

民間資金等の活用による公共施設等の整備等の促進に  
関する法律施行令  
**Order for Enforcement of the Act on Promotion of  
Private Finance Initiative**

(平成十一年九月二十二日政令第二百七十九号)  
(Cabinet Order No. 279 of September 22, 1999)

内閣は、民間資金等の活用による公共施設等の整備等の促進に関する法律（平成十一年法律第百十七号）第九条の規定に基づき、この政令を制定する。

The Cabinet hereby enacts this Cabinet Order pursuant to Article 9 of the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999).

(親会社等)

(Parent Companies)

第一条 民間資金等の活用による公共施設等の整備等の促進に関する法律（以下「法」という。）第九条第四号に規定する政令で定める法人は、ある法人に対して次のいずれかの関係（次項において「特定支配関係」という。）を有する法人とする。

Article 1 (1) The corporation specified by Cabinet Order as provided in Article 9, item (iv) of the Act on Promotion of Private Finance Initiative (hereinafter referred to as the "Act") is to be a corporation having any of the following relationships (referred to as a "specified controlling interest" in the following paragraph) with a certain corporation:

一 その総株主（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主を除く。）又は総出資者の議決権の過半数を有していること。

(i) the corporation holds majority of all shareholders' (other than shareholders who are not allowed to exercise their voting rights with respect to all matters that can be resolved at a shareholders meeting) or all equity investors' voting rights of that certain corporation;

二 その役員（理事、取締役、執行役、業務を執行する社員又はこれらに準ずる者をいう。以下この項において同じ。）に占める自己の役員又は職員（過去二年間に役員又は職員であった者を含む。次号において同じ。）の割合が二分の一を超えていること。

(ii) more than half of the officers of the certain corporation (meaning council members, directors, executive officers, partners who execute the business, or any person equivalent to the above; hereinafter the same applies in this paragraph) are the corporation's officers or employees (including those who were officers or employees in the past two years; the same applies in the following item); or

三 その代表権を有する役員 の地位を自己の役員又は職員が占めていること。

(iii) the corporation's officer or employee holds a position of officer with the right to represent that certain corporation.

2 ある法人に対して特定支配関係を有する法人に対して特定支配関係を有する法人は、その法人に対して特定支配関係を有する法人とみなして、この条の規定を適用する。

(2) A first corporation that holds a specified controlling interest in a second corporation that holds a specified controlling interest in a third corporation is deemed to hold a specified controlling interest in that third corporation, and provisions of this Article are to apply.

(技術提案について準用する公共工事の品質確保の促進に関する法律の規定の読替え)

(Replacement of Terms in Provisions of the Act on Promoting Quality Assurance in Public Works Applied Mutatis Mutandis to Technical Proposals)

第二条 法第十条第三項の規定により公共工事の品質確保の促進に関する法律（平成十七年法律第十八号）第十五条第五項本文、第十六条、第十七条第一項前段、第十八条第一項及び第二項並びに第十九条の規定を準用する場合においては、同法第十五条第五項本文中「発注者は、競争に参加する者に対し技術提案を求めて落札者を決定する」とあるのは「民間資金等の活用による公共施設等の整備等の促進に関する法律（平成十一年法律第百十七号）第二条第三項に規定する公共施設等の管理者等（以下「公共施設等の管理者等」という。）は、その募集に応じようとする者に対し技術提案を求めて同条第二項に規定する特定事業（以下「特定事業」という。）を実施する民間事業者を選定する」と、同法第十六条、第十七条第一項前段、第十八条第一項及び第二項並びに第十九条中「発注者」とあるのは「公共施設等の管理者等」と、同法第十六条中「競争に参加する者に」とあるのは「特定事業を実施する民間事業者の募集に応じようとする者に」と、「競争に参加する者の」とあるのは「当該募集に応じようとする者の」と、「施工技術」とあり、及び「技術的能力」とあるのは「経営能力及び技術的能力」と、「競争に参加すること」とあるのは「当該募集に応じようすること」と、同条及び同法第十八条第一項中「公共工事」とあるのは「特定事業」と、同法第十六条中「技術水準」とあるのは「水準」と、「落札者を決定する」とあるのは「当該特定事業を実施する民間事業者を選定する」と、同項中「当該工事」とあるのは「当該特定事業」と、「仕様」とあるのは「内容」と、「発注の」とあるのは「特定事業の選定の」と読み替えるものとする。

