第一項若しくは第五十二条の三十三第一項の規定に違反して改善計画の提出をせず、又は第二十六条第一項の規定による命令（業務の全部又は一部の停止の命令を除く。）若しくは第二十九条、第五十二条の十三、第五十二条の十四、第五十二条の十五第一項、第五十二条の三十三第一項若しくは第三項、又は第五十二条の五十五、第五十二条の六十一の十六若しくは第五十二条の六十一の二十八第一項の規定による命令に違反したとき。
- (x) the person fails to submit an improvement plan, in violation of the provisions of Article 26, paragraph (1); Article 52-14, paragraph (1); or Article 52-33, paragraph (1); violates an order (excluding an order to suspend all or a part of its business) under Article 26, paragraph (1); or violates an order under Article 29, Article 52-13; Article 52-14; Article 52-15, paragraph (1); Article 52-33, paragraph (1) or (3); Article 52-55; Article 52-61-16; or Article 52-61-28, paragraph (1);
- 十一 第三十四条第五項（第三十五条第三項において準用する場合を含む。）の規定に違反して事業の譲渡又は譲受けをしたとき。
- (xi) the person violates the provisions of Article 34, paragraph (5) (including as applied mutatis mutandis pursuant to Article 35, paragraph (3)) in making a business transfer or acquisition;
- 十一の二 第四十七条の二の規定に違反して同条に規定する額以上の資産を国内において保有しないとき。
- (xi)-2 the person fails to keep assets of at least the amount provided in Article 47-2 in Japan, in violation of the provisions of that Article;
- 十二 第四十八条、第五十二条第二項若しくは第五十二条の二の八の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。
- (xii) the person fails to report, falsely reports, fails to submit a material, or falsely submits a material as under Article 48; Article 52, paragraph (2); or Article 52-2-8;
- 十二の二 第四十九条の二第二項において準用する会社法第九百四十一条（電子公告調査）の規定に違反して同条の調査を求めなかつたとき。

(xii)-2 the person fails to ask for an investigation as referred to in Article 941 (Electronic Public Notice Investigation) of the Companies Act, in violation of that Article as applied mutatis mutandis pursuant to Article 49-2, paragraph (2);

十三 第五十二条の二の十一第一項、第五十二条の三第一項、第三項若しくは第四項、第五十二条の四第一項若しくは第二項、第五十二条の五、第五十二条の六、第五十二条の九第三項若しくは第五十二条の十七第二項若しくは第四項の規定による提出若しくは届出をせず、又は虚偽の提出若しくは届出をしたとき。

(xiii) the person fails to make a submission or file the notification under Article 52-2-11, paragraph (1); Article 52-3, paragraph (1), paragraph (3), or paragraph (4); Article 52-4, paragraph (1) or paragraph (2); Article 52-5; Article 52-6; Article 52-9, paragraph (3); or Article 52-17, paragraph (2) or (4); makes a false submission, or files a false notification;

十四 第五十二条の九第一項の規定による内閣総理大臣の認可を受けずに、同項各号に掲げる取引若しくは行為により銀行の主要株主基準値以上の数の議決権の保有者になったとき、又は銀行の主要株主基準値以上の数の議決権の保有者である会社その他の法人を設立したとき。

(xiv) the person becomes the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold through a transaction or action set forth in one of the items of Article 52-9, paragraph (1), or incorporates a company or other corporation that is the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold without obtaining the authorization of the Prime Minister under that paragraph;

十五 第五十二条の九第二項の規定に違反して同項に規定する猶予期限日を超えて銀行の主要株主基準値以上の数の議決権の保有者であつたとき。

(xv) the person violates the provisions of Article 52-9, paragraph (2) in remaining the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold after the last day of the grace period provided for in that paragraph;

十六 第五十二条の九第四項の規定による命令に違反して銀行の主要株主基準値以上の数の議決権の保有者であつたとき、又は第五十二条の十五第二項の規定に違反して同項に規定する内閣総理大臣が指定する期間を超えて銀行の主要株主基準値以上の数の議決権の保有者であつたとき。

(xvi) the person remains the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold, in violation of an order under Article 52-9, paragraph (4); or remains the holder of a number of voting rights in the bank which is equal to or greater than the major shareholder threshold even after the period designated by the Prime Minister as provided for in Article 52-15, paragraph (2), in violation of that paragraph;

十六の二 第五十二条の二十一の二第二項の規定による内閣総理大臣の認可を受けな
いで同条第一項に規定する内閣府令で定める業務を行つたとき。

(xvi)-2 the person performs the services specified by Cabinet Office Order as
prescribed in Article 52-21-2, paragraph (1) without obtaining the
authorization of the Prime Minister under paragraph (2) of that Article;

十七 第五十二条の二十三第六項の規定による内閣総理大臣の認可を受けな
いで同項
に規定する子会社対象銀行等を子会社としたとき、若しくは同条第八項において準
用する同条第六項の規定による内閣総理大臣の認可を受けな
いで同条第一項各号に
掲げる会社を当該各号のうち他の号に掲げる会社（同条第六項に規定する子会社対
象銀行等に限る。）に該当する子会社としたとき、又は第五十二条の二十三の二第
六項において準用する同条第三項の規定による内閣総理大臣の認可を受けな
いで特
例子会社対象会社を同項の認可に係る特例子会社対象業務以外の特例子会社対象業
務を営む持株特定子会社としたとき。

(xvii) the person makes a bank, etc. eligible to be a subsidiary company as
prescribed in Article 52-23, paragraph (6) its subsidiary company without
obtaining authorization of the Prime Minister under that paragraph; makes
a company as set forth in one of the items of paragraph (1) of that Article a
subsidiary company that constitutes a company as set forth in one of the
other items of that paragraph (limited to a bank, etc. eligible to be a
subsidiary company prescribed in paragraph (6) of that Article) without
obtaining the authorization of the Prime Minister under paragraph (6) of
that Article as applied mutatis mutandis pursuant to paragraph (8) of that
Article; or makes a company eligible to be a special subsidiary company a
specified bank holding company Subsidiary that performs subject services of
a special subsidiary company other than the subject services of a special
subsidiary company to which the authorization referred to in Article 52-23-2,
paragraph (3) pertains, without obtaining the authorization of the Prime
Minister under that paragraph as applied mutatis mutandis pursuant to
paragraph (6) of that Article;

十八 第五十二条の四十三（第五十二条の二の十において準用する場合を含む。）の
規定により行うべき財産の管理を行わないとき。

(xviii) the person fails manage property as it is required to be managed
pursuant to the provisions of Article 52-43 (including as applied mutatis
mutandis pursuant to Article 52-2-10);

十九 第五十二条の四十九（第五十二条の二の十において準用する場合を含む。）若
しくは第五十二条の六十一の十二の規定による帳簿書類の作成若しくは保存をせず、
又は虚偽の帳簿書類を作成したとき。

(xix) the person fails to prepare or keep on file the books and documents under
Article 52-49 (including as applied mutatis mutandis pursuant to Article 52-
2-10) or Article 52-61-12, or prepares false books and documents as under
those provisions;

二十 第五十四条第一項の規定により付した条件（第八条第二項若しくは第三項、第十六条の二第七項（同条第九項において準用する場合を含む。）、第三十条第一項から第三項まで、第三十七条第一項、第四十七条の三、第五十二条の二第一項若しくは第二項、第五十二条の九第一項若しくは第二項ただし書、第五十二条の二十三第六項（同条第八項において準用する場合を含む。）、第五十二条の二十三の二第三項（同条第六項において準用する場合を含む。）又は第五十二条の三十五第一項から第三項までの規定による認可に係るものに限る。）に違反したとき。

(xx) the person violates the conditions that have been attached pursuant to the provisions of Article 54, paragraph (1) (limited to those attached to the authorization under Article 8, paragraph (2) or (3); Article 16-2, paragraph (7) (including as applied mutatis mutandis pursuant to paragraph (9) of that Article); Article 30, paragraphs (1) through (3); Article 37, paragraph (1); Article 47-3; Article 52-2, paragraph (1) or paragraph (2); Article 52-9, paragraph (1) or the proviso to Article 52-9, paragraph (2); Article 52-23, paragraph (6) (including as applied mutatis mutandis pursuant to paragraph (8) of that Article); Article 52-23-2, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (6) of that Article); or Article 52-35, paragraphs (1) through (3)); or

二十一 第五十七条の四の規定による登記をしなかつたとき。

(xxi) the person fails to register as under Article 57-4.

第六十六条 次のいずれかに該当する者は、百万円以下の過料に処する。

Article 66 A person falling under one of the following is subject to punishment by a civil fine of not more than one million yen:

一 第六条第二項の規定に違反してその名称又は商号中に銀行であることを示す文字を使用した者

(i) a person using characters in its name or trade name which indicate it to be a bank, in violation of the provisions of Article 6, paragraph (2);

二 第四十九条の二第二項において準用する会社法第九百四十六条第三項（調査の義務等）の規定に違反して、報告をせず、又は虚偽の報告をした者

(ii) a person failing to report or falsely reporting, in violation of the provisions of Article 946, paragraph (3) (Obligation, etc. of Investigation) of the Companies Act as applied mutatis mutandis pursuant to Article 49-2, paragraph (2);

三 正当な理由がないのに、第四十九条の二第二項において準用する会社法第九百五十一条第二項各号（財務諸表等の備置き及び閲覧等）又は第九百五十五条第二項各号（調査記録簿等の記載等）に掲げる請求を拒んだ者

(iii) a person refusing a request set forth in one of the items of Article 951, paragraph (2) (Keeping and Inspection, etc. of Financial Statements, etc.) of the Companies Act or the items of Article 955, paragraph (2) (Statements, etc. in an Investigation Record Book, etc.) of that Act as applied mutatis

mutandis pursuant to Article 49-2, paragraph (2), without legitimate grounds for doing so; or

四 第五十二条の七十六の規定に違反した者

(iv) a person violating the provisions of Article 52-76.

第六十六条の二 正当な理由がないのに第五十二条の六十一の二十一第一項の規定による名簿の縦覧を拒んだ者は、五十万円以下の過料に処する。

Article 66-2 A person refusing to make a membership list available for public inspection pursuant to Article 52-61-21, paragraph (1) without legitimate grounds for doing so is subject to punishment by a civil fine of not more than 500,000 yen.

第六十七条 次の各号のいずれかに該当する者は、十万円以下の過料に処する。

Article 67 A person falling under any of the following items is subject to punishment by a civil fine of not more than 100,000 yen:

一 第五十二条の六十一の二十一第二項の規定に違反してその名称中に認定電子決済等代行事業者協会と誤認されるおそれのある文字を使用した者

(i) a person using a term in its name that could give rise to the misconception that it is a certified association of electronic payment service providers, in violation of Article 52-61-21, paragraph (2); or

二 第五十二条の七十七の規定に違反してその名称又は商号中に指定紛争解決機関と誤認されるおそれのある文字を使用した者

(ii) a person using a term in its name or trade name that could give rise to the misconception that it is a designated dispute resolution organization, in violation of Article 52-77.

第十章 没収に関する手続等の特例

Chapter X Special Provisions on Procedures Concerning Confiscation

(第三者の財産の没収手続等)

(Procedure for Confiscation of Third-Party Assets)

第六十八条 第六十三条の二の三第一項の規定により没収すべき財産である債権等（不動産及び動産以外の財産をいう。次条及び第七十条において同じ。）が被告人以外の者（以下この条において「第三者」という。）に帰属する場合において、当該第三者が被告事件の手続への参加を許されていないときは、没収の裁判をすることができない。

Article 68 (1) If a claim or similar asset (meaning an asset other than real property or a movable; the same applies in the following Article and Article 70) constituting an asset to be confiscated pursuant to the provisions of Article 63-2-3, paragraph (1), belongs to a person other than the defendant (hereinafter referred to as a "third party" in this Article), and the third party is not allowed

to participate in the proceedings of the case under public prosecution, it is not permissible to issue a judicial decision to confiscate that asset.

2 第六十三条の二の三第一項の規定により、地上権、抵当権その他の第三者の権利がその上に存在する財産を没収しようとする場合において、当該第三者が被告事件の手続への参加を許されていないときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply if the relevant authorities seek to confiscate an asset on which a superficies, a mortgage, or any other right of a third party exists pursuant to the provisions of Article 63-2-3, paragraph (1), and the third party is not allowed to participate in the proceedings of the case under public prosecution.

3 金融商品取引法第二百九条の四第三項から第五項まで（第三者の財産の没収手続等）の規定は、地上権、抵当権その他の第三者の権利がその上に存在する財産を没収する場合において、第六十三条の二の三第二項において準用する同法第二百九条の三第二項（没収の要件等）の規定により当該権利を存続させるべきときについて準用する。この場合において、同法第二百九条の四第三項及び第四項中「前条第二項」とあるのは、「銀行法第六十三条の二の三第二項において準用する前条第二項」と読み替えるものとする。

(3) The provisions of Article 209-4, paragraphs (3) through (5) (Procedure for Confiscation of Property of a Third Party, etc.) of the Financial Instruments and Exchange Act apply mutatis mutandis if the relevant authorities confiscate an asset on which a superficies, a mortgage or any other right of a third party exists, and that right is to be kept in existence pursuant to the provisions of Article 209-3, paragraph (2) (Requirements for Confiscation, etc.) of that Act as applied mutatis mutandis pursuant to Article 63-2-3, paragraph (2). In this case, the term "paragraph (2) of the preceding Article" in Article 209-4, paragraph (3) and paragraph (4) of that Act is deemed to be replaced with "paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to Article 63-2-3, paragraph (2) of the Banking Act."

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

(4) Beyond what is specifically provided for in this Act regarding the procedures involved in confiscating assets as prescribed in paragraph (1) and paragraph (2), the provisions of the Act on Emergency Measures Regarding Procedures for Confiscating Items Owned by Third Parties in Criminal Cases (Act No. 138 of 1963) apply mutatis mutandis.

（没収された債権等の処分等）

(Disposition of a Confiscated Claim or Similar Asset)

第六十九条 金融商品取引法第二百九条の五第一項（没収された債権等の処分等）の規定は第六十三条の二の二の罪に関し没収された債権等について、同法第二百九条の五

第二項の規定は第六十三条の二の二の罪に関し没収すべき債権の没収の裁判が確定したときについて、同法第二百九条の六（没収の裁判に基づく登記等）の規定は権利の移転について登記又は登録を要する財産を第六十三条の二の二の罪に関し没収する裁判に基づき権利の移転の登記又は登録を関係機関に嘱託する場合について、それぞれ準用する。

Article 69 The provisions of Article 209-5, paragraph (1) (Disposition of a Confiscated Claim, etc.) of the Financial Instruments and Exchange Act apply mutatis mutandis to a claim or similar asset that has been confiscated in connection with a crime as set forth in Article 63-2-2; the provisions of Article 209-5, paragraph (2) of that Act apply mutatis mutandis if a judicial decision to confiscate a claim that is to be confiscated in connection with a crime as set forth in Article 63-2-2 has become final and binding; and the provisions of Article 209-6 (Registration Based on a Judicial Decision for Confiscation, etc.) of that Act apply mutatis mutandis if a relevant organization is commissioned to register the transfer of a right based on a judicial decision to confiscate an asset whose transfer requires the registration of a transfer of rights in connection with a crime as set forth in Article 63-2-2.

（刑事補償の特例）

(Special Provisions on Criminal Compensation)

第七十条 第六十三条の二の二の罪に関し没収すべき債権等の没収の執行に対する刑事補償法（昭和二十五年法律第一号）による補償の内容については、同法第四条第六項（補償の内容）の規定を準用する。

Article 70 The provisions of Article 4, paragraph (6) of the Act on Compensation for Pre-Conviction Detention (Act No. 1 of 1950) apply mutatis mutandis to the substance of compensation under that Act to redress a confiscation executed against a claim or similar asset to be confiscated in connection with a crime as set forth in Article 63-2-2.

附 則

Supplementary Provisions

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、附則第九条第一項及び第二項の規定は、公布の日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year from the date of its promulgation; provided, however, that Article 9, paragraph (1) and paragraph (2) of these Supplementary Provisions come into effect as of the date of promulgation of

this Act.

(営業の免許に関する経過措置)

(Transitional Measures for Business Licenses)

第二条 この法律の施行の際現に改正前の銀行法（以下「旧法」という。）第二条の主務大臣の免許を受けている者（旧法第三十九条第二項又は旧法以外の法律若しくはこれに基づく命令の規定により旧法第二条の主務大臣の免許を受けたものとみなされる者を含み、旧法第三十二条第一項の規定により旧法第二条の主務大臣の免許を受けている者を除く。）は、この法律の施行の際に改正後の銀行法（以下「新法」という。）第四条第一項の大蔵大臣の免許を受けたものとみなす。

Article 2 A person that has obtained the license of the competent minister as referred to in Article 2 of the pre-amendment Banking Act (hereinafter referred to as the "Former Act") as of the time this Act comes into effect (this includes a person that is deemed to have obtained the license of the competent minister as referred to in Article 2 of the Former Act pursuant to Article 39, paragraph (2) of the Former Act, a law other than the Former Act, or an order based on one of these, but excludes a person that has obtained the license of the competent minister as referred to in Article 2 of the Former Act pursuant to Article 32, paragraph (1) of the Former Act) is deemed to have obtained the license of the Minister of Finance as referred to in Article 4, paragraph (1) of the post-amendment Banking Act (hereinafter referred to as the "New Act") at the time this Act comes into effect.

(資本の額に関する経過措置)

(Transitional Measures for Amounts of Capital)

第三条 新法第五条第一項の規定は、前条の規定により新法第四条第一項の大蔵大臣の免許を受けたものとみなされる銀行（以下「旧法の免許を受けた銀行」という。）で、この法律の施行の際現にその資本の額が新法第五条第一項の規定に基づく政令で定める額を下回っているものについては、この法律の施行の日（以下「施行日」という。）から起算して五年を経過する日までの間は、適用しない。

Article 3 The provisions of Article 5, paragraph (1) of the New Act do not apply until last day in the five-year period after the day on which this Act comes into effect (hereinafter referred to as the "effective date") with respect to a bank that is deemed, pursuant to the provisions of the preceding Article, to have obtained the license of the Minister of Finance as referred to in Article 4, paragraph (1) of the New Act (hereinafter referred to as a "bank licensed under the Former Act"), whose amount of capital at the time this Act comes into effect is less than the amount that is specified by Cabinet Order based on the provisions of Article 5, paragraph (1) of the New Act.

(海外現地法人に係る認可に関する経過措置)

(Transitional Measures for Authorization of Overseas Subsidiaries)

第四条 この法律の施行の際現に旧法の免許を受けた銀行が新法第九条第一項に規定する外国の会社の発行済株式の総数又は出資の総額に同項の規定に基づく大蔵省令で定める率を乗じて得た数又は額を超えて当該外国の会社の株式又は持分を保有しているときは、当該旧法の免許を受けた銀行は、施行日から起算して三月以内にその旨を大蔵大臣に届け出なければならない。

Article 4 (1) If, at the time this Act comes into effect, a bank licensed under the Former Act holds shares or equity in a foreign company as referred to in Article 9, paragraph (1) of the New Act in excess of the quantity or amount arrived at by multiplying the total number of issued shares or total amount of contribution in the foreign company by the rate specified by the Ministry of Finance Order based on Article 9, paragraph (1) of the New Act, it must file a notification with the Minister of Finance indicating this, within three months after the effective date.

2 この法律の施行の際旧法の免許を受けた銀行が第一号に掲げる許可を受け又は第二号に掲げる届出をしている株式又は持分の取得が新法第九条第一項の規定に該当するものであるときは、当該旧法の免許を受けた銀行は、施行日から記算して三月以内にその旨を大蔵大臣に届け出なければならない。

(2) If, at the time this Act comes into effect, the acquisition of shares or equity interest for which a bank licensed under the former Act has received the permission set forth in item (i) or with regard to which it has filed the notification set forth in item (ii) falls under a category to which Article 9, paragraph (1) of the new Act is applicable, it must file a notification with the Minister of Finance indicating this, within three months after the effective date.

一 外国為替及び外国貿易管理法（昭和二十四年法律第二百二十八号）第二十一条第二項（大蔵大臣の許可を要する資本取引）の規定による許可

(i) permission under the provisions of Article 21, paragraph (2) (Capital Transactions for Which Permission of Minister of Finance is Required) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949);

二 外国為替及び外国貿易管理法第二十二条第一項第四号（居住者による対外直接投資に係る届出）の規定による届出（当該届出につき、同法第二十三条第二項（資本取引に係る内容の審査及び変更勧告等）の規定による大蔵大臣の勧告を受けることなく同条第一項の規定により当該届出に係る当該株式若しくは持分の取得を行つてはならない期間を経過している場合又は当該勧告を受け同条第四項の規定により当該勧告を応諾する旨の通知がされている場合に限る。）

(ii) a notification under Article 22, paragraph (1), item (iv) (Notification of Outward Direct Investment by a Resident) of the Foreign Exchange and Foreign Trade Act (but only if the period during which the acquisition of the shares or the equity interest to which the notification pertains is prohibited pursuant to the provisions of Article 23, paragraph (1) of that Act has

already expired without the bank having received a recommendation from the Minister of Finance as provided in Article 23, paragraph (2) of that Act (Examination on Contents of Capital Transactions and Recommendation to Change Thereof), or if the bank has received that recommendation and notified the relevant person of its acceptance of the recommendation, pursuant to the provisions of Article 23, paragraph (4) of that Act).

3 前二項の規定により届出をした旧法の免許を受けた銀行は、当該届出に係る株式又は持分の取得につき新法第九条第一項の認可を受けたものとみなす。

(3) A bank licensed under the Former Act that files a notification pursuant to the provisions of one of the preceding two paragraphs is deemed to have obtained the authorization referred to in Article 9, paragraph (1) of the New Act for acquiring the shares or equity interest to which the notification pertains.

第五条 削除

Article 5 Deleted

(同一人に対する信用の供与に関する経過措置)

(Transitional Measures for Extending Credit to a Single Person)

第六条 新法第十三条第一項本文の規定は、この法律の施行の際現に同一人に対する同項本文に規定する信用の供与が同項本文に規定する信用供与限度額を超えている旧法の免許を受けた銀行の当該信用の供与については、施行日から記算して三月間は、適用しない。

Article 6 (1) The provisions of the main clause of Article 13, paragraph (1) of the New Act do not apply for three months after the effective date to the extending of credit as prescribed in the main clause of Article 13, paragraph (1) of the New Act which, as of the time this Act comes into effect, has been extended by a bank licensed under the Former Act to a single person in an amount that exceeds the limit on extensions of credit as provided in the main clause of paragraph (1) of the New Act.

2 新法第十三条の規定は、外国銀行支店については、施行日から起算して五年間は、適用しない。

(2) The provisions of Article 13 of the New Act do not apply to a foreign bank branch for five years after the effective date.

(取締役に対する信用の供与に関する経過措置)

(Transitional Measures for Extending Credit to Directors)

第七条 新法第十四条の規定は、施行日以後に銀行の取締役が商法第二百六十五条の規定による取締役会の承認を受ける新法第十四条第一項に規定する信用の供与について適用し、施行日前に商法第二百六十五条の規定による取締役会の承認を受けた当該信用の供与については、なお従前の例による。

Article 7 The provisions of Article 14 of the New Act apply to the extending of credit as prescribed in Article 14, paragraph (1) of the New Act for which the director of the bank has obtained the approval of the board of directors under Article 265 of the Commercial Code on or after the effective date, and prior laws continue to govern the extending of credit for which the director of the bank has obtained the approval of the board of directors under Article 265 of the Commercial Code prior to the effective date.

(臨時休業等に関する経過措置)

(Transitional Measures for a Temporary Suspension of Business)

第八条 新法第十六条の規定は、施行日以後に銀行がその営業所又は代理店において臨時にその業務の全部又は一部を休止する場合について適用し、施行日前に旧法の免許を受けた銀行が臨時に休業し、又は預金の払戻しを停止した場合については、なお従前の例による。

Article 8 The provisions of Article 16 of the New Act apply if a bank temporarily suspends all or part of its services at its business office or agency on or after the effective date, and prior laws continue to govern a situation in which a bank licensed under the Former Act temporarily suspends business or suspends the repayment of deposits before the effective date.

(経理に関する経過措置等)

(Transitional Measures for Accounting)

第九条 昭和五十六年四月から開始する銀行の営業年度については、大蔵大臣の定めるところにより、同月から昭和五十七年三月までとすることができる。

Article 9 (1) The fiscal year of a bank that starts from April 1981 may be made to run from that month until March 1982, in accordance with what is provided by the Minister of Finance.

2 昭和五十六年四月から開始する銀行の営業年度を前項の規定によることとした場合における銀行法（昭和二年法律第二十一号）第八条の規定の適用については、同条中「毎決算期」とあるのは「、当該営業年度ニ係ル決算期」と、「利益準備金」とあるのは「、当該営業年度中ニ商法第二百九十三条ノ五第一項ノ金銭ノ分配ヲ為ストキハ其ノ分配額ノ五分ノ一ヲ夫々利益準備金」とする。

(2) In applying the provisions of Article 8 of the Banking Act (Act No. 21 of 1927) when a bank has a fiscal year starting from April 1981 that has been made to conform to the preceding paragraph, the term "every accounting period" in that Article is deemed to be replaced with "the accounting periods for the relevant fiscal year" and the term "must be set aside as retained earnings reserves" is deemed to be replaced with "and, if a distribution of money as referred to in Article 293-5, paragraph (1) of the Commercial Code is made, one fifth of the amount of the distributed money must be set aside as retained earnings reserves".

3 前項の規定中「銀行法（昭和二年法律第二十一号）第八条の規定の適用」とあるのは、施行日以後においては、「次条第一項の規定によりなお従前の例によることとされる旧法第八条の規定」と読み替えるものとする。

(3) The term "In applying the provisions of Article 8 of the Banking Act (Act No. 21 of 1927)" in the preceding paragraph is deemed to be replaced with "The provisions of Article 8 of the Former Act, which constitute the prior laws that are to continue to govern a situation pursuant to the provisions of paragraph (1) of the following Article" on and after the effective date.

第十条 新法第十七条及び第十八条の規定は、昭和五十七年四月一日以後に開始する営業年度及び当該営業年度に係る利益準備金の積立てについて適用し、同日前に開始した営業年度及び当該営業年度に係る利益準備金の積立てについては、なお従前の例による。

Article 10 (1) The provisions of Article 17 and Article 18 of the New Act apply to a fiscal year starting on or after April 1, 1982, and the reserves of retained earnings to be set aside therefor; and prior laws continue to govern a fiscal year starting before that date and the reserves of retained earnings to be set aside therefor.

2 新法第十九条から第二十二條までの規定は、昭和五十七年四月一日以後に開始する営業年度に係るこれらの規定に規定する書類について適用し、同日前に開始した営業年度に係る旧法第十条から第十二条ノ二までに規定する書類については、なお従前の例による。

(2) The provisions of Articles 19 through 22 of the New Act apply to a document provided for in one of these provisions which is connected with a fiscal year starting on or after April 1, 1982, and prior laws continue to govern a document provided for in Articles 10 through 12-2 of the Former Act which is connected with a fiscal year starting before that date.

(免許の取消し等に関する経過措置)

(Transitional Measures for the Revocation of a License)

第十一条 新法第二十七条の規定は、施行日以後にした行為に係る銀行の業務の停止、取締役又は監査役の解任及び新法第四条第一項の内閣総理大臣の免許の取消しについて適用し、施行日前にした行為に係る旧法の免許を受けた銀行の業務の停止、取締役又は監査役の改任及び主務大臣の免許の取消しについては、なお従前の例による。

Article 11 The provisions of Article 27 of the New Act apply to the suspension of bank services, dismissal of a director or company auditor, or revocation of the license of the Prime Minister as referred to in Article 4, paragraph (1) of the New Act, in connection with an action that a bank takes on or after the effective date; and prior laws continue to govern the suspension of bank services, dismissal of a director or company auditor, or revocation of the license of the competent minister in connection with an action that a bank licensed

under the Former Act takes before the effective date.

(営業等の譲渡又は譲受けの認可に関する経過措置)

(Transitional Measures for Authorizing the Transfer or Acquisition of a Commercial Operation)

第十二条 新法第三十条第三項又は第四項の規定は、施行日以後にされる株主総会又は取締役会の決議に係る営業の譲渡若しくは譲受け又は事業の譲受けについて適用する。

Article 12 The provisions of Article 30, paragraph (3) or paragraph (4) of the New Act apply to the transfer or acquisition of a commercial operation or business acquisition approved by a resolution at a shareholders meeting or of board of directors that is passed on or after the effective date.

(合併の異議の催告に関する経過措置)

(Transitional Measures for Notices about Objections to a Merger)

第十三条 新法第三十三条の規定は、施行日以後に銀行が同条に規定する合併の決議をした場合における同条に規定する催告について適用し、施行日前にした合併の決議に係る催告については、なお従前の例による。

Article 13 The provisions of Article 33 of the New Act apply to the notice provided for in that Article if a bank passes a merger resolution as provided in that Article on or after the effective date, and prior laws continue to govern the notice of a merger resolution passed before the effective date.

