

金融機関の信託業務の兼営等に関する法律施行令

Order for Enforcement of the Act on Engagement in Trust Business by Financial Institutions

(平成五年三月三日政令第三十一号)

(Cabinet Order No. 31 of March 3, 1993)

内閣は、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（平成四年法律第八十七号）の施行に伴い、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）第一条第一項、第五条ノ二、第六条及び第九条ノ二の規定に基づき、この政令を制定する。

The Cabinet hereby enacts this Cabinet Order in line with the implementation of the Act on the Coordination of the Relevant Acts for the Reform of the Financial System and the Securities and Exchange System (Act No. 87 of 1992) and pursuant to the provisions of Article 1, paragraph (1), Article 5-2, Article 6 and Article 9-2 of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943).

(定義)

(Definitions)

第一条 この政令において「信託業務」とは、金融機関の信託業務の兼営等に関する法律（以下「法」という。）第一条第一項に規定する信託業務をいう。

Article 1 (1) In this Cabinet Order, the term "trust business" means trust business as prescribed in Article 1, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions (hereinafter referred to as "the Act").

2 この政令において「銀行」とは、銀行法（昭和五十六年法律第五十九号）第二条第一項に規定する銀行をいう。

(2) In this Cabinet Order, the term "bank" means a bank as prescribed in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981).

3 この政令において「長期信用銀行」とは、長期信用銀行法（昭和二十七年法律第八十七号）第二条に規定する長期信用銀行をいう。

(3) In this Cabinet Order, the term "long-term credit bank" means a long-term credit bank under Article 2 of the Long-Term Credit Bank Act (Act No. 187 of 1952).

(信託業務を兼営する金融機関の範囲)

(Scope of Financial Institutions Engaging in Trust Business)

第二条 法第一条第一項に規定する政令で定める金融機関は、次に掲げる金融機関とする。

Article 2 The financial institutions specified by Cabinet Order that are provided

for in Article 1, paragraph (1) of the Act are the following financial institutions:

一 銀行

(i) banks;

二 長期信用銀行

(ii) long-term credit banks;

二の二 株式会社商工組合中央金庫

(ii)-2 The Shoko Chukin Bank, Ltd.;

三 信用金庫

(iii) shinkin banks;

四 労働金庫

(iv) labor banks;

五 信用協同組合

(v) credit cooperatives;

六 農林中央金庫

(vi) The Norinchukin Bank;

七 農業協同組合法（昭和二十二年法律第百三十二号）第十条第一項第二号及び第三号の事業を併せ行う農業協同組合

(vii) agricultural cooperatives that also engage in business prescribed in Article 10, paragraph (1), items (ii) and (iii) of the Agricultural Cooperatives Act (Act No. 132 of 1947);

八 水産業協同組合法（昭和二十三年法律第二百四十二号）第十一条第一項第三号及び第四号の事業を併せ行う漁業協同組合

(viii) fisheries cooperatives that also engage in business prescribed in Article 11, paragraph (1), items (iii) and (iv) of the Fisheries Cooperatives Act (Act No. 242 of 1948);

九 水産業協同組合法第九十三条第一項第一号及び第二号の事業を併せ行う水産加工業協同組合

(ix) marine products processing cooperatives that also engage in business prescribed in Article 93, paragraph (1), items (i) and (ii) of the Fisheries Cooperatives Act;

十 信用金庫連合会

(x) federations of shinkin banks;

十一 労働金庫連合会

(xi) The Rokinren Bank;

十二 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

(xii) federations of cooperatives that engage in business prescribed in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949);

十三 農業協同組合法第十条第一項第二号及び第三号の事業を併せ行う農業協同組合

連合会

(xiii) federations of agricultural cooperatives that also engage in business prescribed in Article 10, paragraph (1), items (ii) and (iii) of the Agricultural Cooperatives Act;

十四 水産業協同組合法第八十七条第一項第三号及び第四号の事業を併せ行う漁業協同組合連合会

(xiv) federations of fisheries cooperatives that also engage in business prescribed in Article 87, paragraph (1), items (iii) and (iv) of the Fisheries Cooperatives Act; and

十五 水産業協同組合法第九十七条第一項第一号及び第二号の事業を併せ行う水産加工業協同組合連合会

(xv) federations of marine product processing cooperatives that also engage in business prescribed in Article 97, paragraph (1), items (i) and (ii) of the Fisheries Cooperatives Act.

(金融機関が営むことができない業務)

(Business in Which a Financial Institution May Not Engage)

第三条 法第一条第一項に規定する政令で定める業務は、次に掲げる業務とする。

Article 3 The business specified by Cabinet Order that is provided for in Article 1, paragraph (1) of the Act is as follows:

一 土地若しくはその定着物、地上権又は土地の賃借権（以下この号において「土地等」という。）を含む財産の信託であって、土地等の処分を信託の目的の全部又は一部とするもの（次に掲げるものを除く。）

(i) business involving trusts of property that includes land or land fixtures, superficies rights, or the right to lease land (hereinafter referred to as "land, fixtures, or rights" in this item), the whole or part of whose purpose is the disposition of the land, fixtures, or rights (excluding the following trusts):

イ 資産の流動化に関する法律（平成十年法律第百五号）第二条第十三項に規定する特定目的信託

(a) a specific purpose trust as prescribed in Article 2, paragraph (13) of the Act on Securitization of Assets (Act No. 105 of 1998); and

ロ その受益権の譲渡先が特定目的会社（資産の流動化に関する法律第二条第三項に規定する特定目的会社をいう。）又は登録投資法人（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）第二条第十三項に規定する登録投資法人をいう。）に限られる信託

(b) a trust under which the transferee of the beneficial interest is limited to a specific purpose company (meaning a specific purpose company as prescribed in Article 2, paragraph (3) of the Act on Securitization of Assets) or a registered investment corporation (meaning a registered investment corporation as prescribed in Article 2, paragraph (13) of the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951)).

二 法第一条第一項第一号に掲げる信託契約代理業のうち、前号に規定する信託に係るもの

(ii) among agency services for trust contracts under Article 1, paragraph (1), item (i) of the Act, those that involve a trust as prescribed in the preceding item;

三 法第一条第一項第六号に掲げる業務のうち不動産の売買及び貸借の代理及び媒介
(iii) among business set forth in Article 1, paragraph (1), item (vi) of the Act, that which involves agency or intermediation for the sale and purchase or lease and rental of real property; and

四 その他内閣府令で定める業務

(iv) other business specified by Cabinet Office Order.

(信託業務を営む金融機関の営業保証金の額)

(Amount of the Business Deposit of a Financial Institution Engaged in Trust Business)

第四条 法第二条第一項において準用する信託業法（平成十六年法律第百五十四号）第十一条第二項に規定する政令で定める金額は、二千五百万円とする。

Article 4 The amount specified by Cabinet Order that is provided for in Article 11, paragraph (2) of the Trust Business Act (Act No. 154 of 2004) as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act is 25 million yen.

(営業保証金に代わる契約の内容)

(Terms and Conditions of a Contract That Replaces a Business Security Deposit)

第五条 信託業務を営む金融機関は、法第二条第一項において準用する信託業法第十一条第三項に規定する契約を締結する場合には、銀行、信用金庫、保険会社（保険業法（平成七年法律第百五号）第二条第二項に規定する保険会社をいい、同条第七項に規定する外国保険会社等を含む。）その他内閣府令で定める金融機関を相手方とし、その内容を次に掲げる要件に適合するものとしなければならない。

Article 5 If a financial institution engaged in trust business seeks to conclude a contract prescribed in Article 11, paragraph (3) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act, the other party to the contract must be a bank, shinkin bank, insurance company (meaning an insurance company as prescribed in Article 2, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995), including foreign insurance companies, etc. prescribed in paragraph (7) of that Article) or other financial institution specified by Cabinet Office Order, and the terms of the contract must conform to the following requirements:

一 法第二条第一項において準用する信託業法第十一条第四項の規定による金融庁長官の命令を受けたときは、当該信託業務を営む金融機関のために当該命令に係る額

の営業保証金が遅滞なく供託されるものであること。

(i) that, if an order is issued by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 11, paragraph (4) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act, a business deposit in the amount specified by the Order will be deposited with an official depository without delay on behalf of the financial institution engaged in trust business;

二 一年以上の期間にわたって有効な契約であること。

(ii) that the contract is effective for one year or more; and

三 金融庁長官の承認を受けた場合を除き、契約を解除し、又は契約の内容を変更することができないものであること。

(iii) that, unless the approval of the Commissioner of the Financial Services Agency is obtained, the contract cannot be cancelled and the terms of the contract cannot be changed.

