

# 金融サービスの提供に関する法律 Act on the Provision of Financial Services

(平成十二年五月三十一日法律第百一号)  
(Act No. 101 of May 31, 2000)

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第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、金融商品販売業者等が金融商品の販売等の際に顧客に対して説明をすべき事項等、金融商品販売業者等が顧客に対して当該事項について説明をしなかったこと等により当該顧客に損害が生じた場合における金融商品販売業者等の損害賠償の責任その他の金融商品の販売等に関する事項を定めるとともに、金融サービス仲介業を行う者について登録制度を実施し、その業務の健全かつ適切な運営を確保することにより、金融サービスの提供を受ける顧客の保護を図り、もって国民経済の健全な発展に資することを目的とする。

Article 1 The purpose of this Act is to protect customers that receive financial services by determining matters related to the sale, etc. of financial instruments, such as what matters financial instrument providers, etc. must explain at the time of the sale, etc. of financial instruments and the liability on financial instrument providers, etc. for any damages incurred by customers due to the failure of a financial instrument provider, etc. to explain the relevant matters at the time of the sale, etc., as well as by implementing a registration system for persons engaging in financial service intermediary business and ensuring the sound and appropriate management of its business operations, thereby contributing to the sound development of the national economy.

(定義)

(Definitions)

第二条 この法律において「預金等」とは、預金、貯金、定期積金又は銀行法（昭和五十六年法律第五十九号）第二条第四項に規定する掛金をいう。

Article 2 (1) The term "deposit, etc." as used in this Act means deposits, savings, installment savings, or installment as defined in Article 2, paragraph (4) of the Banking Act (Act No. 59 of 1981).

2 この法律において「保険契約」とは、保険業法（平成七年法律第百五号）第二条第一項に規定する保険業を行う者が保険者となる保険契約をいう。

(2) The term "insurance contract" as used in this Act means an insurance contract under which a person that engages in insurance business as defined in Article 2, paragraph (1) of the Insurance Business Act (Act 105 of 1995) becomes an insurer.

3 この法律において「有価証券」とは、金融商品取引法（昭和二十三年法律第二十五号）第二条第一項に規定する有価証券又は同条第二項の規定により有価証券とみなされる権利をいう。

(3) The term "securities" as used in this Act means the securities as defined in Article 2, paragraph (1) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) or the rights that are deemed to be securities pursuant to the provisions of paragraph (2) of that Article.

4 この法律において「市場デリバティブ取引」とは、金融商品取引法第二条第二十一項に規定する市場デリバティブ取引をいう。

(4) The term "market derivatives transactions" as used in this Act means the market derivatives transactions as defined in Article 2, paragraph (21) of the Financial Instruments and Exchange Act.

5 この法律において「外国市場デリバティブ取引」とは、金融商品取引法第二条第二十三項に規定する外国市場デリバティブ取引をいう。

(5) The term "foreign market derivatives transactions" as used in this Act means the foreign market derivatives transactions as defined in Article 2, paragraph (23) of the Financial Instruments and Exchange Act.

## 第二章 金融商品の販売等

### Chapter II Sale of Financial Instruments

(定義)

(Definitions)

第三条 この章において「金融商品の販売」とは、次に掲げる行為をいう。

Article 3 (1) The phrase "sale of financial instruments" as used in this Chapter means the following acts:

一 預金等の受入れを内容とする契約の預金者、貯金者、定期積金の積金者又は銀行法第二条第四項に規定する掛金の掛金者との締結

(i) conclusion of a contract on acceptance of deposits etc. with a depositor, savings depositor, installment savings depositor, or a person that makes installments as prescribed in Article 2, paragraph (4) of the Banking Act;

二 無尽業法（昭和六年法律第四十二号）第一条に規定する無尽に係る契約に基づく掛金（以下この号において「無尽掛金」という。）の受入れを内容とする契約の無尽掛金の掛金者との締結

(ii) conclusion of a contract on the acceptance of installments based on a mutual financing contract prescribed in Article 1 of the Mutual Financing Business Act (Act No. 42 of 1931) (hereinafter referred to as "mutual financing installments" in this item) with the person that makes mutual financing installments;

三 信託財産の運用方法が特定されていないことその他の政令で定める要件に該当する金銭の信託に係る信託契約（当該信託契約に係る受益権が金融商品取引法第二条第二項第一号又は第二号に掲げる権利であるものに限る。）の委託者との締結

(iii) conclusion of a trust contract in relation to a monetary trust (limited to those for which the beneficial interest pertaining to the trust contract are rights listed in Article 2, paragraph (2), item (i) or (ii) of the Financial Instruments and Exchange Act) with the settlor, which satisfies the requirements specified by Cabinet Order, such as the requirement that the investment method for the trust property has not been specified;

四 保険契約又は保険若しくは共済に係る契約で保険契約に類するものとして政令で定めるものの保険契約者又はこれに類する者との締結

(iv) conclusion of an insurance contract, or a contract related to insurance or mutual aid which is specified by Cabinet Order as being similar to an insurance contract with policyholders or persons similar thereto;

五 有価証券（金融商品取引法第二条第二項の規定により有価証券とみなされる同項第一号及び第二号に掲げる権利を除く。）を取得させる行為（代理又は媒介に該当するもの並びに第八号及び第九号に掲げるものに該当するものを除く。）

(v) acts of having a person acquire securities (excluding the rights that are deemed to be securities pursuant to Article 2, paragraph (2) of the Financial Instruments and Exchange Act and listed in items (i) and (ii) of that paragraph) (excluding acts falling under the category of agency or intermediary service and the acts listed in items (viii) and (ix));

六 次に掲げるものを取得させる行為（代理又は媒介に該当するもの並びに第八号及び第九号に掲げるものに該当するものを除く。）

(vi) acts of having a person acquire the following (excluding acts falling under the category of agency or intermediary service and acts falling under the category listed in item (viii) and item (ix)):

