

# **Order for Enforcement of the Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime**

(Cabinet Order No. 192 of June 6, 2008)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 29, paragraph (2) and Article 41, paragraphs (2) and (3) of the Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime (Act No. 133 of 2007).

(Maximum Amount of Borrowings)

Article 1 The amount specified by Cabinet Order that is provided for in Article 29, paragraph (2) of the Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime (hereinafter referred to as the "Act") is 390 million yen.

(Delegation of the Administrative Agency's Authority over Deposit-Taking Institutions)

Article 2 (1) Within the scope of the authority delegated to the Commissioner of the Financial Services Agency pursuant to the provisions of Article 41, paragraph (1) of the Act (hereinafter referred to as the "Commissioner's authority"), the authority over a deposit-taking institution (meaning a bank, shinkin bank, credit cooperative, bank holding company, etc. (meaning a bank holding company, etc. as prescribed in Article 35, paragraph (1) of the Act; hereinafter the same applies in this paragraph and the following paragraph); hereinafter the same applies in this Article), bank agent, etc. (meaning a bank agent as prescribed in Article 2, paragraph (15) of the Banking Act (Act No. 59 of 1981), long-term credit bank agent as prescribed in Article 16-5, paragraph (3) of the Long-term Credit Bank Act (Act No. 187 of 1952), a shinkin bank agent as prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act (Act No. 238 of 1951), credit cooperative agent as prescribed in Article 6-3, paragraph (3) of the Act on Financial Businesses by Cooperatives (Act No. 183 of 1949); hereinafter the same applies in this Article), subsidiary company of a deposit-taking institution ("subsidiary company" means: a subsidiary company as prescribed in Article 2, paragraph (8) of the Banking Act if the deposit-taking institution is a bank as prescribed in paragraph (1) of that Article or a bank holding company as prescribed in paragraph (13) of that Article; a subsidiary company as prescribed in Article 13-2, paragraph (2) of the Long-term Credit Bank Act if the deposit-taking institution is a long-term credit

bank as prescribed in Article 2 of that Act or a long-term credit bank holding company as prescribed in Article 16-4, paragraph (1) of that Act; a subsidiary company as prescribed in Article 32, paragraph (6) of the Shinkin Bank Act if the deposit-taking institution is a shinkin bank; or a subsidiary company as prescribed in Article 4, paragraph (1) of the Act on Financial Businesses by Cooperative if the deposit-taking institution is a credit cooperative (the term includes a company that is deemed to be a subsidiary company); hereinafter the same applies in the following Article), or person (other than a bank agent, etc.; hereinafter the same applies in this Article) that has been entrusted with business by a deposit-taking institution is delegated to the Director-General of the Local Finance Bureau who has jurisdiction over the locality of its head office, etc. (meaning the head office, principal business office, or principal office of the deposit-taking institution or bank agent, etc.; and including a principal foreign bank branch as prescribed in Article 47, paragraph (1) of the Banking Act; hereinafter the same applies in this Article) (or delegated to the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of the head office, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

- (2) In addition to the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau provided for in the preceding paragraph, the Director-General of the Local Finance Bureau who has jurisdiction over the locality of the head office of a bank that is a subsidiary company of the relevant bank holding company, etc. (or the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of the head office is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau) may also exercise the Commissioner's authority over a bank holding company, etc.
- (3) In addition to the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau provided for in the preceding two paragraphs, the Director-General of the Local Finance Bureau who has jurisdiction over the locality of a branch office, etc. (meaning a business office, office, or other facility not constituting the head office, etc. of the relevant deposit-taking institution or bank agent, etc., including a secondary foreign bank branch as prescribed in Article 47, paragraph (2) of the Banking Act; hereinafter the same applies in this Article) or subsidiary company, etc. (meaning a subsidiary company of the relevant deposit-taking institution or a person that has been entrusted with business by that deposit-taking institution; hereinafter the same applies in this Article) (or the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality

of the branch office, etc. or subsidiary company, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau) may also exercise the Commissioner's authority over a deposit-taking institution, etc., bank agent, etc., subsidiary company of a deposit-taking institution, or person that has been entrusted with business by a deposit-taking institution, as it relates to a branch office, etc. or subsidiary company, etc.

- (4) If the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has requested a branch office, etc. or subsidiary company, etc. of a deposit-taking institution or bank agent, etc. to make a report or submit materials or who has conducted questioning or an on-site inspection thereof (hereinafter referred to as an "inspection, etc." in this paragraph) finds it necessary to conduct an inspection, etc. at the head office, etc. of the deposit-taking institution or bank agent, etc. or at a branch office, etc. or subsidiary company, etc. other than the one in question, the Director-General may conduct such an inspection, etc.