(営業保証金に係る権利の実行の手続)

(Procedures for Enforcing Rights in Connection with Business Security Deposits)

第六条 法第二条第一項において準用する信託業法第十一条第六項の権利（以下この条において「権利」という。）を有する者は、金融庁長官に対し、その権利の実行の申立てをすることができる。

Article 6 (1) A person that holds rights as referred to Article 11, paragraph (6) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act (hereinafter referred to as "rights" in this Article) may file a petition to enforce those rights with the Commissioner of the Financial Services Agency.

2 金融庁長官は、前項の申立てがあった場合において、当該申立てを理由があると認めるときは、当該営業保証金につき権利を有する者に対し、六十日を下らない一定の期間内に権利の申出をすべきこと及びその期間内に申出をしないときは配当手続から除斥されるべきことを公示し、かつ、その旨を同項の申立てをした者（以下この条において「申立人」という。）及び供託者（供託者が法第二条第一項において準用する信託業法第十一条第四項の命令により同条第三項の契約に基づき信託業務を営む金融機関のために同条第一項の営業保証金の全部を供託している場合にあつては、当該信託業務を営む金融機関を含む。第四項及び第五項において同じ。）に通知しなければならない。

(2) Upon receiving a petition under the preceding paragraph and finding there to be grounds therefor, the Commissioner of the Financial Services Agency must issue a public notice to notify persons that have a right to the relevant business deposit that they must report their rights within a specific period of time of no fewer than 60 days and that they will be excluded from the distribution process if they fail to report their rights within that period, and

must also notify the person filing the petition referred to in that paragraph (hereinafter referred to as the "petitioner" in this Article) and the depositor (including a financial institution engaged in trust business, if the depositor has deposited the entirety of the business deposit under Article 11, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act on behalf of the financial institution engaged in trust business based on a contract under paragraph (3) of that Article in accordance with the order under paragraph (4) of that Article; hereinafter the same applies in paragraphs (4) and (5)) to that effect.

3 前項の規定による公示があった後は、申立人がその申立てを取り下げた場合においても、手続の進行は、妨げられない。

(3) Once a public notice under the preceding paragraph has been issued, even if the petitioner withdraws the petition, it does not prevent the procedures from progressing.

4 金融庁長官は、第二項の期間が経過した後、遅滞なく、権利の調査をしなければならない。この場合において、金融庁長官は、あらかじめ期日及び場所を公示し、かつ、供託者に通知して、申立人、当該期間内に権利の申出をした者及び当該供託者に対し、権利の存否及びその権利によって担保される債権の額について証拠を提示し、及び意見を述べる機会を与えなければならない。

(4) After the period prescribed in paragraph (2) has elapsed, the Commissioner of the Financial Services Agency must undertake an investigation of rights without delay. In such a case, the Commissioner of the Financial Services Agency must, in advance, issue a public notice and notify the depositor of the date and place and give the petitioner, any person that has reported their rights within the designated period, and the depositor an opportunity to present evidence or state their opinions as to the existence of the rights and the amount of the claim secured by those rights.

5 金融庁長官は、前項の規定による調査の結果に基づき、遅滞なく配当表を作成し、これを公示し、かつ、供託者に通知しなければならない。

(5) Based on the results of an investigation under the preceding paragraph, the Commissioner of the Financial Services Agency must prepare a distribution list, issue a public notice thereof, and notify the depositor thereof without delay.

6 配当は、前項の規定による公示をした日から百十日を経過した後、同項の配当表に従い実施するものとする。

(6) Once 110 days have elapsed since the date of a public notice under the preceding paragraph, the distribution is to be implemented in accordance with the distribution list prescribed in that paragraph.

7 金融庁長官は、有価証券（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）第二百七十八条第一項に規定する振替債を含む。）が供託されている場合において、権利の実行に必要があるときは、これを換価することができる。この場合において、換価の費用は、換価代金から控除する。

(7) If any securities (including book-entry transfer bonds as prescribed in Article 278, paragraph (1) of Act on Book-Entry Transfer of Company Bonds and Share (Act No. 75 of 2001)) have been deposited, and if it is necessary to do so in order to enforce a person's rights, the Commissioner of the Financial Services Agency may liquidate the securities. In such a case, the expenses required for the liquidation are deducted from the proceeds of the liquidation.

(営業保証金の取戻し)

(Recovery of Business Security Deposits)

第七条 信託業務を営む金融機関若しくはその承継人又は当該信託業務を営む金融機関のために営業保証金を供託した者は、当該信託業務を営む金融機関が次に掲げる場合に該当することとなったときは、その供託していた営業保証金の全部を、金融庁長官の承認を受けて取り戻すことができる。

Article 7 (1) If a financial institution engaged in trust business falls under any of the following categories, the financial institution engaged in trust business, its successor, or the person that has deposited the business deposit on behalf of the financial institution engaged in trust business may recover the entirety of the business deposit that was deposited with the approval of the Commissioner of the Financial Services Agency.

一 信託業務を営む金融機関の本店等（信託業務を営む金融機関の本店又は主たる事務所をいう。第十八条第一項、第二項及び第四項並びに第十九条第二項において同じ。）の位置の変更により法第二条第一項において準用する信託業法第十一条第一項に規定する供託所を変更し、かつ、当該変更後の供託所に営業保証金の全部を供託した場合

(i) if a financial institution engaged in trust business changes official depositories as prescribed in Article 11, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act due to a change in location of its main office (meaning the head office or principal office of the financial institution engaged in trust business; hereinafter the same applies in Article 18, paragraph (1), paragraph (2) and paragraph (4) and Article 19, paragraph (2)) and it deposits the entirety of the business security deposit with the official depository for after this change.

二 次に掲げる場合のいずれかに該当した場合において、信託財産の新受託者への譲渡又は帰属権利者への移転が終了したとき。

(ii) if any of the following apply and the trust property has finished being assigned to a new trustee or transferred to the holder of a vested right:

イ 法第十条の規定により法第一条第一項の認可が取り消された場合

(a) if authorization under Article 1, paragraph (1) of the Act has been rescinded pursuant to the provisions of Article 10 of the Act; or

ロ 法第十一条の規定により法第一条第一項の認可がその効力を失った場合

(b) if authorization under Article 1, paragraph (1) of the Act has lost effect

pursuant to the provisions of Article 11 of the Act.

2 信託業務を営む金融機関又は当該信託業務を営む金融機関のために営業保証金を供託した者は、当該信託業務を営む金融機関が法第二条第一項において準用する信託業法第十一条第三項に規定する契約を締結し、又は当該契約の内容を変更し、その旨を金融庁長官に届け出た場合において、当該信託業務を営む金融機関に係る営業保証金の額（契約金額（同項に規定する契約金額をいう。以下この項において同じ。）を含む。）が同条第一項及び第二項の規定により供託すべき金額を超えることとなったときは、当該営業保証金の額から契約金額を控除した額の範囲内において、その超える額の全部又は一部を、金融庁長官の承認を受けて取り戻すことができる。

(2) If a financial institution engaged in trust business or a person that has deposited a business security deposit on behalf of the financial institution engaged in trust business concludes a contract prescribed under Article 11, paragraph (3) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act, or changes the terms of that contract, and notifies the Commissioner of the Financial Services Agency to that effect, and the amount of the business security deposit (including the contract amount (meaning the contract amount as prescribed in Article 11, paragraph (3) of the Trust Business Act; hereinafter the same applies in this paragraph)) for the financial institution engaged in trust business exceeds the amount to be deposited pursuant to the provisions of paragraphs (1) and (2) of Article 11 of the Trust Business Act, the financial institution engaged in trust business or the person that has deposited the business security deposit on behalf thereof may recover all or part of the amount in excess thereof, but only to the extent of the amount of the business security deposit less the contract amount, with the approval of the Commissioner of the Financial Services Agency.