イ 金融商品取引法第二条第二項第一号又は第二号に掲げる権利

(a) rights listed in Article 2, paragraph (2), item (i) or (ii) of the Financial Instruments and Exchange Act;

ロ 譲渡性預金証書をもって表示される金銭債権（有価証券（金融商品取引法第二条第一項に規定する有価証券にあつては、当該有価証券に表示される権利をいう。）であるものを除く。）

(b) monetary claims indicated by negotiable certificates of deposit (excluding monetary claims that are securities (in cases of securities as defined in Article 2, paragraph (1) of the Financial Instruments and Exchange Act, meaning the rights indicated on the securities)); and

ハ 資金決済に関する法律（平成二十一年法律第五十九号）第二条第五項に規定する暗号資産

(c) crypto-assets as defined in Article 2, paragraph (5) of the Payment Services Act (Act No. 59 of 2009);

七 不動産特定共同事業法（平成六年法律第七十七号）第二条第三項に規定する不動産特定共同事業契約（金銭をもって出資の目的とし、かつ、契約の終了の場合における残余財産の分割若しくは出資の返還が金銭により行われることを内容とするもの又はこれらに類する事項として政令で定めるものを内容とするものに限る。）の締結

(vii) conclusion of a specified joint real estate venture contract as defined in Article 2, paragraph (3) of the Act on Specified Joint Real Estate Ventures (Act No. 77 of 1994) (limited to a contract in which the contribution is money and for which the division of residual assets or return of contribution when

the contract ends is to be made by money, or a contract on the matters specified by Cabinet Order as those similar thereto);

八 市場デリバティブ取引若しくは外国市場デリバティブ取引又はこれらの取引の取次ぎ

(viii) market derivatives transactions or foreign market derivatives transactions, or commission of those transactions;

九 金融商品取引法第二条第二十二項に規定する店頭デリバティブ取引又はその取次ぎ

(ix) over-the-counter transactions of derivatives as defined in Article 2, paragraph (22) of the Financial Instruments and Exchange Act or the commission of those transactions;

十 金利、通貨の価格その他の指標の数値としてあらかじめ当事者間で約定された数値と将来の一定の時期における現実の当該指標の数値の差に基づいて算出される金銭の授受を約する取引（前二号に掲げるものに該当するものを除く。）であって政令で定めるもの又は当該取引の取次ぎ

(x) transactions in which the parties agree to pay or receive money based on the difference between a figure to which the parties have agreed in advance as a figure of the interest rate, the value of currencies, or any other indicators, and the actual figure of the relevant indicator at a fixed time in the future (excluding those falling under transactions set forth in the preceding two items) and which are specified by Cabinet Order, or the commission of those transactions; and

十一 前各号に掲げるものに類するものとして政令で定める行為

(xi) acts specified by Cabinet Order as being similar to those set forth in the preceding items.

2 この章において「金融商品の販売等」とは、金融商品の販売又はその代理若しくは媒介（顧客のために行われるものを含む。）をいう。

(2) The phrase "sale, etc. of financial instruments" as used in this Chapter means the sale of financial instruments, or an agency or intermediary therefor (including one conducted on behalf of a customer).

3 この章及び第四章において「金融商品販売業者等」とは、金融商品の販売等を業として行う者をいう。

(3) The term "financial instruments provider, etc." as used in this Chapter and Chapter 4 means a person carrying out the sale, etc. of financial instruments on a regular basis.

（金融商品販売業者等の説明義務）

(Accountability of Financial Instruments Provider, etc.)

第四条 金融商品販売業者等は、金融商品の販売等を業として行うときは、当該金融商品の販売等に係る金融商品の販売が行われるまでの間に、顧客に対し、次に掲げる事項（以下この章において「重要事項」という。）について説明をしなければならない。

Article 4 (1) If a financial instruments provider, etc. carries out the sale, etc. of financial instruments on a regular basis, the financial instruments provider, etc. must explain the following matters (hereinafter referred to as "important matters" in this Chapter) to customers at or before the time that the sale of financial instruments is carried out:

一 当該金融商品の販売について金利、通貨の価格、金融商品市場（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をいう。以下この条において同じ。）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元本欠損が生ずるおそれがあるときは、次に掲げる事項

(i) if the sale of the financial instruments involves the risk of incurring a loss of principal, due to fluctuations in the interest rate, the value of currencies, quotations on a financial instruments market (meaning a financial instruments market as defined in Article 2, paragraph (14) of the Financial Instruments and Exchange Act; hereinafter the same applies in this Article), or any other indicators as the direct cause thereof, the following matters must be explained:

イ 元本欠損が生ずるおそれがある旨

(a) the fact that there is a risk of incurring a loss of principal;

ロ 当該指標

(b) the relevant indicator; and

ハ ロの指標に係る変動を直接の原因として元本欠損が生ずるおそれを生じさせる当該金融商品の販売に係る取引の仕組みのうちの重要な部分

(c) the important portions of the structure of transactions pertaining to the sale of the financial instruments which generate the risk of incurring a loss of principal with fluctuations in the indicator set forth in sub-item (b) as the direct cause thereof;

二 当該金融商品の販売について金利、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当初元本を上回る損失が生ずるおそれがあるときは、次に掲げる事項

(ii) if the sale of the financial instruments involves the risk of incurring a loss exceeding the initial principal with fluctuations in the interest rate, the value of currencies, quotations on a financial instruments market, or any other indicators as the direct cause thereof, the following matters must be explained:

イ 当初元本を上回る損失が生ずるおそれがある旨

(a) the fact that there is a risk of incurring a loss exceeding the initial principal;