(Delegation of Administrative Agencies' Authority over Labor Banks)

Article 3 (1) If the Commissioner of the Financial Services Agency and the Minister of Health, Labour and Welfare exercise the administrative agencies' authority under the provisions of the Act (this means exercising the Commissioner's authority, in the case of the Commissioner of the Financial Services Agency; the same applies hereinafter) over a labor bank, etc. (meaning a labor bank or the Rokinren Bank; hereinafter the same applies in this paragraph), labor bank agent (meaning a labor bank agent as prescribed in Article 89-3, paragraph (3) of the Labor Bank Act (Act No. 227 of 1953); hereinafter the same applies in this Article), subsidiary company of a labor bank, etc. ("subsidiary company" means a subsidiary company as prescribed in Article 32, paragraph (5) of that Act (the term includes a company that is deemed to be a subsidiary company); hereinafter the same applies in the following Article), or person (other than a labor bank agent) that has been entrusted with business by a labor bank, etc., this does not preclude them from exercising their authority independently.

- (2) Having exercised the authority thereof independently pursuant to the provisions of the preceding paragraph, the Commissioner of the Financial Services Agency is to notify the Minister of Health, Labour and Welfare of the result promptly.
- (3) Having exercised the authority thereof independently pursuant to the provisions of paragraph (1), the Minister of Health, Labour and Welfare is to notify the Commissioner of the Financial Services Agency of the result promptly.
- (4) The Commissioner's authority over a labor bank, labor bank agent, subsidiary

company of a labor bank ("subsidiary company" means a subsidiary company as prescribed in Article 32, paragraph (5) of the Labor Bank Act (the term includes a company that is deemed to be a subsidiary company)), or person (other than a labor bank agent) that has been entrusted with business by a labor bank is delegated to the Director-General of the Local Finance Bureau who has jurisdiction over the locality of the principal business office or principal office (hereinafter referred to as the "principal business office, etc." in this Article) of the relevant labor bank or labor bank agent (or to the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of the principal business office, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

- (5) In addition to the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau provided for in the preceding paragraph, the Director-General of the Local Finance Bureau who has jurisdiction over the locality of a business office, office, or other facility not constituting the principal business office, etc. of the relevant labor bank agent (hereinafter referred to as a "secondary business office, etc." in this paragraph and the following paragraph) (or the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of the secondary business office, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau) may also exercise the Commissioner's authority over a labor bank agent, as it relates to a secondary business office, etc.
- (6) If the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has requested a secondary business office, etc. of a labor bank agent to make a report or submit materials or conducted questioning or an on-site inspection thereof (hereinafter referred to as an "inspection, etc." in this paragraph) pursuant to the provisions of the preceding paragraph finds it necessary to conduct an inspection, etc. at the principal business office, etc. of the labor bank agent or at a secondary business office, etc. other than the one in question, the Director-General may conduct such an inspection, etc.
- (7) The administrative functions that are part of the authority of the administrative agency under the provisions of the Act as regards a labor bank whose service area does not extend beyond the boundaries of one prefecture or a labor bank agent that has a labor bank whose service area does not extend beyond the boundaries of one prefecture as its principal labor bank (meaning a principal labor bank as prescribed in Article 89-3 of the Labor Bank Act) (limited to a labor bank agent whose principal business office, etc. is located in the relevant prefecture) are to be performed by the prefectural governor;

provided, however, that this does not preclude the Commissioner of the Financial Services Agency and the Minister of Health, Labour and Welfare from personally exercising that authority.

- (8) Having performed an administrative function pursuant to the provisions of the main clause of the preceding paragraph, the prefectural governor is to report the result to the Commissioner of the Financial Services Agency (or to the Director-General of the Local Finance Bureau who has jurisdiction over the locality of a labor bank agent's principal business office, etc., in the case of an administrative function relating to a labor bank agent (or to the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of its principal business office, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau)).

(Delegation of Administrative Agencies' Authority over Agricultural Cooperatives)