（委託者及び受託者と密接な関係を有する者）

(Persons That Are Closely Related to the Settlor and the Trustee)

第八条 法第二条第一項において準用する信託業法第二十三条第二項に規定する委託者と密接な関係を有する者として政令で定める者は、次に掲げるものとする。

Article 8 (1) The persons specified by Cabinet Order as closely related to the settlor under Article 23, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act are as follows:

一 当該委託者の役員（取締役、執行役、会計参与（会計参与が法人であるときは、その職務を行うべき社員を含む。）、監査役又はこれらに類する役職にある者をいう。以下この条及び第十条において同じ。）又は使用人

(i) an officer (meaning the director, executive officer, accounting advisor (includes the member responsible for performing the duties thereof, if the accounting advisor is a corporation), company auditor, or any person holding a position similar to any of these; hereinafter the same applies in this Article and Article 10) or employee of the settlor;

二 当該委託者の子法人等

(ii) a subsidiary corporation, etc. of the settlor;

三 当該委託者を子法人等とする親法人等

(iii) the parent corporation, etc. that has the settlor as its subsidiary corporation, etc.;

四 当該委託者を子法人等とする親法人等の子法人等（当該委託者及び前二号に掲げる者を除く。）

(iv) a subsidiary corporation, etc. of the parent corporation, etc. that has the settlor as its subsidiary corporation, etc. (excluding the settlor itself and persons as set forth in the preceding two items);

五 当該委託者の関連法人等

(v) an affiliated corporation, etc. of the settlor;

六 当該委託者を子法人等とする親法人等の関連法人等（前号に掲げる者を除く。）

(vi) an affiliated corporation, etc. of the parent corporation, etc. that has the settlor as its subsidiary corporation, etc. (excluding a person as set forth in the preceding item);

七 当該委託者の特定個人株主

(vii) a specified individual shareholder of the settlor; or

八 前号に掲げる者に係る次に掲げる会社、組合その他これらに準ずる事業体（外国におけるこれらに相当するものを含み、当該委託者を除く。以下この号において「法人等」という。）

(viii) the following company, partnership, or other business entity equivalent thereto (including one that is equivalent thereto in a foreign state, but excluding the settlor itself; hereinafter referred to as a " corporation, etc." in this item) that is associated with the person set forth in the preceding item;

イ 前号に掲げる者がその総株主又は総出資者の議決権（株式会社にあつては、株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法（平成十七年法律第八十六号）第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。以下同じ。）の百分の五十を超える議決権を保有する法人等（当該法人等の子法人等及び関連法人等を含む。）

(a) a corporation, etc. (inclusive of its subsidiary corporation, etc. and affiliated corporations, etc.) in which the person referred to in the preceding item holds voting rights that exceed fifty percent of the voting rights of all of the shareholders or equity investors (for a stock company, this excludes voting rights in respect of shares that do not allow voting rights to be exercised for all matters that are subject to resolution at a general meeting of shareholders, but includes voting rights in respect of shares in connection with which the shareholder is deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); hereinafter the same applies

hereinafter); or

ロ 前号に掲げる者がその総株主又は総出資者の議決権の百分の二十以上百分の五十以下の議決権を保有する法人等

(b) a corporation, etc. in which the person referred to in the preceding item holds voting rights that amount to at least twenty percent and up to fifty percent of the voting rights of all of the shareholders or equity investors.

2 法第二条第一項において準用する信託業法第二十三条第二項に規定する受託者と密接な関係を有する者として政令で定める者は、次に掲げるものとする。

(2) The persons specified by Cabinet Order as closely related to the trustee under Article 23, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act are as follows:

一 当該受託者の役員又は使用人

(i) an officer or employee of the trustee;

二 当該受託者の子法人等

(ii) a subsidiary corporation, etc. of the trustee;

三 当該受託者を子法人等とする親法人等

(iii) the parent corporation, etc. that has the trustee as its subsidiary corporation, etc.;

四 当該受託者を子法人等とする親法人等の子法人等（当該受託者及び前二号に掲げる者を除く。）

(iv) a subsidiary corporation, etc. of the parent corporation, etc., that has the trustee as its subsidiary corporation, etc. (excluding the trustee itself and persons set forth in the preceding two items);

五 当該受託者の関連法人等

(v) an affiliated corporation, etc. of the trustee;

六 当該受託者を子法人等とする親法人等の関連法人等（前号に掲げる者を除く。）

(vi) an affiliated corporation, etc. of the parent corporation, etc. that has the trustee as its subsidiary corporation, etc. (excluding persons set forth in the preceding item);

七 当該受託者の特定個人株主

(vii) a specified individual shareholder of the trustee; or

八 前号に掲げる者に係る次に掲げる会社、組合その他これらに準ずる事業体（外国におけるこれらに相当するものを含み、当該受託者を除く。以下この号において「法人等」という。）

(viii) the following company, partnership, or any other business entity equivalent thereto (including those equivalent thereto in a foreign state, but excluding the trustee; hereinafter referred to as " corporation, etc." in this item) that is associated with the person set forth in the preceding item;

イ 前号に掲げる者がその総株主又は総出資者の議決権の百分の五十を超える議決権を保有する法人等（当該法人等の子法人等及び関連法人等を含む。）

(a) a corporation, etc. (including a subsidiary corporation etc. and an

affiliated corporation, etc. of such corporation, etc.) in which the person referred to in the preceding item holds voting rights that exceed fifty percent of the voting rights of all of the shareholders or equity investors; or
ロ 前号に掲げる者がその総株主又は総出資者の議決権の百分の二十以上百分の五十以下の議決権を保有する法人等

(b) a corporation, etc. in which the person referred to in the preceding item holds voting rights that amount to at least twenty percent and up to fifty percent of the voting rights of all of the shareholders or equity investors.

3 前二項に規定する「親法人等」とは、他の法人等（会社、組合その他これらに準ずる事業体（外国におけるこれらに相当するものを含む。）をいう。以下この項及び次項において同じ。）の財務及び営業又は事業の方針を決定する機関（株主総会その他これに準ずる機関をいう。以下この項において「意思決定機関」という。）を支配している法人等として内閣府令で定めるものをいい、前二項及び次項に規定する「子法人等」とは、親法人等によりその意思決定機関を支配されている他の法人等をいう。この場合において、親法人等及び子法人等又は子法人等が他の法人等の意思決定機関を支配している場合における当該他の法人等は、その親法人等の子法人等とみなす。

(3) The term "parent corporation, etc." prescribed in the preceding two paragraphs means a person specified by Cabinet Office Order as the corporation, etc. (meaning a company, partnership, or other business entity equivalent thereto (including those equivalent thereto in a foreign state); hereinafter the same applies in this paragraph and the following paragraph) that controls the body that decides the financial and operational or business policies of a second corporation, etc. (meaning the shareholders' meeting or other body equivalent thereto; referred to as "decision-making body" in this paragraph), and the term "subsidiary juridical person, etc." prescribed in the preceding two paragraphs and the following paragraph means a second corporation, etc. whose decision-making body is controlled by a parent corporation, etc. In such a case, if a parent corporation, etc. and its subsidiary corporations, etc. or its subsidiary corporations, etc. alone control the decision-making body of another corporation, etc., the other corporation, etc. is deemed to be a subsidiary corporation, etc. of the parent corporation, etc.

4 第一項及び第二項に規定する「関連法人等」とは、法人等（当該法人等の子法人等を含む。）が出資、取締役その他これに準ずる役職への当該法人等の役員若しくは使用人である者若しくはこれらであった者の就任、融資、債務の保証若しくは担保の提供、技術の提供又は営業上若しくは事業上の取引等を通じて、財務及び営業又は事業の方針の決定に対して重要な影響を与えることができる他の法人等（子法人等を除く。）として内閣府令で定めるものをいう。

(4) The term "affiliated corporation, etc." prescribed in paragraphs (1) and (2) means a person specified by Cabinet Office Order as a second corporation, etc. (exclusive of its subsidiary corporations, etc.) whose financial and operational or business policy decisions a first corporation, etc. (inclusive of its subsidiary

corporations, etc.) is able to materially influence, through the making of contributions, the assumption of office as director or other equivalent role by a person that is or was an officer or employee of the first corporation, etc., through the guaranteeing of obligations or provision of collateral, through the provision of technology, or through an operational or business transaction, etc.

5 第一項及び第二項に規定する「特定個人株主」とは、その総株主又は総出資者の議決権の百分の五十を超える対象議決権（信託業法第五条第五項に規定する対象議決権をいう。）を保有する個人をいう。

(5) The term "specified individual shareholder" prescribed in paragraphs (1) and (2) means an individual who holds subject voting rights (meaning subject voting rights as prescribed in Article 5, paragraph (5) of the Trust Business Act) exceeding fifty percent of the voting rights of all of the shareholders or equity investors.