ロ 当該指標

(b) the relevant indicator; and

ハ ロの指標に係る変動を直接の原因として当初元本を上回る損失が生ずるおそれを生じさせる当該金融商品の販売に係る取引の仕組みのうちの重要な部分

(c) important portions of the structure of transactions pertaining to the sale of the financial instruments which generate the risk of incurring a loss exceeding the initial principal with fluctuations in the indicator set forth in sub-item (b) as the direct cause thereof;

三 当該金融商品の販売について当該金融商品の販売を行う者その他の者の業務又は財産の状況の変化を直接の原因として元本欠損が生ずるおそれがあるときは、次に掲げる事項

(iii) if the sale of the financial instruments involves the risk of incurring a loss of principal directly caused by changes in the status of the business operations or property of the person carrying out that sale of the financial instruments or any other persons, the following matters must be explained:

イ 元本欠損が生ずるおそれがある旨

(a) the fact that there is a risk of incurring a loss of principal;

ロ 当該者

(b) the relevant person; and

ハ ロの者の業務又は財産の状況の変化を直接の原因として元本欠損が生ずるおそれを生じさせる当該金融商品の販売に係る取引の仕組みのうちの重要な部分

(c) important portions of the structure of transactions pertaining to the sale of the financial instruments which generate the risk of incurring a loss of principal directly caused by changes in the status of the business operations or property of the person set forth in sub-item (b);

四 当該金融商品の販売について当該金融商品の販売を行う者その他の者の業務又は財産の状況の変化を直接の原因として当初元本を上回る損失が生ずるおそれがあるときは、次に掲げる事項

(iv) if the sale of the financial instruments involves the risk of incurring a loss exceeding the initial principal directly caused by changes in the status of the business operations or property of the person carrying out that sale of the financial instruments or any other persons, the following matters must be explained:

イ 当初元本を上回る損失が生ずるおそれがある旨

(a) the fact that there is a risk of incurring a loss exceeding the initial principal;

ロ 当該者

(b) the relevant person; and

ハ ロの者の業務又は財産の状況の変化を直接の原因として当初元本を上回る損失が生ずるおそれを生じさせる当該金融商品の販売に係る取引の仕組みのうちの重要な部分

(c) important portions of the structure of transactions pertaining to the sale of the financial instruments which generate the risk of incurring a loss exceeding the initial principal directly caused by changes in the status of the business operations or property of the persons set forth in sub-item (b);

五 第一号及び第三号に掲げるもののほか、当該金融商品の販売について顧客の判断に影響を及ぼすこととなる重要なものとして政令で定める事由を直接の原因として元本欠損が生ずるおそれがあるときは、次に掲げる次項

(v) beyond what is provided for in items (i) and (iii), if the sale of the financial instruments involves the risk of incurring a loss of principal directly caused by grounds specified by Cabinet Order as important factors that have an impact on the customers' judgment, the following matters must be explained:

イ 元本欠損が生ずるおそれがある旨

(a) the fact that there is a risk of incurring a loss of principal;

ロ 当該事由

(b) the relevant grounds; and

ハ ロの事由を直接の原因として元本欠損が生ずるおそれを生じさせる当該金融商品の販売に係る取引の仕組みのうちの重要な部分

(c) important portions of the structure of transactions pertaining to the sale of the financial instruments which generate the risk of incurring a loss of principal, with the grounds set forth in sub-item (b) as the direct cause thereof;

六 第二号及び第四号に掲げるもののほか、当該金融商品の販売について顧客の判断に影響を及ぼすこととなる重要なものとして政令で定める事由を直接の原因として当初元本を上回る損失が生ずるおそれがあるときは、次に掲げる次項

(vi) beyond what is provided for in items (ii) and (iv), if the sale of the financial instruments involves the risk of incurring a loss exceeding the initial principal, caused by the grounds specified by Cabinet Order as important factors that have an impact on the customers' judgment, the following matters must be explained:

イ 当初元本を上回る損失が生ずるおそれがある旨

(a) the fact that there is a risk of incurring a loss exceeding the initial principal;

ロ 当該事由

(b) the relevant grounds; and

ハ ロの事由を直接の原因として当初元本を上回る損失が生ずるおそれを生じさせる当該金融商品の販売に係る取引の仕組みのうちの重要な部分

(c) important portions of the structure of transactions pertaining to the sale of the financial instruments which generate the risk of incurring a loss exceeding the initial principal, with the grounds set forth in sub-item (b) as the direct cause thereof; and

七 当該金融商品の販売の対象である権利を行使することができる期間の制限又は当該金融商品の販売に係る契約の解除をすることができる期間の制限があるときは、その旨

(vii) if the period during which the rights subject to the sale of the financial instruments may be exercised or the period during which the contract



pertaining to that sale of financial instruments may be cancelled is limited, a statement to that effect must be provided.

2 前項の説明は、顧客の知識、経験、財産の状況及び当該金融商品の販売に係る契約を締結する目的に照らして、当該顧客に理解されるために必要な方法及び程度によるものでなければならない。

(2) The explanation prescribed in the preceding paragraph must be provided in a manner and to the extent necessary for the customer to understand it, in light of the knowledge, experience and status of property of the customer, and the purpose for the conclusion of the contract pertaining to the sale of the financial instruments.