(営業等の譲渡又は譲受けに伴う手続に関する経過措置)

(Transitional Measures for Processes Accompanying the Transfer or Acquisition of a Commercial Operation)

第十四条 新法第三十四条及び第三十五条の規定は、施行日以後にされる株主総会又は取締役会の決議に係る公告及び催告並びに債権者の異議について適用する。

Article 14 (1) The provisions of Article 34 and Article 35 of the New Act apply to a public notice, notice, or creditor's objection in respect of a resolution at a shareholders meeting or of board of directors that is passed on or after the effective date.

2 新法第三十六条の規定は、施行日以後にされる株主総会又は取締役会の決議に係る営業の譲渡について適用する。

(2) The provisions of Article 36 of the New Act apply to the transfer of a commercial operation under a resolution at a shareholders meeting or of board of directors that is passed on or after the effective date.

(廃業等の公告等に関する経過措置)

(Transitional Measures for Public Notice of Business Discontinuance)

第十五条 新法第三十八条の規定は、施行日以後に新法第三十七条第一項の規定による認可を受けた場合について適用し、施行日前に旧法第二十五条の規定による認可を受

けた場合については、なお従前の例による。

Article 15 The provisions of Article 38 of the New Act apply if the authorization under Article 37, paragraph (1) of the New Act is granted on or after the effective date, and prior laws continue to govern a situation in which the authorization under Article 25 of the Former Act is granted before the effective date.

(免許の取消しによる解散等に関する経過措置)

(Transitional Measures for Dissolution as a Result of the Revocation of a License)

第十六条 附則第十一条の規定によりなお従前の例によることとされる場合における旧法の免許を受けた銀行に係る主務大臣の免許の取消しは、新法第二十七条又は第二十八条の規定による新法第四条第一項の大蔵大臣の免許の取消しとみなして、新法第四十条、第四十二条及び第五十六条第二号の規定を適用する。

Article 16 The revocation of the license of the competent minister in respect of a bank licensed under the Former Act, which takes place when prior laws continue to govern a situation pursuant to the provisions of Article 11 of these Supplementary Provisions, is deemed to constitute a revocation under Article 27 or Article 28 of the New Act of the license of the Minister of Finance as referred to in Article 4, paragraph (1) of the New Act, and the provisions of Article 40; Article 42; and Article 56, item (ii) of the New Act apply.

(免許の失効に関する経過措置)

(Transitional Measures for a Loss of License)

第十七条 新法第四十一条第四号の規定は、施行日以後に銀行が受けた新法第四条第一項の内閣総理大臣の免許について適用し、施行日前に旧法の免許を受けた銀行に係る旧法第二条の主務大臣の免許については、なお従前の例による。

Article 17 The provisions of Article 41, item (iv) of the New Act apply to the license of the Prime Minister as referred to in Article 4, paragraph (1) of the New Act that a bank obtains on or after the effective date, and prior laws continue to govern the license of the competent minister referred to in Article 2 of the Former Act that a bank licensed under the Former Act obtains before the effective date.

(他業会社への転移等に関する経過措置)

(Transitional Measures for Conversion into a Company in a Different Business)

第十八条 新法第四十三条の規定は、施行日以後に銀行が新法第四十一条第一号の規定に該当して新法第四条第一項の内閣総理大臣の免許が効力を失った場合及び施行日以後に銀行等以外の会社が合併により銀行の預金又は定期積金の債務を承継した場合について適用し、施行日の前日において旧法第二十六条の規定の適用を受けている会社に対する主務大臣の監督については、なお従前の例による。

Article 18 The provisions of Article 43 of the New Act apply if a bank falls under the provisions of Article 41, item (i) of the New Act on or after the effective date and thereby the license of the Prime Minister as referred to in Article 4, paragraph (1) of the New Act ceases to be effective, and these provisions also apply if a company not constituting a bank, etc. succeeds to the liabilities of any outstanding deposit or installment savings after the effective date due to a merger; and prior laws continue to govern the competent minister's supervision of a company to which the provisions of Article 26 of the Former Act have applied as of the day before the effective date.

(清算人の任免及び清算の監督に関する経過措置)

(Transitional Measures for the Appointment and Dismissal of a Liquidator, and Supervision of Liquidation)

第十九条 新法第四十四条及び第四十五条の規定は、施行日以後に銀行が解散した場合について適用し、施行日前に開始された清算に係る旧法第二十七条第二項及び第二十八条並びに第二十九条に規定する清算人の解任及び選任並びに監督については、なお従前の例による。

Article 19 The provisions of Article 44 and Article 45 of the New Act apply if a bank is dissolved on or after the effective date, and prior laws continue to govern the dismissal, appointment, and supervision of a liquidator as provided in Article 27, paragraph (2), Article 28, and Article 29 of the Former Act in respect of liquidation commencing before the effective date.

(清算手続等における内閣総理大臣の意見等に関する経過措置)

(Transitional Measures Involving the Prime Minister's Opinion in Liquidation Proceedings)

第二十条 新法第四十六条の規定は、施行日以後に開始される銀行（銀行が解散した場合における当該銀行であつた会社を含む。）の清算手続、破産手続、和議手続、整理手続又は更生手続について適用し、施行日前に開始された旧法第三十条及び第三十一条に規定する清算、破産又は強制和議については、なお従前の例による。

Article 20 The provisions of Article 46 of the New Act apply to liquidation proceedings, bankruptcy proceedings, composition proceedings, arrangement proceedings, or reorganization proceedings commencing on or after the effective date for a bank (or for a company that was a bank before its dissolution); and prior laws continue to govern liquidation, bankruptcy, or compulsory composition as prescribed in Article 30 or Article 31 of the Former Act which have commenced before the effective date.

(外国銀行支店に係る営業の免許に関する経過措置)

(Transitional Measures for Foreign Bank Branches' Business Licenses)

第二十一条 この法律の施行の際現に旧法第三十二条第一項の規定により旧法第二条の

主務大臣の免許を受けている者は、この法律の施行の際に新法第四十七条第一項の規定により新法第四条第一項の大蔵大臣の免許を受けたものとみなす。

Article 21 (1) A person that has obtained the license of the competent minister as referred to in Article 2 of the Former Act pursuant to the provisions of Article 32, paragraph (1) of the Former Act as of the time this Act comes into effect is deemed to have obtained the license of the Minister of Finance as referred to in Article 4, paragraph (1) of the New Act pursuant to the provisions of Article 47, paragraph (1) of the New Act as of the time this Act comes into effect.

2 前項の規定により新法第四条第一項の大蔵大臣の免許を受けたものとみなされる者は、施行日から起算して三月以内に当該免許に係る外国銀行支店の代表者の氏名を大蔵大臣に届け出なければならない。

(2) A person that is deemed to have obtained the license of the Minister of Finance as referred to in Article 4, paragraph (1) of the New Act pursuant to the provisions of the preceding paragraph must file a notification with the Minister of Finance indicating the name of the representative of the foreign bank branch under that license, within three months after the effective date.

(外国銀行支店の資料の提出等に関する経過措置)

(Transitional Measures for the Submission of Materials by a Foreign Bank Branch)

第二十二條 新法第四十八條第一項の規定は、昭和五十七年四月一日以後に開始する営業年度に係る同項に規定する資料の提出について適用する。

Article 22 The provisions of Article 48, paragraph (1) of the New Act apply to the submission of materials provided for in Article 48, paragraph (1) of the New Act which are connected with a fiscal year starting on or after April 1, 1982.

(外国銀行の駐在員事務所の設置の届出等に関する経過措置)

(Transitional Measures for Filing a Notification of the Establishment of the Representative Office of a Foreign Bank)

第二十三條 この法律の施行の際現に新法第五十二条第一項の施設を設置している外国銀行は、施行日から起算して三月以内に当該施設について同項に規定する業務の内容、施設の所在地その他大蔵省令で定める事項を大蔵大臣に届け出なければならない。この場合において、当該届出は、同項の規定によりされた届出とみなす。

Article 23 A foreign bank that has established a facility as referred to in Article 52, paragraph (1) of the New Act as of the time this Act comes into effect must file a notification with the Minister of Finance in respect of the contents of its business, the location of the facility, and the particulars specified by Ministry of Finance Order as provided in that paragraph, within three months after the effective date. In this case, that notification is deemed to be a notification filed pursuant to the provisions of that paragraph.

(認可の失効に関する経過措置)

(Transitional Measures for a Loss of Authorization)

第二十四条 新法第五十五条の規定は、施行日以後に銀行が受ける新法の規定による認可について適用し、旧法の免許を受けた銀行が施行日前に受けた新法に相当の規定のある旧法の規定による認可については、なお従前の例による。

Article 24 The provisions of Article 55 of the New Act apply to an authorization under the provisions of the New Act that a bank obtains on or after the effective date; and prior laws continue to govern an authorization under the provisions of the Former Act for which the corresponding provisions exist in the New Act, which a bank licensed under the Former Act has obtained before the effective date.

(旧法等の規定に基づく処分又は手続の効力)

(Effect of Dispositions or Procedures Based on the Provisions of the Former Act)

第二十五条 施行日前に旧法又はこれに基づく命令の規定によつてした認可、承認その他の処分又は申請その他の手続で新法又はこれに基づく命令に相当の規定があるものは、この附則に別段の定めがあるものを除き、新法又はこれに基づく命令の相当の規定によつてした認可、承認その他の処分又は申請その他の手続とみなす。

Article 25 Unless otherwise provided by these Supplementary Provisions, a disposition such as the granting of authorization or approval, or a procedure such as the filing of an application which has taken place before the effective date pursuant to the provisions of the Former Act or an order based on the Former Act, and for which corresponding provisions exist in the New Act or an order based on the New Act is deemed to be a disposition such as the granting of authorization or approval, or a procedure such as the filing of an application which has taken place pursuant to the corresponding provisions of the New Act or an order based on the New Act.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第二十六条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 26 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in respect of things that prior laws continue to govern pursuant to these Supplementary Provisions.

(政令への委任)

(Delegation to Cabinet Order)

第二十七条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 27 Beyond what is provided for in Article 2 through the preceding Article of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

附 則 [昭和五十六年六月九日法律第七十五号] [抄]

Supplementary Provisions [Act No. 75 of June 9, 1981] [Extract]

この法律は、商法等の一部を改正する法律の施行の日（昭和五十七年十月一日）から施行する。

This Act comes into effect as of the day on which the Act Partially Amending the Commercial Code and Other Acts comes into effect (October 1, 1982).

附 則 [昭和五十八年十二月二日法律第七十八号]

Supplementary Provisions [Act No. 78 of December 2, 1983]

1 この法律（第一条を除く。）は、昭和五十九年七月一日から施行する。

(1) This Act (excluding Article 1) comes into effect as of July 1, 1984.

2 この法律の施行の日の前日において法律の規定により置かれている機関等で、この法律の施行の日以後は国家行政組織法又はこの法律による改正後の関係法律の規定に基づく政令（以下「関係政令」という。）の規定により置かれることとなるものに関し必要となる経過措置その他この法律の施行に伴う関係政令の制定又は改廃に関し必要となる経過措置は、政令で定めることができる。

(2) Transitional measures that come to be necessary as regards organizations, etc. which have been established pursuant to the provisions of law as of the day before the effective date of this Act, and which are to continue to be in place after the effective date of this Act pursuant to the provisions of the National Government Organization Act or pursuant to the provisions of Cabinet Order based on the provisions of a related Act amended by this Act (hereinafter referred to as a "related Cabinet Order"), and transitional measures that come to be necessary for the establishment, amendment, or abolition of related Cabinet Orders in connection with the implementation of this Act may be specified by Cabinet Order.

附 則 [昭和六十三年五月三十一日法律第七十五号] [抄]

Supplementary Provisions [Act No. 75 of May 31, 1988] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation.

(銀行法の一部改正に伴う経過措置)

(Transitional Measures Accompanying the Partial Amendment of the Banking Act)

第四十条 この法律の施行の際現に前条の規定による改正前の銀行法附則第五条第一項の規定により業務の内容及び方法を定めて大蔵大臣の認可を受けている銀行は、この法律の施行の際に当該業務の内容及び方法と同一の業務の内容及び方法を定めて前条の規定による改正後の銀行法附則第五条第一項の大蔵大臣の認可を受けたものとみなす。

Article 40 A bank that has decided on a business outline and business methods and has obtained the authorization of the Minister of Finance as of the time this Act comes into effect pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions of the Banking Act before its amendment under the preceding Article is deemed to have decided on the the business outline and business methods and have obtained the authorization of the Minister of Finance as of the time this Act comes into effect pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions of the Banking Act after its amendment under the preceding Article.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第四十二条 施行日前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係る施行日以後にした行為に対する罰則の適用については、なお従前の例による。

Article 42 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before the effective date, as well as to conduct in which a person engages after the effective date in respect of things that prior laws continue to govern pursuant to these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第四十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 43 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures associated with the enforcement of this Act.

附 則 〔昭和六十三年五月三十一日法律第七十七号〕 〔抄〕
Supplementary Provisions [Act No. 77 of May 31, 1988] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year after the day of its promulgation.

附 則 〔平成四年六月二十六日法律第八十七号〕 〔抄〕
Supplementary Provisions [Act No. 87 of June 26, 1992] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year after the day of its promulgation.

(銀行法等の一部改正に伴う経過措置)

(Transitional Measures Accompanying the Partial Amendment of the Banking Act and Other Acts)

第二条 この法律の施行の際現に一の銀行等（第一条の規定による改正後の銀行法（以下「新銀行法」という。）第四条第五項に規定する銀行等をいう。以下この条において同じ。）が新銀行法第十六条の四第一項第二号（第二条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）第十七条又は第三条の規定による改正後の外国為替銀行法（以下「新外国為替銀行法」という。）第十一条において準用する場合を含む。次項において同じ。）に掲げる会社の発行済株式（議決権のあるものに限る。）の総数又は出資の総額（以下「発行済株式等」という。）の百分の五十を超える数又は額の株式（議決権のあるものに限る。）又は持分（以下「株式等」という。）を所有しているものは、当該銀行等は、この法律の施行の日（以下「施行日」という。）から起算して三月以内にその旨を大蔵大臣に届け出なければならない。

Article 2 (1) A single bank, etc. (meaning a bank, etc. as defined in Article 4, paragraph (5) of the Banking Act after its amendment under Article 1 (hereinafter referred to as the "new Banking Act"); hereinafter the same applies in this Article) that holds shares (limited to voting shares) or equity interest (hereinafter shares or equity interest are collectively referred to as "shares, etc.") in a number or amount that exceeds fifty percent of the total number of the issued shares (limited to voting shares) or the total amount of

contribution (hereinafter the total number of issued shares and the total amount of contribution are collectively referred to as "issued shares, etc.") in a company falling under one of the categories set forth in Article 16-4, paragraph (1), item (ii) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act after its amendment under Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act") or Article 11 of the Foreign Exchange Bank Act after its amendment under Article 3 (hereinafter referred to as the "New Foreign Exchange Bank Act"); the same applies in the following paragraph) at the time this Act comes into effect, must file a notification with the Minister of Finance indicating this, within three months after the day this Act comes into effect (hereinafter referred to as the "effective date").

2 この法律の施行の際銀行等が第一号に掲げる許可を受け、又は第二号に掲げる届出をしている株式等の取得（施行日において実行していないものに限る。）が、新銀行法第十六条の四第一項第二号に掲げる会社の発行済株式等の百分の五十を超える株式等の取得となるときは、当該銀行等は、施行日から起算して三月以内にその旨を大蔵大臣に届け出なければならない。

(2) If the acquisition of shares, etc. for which a bank, etc. has obtained the permission set forth in item (i) or filed the notification referred to in item (ii) as of the time when this Act comes into effect (limited to an acquisition that has not been implemented as of the effective date) constitutes an acquisition of shares, etc. exceeding fifty percent of the issued shares, etc. of a company as set forth in Article 16-4, paragraph (1), item (ii) of the New Banking Act, the bank, etc. must file a notification with the Minister of Finance indicating this, within three months after the effective date.

一 外国為替及び外国貿易管理法（昭和二十四年法律第二百二十八号）第二十一条第二項の規定による許可

(i) permission under Article 21, paragraph (2) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949); and

二 外国為替及び外国貿易管理法第二十二条第一項第四号の規定による届出（当該届出につき、同法第二十三条第二項の規定による大蔵大臣の勧告を受けることなく同条第一項の規定により当該届出に係る当該株式等の取得を行ってはならない期間を経過している場合又は当該勧告を受け同条第四項の規定により当該勧告を応諾する旨の通知がされている場合に限る。）

(ii) a notification under Article 22, paragraph (1), item (iv) of the Foreign Exchange and Foreign Trade Act (but only if the period during which the acquisition of the shares, etc. to which the notification pertains is prohibited pursuant to the provisions of Article 23, paragraph (1) of that Act has already expired without the bank, etc. having received a recommendation with regard to the notification from the Minister of Finance as provided in Article 23, paragraph (2) of that Act, or if the bank, etc. has received that

recommendation and notified the relevant person of its acceptance of the recommendation, pursuant to the provisions of Article 23, paragraph (4) of that Act).

3 新銀行法第十六条の四第三項（新長期信用銀行法第十七条又は新外国為替銀行法第十一条において準用する場合を含む。）において準用する新銀行法第十六条の二第二項の規定は、前二項の場合において銀行等が取得し、又は所有する株式等について準用する。

(3) The provisions of Article 16-2, paragraph (2) of the New Banking Act as applied mutatis mutandis pursuant to Article 16-4, paragraph (3) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act and Article 11 of the New Foreign Exchange Bank Act) apply to the shares, etc. acquired or held by a bank, etc. in a case referred to in the preceding two paragraphs.

4 第一項又は第二項の規定により届出をした銀行等は、当該届出に係る株式等に取得又は所有につき、施行日において新銀行法第十六条の四第一項（新長期信用銀行法第十七条又は新外国為替銀行法第十一条において準用する場合を含む。次項において同じ。）の認可を受けたものとみなす。

(4) A bank, etc. that files a notification pursuant to the provisions of paragraph (1) or paragraph (2) is deemed to obtain the authorization referred to in Article 16-4, paragraph (1) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act or Article 11 of the New Foreign Exchange Bank Act; the same applies in the following paragraph) on the effective date, to acquire or hold the shares, etc. to which the notification pertains.

5 施行日前に第一条の規定による改正前の銀行法（以下「旧銀行法」という。）第九条第一項（第二条の規定による改正前の長期信用銀行法（以下「旧長期信用銀行法」という。）第十七条若しくは第三条の規定による改正前の外国為替銀行法（以下「旧外国為替銀行法」という。）第十一条において準用する場合又は旧銀行法第九条第二項（旧長期信用銀行法第十七条又は旧外国為替銀行法第十一条において準用する場合を含む。）において準用する場合を含む。）の規定によって認可、当該認可に付した条件、当該認可に係る承認又は当該認可に係る申請は、新銀行法第十六条の四第一項の規定によってした認可、当該認可に付した条件、当該認可に係る承認又は当該認可に係る申請とみなす。

(5) An authorization that is granted, conditions that are attached to that authorization, approval that is granted in connection with that authorization, or an application that is filed for that authorization, before the effective date, pursuant to the provisions of Article 9, paragraph (1) of the Banking Act before its amendment under Article 1 (hereinafter referred to as the "Former Banking Act") (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act before its amendment under Article 2 (hereinafter referred to as the "Former Long-Term Credit Bank Act") or Article 11 of the

Foreign Exchange Bank Act before its amendment under Article 3 (hereinafter referred to as the "Former Foreign Exchange Bank Act"), or pursuant to Article 9, paragraph (2) of the Former Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the Former Long-Term Credit Bank Act or Article 11 of the Former Foreign Exchange Bank Act)) is deemed to be an authorization that is granted, conditions that are attached to that authorization, approval that is granted in connection with that authorization, or an application that is filed for that authorization, pursuant to Article 16-4, paragraph (1) of the New Banking Act.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第三十二条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 32 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in respect of things that prior laws continue to govern pursuant to these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第三十三条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 33 Beyond what is provided for in Article 2 through the preceding Article of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

附 則 〔平成五年六月十四日法律第六十三号〕

Supplementary Provisions [Act No. 63 of June 14, 1993]

この法律は、商法等の一部を改正する法律の施行の日から施行する。

This Act comes into effect as of the day on which the Act Partially Amending the Commercial Code and Other Acts comes into effect.

附 則 〔平成八年六月二十一日法律第九十四号〕〔抄〕

Supplementary Provisions [Act No. 94 of June 21, 1996] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成九年四月一日から施行する。ただし、次条第一項及び第二項、附則第三条第九項及び第十項、附則第九条第七項及び第八項、附則第十条第二項及び第三項並びに附則第十一条の規定は、公布の日から施行する。

Article 1 This Act comes into effect as of April 1, 1997; provided, however, that the provisions of paragraph (1) and paragraph (2) of the following Article; Article 3, paragraph (9) and paragraph (10); Article 9, paragraphs (7) and (8); Article 10, paragraph (2) and paragraph (3); and Article 11 of these Supplementary Provisions come into effect as of the day of its promulgation.

(銀行法の一部改正に伴う経過措置)

(Transitional Measures Accompanying the Partial Amendment of the Banking Act)

第二条 銀行、長期信用銀行又は外国為替銀行は、施行日前においても、第一条の規定による改正後の銀行法（以下「新銀行法」という。）第十七条の二第一項（第二条の規定による改正後の長期信用銀行法（以下この条において「新長期信用銀行法」という。）第十七条又は第三条の規定による改正後の外国為替銀行法（以下この条において「新外国為替銀行法」という。）第十一条において準用する場合を含む。）の規定の例により、大蔵大臣の認可を受けることができる。

Article 2 (1) A bank, long-term credit bank, or foreign exchange bank may obtain the authorization of the Minister of Finance even before the effective date, as governed by the provisions of Article 17-2, paragraph (1) of the Banking Act after its amendment under Article 1 (hereinafter referred to as the "New Banking Act") (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act after its amendment under Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act" in this Article) or Article 11 of the Foreign Exchange Bank Act after its amendment under Article 3 (hereinafter referred to as the "New Foreign Exchange Bank Act" in this Article)).

2 前項の大蔵大臣の認可を受けた者は、施行日において新銀行法第十七条の二第一項（新長期信用銀行法第十七条又は新外国為替銀行法第十一条において準用する場合を含む。）の認可を受けたものとみなす。

(2) A person obtaining the authorization of the Minister of Finance as referred to in the preceding paragraph is deemed to obtain the authorization referred to in Article 17-2, paragraph (1) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act or Article 11 of the New Foreign Exchange Bank Act) on the date on which this Act comes into effect.

3 新銀行法第二十六条第二項（新長期信用銀行法第十七条、新外国為替銀行法第十一条、第四条の規定による改正後の信用金庫法（以下「新信用金庫法」という。）第八十九条、第五条の規定による改正後の労働金庫法（以下「新労働金庫法」という。）第九十四条及び第七条の規定による改正後の協同組合による金融事業に関する法律

(以下「新協金法」という。) 第六条において準用する場合を含む。) の規定は、平成十年四月一日以後に新銀行法第二十六条第一項(新長期信用銀行法第十七条、新外国為替銀行法第十一条、新信用金庫法第八十九条、新労働金庫法第九十四条及び新協金法第六条において準用する場合を含む。) の規定による命令(改善計画の提出を求めることを含む。) をする場合について適用する。

(3) The provisions of Article 26, paragraph (2) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; Article 11 of the New Foreign Exchange Bank Act; Article 89 of the Shinkin Bank Act after its amendment under Article 4 (hereinafter referred to as the "New Shinkin Bank Act"); Article 94 of the Labor Bank Act after its amendment under Article 5 (hereinafter referred to as the "New Labor Bank Act"); and Article 6 of the Act on Financial Services by Cooperatives after its amendment under Article 7 (hereinafter referred to as the "New Act on Financial Services by Cooperatives")) apply if an order under Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; Article 11 of the New Foreign Exchange Bank Act; Article 89 of the New Shinkin Bank Act; Article 94 of the New Labor Bank Act; and Article 6 of the New Act on Financial Services by Cooperatives) (this includes asking for the submission of an improvement plan) is issued on or after April 1, 1998.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第十二条 この法律の各改正規定の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の各改正規定の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 12 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before the relevant amended provisions of this Act come into effect, as well as to conduct in which a person engages after the relevant amended provisions of this Act come into effect in respect of things that prior laws continue to govern pursuant to these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第十三条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 13 Beyond what is provided for in Article 2 through the preceding Article of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

附 則 〔平成九年五月二十一日法律第五十五号〕 〔抄〕
Supplementary Provisions [Act No. 55 of May 21, 1997] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成九年六月一日から施行する。

Article 1 This Act comes into effect as of June 1, 1997.

附 則 〔平成九年六月六日法律第七十二号〕
Supplementary Provisions [Act No. 72 of June 6, 1997]

(施行期日)

(Effective Date)

1 この法律は、商法等の一部を改正する法律（平成九年法律第七十一号）の施行の日から施行する。

(1) This Act comes into effect as of the day on which the Act Partially Amending the Commercial Code and Other Acts (Act No. 71 of 1997) comes into effect.

(経過措置)

(Transitional Measures)

2 この法律の施行前に締結された合併契約に係る合併に関しては、この法律の施行後も、なお従前の例による。

(2) Prior laws continue to govern a merger under a merger contract that has been entered into before this Act comes into effect.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

3 この法律の施行前にした行為及び前項の規定により従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(3) Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of the preceding paragraph .

附 則 〔平成九年六月二十日法律第百二号〕 〔抄〕
Supplementary Provisions [Act No. 102 of June 20, 1997] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、金融監督庁設置法（平成九年法律第百一号）の施行の日から施行する。

Article 1 This Act comes into effect as of the day on which the Act Establishing the Financial Supervisory Agency (Act No. 101 of 1997) comes into effect.