6 第一項第八号又は第二項第八号の場合において、第一項第七号に掲げる者又は第二項第七号に掲げる者が保有する議決権には、社債、株式等の振替に関する法律第四百七条第一項又は第四百八条第一項（これらの規定を同法第二百二十八条第一項、第二百三十五条第一項、第二百三十九条第一項及び第二百七十六条（第二号に係る部分に限る。）において準用する場合を含む。）の規定により発行者に対抗することができない株式又は出資に係る議決権を含むものとする。

(6) In a case as referred to in paragraph (1), item (viii) or paragraph (2), item (viii), the voting rights held by the person prescribed in paragraph (1), item (vii) or the person prescribed in paragraph (2), item (vii) are to include voting rights in respect of shares or contributions that cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Book-Entry Transfer of Company Bonds and Share (including as applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the portion pertaining to item (ii)) of that Act).

（情報通信の技術を利用する方法）

(Means of Using Information and Communications Technology)

第九条 信託業務を営む金融機関は、法第二条第一項において準用する信託業法第二十六条第二項の規定により同項に規定する事項を提供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、当該委託者に対し、その用いる同項に規定する電磁的方法（以下この条において「電磁的方法」という。）の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

Article 9 (1) Before seeking to provide a person with the particulars prescribed in Article 26, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act pursuant to that paragraph, a financial institution engaged in trust business, in advance and pursuant to Cabinet Office Order, must indicate to the settlor the type and

substance of the electronic or magnetic means prescribed in Article 26, paragraph (2) of the Trust Business Act (hereinafter referred to as "electronic or magnetic means" in this Article) that it will use and obtain consent for this in writing or by electronic or magnetic means.

2 前項の規定による承諾を得た信託業務を営む金融機関は、当該委託者から書面又は電磁的方法により電磁的方法による提供を受けない旨の申出があったときは、当該委託者に対し、法第二条第一項において準用する信託業法第二十六条第二項に規定する事項の提供を電磁的方法によってしてはならない。ただし、当該委託者が再び前項の規定による承諾をした場合は、この限りでない。

(2) If a financial institution engaged in trust business that has obtained the consent under the provisions of the preceding paragraph receives a notice from the settlor, either in writing or by electronic or magnetic means, indicating that the settlor is not willing to be provided with information by electronic or magnetic means, it must not provide the particulars prescribed in Article 26, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act to the settlor by electronic or magnetic means; provided, however, that this does not apply if the settlor has once again given the consent under the provisions of the preceding paragraph.

3 前二項の規定は、法第二条第一項において準用する信託業法第二十七条第二項及び第二十九条第四項において同法第二十六条第二項の規定を準用する場合について準用する。この場合において、これらの規定中「委託者」とあるのは、「信託財産に係る受益者」と読み替えるものとする。

(3) The provisions of the preceding two paragraphs apply mutatis mutandis when Article 26, paragraph (2) of the Trust Business Act is applied mutatis mutandis pursuant to Article 27, paragraph (2) and Article 29, paragraph (4) of the Trust Business Act, as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act. In such a case, the term "settlor" in these provisions is deemed to be replaced with "beneficiary of the trust property".

(信託業務を営む金融機関と密接な関係を有する者の範囲)

(Scope of Persons Closely Related to a Financial Institution Engaged in Trust Business)

第十条 法第二条第一項において準用する信託業法第二十九条第二項第一号に規定する政令で定める者は、次に掲げるものとする。

Article 10 (1) The persons specified by Cabinet Order that are provided for in Article 29, paragraph (2), item (i) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act are as follows:

一 信託業務を営む金融機関の役員又は使用人

(i) an officer or employee of the financial institution engaged in trust business;

二 信託業務を営む金融機関の子法人等（第八条第三項に規定する子法人等をいう。以下この項において同じ。）

- (ii) a subsidiary corporation, etc. (meaning a subsidiary corporation, etc. as prescribed in Article 8, paragraph (3); hereinafter the same applies in this paragraph) of the financial institution engaged in trust business;
- 三 信託業務を営む金融機関を子法人等とする親法人等（第八条第三項に規定する親法人等をいう。以下この項において同じ。）
- (iii) the parent corporation, etc. (meaning a parent corporation, etc. as prescribed in Article 8, paragraph (3); hereinafter the same applies in this paragraph) that has the financial institution engaged in trust business as its subsidiary corporation, etc.;
- 四 信託業務を営む金融機関を子法人等とする親法人等の子法人等（当該信託業務を営む金融機関及び前二号に掲げる者を除く。）
- (iv) a subsidiary corporation, etc. of the parent corporation, etc. that has the financial institution engaged in trust business as its subsidiary corporation, etc. (excluding the financial institution engaged in trust business itself and persons set forth in the preceding two items);
- 五 信託業務を営む金融機関の関連法人等（第八条第四項に規定する関連法人等をいう。以下この項において同じ。）
- (v) an affiliated corporation, etc. (meaning an affiliated corporation, etc. as prescribed in Article 8, paragraph (4); hereinafter the same applies in this paragraph) of the financial institution engaged in trust business;
- 六 信託業務を営む金融機関を子法人等とする親法人等の関連法人等（前号に掲げる者を除く。）
- (vi) an affiliated corporation, etc. of the parent corporation, etc. that has the financial institution engaged in trust business as its subsidiary corporation, etc. (excluding the person set forth in the preceding item);
- 七 信託業務を営む金融機関の特定個人株主（第八条第五項に規定する特定個人株主をいう。）
- (vii) a specified individual shareholder (meaning a specified individual shareholder as prescribed in Article 8, paragraph (5)) of the financial institution engaged in trust business; or
- 八 前号に掲げる者に係る次に掲げる会社、組合その他これらに準ずる事業体（外国におけるこれらに相当するものを含み、信託業務を営む金融機関を除く。以下この号において「法人等」という。）
- (viii) a company, partnership, or any other business entity equivalent thereto (including one that is equivalent thereto in a foreign state, but excluding the financial institution engaged in trust business; referred to as the "corporation, etc." in this item) as follows that is associated with the person set forth in the preceding item;
- イ 前号に掲げる者が総株主又は総出資者の議決権の百分の五十を超える議決権を保有する法人等（当該法人等の子法人等及び関連法人等を含む。）
- (a) a corporation, etc. (inclusive of its subsidiary corporations, etc. and

affiliated corporations, etc.) in which the person referred to in the preceding item holds voting rights that exceed fifty percent of the voting rights of all of the shareholders or equity investors; or

ロ 前号に掲げる者がその総株主又は総出資者の議決権の百分の二十以上百分の五十以下の議決権を保有する法人等

(b) a corporation, etc. in which a person as referred to in the preceding item holds voting rights that amount to at least twenty percent and up to fifty percent of the voting rights held by all of the shareholders or equity investors.

2 信託業務を営む金融機関が法第二条第一項において準用する信託業法第二十二条第一項の規定により信託業務の委託をした場合における当該委託を受けた者についての前項の規定の適用については、同項中「信託業務を営む金融機関」とあるのは、「信託業務を営む金融機関から信託業務の委託を受けた者」とする。

(2) To apply the provisions of the preceding paragraph to a person that is entrusted with trust business by a financial institution engaged in trust business under the provisions of Article 22, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act, the term "financial institution engaged in trust business" in Article 22, paragraph (1) of the Trust Business Act is deemed to be replaced with "person that has been entrusted with trust business by the financial institution engaged in trust business".

3 第八条第六項の規定は、第一項第八号の場合において同項第七号に掲げる者が保有する議決権について準用する。

(3) The provisions of Article 8, paragraph (6) apply mutatis mutandis to the voting rights held by a person as prescribed in paragraph (1), item (vii) in the case of paragraph (1), item (viii).