Article 2 When applying mutatis mutandis the provisions of the main clause of Article 15, paragraph (5), Article 16, the first sentence of Article 17, paragraph (1), Article 18, paragraphs (1) and (2), and Article 19 of the Act on Promoting Quality Assurance in Public Works (Act No. 18 of 2005) pursuant to the provisions of Article 10, paragraph (3) of the Act, the phrase "When requesting technical proposals from tender participants to determine a successful bidder, the commissioning entity" in the main clause of Article 15, paragraph (5) of

that act is replaced with "When requesting technical proposals from those who intend to respond to the invitation to select a private business that implements a qualified project as provided in Article 2, paragraph (2) of the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999) (hereinafter referred to as a "qualified project"), the administrator, etc. of the public facility, etc. provided in paragraph (3) of that Article (hereinafter referred to as the "administrator, etc. of the public facility, etc."); the term "commissioning entity" in Article 16, the first sentence of Article 17, paragraph (1), Article 18, paragraphs (1) and (2), and Article 19 of the act is replaced with "administrator, etc. of the public facility, etc."; the phrase "from tender participants" in Article 16 of that act is replaced with "from those who intend to respond to the invitation of private businesses that implement the qualified project"; the phrase "of tender participants" in that Article is replaced with "of those who intend to respond to the invitation"; the terms "construction technology" and "technical capabilities" in that Article is replaced with "managerial and technical capabilities"; the phrase "participating in the tender" in that Article is replaced with "intending to respond to the invitation"; the term "public works" in that Article and Article 18, paragraph (1) of that act is replaced with "qualified projects"; the term "technical capability" in Article 16 of that act is replaced with "level"; the phrase "determine a successful bidder" in that Article is replaced with "select a private business which will implement that qualified project"; the term "the works" in Article 18, paragraph (1) is replaced with "the qualified project"; the term "specifications" in that paragraph is replaced with "content"; and the term "of its commissions" in that paragraph is replaced with "of its selection of qualified projects".

(地方公共団体の議会の議決を要する事業契約)

(Project Contracts Requiring a Resolution of a Local Council)

第三条 法第十二条に規定する政令で定める基準は、事業契約の種類については、次の表の上欄に定めるものとし、その金額については、その予定価格の金額（借入れにあつては、予定賃借料の総額）が同表下欄に定める金額を下らないこととする。

Article 3 With respect to the criteria specified by Cabinet Order as provided in Article 12 of the Act, the type of the project contract is to be specified in the left-hand column of the following table, and for its amount, the amount of the target price (for borrowings, the total target lease charge) is to be not less than the amount specified in the right-hand column of the table.

法第二条第五項に規定する選定事業者が建設する同条第一項に規定する公共施設等（地方公共団体の経営する企業		千円 In thousan d yens
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<p>で地方公営企業法（昭和二十七年法律第二百九十二号）第四十条第一項の規定の適用があるものの業務に関するものを除く。）の買入れ又は借入れ  Purchase or borrowing of a public facility, etc. provided in Article 2, paragraph (1) of the Act constructed by an appointed business provided in paragraph (5) of that Article (excluding anything related to a business of an enterprise managed by a local government that the provisions of Article 40, paragraph (1) of the Local Public Enterprise Act (Act No. 292 of 1952) applies)</p>	都道府県 A prefecture	五〇〇、〇〇〇 500,000
	地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項に規定する指定都市（以下この表において「指定都市」という。） A designated city provided in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as a "designated city" in this table)	三〇〇、〇〇〇 300,000
	市（指定都市を除く。） City (excluding designated cities)	一五〇、〇〇〇 150,000
	町村 A town or village	五〇、〇〇〇 50,000