（大蔵大臣等がした処分等に関する経過措置）

(Transitional Measures for Dispositions Reached by the Minister of Finance)

第二条 この法律による改正前の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、証券投資信託法、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、外国為替銀行法、自動車損害賠償保障法、農業信用保証保険法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証票の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法又は銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律（以下「旧担保附社債信託法等」という。）の規定により大蔵大臣その他の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、この法律による改正後の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、証券投資信託法、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、外国為替銀行法、自動車損害賠償保障法、農業信用保証保険法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証票の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動

産特定共同事業法、保険業法、金融機関の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法又は銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律（以下「新担保附社債信託法等」という。）の相当規定に基づいて、内閣総理大臣その他の相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

Article 2 (1) A disposition, such as the granting of a license, permission, authorization, approval, or designation that is effected; or an action, such as the giving of notice, that is taken by the Minister of Finance or a national organ pursuant to the provisions of the Secured Corporate Bonds Trust Act; the Trust Business Act; the Norinchukin Bank Act; the Mutual Loan Business Act; the Act for Simplification of Bank Administration; the Act on Engagement in Trust Business Activities by Financial Institutions; the Act on Prohibiting Private Monopolies and Ensuring Fair Trade; the Agricultural Cooperatives Act; the Securities and Exchange Act; the Act on the Non-Life Insurance Rating Organization of Japan; the Fisheries Cooperatives Act; the Small and Medium-Sized Enterprise Cooperatives Act; the Act on Financial Services by Cooperatives; the Ship Owner's Mutual Insurance Union Act; the Securities Investment Trust Act; the Shinkin Bank Act; the Long-Term Credit Bank Act; the Loan Trust Act; the Loan Security Act for Small and Medium-Scale Fishing Operations; the Credit Guarantee Corporation Act; the Labor Bank Act; the Foreign Exchange Bank Act; the Automobile Liability Security Act; the Agricultural Credit Guarantee Insurance Act; the Act on Mergers and Conversions in Financial Institutions; the Act on Foreign Securities Brokers; the Deposit Insurance Act; the Act to Facilitate the Introduction of Industry into Agricultural Regions; Agricultural and Fishing Cooperatives Savings Insurance Act; the Banking Act; the Act to Regulate the Moneylending Business; the Act to Regulate Securities Investment Advisory Services; the Act to Regulate Mortgage Securities Services; the Financial Futures Trading Act; the Act to Regulate Advanced Payment Certificates; the Act to Regulate Commodity Investment; the Act for Establishing Special Provisions in the Narcotics and Psychotropics Control Act and Other Acts in Order to Prevent Activities That Further Illicit Conduct Involving Controlled Substances, through International Cooperation; the Act to Regulate Business Undertakings Involving Specified Claims; the Act to Reorganize Acts That Are Related to the Reform of the Financial and Securities Exchange Systems; the Act on Preferred Equity Investment by Cooperatively Structured Financial Institutions; the Specified Joint Real Estate Ventures Act; the Insurance Business Act; the Act Establishing Special Measures for Corporate Reorganization Proceedings and Other Insolvency Proceedings by Financial Institutions; the Act on Mergers between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives; the Bank of Japan Act; or the Act Establishing

Special Measures for Bank Merger Proceedings That Are for Founding Bank Holding Companies before their amendment by this Act (hereinafter referred to as the "Former Secured Corporate Bonds Trust Act, etc.") is deemed to be a disposition, such as the granting of a license, permission, authorization, approval, or designation that is effected; or an action, such as the giving of notice, that is taken by the Prime Minister or corresponding national organ pursuant to the corresponding provisions of the Secured Corporate Bonds Trust Act; the Trust Business Act; the Norinchukin Bank Act; the Mutual Loan Business Act; the Act for the Simplification of Bank Administration; the Act on Engagement in Trust Business Activities by Financial Institutions; the Act on Prohibiting Private Monopolies and Ensuring Fair Trade; the Agricultural Cooperatives Act; the Securities and Exchange Act; the Act on the Non-Life Insurance Rating Organization of Japan; the Fisheries Cooperatives Act; the Small and Medium-Sized Enterprise Cooperatives Act; the Act on Financial Services by Cooperatives; the Ship Owner's Mutual Insurance Union Act; the Securities Investment Trust Act; the Shinkin Bank Act; the Long-Term Credit Bank Act; the Loan Trust Act; the Loan Security Act for Small and Medium-Scale Fishing Operations; the Credit Guarantee Corporation Act; the Labor Bank Act; the Foreign Exchange Bank Act; the Automobile Liability Security Act; the Agricultural Credit Guarantee Insurance Act; the Act on Mergers and Conversions in Financial Institutions; the Act on Foreign Securities Brokers; the Deposit Insurance Act; the Act to Facilitate the Introduction of Industry into Agricultural Regions; Agricultural and Fishing Cooperatives Savings Insurance Act; the Banking Act; the Act to Regulate the Moneylending Business; the Act to Regulate Securities Investment Advisory Services; the Act to Regulate Mortgage Securities Services; the Financial Futures Trading Act; the Act to Regulate Advanced Payment Certificates; the Act to Regulate Commodity Investment; the Act Establishing Special Provisions in the Narcotics and Psychotropics Control Act and Other Acts in Order to Prevent Activities That Further Illicit Conduct Involving Controlled Substances, through International Cooperation; the Act to Regulate Business Undertakings Involving Specified Claims; the Act to Reorganize Acts That Are Related to the Reform of the Financial and Securities Exchange Systems; the Act on Preferred Equity Investment by Cooperatively Structured Financial Institutions; the Specified Joint Real Estate Ventures Act; the Insurance Business Act; the Act Establishing Special Measures for Corporate Reorganization Proceedings and Other Insolvency Proceedings by Financial Institutions; the Act on Mergers between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives; the Bank of Japan Act; or the Act Establishing Special Measures for Bank Merger Proceedings That Are for Founding Bank Holding Companies and Other Matters after its amendment by this Act

(hereinafter referred to as the "New Secured Corporate Bonds Trust Act, etc.).

2 この法律の施行の際現に旧担保附社債信託法等の規定により大蔵大臣その他の国の機関に対してされている申請、届出その他の行為は、新担保附社債信託法等の相当規定に基づいて、内閣総理大臣その他の相当の国の機関に対してされた申請、届出その他の行為とみなす。

(2) An action, such as the filing of an application or notification with the Minister of Finance or a national organ pursuant to the provisions of the Former Secured Corporate Bonds Trust Act, etc., which has been taken as of the time this Act comes into effect, is deemed to be an action such as the filing of an application or notification with the Prime Minister or corresponding national organ pursuant to the corresponding provisions of the New Secured Corporate Bonds Trust Act, etc.

3 旧担保附社債信託法等の規定により大蔵大臣その他の国の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、これを、新担保附社債信託法等の相当規定により内閣総理大臣その他の相当の国の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、新担保附社債信託法等の規定を適用する。

(3) Any particular requiring that a procedure be followed, such as reporting, notification, or submission to the Minister of Finance or a national organ pursuant to the provisions of the Former Secured Corporate Bonds Trust Act, etc., for which the procedure has not been followed before the day on which this Act comes into effect, is deemed to be a particular requiring that a procedure be followed, such as reporting, notification, or submission to the Prime Minister or a corresponding national organ pursuant to the corresponding provisions of the New Secured Corporate Bonds Trust Act, etc., for which the procedure has not been followed, and the relevant provisions of the New Secured Corporate Bonds Trust Act, etc. apply.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第五条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 5 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect.

(政令への委任)

(Delegation to Cabinet Order)

第六条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 6 Beyond what is provided for in Article 2 through the preceding Article

of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

附 則 〔平成九年十二月十日法律第百十七号〕〔抄〕

Supplementary Provisions [Act No. 117 of December 10, 1997] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。

Article 1 This Act comes into effect as of the date calculated as falling 20 days after the day of its promulgation.

附 則 〔平成九年十二月十二日法律第百二十号〕〔抄〕

Supplementary Provisions [Act No. 120 of December 12, 1997] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して三月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding three months after the day of its promulgation.

(検討)

(Reviews)

第十条 政府は、この法律の施行後五年を経過した場合において、第一条の規定による改正後の銀行法（以下「新銀行法」という。）、第二条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）及び第四条の規定による改正後の保険業法（以下「新保険業法」という。）の施行状況、銀行業及び保険業を取り巻く社会経済情勢の変化等を勘案し、新銀行法第二条第十三項に規定する銀行持株会社、新長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社及び新保険業法第二条第十六項に規定する保険持株会社に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 10 Once five years have passed after this Act comes into effect, the government is to review the systems that are connected with bank holding companies as prescribed in Article 2, paragraph (13) of the Banking Act after its amendment under the provisions of Article 1 (hereinafter referred to as the "New Banking Act"), long-term credit bank Holding Companies as prescribed in Article 16-4, paragraph (1) of the Long-Term Credit Bank Act after its amendment under the provisions of Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act"), and insurance holding companies as prescribed in Article 2, paragraph (16) of the Insurance Business Act after its

amendment under the provisions of Article 4 (hereinafter referred to as the "New Insurance Business Act"), in consideration of compliance with the New Banking Act, the New Long-Term Credit Bank Act, and the New Insurance Business Act and of things such as changes in the social and economic conditions with which Banking and the insurance business are faced, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成九年十二月十二日法律第百二十一号〕 〔抄〕

Supplementary Provisions [Act No. 121 of December 12, 1997] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、持株会社の設立等の禁止の解除に伴う金融関係法律の整備等に関する法律（平成九年法律第百二十号）の施行の日から施行する。

Article 1 This Act comes into effect as of the day on which the Act to Reorganize Finance-Related Acts as a Result of the Lifting of the Ban on the Incorporation of Holding Companies (Act No. 120 of 1997) comes into effect.

附 則 〔平成十年六月十五日法律第百六号〕

Supplementary Provisions [Act No. 106 of June 15, 1998]

この法律は、特定目的会社による特定資産の流動化に関する法律（平成十年法律第百五号）の施行の日（平成十年九月一日）から施行する。ただし、第十七条中地方税法附則第五条の改正規定は、平成十一年四月一日から施行する。

This Act comes into effect as of the day on which the Act on Securitization of Specified Assets by Special Purpose Companies (Act No. 105 of 1998) comes into effect (September 1, 1998); provided, however, that the provisions in Article 17 amending Article 5 of the Supplementary Provisions of the Local Tax Act come into effect as of April 1, 1999.

附 則 〔平成十年六月十五日法律第百七号〕 〔抄〕

Supplementary Provisions [Act No. 107 of June 15, 1998] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十年十二月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of December 1, 1998; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

一 第一条中証券取引法第四章の次に一章を加える改正規定（第七十九条の二十九第一項に係る部分に限る。）並びに同法第八十九条第二項及び第四項の改正規定、第二十一条の規定、第二十二条中保険業法第二編第十章第二節第一款の改正規定（第二百六十五条の六に係る部分に限る。）、第二十三条の規定並びに第二十五条の規定並びに附則第四十条、第四十二条、第五十八条、第三十六条、第四十条、第四十三条、第四十七条、第四十九条、第五十八条、第六十四条、第八十七条（大蔵省設置法（昭和二十四年法律第四十四号）第四条第七十九号の改正規定を除く。）及び第八十八条から第九十条までの規定 平成十年七月一日

(i) the provisions in Article 1 amending the Securities and Exchange Act by adding a new Chapter following Chapter IV (limited to the part that involves Article 79-29, paragraph (1)) and amending Article 189, paragraphs (2) and (4) of that Act; the provisions in Article 21; the provisions in Article 22 amending Part II, Chapter X, Section 2, Subsection 1 of the Insurance Business Act (limited to the part that involves Article 265-6); the provisions of Article 23 and Article 25; Article 40 of these Supplementary Provisions and Article 42; Article 58; Article 136; Article 140; Article 143; Article 147; Article 149; Article 158; Article 164; Article 187 (excluding the provisions amending Article 4, item (lxxix) of the Act to Establish the Ministry of Finance (Act No. 144 of 1949)); and Articles 188 to 190 inclusive of these Supplementary Provisions: July 1, 1998;

（銀行法等の一部改正に伴う経過措置）

(Transitional Measures Accompanying the Partial Amendment of the Banking Act and Other Acts)

第二百条 第十条の規定による改正後の銀行法（以下「新銀行法」という。）第十三条第一項（第十一条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）第十七条、第十三条の規定による改正後の信用金庫法（以下「新信用金庫法」という。）第八十九条、第十四条の規定による改正後の労働金庫法（以下「新労働金庫法」という。）第九十四条、及び第十六条の規定による改正後の協同組合による金融事業に関する法律（以下「新協金法」という。）第六条において準用する場合（以下この条から附則第五十五条までにおいて「新長期信用銀行法第十七条等において準用する場合」という。）を含む。以下この項及び次項において同じ。）の規定は、この法律の施行の際現に新銀行法第十三条第一項に規定する同一人に対する信用の供与等（同項に規定する信用の供与等をいう。以下この項及び次項において同じ。）の額が信用供与等限度額（同条第一項に規定する信用供与等限度額をいう。以下この項において同じ。）を超えている銀行（新銀行法第二条第一項に規定する銀行をいう。以下同じ。）、長期信用銀行（新長期信用銀行法第二条に規定する長期信用銀行をいう。以下同じ。）、信用金庫若しくは信用金庫連合会、労働金庫若しくは労働金庫連合会又は信用協同組合若しくは信用協同組合連合会（新協金法第二条第一項に規定する信用協同組合連合会をいう。以下同じ。）（以下この条から附則第五十五条までにおいて「銀行等」という。）の当該同一人に対する信用の供与等については、当該銀行

等が施行日から起算して三月を経過する日までにその旨を金融再生委員会（労働金庫又は労働金庫連合会にあっては金融再生委員会及び労働大臣とし、信用協同組合又は信用協同組合連合会にあっては新協金法第七条第一項に規定する行政庁とする。以下この項及び次項において同じ。）に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行等が、当該同一人に対して同日後も引き続き信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において同日までに金融再生委員会の承認を受けたときは、当該銀行等は、同日の翌日において新銀行法第十三条第一項ただし書の規定による承認を受けたものとみなす。

Article 102 (1) Until the last day in the one-year period that begins on the effective date, the provisions of Article 13, paragraph (1) of the Banking Act after its amendment under the provisions of Article 10 (hereinafter referred to as the "New Banking Act") (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act after its amendment under the provisions of Article 11 (hereinafter referred to as the "New Long-Term Credit Bank Act"); Article 89 of the Shinkin Bank Act after its amendment under the provisions of Article 13 (hereinafter referred to as the "New Shinkin Bank Act"); Article 94 of the Labor Bank Act after its amendment under the provisions of Article 14 (hereinafter referred to as the "New Labor Bank Act"); and Article 6 of the Act on Financial Services by Cooperatives after its amendment under the provisions of Article 16 (hereinafter referred to as the "New Act on Financial Services by Cooperatives") (hereinafter referred to as the "As Applied Mutatis Mutandis Pursuant to Article 17 of the New Long-Term Credit Bank Act, etc." in this Article to Article 105 inclusive of these Supplementary Provisions); hereinafter the same applies in this and the following paragraph) do not apply to the extension of credit or making of contributions (meaning the extension of credit or making of contributions as provided in Article 13, paragraph (1) of the New Banking Act; hereinafter the same applies in this and the following paragraph) by a bank (meaning a bank as provided in Article 2, paragraph (1) of the New Banking Act; hereinafter the same applies), long-term credit bank (meaning a long-term credit bank as provided in Article 2 of the New Long-Term Credit Bank Act; hereinafter the same applies), shinkin bank or federation of shinkin banks, labor bank or federation of labor banks, or credit cooperative or Federation of Credit Cooperatives (meaning Federation of Credit Cooperatives as provided in Article 2, paragraph (1) of the New Act on Financial Services by Cooperatives; hereinafter the same applies) (hereinafter collectively referred to as a "bank, etc." in this Article to Article 105 inclusive of these Supplementary Provisions) to a single person as provided in Article 13, paragraph (1) of the New Banking Act, in an amount that exceeds the limit on credit and contributions (meaning

the limit on credit and contributions as provided in Article 13, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) by the time when this Act comes into effect, if the bank, etc. files a notification with the Financial Reconstruction Commission (or with the Financial Reconstruction Commission or the Minister of Labor, if it is a labor bank or federation of labor banks; or with the administrative agency referred to in Article 7, paragraph (1) of the New Act on Financial Services by Cooperatives, if it is a credit cooperative or Federation of Credit Cooperatives; hereinafter the same applies in this and the following paragraph) indicating this by the last day in the three-month period that begins on the effective date. In such a case, if there is a compelling reason, such as it being likely that a significant impediment would arise to hinder the relevant single person from continuing in business if the bank, etc. does not continue to extend credit or make contributions to it in excess of the limit on credit and contributions after the last day in the one-year period that begins on the effective date, and the bank, etc. obtains the approval of the Financial Reconstruction Commission before that day, the bank, etc. is deemed to obtain the approval referred to in the proviso to Article 13, paragraph (1) of the New Banking Act on the day after that day.

- 2 新銀行法第十三条第二項（新長期信用銀行法第十七条等において準用する場合を含む。以下この項において同じ。）の規定は、この法律の施行の際現に新銀行法第十三条第一項に規定する同一人に対する信用の供与等の額が合算して合算信用供与等限度額（同条第二項に規定する合算信用供与等限度額をいう。以下この項において同じ。）を超えている銀行等及び当該銀行等の子会社等（同条第二項に規定する子会社等をいう。以下この項において同じ。）又は当該銀行等の子会社等の当該同一人に対する信用の供与等については、当該銀行等が施行日から起算して三月を経過する日までにその旨を金融再生委員会に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行等及び当該銀行等の子会社等又は当該銀行等の子会社等が合算して当該同一人に対して同日後も引き続き合算信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において当該銀行等が同日までに金融再生委員会の承認を受けたときは、当該銀行等は、同日の翌日において新銀行法第十三条第二項後段において準用する同条第一項ただし書の規定による承認を受けたものとみなす。

- (2) Until the last day in the one-year period that begins on the effective date, the provisions of Article 13, paragraph (2) of the New Banking Act (including As Applied Mutatis Mutandis Pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.; hereinafter the same applies in this paragraph) do not apply to the extension of credit and making of contributions by a bank, etc. and its subsidiary companies, etc. (meaning subsidiary companies, etc. as provided in Article 13, paragraph (2) of the New Banking Act; hereinafter the same applies

in this paragraph) or by its subsidiary companies, etc., to a single person as provided in Article 13, paragraph (1) of the New Banking Act, in a total amount that exceeds the consolidated limit on credit and contributions (meaning the consolidated limit on credit and contributions as provided in Article 13, paragraph (2) of the New Banking Act; hereinafter the same applies in this paragraph) as of the time this Act comes into effect, if the bank, etc. files a notification with the Financial Reconstruction Commission indicating this by the last day in the three-month period that begins on the effective date. In such a case, if there is a compelling reason, such as it being likely that a significant impediment would arise to hinder the relevant single person from continuing in business if the bank, etc. and its subsidiary companies, etc. or its subsidiary companies, etc. do not continue to extend credit or make contributions to it in a total amount that exceeds the consolidated limit on credit and contributions after the last day in the one-year period that begins on the effective date, and the bank, etc. obtains the approval of the Financial Reconstruction Commission before that day, the bank, etc. is deemed to obtain the approval referred to in the proviso to Article 13, paragraph (1) of the New Banking Act as applied mutatis mutandis pursuant to the second sentence of Article 13, paragraph (2) of that Act, on the day after that day.

- 3 新銀行法第五十二条の六第一項（新長期信用銀行法第十七条において準用する場合を含む。以下この項において同じ。）の規定は、この法律の施行の際現に新銀行法第五十二条の六第一項に規定する同一人に対する信用の供与等（同項に規定する信用の供与等をいう。以下この項において同じ。）の額が合算して銀行持株会社に係る信用供与等限度額（同条第一項に規定する銀行持株会社に係る信用供与等限度額をいう。以下この項において同じ。）を超えている新銀行法第二条第十一項に規定する銀行持株会社（以下この項において「銀行持株会社」という。）若しくはその子会社等（新銀行法第五十二条の六第一項に規定する子会社等をいう。以下この項において同じ。）又は新長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社（以下この項において「長期信用銀行持株会社」という。）若しくはその子会社等の当該同一人に対する信用の供与等については、当該銀行持株会社又は当該長期信用銀行持株会社（以下この項及び附則第百五条において「銀行持株会社等」という。）が施行日から起算して三月を経過する日までにその旨を金融再生委員会に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行持株会社若しくはその子会社等又は当該長期信用銀行持株会社若しくはその子会社等が合算して当該同一人に対して同日後も引き続き銀行持株会社に係る信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において当該銀行持株会社等が同日までに内閣総理大臣の承認を受けたときは、当該銀行持株会社等は、同日の翌日において新銀行法第五十二条の六第一項ただし書の規定による承認を受けたものとみなす。

(3) Until the last day in the one-year period that begins on the effective date, the

provisions of Article 52-6, paragraph (1) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; hereinafter the same applies in this paragraph) do not apply to the extension of credit or making of contributions (meaning the extension of credit or making of contributions as provided in Article 52-6, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) by a bank holding company as provided in Article 2, paragraph (11) of the New Banking Act (hereinafter referred to as a "bank holding company" in this paragraph) and its subsidiary companies, etc. (meaning subsidiary companies, etc. as provided in 52-6, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph), or by a long-term credit bank holding company as provided in Article 16-4, paragraph (1) of the New Long-Term Credit Bank Act (hereinafter referred to as a "long-term credit bank holding company" in this paragraph) and its subsidiary companies, etc., to a single person as provided in Article 52-6, paragraph (1) of the New Banking Act, in a total amount that exceeds the limit on credit and contributions by a bank holding company (meaning the limit on credit and contributions by a bank holding company as provided in Article 52-6, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) as of the time this Act comes into effect, if the bank holding company or the Long-Term Credit bank holding company (hereinafter collectively referred to as a "bank holding company, etc." in this paragraph and Article 105 of these Supplementary Provisions) files a notification with the Financial Reconstruction Commission indicating this by the last day in the three-month period that begins on the effective date. In such a case, if there is a compelling reason, such as it being likely that a significant impediment would arise to hinder the relevant single person from continuing in business if the bank holding company and its subsidiary companies, etc. or the long-term credit bank holding company and its subsidiary companies, etc. do not continue to extend credit or make contributions to it in a total amount that exceeds the limit on credit and contributions by a bank holding company after the last day in the one-year period that begins on the effective date, and the bank holding company, etc. obtains the approval of the Prime Minister before that day, the bank holding company, etc. is deemed to obtain the approval referred to in the proviso to Article 52-6, paragraph (1) of the New Banking Act on the day after that day.

第百三条 新銀行法第十三条の二（新長期信用銀行法第十七条等において準用する場合を含む。）の規定は、銀行等が施行日以後にする取引又は行為について適用し、銀行等が施行日前にした取引又は行為については、なお従前の例による。

Article 103 The provisions of Article 13-2 of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit

Bank Act, etc.) apply to a transaction or action performed by a bank, etc. on or after the effective date; and prior laws continue to govern a transaction or action performed by a bank, etc. before the effective date.

第百四条 新銀行法第十六条の二第一項の規定は、この法律の施行の際現に同項に規定する子会社対象会社以外の会社を子会社（新銀行法第二条第八項に規定する子会社をいう。以下この条において同じ。）としている銀行の当該会社については、当該銀行が施行日から起算して三月を経過する日までにその旨を金融再生委員会に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。

Article 104 (1) The provisions of Article 16-2, paragraph (1) of the New Banking Act do not apply until the last day in the one-year period that begins on the effective date to a company that is not a company eligible to be a subsidiary company as prescribed in those provisions but that is the subsidiary company (meaning a subsidiary company as prescribed in Article 2, paragraph (8) of the New Banking Act; hereinafter the same applies in this Article) of a bank at the time this Act comes into effect, if the bank files a notification with the Financial Reconstruction Commission indicating this by the last day in the three-month period that begins on the effective date.

2 前項の銀行は、同項の届出に係る子会社対象会社以外の会社の子会社でなくなったときは、遅滞なく、その旨を金融再生委員会に届け出なければならない。

(2) If the company which does not constitute a company eligible to be a subsidiary company, to which a notification referred to in the preceding paragraph pertains ceases to be the subsidiary company of the bank referred to in the that paragraph, the bank must file a notification with the Financial Reconstruction Commission indicating this, without delay.

3 平成十三年三月三十一日までの日で政令で定める日までの間は、新銀行法第十六条の二第一項第四号中「規定する保険会社」とあるのは、「規定する保険会社のうち、同法第二百六十条第二項に規定する破綻保険会社に該当するもの」とする。

(3) Until the date specified by Cabinet Order, not later than March 31, 2001, the term "an insurance company as provided in" in Article 16-2, paragraph (1), item (iv) of the New Banking Act is deemed to be replaced with "a bankrupt insurance company as provided in Article 260, paragraph (2) of the Insurance Business Act, which constitutes an insurance company as provided in".

4 施行日前に、第十条の規定による改正前の銀行法（以下「旧銀行法」という。）第十六条の二第一項又は第十六条の三第一項（同条第二項において準用する場合を含む。）の規定により内閣総理大臣がしたこれらの規定に規定する認可（当該認可に係る旧銀行法第五十五条第一項ただし書に規定する承認を含む。）若しくは当該認可に付した条件又はこれらの規定に基づきされた当該認可に係る申請は、新銀行法第十六条の二第四項（同条第六項において準用する場合を含む。以下この項において同じ。）の規定により内閣総理大臣がした同条第四項に規定する認可（当該認可に係る新銀行法第五十五条第一項ただし書に規定する承認を含む。）若しくは当該認可に付

した条件又は新銀行法第十六条の二第四項の規定に基づきされた当該認可に係る申請とみなす。

(4) An authorization provided for in Article 16-2, paragraph (1) or Article 16-3, paragraph (1) (including as applied mutatis mutandis pursuant to Article 16-3, paragraph (2)) of the Banking Act before its amendment under Article 10 (hereinafter referred to as the "Former Banking Act") (including approval connection with that authorization as referred to in the proviso to Article 55, paragraph (1) of the Former Banking Act) that the Prime Minister grants before the effective date pursuant to those provisions, the conditions that the Prime Minister attaches to such an authorization before the effective date, and the application for such an authorization which is filed based on those provisions before the effective date is deemed to be an authorization provided for in Article 16-2, paragraph (4) (including as applied mutatis mutandis pursuant to Article 16-2, paragraph (6) of the New Banking Act; hereinafter the same applies in this paragraph) of the New Banking Act (including an approval in connection with that authorization as referred to in the proviso to Article 55, paragraph (1) of the New Banking Act) that the Prime Minister grants pursuant to those provisions, the conditions that the Prime Minister attaches to such an authorization pursuant to those provisions of the New Banking Act, and the application for such an authorization which is filed based on those provisions of the New Banking Act.

5 この法律の施行の際現に銀行が新銀行法第十六条の二第四項に規定する子会社対象銀行等（当該銀行が旧銀行法第十六条の二第一項又は第十六条の三第一項の認可を受けて株式又は持分を所有している会社を除く。次項において同じ。）を子会社としている場合には、当該銀行は、施行日から起算して三月を経過する日までにその旨を内閣総理大臣に届け出なければならない。

(5) If a bank has a bank, etc. eligible to be a subsidiary company as provided for in Article 16-2, paragraph (4) of the New Banking Act as its subsidiary company (excluding a company in which the bank holds shares or equity interest under the authorization referred to in Article 16-2, paragraph (1) or Article 16-3, paragraph (1) of the Former Banking Act; the same applies in the following paragraph) as of the time this Act comes into effect, the bank must file a notification with the Prime Minister indicating this, by the last day in the three-month period that begins on the effective date.

6 前項の規定による届出をした銀行は、当該届出に係る子会社対象銀行等を子会社とすることにつき、施行日において新銀行法第十六条の二第四項の認可を受けたものとみなす。

(6) A bank that files a notification under the preceding paragraph is deemed to obtain the authorization referred to in the provisions of Article 16-2, paragraph (4) of the New Banking Act to have the bank, etc. eligible to be a subsidiary company to which that notification pertains as its subsidiary company, on the

effective date.

7 新銀行法第十六条の三第一項の規定は、この法律の施行の際現に国内の会社（同項に規定する国内の会社をいう。以下この項において同じ。）の株式等（新銀行法第二条第七項に規定する株式等をいう。以下この項において同じ。）を合算してその基準株式数等（新銀行法第十六条の三第一項に規定する基準株式数等をいう。以下この項において同じ。）を超えて所有している銀行又はその子会社による当該国内の会社の株式等の所有については、当該銀行が施行日から起算して三月を経過する日までにその旨を金融再生委員会に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。この場合において、同日後は、当該国内の会社の株式等の所有については、当該銀行又はその子会社が同日において同条第二項本文に規定する事由により当該国内の会社の株式等を合算してその基準株式数等を超えて取得したものとみなして、同条の規定を適用する。

(7) The provisions of Article 16-3, paragraph (1) of the New Banking Act do not apply until the last day in the one-year period that begins on the effective date to the holding of shares, etc. (meaning shares, etc. as provided in Article 2, paragraph (7) of the New Banking Act; hereinafter the same applies in this paragraph) in a domestic company (meaning domestic company as provided in Article 16-3, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) by a bank and its subsidiary companies in a total number that exceeds the maximum number of shares, etc. (meaning the maximum number of shares, etc. as provided in Article 16-3, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) at the time this Act comes into effect, if the bank files a notification with the Financial Reconstruction Commission indicating this by the last day in the three-month period that begins on the effective date. In such a case, the bank and the subsidiary companies are deemed to acquire shares, etc. in the domestic company in excess of the maximum number of shares, etc. on the last day in the one-year period that begins on the effective date due to a cause provided for in the main clause of Article 16-3, paragraph (2) of the New Banking Act, and the provisions of Article 16-3 of the New Banking Act apply to their holding of Shares, etc. in the Domestic Company following that day.

第百五条 新銀行法第十九条第二項及び第三項（同条第二項に規定する中間業務報告書に係る部分を除く。）（これらの規定を新長期信用銀行法第十七条等において準用する場合を含む。）並びに新銀行法第二十一条第一項から第三項まで（これらの規定を新長期信用銀行法第十七条等において準用する場合を含む。）の規定並びに新銀行法第二十条第二項及び第五十二条の十一（同条第一項に規定する中間業務報告書に係る部分を除く。）（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）並びに新銀行法第五十二条の十二並びに第五十二条の十三第一項及び第二項（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）の規定は、銀行等又は銀行持株会社等の平成十年四月一日以後に開始する営業年度又は事業

年度に係るこれらの規定に規定する書類について適用し、銀行等又は銀行持株会社等の同日前に開始した営業年度又は事業年度に係る貸借対照表その他の書類については、なお従前の例による。

Article 105 (1) The provisions of Article 19, paragraphs (2) and (3) (excluding the part that involves an interim business report as prescribed in Article 19, paragraph (2) of the New Banking Act) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.) and Article 21, paragraphs (1) through (3) (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.), the provisions of Article 20, paragraph (2) and Article 52-11 (excluding the part that involves an interim business report as prescribed in Article 52-11, paragraph (1) of the New Banking Act) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) and the provisions of Article 52-12 and Article 52-13, paragraphs (1) and (2) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) apply to a document provided for in those provisions of a bank, etc. or bank holding company, etc. in respect of a fiscal year or business year of a bank, etc. or bank holding company, etc. which starts on or after April 1, 1998, and prior laws continue to govern the balance sheet or other documents of a bank, etc. or bank holding company, etc. in respect of a fiscal year or business year that starts before that date.