(説明書類に関する規定)

(Provisions on Explanatory Documents)

第十一条 法第二条第二項の規定により読み替えて適用する信託業法第七十八条第一項に規定する政令で定める規定は、次に掲げる規定とする。

Article 11 The provisions specified by Cabinet Order that are provided for in Article 78, paragraph (1) of the Trust Business Act as applied following a deemed replacement of terms pursuant to the provisions of Article 2, paragraph (2) of the Act are as follows:

一 銀行法第二十一条第一項及び第二項（長期信用銀行法第十七条、信用金庫法（昭和二十六年法律第二百三十八号）第八十九条第一項、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）第六条第一項及び労働金庫法（昭和二十八年法律第二百二十七号）第九十四条第一項において準用する場合を含む。）

(i) Article 21, paragraphs (1) and (2) of the Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act,

- Article 89, paragraph (1) of the Shinkin Bank Act (Act No. 238 of 1951), Article 6, paragraph (1) of the Act on Financial Business Conducted by Cooperative Associations (Act No. 183 of 1949) and Article 94, paragraph (1) of the Labor Bank Act (Act No. 227 of 1953));
- 二 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）第五十三条第一項及び第二項
- (ii) Article 53, paragraphs (1) and (2) of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007);
- 三 農林中央金庫法（平成十三年法律第九十三号）第八十一条第一項及び第二項
- (iii) Article 81, paragraphs (1) and (2) of the Norinchukin Bank Act (Act No. 93 of 2001);
- 四 農業協同組合法第五十四条の三第一項及び第二項
- (iv) Article 54-3, paragraphs (1) and (2) of the Agricultural Cooperatives Act; and
- 五 水産業協同組合法第五十八条の三第一項及び第二項（同法第九十二条第三項、第九十六条第三項及び第百条第三項において準用する場合を含む。）
- (v) Article 58-3, paragraphs (1) and (2) of the Fisheries Cooperatives Act (including as applied mutatis mutandis in Article 92, paragraph (3), Article 96, paragraph (3) and Article 100, paragraph (3) of that Act).

（情報通信の技術を利用した提供）

(Providing Information Using Information and Communications Technology)

第十一条の二 信託業務を営む金融機関は、法第二条の二において準用する金融商品取引法（昭和二十三年法律第二十五号）第三十四条の二第四項（法第二条の二において準用する金融商品取引法第三十四条の三第十二項（法第二条の二において準用する金融商品取引法第三十四条の四第六項において準用する場合を含む。）、第三十四条の四第三項及び第三十七条の三第二項において準用する場合を含む。以下この条において同じ。）の規定により法第二条の二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事項を提供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、当該事項を提供する相手方に対し、その用いる同項に規定する方法（以下この条において「電磁的方法」という。）の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

Article 11-2 (1) Before seeking to provide a person with the information prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) as applied mutatis mutandis pursuant to Article 2-2 of the Act (including as applied mutatis mutandis pursuant to Article 34-3, paragraph (12) (including as applied mutatis mutandis in Article 34-4, paragraph (6) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act), Article 34-4, paragraph (3) and Article 37-3, paragraph (2) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act; hereinafter

the same applies in this Article), pursuant to Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act, a financial institution engaged in trust business, in advance and pursuant to Cabinet Office Order, must indicate to the other party the type and substance of the electronic or magnetic means prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act (hereinafter referred to as "electronic or magnetic means" in this Article) that it will use and obtain consent for this in writing or by electronic or magnetic means.

2 前項の規定による承諾を得た信託業務を営む金融機関は、当該相手方から書面又は電磁的方法により電磁的方法による提供を受けない旨の申出があったときは、当該相手方に対し、法第二条の二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事項の提供を電磁的方法によってしてはならない。ただし、当該相手方が再び前項の規定による承諾をした場合は、この限りでない。

(2) If a financial institution engaged in trust business that has obtained the consent under the provisions of the preceding paragraph receives a notice from the relevant person, either in writing or by electronic or magnetic means, indicating that the person is not willing to be provided with information by electronic or magnetic means, it must not provide the information prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act to the other party by electronic or magnetic means; provided, however, that this does not apply if that person has given once again given the consent under the provisions of the preceding paragraph.

(情報通信の技術を利用した同意の取得)

(Gaining a Person's Agreement Using Information and Communications Technology)

第十一条の三 信託業務を営む金融機関は、法第二条の二において準用する金融商品取引法第三十四条の二第十二項（法第二条の二において準用する金融商品取引法第三十四条の三第三項（法第二条の二において準用する金融商品取引法第三十四条の四第六項において準用する場合を含む。）において準用する場合を含む。以下この条において同じ。）の規定により、法第二条の二において準用する金融商品取引法第三十四条の二第十一項の規定による書面による同意に代えて同条第十二項に規定する内閣府令で定める方法（以下この条において「電磁的方法」という。）により同意を得ようとするときは、内閣府令で定めるところにより、あらかじめ、当該同意を得ようとする相手方に対し、その用いる電磁的方法の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

Article 11-3 (1) Before seeking to gain a person's agreement by the means specified by Cabinet Office Order that is provided for in Article 34-2, paragraph (12) of the Financial Instruments and Exchange Act (referred to as

"electronic or magnetic means" in this Article), in lieu of a written agreement prescribed in Article 34-2, paragraph (11) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act, pursuant to Article 34-2, paragraph (12) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act (including as applied mutatis mutandis pursuant to Article 34-3, paragraph (3) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act (including as applied mutatis mutandis in Article 34-4, paragraph (6) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act); hereinafter the same applies in this Article), a financial institution engaged in trust business, in advance and pursuant to Cabinet Office Order, must indicate to the person whose agreement it is seeking the type and substance of the electronic or magnetic means that it will use and obtain consent for this in writing or by electronic or magnetic means.

2 前項の規定による承諾を得た信託業務を営む金融機関は、当該相手方から書面又は電磁的方法により電磁的方法による同意を行わない旨の申出があったときは、当該相手方に対し、法第二条の二において準用する金融商品取引法第三十四条の二第十二項に規定する同意の取得を電磁的方法によってしてはならない。ただし、当該相手方が再び前項の規定による承諾をした場合は、この限りでない。

(2) If a financial institution engaged in trust business that has obtained the consent under the provisions of the preceding paragraph receives a notice from the relevant person, either in writing or by electronic or magnetic means, indicating that the person is not willing to agree to the matter in question by electronic or magnetic means, it must not use electronic means to gain the person's agreement as prescribed in Article 34-2, paragraph (12) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act of the other party by electronic or magnetic means; provided, however, that this does not apply if the person has once again given the consent under the provisions of the preceding paragraph.

(顧客の判断に影響を及ぼす重要事項)

(Material Particulars That Impact Customers' Judgment)

第十一条の四 法第二条の二において準用する金融商品取引法第三十七条第一項第三号に規定する政令で定めるものは、次に掲げるものとする。

Article 11-4 (1) The particulars specified by Cabinet Order that are provided for in Article 37, paragraph (1), item (iii) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act are as follows:

一 特定信託契約（信託業法第二十四条の二に規定する特定信託契約をいう。以下同じ。）に関して顧客が支払うべき手数料、報酬その他の対価に関する事項であって

内閣府令で定めるもの

(i) the particulars specified by Cabinet Office Order concerning any fee, reward, or other compensation that a customer is to pay in connection with a specified trust contract (meaning a specified trust contract as prescribed in Article 24-2 of the Trust Business Act; hereinafter the same applies);

二 顧客が行う特定信託契約の締結について金利、通貨の価格、金融商品取引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を直接の原因として損失が生ずることとなるおそれがある場合にあっては、次に掲げる事項

(ii) the following particulars, if there is a risk for a loss to arise that has as its direct cause fluctuations in the money rate, the value of currencies, quotations on a financial instruments market as prescribed in Article 2, paragraph (14) of the Financial Instruments and Exchange Act, or any other indicator, as regards the specified trust contract into which the customer will enter:

イ 当該指標

(a) the indicator in question;

ロ 当該指標に係る変動により損失が生ずるおそれがある旨及びその理由

(b) an indication of the risk that fluctuations in that indicator could give rise to a loss and the reasons for this;

三 前二号に掲げる事項に準ずるものとして内閣府令で定める事項

(iii) the particulars specified by Cabinet Office Order as being equivalent to what is set forth in the preceding two items.

2 法第二条の二において準用する金融商品取引法第三十七条第一項に規定する行為を基幹放送事業者（放送法（昭和二十五年法律第百三十二号）第二条第二十三号に規定する基幹放送事業者をいい、日本放送協会及び放送大学学園（放送大学学園法（平成十四年法律第百五十六号）第三条に規定する放送大学学園をいう。）を除く。）の放送設備により放送をさせる方法その他これに準ずるものとして内閣府令で定める方法によりする場合における同項第三号に規定する政令で定めるものは、前項の規定にかかわらず、次に掲げるものとする。

(2) Notwithstanding the provisions of the preceding paragraph, if a person undertakes an act as prescribed in Article 37, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 of the Act by causing something to be broadcast using the broadcasting equipment of a basic broadcaster (meaning a basic broadcaster as prescribed in Article 2, item (xxiii) of the Broadcast Act (Act No. 132 of 1950)) and excluding Japan Broadcasting Corporation and Open University of Japan as prescribed in Article 3 of the Act on the Open University of Japan (Act No. 156 of 2002)) or by any other means specified by Cabinet Office Order as equivalent thereto, the particulars specified by Cabinet Order that are provided for in Article 37, paragraph (1), item (iii) of the Financial Instruments and Exchange Act are as follows:

一 顧客が行う特定信託契約の締結について金利、通貨の価格、金融商品市場における相場その他の指標に係る変動を直接の原因として損失が生ずることとなるおそれがある場合にあっては、当該おそれがある旨

(i) an indication that there is a risk for a loss to arise that has as its direct cause fluctuations in the money rate, the value of currencies, quotations on a financial instruments market, or any other indicator, as regards the specified trust contract into which the customer will enter, if such a risk is present; and

二 前号に掲げる事項に準ずるものとして内閣府令で定める事項

(ii) the particulars specified by Cabinet Office Order as being equivalent to what is set forth in the preceding item.