（公共施設等の管理者等による利用料金の収受等）

**(Receipt of Usage Fees by an Administrator of the Public Facility)**

第四条 公共施設等の管理者等（法第二条第三項に規定する公共施設等の管理者等（地方公共団体の長に限る。）をいう。次項において同じ。）は、同条第六項に規定する公共施設等運営事業（附則第二条第一号において「公共施設等運営事業」という。）の円滑かつ効率的な遂行を図るため、法第九条第四号に規定する公共施設等運営権者（以下この条において「公共施設等運営権者」という。）が法第二十三条第一項の規定により自らの収入として収受する利用料金（以下この条において「利用料金」という。）を、当該地方公共団体が徴収する料金（これを対価とするサービスの提供が当該利用料金を対価とするサービスの提供と密接な関連を有するものに限る。）と併せて収受する必要があると認めるときは、当該公共施設等運営権者の委託を受けて、当該利用料金を収受することができる。

Article 4 (1) If an administrator, etc. of the public facility, etc. (meaning the administrator, etc. of the public facility, etc. provided in Article 2, paragraph (3) of the Act (limited to the head of a local government); the same applies in the following paragraph) finds it to be necessary to receive usage fees received by an operating right holder of the public facility, etc. provided in Article 9, item (iv) of the Act (hereinafter referred to as the "operating right holder of the public facility, etc." in this Article) as its own income pursuant to the provisions of Article 23, paragraph (1) of the Act (hereinafter referred to as the "usage fees" in this Article) together with the fees collected by a local government (limited to those that the provision of services with respect to

which those fees are the consideration therefor is closely related to the provision of services with respect to which the usage fees are the consideration), in order to promote the smooth and efficient implementation of the public facility, etc., operating project (referred to as the "public facility, etc., operating project" in Article 2, item (i) of the Supplementary Provisions), that administrator, etc. of the public facility, etc. may receive those usage fees based on entrustment from the operating right holder of the public facility, etc.

2 公共施設等の管理者等は、前項の規定により、公共施設等運営権者の委託を受けて利用料金を収受しようとするときは、あらかじめ、その旨を通知その他適切な方法により、当該利用料金を支払うべき者に周知しなければならない。

(2) When an administrator, etc. of the public facility, etc. intends to receive usage fees based on entrustment from the operating right holder of the public facility, etc. pursuant to the provisions of the preceding paragraph, it must make that fact known to those who are required to pay the usage fees in advance by notice or other appropriate means.

(国派遣職員に係る国家公務員倫理規程の特例)

(Special Provisions of the National Public Service Ethics Code for Dispatched Officials from the National Government)

第五条 法第七十八条第一項に規定する国派遣職員は、国家公務員倫理規程（平成十二年政令第百一号）第四条第三項の規定の適用については、国家公務員法（昭和二十二年法律第百二十号）第八十二条第二項に規定する特別職国家公務員等とみなす。

Article 5 For the purpose of the application of the provisions of Article 4, paragraph (3) of the National Public Service Ethics Code (Cabinet Order No. 101 of 2000), a dispatched official from the national government provided in Article 78, paragraph (1) of the Act is deemed to be a national public employee in the special service, etc. provided in Article 82, paragraph (2) of the National Public Service Act (Act No. 120 of 1947).

附 則

**Supplementary Provisions**

(施行期日)

(Effective Date)

第一条 この政令は、法の施行の日（平成十一年九月二十四日）から施行する。

Article 1 This Cabinet Order comes into effect as from the date of enforcement of the Act (September 24, 1999).

(旧資金運用部資金等の繰上償還の申出に係る水道等公共施設等運営事業に関する計画に定めるべき事項)

(Matters to be Specified in a Plan of the Public Facility Operating Project such

as Water Supplies pertaining to a Request for the Advanced Redemption of Funds of the Former Trust Fund Bureau)

第二条 法附則第四条第一項に規定する政令で定める事項は、次に掲げる事項とする。

Article 2 The matters specified by Cabinet Order provided in Article 4, paragraph (1) of the Supplementary Provisions of the Act are to be the following matters:

一 水道等公共施設等運営事業（法附則第四条第一項に規定する水道事業等（以下この条及び次条第二項において「水道事業等」という。）に係る公共施設等運営事業をいう。以下この条及び次条において同じ。）に係る法第十九条第二項各号に掲げる事項