3 第一項第一号、第三号及び第五号の「元本欠損が生ずるおそれ」とは、当該金融商品の販売が行われることにより顧客の支払うこととなる金銭の合計額（当該金融商品の販売が行われることにより当該顧客の譲渡することとなる金銭以外の物又は権利であつて政令で定めるもの（以下この項及び第七条第二項において「金銭相当物」という。）がある場合にあつては、当該合計額に当該金銭相当物の市場価額（市場価額がないときは、処分推定価額）の合計額を加えた額）が、当該金融商品の販売により当該顧客（当該金融商品の販売により当該顧客の定めるところにより金銭又は金銭以外の物若しくは権利を取得することとなる者がある場合にあつては、当該者を含む。以下この項において「顧客等」という。）の取得することとなる金銭の合計額（当該金融商品の販売により当該顧客等の取得することとなる金銭以外の物又は権利がある場合にあつては、当該合計額に当該金銭以外の物又は権利の市場価額（市場価額がないときは、処分推定価額）の合計額を加えた額）を上回ることとなるおそれをいう。

(3) The phrase "risk of incurring a loss of principal" as used in paragraph (1), items (i), (iii), and (v) means a risk that the total amount of money to be paid by a customer as a result of the sale of the financial instruments (if there is any property other than money or any right specified by Cabinet Order which is to be transferred by the relevant customer as a result of the sale of the financial instruments (hereinafter referred to as a "monetary equivalent" in this paragraph and Article 7, paragraph (2)), the amount is obtained by adding the total market value of the relevant monetary equivalent (if there is no market value, the estimated disposal value) to the relevant total amount of money to be paid) would exceed the total amount of money to be received by the relevant customer (if there is any person that receives any money, any property other than money, or any right, as designated by the relevant customer, as a result of the sale of the financial instruments, this includes the relevant person; hereinafter referred to as the "customer, etc." in this paragraph) as a result of the sale of the financial instruments (if there is any property other than money or any right to be acquired by the relevant customer, etc. as a result of the sale of the financial instruments, the amount is obtained by adding the total amount of the market value of the relevant property (if there is no market value, the estimated disposal value) other than money or right to

the total amount of money to be received).

4 第一項第二号、第四号及び第六号の「当初元本を上回る損失が生ずるおそれ」とは、次に掲げるものをいう。

(4) The phrase "risk of incurring a loss exceeding the initial principal" as used in paragraph (1), items (ii), (iv), and (vi) means the following risks:

一 当該金融商品の販売（前条第一項第八号から第十号までに掲げる行為及び同項第十一号に掲げる行為であって政令で定めるものに限る。以下この項において同じ。）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により損失が生ずることとなるおそれがある場合における当該損失の額が当該金融商品の販売が行われることにより顧客が支払うべき委託証拠金その他の保証金の金銭の額（当該金融商品の販売が行われることにより当該顧客の預託すべき金銭以外の財産であって政令で定めるもの（以下この号において「保証金相当物」という。）がある場合にあっては、当該額に当該保証金相当物の市場価額（市場価額がないときは、処分推定価額）の合計額を加えた額。次号及び第三号において同じ。）を上回ることとなるおそれ

(i) a risk that the amount of the relevant loss would exceed the amount of the customer margin or any other security deposit to be paid by the customer (if there are properties other than money to be deposited by the customers as a result of the sale of the financial instruments that are prescribed by Cabinet Order (hereinafter referred to as "security deposit equivalent"), the total sum of the amount and the total market price (if market price is not available, estimated disposal price thereof) of the security deposit equivalent; the same applies in the following item and item (iii)) as a result of the sale of the financial instruments (limited to acts listed in paragraph (1), items (viii) through (x) of the preceding Article and the acts listed in item (xi) of that paragraph that are specified by Cabinet Order; hereinafter the same applies in this paragraph) when the sale of the financial instruments involves the risk of loss due to fluctuations in the interest rate, the value of currencies, quotations on financial instruments markets, or any other indicator;

二 当該金融商品の販売について当該金融商品の販売を行う者その他の者の業務又は財産の状況の変化により損失が生ずることとなるおそれがある場合における当該損失の額が当該金融商品の販売が行われることにより顧客が支払うべき委託証拠金その他の保証金の額を上回ることとなるおそれ

(ii) a risk that the amount of the relevant loss would exceed the customer margin or any other security deposits to be paid by the customer as a result of the sale of the financial instruments when the sale of the financial instruments involves a risk of incurring a loss due to changes in the status of the business operations or property of the person carrying out the sale of the financial instruments or any other persons;

三 当該金融商品の販売について第一項第六号の事由により損失が生ずることとなるおそれがある場合における当該損失の額が当該金融商品の販売が行われることによ

り顧客が支払うべき委託証拠金その他の保証金の額を上回ることとなるおそれ  
(iii) a risk that the amount of the relevant loss would exceed the customer margin or any other security deposits to be paid by the customer as a result of the sale of the financial instruments when the sale of the financial instruments involves a risk of incurring a loss due to the grounds under paragraph (1), item (vi); and

四 前三号に準ずるものとして政令で定めるもの

(iv) risks specified by Cabinet Order as being equivalent to those listed in the preceding three items.

5 第一項第一号ハ、第二号ハ、第三号ハ、第四号ハ、第五号ハ及び第六号ハに規定する「金融商品の販売に係る取引の仕組み」とは、次に掲げるものをいう。

(5) The phrase "structure of transactions pertaining to the sale of financial instruments" as used in item (i), (c), item (ii), (c), item (iii), (c), item (iv), (c), item (v), (c) and item (vi), (c) of paragraph (1) means the following matters:

一 前条第一項第一号から第四号まで及び第七号に掲げる行為にあつては、これらの規定に規定する契約の内容

(i) for acts listed in paragraph (1), items (i) through (iv), and item (vii) of the preceding Article, the details of the contract provided for in those provisions;

二 前条第一項第五号に掲げる行為にあつては、当該規定に規定する有価証券（金融商品取引法第二条第一項に規定する有価証券にあつては、当該有価証券に表示される権利をいい、同条第二項の規定により有価証券とみなされる同項第一号及び第二号に掲げる権利を除く。）の内容及び当該行為が行われることにより顧客が負うこととなる義務の内容