(金融商品取引法を準用する場合の読替え)

(Technical Replacement of Terms in the Mutatis Mutandis Application of the Financial Instruments and Exchange Act)

第十一条の五 法第二条の二の規定による技術的読替えは、次の表のとおりとする。

Article 11-5 The technical replacement of terms pursuant to Article 2-2 of the Act is as follows:

読み替える金融商品取引法の規定 Provisions of the Financial Instruments and Exchange Act subject to deemed replacement	読み替えられる字句 Original phrasing	読み替える字句 Phrasing deemed to replace original phrasing
第三十四条 Article 34	同条第三十一項第四号 Article 2, paragraph (31), item (iv)	第二条第三十一項第四号 Article 2, paragraph (31), item (iv)
第三十七条第一項第一号 Article 37, paragraph (1), item (i)	商号、名称又は氏名 the trade name or name	商号又は名称 the trade name or name

<p>第四十条第二号 Article 40, item (ii)</p>	<p>前号に掲げるもの what is set forth in the preceding item</p>	<p>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において準用する信託業法第二十四条第二項の規定に違反すると認められる状況 a situation in which the provisions of Article 24, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions are found to have been violated</p>
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(同一人に対する信用の供与)

(Extension of Credit to a Single Person)

第十二条 信託業務を営む金融機関が元本補填付き金銭信託（法第六条の規定により元本の補填の契約をしている金銭信託（貸付信託を含む。）をいう。以下同じ。）に係る信託契約を締結している場合には、次の各号に掲げる金融機関に係る当該各号に定める貸出金には、当該元本補填付き金銭信託の信託財産の運用に係る貸出金（貸出金として内閣府令で定めるものをいう。）を含むものとする。

Article 12 If a financial institution engaged in trust business has concluded a trust agreement for a cash trust with a contractual clause for the compensation of losses in principal (meaning a cash trust (including a loan trust) in which compensation of losses in principal is promised under the terms of the contract pursuant to Article 6 of the Act; hereinafter the same applies), the loan monies prescribed in the following items in connection with the financial institutions set forth in each of those items include loan monies (meaning loan monies specified by Cabinet Office Order) related to investment of the trust property in a cash trust with a contractual clause for compensation of losses in principal:

一 第二条第一号に掲げる金融機関 銀行法施行令（昭和五十七年政令第四十号）第四条第六項第一号に規定する貸出金

(i) a financial institution as set forth in Article 2, item (i): loan monies prescribed in Article 4, paragraph (6), item (i) of the Order for Enforcement of the Banking Act (Cabinet Order No. 40 of 1982);

二 第二条第二号に掲げる金融機関 長期信用銀行法施行令（昭和五十七年政令第四十二号）第六条第一項において準用する銀行法施行令第四条第六項第一号に規定する貸出金

(ii) a financial institution as set forth in Article 2, item (ii): loan monies prescribed in Article 4, paragraph (6), item (i) of the Order for Enforcement of the Banking Act as applied mutatis mutandis pursuant to Article 6, paragraph (1) of the Order for Enforcement of the Long-Term Credit Bank Act (Cabinet Order No. 42 of 1982);

- 二の二 第二条第二号の二に掲げる金融機関 株式会社商工組合中央金庫法施行令（平成十九年政令第三百六十七号）第六条第五項第一号に規定する貸出金
(ii)-2 a financial institution as set forth in Article 2, item (ii)-2: loan monies prescribed in Article 6, paragraph (5), item (i) of the Order for Enforcement of the Shoko Chukin Bank Act (Cabinet Order No. 367 of 2007);
- 三 第二条第三号又は第十号に掲げる金融機関 信用金庫法施行令（昭和四十三年政令第百四十二号）第十一条第七項第一号に規定する貸出金
(iii) a financial institution as set forth in Article 2, item (iii) or item (x): loan monies prescribed in Article 11, paragraph (7), item (i) of the Order for Enforcement of the Shinkin Bank Act (Cabinet Order No. 142 of 1968);
- 四 第二条第四号又は第十一号に掲げる金融機関 労働金庫法施行令（昭和五十七年政令第四十六号）第五条第七項第一号に規定する貸出金
(iv) a financial institution as set forth in Article 2, item (iv) or item (xi): loan monies prescribed in Article 5, paragraph (7), item (i) of the Order for Enforcement of the Labor Bank Act (Cabinet Order No. 46 of 1982);
- 五 第二条第五号又は第十二号に掲げる金融機関 協同組合による金融事業に関する法律施行令（昭和五十七年政令第四十四号）第三条第七項第一号に規定する貸出金
(v) a financial institution as set forth in Article 2, item (v) or item (xii): loan monies prescribed in Article 3, paragraph (7), item (i) of the Order for Enforcement of the Act on Financial Businesses by Cooperatives (Cabinet Order No. 44 of 1982);
- 六 第二条第六号に掲げる金融機関 農林中央金庫法施行令（平成十三年政令第二百八十五号）第七条第七項第一号に規定する貸出金
(vi) a financial institution as set forth in Article 2, item (vi): loan monies prescribed in Article 7, paragraph (7), item (i) of the Order for Enforcement of the Norinchukin Bank Act (Cabinet Order No. 285 of 2001);
- 七 第二条第七号又は第十三号に掲げる金融機関 農業協同組合法施行令（昭和三十七年政令第二百七十一号）第十条第七項第一号に規定する貸出金
(vii) a financial institution as set forth in Article 2, item (vii) or item (xiii): loan monies prescribed in Article 10, paragraph (7), item (i) of the Order for Enforcement of the Agricultural Cooperatives Act (Cabinet Order No. 271 of 1962); and
- 八 第二条第八号、第九号、第十四号又は第十五号に掲げる金融機関 水産業協同組合法施行令（平成五年政令第三百二十八号）第十条第七項第一号（同条第十二項及び第十五項において準用する場合を含む。）に規定する貸出金
(viii) a financial institution as set forth in Article 2, item (viii), (ix), (xiv) or (xv): loan monies prescribed in Article 10, paragraph (7), item (i) of the Order for Enforcement of the Fisheries Cooperatives Act (Cabinet Order No. 328 of 1993) (including as applied mutatis mutandis pursuant to paragraphs (12) and (15) of that Article).

(紛争解決等業務に相当する業務に係る他の法律の規定による指定)

**(Designation under the Provisions of Other Acts as Concerning Business
Equivalent to Dispute Resolution Services)**

第十三条 法第十二条の二第一項第二号及び第四号ニ並びに法第十二条の四において準用する信託業法第八十五条の六及び第八十五条の二十三第三項に規定する政令で定めるものは、次に掲げるものとする。

Article 13 The designation specified by Cabinet Order that is provided for in Article 85-6 and Article 85-23, paragraph (3) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-2, paragraph (1), item (ii) and item (iv), sub-item (d) and Article 12-4 of the Act is as follows:

一 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

(i) a designation under Article 156-39, paragraph (1) of the Financial Instruments and Exchange Act; and

二 第十五条各号に掲げる指定

(ii) a designation under the items of Article 15.

(異議を述べた信託業務を営む金融機関の数の信託業務を営む金融機関の総数に占める割合)

**(Proportion of the Total Number of Financial Institutions Engaged in Trust
Business That the Number of Financial Institutions Engaged in Trust
Business Stating Objections Accounts For)**

第十四条 法第十二条の二第一項第八号に規定する政令で定める割合は、三分の一とする。

Article 14 The proportion specified by Cabinet Order that is provided for in Article 12-2, paragraph (1), item (viii) of the Act is one-third.