(i) the matters set forth in the items of Article 19, paragraph (2) of the Act related to public facility, etc., operating project such as water supplies (meaning the public facility, etc., operating project pertaining to the water supply business, etc. provided in Article 4, paragraph (1) of the Supplementary Provisions of the Act (hereinafter referred to as the "water supply business, etc." in this Article and paragraph (2) of the following Article); hereinafter the same applies in this Article and the following Article);

二 水道等公共施設等運営事業が開始された日（水道等公共施設等運営事業の開始前に法附則第四条第一項の規定による繰上償還の申出を行う場合にあつては、当該申出を行う日）の属する年度の前年度（次号において単に「前年度」という。）における特定水道事業等（水道事業等のうち、当該水道等公共施設等運営事業に係る同項に規定する公共施設等を用いて行われたものをいう。次号において同じ。）の収支の状況

(ii) the status of income and expenditure of a specified water supply business, etc. (meaning, among the water supply businesses, etc., those pertaining to the public facility, etc. operating project such as water supplies that are performed using the public facility, etc. provided in Article 4, paragraph (1) of the Supplementary Provisions of the Act; the same applies in following item) of the fiscal year immediately preceding the fiscal year that includes the day the public facility, etc. operating project such as water supplies, was started (if making a request for advanced redemption under Article 4, paragraph (1) of the Supplementary Provisions of the Act prior to the start of the public facility, etc. operating project such as water supplies, the day that request is to be made) (referred to simply as the "previous fiscal year" in the following item);

三 前年度における水道事業等に要した費用の額に対する特定水道事業等に要した費用の額の割合

(iii) the ratio of the amount of expenses required for the specified water supply business, etc. to the amount of expenses required for a water supply business, etc. in the previous fiscal year;

四 水道等公共施設等運営事業の収支の見通し

(iv) the prospect of income and expenditure for the public facility, etc.

operating project such as water supplies; and

五 前各号に掲げるもののほか、水道等公共施設等運営事業に関する維持管理の方針その他の水道等公共施設等運営事業に関し内閣府令・総務省令・財務省令で定める事項

(v) beyond what is set forth in the preceding items, matters provided by Cabinet Office Order, Order of the Ministry of Internal Affairs and Communications, and Ministry of Finance Order with respect to the public facility, etc. operating project such as water supplies, including a policy of maintenance and administration for the public facility, etc. operating project such as water supplies.

(旧資金運用部資金等の繰上償還に係る手続)

(Procedures for the Advanced Redemption of Funds of the Former Trust Fund Bureau)

第三条 法附則第四条第一項の規定による繰上償還の申出及び水道等公共施設等運営事業に関する計画の提出は、内閣総理大臣、総務大臣及び財務大臣に対して行うものとする。

Article 3 (1) A request for advanced redemption and a plan regarding the public facility, etc. operating project such as water supplies under Article 4, paragraph (1) of the Supplementary Provisions of the Act is to be made or submitted to the Prime Minister, Minister for Internal Affairs and Communications, and Minister of Finance.

2 内閣総理大臣、総務大臣及び財務大臣は、前項の申出及び提出をした地方公共団体の水道事業等の経営の健全化が特に必要であり、かつ、当該地方公共団体から提出された水道等公共施設等運営事業に関する計画の内容が当該地方公共団体の水道事業等の健全かつ効率的な運営に相当程度資するものであると認めたときは、遅滞なく、その旨を当該地方公共団体に通知するものとする。

(2) If the Prime Minister, Minister for Internal Affairs and Communications, and Minister of Finance find it particularly necessary to improve the soundness of management of the water supply business, etc. of the local government that made a request or submitted a plan referred to in the preceding paragraph, and find that the content of a plan regarding the public facility, etc. operating project such as water supplies submitted by the local government considerably contributes to the sound and efficient operation of the water supply business, etc. of the local government, they are to notify thereof to the local government without delay.