2 新銀行法第十九条第二項及び第三項（同条第二項に規定する中間業務報告書に係る部分に限る。）（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）並びに新銀行法第五十二条の十一（同条第一項に規定する中間業務報告書に係る部分に限る。）（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、銀行若しくは長期信用銀行又は銀行持株会社等の平成十一年四月一日以後に開始する営業年度に係る中間業務報告書について適用し、銀行持株会社等の同日前に開始した営業年度に係る中間業務報告書については、なお従前の例による。

(2) The provisions of Article 19, paragraphs (2) and (3) (limited to the part that involves an interim business report as prescribed in Article 19, paragraph (2) of the New Banking Act) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) and Article 52-11 (limited to the part that involves an interim business report as prescribed in Article 52-11, paragraph (1) of the New Banking Act) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) apply to the interim business report of a bank, long-term credit bank, or bank holding company, etc. in respect of a fiscal year that starts on or after April 1, 1999; and prior laws continue to govern the interim business report of a bank holding company, etc. in respect of a fiscal year that starts before that date.

(権限の委任)

(Delegation of Authority)

第百四十七条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 147 (1) The Prime Minister delegates the authority under these Supplementary Provisions (excluding what is specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

2 前項の規定により金融庁長官に委任された権限並びにこの附則の規定による農林水産大臣及び厚生労働大臣の権限については、政令で定めるところにより、その一部を財務局長若しくは財務支局長（農林水産大臣及び厚生労働大臣の権限にあつては、地方支分部局の長）に委任することができる。

(2) A part of the authority delegated to the Commissioner of the Financial Services Agency pursuant to the provisions of the preceding paragraph and a part of the authority of the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare under of these Supplementary Provisions may be delegated to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus (or to the heads of local branch offices, in the case of the authority of the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare), pursuant to the provisions of Cabinet Order.

(処分等の効力)

(Effect of a Disposition)

第百八十八条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 188 Unless otherwise provided for in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of one of the relevant laws prior to amendment (including an order based on these laws; hereinafter the same applies in this Article) before this Act comes into effect (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, this means before those provisions come into effect), for which corresponding provisions exist in the relevant amended laws, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the relevant amended laws.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第百八十九条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 189 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, this means before those provisions come into effect; hereinafter the same applies in this Article); to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions; and to conduct in which a person engages after this Act comes into effect in a situation for which prior laws remain in force pursuant to these Supplementary Provisions.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Order)

第百九十条 附則第二条から第百四十六条まで、第百五十三条、第百六十九条及び前条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 190 Beyond what is provided for in Articles 2 through 146 and Article 153, Article 169, and the preceding Article of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

（検討）

(Reviews)

第百九十一条 政府は、この法律の施行後においても、新保険業法の規定による保険契約者等の保護のための特別の措置等に係る制度の実施状況、保険会社の経営の健全性の状況等にかんがみ必要があると認めるときは、保険業に対する信頼性の維持を図るために必要な措置を講ずるものとする。

Article 191 (1) If the government finds it to be necessary, in light of compliance with systems connected with special measures for protecting policyholders under the provisions of the New Insurance Business Act, the soundness of management at Insurance Companies, and other relevant factors, the government is to take the necessary measures to maintain reliability in the insurance business even after this Act comes into effect.

2 政府は、前項に定めるものを除くほか、この法律の施行後五年以内に、この法律による改正後の規定の実施状況、金融システムを取り巻く社会経済状況の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(2) Beyond what is provided for in the preceding paragraph, within five years after this Act comes into effect the government is to review the financial

systems that have been amended by this Act, in consideration of compliance with the provisions amended by this Act and of things such as changes in the social and economic conditions with which the financial system is faced, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 [平成十年十月十六日法律第百三十一号]

Supplementary Provisions [Act No. 131 of October 16, 1998]

(施行期日)

(Effective Date)

第一条 この法律は、金融再生委員会設置法（平成十年法律第百三十号）の施行の日から施行する。

Article 1 This Act comes into effect as of the day on which the Act Establishing the Financial Reconstruction Commission (Act No. 130 of 1998) comes into effect.

(経過措置)

(Transitional Measures)

第二条 この法律による改正前の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、地方税法、証券投資信託及び証券投資法人に関する法律、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、登録免許税法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律、特定目的会社による特定資産の流動化に関する法律又は金融システム改革のための関係法律の整備等に関する法律（以下「旧担保附社債信託法等」という。）の規定により内閣総理大臣その他の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、この法律による改正後の担保附社債信託法、信託業法、

農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、地方税法、証券投資信託及び証券投資法人に関する法律、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、登録免許税法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律、特定目的会社による特定資産の流動化に関する法律又は金融システム改革のための関係法律の整備等に関する法律（以下「新担保附社債信託法等」という。）の相当規定に基づいて、金融再生委員会その他の相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

Article 2 (1) A disposition, such as the granting of a license, permission, authorization, approval, or designation that is effected; or an action, such as the giving of notice, that is taken by the Minister of Finance or a national organ pursuant to the provisions of the Secured Corporate Bonds Trust Act; the Trust Business Act; the Norinchukin Bank Act; the Mutual Loan Business Act; the Act for Simplification of Bank Administration; the Act on Engagement in Trust Business Activities by Financial Institutions; the Act on Prohibiting Private Monopolies and Ensuring Fair Trade; the Agricultural Cooperatives Act; the Securities and Exchange Act; the Act on the Non-Life Insurance Rating Organization of Japan; the Fisheries Cooperatives Act, the Small and Medium-Sized Enterprise Cooperatives Act; the Act on Financial Services by Cooperatives; the Ship Owner's Mutual Insurance Union Act; the Local Tax Act; the Act on Securities Investment Trusts and Securities Investment Corporations; the Shinkin Bank Act; the Long-Term Credit Bank Act; the Loan Trust Act; the Loan Security Act for Small and Medium-Scale Fishing Operations; the Credit Guarantee Corporation Act; the Labor Bank Act; the Automobile Liability Security Act; the Agricultural Credit Guarantee Insurance Act; the Act on Earthquake Insurance; the Registration and License Tax Act; the Act on Mergers and Conversions in Financial Institutions; the Act on Foreign Securities Brokers; the Act to Facilitate the Introduction of

Industry into Agricultural Regions; Agricultural and Fishing Cooperatives Savings Insurance Act; the Banking Act; the Act to Regulate the Moneylending Business; the Act to Regulate Securities Investment Advisory Services; the Act to Regulate Mortgage Securities Services; the Financial Futures Trading Act; the Act to Regulate Advanced Payment Certificates; the Act to Regulate Commodity Investment; the Act for Establishing Special Provisions in the Narcotics and Psychotropics Control Act and Other Acts in Order to Prevent Activities That Further Illicit Conduct Involving Controlled Substances, through International Cooperation; the Act to Regulate Business Undertakings Involving Specified Claims; the Act to Reorganize Acts That Are Related to the Reform of the Financial and Securities Exchange Systems; the Act on Preferred Equity Investment by Cooperatively Structured Financial Institutions; the Specified Joint Real Estate Ventures Act; the Insurance Business Act; the Act Establishing Special Measures for Corporate Reorganization Proceedings and Other Insolvency Proceedings by Financial Institutions; the Act on Mergers between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives; the Bank of Japan Act; the Act Establishing Special Measures for Bank Merger Proceedings That Are for Founding Bank Holding Companies; the Act on the Securitization of Specified Assets by Special Purpose Companies; and the Act on Amendment of Related Acts for the Financial System Reform (hereinafter referred to as the "Former Secured Corporate Bonds Trust Act, etc.") are deemed to be disposition, such as the granting of a license, permission, authorization, approval, or designation that is effected; or an action, such as the giving of notice, that is taken by the Financial Reconstruction Commission or the corresponding national organ pursuant to the corresponding provisions of the Secured Bonds Trust Act; the Trust Business Act; the Norinchukin Bank Act; the Mutual Loan Business Act; the Act for the Simplification of Bank Administration; the Act on Engagement in Trust Business Activities by Financial Institutions; the Act on Prohibiting Private Monopolies and Ensuring Fair Trade; the Agricultural Cooperatives Act; the Securities and Exchange Act; the Act on the Non-Life Insurance Rating Organization of Japan; the Fisheries Cooperatives Act; the Small and Medium-Sized Enterprise Cooperatives Act; the Act on Financial Services by Cooperatives; the Ship Owner's Mutual Insurance Union Act; the Local Tax Act; the Act on Securities Investment Trusts and Securities Investment Corporations; the Shinkin Bank Act; the Long-Term Credit Bank Act; the Loan Trust Act; the Loan Security Act for Small and Medium-Scale Fishing Operations; the Credit Guarantee Corporation Act; the Labor Bank Act; the Automobile Liability Security Act; the Agricultural Credit Guarantee Insurance Act; the Act on Earthquake Insurance; the Registration and License Tax Act; the Act on Mergers and Conversions in Financial Institutions; the Act

on Foreign Securities Brokers; the Act to Facilitate the Introduction of Industry into Agricultural Regions; Agricultural and Fishing Cooperatives Savings Insurance Act; the Banking Act; the Act to Regulate the Moneylending Business the Act to Regulate Securities Investment Advisory Services; the Act to Regulate Mortgage Securities Services; the Financial Futures Trading Act; the Act to Regulate Advanced Payment Certificates; the Act to Regulate Commodity Investment; the Act for Establishing Special Provisions in the Narcotics and Psychotropics Control Act and Other Acts in Order to Prevent Activities That Further Illicit Conduct Involving Controlled Substances, through International Cooperation; the Act to Regulate Business Undertakings Involving Specified Claims; the Act to Reorganize Acts That Are Related to the Reform of the Financial and Securities Exchange Systems; the Act on Preferred Equity Investment by Cooperatively Structured Financial Institutions; the Specified Joint Real Estate Ventures Act; the Insurance Business Act; the Act Establishing Special Measures for Corporate Reorganization Proceedings and Other Insolvency Proceedings by Financial Institutions; the Act on Mergers between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives; the Bank of Japan Act; the Act Establishing Special Measures for Bank Merger Proceedings That Are for Founding Bank Holding Companies; the Act on the Securitization of Specified Assets by Special Purpose Companies; and the Act on Amendment of Related Acts for the Financial System Reform (hereinafter referred to as the "New Secured Corporate Bonds Trust Act, etc.").

2 この法律の施行の際現に旧担保附社債信託法等の規定により内閣総理大臣その他の国の機関に対してされている申請、届出その他の行為は、新担保附社債信託法等の相当規定に基づいて、金融再生委員会その他の相当の国の機関に対してされた申請、届出その他の行為とみなす。

(2) An action, such as the filing of an application or notification with the Prime Minister or national organ pursuant to the provisions of the Former Secured Corporate Bonds Trust Act, etc., which has been taken as of the time this Act comes into effect is deemed to be an action such as the filing of an application or notification with the Financial Reconstruction Commission or corresponding national organ pursuant to the corresponding provisions of the New Secured Corporate Bonds Trust Act, etc.

3 旧担保附社債信託法等の規定により内閣総理大臣その他の国の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、これを、新担保附社債信託法等の相当規定により金融再生委員会その他の相当の国の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、新担保附社債信託法等の規定を適用する。

(3) Any particular requiring that a procedure be followed, such as reporting,

notification, or submission to the Prime Minister or a national organ pursuant to the provisions of the Former Secured Corporate Bonds Trust Act, etc., for which the procedure has not been followed before the day on which this Act comes into effect, is deemed to be a particular requiring that a procedure be followed, such as reporting, notification, or submission to the Financial Reconstruction Commission or a corresponding national organ pursuant to the corresponding provisions of the New Secured Corporate Bonds Trust Act, etc., for which the procedure has not been followed, and the relevant provisions of the New Secured Corporate Bonds Trust Act, etc. apply.

第三条 この法律の施行の際現に効力を有する旧担保附社債信託法等の規定に基づく命令は、新担保附社債信託法等の相当規定に基づく命令としての効力を有するものとする。

Article 3 An order based on the provisions of the Former Secured Corporate Bonds Trust Act, etc. which is in force at the time this Act comes into effect remains in force as an order based on the corresponding provisions of the New Secured Corporate Bonds Trust Act, etc.

第四条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 4 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect.

(政令への委任)

(Delegation to Cabinet Order)

第五条 前三条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 5 Beyond what is provided for in the preceding three Articles, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

附 則 〔平成十一年八月十三日法律第百二十五号〕 〔抄〕

Supplementary Provisions [Act No. 125 of August 13, 1999] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。ただし、第一条中商法第二百八十五条ノ四、第二百八十五条ノ五第二項、第二百八十五条ノ六第二項及び第三項、第二百九十条第一項並びに第二百九十三条ノ五第三項の改正規定並びに附則第六条中農林中央金庫法（大正十二年法律第四十二号）第二十三条第三項及び第二十四条第一項の改正規定、附則第七条中商工組

合中央金庫法（昭和十一年法律第十四号）第三十九条ノ三第三項及び第四十条ノ二第一項の改正規定、附則第九条中農業協同組合法（昭和二十二年法律第百三十二号）第五十二条第一項の改正規定、附則第十条中証券取引法（昭和二十三年法律第二十五号）第五十三条第三項の改正規定及び同条第四項を削る改正規定、附則第十一条中水産業協同組合法（昭和二十三年法律第二百四十二号）第五十六条第一項の改正規定、附則第十二条中協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第五条の五の次に一条を加える改正規定及び同法第十二条第一項の改正規定、附則第十三条中船主相互保険組合法（昭和二十五年法律第百七十七号）第四十二条第一項の改正規定、附則第十六条中信用金庫法（昭和二十六年法律第二百三十八号）第五十五条の三第三項及び第五十七条第一項の改正規定、附則第十八条中労働金庫法（昭和二十八年法律第二百二十七号）第六十一条第一項の改正規定、附則第二十三条中銀行法（昭和五十六年法律第五十九号）第十七条の二第三項の改正規定及び同条第四項を削る改正規定、附則第二十六条の規定、附則第二十七条中保険業法（平成七年法律第百五号）第十五条に一項を加える改正規定、同法第五十五条第一項及び第二項、第一百十二条第一項並びに第一百十二条の二第三項の改正規定、同条第四項を削る改正規定、同法第一百五條第二項、第一百八条第一項、第一百九条及び第一百九十九条の改正規定並びに同法附則第五十九条第二項及び附則第九十条第二項を削る改正規定、附則第二十九条中株式の消却の手續に関する商法の特例に関する法律（平成九年法律第五十五号）第七条第二項の改正規定並びに附則第三十一条中特定目的会社による特定資産の流動化に関する法律（平成十年法律第百五号）第一百一条第一項及び第一百二条第三項の改正規定は、平成十二年四月一日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation; provided, however, that the provisions in Article 1 amending Articles 285-4, Article 285-5, paragraph (2), Article 285-6, paragraphs (2) and (3), Article 290, paragraph (1), and Article 293-5, paragraph (3) of the Commercial Code; the provisions in Article 6 of these Supplementary Provisions amending Articles 23, paragraph (3), and Article 24, paragraph (1) of the Norinchukin Bank Act (Act No. 42 of 1923); the provisions in Article 7 of these Supplementary Provisions amending Articles 39-3, paragraph (3) and Article 40-2, paragraph (1) of the Shoko Chukin Bank Act (Act No. 14 of 1936); the provisions in Article 9 of these Supplementary Provisions amending Article 52, paragraph (1) of the Agricultural Cooperatives Act (Act No. 132 of 1947); the provisions in Article 10 of these Supplementary Provisions amending Article 53, paragraph (3) of the Securities and Exchange Act (Act No. 25 of 1948) and deleting Article 53, paragraph (4) of that Act; the provisions in Article 11 of these Supplementary Provisions amending Article 56, paragraph (1) of the Fisheries Cooperatives Act (Act No. 242 of 1948); the provisions in Article 12 of these Supplementary Provisions adding a new Article after Article 5-5 of the Act on Financial Services by Cooperatives (Act No. 183 of 1949) and amending Article 12, paragraph (1) of that Act; the provisions in Article 13 of these Supplementary

Provisions amending Article 42, paragraph (1) of the Ship Owner's Mutual Insurance Union Act (Act No. 177 of 1950); the provisions in Article 16 of these Supplementary Provisions amending Articles 55-3, paragraph (3) and Article 57, paragraph (1) of the Shinkin Bank Act (Act No. 238 of 1951); the provisions in Article 18 of these Supplementary Provisions amending Article 61, paragraph (1) of the Labor Bank Act (Act No. 227 of 1953); the provisions in Article 23 of these Supplementary Provisions amending Article 17-2, paragraph (3) of the Banking Act (Act No. 59 of 1981) and deleting Article 17-2, paragraph (4) of that Act; the provisions of Article 26 of these Supplementary Provisions; the provisions in Article 27 of these Supplementary Provisions adding a new paragraph to Article 15 of the Insurance Business Act (Act No. 105 of 1995), amending Articles 55, paragraphs (1) and (2), Article 112, paragraph (1), and Article 112-2, paragraph (3) of that Act, deleting Article 112-2, paragraph (4) of that Act, amending Articles 115, paragraph (2), Article 118, paragraph (1), Article 119, and Article 199 of that Act, and deleting Article 59, paragraph (2) and Article 90, paragraph (2) of the Supplementary Provisions of that Act; the provisions in Article 29 of these Supplementary Provisions amending Article 7, paragraph (2) of the Act on Special Measures under the Commercial Code Concerning Procedures for Canceling Shares (Act No. 55 of 1997); and the provisions in Article 31 of these Supplementary Provisions amending Article 101, paragraph (1) and Article 102, paragraph (3) of the Act on Securitization of Specified Assets by Special Purpose Companies (Act No. 105 of 1998) come into effect as of April 1, 2000.

(監査報告書に関する経過措置)

(Transitional Measures for Audit Reports)

第二条 この法律の施行前に終了した営業年度について作成すべき監査報告書の記載事項に関しては、なお従前の例による。農林中央金庫、農業協同組合及び農業協同組合連合会、漁業協同組合、漁業協同組合連合会、水産加工業協同組合及び水産加工業協同組合連合会、信用協同組合及び信用協同組合連合会（中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の九第一項第一号の事業を行う協同組合連合会をいう。次条において同じ。）、信用金庫及び信用金庫連合会、労働金庫及び労働金庫連合会並びに相互会社（保険業法第二条第五項に規定する相互会社をいう。次条において同じ。）についての、この法律の施行前に終了した事業年度について作成すべき監査報告書の記載事項に関しても、同様とする。

Article 2 Prior laws continue to govern the particulars for inclusion in an audit report that is to be prepared for a fiscal year ending before this Act comes into effect. The same applies with regard to the particulars for inclusion in an audit report that is to be prepared by the Norinchukin Bank, an agricultural cooperative or federation of agricultural cooperatives, a fisheries cooperative or federation of fisheries cooperatives, a fishery processing cooperative or

federation of fishery processing cooperatives, a credit cooperative or Federation of Credit Cooperatives (meaning a Federation of Credit Cooperatives that conducts the business set forth in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949); the same applies in the following Article), a shinkin bank or federation of shinkin banks, a labor bank or federation of labor banks, or a Mutual Company (meaning a Mutual Company as provided in Article 2, paragraph (5) of the Insurance Business Act; the same applies in the following Article) for a business year ending before this Act comes into effect.

(金銭債権等の評価に関する経過措置)

(Transitional Measures for the Valuation of Monetary Claims)

第三条 附則第一条ただし書に掲げる改正規定の施行前に開始した営業年度の決算期における金銭債権、社債その他の債券及び株式その他の出資による持分の評価（以下この条において「金銭債権等の評価」という。）に関しては、なお従前の例による。次の各号に掲げる金銭債権等の評価に関しても、同様とする。

Article 3 Prior laws continue to govern the valuation of monetary claims, corporate bonds, and other bond certificates, as well as shares and other equity interest acquired through a contribution (hereinafter referred to as the "valuation of monetary claims, etc." in this Article) in an accounting period that is during a fiscal year which starts before the amending provisions set forth in the proviso to Article 1 of these Supplementary Provisions come into effect. The same applies to the valuation of monetary claims, etc. set forth in the following items:

一 農林中央金庫、商工組合中央金庫、農業協同組合及び農業協同組合連合会、漁業協同組合、漁業協同組合連合会、水産加工業協同組合及び水産加工業協同組合連合会、信用協同組合及び信用協同組合連合会、船主相互保険組合、信用金庫及び信用金庫連合会並びに労働金庫及び労働金庫連合会についての、附則第一条ただし書に掲げる改正規定の施行前に開始した事業年度終了の日における金銭債権等の評価

(i) the valuation of the monetary claims, etc. of the Norinchukin Bank, the Shoko Chukin Bank, an agricultural cooperative or federation of agricultural cooperatives, a fisheries cooperative or federation of fisheries cooperatives, a fishery processing cooperative or federation of fishery processing cooperatives, a credit cooperative or Federation of Credit Cooperatives, a ship owner's mutual insurance union, a shinkin bank or federation of shinkin banks, or a labor bank or federation of labor banks, at the end of a business year which starts before the amending provisions set forth in the proviso to Article 1 of these Supplementary Provisions come into effect;

二 証券投資法人（証券投資信託及び証券投資法人に関する法律（昭和二十六年法律第九十八号）第二条第十一項に規定する証券投資法人をいう。）についての、附則第一条ただし書に掲げる改正規定の施行前に開始した営業期間（同法第一百三十三

条第二項に規定する営業期間をいう。) の決算期における金銭債権等の評価
(ii) the valuation of the monetary claims, etc. of a securities investment corporation (meaning a securities investment corporation as provided in Article 2, paragraph (11) of the Act on Securities Investment Trusts and Securities Investment Corporations (Act No. 198 of 1951)) in an accounting period that is during an operating period (meaning an operating period as provided in Article 133, paragraph (2) of that Act) which starts before the amending provisions set forth in the proviso to Article 1 of these Supplementary Provisions come into effect; and

三 相互会社についての、附則第一条ただし書に掲げる改正規定の施行前に開始した事業年度の決算期における金銭債権等の評価

(iii) the valuation of the monetary Ccaims, etc. of a Mutual Company in an accounting period that is during a business year which starts before the amending provisions set forth in the proviso to Article 1 of these Supplementary Provisions come into effect.

附 則 〔平成十一年十二月二十二日法律第百六十号〕 〔抄〕

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(施行期日)

(Effective Date)

第一条 この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 6, 2001; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

二 第三章（第三条を除く。）及び次条の規定 平成十二年七月一日

(ii) Chapter III (excluding Articles 3) and the following Article: July 1, 2000;

附 則 〔平成十一年十二月二十二日法律第二百二十五号〕 〔抄〕

Supplementary Provisions [Act No. 225 of December 22, 1999] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation.

(民法等の一部改正に伴う経過措置)

(Transitional Measures Accompanying the Partial Amendment of the Civil

Code)

第二十五条 この法律の施行前に和議開始の申立てがあった場合又は当該申立てに基づきこの法律の施行前若しくは施行後に和議開始の決定があった場合においては、当該申立て又は決定に係る次の各号に掲げる法律の規定に定める事項に関する取扱いについては、この法律の附則の規定による改正後のこれらの規定にかかわらず、なお従前の例による。

Article 25 Notwithstanding what is provided for, after the amendments under these Supplementary Provisions, in the provisions of law that are set forth in the following items, if a motion to commence composition proceedings is filed before this Act comes into effect or if an order to commence composition proceedings which is based on such a motion is issued before or after this Act comes into effect, prior laws continue to govern the treatment of the things provided for in the following provisions of law in respect of such a motion or order:

一 民法第三百九十八条ノ三第二項

(i) Article 398-3, paragraph (2) of the Civil Code;

二 船員保険法第三十三条ノ十二ノ三第一項第一号ハ

(ii) Article 33-12-3, paragraph (1), item (i), (c) of the Mariners' Insurance Act;

三 農水産業協同組合貯金保険法第五十九条第三項及び第六十八条の三第二項

(iii) Article 59, paragraph (3) and Article 68-3, paragraph (2) of Agricultural and Fishing Cooperatives Savings Insurance Act;

四 雇用保険法第二十二条の二第一項第一号ハ

(iv) Article 22-2, paragraph (1), item (i), (c) of the Employment Insurance Act;

五 非訟事件手続法第三百三十五条ノ三十六

(v) Article 135-36 of the Non-Contentious Cases Procedures Act;

六 商法第三百九条ノ二第一項第二号並びに第三百八十三条第一項及び第二項

(vi) Article 309-2, paragraph (1), item (ii) and Article 383, paragraph (1) and paragraph (2) of the Commercial Code;

七 証券取引法第五十四条第一項第七号、第六十四条の十第一項及び第七十九条の五十三第一項第二号

(vii) Article 54, paragraph (1), item (vii), Article 64-10, paragraph (1) and Article 79-53, paragraph (1), item (ii) of the Securities and Exchange Act;

八 中小企業信用保険法第二条第三項第一号

(viii) Article 2, paragraph (3), item (i) of the Small and Medium-sized Enterprises Credit Insurance Act;

九 会社更生法第二十条第二項、第二十四条、第三十七条第一項、第三十八条第四号、第六十七条第一項、第七十八条第一項第二号から第四号まで、第七十九条第二項、第八十条第一項並びに第六十三条第二号及び第四号

(ix) Articles 20, paragraph (2); Article 24; Article 37, paragraph (1); Article 38, item (iv); Article 67, paragraph (1); Article 78, paragraph (1), items (ii) through (iv); Article 79, paragraph (2); Article 80, paragraph (1); and Article

- 163, item (ii) and item (iv) of the Corporate Reorganization Act;
- 十 国の債権の管理等に関する法律第三十条
- (x) Article 30 of the Act on the Management of the Claims of the State;
- 十一 割賦販売法第二十七条第一項第五号
- (xi) Article 27, paragraph (1), item (v) of the Installment Sales Act;
- 十二 外国証券業者に関する法律第二十二条第一項第八号及び第三十三条第一項
- (xii) Article 22, paragraph (1), item (viii) and Article 33, paragraph (1) of the Act on Foreign Securities Brokers;
- 十三 民事訴訟費用等に関する法律別表第一の十二の項及び十七の項ニ
- (xiii) Row (12) and Row (17), (d) of Appended Table 1 of the Act on the Cost of Civil Procedure;
- 十四 積立式宅地建物販売業法第三十六条第一項第五号
- (xiv) Article 36, paragraph (1), item (v) of the Act on the Sale of Reserved Residential Land and Buildings by Advance Installments;
- 十五 中小企業倒産防止共済法第二条第二項第一号
- (xv) Article 2, paragraph (2), item (i) of the Act on the Mutual Relief System for the Prevention of Bankruptcy by Small and Medium-Sized Enterprises;
- 十六 銀行法第四十六条第一項
- (xvi) Article 46, paragraph (1) of the Banking Act;
- 十七 特定目的会社による特定資産の流動化に関する法律第百十一条第四項第二号
- (xvii) Article 111, paragraph (4), item (ii) of the Act on the Securitization of Specified Assets by Special Purpose Companies;
- 十八 保険業法第六十六条、第百五十一条及び第二百七十一条第一項
- (xviii) Article 66, Article 151 and Article 271, paragraph (1) of the Insurance Business Act;
- 十九 金融機関等の更生手続の特例等に関する法律第二十四条第一項、第二十六条、第二十七条、第三十一条、第四十五条、第四十八条第一項第二号から第四号まで及び第四十九条第一項
- (xix) Article 24, paragraph (1); Article 26; Article 27; Article 31; Article 45; Article 48, paragraph (1), items (ii) through (iv); and Article 49, paragraph (1) of the Act Establishing Special Measures for Corporate Reorganization Proceedings and Other Insolvency Proceedings by Financial Institutions; and
- 二十 組織的な犯罪の処罰及び犯罪収益の規制等に関する法律第四十条第一項及び第三項
- (xx) Article 40, paragraph (1) and paragraph (3) of the Act on the Punishment of Organized Crime and the Control of Criminal Proceeds.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第二十六条 この法律の施行前にした行為及びこの法律の附則において従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用について

は、なお従前の例による。

Article 26 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the Supplementary Provisions of this Act .

附 則 〔平成十二年五月三十一日法律第九十一号〕
Supplementary Provisions [Act No. 91 of May 31, 2000]

(施行期日)

(Effective Date)

1 この法律は、商法等の一部を改正する法律（平成十二年法律第九十号）の施行の日から施行する。

(1) This Act comes into effect as of the day on which the Act Partially Amending the Commercial Code and Other Acts (Act No. 90 of 2000) comes into effect.

(経過措置)

(Transitional Measures)

2 この法律の施行の日が独立行政法人農林水産消費技術センター法（平成十一年法律第百八十三号）附則第八条の規定の施行の前である場合には、第三十一条のうち農林物資の規格化及び品質表示の適正化に関する法律第十九条の五の二、第十九条の六第一項第四号及び第二十七条の改正規定中「第二十七条」とあるのは、「第二十六条」とする。

(2) If this Act comes into effect before the date on which Article 8 of the Supplementary Provisions of the Act on the Center for Food Quality, Labeling and Consumer Services (Act No. 183 of 1999) comes into effect, the term "Article 27" in the provisions in Article 31 amending Article 19-5-2, Article 19-6, paragraph (1), item (iv), and Article 27 of the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products is deemed to be replaced with "Article 26".