(名称の使用制限の適用除外)

(Exemption from Restrictions on Name Use)

第十五条 法第十二条の四において準用する信託業法第八十五条の十七に規定する政令で定めるものは、次に掲げる指定のいずれかを受けた者とする。

Article 15 The person specified by Cabinet Order that is provided for in Article 85-17 of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4 of the Act is a person subject to any of the following designations:

一 無尽業法（昭和六年法律第四十二号）第三十五条の二第一項の規定による指定

(i) a designation under Article 35-2, paragraph (1) of the Mutual Loan Business Act (Act No. 42 of 1931);

二 農業協同組合法第九十二条の六第一項の規定による指定

(ii) a designation under Article 92-6, paragraph (1) of the Agricultural Cooperatives Act;

三 水産業協同組合法第二百一条の六第一項の規定による指定

(iii) a designation under Article 121-6, paragraph (1) of the Fisheries

Cooperatives Act;

四 中小企業等協同組合法第六十九条の二第一項の規定による指定

(iv) a designation under Article 69-2, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act;

五 信用金庫法第八十五条の十二第一項の規定による指定

(v) a designation under Article 85-12, paragraph (1) of the Shinkin Bank Act;

六 長期信用銀行法第十六条の八第一項の規定による指定

(vi) a designation under Article 16-8, paragraph (1) of the Long-Term Credit Bank Act;

七 労働金庫法第八十九条の十三第一項の規定による指定

(vii) a designation under Article 89-13, paragraph (1) of the Labor Bank Act;

八 銀行法第五十二条の六十二第一項の規定による指定

(viii) a designation under Article 52-62, paragraph (1) of the Banking Act;

九 貸金業法（昭和五十八年法律第三十二号）第四十一条の三十九第一項の規定による指定

(ix) a designation under Article 41-39, paragraph (1) of the Money Lending Business Act (Act No. 32 of 1983);

十 保険業法第三百八条の二第一項の規定による指定

(x) a designation under Article 308-2, paragraph (1) of the Insurance Business Act;

十一 農林中央金庫法第九十五条の六第一項の規定による指定

(xi) a designation under Article 95-6, paragraph (1) of the Norinchukin Bank Act;

十二 信託業法第八十五条の二第一項の規定による指定

(xii) a designation under Article 85-2, paragraph (1) of the Trust Business Act;
and

十三 資金決済に関する法律（平成二十一年法律第五十九号）第九十九条第一項の規定による指定

(xiii) a designation under Article 99, paragraph (1) of the Act on Financial Settlements (Act No. 59 of 2009);

（信託業法を準用する場合の読替え）

(Technical Replacement of Terms for the Mutatis Mutandis Application of the Trust Business Act)

第十六条 法第十二条の四の規定による技術的読替えは、次のとおりとする。

Article 16 The technical replacement of terms pursuant to Article 12-4 of the Act is as follows:

読み替える信託業法の規定 Provisions of the Trust Business Act subject to deemed replacement	読み替えられる字句 Original phrasing	読み替える字句 Phrasing deemed to replace original phrasing
第八十五条の三 第一項第二号 Article 85-3, paragraph (1), item (ii)	紛争解決等業務 dispute resolution services	紛争解決等業務（金融機関の信託業務の兼営等に関する法律第十二条の二第一項に規定する紛争解決等業務をいう。以下同じ。） dispute resolution services (meaning dispute resolution services as prescribed in Article 12-2, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions; hereafter the same applies)
第八十五条の四 第一項 Article 85-4, paragraph (1)	指定紛争解決機関 designated dispute resolution organization	指定紛争解決機関（金融機関の信託業務の兼営等に関する法律第十二条の二第一項第八号に規定する指定紛争解決機関をいう。以下同じ。） designated dispute resolution organization (meaning a designated dispute resolution organization as prescribed in Article 12-2, paragraph (1), item (viii) of the Act on Engagement in Trust Business by Financial Institutions; hereafter the same applies)
第八十五条の五 第二項 Article 85-5, paragraph (2)	加入信託会社等（手続実施基本契約を締結した相手方である信託会社等 member trust company, etc. (meaning the trust company, etc. with whom a basic contract for implementation of dispute resolution procedures has been concluded	加入金融機関（手続実施基本契約（金融機関の信託業務の兼営等に関する法律第十二条の二第一項第八号に規定する手続実施基本契約をいう。以下同じ。）を締結した相手方である信託業務を営む金融機関 member financial institution (meaning a financial institution engaged in trust business with whom a basic contract for the implementation of dispute resolution procedures (meaning a basic contract for the implementation of dispute resolution procedures prescribed in Article 12-2, paragraph (1), item (viii) of the Act on Engagement in Trust Business by Financial Institutions; hereafter the same applies) has been concluded

第八十五条の六 Article 85-6	苦情処理手続 complaint processing procedures	苦情処理手続（金融機関の信託業務の兼営等に関する法律第十二条の二第一項に規定する苦情処理手続をいう。以下同じ。） complaint processing procedures (meaning complaint processing procedures as prescribed in Article 12-2, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions; hereafter the same applies)
	紛争解決手続 dispute resolution procedures	紛争解決手続（同項に規定する紛争解決手続をいう。以下同じ。） dispute resolution procedures (meaning dispute resolution procedures as prescribed in that paragraph; hereafter the same applies)
第八十五条の七 第二項第一号 Article 85-7, paragraph (2), item (i)	手続対象信託業務関連 苦情 complaints related to trust business subject to dispute resolution procedure	特定兼営業務関連苦情（金融機関の信託業務の兼営等に関する法律第十二条の二第四項に規定する特定兼営業務関連苦情をいう。以下同じ。） complaints related to specific concurrent business (meaning complaints related to specific concurrent business as prescribed in Article 12-2, paragraph (4) of the Act on Engagement in Trust Business by Financial Institutions; hereafter the same applies)
第八十五条の七 第二項第四号 Article 85-7, paragraph (2), item (iv)	手続対象信託業務関連 紛争 complaints related to trust business subject to dispute resolution procedure	特定兼営業務関連紛争（金融機関の信託業務の兼営等に関する法律第十二条の二第四項に規定する特定兼営業務関連紛争をいう。以下同じ。） complaints related to specific concurrent business (meaning complaints related to specific concurrent business as prescribed in Article 12-2, paragraph (4) of the Act on Engagement in Trust Business by Financial Institutions; hereafter the same applies)
第八十五条の七 第三項 Article 85-7, paragraph (3)	信託会社等 trust company, etc.	信託業務を営む金融機関 financial institution engaged in trust business

第八十五条の十三第三項第二号 Article 85-13, paragraph (3), item (ii)	手続対象信託業務 trust business subject to dispute resolution procedure	金融機関の信託業務の兼営等に関する法律第十二条の二第四項に規定する特定兼営業務 specific concurrent business as prescribed in Article 12-2, paragraph (4) of the Act on Engagement in Trust Business by Financial Institutions
第八十五条の十九第一号 Article 85-19, item (i)	信託会社等 trust company, etc.	信託業務を営む金融機関 financial institution engaged in trust business

(金融庁長官へ委任される権限から除かれる権限)

(Authority Excluded from the Scope of Delegation to the Commissioner of the Financial Services Agency)

第十七条 法第十四条第一項に規定する政令で定めるものは、次に掲げるものとする。

Article 17 The particulars specified by Cabinet Order that are provided for in Article 14, paragraph (1) of the Act are as follows:

一 法第一条第一項の規定による認可

(i) authorization under Article 1, paragraph (1) of the Act; and

二 法第十条の規定による法第一条第一項の認可の取消し

(ii) rescission of authorizations under Article 1, paragraph (1) of the Act pursuant to Article 10 of the Act.