3 前項の規定による通知をした場合において、当該繰上償還に係る資金が法附則第四条第一項に規定する旧公営企業金融公庫資金（次項において「旧公営企業金融公庫資金」という。）であるときは、内閣総理大臣、総務大臣及び財務大臣は、地方公共団

体金融機構に対し、遅滞なく、当該通知に係る地方公共団体の繰上償還に応ずるよう要請するものとする。

(3) When the notice under the preceding paragraph is given, if the funds for the advanced redemption are the funds of the former Japan Finance Corporation for Municipal Enterprises provided in Article 4, paragraph (1) of the Supplementary Provisions of the Act (referred to as the "funds of the former Japan Finance Corporation for Municipal Enterprises" in the following paragraph), the Prime Minister, Minister for Internal Affairs and Communications, and Minister of Finance are to, without delay, request the Japan Finance Organization for Municipalities to respond to the request for the advanced redemption by the local government pertaining to the notice.

4 第二項の規定による通知を受けた地方公共団体は、繰上償還の額、繰上償還の期日その他の繰上償還を行うために必要な事項を記載した申請書を、当該繰上償還に係る資金が法附則第四条第一項に規定する旧資金運用部資金である場合にあっては財務大臣に、当該繰上償還に係る資金が旧公営企業金融公庫資金である場合にあっては地方公共団体金融機構に、それぞれ提出するものとする。

(4) A local government that received the notice under paragraph (2) is to submit a written application containing the information necessary for the advanced redemption, including amount and date of the advanced redemption, to the Minister of Finance if the funds for the advanced redemption are the funds of the former Trust Fund Bureau provided in Article 4, paragraph (1) of the Supplementary Provisions of the Act and to the Japan Finance Organization for Municipalities if the funds for the advanced redemption are the funds of the former Japan Finance Corporation for Municipal Enterprises, respectively.

**附 則** [平成二十三年十一月二十八日政令第三百五十五号]

**Supplementary Provisions [Cabinet Order No. 355 of November 28, 2011]**

この政令は、民間資金等の活用による公共施設等の整備等の促進に関する法律の一部を改正する法律の施行の日（平成二十三年十一月三十日）から施行する。

This Cabinet Order comes into effect as from the date of enforcement of the Act Partially Amending the Act on Promotion of Private Finance Initiative (November 30, 2011).

**附 則** [平成二十五年九月四日政令第二百五十六号]

**Supplementary Provisions [Cabinet Order No. 256 of September 4, 2013]**

この政令は、民間資金等の活用による公共施設等の整備等の促進に関する法律の一部を改正する法律の施行の日（平成二十五年九月五日）から施行する。

This Cabinet Order comes into effect as from the date of enforcement of the Act Partially Amending the Act on Promotion of Private Finance Initiative

(September 5, 2013).

**附 則** 〔平成二十六年六月四日政令第二百二号〕

**Supplementary Provisions [Cabinet Order No. 202 of June 4, 2014]**

この政令は、公布の日から施行する。

This Cabinet Order comes into effect as from the date of promulgation.

**附 則** 〔平成二十七年十一月十一日政令第三百七十五号〕

**Supplementary Provisions [Cabinet Order No. 375 of November 11, 2015]**

この政令は、民間資金等の活用による公共施設等の整備等の促進に関する法律の一部を改正する法律（平成二十七年法律第七十一号）の施行の日（平成二十七年十二月一日）から施行する。

This Cabinet Order comes into effect as from the date of enforcement (December 1, 2015) of the Act Partially Amending the Act on Promotion of Private Finance Initiative (Act No. 71 of 2015).

**附 則** 〔平成二十八年十一月三十日政令第三百六十二号〕

**Supplementary Provisions [Cabinet Order No. 362 of November 30, 2016]**

この政令は、公布の日から施行する。

This Cabinet Order comes into effect as from the date of promulgation.

**附 則** 〔平成三十年七月二十七日政令第二百二十五号〕

**Supplementary Provisions [Cabinet Order No. 225 of July 27, 2018]**

この政令は、民間資金等の活用による公共施設等の整備等の促進に関する法律の一部を改正する法律（平成三十年法律第六十号）附則第一項ただし書に規定する規定の施行の日（平成三十年八月一日）から施行する。

This Cabinet Order comes into effect as from the date of enforcement (August 1, 2018) of the provisions prescribed in the proviso of paragraph (1) of the Supplementary Provisions of the Act Partially Amending the Act on Promotion of Private Finance Initiative (Act No. 60 of 2018).