附 則 〔平成十二年五月三十一日法律第九十六号〕 〔抄〕
Supplementary Provisions [Act No. 96 of May 31, 2000] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十二年十二月一日（以下「施行日」という。）から施行する。

Article 1 This Act comes into effect as of December 1, 2000 (hereinafter referred to as the "effective date").

(処分等の効力)

(Effect of a Disposition)

第四十九条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前に改正前のそれぞれの法律の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 49 Unless otherwise provided for in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of one of the relevant laws prior to amendment before this Act comes into effect (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, this means before those provisions come into effect), for which corresponding provisions exist in the relevant amended laws, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the relevant amended laws.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第五十条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 50 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第五十一条 附則第二条から第十一条まで及び前条に定めるもののほか、この法律の施行に際し必要な経過措置は、政令で定める。

Article 51 Beyond what is provided for in Articles 2 through 11 and the preceding Article of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures occasioned by the enforcement of this Act.

(検討)

(Reviews)

第五十二条 政府は、この法律の施行後五年を経過した場合において、新証券取引法及び新金融先物取引法の施行状況、社会経済情勢の変化等を勘案し、新証券取引法第二条第十六項に規定する証券取引所及び新金融先物取引法第二条第六項に規定する金融先物取引所に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 52 Once five years have passed after this Act comes into effect, the government is to review the systems connected with securities exchanges as prescribed in Article 2, paragraph (16) of the New Securities and Exchange Act and financial futures exchanges as prescribed in Article 2, paragraph (6) of the

New Financial Futures Trading Act, in consideration of compliance with the New Securities and Exchange Act and the New Financial Futures Trading Act and of things such as changes in social and economic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十二年五月三十一日法律第九十七号〕 〔抄〕
Supplementary Provisions [Act No. 97 of May 31, 2000] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation (hereinafter referred to as the "effective date").

(銀行法の一部改正)

(Partial Amendment of the Banking Act)

第五十条 略

Article 50 (1) Omitted

2 前項の規定による改正後の銀行法第十条第七項の規定の適用については、旧特定目的会社並びに旧特定目的会社に係る資産流動化計画及び特定社債は、それぞれ新資産流動化法の規定による特定目的会社並びに特定目的会社に係る資産流動化計画及び特定社債とみなす。

(2) With regard to application of Article 10, paragraph (7) of the Banking Act after its amendment under the preceding paragraph, old special purpose companies and the asset securitization plans and specified bonds of an old special purpose company are deemed to be special purpose companies and the asset securitization plans and specified bonds of a special purpose company as provided in the New Act on Securitization of Assets.

(処分等の効力)

(Effect of a Disposition)

第六十四条 この法律（附則第一条ただし書の規定にあつては、当該規定）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 64 Unless otherwise provided for in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of one

of the relevant laws prior to amendment (including an order based on these laws; hereinafter the same applies in this Article) before this Act comes into effect (for the provisions set forth in the proviso to Article 1 of the Supplementary Provisions, this means before those provisions come into effect), for which corresponding provisions exist in the relevant amended laws, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the relevant amended laws.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第六十五条 この法律（附則第一条ただし書の規定にあつては、当該規定）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 65 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (for the provisions set forth in the proviso to Article 1 of the Supplementary Provisions, this means before those provisions come into effect), as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions.

第六十六条 附則第六十二条の規定による改正後の組織的な犯罪の処罰及び犯罪収益の規制等に関する法律（以下この条において「新組織的犯罪処罰法」という。）の規定（前条の規定により適用されることとなる罰則の規定を除く。）の適用については、附則第二条第一項本文の規定によりなお効力を有することとされている場合における旧資産流動化法第一百七十一条、第一百七十二条、第一百七十四条、第一百七十九条第一項並びに第一百八十二条第二項及び第四項の罪は、新組織的犯罪処罰法別表第五十八号に掲げる罪とみなし、前条の規定によりなお従前の例によることとされている場合における旧投信法第二百二十八条、第二百三十条、第二百三十五条第一項並びに第二百三十六条第二項及び第四項の罪は、新組織的犯罪処罰法別表第二十三号に掲げる罪とみなす。

Article 66 To apply the provisions of the Act on the Punishment of Organized Crime and the Control of Criminal Proceeds after its amendment under Article 62 of these Supplementary Provisions (hereinafter referred to as the "New Act on the Punishment of Organized Crime" in this Article) (excluding the penal provisions that are to apply pursuant to the preceding Article), a crime as prescribed in Article 171; Article 172; Article 174; Article 179, paragraph (1); or Article 182, paragraph (2) or paragraph (4) of the Former Act on Securitization of Assets in a situation in respect of which prior laws remain in force pursuant to the provisions of the main clause of Article 2, paragraph (1) of these Supplementary Provisions, is deemed to a crime as set forth in item (lviii) of the Appended Table of the New Act on the Punishment of Organized

Crime, and a crime as prescribed in Article 228; Article 230; Article 235, paragraph (1); or Article 236, paragraph (2) or paragraph (4) of the Former Investment Trust Act in a situation that prior laws continue to govern pursuant to the provisions of the preceding Article is deemed to be a crime as set forth in item (xxiii) of the Appended Table of the New Act on the Punishment of Organized Crime.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第六十七条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 67 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

(検討)

(Reviews)

第六十八条 政府は、この法律の施行後五年以内に、新資産流動化法、新投信法及び第八条の規定による改正後の宅地建物取引業法（以下この条において「新宅地建物取引業法」という。）の施行状況、社会経済情勢の変化等を勘案し、新資産流動化法及び新投信法の規定並びに新宅地建物取引業法第五十条の二第二項に規定する認可宅地建物取引業者に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 68 Within five years after this Act comes into effect, the government is to review systems that are connected with the provisions of the New Act on the Securitization of Assets and the New Investment Trust Act and systems that are connected with authorized realtors as prescribed in Article 50-2, paragraph (2) of the Act on the Realty Business after its amendment under Article 8 (hereinafter referred to as the "New Realty Business Act" in this Article), in consideration of compliance with the New Act on the Securitization of Assets, the New Investment Trust Act, and the New Realty Business Act and of things such as changes in social and economic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十二年十一月二十九日法律第百二十九号〕 〔抄〕

Supplementary Provisions [Act No. 129 of November 29, 2000] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation.

附 則〔平成十三年六月二十七日法律第七十五号〕〔抄〕
Supplementary Provisions [Act No. 75 of June 27, 2001] [Extract]

(施行期日等)

(Effective Date)

第一条 この法律は、平成十四年四月一日（以下「施行日」という。）から施行し、施行日以後に発行される短期社債等について適用する。

Article 1 This Act comes into effect as of April 1, 2002 (hereinafter referred to as the "effective date"), and applies to Short-Term Bonds, etc. issued on and after the effective date.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第七条 施行日前にした行為及びこの附則の規定によりなおその効力を有することとされる場合における施行日以後にした行為に対する罰則の適用については、なお従前の例による。

Article 7 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before the effective date, as well as to conduct in which a person engages on or after the effective date in a situation for which prior laws remain in force pursuant to these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第八条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 8 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

(検討)

(Reviews)

第九条 政府は、この法律の施行後五年を経過した場合において、この法律の施行状況、社会経済情勢の変化等を勘案し、振替機関に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を構ずるものとする。

Article 9 Once five years have passed after this Act comes into effect, the government is to review systems that are connected with book-entry transfer institutions, in consideration of compliance with this Act and of things such as

changes in socioeconomic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十三年六月二十九日法律第八十号〕
Supplementary Provisions [Act No. 80 of June 29, 2001]

この法律は、商法等改正法の施行の日から施行する。

This Act comes into effect as of the day on which the Act Partially Amending the Commercial Code and Other Acts comes into effect.

附 則 〔平成十三年十一月九日法律第百十七号〕 〔抄〕
Supplementary Provisions [Act No. 117 of November 9, 2001] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation (hereinafter referred to as the "effective date"); provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant items:

一 第一条中銀行法第十七条の二を削る改正規定及び第四十七条第二項の改正規定（「、第十七条の二」を削る部分に限る。）、第三条中保険業法第一百十二条の二を削る改正規定及び第二百七十条の六第二項第一号の改正規定、第四条中第五十五条の三を削る改正規定、第八条、第九条、第十三条並びに第十四条の規定並びに次条、附則第九条及び第十三条から第十六条までの規定 公布の日から起算して一月を経過した日

(i) the provisions in Article 1 deleting Article 17-2 of the Banking Act and amending Article 47, paragraph (2) of that Act (limited to the part deleting "Article 17-2"); the provisions in Article 3 deleting Article 112-2 of the Insurance Business Act and amending Article 270-6, paragraph (2), item (i) of that Act; the provisions in Article 4 deleting Article 55-3; the provisions of Article 8, Article 9, Article 13 and Article 14; and, the provisions of the following Article, Article 9 and Articles 13 through 16 of the Supplementary Provisions: the day calculated as falling one month after the day of promulgation of this Act;

(外国銀行支店に係る営業の免許に関する経過措置)

(Transitional Measures for Foreign Bank Branches' Business Licenses)

第二条 この法律の施行の際現に第一条の規定による改正前の銀行法（以下「旧銀行法」という。）第四十七条第一項の規定により旧銀行法第四条第一項の内閣総理大臣の免許（以下この条において「旧免許」という。）を受けている外国銀行のうち、その受けている旧免許の数が一であるものについては、この法律の施行の際に第一条の規定による改正後の銀行法（以下「新銀行法」という。）第四十七条第一項の規定により新銀行法第四条第一項の内閣総理大臣の免許を受けたものとみなす。

Article 2 (1) A foreign bank that, has obtained a single license of the Prime Minister as referred to in Article 4, paragraph (1) of the Banking Act prior to amendment under Article 1 (hereinafter referred to as the "Former Banking Act") (such a license is referred to as an "old license" in this Article), pursuant to Article 47, paragraph (1) of the Former Banking Act, as of the time this Act comes into effect, is deemed to obtain the license of the Prime Minister as referred to in Article 4, paragraph (1) of the Banking Act amended under Article 1 (hereinafter referred to as the "New Banking Act"), pursuant to Article 47, paragraph (1) of the New Banking Act, at the time this Act comes into effect.

2 前項の規定により新銀行法第四十七条第一項の規定により新銀行法第四条第一項の内閣総理大臣の免許を受けたものとみなされる外国銀行以外の外国銀行は、この法律の施行前においても、当該外国銀行が受けている旧免許に係る外国銀行支店のうち一の外国銀行支店を新銀行法第四十七条第一項に規定する主たる外国銀行支店として定め、内閣府令で定めるところにより内閣総理大臣に届け出ることができる。

(2) A foreign bank other than one that, pursuant to the preceding paragraph, is deemed to have obtained the license of the Prime Minister as referred to in Article 4, paragraph (1) of the New Banking Act pursuant to Article 47, paragraph (1) of the New Banking Act may file a notification with the Prime Minister pursuant to the provisions of Cabinet Order even before the effective date, designating one of the foreign bank branches for which it has obtained an old license as the principal foreign bank branch as provided in Article 47, paragraph (1) of the New Banking Act.

3 この法律の施行前に前項の規定による届出をした外国銀行であって、この法律の施行の際現に旧免許を受けているものは、施行日において新銀行法第四十七条第一項の規定により新銀行法第四条第一項の内閣総理大臣の免許を受けたものとみなす。

(3) A foreign bank that files a notification under the preceding paragraph before this Act comes into effect and that holds an old license at the time this Act comes into effect is deemed to obtain the license of the Prime Minister as referred to in Article 4, paragraph (1) of the New Banking Act, pursuant to Article 47, paragraph (1) of the New Banking Act, on the effective date.

（銀行の株主に関する経過措置）

(Transitional Measures for Banks' Shareholders)

第三条 この法律の施行の際現に存する銀行の株式の所有者に対する新銀行法第七章の

二の規定（第三節の規定を除く。）の適用については、当該株式の所有者は、施行日において新銀行法第五十二条の九第一項各号に掲げる取引又は行為以外の事由により当該銀行の株式の所有者になったものとみなす。

Article 3 (1) To apply the provisions of Chapter VII-2 (excluding Section 3) of the New Banking Act to holders of shares in a bank that exist at the time this Act comes into effect, the holders of shares are deemed to have become those holders on the effective date due to a cause other than a transaction or action set forth in one of the items of Article 52-9, paragraph (1) of the New Banking Act.

2 この法律の施行の際現に旧銀行法第十六条の二第四項又は第五項ただし書の認可を受けて他の銀行を子会社としている銀行は、当該他の銀行の株式の所有につき、施行日に新銀行法第五十二条の九第二項ただし書の認可を受けたものとみなす。

(2) A bank that has another bank as its subsidiary company at the time this Act comes into effect under the authorization referred to in Article 16-2, paragraph (4) or in the proviso to Article 16-2, paragraph (5) of the Former Banking Act is deemed to obtain the authorization referred to in the proviso to Article 52-9, paragraph (2) of the New Banking Act to hold shares in the other bank, on the effective date.

(権限の委任)

(Delegation of Authority)

第十三条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 13 (1) The Prime Minister delegates the authority under these Supplementary Provisions (excluding what is specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

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

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

(処分等の効力)

(Effect of a Disposition)

第十四条 この法律の各改正規定の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 14 Unless otherwise provided for in these Supplementary Provisions, a

disposition, procedure, or other action taken pursuant to the provisions of one of the relevant laws prior to amendment (including an order based on these laws; hereinafter the same applies in this Article) before the amending provisions of this Act come into effect, for which corresponding provisions exist in the relevant amended laws, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the relevant amended laws.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第十五条 この法律の各改正規定の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係る各改正規定の施行後にした行為に対する罰則の適用については、それぞれなお従前の例による。

Article 15 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before the relevant amended provisions of this Act come into effect and to conduct in which a person engages after the relevant amended provisions come into effect in respect of things that, pursuant to these Supplementary Provisions, continue to be governed by prior laws.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第十六条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置（罰則に係る経過措置を含む。）は、政令で定める。

Article 16 Beyond what is provided for in Article 2 through the preceding Article of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act (including transitional measures for penal provisions).

(検討)

(Reviews)

第二十三条 政府は、この法律の施行後五年を経過した場合において、新銀行法、新長期信用銀行法及び新保険業法の施行状況、銀行業及び保険業を取り巻く社会経済情勢の変化等を勘案し、新銀行法第二条第十項に規定する銀行主要株主、新長期信用銀行法第十六条の二の二第五項に規定する長期信用銀行主要株主及び新保険業法第二条第十四項に規定する保険主要株主に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 23 Once five years have passed after this Act comes into effect, the government is to review systems that are connected with banks' Major Shareholders as prescribed in Article 2, paragraph (10) of the New Banking Act, the major shareholders of long-term credit banks as prescribed in Article 16-2-

2, paragraph (5) of the New Long-Term Credit Bank Act, and the major shareholders of Insurance Companies as prescribed in Article 2, paragraph (14) of the New Insurance Business Act, in consideration of compliance with the New Banking Act, the New Long-Term Credit Bank Act, and the New Insurance Business Act and of things such as changes in the socioeconomic conditions with which banking and the insurance business are faced, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十三年十一月二十八日法律第百二十九号〕 〔抄〕
Supplementary Provisions [Act No. 129 of November 28, 2001] [Extract]

(施行期日)

(Effective Date)

1 この法律は、平成十四年四月一日から施行する。

(1) This Act comes into effect as of April 1, 2002.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

2 この法律の施行前にした行為及びこの法律の規定により従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(2) Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of this Act.

附 則 〔平成十四年五月二十九日法律第四十五号〕
Supplementary Provisions [Act No. 45 of May 29, 2002]

(施行期日)

(Effective Date)

1 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

(1) This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year after the day of its promulgation.

(経過措置)

(Transitional Measures)

2 この法律の施行の日が農業協同組合法等の一部を改正する法律（平成十三年法律第

九十四号) 第二条の規定の施行の日前である場合には、第九条のうち農業協同組合法第三十条第十二項の改正規定中「第三十条第十二項」とあるのは、「第三十条第十一項」とする。

(2) If this Act comes into effect before the date on which Article 2 of the Act Partially Amending the Agricultural Cooperatives Act and Other Acts (Act No. 94 of 2001) comes into effect, the term "Article 30, paragraph (12)" in the provisions in Article 9 amending Article 30, paragraph (12) of the Agricultural Cooperatives Act is deemed to be replaced with "Article 30, paragraph (11)".

附 則 [平成十四年五月二十九日法律第四十七号] [抄]
Supplementary Provisions [Act No. 47 of May 29, 2002] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation.

附 則 [平成十四年六月十二日法律第六十五号] [抄]
Supplementary Provisions [Act No. 65 of June 12, 2002] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十五年一月六日から施行する。

Article 1 This Act comes into effect as of January 6, 2003.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第八十四条 この法律（附則第一条各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 84 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (as for the provisions set forth in the items of Article 1 of the Supplementary Provisions, this means before those provisions come into effect; hereinafter the same applies in this Article), as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第八十五条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 85 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

(検討)

(Reviews)

第八十六条 政府は、この法律の施行後五年を経過した場合において新社債等振替法、金融商品取引法の施行状況、社会経済情勢の変化等を勘案し、新社債等振替法第二条第十一项に規定する加入者保護信託、金融商品取引法第二条第二十九項に規定する金融商品清算機関に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 86 Once five years have passed after this Act comes into effect, the government is to review systems that are connected with subscriber protection trusts as prescribed in Article 2, paragraph (11) of the New Act on the Transfer of Corporate Bonds, financial instruments clearing organizations as prescribed in Article 2, paragraph (29) of the Financial Instruments and Exchange Act, in consideration of compliance with the New Act on the Transfer of Corporate Bonds and the New Securities and Exchange Act and of things such as changes in socioeconomic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十五年五月三十日法律第五十四号〕 〔抄〕

Supplementary Provisions [Act No. 54 of May 30, 2003] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十六年四月一日から施行する。

Article 1 This Act comes into effect as of April 1, 2004.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第三十八条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 38 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第三十九条 この法律に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 39 Beyond what is provided for in this Act, Cabinet Order prescribes the necessary transitional measures associated with the enforcement of this Act.

(検討)

(Reviews)

第四十条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 40 Once five years have passed after this Act comes into effect, the government is to review the financial systems that have been amended by this Act, in consideration of compliance with provisions amended by this Act and of things such as changes in socioeconomic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 [平成十六年六月二日法律第七十六号] [抄]

Supplementary Provisions [Act No. 76 of June 2, 2004] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、破産法（平成十六年法律第七十五号。次条第八項並びに附則第三条第八項、第五条第八項、第十六項及び第二十一項、第八条第三項並びに第十三条において「新破産法」という。）の施行の日から施行する。

Article 1 This Act comes into effect as of the day on which the Bankruptcy Act (Act No. 75 of 2004; hereinafter referred to as the "New Bankruptcy Act" in paragraph (8) of the following Article; Article 3, paragraph (8); Article 5, paragraph (8), paragraph (16) and paragraph (21); Article 8, paragraph (3); and Article 13 of these Supplementary Provisions) comes into effect.

(政令への委任)

(Delegation to Cabinet Order)

第十四条 附則第二条から前条までに規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 14 Beyond what is provided for in Article 2 through the preceding Article of these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

附 則 [平成十六年六月九日法律第八十八号] [抄]

Supplementary Provisions [Act No. 88 of June 9, 2004] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して五年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding five years after the day of its promulgation (hereinafter referred to as the "effective date").

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第百三十五条 この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 135 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect; to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions; and to conduct in which a person engages after this Act comes into effect in a situation for which prior laws remain in force pursuant to these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第百三十六条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 136 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

(検討)

(Reviews)

第百三十七条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の株式等の取引に係る決済制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 137 Once five years have passed after this Act comes into effect, the government is to review the settlement systems for share, etc. trading that have been amended by this Act, in consideration of compliance with the provisions amended by this Act and of things such as changes in socioeconomic

conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十六年六月九日法律第九十七号〕〔抄〕

Supplementary Provisions [Act No. 97 of June 9, 2004] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十七年四月一日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of April 1, 2005 (hereinafter referred to as the "effective date"); provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant items:

一 第一条中証券取引法第三十三条の三、第六十四条の二第一項第二号及び第六十四条の七第五項の改正規定、同法第六十五条の二第五項の改正規定（「及び第七号」を「、第七号及び第十二号」に改める部分に限る。）並びに同法第一百四十四条、第一百六十三条第二項並びに第二百七条第一項第一号及び第二項の改正規定、第二条中外国証券業者に関する法律（以下この条において「外国証券業者法」という。）第三十六条第二項の改正規定、第四条中投資信託及び投資法人に関する法律（以下この条において「投資信託法」という。）第十条の五の改正規定、第六条中有価証券に係る投資顧問業の規制等に関する法律（以下この条において「投資顧問業法」という。）第二十九条の三の改正規定、第十一条及び第十二条の規定、第十三条中中小企業等協同組合法第九条の八第六項第一号に次のように加える改正規定並びに第十四条から第十九条までの規定 この法律の公布の日

(i) the provisions in Article 1 amending Article 33-3, Article 64-2, paragraph (1), item (ii), and Article 64-7, paragraph (5) of the Securities and Exchange Act; the provisions amending Article 65-2, paragraph (5) of that Act (limited to the part amending the term "and (vii)" to ", (vii) and (xii)") and the provisions amending Article 144, Article 163, paragraph (2) and Article 207, paragraph (1), item (i) and paragraph (2) of that Act; the provisions in Article 2 amending Article 36, paragraph (2) of the Act on Foreign Securities Brokers (hereinafter referred to as the "Foreign Brokers Act" in this Article); the provisions in Article 4 amending Article 10-5 of the Act on Investment Trusts and Investment Corporations (hereinafter referred to as the "Investment Trusts Act" in this Article); the provisions in Article 6 amending Article 29-3 of the Act to Regulate Securities Investment Advisory Services (hereinafter referred to as the "Investment Advisory Services Act" in this Article); the provisions of Articles 11 and 12; the provisions in Article 13 amending Article 9-8, paragraph (6), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act by making the following additions; and the provisions of Articles 14 to 19 inclusive: the day of promulgation of this Act;

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第二十二條 この法律（附則第一条各号に掲げる規定については、当該規定。以下この条において同じ。）の施行前にした行為及び附則第三条の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 22 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, this means before those provisions come into effect; hereinafter the same applies in this Article), as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to Article 3 of these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第二十三條 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 23 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures associated with this Act's entry into force.

(検討)

(Reviews)

第二十四條 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 24 Once five years have passed after this Act comes into effect, the government is to review the financial systems that have been amended by this Act, in consideration of compliance with the provisions amended by this Act and of things such as changes in social and economic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十六年十二月三日法律第百五十四号〕 〔抄〕

Supplementary Provisions [Act No. 154 of December 3, 2004] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding six months after the day of its promulgation (hereinafter referred to as the "effective date").

（処分等の効力）

(Effect of a Disposition)

第二百十一条 この法律の施行前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 121 Unless otherwise provided for in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of one of the relevant laws prior to amendment (including an order based on these laws; hereinafter the same applies in this Article) before this Act comes into effect, for which corresponding provisions exist in the relevant amended laws, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the relevant amended laws.

（罰則に関する経過措置）

(Transitional Measures Concerning Penal Provisions)

第二百十二条 この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 122 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect; to conduct in which a person engages after this Act comes into effect if prior laws continue to govern that conduct pursuant to these Supplementary Provisions; and to conduct in which a person engages after this Act comes into effect in a situation for which prior laws remain in force pursuant to these Supplementary Provisions.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Order)

第二百十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 123 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures associated with the enforcement of this Act.

(検討)

(Reviews)

第二百二十四条 政府は、この法律の施行後三年以内に、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 124 Within three years after this Act comes into effect, the government is to review compliance with this Act, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 [平成十六年十二月八日法律第百五十九号] [抄]

Supplementary Provisions [Act No. 159 of December 8, 2004] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十七年七月一日から施行する。

Article 1 This Act comes into effect as of July 1, 2005.

附 則 [平成十七年五月二日法律第三十八号] [抄]

Supplementary Provisions [Act No. 38 of May 2, 2005] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year after the day of its promulgation (hereinafter referred to as the "effective date").

(内閣府令への委任)

(Delegation to Cabinet Office Order)

第三十四条 この附則に定めるもののほか、この附則の規定による認可又は承認に関する申請の手續、書類の提出その他この法律を実施するため必要な事項は、内閣府令で定める。

Article 34 Beyond what is provided for in these Supplementary Provisions, the application process and submission of documents involved in an authorization or approval under these Supplementary Provisions, and other particulars that need to be set forth in order for this Act to be implemented, are specified by Cabinet Order.

(行政庁等)

(Administrative Agencies)

第三十四条の二 この附則（附則第十五条第四項を除く。）及びこの附則において読み替えて準用する保険業法における行政庁は、次の各号に掲げる法人の区分に応じ、当該各号に定める者とする。

Article 34-2 (1) The administrative agency referred to in these Supplementary Provisions (excluding Article 15, paragraph (4) of the Supplementary Provisions) and in the Insurance Business Act as applied mutatis mutandis pursuant to these Supplementary Provisions following a deemed replacement of terms means the person specified in the relevant following items for the category of corporation set forth in that item:

一 この法律の公布の際現に特定保険業を行っていた民法第三十四条の規定により設立された法人 移行登記をした日の前日において整備法第九十五条の規定によりなお従前の例により当該法人の業務の監督を行っていた行政機関（同日以前にあっては、同条の規定によりなお従前の例により当該法人の業務の監督を行う行政機関）

(i) a corporation established pursuant to the provisions of Article 34 of the Civil Code that was engaged in specified insurance business at the time of promulgation of this Act: the administrative organ that was supervising the services of that corporation on the day before that on which it transferred its registration based on prior laws pursuant to Article 95 of the Amendment Act (prior to the day before that on which it transferred its registration, this means the administrative organ that was supervising its services based on prior laws pursuant to the provisions of that Article); and

二 前号に掲げる法人以外の法人 内閣総理大臣

(ii) a corporation other than one as set forth in the preceding item: the Prime Minister.

2 この附則及びこの附則において読み替えて準用する保険業法における主務省令は、内閣総理大臣及び前項第一号に掲げる法人の業務の監督に係る事務を所掌する大臣が共同で発する命令とする。

(2) An order of the competent ministry under these Supplementary Provisions and under the Insurance Business Act as applied mutatis mutandis pursuant to these Supplementary Provisions following a deemed replacement of terms means an order issued jointly by the Prime Minister and the minister who has jurisdiction over the administrative functions involved in supervising the services of the corporation set forth in item (i) of the preceding paragraph.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第三十五条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 35 Prior laws continue to govern the applicability of penal provisions to

conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions.

(権限の委任)

(Delegation of Authority)

第三十六条 内閣総理大臣は、この附則及びこの附則において読み替えて準用する保険業法による権限（金融庁の所掌に係るものに限り、政令で定めるものを除く。）を金融庁長官に委任する。

Article 36 (1) The Prime Minister delegates the authority under these Supplementary Provisions and under the Insurance Business Act as applied mutatis mutandis pursuant to these Supplementary Provisions following a deemed replacement of terms (limited to the authority under the jurisdiction of the Financial Services Agency, and excluding what is specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

2 この附則及びこの附則において読み替えて準用する保険業法による行政庁（都道府県の知事その他の執行機関を除く。）の権限は、政令で定めるところにより、地方支分部局の長に行わせることができる。

(2) The authority of an administrative agency under these Supplementary Provisions and under the Insurance Business Act as applied mutatis mutandis pursuant to these Supplementary Provisions following a deemed replacement of terms (excluding prefectural governors and other prefectural executive agencies) may be exercised by the heads of local branch offices, pursuant to the provisions of Cabinet Order.

3 第一項の規定により金融庁長官に委任された権限については、政令で定めるところにより、そ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。

(3) The Commissioner of the Financial Services Agency may delegate a part of the authority delegated thereto pursuant to the provisions of paragraph (1) to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus, pursuant to the provisions of Cabinet Order.

(政令への委任)

(Delegation to Cabinet Order)

第三十七条 この附則に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 37 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

(検討)

(Reviews)

第三十八条 政府は、この法律の施行後三年以内に、生命保険契約者保護機構に対する政府の補助及び生命保険契約者保護機構による資金援助等の保険契約者等の保護のための特別の措置等に係る制度等の実施状況、生命保険契約者保護機構の財務の状況、保険会社の経営の健全性の状況等を勘案し、生命保険契約者保護機構の資金援助等に要する費用に係る負担の在り方、政府の補助に係る規定の継続の必要性等について検討を行い、適切な見直しを行うものとする。

Article 38 (1) Within three years after this Act comes into effect, the government is to review things such as what should be done with regard to the bearing of the costs required for financial assistance or other assistance provided by the Life Insurance Policyholders Protection Corporation and the necessity of maintaining the legal provisions on government assistance, in consideration of compliance with systems that are connected with special measures to protect insurance policy holders, etc. through governmental assistance to the Life Insurance Policyholders Protection Corporation, and financial and other assistance by the Life Insurance Policyholders Protection Corporation and in consideration of the financial condition of the Life Insurance Policyholders Protection Corporation, the soundness of management at Insurance Companies, and other relevant factors, and make the appropriate amendments.