(信託業務を営む金融機関に関する権限の財務局長への委任)

(Delegation of Authority Over Financial Institutions Engaged in Trust Business to the Heads of Local Finance Bureaus)

第十八条 法第十四条第一項の規定により金融庁長官に委任された権限及びこの政令による金融庁長官の権限（以下「長官権限」という。）のうち次に掲げるもの（金融庁長官の指定する信託業務を営む金融機関に係るものを除く。）は、信託業務を営む金融機関の本店等の所在地を管轄する財務局長（財務支局長を含む。以下同じ。）に委任する。ただし、第四号及び第六号に掲げる権限は、金融庁長官が自ら行うことを妨げない。

Article 18 (1) The authority delegated to the Commissioner of the Financial Services Agency pursuant to Article 14, paragraph (1) of the Act and the authority of the Commissioner of the Financial Services Agency under this Cabinet Order (hereinafter referred to as the "Commissioner's authority") that is set forth in any of the following items (excluding authority over a financial institution engaged in trust business that is designated by the Commissioner of the Financial Services Agency) is delegated to the Director-General of the Local Finance Bureau (including the Director General of the Fukuoka Local Finance Branch Bureau; hereinafter the same applies) that has jurisdiction

over the area in which the main office of the financial institution engaged in trust business is located; provided that this does not preclude the Commissioner of the Financial Services Agency from being the one to exercise the authority set forth in items (iv) and (vi):

一 法第三条及び第五条第一項の規定による認可

(i) authorization under Article 3 and Article 5, paragraph (1) of the Act;

二 法第二条第一項において準用する信託業法第十一条第三項、第五項及び第八項並びに法第八条第一項、第二項及び第四項の規定による届出の受理

(ii) the acceptance of notifications under Article 11, paragraphs (3), (5) and (8) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act and Article 8, paragraphs (1), (2) and (4) of the Act;

三 法第二条第一項において準用する信託業法第十一条第四項の規定による命令

(iii) an order under Article 11, paragraph (4) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act;

四 法第二条第一項において準用する信託業法第四十二条第一項の規定による報告及び資料の提出の命令並びに質問及び立入検査

(iv) an order to report or submit materials and the questioning and on-site inspections under Article 42, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act;

五 法第七条の規定による業務報告書の受理

(v) the acceptance of business reports prescribed in Article 7 of the Act;

六 法第九条の規定による命令（信託業務の全部又は一部の停止の命令を除く。）

(vi) an order prescribed in Article 9 of the Act (excluding orders to suspend the whole or part of trust business);

七 第五条第三号並びに第七条第一項及び第二項の規定による承認

(vii) the approval prescribed in Article 5, item (iii) and Article 7, paragraphs (1) and (2); and

八 第六条の規定による申立ての受理、公示、通知、調査、意見を述べる機会の付与、配当表の作成及び換価

(viii) the acceptance of petitions, public notices, notices, investigations, granting of opportunities to state opinions, preparation of distribution lists, and liquidation prescribed in Article 6.

2 前項第四号に掲げる権限（同項に規定する金融庁長官の指定する信託業務を営む金融機関に係るものを除く。）で信託業務を営む金融機関の本店等以外の支店その他の営業所若しくは事務所、当該信託業務を営む金融機関とその業務に関して取引をする者又は当該信託業務を営む金融機関を子会社（信託業法第五条第六項に規定する子会社をいう。）とする同条第二項第九号に規定する持株会社（以下「支店等」という。）に関するものについては、前項に規定する財務局長のほか、当該支店等の所在地（当該信託業務を営む金融機関と取引をする者が個人の場合にあっては、その住所又は居所）を管轄する財務局長も行うことができる。

(2) In addition the Director-General of the Local Finance Bureau referred to in

the preceding paragraph, the Director-General of the Local Finance Bureau that has jurisdiction over the locality of the branch office, other business office, or office other than the main office of a financial institution engaged in trust business; a person that maintains business transactions with the financial institution engaged in trust business; or a holding company as prescribed in Article 5, paragraph (2), item (ix) of the Trust Business Act that has the financial institution engaged in trust business as its subsidiary company (meaning a subsidiary company as prescribed in Article 5, paragraph (6) of the Trust Business Act) (hereinafter referred to as "branch office, etc."), (or, if a person that maintains business transactions with the financial institution engaged in trust business is an individual, the domicile or residence of such individual) may also exercise the authority prescribed in item (iv) of the preceding paragraph (excluding authority over financial institutions engaged in trust business that is designated by the Commissioner of the Financial Services Agency).

3 第一項第四号に掲げる権限で同項に規定する金融庁長官の指定する信託業務を兼営する金融機関の支店等に関するものについては、当該支店等の所在地（当該信託業務を兼営する金融機関と取引する者が個人の場合にあっては、その住所又は居所）を管轄する財務局長に委任する。ただし、金融庁長官が自らその権限を行うことを妨げない。

(3) The authority prescribed in paragraph (1), item (iv) over the branch office, etc. of a financial institution engaging in trust business that is designated by the Commissioner of the Financial Services Agency, as prescribed in the paragraph (1), is delegated to the Director-General of the Local Finance Bureau that has jurisdiction over the area in which the branch office, etc. is located (or, if the person that maintains transactions with the financial institution engaged in trust business is an individual, the domicile or residence of that individual); provided that this does not preclude the Commissioner of the Financial Services Agency from being the one to exercise that authority.

4 前二項の規定により、支店等に対して報告若しくは資料の提出の命令又は質問若しくは立入検査（以下この項において「検査等」という。）を行った財務局長は、当該検査等の結果、当該信託業務を営む金融機関の本店等又は当該支店等以外の支店等に対して検査等の必要を認めたときは、本店等又は当該支店等以外の支店等に対し、検査等を行うことができる。

(4) Having ordered a branch office, etc. to report or submit materials, or having undertaken questioning or conducted an on-site inspection pursuant to the provisions of the preceding two paragraphs (hereinafter referred to as an "inspection, etc." in this paragraph) and upon finding it to be necessary to conduct an inspection, etc. at the main office of the relevant financial institution engaged in trust business or at a branch office, etc. other than the one in question, the Director-General of a Local Finance Bureau may conduct

an inspection, etc. at the main office or at a branch office, etc. other than the one in question.

5 金融庁長官は、第一項の指定をした場合には、その旨を告示するものとする。これを取り消したときも、同様とする。

(5) Having made a designation under paragraph (1), the Commissioner of the Financial Services Agency issues a public notice thereof. The same applies if the Commissioner has rescinded this designation.

(信託業務を営む金融機関の主要株主に関する権限の財務局長への委任)

(Delegation of Authority Over the Major Shareholders of a Financial Institution Engaged in Trust Business to the Director-General of the Local Finance Bureau)

第十九条 長官権限のうち、法第二条第一項において準用する信託業法第四十二条第二項の規定による報告及び資料の提出の命令並びに質問及び立入検査の権限は、居住者（外国為替及び外国貿易法（昭和二十四年法律第二百二十八号）第六条第一項第五号に規定する居住者をいう。以下この項及び第三項において同じ。）に関するものにあつては当該居住者の主たる営業所又は事務所の所在地（個人の場合にあつては、その住所又は居所）を管轄する財務局長に、非居住者（外国為替及び外国貿易法第六条第一項第六号に規定する非居住者をいう。）に関するものにあつては関東財務局長に委任する。ただし、金融庁長官が自らその権限を行うことを妨げない。

Article 19 (1) Among the Commissioner's authority, the authority to order a person to report and to submit materials and to conduct questioning and on-site inspections as prescribed in Article 42, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act is delegated; if this authority is over a resident (meaning a resident as prescribed in Article 6, paragraph (1), item (v) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949); hereinafter the same applies in this paragraph and paragraph (3)), it is delegated to the Director-General of the Local Finance Bureau that has jurisdiction over the locality of the resident's principal business office or office (or, if the resident is an individual, that individual's domicile or residence); and if this authority is over a non-resident (meaning a non-resident as prescribed in Article 6, paragraph (1), item (vi) of the Foreign Exchange and Foreign Trade Act), it is delegated to the Director-General of the Kanto Local Finance Bureau; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from being the one to exercise this authority.

2 前項に規定する権限は、同項に規定する財務局長のほか、信託業務を営む金融機関の本店等の所在地を管轄する財務局長も行うことができる。

(2) Beyond the Director-General of the Local Finance Bureau prescribed in the preceding paragraph, the Director-General of the Local Finance Bureau that has jurisdiction over the locality of the main office of the financial institution

engaged in trust business may also exercise the authority prescribed in the preceding paragraph.

3 第一項に規定する権限で法人である居住者の主たる営業所又は事務所以外の営業所又は事務所（以下この項において「従たる営業所等」という。）に関するものについては、第一項及び前項に規定する財務局長のほか、当該従たる営業所等の所在地を管轄する財務局長も行うことができる。

(3) Beyond the Directors-General of the Local Finance Bureaus prescribed in paragraph (1) and the preceding paragraph, the Director-General of the Local Finance Bureau that has jurisdiction over the locality of the business office or office other than the principal business office or principal office (referred to as a "secondary business office, etc." in this paragraph) of a resident that is a corporation may also exercise the authority prescribed in paragraph (1).