(ii) for acts listed in paragraph (1), item (v) of the preceding Article, the details of securities (for securities as defined in Article 2, paragraph (1) of the Financial Instruments and Exchange Act, meaning the rights indicated in the securities, and excluding rights listed in paragraph (2), items (i) and (ii) of that Article which are deemed to be securities pursuant to the provisions of paragraph (2) of that Article) and the details of the obligations to be assumed by the customer as a result of the relevant acts;

三 前条第一項第六号に掲げる行為（同号イに係るものに限る。）にあつては、当該規定に規定する権利の内容及び当該行為が行われることにより顧客が負うこととなる義務の内容

(iii) for acts listed in paragraph (1), item (vi) of the preceding Article (limited to acts related to sub-item (a) of that item), the details of the rights provided for by the relevant provisions and the details of the obligations to be assumed by the customer as a result of the relevant acts;

四 前条第一項第六号に掲げる行為（同号ロに係るものに限る。）にあつては、当該規定に規定する債権の内容及び当該行為が行われることにより顧客が負担することとなる債務の内容

(iv) for acts listed in paragraph (1), item (vi) of the preceding Article, (limited

to acts related to sub-item (b) of that item), the details of the claims provided for by the relevant provisions and the details of the obligations to be incurred by the customer as a result of the relevant acts;

五 前条第一項第六号に掲げる行為（同号ハに係るものに限る。）にあつては、当該規定に規定する暗号資産に表示される権利の内容（当該権利が存在しないときは、その旨）及び当該行為が行われることにより顧客が負うこととなる義務の内容

(v) for acts listed in paragraph (1), item (vi) of the preceding Article (limited to acts related to sub-item (c) of that item), the details of rights indicated in the crypto-assets prescribed in the provisions (if the rights do not exist, that fact) and the details of obligations to be incurred by the customer as a result of the relevant acts;

六 前条第一項第八号から第十号までに掲げる行為にあつては、これらの規定に規定する取引の仕組み

(vi) for acts listed in paragraph (1), items (viii) through (x) of the preceding Article, the structure of transactions provided for in those provisions; and

七 前条第一項第十一号の政令で定める行為にあつては、政令で定める事項

(vii) for acts specified by Cabinet Order under paragraph (1), item (xi) of the preceding Article, the matters specified by Cabinet Order.

6 一の金融商品の販売について二以上の金融商品販売業者等が第一項の規定により顧客に対し重要事項について説明をしなければならぬ場合において、いずれか一の金融商品販売業者等が当該重要事項について説明をしたときは、他の金融商品販売業者等は、同項の規定にかかわらず、当該重要事項について説明をすることを要しない。ただし、当該他の金融商品販売業者等が政令で定める者である場合は、この限りでない。

(6) If two or more financial instruments providers, etc. must explain the important matters for a single sale of a financial instrument to a customer pursuant to the provisions of paragraph (1), and one of the financial instruments providers, etc. has explained those important matters, notwithstanding the provisions of that paragraph, the other financial instruments provider, etc. is not required to explain those important matters; provided, however, that this does not apply when the other financial instruments provider, etc. is a person specified by Cabinet Order.

7 第一項の規定は、次に掲げる場合には、適用しない。

(7) The provisions of paragraph (1) do not apply to the following cases:

一 顧客が、金融商品の販売等に関する専門的知識及び経験を有する者として政令で定める者（第十条第一項において「特定顧客」という。）である場合

(i) if the customer is a person specified by Cabinet Order as a person having expert knowledge and experience on the sale, etc. of financial instruments (the relevant customer is referred to as the "specified customer" in Article 10, paragraph (1)); and

二 第一項に規定する金融商品の販売が金融商品取引法第二条第八項第一号に規定す

る商品関連市場デリバティブ取引及びその取次ぎのいずれでもない場合において、重要事項について説明を要しない旨の顧客の意思の表明があった場合

- (ii) if the sale of financial instruments referred to in paragraph (1) is neither commodity-related market transaction of derivatives provided in Article 2, paragraph (8), item (i) of the Financial Instruments and Exchange Act nor commission of those transactions, and the customer has manifested the intention not to require an explanation for the important matters.

(金融商品販売業者等の断定的判断の提供等の禁止)

**(Prohibition on the Provision of Conclusive Evaluations by Financial Instruments Providers)**

第五条 金融商品販売業者等は、金融商品の販売等を業として行うときは、当該金融商品の販売等に係る金融商品の販売が行われるまでの間に、顧客に対し、当該金融商品の販売に係る事項について、不確実な事項について断定的判断を提供し、又は確実であると誤認させるおそれのあることを告げる行為（以下この章において「断定的判断の提供等」という。）を行ってはならない。

Article 5 If a financial instruments provider, etc. carries out the sale, etc. of financial instruments on a regular basis, the financial instruments provider, etc. must not engage in the act of providing a customer with conclusive evaluations on uncertain matters or with information that misleads the customer into believing the certainty of matters related to the sale of the financial instruments (hereinafter referred to as the "provision of conclusive evaluations, etc." in this Chapter) at or before the time that the sale of financial instruments is carried out.

(金融商品販売業者等の損害賠償責任)

**(Liability for Damages of Financial Instruments Providers)**

第六条 金融商品販売業者等は、顧客に対し第四条の規定により重要事項について説明をしなければならない場合において当該重要事項について説明をしなかったとき、又は前条の規定に違反して断定的判断の提供等を行ったときは、これによって生じた当該顧客の損害を賠償する責めに任ずる。

Article 6 If a financial instruments provider, etc. must give an explanation on important matters to the customer pursuant to the provisions of Article 4, and fails to explain those important matters or provides a conclusive evaluation, etc. in violation of the preceding Article, the financial instruments provider, etc. is liable for damages suffered by the relevant customer as a result thereof.