2 政府は、この法律の施行後五年以内に、再保険を保険会社に付して行う業務その他の少額短期保険業者の業務の状況、保険会社が引き受ける保険の多様化の状況、経済社会情勢の変化等を勘案し、この法律に規定する保険業に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(2) Within five years after this Act comes into effect, the government is to review the systems connected with the insurance business provided for in this Act, in consideration of the business conditions of low-cost, short-term insurance providers, including the services that they engage in by obtaining reinsurance from Insurance Companies, the extent of diversification in insurance that is underwritten by Insurance Companies, and things such as changes in socioeconomic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十七年七月二十六日法律第八十七号〕 〔抄〕

Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]

この法律は、会社法の施行の日から施行する。

This Act comes into effect as of the day on which the Companies Act comes into effect.

附 則 〔平成十七年十一月二日法律第百六号〕 〔抄〕

Supplementary Provisions [Act No. 106 of November 2, 2005] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year after the day of its promulgation (hereinafter referred to as the "effective date"); provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

一 第十一条の規定 公布の日

(i) the provisions of Article 11: the day of promulgation of this Act;

(銀行法等の一部改正に伴う経過措置)

(Transitional Measures Accompanying the Partial Amendment of the Banking Act and Other Acts)

第二条 この法律の施行の際現に第一条の規定による改正後の銀行法（以下「新銀行法」という。）第二条第十四項に規定する銀行代理業（以下「銀行代理業」という。）を営んでいる者（次条第一項の規定により施行日において新銀行法第五十二条の三十六第一項の許可を受けたものとみなされた者を除く。）は、施行日から起算して三月間（当該期間内に新銀行法第五十二条の三十六第一項の許可に係る申請について不許可の処分があったとき、又は次項の規定により読み替えて適用する新銀行法第五十二条の五十六第一項の規定により銀行代理業の廃止を命じられたときは、当該処分の日又は当該廃止を命じられた日までの間）は、新銀行法第五十二条の三十六第一項の規定にかかわらず、引き続き銀行代理業を営むことができる。その者がその期間内に同項の許可の申請をした場合において、その期間を経過したときは、その申請について許可又は不許可の処分があるまでの間も、同様とする。

Article 2 (1) Notwithstanding the provisions of Article 52-36, paragraph (1) of the New Banking Act, a person that is engaged in bank agency services as defined in Article 2, paragraph (14) of the Banking Act after its amendment (hereinafter referred to as the "New Banking Act") under Article 1 (hereinafter referred to as "bank agency services") at the time this Act comes into effect (excluding a person that is deemed to have obtained the license referred to in Article 52-36, paragraph (1) of the New Banking Act on effective date pursuant to the provisions of paragraph (1) of the following Article of the Supplementary Provisions) may continue to engage in bank agency services during the three months after the effective date (or, if a disposition denying the application for a license as referred to in Article 52-36, paragraph (1) of the New Banking Act is reached or the discontinuation of bank agency services is ordered pursuant to the provisions of Article 52-56, paragraph (1) of the New Banking Act as

applied by replacing certain terms pursuant to the provisions of the following paragraph, the person may continue to engage in bank agency services until the day on which that disposition is reached or order of discontinuation is issued). If that person files an application for the license referred to in Article 52-36, paragraph (1) of the New Banking Act within that period and that period passes, the same applies during the period up until the disposition granting or denying the license is reached.

2 前項の規定により引き続き銀行代理業を営む場合においては、その者を銀行代理業者（新銀行法第二条第十五項に規定する銀行代理業者をいう。以下同じ。）とみなして、新銀行法第十三条の二、第二十四条、第二十五条、第三十八条、第四十八条、第五十二条の三十六第二項及び第三項、第五十二条の三十九から第五十二条の四十一まで、第五十二条の四十三から第五十二条の五十六まで、第五十二条の五十八から第五十二条の六十まで、第五十三条第四項、第五十六条（第十一号に係る部分に限る。）並びに第五十七条の四第二項の規定並びにこれらの規定に係る新銀行法第九章の規定を適用する。この場合において、新銀行法第五十二条の五十六第一項中「次の各号のいずれか」とあるのは「第四号又は第五号」と、「第五十二条の三十六第一項の許可を取り消し」とあるのは「銀行代理業の廃止を命じ」とする。

(2) If a person continues to engage in bank agency services pursuant to the provisions of the preceding paragraph, the person is deemed to be a bank agent (meaning a bank agent as defined in Article 2, paragraph (15) of the New Banking Act; the same applies hereinafter), and the provisions of Article 13-2; Article 24; Article 25; Article 38; Article 48; Article 52-36, paragraph (2) and paragraph (3); Articles 52-39 through 52-41; Articles 52-43 through 52-56; Articles 52-58 through 52-60; Article 53, paragraph (4); Article 56 (limited to the part that involves item (xi)); and Article 57-4, paragraph (2) of the New Banking Act and the provisions of Chapter IX of the New Banking Act which are connected with these provisions apply. In this case, the term "in the following items" in Article 52-56, paragraph (1) of the New Banking Act is deemed to be replaced with "item (iv) or (v) below", and the term "revoke its license referred to in Article 52-36, paragraph (1)" in that paragraph is deemed to be replaced with "order it to discontinue bank agency services".

第三条 この法律の施行の際現に第一条の規定による改正前の銀行法（以下「旧銀行法」という。）第八条第一項の規定により設置された代理店において銀行代理業を営む者（新銀行法第五十二条の六十一第一項に規定する銀行等を除く。）は、施行日において新銀行法第五十二条の三十六第一項の許可を受けたものとみなして新銀行法の規定を適用する。

Article 3 (1) A person (other than a bank, etc. as defined in Article 52-61, paragraph (1) of the New Banking Act) engaging in bank agency services at an agency established under Article 8, paragraph (1) of the Banking Act before its amendment under Article 1 (hereinafter referred to as the "Former Banking

Act") at the time this Act comes into effect is deemed to obtain the license referred to in Article 52-36, paragraph (1) of the New Banking Act on the effective date, and the provisions of the New Banking Act apply.

2 前項の規定により許可を受けたものとみなされる者は、施行日から起算して三月以内に新銀行法第五十二条の三十七第一項各号に掲げる事項を記載した書類及び同条第二項各号に掲げる書類を内閣総理大臣に提出しなければならない。

(2) A person that, pursuant to the preceding paragraph, is deemed to have obtained a license must submit a document stating the particulars set forth in the items of Article 52-37, paragraph (1) of the New Banking Act and the documents set forth in the items of Article 52-37, paragraph (2) of the New Banking Act to the Prime Minister by the last day in the three-month period that begins on the effective date.

3 第一項の規定により許可を受けたものとみなされる者については、新銀行法第五十二条の三十九の規定は、同項の規定にかかわらず、当該許可を受けたものとみなされる者が前項の規定により同項に規定する書類を提出するまでの間は、適用しない。

(3) Notwithstanding the provisions of paragraph (1), the provisions of Article 52-39 of the New Banking Act do not apply to a person that is deemed, pursuant to paragraph (1), to have obtained a license, until the person that is deemed to have obtained the license submits the documents referred to in the preceding paragraph, pursuant to the provisions of that paragraph.

4 この法律の施行の際現に旧銀行法第八条第一項の規定により設置された代理店において銀行代理業を営む者（新銀行法第五十二条の六十一第一項に規定する銀行等に限る。次項において「銀行代理業を営む銀行等」という。）に対する新銀行法第五十二条の六十一第三項の規定の適用については、同項中「銀行代理業を営もうとするときは」とあるのは、「銀行法等の一部を改正する法律（平成十七年法律第百六号）の施行の日から起算して三月以内に」とする。

(4) To apply Article 52-61, paragraph (3) of the New Banking Act to a person engaging in bank agency services at an agency established pursuant to the provisions of Article 8, paragraph (1) of the Former Banking Act at the time this Act comes into effect (limited to a bank, etc. as defined in Article 52-61, paragraph (1) of the New Banking Act; referred to as "bank, etc. engaging in bank agency services" in the following paragraph), the term "if it seeks to engage in bank agency services" in Article 52-61, paragraph (3) of the New Banking Act is deemed to be replaced with "within three months after the day on which the Act Partially Amending the Banking Act and Other Acts (Act No. 106 of 2005) comes into effect".

5 銀行代理業を営む銀行等については、新銀行法第五十二条の三十九の規定は、新銀行法第五十二条の六十一第二項の規定にかかわらず、前項の規定により読み替えて適用する同条第三項の規定による届出をするまでの間は、適用しない。

(5) Notwithstanding the provisions of Article 52-61, paragraph (2) of the New Banking Act, the provisions of Article 52-39 of the New Banking Act do not

apply to a bank, etc. engaging in bank agency services until the bank, etc. engaging in bank agency services submits the documents referred to in Article 52-61, paragraph (3) of the New Banking Act as applied following the deemed replacement of terms pursuant to the preceding paragraph.

第四条 銀行（新銀行法第二条第一項に規定する銀行をいう。以下同じ。）又は長期信用銀行（第二条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）第二条に規定する長期信用銀行をいう。以下同じ。）の支店その他の営業所又は代理店の設置又は廃止に関する新銀行法第八条第一項（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、施行日以後における設置又は廃止について適用し、施行日前における設置又は廃止については、なお従前の例による。

Article 4 The provisions of Article 8, paragraph (1) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) that are connected with the establishment or closure of a branch or other business office, or an agency by a bank (meaning a bank as defined in Article 2, paragraph (1) of the New Banking Act; the same applies hereinafter) or long-term credit bank (meaning a long-term credit bank as defined in Article 2 of the Long-Term Credit Bank Act after amendment under Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act"); the same applies hereinafter) apply to an establishment or closure that takes place on or after the effective date, and prior laws continue to govern an establishment or closure that takes place before the effective date.

第五条 銀行又は長期信用銀行の外国における支店その他の営業所又は代理店の設置又は廃止に関する新銀行法第八条第二項（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、施行日以後における設置又は廃止について適用し、施行日前における設置又は廃止については、なお従前の例による。

Article 5 The provisions of Article 8, paragraph (2) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) that are connected with the establishment or closure of a branch or other business office, or an agency in a foreign state by a bank or long-term credit bank apply to an establishment or closure that takes place on or after the effective date, and prior laws continue to govern an establishment or closure that takes place before the effective date.

第六条 新銀行法第八条第三項（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、施行日以後に締結する外国における業務の委託契約について適用する。

Article 6 The provisions of Article 8, paragraph (3) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) apply to a contract entrusting a person with

services in a foreign state which is entered into on or after the effective date.

第七条 新銀行法第十三条の二（新長期信用銀行法第十七条、第三条の規定による改正後の信用金庫法（以下「新信用金庫法」という。）第八十九条第一項、第四条の規定による改正後の労働金庫法（以下「新労働金庫法」という。）第九十四条第一項及び第六条の規定による改正後の協同組合による金融事業に関する法律（以下「新協金法」という。）第六条第一項において準用する場合を含む。）の規定は、銀行等（銀行、長期信用銀行、信用金庫若しくは信用金庫連合会、労働金庫若しくは労働金庫連合会又は信用協同組合若しくは信用協同組合連合会（新協金法第二条第一項に規定する信用協同組合連合会をいう。）をいう。以下この条及び次条第二項において同じ。）の施行日以後にする取引又は行為について適用し、銀行等の施行日前にした取引又は行為については、なお従前の例による。

Article 7 The provisions of Article 13-2 of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 89, paragraph (1) of the Shinkin Bank Act after its amendment under Article 3 (hereinafter referred to as the "New Shinkin Bank Act"); Article 94, paragraph (1) of the Labor Bank Act after its amendment under Article 4 (hereinafter referred to as the "New Labor Bank Act"); and Article 6, paragraph (1) of the Act on Financial Services by Cooperatives after its amendment under Article 6 (hereinafter referred to as the "New Act on Financial Services by Cooperatives")) apply to a transaction or action taken by a bank, etc. (meaning a bank, long-term credit bank, shinkin bank or federation of shinkin banks, labor bank or federation of labor banks, or credit cooperative or Federation of Credit Cooperatives (meaning a Federation of Credit Cooperatives as defined in Article 2, paragraph (1) of the New Act on Financial Services by Cooperatives); hereinafter the same applies in this Article and paragraph (2) of the following Article) on or after the effective date, and prior laws continue to govern a transaction or action taken by a bank, etc. before the effective date.

第八条 新銀行法第二十条、第五十二条の二十八及び第五十二条の二十九（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）の規定は、銀行若しくは長期信用銀行又は銀行持株会社（新銀行法第二条第十三項に規定する銀行持株会社をいう。以下この項及び次条第三項において同じ。）若しくは長期信用銀行持株会社（新長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社をいう。以下この項及び次条第三項において同じ。）の施行日以後に開始する営業年度に係るこれらの規定に規定する書類について適用し、銀行若しくは長期信用銀行又は銀行持株会社若しくは長期信用銀行持株会社の施行日前に開始した営業年度に係るこれらの書類については、なお従前の例による。

Article 8 (1) The provisions of Article 20; Article 52-28; and Article 52-29 of the New Banking Act (including as applied mutatis mutandis pursuant to Article

17 of the New Long-Term Credit Bank Act) apply to documents referred to in those provisions in respect of a fiscal year of a bank, long-term credit Bank, bank holding company (meaning a bank holding company as defined in Article 2, paragraph (13) of the New Banking Act; hereinafter the same applies in this paragraph and paragraph (3) of the following Article), or long-term credit bank holding company (meaning a long-term credit bank holding company as defined in Article 16-4, paragraph (1) of the New Long-Term Credit Bank Act; hereinafter the same applies in this paragraph and paragraph (3) of the following Article) which starts on or after the effective date, and prior laws continue to govern those documents pertaining in respect of a fiscal year of a bank, long-term credit bank, bank holding company or long-term credit bank holding company which starts before the effective date.

2 新銀行法第二十一条第一項及び第二項（新長期信用銀行法第十七条、新信用金庫法第八十九条第一項、新労働金庫法第九十四条第一項及び新協金法第六条第一項において準用する場合を含む。）の規定は、施行日以後に開始する銀行等の営業年度又は事業年度に係るこれらの規定に規定する書類について適用し、施行日前に開始した銀行等の営業年度又は事業年度に係るこれらの書類については、なお従前の例による。

(2) The provisions of Article 21, paragraphs (1) and (2) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; Article 89, paragraph (1) of the New Shinkin Bank Act; Article 94, paragraph (1) of the New Labor Bank Act; and Article 6, paragraph (1) of the New Act on Financial Services by Cooperatives) apply to documents referred to in those provisions in respect of a fiscal year or business year of a bank, etc. which starts on or after the effective date, and prior laws continue to govern those documents in respect of a fiscal year or business year of a bank, etc. which starts before the effective date.

第九条 新銀行法第五十二条の四十三及び第五十二条の四十四（これらの規定を新長期信用銀行法第十七条、新信用金庫法第八十九条第三項、新労働金庫法第九十四条第三項及び新協金法第六条の五第一項において準用する場合を含む。）の規定は、施行日以後に行われる新銀行法第二条第十四項に規定する行為（新長期信用銀行法第十六条の五第二項、新信用金庫法第八十五条の二第二項、新労働金庫法第八十九条の三第二項及び新協金法第六条の三第二項に規定する行為を含む。）について適用する。

Article 9 (1) The provisions of Article 52-43 and Article 52-44 of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; Article 89, paragraph (3) of the New Shinkin Bank Act; Article 94, paragraph (3) of the New Labor Bank Act; and Article 6-5, paragraph (1) of the New Act on Financial Services by Cooperatives) apply to actions specified in Article 2, paragraph (14) of the New Banking Act (including actions specified in Article 16-5, paragraph (2) of the New Long-Term Credit Bank Act; Article 85-2, paragraph (2) of the New

Shinkin Bank Act; Article 89-3, paragraph (2) of the New Labor Bank Act; and Article 6-3, paragraph (2) of the New Act on Financial Services by Cooperatives) that are taken on or after the effective date.

2 新銀行法第五十二条の五十（新長期信用銀行法第十七条、新信用金庫法第八十九条第三項、新労働金庫法第九十四条第三項及び新協金法第六条の五第一項において準用する場合を含む。以下この項において同じ。）の規定は、施行日以後に開始する銀行代理業者、長期信用銀行代理業者（新長期信用銀行法第十六条の五第三項に規定する長期信用銀行代理業者をいう。以下同じ。）、信用金庫代理業者（新信用金庫法第八十五条の二第三項に規定する信用金庫代理業者をいう。以下同じ。）、労働金庫代理業者（新労働金庫法第八十九条の三第三項に規定する労働金庫代理業者をいう。以下同じ。）又は信用協同組合代理業者（新協金法第六条の三第三項に規定する信用協同組合代理業者をいう。以下同じ。）の営業年度又は事業年度に係る新銀行法第五十二条の五十第一項に規定する報告書について適用する。

(2) The provisions of Articles 52-50 of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; Article 89, paragraph (3) of the New Shinkin Bank Act; Article 94, paragraph (3) of the New Labor Bank Act; and Article 6-5, paragraph (1) of the New Act on Financial Services by Cooperatives; hereinafter the same applies in this paragraph) apply to a report as referred to in Article 52-50, paragraph (1) of the New Banking Act in respect of a fiscal year or business year of a bank agent, long-term credit bank agent (meaning a long-term credit bank agent as defined in Article 16-5, paragraph (3) of the New Long-Term Credit Bank Act; the same applies hereinafter), shinkin bank agent (meaning a shinkin bank agent as defined in Article 85-2, paragraph (3) of the New Shinkin Bank Act; the same applies hereinafter), labor bank agent (meaning a labor bank agent as defined in Article 89-3, paragraph (3) of the New Labor Bank Act; the same applies hereinafter), or Credit Cooperative Agent (meaning a Credit Cooperative Agent as defined in Article 6-3, paragraph (3) of the New Act on Financial Services by Cooperatives; the same applies hereinafter) which starts on or after the effective date.

3 新銀行法第五十二条の五十一（新長期信用銀行法第十七条、新信用金庫法第八十九条第三項、新労働金庫法第九十四条第三項及び新協金法第六条の五第一項において準用する場合を含む。以下この項において同じ。）の規定は、施行日以後に開始する所属銀行（新銀行法第二条第十六項に規定する所属銀行をいう。）、所属長期信用銀行（新長期信用銀行法第十六条の五第三項に規定する所属長期信用銀行をいう。）、所属信用金庫（新信用金庫法第八十五条の二第三項に規定する所属信用金庫をいう。）、所属労働金庫（新労働金庫法第八十九条の三第三項に規定する所属労働金庫をいう。）、若しくは所属信用協同組合（新協金法第六条の三第三項に規定する所属信用協同組合をいう。）又は銀行持株会社若しくは長期信用銀行持株会社の営業年度又は事業年度に係る新銀行法第五十二条の五十一第一項に規定する書類について適用する。

(3) The provisions of Articles 52-51 of the New Banking Act (including as applied

mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; Article 89, paragraph (3) of the New Shinkin Bank Act; Article 94, paragraph (3) of the New Labor Bank Act; and Article 6-5, paragraph (1) of the New Act on Financial Services by Cooperatives; hereinafter the same applies in this paragraph) apply to documents as referred to in Article 52-51, paragraph (1) of the New Banking Act in respect of a fiscal year or business year of a principal bank (meaning a principal bank as defined in Article 2, paragraph (16) of the New Banking Act), entrusting long-term credit bank (meaning an entrusting long-term credit bank as defined in Article 16-5, paragraph (3) of the New Long-Term Credit Bank Act), entrusting shinkin bank (meaning an entrusting shinkin bank as defined in Article 85-2, paragraph (3) of the New Shinkin Bank Act), entrusting labor bank (meaning an entrusting labor bank as defined in Article 89-3, paragraph (3) of the New Labor Bank Act), or Entrusting Credit Cooperative (meaning an Entrusting Credit Cooperative as defined in Article 6-3, paragraph (3) of the New Act on Financial Services by Cooperatives) which starts on or after the effective date.

(処分等の効力)

(Effect of a Disposition)

第三十八条 この法律の施行前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 38 Unless otherwise provided for in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of one of the relevant laws prior to amendment (including an order based on these laws; hereinafter the same applies in this Article) before this Act comes into effect, for which corresponding provisions exist in the relevant amended laws, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the relevant amended laws.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第三十九条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 39 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions.

(権限の委任)

(Delegation of Authority)

第四十条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 40 (1) The Prime Minister delegates the authority under these Supplementary Provisions (excluding what is specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

2 前項の規定により金融庁長官に委任された権限並びにこの附則の規定による農林水産大臣及び厚生労働大臣の権限については、政令で定めるところにより、その一部を財務局長又は財務支局長（農林水産大臣及び厚生労働大臣にあっては、地方支分部局の長）に委任することができる。

(2) A part of the authority delegated to the Commissioner of the Financial Services Agency pursuant to the preceding paragraph and a part of the authority of the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare under these Supplementary Provisions may be delegated to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus (or to the heads of local branch offices, in the case of the authority of the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare), pursuant to the provisions of Cabinet Order.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第四十一条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 41 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures associated with the enforcement of this Act.

(検討)

(Reviews)

第四十二条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度について検討を行い、必要があると認めるときは、その結果に基づいて所要の措置を講ずるもの

Article 42 Once five years have passed after this Act comes into effect, the government is to review the financial systems that have been amended by this Act, in consideration of compliance with provisions amended by this Act and of things such as changes in socioeconomic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 [平成十八年六月十四日法律第六十五号] [抄]

Supplementary Provisions [Act No. 65 of June 14, 2006] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year and six months after the day of its promulgation (hereinafter referred to as the "effective date"); provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

- 一 第一条の規定、第八条中農業協同組合法第三十条の四第二項第二号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）、第九条中水産業協同組合法第三十四条の四第二項第二号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）、第十一条中協同組合による金融事業に関する法律第五条の四第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十三条中信用金庫法第三十四条第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十五条中労働金庫法第三十四条第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十八条中保険業法第五十三条の二第一項第三号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十

八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。））、第十九条中農林中央金庫法第二十四条の四第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）並びに附則第二条、第四条、第百八十二条第一項、第百八十四条第一項、第百八十七条第一項、第百九十条第一項、第百九十三条第一項、第百九十六条第一項及び第百九十八条第一項の規定 公布の日から起算して二十日を経過した日

- (i) the provisions of Article 1; the provisions in Article 8 amending Article 30-4, paragraph (2), item (ii) of the Agricultural Cooperatives Act (limited to the part amending the term "Article 197, paragraph (1), items (i) through (iv) or item (vii), or Article 197, paragraph (2), Article 198, items (i) through (x), item (xviii) or item (xix)" to "Article 197, Article 197-2, items (i) through (x) or item (xiii) or Article 198, item (viii)"); the provisions in Article 9 amending Article 34-4, paragraph (2), item (ii) of the Fisheries Cooperatives Act (limited to the part amending the term "Article 197, paragraph (1), items (i) through (iv) or item (vii), or Article 197, paragraph (2), Article 198, items (i) through (x), item (xviii) or item (xix)" to Article 197; 197-2, items (i) through (x) or item (xiii); or Article 198, item (viii)"); the provisions in Article 11 amending Article 5-4, item (iv) of the Act on Financial Services by Cooperatives (limited to the part amending the term "Article 197, paragraph (1), items (i) through (iv) or item (vii), or Article 197, paragraph (2)" to "Article 197", and the part amending the term "Article 198, items (i) through (x), item (xviii) or item (xix) (The Crime of Offering Securities Without Notification, etc.)" to "Article 197-2, items (i) through (x) or item (xiii) (The Crime of Offering Securities Without Notification, etc.), Article 198, item (viii) (The Crime of Breaching a Prohibition Order or Order for Suspension Issued by the Court)"); the provisions in Article 13 amending Article 34, item (iv) of the Shinkin Bank Act (limited to the part amending the term "Article 197, paragraph (1), items (i) through (iv) or item (vii), or Article 197, paragraph (2)" to "Article 197" and the part amending term "Article 198, items (i) through (x), item (xviii) or item (xix) (The Crime of Offering Securities Without Notification, etc.)" to "Article 197-2, items (i) through (x) or item (xiii) (The Crime of Offering Securities Without Notification, etc.), Article 198, item (viii) (The Crime of Breaching a Prohibition Order or Order for Suspension Issued by the Court)"); the provisions in Article 15 amending Article 34, item (iv) of the Labor Bank Act (limited to the part amending the term "Article 197, paragraph (1), items (i) through (iv) or item (vii), or Article

197, paragraph (2)" to "Article 197" and the part amending the term "Article 198, items (i) through (x), item (xviii) or item (xix) (The Crime of Offering Securities Without Notification, etc.)" to "Article 197-2, items (i) through (x) or item (xiii) (The Crime of Offering Securities Without Notification, etc.), Article 198, item (viii) (The Crime of Breaching a Prohibition Order or Order for Suspension Issued by the Court)"); the provisions in Article 18 amending Article 53-2, paragraph (1), item (iii) of the Insurance Business Act (limited to the part amending the term "Article 197, paragraph (1), items (i) through (iv) or item (vii), or Article 197, paragraph (2)" to "Article 197" and the part amending the term "Article 198, items (i) through (x), item (xviii) or item (xix) (The Crime of Offering Securities Without Notification, etc.)" to "Article 197-2, items (i) through (x) or item (xiii) (The Crime of Offering Securities Without Notification, etc.), Article 198, item (viii) (The Crime of Breaching a Prohibition Order or Order for Suspension Issued by the Court)"); the provisions in Article 19 amending Article 24-4, item (iv) of the Norinchukin Bank Act (limited to the part amending the term "Article 197, paragraph (1), items (i) through (iv) or item (vii), or Article 197, paragraph (2), Article 198, items (i) through (x), item (xviii) or item (xix)" to "Article 197; Article 197-2, items (i) through (x) or item (xiii); or Article 198, item (viii)"); and the provisions of Article 2, Article 4, Article 182, paragraph (1), Article 184, paragraph (1), Article 187, paragraph (1), Article 190, paragraph (1), Article 193, paragraph (1), Article 196, paragraph (1), and Article 198, paragraph (1) of these Supplementary Provisions: the date calculated as falling 20 days after the day of promulgation of this Act;

二 附則第三条の規定 犯罪の国際化及び組織化並びに情報処理の高度化に対処するための刑法等の一部を改正する法律（平成十八年法律第 号）の施行の日又は前号に掲げる規定の施行の日のいずれか遅い日

(ii) the provisions of Article 3 of these Supplementary Provisions: the day on which the Act Partially Amending the Penal Code and Other Acts in Order to Better Address Transnational Organized Crime and the Increased Sophistication of Information Processing (Act No. of 2006) comes into effect or the day on which the provisions set forth in the preceding item enter into effect, whichever is later;

三 第二条の規定（証券取引法第二十七条の二十三の改正規定（「第二十七条の二十五第一項」の下に「及び第二十七条の二十六」を加える部分を除く。）、同法第二十七条の二十四の改正規定、同法第二十七条の二十五の改正規定、同法第二十七条の二十六の改正規定（「株券等の発行者である会社の事業活動を支配する」を「株券等の発行者の事業活動に重大な変更を加え、又は重大な影響を及ぼす行為として政令で定めるもの（第四項及び第五項において「重要提案行為等」という。）を行う」に改める部分及び同条に三項を加える部分を除く。）、同法第二十七条の二十七の改正規定及び同法第二十七条の三十の二の改正規定（「第二十七条の十第二

項」を「第二十七条の十第八項及び第十二項」に改める部分及び「第二十七条の十第一項」の下に「若しくは第十一項」を加える部分を除く。）を除く。）並びに附則第七条、第八条及び第十二条の規定 公布の日から起算して六月を超えない範囲内において政令で定める日

- (iii) the provisions of Article 2 (excluding the provisions amending Article 27-23 of the Securities and Exchange Act (excluding the part adding the term "and Article 27-26" after "Article 27-25, paragraph (1)"); the provisions amending Article 27-24 of that Act; the provisions amending Article 27-25 of that Act; the provisions amending Article 27-26 of that Act (excluding the part amending term "controlling the business of the company that is the Issuer of those Share Certificates, etc." to "performing an act specified by Cabinet Order as something that materially changes or materially influences the business of the Issuer of those Share Certificates, etc. (hereinafter referred to as a 'Material Proposal' in paragraph (4) and paragraph (5))" and the part adding three paragraphs to that Article); the provisions amending Article 27-27 of that Act; and the provisions amending Article 27-30-2 of that Act (excluding the part amending term "Article 27-10, paragraph (2)" to "Article 27-10, paragraph (8) and paragraph (12)" and the part adding the term "or paragraph (11)" after "Article 27-10, paragraph (1)")); and the provisions of Article 7, Article 8, and Article 12 of these Supplementary Provisions: the date specified by Cabinet Order, within a period not exceeding six months after the day of promulgation of this Act;

四 第二条中証券取引法第二十七条の二十三の改正規定（「第二十七条の二十五第一項」の下に「及び第二十七条の二十六」を加える部分を除く。）、同法第二十七条の二十四の改正規定、同法第二十七条の二十五の改正規定、同法第二十七条の二十六の改正規定（「株券等の発行者である会社の事業活動を支配する」を「株券等の発行者の事業活動に重大な変更を加え、又は重大な影響を及ぼす行為として政令で定めるもの（第四項及び第五項において「重要提案行為等」という。）を行う」に改める部分及び同条に三項を加える部分を除く。）、同法第二十七条の二十七の改正規定及び同法第二十七条の三十の二の改正規定（「第二十七条の十第二項」を「第二十七条の十第八項及び第十二項」に改める部分及び「第二十七条の十第一項」の下に「若しくは第十一項」を加える部分を除く。）並びに附則第九条から第十一条まで及び第十三条の規定 公布の日から起算して一年を超えない範囲内において政令で定める日

- (iv) the provisions in Article 2 amending Article 27-23 of the Securities and Exchange Act (excluding the part adding the term "and Article 27-26" after "Article 27-25, paragraph (1)"); the provisions amending Article 27-24 of that Act; the provisions amending Article 27-25 of that Act; the provisions amending Article 27-26 of that Act (excluding the part amending the term "controlling the business of the company that is the Issuer of those Share Certificates, etc." to "performing an act specified by Cabinet Order as

something that materially changes or materially influences the business of the Issuer of those Share Certificates, etc. (hereinafter referred to as a 'Material Proposal' in paragraph (4) and paragraph (5))" and the part adding three paragraphs to that Article); the provisions amending Article 27-27 of that Act; and the provisions amending Article 27-30-2 of that Act (excluding the part amending the term "Article 27-10, paragraph (2)" to "Article 27-10, paragraph (8) and paragraph (12)" and the part adding the term "or paragraph (11)" after "Article 27-10, paragraph (1)"); and the provisions of Articles 9 through 11 and Article 13 of these Supplementary Provisions: the date specified by Cabinet Order, within a period not exceeding one year after the day of promulgation of this Act;

五 第四条の規定 一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）の施行の日

(v) the provisions of Article 4: the day on which the Act on General Incorporated Associations and General Incorporated Foundation (Act No. 48 of 2006) comes into effect;

（銀行法の一部改正に伴う経過措置）

(Transitional Measures Accompanying the Partial Amendment of the Banking Act)

第百九十五条 銀行は、この法律の施行後最初に特定預金等契約（第十六条の規定による改正後の銀行法（以下この条において「新銀行法」という。）第十三条の四に規定する特定預金等契約をいう。）の申込みを顧客（新金融商品取引法第二条第三十一項第四号に掲げる者に限る。）から受けた場合であつて、この法律の施行前に、当該顧客に対し、この法律の施行後に当該顧客が新銀行法第十三条の四において準用する新金融商品取引法第三十四条の二第一項の規定による申出ができる旨を新銀行法第十三条の四において準用する新金融商品取引法第三十四条の例により告知しているときには、当該顧客に対し、新銀行法第十三条の四において準用する新金融商品取引法第三十四条に規定する告知をしたものとみなす。

Article 195 If a bank receives an offer for a specified deposit, etc. contract (meaning a specified deposit, etc. contract as defined in Article 13-4 of the Banking Act after its amendment under Article 16 (hereinafter referred to as the "New Banking Act" in this Article)) from a customer (limited to a person as referred to in Article 2, paragraph (31), item (iv) of the New Financial Instruments and Exchange Act) for the first time after this Act comes into effect and, before this Act comes into effect, the bank has notified the customer in accordance with the provisions of Article 34 of the New Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 13-4 of the New Banking Act that, after this Act comes into effect, the customer may make a filing under Article 34-2, paragraph (1) of the New Financial Instruments and Exchange Act as applied mutatis mutandis

pursuant to Article 13-4 of the New Banking Act, the bank is deemed to have made a notification to the customer as prescribed in Article 34 of the New Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 13-4 of the New Banking Act.