Article 4 (1) If the Commissioner of the Financial Services Agency and the Minister of Agriculture, Forestry and Fisheries exercise the administrative agencies' authority under the provisions of the Act over an agricultural cooperative, etc. (meaning an agricultural cooperative, federation of agricultural cooperatives, fisheries cooperative, federation of fisheries cooperatives, fishery processing cooperative, or federation of fishery processing cooperatives; hereinafter the same applies in this Article), specified credit business agent as prescribed in Article 92-2, paragraph (3) of the Agricultural Cooperatives Act (Act No. 132 of 1947). specified credit business agent as prescribed in Article 121-2, paragraph (3) of the Fishery Cooperatives Act (Act No. 242 of 1948) (hereinafter referred to simply as a "specified credit business agent" in this paragraph and paragraphs (3) through (5)), subsidiary company of an agricultural cooperative, etc. ("subsidiary company" means: a subsidiary company as prescribed in Article 11-2, paragraph (2) of the Agricultural Cooperatives Act, if the relevant agricultural cooperative, etc. is an agricultural cooperative or federation of agricultural cooperatives; or a subsidiary company as prescribed in Article 11-6, paragraph (2) of the Fishery Cooperatives Act, if the relevant agricultural cooperative, etc. is a fisheries cooperative, federation of fisheries cooperatives, fishery processing cooperative, or federation of fishery processing cooperatives (the term includes a company that is deemed to be a subsidiary company); hereinafter the same applies in the following Article), or person (other than a specified credit business agent; hereinafter the same applies in this Article) that has been entrusted with business by an agricultural cooperative, etc., this does not preclude them from exercising their authority independently. In such a case, the provisions of paragraphs (2) and (3) of the preceding Article apply *mutatis mutandis*.

- (2) The authority of the Minister of Agriculture, Forestry and Fisheries under Article 35, paragraphs (1) and (2) of the Act over an agricultural cooperative, federation of agricultural cooperatives, specified credit business agent as prescribed in Article 92-2, paragraph (3) of the Agricultural Cooperatives Act, subsidiary company as prescribed in Article 11-2, paragraph (2) of the Agricultural Cooperatives Act, or person that has been entrusted with business by an agricultural cooperative or federation of agricultural cooperatives (limited to authority relating to an agricultural cooperative or federation of agricultural cooperatives whose service area does not extend beyond the jurisdictional district of a Regional Agricultural Administration Office (hereinafter referred to as a "regional agricultural cooperative" in this paragraph)) is delegated to the Director-General of the Regional Agricultural Administration Office who has jurisdiction over the locality of the principal office of the regional agricultural cooperative; provided, however, that this does not preclude the Minister of Agriculture, Forestry and Fisheries from personally exercising that authority.
- (3) The Commissioner's authority over an agricultural cooperative, etc., specified credit business agent, subsidiary company of an agricultural cooperative, etc., or person that has been entrusted with business by an agricultural cooperative, etc. is delegated to the Director-General of the Local Finance Bureau who has jurisdiction over the locality of the principal business office or principal office (referred to as the "principal business office, etc." in the following paragraph and paragraph (5)) of the agricultural cooperative or specified credit business agent (or the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of its principal business office, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.
- (4) In addition to the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who is provided for in the preceding paragraph, the Director-General of the Local Finance Bureau who has jurisdiction over the locality of a business office, office, or other facility not constituting the principal business office, etc. of the relevant specified credit business agent (hereinafter referred to as a "secondary business office, etc." in this paragraph and the following paragraph) (or the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of the secondary business office, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau) may also exercise the Commissioner's authority over a specified credit business agent as it relates to a secondary business office, etc.
- (5) If the Director-General of the Local Finance Bureau or the Director-General

of the Fukuoka Local Finance Branch Bureau who has requested a secondary business office, etc. of a specified credit business agent to make a report or submit materials or conducted questioning or an on-site inspection thereof (hereinafter referred to as an "inspection, etc." in this paragraph) pursuant to the provisions of the preceding paragraph finds it necessary to conduct an inspection, etc. at the principal business office, etc. of the specified credit business agent or at a secondary business office, etc. other than the one in question, the Director-General may conduct such an inspection, etc.

- (6) The administrative functions that are part of the authority of the administrative agency under the provisions of the Act as regards a federation of agricultural cooperatives, federation of fisheries cooperatives, or federation of fishery processing cooperatives whose service area is the area inside the boundaries of the prefecture (referred to as a "prefectural federation" in paragraph (8)) are to be performed by the prefectural governor; provided, however, that this does not preclude the Commissioner of the Financial Services Agency and the Minister of Agriculture, Forestry and Fisheries from personally exercising that authority.
- (7) Having performed an administrative function pursuant to the provisions of the main clause of the preceding paragraph, the prefectural governor is to report the result to the Commissioner of the Financial Services Agency and the Minister of Agriculture, Forestry and Fisheries.
- (8) Having exercised the administrative agencies' authority under the provisions of the Act (limited to the authority relating to a prefectural federation), the Commissioner of the Financial Services Agency and the Minister of Agriculture, Forestry and Fisheries are to notify the prefectural governor of the result.