(損害の額の推定)

**(Presumption of Losses)**

第七条 顧客が前条の規定により損害の賠償を請求する場合には、元本欠損額は、金融商品販売業者等が重要事項について説明をしなかったこと又は断定的判断の提供等を

行ったことによって当該顧客に生じた損害の額と推定する。

Article 7 (1) If the customer claims compensation for damages pursuant to the provisions of the preceding Article, the amount of loss of principal is presumed to be the amount of losses incurred by the relevant customer due to the failure of the financial instruments provider, etc. to explain important matters or due to providing a conclusive evaluation, etc.

2 前項の「元本欠損額」とは、当該金融商品の販売が行われたことにより顧客の支払った金銭及び支払うべき金銭の合計額（当該金融商品の販売が行われたことにより当該顧客の譲渡した金銭相当物又は譲渡すべき金銭相当物がある場合にあっては、当該合計額にこれらの金銭相当物の市場価額（市場価額がないときは、処分推定価額）の合計額を加えた額）から、当該金融商品の販売により当該顧客（当該金融商品の販売により当該顧客の定めるところにより金銭又は金銭以外の物若しくは権利を取得することとなった者がある場合にあっては、当該者を含む。以下この項において「顧客等」という。）の取得した金銭及び取得すべき金銭の合計額（当該金融商品の販売により当該顧客等の取得した金銭以外の物若しくは権利又は取得すべき金銭以外の物若しくは権利がある場合にあっては、当該合計額にこれらの金銭以外の物又は権利の市場価額（市場価額がないときは、処分推定価額）の合計額を加えた額）と当該金融商品の販売により当該顧客等の取得した金銭以外の物又は権利であって当該顧客等が売却その他の処分をしたものの処分価額の合計額とを合算した額を控除した金額をいう。

(2) The term "amount of loss of principal" as used in the preceding paragraph is what remains after deducting the total of the amount of money received and the amount of money to be received by a customer (if there is a person that has come to acquire any money, any property other than money or any right, as designated by the relevant customer, as a result of the sale of the financial instruments, this includes the relevant person; hereinafter referred to as the "customer, etc." in this paragraph) as a result of the sale of financial instruments (if there is any property other than money or any right which has been acquired or any property other than money or any right to be acquired by the relevant customer, etc. as a result of the sale of the financial instruments, the amount obtained by adding, to the total of the amount of money acquired and to be acquired, the total amount of the market value of the property other than money or right (if there is no market value, the estimated disposal value)) to the total disposal value of the property other than money or rights which has been acquired by the relevant customer, etc. as a result of the relevant sale of financial instruments and which the relevant customer, etc. has sold or otherwise disposed of, from the total of the amount of money paid and the amount to be paid by the customer as a result of the sale of financial instruments (if there is a monetary equivalent which has been transferred or a monetary equivalent which is to be transferred by the relevant customer as a result of the sale of the financial instruments, the amount obtained by adding, to the total of the amount of money paid and to be paid, the total amount of the

market value of these monetary equivalents (if there is no market value, the estimated disposal value)).

(民法の適用)

(Application of the Civil Code)

第八条 重要事項について説明をしなかったこと又は断定的判断の提供等を行ったことによる金融商品販売業者等の損害賠償の責任については、この法律の規定によるほか、民法（明治二十九年法律第八十九号）の規定による。

Article 8 Beyond what is provided for in this Act, liability for damages of a financial instruments provider, etc. due to failure to explain important matters or due to the provision of conclusive evaluation, etc. is governed by the Civil Code (Act No. 89 of 1896).

(勧誘の適正の確保)

(Ensuring Appropriate Solicitation of Sales)

第九条 金融商品販売業者等は、業として行う金融商品の販売等に係る勧誘をするに際し、その適正の確保に努めなければならない。

Article 9 When making a solicitation in relation to the sale, etc. of financial instruments that are conducted on a regular basis, financial instruments providers, etc. must endeavor to ensure the appropriateness thereof.

(勧誘方針の策定等)

(Establishment of the Solicitation Policy)

第十条 金融商品販売業者等は、業として行う金融商品の販売等に係る勧誘をしようとするときは、あらかじめ、当該勧誘に関する方針（以下この条及び第九十七条において「勧誘方針」という。）を定めなければならない。ただし、当該金融商品販売業者等が、国、地方公共団体その他勧誘の適正を欠くおそれがないと認められる者として政令で定める者である場合又は特定顧客のみを顧客とする金融商品販売業者等である場合は、この限りでない。

Article 10 (1) If a financial instruments provider, etc. seeks to solicit the sale, etc. of financial instruments that are conducted on a regular basis, the relevant financial instruments provider, etc. must, in advance, establish a policy for the relevant solicitation of sales (hereinafter referred to as the "solicitation policy" in this Article and Article 97); provided, however, that this does not apply to cases where the financial instruments provider, etc. is a national government, local government, or any other person specified by Cabinet Order as one found unlikely to engage in improper solicitation of sales or a financial instruments provider, etc. that only has specified customers as its customers.

2 勧誘方針においては、次に掲げる事項について定めるものとする。

(2) The following matters are to be provided in the solicitation policy:

一 勧誘の対象となる者の知識、経験、財産の状況及び当該金融商品の販売に係る契

約を締結する目的に照らし配慮すべき事項

(i) matters to be taken into consideration in light of the knowledge, experience and status of property of the person subject to the solicitation of sales, and the purpose for the conclusion of the contract pertaining to the sale of the financial instruments;

二 勧誘の方法及び時間帯に関し勧誘の対象となる者に対し配慮すべき事項

(ii) matters to be taken into consideration for the person subject to the solicitation of sales with regard to the means and timing of solicitation of sales; and

三 前二号に掲げるもののほか、勧誘の適正の確保に関する事項

(iii) beyond what is provided for in the preceding two items, matters for ensuring the appropriateness of the solicitation of sales.