(権限の委任)

(Delegation of Authority)

第二百十六条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 216 (1) The Prime Minister delegates the authority under these Supplementary Provisions (excluding what is specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

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

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

(処分等の効力)

(Effect of a Disposition)

第二百十七条 この法律の施行前にした旧証券取引法、旧投資信託法若しくは旧信託業法又はこれらに基づく命令の規定によってした処分、手続その他の行為であつて、新金融商品取引法の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、新金融商品取引法の相当の規定によってしたものとみなす。

Article 217 Unless otherwise provided for in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of the Former Securities and Exchange Act, the Former Investment Trust Act, the Former Trust Business Act, or an order based on one of these before this Act comes into effect, for which corresponding provisions exist in the New Financial Instruments and Exchange Act, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the New Financial Instruments and Exchange Act.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第二百十八条 この法律（附則第一条各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 218 Prior laws continue to govern the applicability of penal provisions to

conduct in which a person has engaged before this Act comes into effect (as for the provisions set forth in the items of Article 1 of the Supplementary Provisions, this means before those provisions come into effect; hereinafter the same applies in this Article); to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions; and to conduct in which a person engages after this Act comes into effect in a situation for which prior laws remain in effect pursuant to these Supplementary Provisions.

(その他の経過措置の政令等への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第二百十九条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 219 (1) Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

2 第三条の規定による証券取引法の一部改正に伴う登記に関する手続について必要な経過措置は、法務省令で定める。

(2) The necessary transitional measures in respect of the registration process connected with the partial amendment of the Securities and Exchange Act under Article 3 is specified by Ministry of Justice Order.

(検討)

(Reviews)

第二百二十条 政府は、この法律の施行後五年以内に、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 220 Within five years after this Act comes into effect, the government is to review compliance with this Act, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成十八年十二月十五日法律第百九号〕〔抄〕

Supplementary Provisions [Act No. 109 of December 15, 2006] [Extract]

この法律は、新信託法の施行の日から施行する。

This Act comes into effect as of the day on which the New Trust Act comes into effect.

附 則 〔平成十九年六月一日法律第七十四号〕〔抄〕

Supplementary Provisions [Act No. 74 of June 1, 2007] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成二十年十月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of October 1, 2008; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

一 附則第三条から第二十二條まで、第二十五條から第三十條まで、第百一條及び第百二條の規定 公布の日から起算して六月を超えない範囲内において政令で定める日

(i) Articles 3 through 22, Articles 25 through 30, Article 101 and Article 102 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

(銀行法の一部改正に伴う経過措置)

(Transitional Measures for the Partial Amendment of the Banking Act)

第七十三條 施行日前に轉換前の法人が発行した短期商工債についての銀行法の規定の適用については、当該短期商工債を同法第十條第三項に規定する短期社債等とみなす。

Article 73 To apply the provisions of the Banking Act to Short-term Shoko Chukin Bank bonds issued prior to the effective date by a corporation prior to conversion, those short-term Shoko Chukin bank bonds are deemed to be short-term Corporate bonds, etc. as provided in Article 10, paragraph (3) of that Act.

(処分等に関する経過措置)

(Transitional Measures Concerning Dispositions, etc.)

第百條 この法律の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 100 Unless otherwise provided for in these Supplementary Provisions, a disposition, procedure, or other action taken pursuant to the provisions of one of the relevant laws prior to amendment (including an order based on these laws; hereinafter the same applies in this Article) before this Act comes into effect, for which the corresponding provisions exist in the relevant amended laws, is deemed to be a disposition, procedure, or other action taken pursuant to the corresponding provisions of the relevant amended laws.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第百一條 この法律（附則第一條各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為並びにこの附則の規定によりなお従前の例によ

ることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 101 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (with regard to the provisions set forth in the items of Article 1 of the Supplementary Provisions, before those provisions come into effect; hereinafter the same applies in this Article); to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of these Supplementary Provisions; and to conduct in which a person engages after this Act comes into effect in a situation for which prior laws remain in force pursuant to the provisions of these Supplementary Provisions.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第百二条 この附則に定めるもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 102 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures associated with the enforcement of this Act.

附 則 〔平成二十年六月十三日法律第六十五号〕〔抄〕

Supplementary Provisions [Act No. 65 of June 13, 2008] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

三 第一条中金融商品取引法第三十一条の四の改正規定、同法第三十六条に四項を加える改正規定、同法第五十条の二第四項の改正規定（「又は第三項」を「、第三項又は第四項」に改める部分に限る。）、同法第五十六条の二、第五十九条の六及び第六十条の十三の改正規定、同法第六十五条の五第二項及び第四項の改正規定（「第三十六条、」を「第三十六条第一項、」に改める部分に限る。）、同法第九十条第一項の改正規定（「第三項まで」を「第四項まで」に改める部分に限る。）、同法第九十四条の七第二項第一号の改正規定、同条第三項の改正規定

（「第三項まで」を「第四項まで」に改める部分に限る。）並びに同法第二百五条の二、第二百七条第一項第六号及び第二百八条第四号の改正規定、第二条中投資信託及び投資法人に関する法律第九十七条の改正規定、第四条中農業協同組合法第十一条の二の三第三号の改正規定、同法第十一条の五の次に一条を加える改正規定、同法第十一条の十二の次に一条を加える改正規定及び同法第十一条の四十七第一項第二号の改正規定、第五条中水産業協同組合法第十一条第四項第二号、第十一条の四第二項及び第十一条の八第三号の改正規定、同法第十一条の十三を同法第十一条の十四とし、同法第十一条の十二の次に一条を加える改正規定、同法第十五条の九の次に一条を加える改正規定並びに同法第五十七条の三、第九十二条第一項、第九十六条第一項、第百条第一項、第百条の八第一項及び第百三十条第一項第三号の改正規定、第六条中中小企業等協同組合法第五十八条の五の次に一条を加える改正規定、第七条中協同組合による金融事業に関する法律第六条第一項の改正規定（「第十八条第一項（利益準備金の積立て等）」を「第十八条（資本準備金及び利益準備金の額）」に改める部分を除く。）及び同条第二項の改正規定、第八条中信用金庫法第八十九条第一項の改正規定、第十条中労働金庫法第九十四条第一項の改正規定、第十一条中銀行法第十三条の三の改正規定、同条の次に一条を加える改正規定、同法第十六条の二第一項第三号及び第五号の改正規定並びに同法第五十二条の二十一の次に一条を加える改正規定、第十二条中保険業法目次、第二条第十一項、第八条及び第二十八条第一項第三号の改正規定、同法第五十三条の二第一項第三号の改正規定（「金融商品取引法」の下に「（昭和二十三年法律第二十五号）」を加える部分に限る。）、同法第百条の二の次に一条を加える改正規定、同法第百六条第一項第五号の改正規定、同法第二編第九章第二節中第百九十四条の前に一条を加える改正規定、同法第二百七十一条の二十一第一項の改正規定、同条の次に一条を加える改正規定並びに同法第二百七十二條の十三第二項並びに第三百三十三条第一項第一号及び第二号の改正規定、第十三条中農林中央金庫法第五十九条及び第五十九条の二の改正規定、同条の次に一条を加える改正規定並びに同法第七十二条第一項第二号の改正規定、第十四条中株式会社商工組合中央金庫法第二十八条の改正規定、同条の次に一条を加える改正規定、同法第三十九条第一項第一号及び第三号の改正規定並びに同法第五十六条第五項ただし書の改正規定（「第二十一条第四項」の下に「及び第七項」を加える部分を除く。）並びに附則第二十二条中金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第二条第四項の改正規定（「第三十六条、」を「第三十六条第一項、」に改める部分に限る。）、附則第三十二条中資産の流動化に関する法律（平成十年法律第百五号）第二百九条第一項の改正規定並びに附則第三十五条及び第三十八条の規定 公布の日から起算して一年を超えない範囲内において政令で定める日

- (iii) the provisions in Article 1 which are to amend Article 31-4 of the Financial Instruments and Exchange Act, add four new paragraphs to Article 36 of that Act, amend Article 50-2, paragraph (4) of that Act (limited to the part amending the phrase "or paragraph (3)" into ", paragraph (3) or paragraph (4)"), amend Articles 56-2, 59-6 and 60-13 of that Act, amend Article 65-5, paragraph (2) of that Act and paragraph (4) of that Article (limited to the

part amending the term "Article 36" into "Article 36, paragraph (1)", amend Article 190, paragraph (1) of that Act (limited to the part amending the phrase "to paragraph (3)" into "to paragraph (4)"), amend Article 194-7, paragraph (2), item (i) of that Act, amend Article 194-7, paragraph (3) of that Act (limited to the part amending the phrase "to paragraph (3)" into "to paragraph (4)"), and amend Article 205-2, Article 207, paragraph (1), item (vi) and Article 208, item (iv) of that Act; the provisions in Article 2 which are to amend Article 197 of the Act on Investment Trusts and Investment Corporations; the provisions in Article 4 which are to amend Article 11-2-3, item (iii) of the Agricultural Cooperatives Act, add a new Article after Article 11-5 of that Act, add a new Article after Article 11-12 of that Act, and amend Article 11-47, paragraph (1), item (ii) of that Act; the provisions in Article 5 which are to amend Article 11, paragraph (4), item (ii), Article 11-4, paragraph (2) and Article 11-8, item (iii) of the Fisheries Cooperatives Act, move Article 11-13 of that Act to Article 11-14 of that Act and add a new Article after Article 11-12 of that Act, add a new Article after Article 15-9 of that Act, and amend Article 57-3, Article 92, paragraph (1), Article 100, paragraph (1), Article 100-8, paragraph (1) and Article 130, paragraph (1), item (iii) of that Act; the provisions in Article 6 which are to add a new Article after Article 58-5 of the Small and Medium-Sized Enterprise Cooperatives Act; the provisions in Article 7 which are to amend Article 6, paragraph (1) of the Act on Financial Services by Cooperatives (excluding the part amending the phrase "Article 18, paragraph (1) (Accumulation of Retained Earnings Reserves)" into "Article 18 (Amounts of Capital Reserves and Retained Earnings Reserves)"), and amend paragraph (2) of that Article; the provisions in Article 8 which are to amend Article 89, paragraph (1) of the Shinkin Bank Act; the provisions in Article 10 which are to amend Article 94, paragraph (1) of the Labor Bank Act; the provisions in Article 11 which are to amend Article 13-3 of the Banking Act, add a new Article after that Article, amend Article 16-2, paragraph (1), items (iii) and (v) of that Act, and add a new Article after Article 52-21 of that Act; the provisions in Article 12 which are to amend the Table of Contents, Article 2, paragraph (11), Article 8, and Article 28, paragraph (1), item (iii) of the Insurance Business Act, amend Article 53-2, paragraph (1), item (iii) of that Act (limited to the part adding the phrase "(Act No. 25 of 1948)" after "Financial Instruments and Exchange Act"), add a new Article after Article 100-2 of that Act, amend Article 106, paragraph (1), item (v) of that Act, add a new Article before Article 194 in Part II, Chapter IX of that Act, amend Article 271-21, paragraph (1) of that Act, add a new Article after Article 271-21 of that Act, and amend Article 272-13, paragraph (2) and Article 333, paragraph (1), items (i) and (ii) of that Act; the provisions in Article 13 which are to amend

Articles 59 and 59-2 of the Norinchukin Bank Act, add a new Article after that Article, and amend Article 72, paragraph (1), item (ii) of that Act; the provisions in Article 14 which are to amend Article 28 of the Shoko Chukin Bank Limited Act, add a new Article after that Article, amend Article 39, paragraph (1), items (i) and (iii) of that Act, and amend the proviso to Article 56, paragraph (5) of that Act (excluding the part adding the phrase "and paragraph (7)" after "Article 21, paragraph (4)"); the provisions in Article 22 of the Supplementary Provisions which are to amend Article 2, paragraph (4) of the Act on Engagement in Trust Business Activities by Financial Institutions (Act No. 43 of 1943) (limited to the part amending the term "Article 36" into "Article 36, paragraph (1)"); the provisions in Article 32 of the Supplementary Provisions which are to amend Article 209, paragraph (1) of the Act on Securitization of Assets (Act No. 105 of 1998); and the provisions of Articles 35 and 38 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第四十条 この法律（附則第一条各号に掲げる規定にあっては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 40 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (with regard to the provisions set forth in the items of Article 1 of the Supplementary Provisions, before those provisions come into effect; hereinafter the same applies in this Article), as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(政令への委任)

(Delegation to Cabinet Order)

第四十一条 附則第二条から第十九条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 41 Beyond what is provided for in Articles 2 through 19 of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

(検討)

(Review)

第四十二条 政府は、この法律の施行後五年以内に、この法律による改正後の規定の実施状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 42 Within five years after this Act comes into effect, the government is to review compliance with provisions as amended by this Act, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成二十一年六月十日法律第五十一号〕〔抄〕

Supplementary Provisions [Act No. 51 of June 10, 2009] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation (hereinafter referred to as the "effective date").

附 則 〔平成二十一年六月二十四日法律第五十八号〕〔抄〕

Supplementary Provisions [Act No. 58 of June 24, 2009] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

三 第一条中金融商品取引法第三十七条の六の次に一条を加える改正規定、同法第三十八条、第四十五条第一号、第五十九条の六、第六十条の十三及び第六十六条の十四第一号口の改正規定、同法第七十七条に一項を加える改正規定、同法第七十七条の二に一項を加える改正規定、同法第七十九条の十三の改正規定並びに同法第一百五十六条の三十一の次に一条を加える改正規定、第二条中無尽業法目次の改正規定（「第十三条」を「第十三条ノ二」に改める部分に限る。）、同法第九条の改正規定及び同法第二章中第十三条の次に一条を加える改正規定、第三条中金融機関の信託業務の兼営等に関する法律第二条第一項及び第二条の二の改正規定、第四条中農業協同組合法第十一条の二の四の改正規定、同法第十一条の三の次に一条を加える改正規定、同法第十一条の十の三の改正規定、同法第十一条の十二の二を同法第十

一条の十二の三とし、同法第十一条の十二の次に一条を加える改正規定及び同法第九十二条の五の改正規定、第五条中水産業協同組合法第十一条第四項第二号及び第十一条の九の改正規定、同法第十一条の十の次に一条を加える改正規定、同法第十一条の十三第二項及び第十五条の七の改正規定、同法第十五条の九の二を同法第十五条の九の三とし、同法第十五条の九の次に一条を加える改正規定並びに同法第九十二条第一項、第九十六条第一項、第百条第一項、第百条の八第一項及び第二百一十一条の五の改正規定、第六条中中小企業等協同組合法第九条の七の三及び第九条の七の四並びに第九条の七の五第二項の改正規定並びに同法第九条の九の次に二条を加える改正規定、第七条中信用金庫法第八十九条第一項の改正規定（「提供等」の下に「、指定紛争解決機関との契約締結義務等」を加える部分に限る。）、同条第二項の改正規定及び同法第八十九条の二の改正規定（「第三十七条の五（保証金の受領に係る書面の交付）、第三十七条の六（書面による解除）」を「第三十七条の五から第三十七条の七まで（保証金の受領に係る書面の交付、書面による解除、指定紛争解決機関との契約締結義務等）」に改める部分に限る。）、第八条中長期信用銀行法第十七条の二の改正規定（「第三十七条の五（保証金の受領に係る書面の交付）、第三十七条の六（書面による解除）」を「第三十七条の五から第三十七条の七まで（保証金の受領に係る書面の交付、書面による解除、指定紛争解決機関との契約締結義務等）」に改める部分に限る。）、第九条中労働金庫法第九十四条第一項の改正規定（「提供等」の下に「、指定紛争解決機関との契約締結義務等」を加える部分に限る。）、同条第二項の改正規定及び同法第九十四条の二の改正規定、第十条中銀行法第十二条の三を同法第十二条の四とし、同法第十二条の二の次に一条を加える改正規定、同法第十三条の四の改正規定、同法第五十二条の二の五の改正規定（「第三十七条の五（保証金の受領に係る書面の交付）、第三十七条の六（書面による解除）」を「第三十七条の五から第三十七条の七まで（保証金の受領に係る書面の交付、書面による解除、指定紛争解決機関との契約締結義務等）」に改める部分に限る。）及び同法第五十二条の四十五の二の改正規定、第十一条中貸金業法第十二条の二の次に一条を加える改正規定及び同法第四十一条の七に一項を加える改正規定、第十二条中保険業法目次の改正規定（「第百五条」を「第百五条の三」に改める部分に限る。）、同法第九十九条第八項の改正規定、同法第二編第三章中第百五条の次に二条を加える改正規定、同法第百九十九条の改正規定、同法第二百四十条第一項第三号の次に二条を加える改正規定、同法第二百七十二條の十三の次に一条を加える改正規定、同法第二百九十九条の次に一条を加える改正規定及び同法第三百条の二の改正規定、第十三条中農林中央金庫法第五十七条の次に一条を加える改正規定、同法第五十九条の三の改正規定、同法第五十九条の七の改正規定（「第三十七条の五、第三十七条の六」を「第三十七条の五から第三十七条の七まで」に改める部分に限る。）及び同法第九十五条の五の改正規定、第十四条中信託業法第二十三条の次に一条を加える改正規定並びに同法第二十四条の二及び第五十条の二第十二項の改正規定、第十五条中株式会社商工組合中央金庫法第二十九条の改正規定、第十七条中証券取引法等の一部を改正する法律の施行に伴う関係法律の整備等に関する法律第五十七条第二項の規定によりなおその効力を有するものとされる同法第一条の規定による廃止前の抵当証券業の規制等に関する法律目次の

改正規定（「第十九条」を「第十九条の二」に改める部分に限る。）及び同法第三章中第十九条の次に一条を加える改正規定並びに附則第八条、第九条及び第十六条の規定 公布の日から起算して一年六月を超えない範囲内において政令で定める日

(iii) the provisions in Article 1 which are to add a new Article after Article 37-6 of the Financial Instruments and Exchange Act, amend Article 38, Article 45, item (i), Article 59-6, Article 60-13, and Article 66-14, item (i), (b) of that Act, add a new paragraph to Article 77 of that Act, add a new paragraph to Article 77-2 of that Act, amend Article 79-13 of that Act, and add a new Article after Article 156-31 of that Act; the provisions in Article 2 which are to amend the Table of Contents of the Mutual Loan Business Act (limited to the part amending the term "Article 13" into "Article 13-2"), amend Article 9 of that Act, and add a new Article after Article 13 in Chapter II of that Act; the provisions in Article 3 which are to amend Article 2, paragraph (1) and Article 2-2 of the Act on Engagement in Trust Business Activities by Financial Institutions; the provisions in Article 4 which are to amend Article 11-2-4 of the Agricultural Cooperatives Act, add a new Article after Article 11-3 of that Act, amend Article 11-10-3 of that Act, move Article 11-12-2 of that Act to Article 11-12-3 of that Act and add a new Article after Article 11-12 of that Act, and amend Article 92-5 of that Act; the provisions in Article 5 which are to amend Article 11, paragraph (4), item (ii) and Article 11-9 of the Fisheries Cooperatives Act, add a new Article after article 11-10 of that Act, amend Article 11-13, paragraph (2) and Article 15-7 of that Act, move Article 15-9-2 of that Act to Article 15-9-3 of that Act and add a new Article after Article 15-9 of that Act, and amend Article 92, paragraph (1), Article 96, paragraph (1), Article 100, paragraph (1), Article 100-8, paragraph (1), and Article 121-5 of that Act; the provisions in Article 6 which are to amend Article 9-7-3, Article 9-7-4 and Article 9-7-5, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act, and add two new Articles after Article 9-9 of that Act; the provisions in Article 7 which are to amend Article 89, paragraph (1) of the Shinkin Bank Act (limited to the part adding the phrase ", Obligation to Conclude a Contract, etc. with a designated dispute resolution organization" after "Provision, etc. of Information to depositors, etc."), amend paragraph (2) of that Article, and amend Article 89-2 of that Act (limited to the part amending the phrase "Article 37-5 (Delivery of Documents Pertaining to the Receipt of Security Deposits), Article 37-6 (Cancellation by Means of Document)" into "Articles 37-5 to 37-7 inclusive (Delivery of Documents Pertaining to the Receipt of Security Deposits, Cancellation by Means of Document, Obligation to Conclude a Contract, etc. with a Designated Dispute Resolution Organization)"); the provisions in Article 8 which are to amend Article 17-2 of the Long Term Credit Bank Act (limited to the part amending the phrase "Article 37-5 (Delivery of

Documents Pertaining to the Receipt of Security Deposits), Article 37-6 (Cancellation by Means of Document)" into "Articles 37-5 to 37-7 inclusive (Delivery of Documents Pertaining to the Receipt of Security Deposits, Cancellation by Means of Document, Obligation to Conclude a Contract, etc. with a Designated Dispute Resolution Organization)"); the provisions in Article 9 which are to amend Article 94, paragraph (1) of the Labor Bank Act (limited to the part adding the phrase ", Obligation to Conclude a Contract, etc. with a designated dispute resolution organization" after "Provision, etc. of Information to depositors, etc."), amend paragraph (2) of that Article, and amend Article 94-2 of that Act; the provisions in Article 10 which are to move Article 12-3 of the Banking Act to Article 12-4 of that Act and add a new Article after Article 12-2 of that Act, amend Article 13-4 of that Act, amend Article 52-2-5 of that Act (limited to the part amending the phrase "Article 37-5 (Delivery of Documents Pertaining to the Receipt of Security Deposits), Article 37-6 (Cancellation by Means of Document)" into "Articles 37-5 to 37-7 inclusive (Delivery of Documents Pertaining to the Receipt of Security Deposits, Cancellation by Means of Document, Obligation to Conclude a Contract, etc. with a Designated Dispute Resolution Organization)"), and amend Article 52-45-2 of that Act; the provisions in Article 11 which are to add a new Article after Article 12-2 of the Money Lending Business Act, and add a new paragraph to Article 41-7 of that Act; the provisions in Article 12 which are to amend the Table of Contents of the Insurance Business Act (limited to the part amending the term "Article 105" into "Article 105-3"), amend Article 99, paragraph (8) of that Act, add two new Articles after Article 105 in Part II, Chapter III of that Act, amend Article 199 of that Act, add two new items after Article 240, paragraph (1), item (iii) of that Act, add a new Article after Article 272-13 of that Act, add a new Article after Article 299 of that Act, and amend Article 300-2 of that Act; the provisions in Article 13 which are to add a new Article after Article 57 of the Norinchukin Bank Act, amend Article 59-3 of that Act, amend Article 59-7 of that Act (limited to the part amending the phrase "Article 37-5, Article 37-6" into "Articles 37-5 to 37-7 inclusive"), and amend Article 95-5 of that Act; the provisions in Article 14 which are to add a new Article after Article 23 of the Trust Business Act, and amend Article 24-2 and Article 50-2, paragraph (12) of that Act; the provisions in Article 15 which are to amend Article 29 of the Shoko Chukin Bank Limited Act; the provisions in Article 17 which are to amend the Table of Contents of the Act on Regulation, etc. of Mortgage Corporations prior to the repeal by the provisions of Article 1 of the Act on the Amendment of Related Laws Accompanying the Enforcement of the Act to Partially Amend the Securities Exchange Act, etc., which continue to govern pursuant to the provisions of Article 57, paragraph (2) of that Act

(limited to the part amending the term "Article 19" into "Article 19-2"), and add a new Article after Article 19 in Chapter III of that Act; and the provisions of Articles 8, 9, and 16 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year and six months from the day of promulgation.

(中小企業等協同組合法の一部改正に伴う調整規定)

(Provisions Prescribing Adjustments to Coordinate with the Partial

Amendment of the Small and Medium-Sized Enterprise Cooperatives Act)

第七条 附則第一条第三号に掲げる規定の施行の日が保険法の施行に伴う関係法律の整備に関する法律（平成二十年法律第五十七号）の施行の前日である場合には、第六条のうち中小企業等協同組合法第九条の七の五第二項の改正規定中「第九条の七の五第二項」とあるのは、「第九条の七の五第三項」とする。

Article 7 (1) If the provisions set forth in Article 1, item (iii) of the Supplementary Provisions come into effect before the date on which the Act Prescribing Adjustments to the Related Laws to Coordinate with the Enforcement of the Insurance Act comes into effect (Act No. 57 of 2008), the term "Article 9-7-5, paragraph (2)" in the provisions of Article 6 which are to amend Article 9-7-5, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act is deemed to be replaced with "Article 9-7-5, paragraph (3)."