(Exercise of Administrative Agencies' Authority over the Norinchukin Bank)

Article 5 If the Commissioner of the Financial Services Agency and the Minister of Agriculture, Forestry and Fisheries exercise the administrative agencies' authority under the provisions of the Act over the Norinchukin Bank, a Norinchukin Bank agent (meaning a Norinchukin Bank agent as prescribed in Article 95-2, paragraph (3) of the Norinchukin Bank Act (Act No. 93 of 2001); hereinafter the same applies in this Article), a subsidiary company of the Norinchukin Bank ("subsidiary company" means a subsidiary company as prescribed in Article 24, paragraph (4) of that Act (the term includes a company that is deemed to be a subsidiary company)), or a person (other than a Norinchukin Bank agent) that has been entrusted with business by the Norinchukin Bank, this does not preclude them from exercising their authority independently. In such a case, the provisions of Article 3, paragraphs (2) and (3) apply *mutatis mutandis*.

(Delegation of Administrative Agencies' Authority over the Shoko Chukin Bank, Ltd.)

- Article 6 (1) If the Minister of Economy, Trade and Industry, the Minister of Finance, and the Commissioner of the Financial Services Agency exercise the administrative agencies' authority under the provisions of the Act over the Shoko Chukin Bank, Ltd., a cooperative agent, etc. (meaning a person performing agency or intermediary services as referred to in Article 2, paragraph (2) of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007); hereinafter the same applies in this Article), a subsidiary company of the Shoko Chukin Bank, Ltd. ("subsidiary company" means a subsidiary company prescribed in Article 23, paragraph (2) of that Act (the term includes a company that is deemed to be a subsidiary company); hereinafter the same applies in this Article), or a person that is not the other party to a contract for agency or intermediary services as prescribed in Article 2, paragraph (4) of that Act but that has been entrusted with business by the Shoko Chukin Bank, Ltd., this does not preclude them from exercising their authority independently.
- (2) If one of the administrative agencies prescribed in the preceding paragraph exercises its authority independently pursuant to the provisions of that paragraph, it is to notify the other administrative agencies prescribed in that paragraph of the result promptly.
- (3) The Commissioner's authority over the Shoko Chukin Bank, Ltd., a cooperative agent, etc., a subsidiary company of the Shoko Chukin Bank, Ltd., or a person that is not the other party to a contract for agency or intermediary services as prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act but that has been entrusted with business by the Shoko Chukin Bank, Ltd. is delegated to the Director-General of the Local Finance Bureau who has jurisdiction over the locality of the head office of the Shoko Chukin Bank, Ltd. (or the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of the head office is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.
- (4) In addition to the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau provided for in the preceding paragraph, the Director-General of the Local Finance Bureau who has jurisdiction over the locality of a branch office, etc. (meaning a business office or other facility not constituting the head office of the Shoko Chukin Bank, Ltd.; and including a business office, office, or other facility of a cooperative agent, etc.; hereinafter the same applies in this Article) or subsidiary company, etc. (meaning a subsidiary company of the Shoko Chukin Bank, Ltd. or a person that is not the other party to a contract for agency or



intermediary services as prescribed in that paragraph but that has been entrusted with business by the Shoko Chukin Bank, Ltd.; hereinafter the same applies in this Article) (or the Director-General of the Fukuoka Local Finance Branch Bureau, if the locality of the branch office, etc. or subsidiary company, etc. is within the district under the jurisdiction of the Fukuoka Local Finance Branch Bureau) may also exercise the Commissioner's authority over the Shoko Chukin Bank, Ltd., a cooperative agent, etc., a subsidiary company of the Shoko Chukin Bank, Ltd., or a person that is not the other party to a contract for agency or intermediary services as prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act but that has been entrusted with business by the Shoko Chukin Bank, Ltd., as it relates to a branch office, etc. or subsidiary company, etc.

- (5) If the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has requested a branch office, etc. or subsidiary company, etc. of the Shoko Chukin Bank, Ltd. to make a report or submit materials or conducted questioning or an on-site inspection thereof (hereinafter referred to as an "inspection, etc." in this paragraph) pursuant to the provisions of the preceding paragraph finds it necessary to conduct an inspection, etc. at the head office, etc. of the Shoko Chukin Bank, Ltd. or at a branch office, etc. or subsidiary company, etc. other than the one in question, the Director-General may conduct such an inspection, etc.

(Classification of Administrative Functions)

Article 7 (1) The administrative functions to be handled by a prefectural governor pursuant to the provisions of Article 3, paragraphs (7) and (8) and Article 4, paragraphs (6) and (7) are item (i) statutory entrusted functions as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

- (2) If a prefectural governor is to perform an administrative function provided for in the preceding paragraph, the provisions of the Act concerning the administrative agency that is associated with the administrative functions prescribed in that paragraph apply to a prefectural governor as provisions of the Act concerning a prefectural governor.