3 金融商品販売業者等は、第一項の規定により勧誘方針を定めたときは、政令で定める方法により、速やかに、これを公表しなければならない。これを変更したときも、同様とする。

(3) If a financial instruments provider, etc. establishes a solicitation policy pursuant to the provisions of paragraph (1), the financial instruments provider must, pursuant to a method specified by Cabinet Order, promptly make the policy public. The same applies when the financial instruments provider changes it.

### 第三章 金融サービス仲介業

#### Chapter III Financial Service Intermediary Business

##### 第一節 総則

##### Section 1 General Rules

(定義)

(Definitions)

第十一条 この章及び次章において「金融サービス仲介業」とは、預金等媒介業務、保険媒介業務、有価証券等仲介業務又は貸金業貸付媒介業務のいずれかを業として行うことをいう。

Article 11 (1) The term "financial service intermediary business" as used in this Chapter and the following Chapter means to engage in any of the following business operations on a regular basis: deposit, etc. intermediary business operations, insurance intermediary business operations, securities, etc. intermediary business operations, or loan intermediary business operations.

2 この章において「預金等媒介業務」とは、銀行代理業者（銀行法第二条第十五項に規定する銀行代理業者をいう。第十五条第一号ロ及び第二号ニ（2）並びに第十六条第三項第八号イにおいて同じ。）その他政令で定める者以外の者が次に掲げる行為のいずれかを行う業務をいう。

(2) The term "deposit, etc. intermediary business operations" as used in this



Chapter means business operations to engage in any of the following acts by a person other than a bank agent (meaning a bank agent as defined in Article 2, paragraph (15) of the Banking Act; the same applies in Article 15, item (i), (b) and item (ii), (d), 2, and Article 16, paragraph (3), item (viii), (a)) or the persons specified by Cabinet Order:

一 次に掲げる者のために行う預金等の受入れを内容とする契約（当該契約について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の締結の媒介

(i) intermediation of the conclusion of a contract (excluding contracts that are provided for by Cabinet Order as contracts requiring highly professional explanations of the contract for customers) on the acceptance of deposit, etc. for the following persons:

イ 銀行（銀行法第二条第一項に規定する銀行をいう。第十五条第二号ニ（2）及び第六号並びに第十七条第一項において同じ。）

(a) a bank (meaning a bank as defined in Article 2, paragraph (1) of the Banking Act; the same applies in Article 15, item (ii), (d), 2, and item (vi), and Article 17, paragraph (1));

ロ 長期信用銀行（長期信用銀行法（昭和二十七年法律第百八十七号）第二条に規定する長期信用銀行をいう。第十五条第二号ニ（7）において同じ。）

(b) a long-term credit bank (meaning a long-term credit bank as defined in Article 2 of the Long Term Credit Bank Act (Act No. 187 of 1952); the same applies in Article 15, item (ii), (d), 7);

ハ 信用金庫

(c) a shinkin bank;

ニ 信用金庫連合会

(d) a federation of shinkin banks;

ホ 労働金庫

(e) a labor bank;

ヘ 労働金庫連合会

(f) a federation of labor banks;

ト 信用協同組合

(g) a credit cooperative;

チ 協同組合連合会（中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の九第一項第一号の事業を行うものに限る。第十五条第二号ニ（5）において同じ。）

(h) a federation of cooperatives (limited to a federation engaging in the business prescribed in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949); the same applies in Article 15, item (ii), (d), 5);

リ 農業協同組合（農業協同組合法（昭和二十二年法律第百三十二号）第十条第一項第三号の事業を行うものに限る。第十五条第二号ニ（3）において同じ。）

- (i) an agricultural cooperative (limited to a cooperative engaging in the business prescribed in Article 10, paragraph (1), item (iii) of the Agricultural Cooperatives Act (Act No. 132 of 1947); the same applies in Article 15, item (ii), (d), 3);
- ヌ 農業協同組合連合会（農業協同組合法第十条第一項第三号の事業を行うものに限る。第十五条第二号ニ（3）において同じ。）
- (j) a federation of agricultural cooperatives (limited to a federation engaging in the business prescribed in Article 10, paragraph (1), item (iii) of the Agricultural Cooperatives Act; the same applies in Article 15, item (ii), (d), 3);
- ル 漁業協同組合（水産業協同組合法（昭和二十三年法律第二百四十二号）第十一条第一項第四号の事業を行うものに限る。第十五条第二号ニ（4）において同じ。）
- (k) a fisheries cooperative (limited to a cooperative engaging in the business prescribed in Article 11, paragraph (1), item (iv) of the Fisheries Cooperative Act (Act No. 242 of 1948); the same applies in Article 15, item (ii), (d), 4);
- ヲ 漁業協同組合連合会（水産業協同組合法第八十七条第一項第四号の事業を行うものに限る。第十五条第二号ニ（4）において同じ。）
- (l) a federation of fisheries cooperatives (limited to a federation engaging in the business prescribed in Article 87, paragraph (1), item (iv) of the Fisheries Cooperative Act; the same applies in Article 15, item (ii), (d), 4);
- ワ 水産加工業協同組合（水産業協同組合法第九十三条第一項第二号の事業を行うものに限る。第十五条第二号ニ（4）において同じ。）
- (m) a fishery processing cooperative (limited to a cooperative engaging in the business prescribed in Article 93, paragraph (1), item (ii) of the Fisheries Cooperative Act; the same applies in Article 15, item (ii), (d), 4);
- カ 水産加工業協同組合連合会（水産業協同組合法第九十七条第一項第二号の事業を行うものに限る。第十五条第二号ニ（4）において同じ。）
- (n) a federation of fishery processing cooperatives (limited to a federation engaging in the business prescribed in Article 97, paragraph (1), item (ii) of the Fisheries Cooperative Act; the same applies in Article 15, item (ii), (d), 4); or
- ヨ 農林中央金庫
- (o) the Norinchukin Bank;
- 二 前号イからヨまでに掲げる者と顧客との間において行う資金の貸付け又は手形の割引を内容とする契約（当該契約について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の締結の媒介（貸金業者（貸金業法（昭和五十八年法律第三十二号）第二条第二項に規定する貸金業者をいう。以下同じ。）が顧客のために行うものを除く。）
- (ii) intermediation of the conclusion of a contract (excluding contracts that are