2 施行日が保険法の施行に伴う関係法律の整備に関する法律の施行の前日である場合には、同日の前日までの間における附則第三条第四項の規定の適用については、同項中「第九条の七の五第二項」とあるのは、「第九条の七の五第三項」とする。

(2) If the effective date precedes the date on which the Act Prescribing Adjustments to the Related Laws to Coordinate with the Enforcement of the Insurance Act comes into effect, to apply the provisions of Article 3, paragraph (4) of the Supplementary Provisions until the day preceding the latter date, the term "Article 9-7-5, paragraph (2)" is deemed to be replaced with "Article 9-7-5, paragraph (3)."

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第十九条 この法律（附則第一条各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 19 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (with regard to the provisions set forth in the items of Article 1 of the Supplementary Provisions, before those provisions come into effect; hereinafter the same applies in this Article), as well as to conduct in which a person engages after

this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(政令への委任)

(Delegation to Cabinet Order)

第二十条 附則第二条から第五条まで及び前条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 20 Beyond what is provided for in Articles 2 through 5 of the Supplementary Provisions and in the preceding Article, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act.

(検討)

(Review)

第二十一条 政府は、この法律の施行後三年以内に、この法律による改正後のそれぞれの法律（以下「改正後の各法律」という。）に規定する指定紛争解決機関（以下単に「指定紛争解決機関」という。）の指定状況及び改正後の各法律に規定する紛争解決等業務の遂行状況その他経済社会情勢等を勘案し、消費者庁及び消費者委員会設置法（平成二十一年法律第四十八号）附則第三項に係る検討状況も踏まえ、消費者庁の関与の在り方及び業態横断的かつ包括的な紛争解決体制の在り方も含めた指定紛争解決機関による裁判外紛争解決手続に係る制度の在り方について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 21 (1) Within three years after this Act comes into effect, the government is to review what should be done with regard to systems that are linked to alternative dispute resolution procedures by designated dispute resolution organizations as prescribed in each of the relevant laws after their amendment by this Act (hereinafter these laws are referred to as "each amended law" and each such organization is simply referred to as a "designated dispute resolution organization"), including how the Consumer Affairs Agency should participate in these procedures and how to create a cross-sectoral and comprehensive dispute resolution system, by taking into account things such as the status of designation of designated dispute resolution organizations, the state of implementation of Dispute Resolution, etc. provided in each amended law, and socioeconomic conditions, as well as in light of the status of review under paragraph (3) of the Supplementary Provisions of the Act for Establishment of the Consumer Affairs Agency and the Consumer Commission (Act No. 48 of 2009); and is to take the requisite measures based on the results of its review if it finds this to be necessary.

2 政府は、前項に定める事項のほか、この法律の施行後五年以内に、この法律による改正後の規定の実施状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(2) Beyond what is provided for in the preceding paragraph, within five years after this Act comes into effect, the government is to review compliance with provisions amended by this Act, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成二十一年六月二十四日法律第五十九号〕 〔抄〕

Supplementary Provisions [Act No. 59 of June 24, 2009] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation (hereinafter referred to as the "effective date").

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第三十四条 この法律の施行前にした行為及びこの法律の附則においてなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 34 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect, as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(政令への委任)

(Delegation to Cabinet Order)

第三十五条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 35 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act (including transitional measures concerning penal provisions).

(検討)

(Review)

第三十六条 政府は、この法律の施行後五年を経過した場合において、この法律の施行状況、社会経済情勢の変化等を勘案し、資金決済に関する制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 36 Once five years have passed after this Act comes into effect, the government is to review systems that are connected with financial settlements, in consideration of compliance with this Act and of things such as changes in socioeconomic conditions, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成二十三年五月二十五日法律第四十九号〕 〔抄〕
Supplementary Provisions [Act No. 49 of May 25, 2011] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

一 第一条中金融商品取引法第九十七条の二第十号の四を同条第十号の七とし、同条第十号の三の次に三号を加える改正規定、同法第九十八条及び第二百七条第一項第三号の改正規定並びに同項第六号の改正規定（「第九十八条（第五号及び第八号を除く。）」を「第九十八条第四号の二」に改める部分に限る。）、第六条中投資信託及び投資法人に関する法律第二百四十八条の改正規定並びに附則第三十条及び第三十一条の規定 公布の日から起算して二十日を経過した日

(i) the provisions in Article 1 which are to move Article 197-2, item (x)-4 of the Financial Instruments and Exchange Act to item (x)-7 of that Article, and add three new items after item (x)-3 of that Article, amend Article 198 and Article 207, paragraph (1), item (iii) of that Act, and amend Article 207, paragraph (1), item (vi) of that Act (limited to the part amending the term "Article 198 (excluding item (v) and item (viii))" into "Article 198, item (iv)-2"); the provisions in Article 6 which are to amend Article 248 of the Act on Investment Trusts and Investment Corporations; and the provisions of Article 30 and Article 31 of the Supplementary Provisions: the date calculated as falling 20 days after the day of promulgation

二 第一条中金融商品取引法目次の改正規定、同法第三十一条の三の次に一条を加える改正規定、同法第三十六条の二第二項の改正規定、同法第六章中第七十一条の次に一条を加える改正規定、同法第八十一条及び第九十二条第三項の改正規定、同法第二百条第十二号の二の次に一号を加える改正規定、同法第二百七条第一項第五号の改正規定並びに同項第六号の改正規定（「第二百条第十七号」を「第二百条第十二号の三、第十七号」に改める部分に限る。）、第二条の規定、第六条中投資信託及び投資法人に関する法律第十一条、第二十六条第三項、第二百一条、第二百

二条第二項、第二百二十五条及び第二百二十五条の二の改正規定、第十条中銀行法第二十条及び第五十二条の二十八の改正規定、第十一条中保険業法第九十八条第二項にただし書を加える改正規定及び同法第三百三十三条第一項の改正規定、第十二条の規定並びに附則第八条、第九条、第十二条から第十四条まで、第十七条から第二十条まで及び第二十五条から第二十九条までの規定 公布の日から起算して六月を超えない範囲内において政令で定める日

(ii) the provisions in Article 1 which are to amend the Table of Contents of the Financial Instruments and Exchange Act, add a new Article after Article 31-3 of that Act, amend Article 36-2, paragraph (2) of that Act, add a new Article after Article 171 in Chapter VI of that Act, amend Article 181 and Article 192, paragraph (3) of that Act, add a new item after Article 200, item (xii)-2 of that Act, amend Article 207, paragraph (1), item (v) of that Act, and amend Article 207, paragraph (1), item (vi) of that Act (limited to the part amending the phrase "Article 200, item (xvii)" into "Article 200, item (xii)-3, item (xvii)"); the provisions of Article 2; the provisions in Article 6 which are to amend Article 11, Article 26, paragraph (3), Article 201, Article 202, paragraph (2), Article 225, and Article 225-2 of Act on Investment Trusts and Investment Corporations; the provisions in Article 10 which are to amend Articles 20 and 52-28 of the Banking Act; the provisions in Article 11 which are to add a proviso to Article 98, paragraph (2) of the Insurance Business Act, and amend Article 333, paragraph (1) of that Act; the provisions of Article 12; and the provisions of Articles 8, 9, 12 to 14 inclusive, 17 to 20 inclusive, and 25 to 29 inclusive: the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

(銀行法の一部改正に伴う経過措置)

(Transitional Measures Accompanying the Partial Amendment of the Banking Act)

第十二条 第十条の規定による改正後の銀行法（次項及び附則第二十八条において「新銀行法」という。）第二十条第七項の規定は、第二号施行日以後に終了する事業年度に係る同条第四項の規定による公告について適用する。

Article 12 (1) The provisions of Article 20, paragraph (7) of the Banking Act after its amendment by the provisions of Article 10 (referred to as the "New Banking Act" in the following paragraph and Article 28 of the Supplementary Provisions) apply to the public notice under the provisions of Article 20, paragraph (4) of that Act which pertains to the business year ending on or after the item (ii) effective date.

2 新銀行法第五十二条の二十八第六項の規定は、第二号施行日以後に終了する事業年度に係る同条第三項の規定による公告について適用する。

(2) The provisions of Article 52-28, paragraph (6) of the New Banking Act apply to the public notice under the provisions of paragraph (3) of that Article which

pertains to the business year that ends on or after the item (ii) effective date.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第三十条 この法律（附則第一条各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 30 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (with regard to the provisions set forth in the items of Article 1 of the Supplementary Provisions, before those provisions come into effect; hereinafter the same applies in this Article), as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(政令への委任)

(Delegation to Cabinet Order)

第三十一条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 31 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act (including transitional measures concerning penal provisions).

(検討)

(Review)

第三十二条 政府は、この法律の施行後五年以内に、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 32 Within five years after this Act comes into effect, the government is to review compliance with this Act, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 〔平成二十三年五月二十五日法律第五十三号〕

Supplementary Provisions [Act No. 53 of May 25, 2011]

この法律は、新非訟事件手続法の施行の日から施行する。

This Act comes into effect as of the date on which the New Non-Contentious Cases Procedures Act comes into effect.

附 則 〔平成二十四年九月十二日法律第八十六号〕 〔抄〕

Supplementary Provisions [Act No. 86 of September 12, 2012] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year and six months from the day of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

一 附則第四条第十三項及び第十八条の規定 公布の日

(i) the provisions of Article 4, paragraph (13) and Article 18 of the Supplementary Provisions: the day of promulgation;

二 第一条、次条及び附則第十七条の規定 公布の日から起算して一年を超えない範囲内において政令で定める日

(ii) the provisions of Article 1 and the following Article, and of Article 17 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation; and

三 第三条並びに附則第七条、第九条から第十一条まで及び第十六条の規定 公布の日から起算して三年を超えない範囲内において政令で定める日

(iii) the provisions of Article 3, and of Article 7, Article 9 through 11, and Article 16 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three years from the day of promulgation.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第十七条 この法律（附則第一条第二号及び第三号に掲げる規定については、当該規定）の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 17 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (with regard to the provisions set forth in Article 1, item (ii) and item (iii) of the Supplementary Provisions, before those provisions come into effect).

(政令への委任)

(Delegation to Cabinet Order)

第十八条 附則第二条から第五条まで及び前条に定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 18 Beyond what is provided for in Articles 2 through 5 of the

Supplementary Provisions and in the preceding Article, Cabinet Order prescribes the necessary transitional measures connected with this the enforcement of this Act (including transitional measures concerning penal provisions).

(検討)

(Review)

第十九条 政府は、この法律の施行後五年以内に、この法律による改正後の規定の実施状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 19 Within five years after this Act comes into effect, the government is to review compliance with provisions as amended by this Act, and is to take the requisite measures based on the results of its review if it finds this to be necessary.

附 則 [平成二十五年六月十九日法律第四十五号] [抄]

Supplementary Provisions [Act No. 45 of June 19, 2013] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the relevant item:

一 第一条中金融商品取引法第百九十七条の二の次に一条を加える改正規定、同法第百九十八条第二号の次に二号を加える改正規定並びに同法第百九十八条の三、第百九十八条の六第二号、第二百五条第十四号並びに第二百七条第一項第二号及び第二項の改正規定、第三条の規定、第四条中農業協同組合法第十一条の四第四項の次に一項を加える改正規定、第五条のうち水産業協同組合法第十一条の十一中第五項を第六項とし、第四項の次に一項を加える改正規定、第八条の規定（投資信託及び投資法人に関する法律第二百五十二条の改正規定を除く。）、第十四条のうち銀行法第十三条中第五項を第六項とし、第四項の次に一項を加える改正規定及び同法第五十二条の二十二第四項中「前三項」を「前各項」に改め、同項を同条第五項とし、同条第三項の次に一項を加える改正規定、第十五条の規定、第十九条のうち農林中央金庫法第五十八条中第五項を第六項とし、第四項の次に一項を加える改正規定、第二十一条中信託業法第九十一条、第九十三条、第九十六条及び第九十八条第一項の改正規定、第二十二条の規定並びに附則第三十条（株式会社地域経済活性化支援機構法（平成二十一年法律第六十三号）第二十三条第二項の改正規定に限る。）、

第三十一条（株式会社東日本大震災事業者再生支援機構法（平成二十三年法律第百十三号）第十七条第二項の改正規定に限る。） 第三十二条、第三十六条及び第三十七条の規定 公布の日から起算して二十日を経過した日

(i) the provisions in Article 1 which are to add a new Article after Article 197-2 of the Financial Instruments and Exchange Act, add two new items after Article 198, item (ii) of that Act, and amend Article 198-3, Article 198-6, item (ii), Article 205, item (xiv), and Article 207, paragraph (1), item (ii) and paragraph (2) of that Act; the provisions of Article 3; the provisions in Article 4 which are to add a new paragraph after Article 11-4, paragraph (4) of the Agricultural Cooperatives Act; the provisions in Article 5 which are to move paragraph (5) to paragraph (6) and add a new paragraph after paragraph (4) in Article 11-11 of the Fisheries Cooperatives Act; the provisions of Article 8 (excluding the provisions to amend Article 252 of the Act on Investment Trusts and Investment Corporations); the provisions in Article 14 which are to move paragraph (5) to paragraph (6) and add a new paragraph after paragraph (4) in Article 13 of the Banking Act, and amend the phrase "the preceding three paragraphs" into "the preceding paragraphs" in Article 52-22, paragraph (4) of that Act, move that paragraph to paragraph (5) and add a new paragraph after paragraph (3) of that Article; the provisions of Article 15; the provisions in Article 19 which are to move paragraph (5) to paragraph (6) and add a new paragraph after paragraph (4) in Article 58 of the Norinchukin Bank Act; the provisions in Article 21 which are to amend Article 91, Article 93, Article 96, and Article 98, paragraph (1) of the Trust Business Act; the provisions of Article 22; and the provisions of Article 30 (limited to the provisions to amend Article 23, paragraph (2) of the Act on the Regional Economy Vitalization Corporation of Japan (Act No. 63 of 2009)), Article 31 (limited to the provisions to amend Article 17, paragraph (2) of the Act on the Incorporated Organization for Supporting the Turnaround of Businesses Damaged by the Great East Japan Earthquake (Act No. 113 of 2011)), and Articles 32, 36 and 37 of the Supplementary Provisions: the date calculated as falling 20 days after the day of promulgation

三 第二条の規定、第四条中農業協同組合法第十一条の四第一項及び第三項並びに第九十三条第二項の改正規定、第五条中水産業協同組合法第十一条の十一第一項及び第三項並びに第二百二十二条第二項の改正規定、第九条の規定、第十四条中銀行法第十三条第一項及び第三項、第二十四条第二項、第五十二条の二十二第一項及び第二項並びに第五十二条の三十一第二項の改正規定、第十六条中保険業法第二百二十八条第二項、第二百条第二項、第二百零一条第二項、第二百二十六条第二項、第二百七十一条の二十七第一項、第二百七十二條の二十二第二項及び第二百七十二條の四十第二項の改正規定、第十八条の規定、第十九条中農林中央金庫法第五十八条第一項及び第三項並びに第八十三条第二項の改正規定、第二十一条中信託業法第四十二条第三項及び第五十八条第二項の改正規定並びに附則第七条から第十三条まで、第十五

条、第十六条及び第二十六条の規定 公布の日から起算して一年六月を超えない範囲内において政令で定める日

(iii) the provisions of Article 2; the provisions in Article 4 which are to amend Article 11-4, paragraphs (1) and (3) and Article 93, paragraph (2) of the Agricultural Cooperatives Act; the provisions in Article 5 which are to amend Article 11-11, paragraphs (1) and (3) and Article 122, paragraph (2) of the Fisheries Cooperatives Act; the provisions of Article 9; the provisions in Article 14 which are to amend Article 13, paragraphs (1) and (3), Article 24, paragraph (2), Article 52-22, paragraphs (1) and (2), and Article 52-31, paragraph (2) of the Banking Act; the provisions in Article 16 which are to amend Article 128, paragraph (2), Article 200, paragraph (2), Article 201, paragraph (2), Article 226, paragraph (2), Article 271-27, paragraph (1), Article 272-22, paragraph (2), and Article 272-40, paragraph (2) of the Insurance Business Act; the provisions of Article 18; the provisions in Article 19 which are to amend Article 58, paragraphs (1) and (3) and Article 83, paragraph (2) of the Agricultural Cooperatives Act; the provisions in Article 21 which are to amend Article 42, paragraph (3) and Article 58, paragraph (2) of the Trust Business Act; and Articles 7 to 13 inclusive, 15, 16, and 26 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year and six months from the day of promulgation.

(銀行法等の一部改正に伴う経過措置)

(Transitional Measures for the Partial Amendment of the Banking Act, etc.)

第十三条 第十四条の規定による改正後の銀行法（以下この条において「新銀行法」という。）第十三条第一項（第七条の規定による改正後の協同組合による金融事業に関する法律（以下この項において「新協金法」という。）第六条第一項、第十条の規定による改正後の信用金庫法第八十九条第一項、第十一条の規定による改正後の長期信用銀行法（以下この項及び第三項において「新長期信用銀行法」という。）第十七条及び第十二条の規定による改正後の労働金庫法第九十四条第一項において準用する場合（次項において「新協金法第六条第一項等において準用する場合」という。）を含む。以下この項及び次項において同じ。）の規定は、附則第一条第三号に掲げる規定の施行の際現に新銀行法第十三条第一項に規定する同一人に対する信用の供与等（同項に規定する信用の供与等をいう。以下この項及び次項において同じ。）の額が信用供与等限度額（同条第一項に規定する信用供与等限度額をいう。以下この項において同じ。）を超えている新銀行法第二条第一項に規定する銀行、新長期信用銀行法第二条に規定する長期信用銀行、信用金庫若しくは信用金庫連合会、労働金庫若しくは労働金庫連合会又は信用協同組合若しくは新協金法第二条第一項に規定する信用協同組合連合会（以下この項及び次項において「銀行等」という。）の当該同一人に対する信用の供与等については、当該銀行等が第三号施行日から起算して三月を経過する日までにその旨を内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とする。以下この項及び次項において同じ。）に届け出たときは、

第三号施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行等が、当該同一人に対して同日後も引き続き信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において同日までに内閣総理大臣の承認を受けたときは、当該銀行等は、同日の翌日において新銀行法第十三条第一項ただし書の規定による承認を受けたものとみなす。

Article 13 (1) Until the last day in the one-year period that begins on the item (iii) effective date, the provisions of Article 13, paragraph (1) of the Banking Act after its amendment by the provisions of Article 14 (hereinafter referred to as the "New Banking Act" in this Article) (including as applied mutatis mutandis pursuant to Article 6, paragraph (1) of the Act on Financial Services by Cooperatives after its amendment by the provisions of Article 7 (hereinafter referred to as the "New Act on Financial Services by Cooperatives" in this paragraph), Article 89, paragraph (1) of the Shinkin Bank Act after its amendment by the provisions of Article 10, Article 17 of the Long-Term Credit Bank Act after its amendment by the provisions of Article 11 (hereinafter referred to as the "New Long-Term Credit Bank Act" in this paragraph and paragraph (3)), Article 94, paragraph (1) of the Labor Bank Act after its amendment by the provisions of Article 12 (hereinafter referred to as the "Cases in Which Provisions Are Applied Mutatis Mutandis Pursuant to Article 6, Paragraph (1) of the New Act on Financial Services by Cooperatives, etc." in the following paragraph); hereinafter the same applies in this paragraph and the following paragraph) do not apply to the extension of credit or making of contributions (meaning the extension of credit or making of contributions as prescribed in Article 13, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph and the following paragraph) by a bank as defined in Article 2, paragraph (1) of the New Banking Act, long-term credit bank as prescribed in Article 2 of the New Long-Term Credit Bank Act, shinkin bank or federation of shinkin banks, labor bank or federation of labor banks, or credit cooperatives or Federation of Credit Cooperatives as defined in Article 2, paragraph (1) of the New Act on Financial Services by Cooperatives (hereinafter collectively referred to as the "bank, etc." in this paragraph and the following paragraph) to a single person as defined in Article 13, paragraph (1) of the New Banking Act, in an amount that exceeds the limit on credit and contributions (meaning the limit on credit and contributions as defined in Article 13, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) at the time when the provisions set forth in Article 1, item (iii) of the Supplementary Provisions come into effect, if the bank, etc. notifies the Prime Minister (the Prime Minister and the Minister of Health, Labour and Welfare in the case of a labor bank or federation of labor banks; hereinafter the same applies in this paragraph and the following paragraph)

thereof by the last day in the three-month period that begins on the item (iii) effective date. In such a case, if there is a compelling reason, such as it being likely that a significant impediment would arise to hinder the relevant single person from continuing in business if the bank, etc. does not continue to extend credit or make contributions to it in a total amount that exceeds the consolidated limit on credit and contributions after the last day in the one-year period that begins on the item (iii) effective date, and the bank, etc. obtains the approval of the Prime Minister before that day, the bank, etc. is deemed to obtain the approval referred to in the proviso to Article 13, paragraph (1) of the New Banking Act, on the day after that day.

2 新銀行法第十三条第二項（新協金法第六条第一項等において準用する場合を含む。以下この項において同じ。）の規定は、附則第一条第三号に掲げる規定の施行の際現に新銀行法第十三条第一項に規定する同一人に対する信用の供与等の額が合算して合算信用供与等限度額（同条第二項に規定する合算信用供与等限度額をいう。以下この項において同じ。）を超えている銀行等及び当該銀行等の子会社等（同条第二項に規定する子会社等をいう。以下この項において同じ。）又は当該銀行等の子会社等の当該同一人に対する信用の供与等については、当該銀行等が第三号施行日から起算して三月を経過する日までにその旨を内閣総理大臣に届け出たときは、第三号施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行等が、当該銀行等及び当該銀行等の子会社等又は当該銀行等の子会社等が合算して当該同一人に対して同日後も引き続き合算信用供与等限度額を超えて当該信用の供与等をしなすこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において同日までに内閣総理大臣の承認を受けたときは、当該銀行等は、同日の翌日において同条第二項後段において準用する同条第一項ただし書の規定による承認を受けたものとみなす。

(2) Until the last day in the one-year period that begins on the item (iii) effective date, the provisions of Article 13, paragraph (2) of the New Banking Act (including the Cases in Which Provisions Are Applied Mutatis Mutandis Pursuant to Article 6, Paragraph (1) of the New Act on Financial Services by Cooperatives, etc.; hereinafter the same applies in this paragraph) do not apply to the extension of credit or making of contributions by a bank, etc. and its subsidiary companies, etc. (meaning subsidiary companies, etc. as defined in Article 13, paragraph (2) of the New Banking Act; hereinafter the same applies in this paragraph) to a single person as defined in Article 13, paragraph (1) of the New Banking Act, in a total amount that exceeds the consolidated limit on credit and contributions (meaning the consolidated limit on credit and contributions as defined in Article 13, paragraph (2) of the New Banking Act; hereinafter the same applies in this paragraph) at the time when the provisions set forth in Article 1, item (iii) of the Supplementary Provisions come into effect, if the bank, etc. notifies the Prime Minister thereof by the last day in the three-month period that begins on the item (iii) effective date. In

such a case, if there is a compelling reason, such as it being likely that a significant impediment would arise to hinder the relevant single person from continuing in business if the bank, etc. and its subsidiary companies, etc. do not continue to extend credit or make contributions to it in a total amount that exceeds the consolidated limit on credit and contributions after the last day in the one-year period that begins on the item (iii) effective date, and the bank, etc. obtains the approval of the Prime Minister before that day, the bank, etc. is deemed to obtain the approval referred to in the proviso to Article 13, paragraph (1) of the New Banking Act as applied mutatis mutandis pursuant to the second sentence of Article 13, paragraph (2) of that Act on the day after that day.

3 新銀行法第五十二条の二十二第一項（新長期信用銀行法第十七条において準用する場合を含む。以下この項において同じ。）の規定は、附則第一条第三号に掲げる規定の施行の際現に新銀行法第五十二条の二十二第一項に規定する同一人に対する信用の供与等（同項に規定する信用の供与等をいう。以下この項において同じ。）の額が合算して銀行持株会社に係る信用供与等限度額（同条第一項に規定する銀行持株会社に係る信用供与等限度額をいう。以下この項において同じ。）を超えている新銀行法第二条第十三項に規定する銀行持株会社若しくはその子会社等（新銀行法第五十二条の二十二第一項に規定する子会社等をいう。以下この項において同じ。）又は新長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社若しくはその子会社等の当該同一人に対する信用の供与等については、当該銀行持株会社又は当該長期信用銀行持株会社（以下この項において「銀行持株会社等」という。）が第三号施行日から起算して三月を経過する日までにその旨を内閣総理大臣に届け出たときは、第三号施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行持株会社等が、当該銀行持株会社若しくはその子会社等又は当該長期信用銀行持株会社若しくはその子会社等が合算して当該同一人に対して同日後も引き続き銀行持株会社に係る信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において同日までに内閣総理大臣の承認を受けたときは、当該銀行持株会社等は、同日の翌日において新銀行法第五十二条の二十二第一項ただし書の規定による承認を受けたものとみなす。

(3) Until the last day in the one-year period that begins on the item (iii) effective date, the provisions of Article 52-22, paragraph (1) of the New Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; hereinafter the same applies in this paragraph) do not apply to the extension of credit or making of contributions (meaning the extension of credit or making of contributions as prescribed in Article 52-22, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) by a bank holding company as prescribed in Article 2, paragraph (13) of the New Banking Act and its subsidiary companies, etc. (meaning subsidiary companies, etc. as prescribed in 52-22, paragraph (1) of the New

Banking Act; hereinafter the same applies in this paragraph), or by a long-term credit bank holding company as defined in Article 16-4, paragraph (1) of the New Long-Term Credit Bank Act and its subsidiary companies, etc., to a single person as prescribed in Article 52-22, paragraph (1) of the New Banking Act, in a total amount that exceeds the limit on credit and contributions by a bank holding company (meaning the limit on credit and contributions by a bank holding company as defined in Article 52-22, paragraph (1) of the New Banking Act; hereinafter the same applies in this paragraph) at the time at which the provisions set forth in Article 1, item (iii) of the Supplementary Provisions come into effect, if the bank holding company or the long-term credit bank holding company (hereinafter collectively referred to as a "bank holding company, etc." in this paragraph) notifies the Prime Minister thereof by the last day in the three-month period that begins on the item (iii) effective date. In such a case, if there is a compelling reason, such as it being likely that a significant impediment would arise to hinder the relevant single person from continuing in business if the bank holding company and its subsidiary companies, etc. or the long-term credit bank holding company and its subsidiary companies, etc. do not continue to extend credit or make contributions to it in a total amount that exceeds the limit on credit and contributions by a bank holding company after the last day in the one-year period that begins on the item (iii) effective date, and the bank holding company, etc. obtains the approval of the Prime Minister before that day, the bank holding company, etc. is deemed to obtain the approval referred to in the proviso to Article 52-22, paragraph (1) of the New Banking Act on the day after that day.

第十四条 この法律の施行の際現に存する外国銀行支店（第十四条の規定による改正前の銀行法第四十七条第二項に規定する外国銀行支店をいう。）に対する第十四条の規定による改正後の銀行法第四十七条の二の規定の適用については、施行日から当該施行日の属する事業年度の翌事業年度末までの間は、同条中「政令で定める額」とあるのは、「政令で定める額以下の額で内閣府令で定める額」とする。

Article 14 To apply the provisions of Article 47-2 of the Banking Act after its amendment by the provisions of Article 14 to branch offices of foreign banks (meaning branch offices of foreign banks as defined in Article 47, paragraph (2) of the Banking Act prior to amendment by the provisions of Article 14) existing at the time at which this Act comes into effect, the term "amount specified by Cabinet Order" in Article 47-2 is deemed to be replaced with "amount specified by Cabinet Office Order not exceeding the amount specified by Cabinet Order" during the period from the effective date to the end of the business year following the business year that includes that effective date.

(罰則の適用に関する経過措置)

(Transitional Measures for the Application of Penal Provisions)

第三十六条 この法律（附則第一条各号に掲げる規定にあっては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 36 Prior laws continue to govern the applicability of penal provisions to conduct in which a person has engaged before this Act comes into effect (with regard to the provisions set forth in the items of Article 1 of the Supplementary Provisions, before those provisions come into effect; hereinafter the same applies in this Article), as well as to conduct in which a person engages after this Act comes into effect in a situation that prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(政令への委任)

(Delegation to Cabinet Order)

第三十七条 附則第二条から第十五条まで及び前条に定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 37 Beyond what is provided for in Article 2 through 15 of the Supplementary Provisions and in the preceding Article, Cabinet Order prescribes the necessary transitional measures connected with the enforcement of this Act (including transitional measures concerning penal provisions).

(検討)

(Review)

第三十八条 政府は、この法律の施行後五年を目途として、この法律による改正後のそれぞれの法律（以下この条において「改正後の各法律」という。）の施行の状況等を勘案し、必要があると認めるときは、改正後の各法律の規定について検討を加え、その結果に基づいて所要の措置を講ずるものとする。

Article 38 Approximately five years after this Act comes into effect, the government is to review the provisions of each of the relevant laws as amended by this Act (hereinafter referred to as "each amended law" in this Article) in view of things such as compliance with each amended law, and is to take the requisite measures based on the results of its review if it finds this to be necessary.