provided for by Cabinet Order as contracts requiring highly professional explanations of the contract for customers) on the lending of funds or the discounting of bills and notes between persons listed in (a) through (o) of the preceding item and customers (excluding intermediation that is performed by a money lender (meaning a money lender as defined in Article 2, item (ii) of the Money Lending Business Act (Act No. 32 of 1983)) for customers); and  
三 第一号イからヨまでに掲げる者のために行う為替取引を内容とする契約（当該契約について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の締結の媒介

(iii) intermediation of the conclusion of a contract (excluding contracts that are provided for by Cabinet Order as contracts requiring highly professional explanations for customers) on the funds transfer transactions performed for the persons listed in item (i), (a) through (o).

3 この章において「保険媒介業務」とは、保険業法第二百七十六条の登録を受けている特定保険募集人（同条に規定する特定保険募集人をいう。第十五条第一号ヌ及び第二号ニ（10）において同じ。）及び同法第二百八十六条の登録を受けている保険仲立人（同法第二条第二十五項に規定する保険仲立人をいう。以下この節において同じ。）並びに損害保険会社（同法第二条第四項に規定する損害保険会社をいう。）、同法第二百七十六条の登録を受けている損害保険代理店（同法第二条第二十一項に規定する損害保険代理店をいう。）及び同法第二百八十六条の登録を受けている保険仲立人の役員（代表権を有する役員並びに監査役、監査等委員会の委員及び監査委員会の委員を除く。）及び使用人並びに特定少額短期保険募集人（同法第二百七十五条第一項第三号に規定する特定少額短期保険募集人をいう。）以外の者が次に掲げる者と顧客との間における保険契約（当該保険契約について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の締結の媒介を行う業務をいう。

(3) The term "insurance intermediary business operations" as used in this Chapter means business operations to engage in intermediation of the conclusion of insurance contracts (excluding an insurance contract provided for by Cabinet Order as an insurance contract requiring highly professional explanations for customers) between the following persons and customers, conducted by persons other than a specified insurance agent that has been registered under Article 276 of the Insurance Business Act (meaning the specified insurance agent prescribed in that Article; the same applies in Article 15, item (i), (j), and item (ii), (d), 10), an insurance broker that has been registered under Article 286 of the Insurance Business Act (meaning an insurance broker as defined in Article 2, paragraph (25) of the Insurance Business Act; hereinafter the same applies in this Section), and, an officer (excluding officers who have the representative authority, and company auditors, audit and supervisory committee members, and audit committee members) or employee of a non-life insurance company (meaning a non-life insurance company as defined in Article 2, paragraph (4) of the Insurance

Business Act), a non-life insurance representative that has been registered under Article 276 of the Insurance Business Act (meaning a non-life insurance representative as defined in Article 2, paragraph (21) of the Insurance Business Act), and an insurance broker that has been registered under Article 286 of the Insurance Business Act, and a specified small amount and short term insurance agent (meaning a specified small amount and short term insurance agent prescribed in Article 275, paragraph (1), item (iii) of the Insurance Business Act):

一 保険会社（保険業法第二条第二項に規定する保険会社をいう。第十五条第五号において同じ。）

(i) an insurance company (meaning an insurance company as defined in Article 2, paragraph (2) of the Insurance Business Act; the same applies in Article 15, item (v)); or

二 外国保険会社等（保険業法第二条第七項に規定する外国保険会社等をいう。第十五条第五号において同じ。）

(ii) a foreign insurance company, etc. (meaning a foreign insurance company, etc. as defined in Article 2, paragraph (7) of the Insurance Business Act; the same applies in Article 15, item (v)); or

三 少額短期保険業者（保険業法第二条第十八項に規定する少額短期保険業者をいう。第十五条第五号において同じ。）

(iii) a small amount and short term insurer (meaning a small amount and short term insurer as defined in Article 2, paragraph (18) of the Insurance Business Act; the same applies in Article 15, item (v)).

4 この章において「有価証券等仲介業務」とは、金融商品取引業者（金融商品取引法第二条第九項に規定する金融商品取引業者をいう。以下この節において同じ。）であつて第一種金融商品取引業（同法第二十八条第一項に規定する第一種金融商品取引業をいう。第一号イ及び第十六条第三項第八号ハにおいて同じ。）を行うもの及び金融商品仲介業者（同法第二条第十二項に規定する金融商品仲介業者をいう。第十五条第一号ル及び第二号ニ（11）並びに第十六条第三項第八号ハにおいて同じ。）以外の者が次に掲げる行為（他の法律の規定に基づき業として行うもの及び投資運用業（同法第二十八条第四項に規定する投資運用業をいう。第一号イにおいて同じ。）を行う者が行う第四号に掲げる行為を除く。）のいずれかを行う業務をいう。

(4) The term "securities, etc. intermediary business operations" as used in this Chapter means business operations to engage in any of the following acts (excluding acts that are performed on a regular basis based on provisions of other laws, and acts listed in item (iv) that are performed by a person engaging in an investment management business (meaning an investment management business prescribed in Article 28, paragraph (4) of the Financial Instruments and Exchange Act; the same applies in item (i), (a))), engaged in by persons other than the financial instruments business operator (meaning a financial instruments business operator as defined in Article 2, paragraph (9) of the

Financial Instruments and Exchange Act; the same applies in this Section) who engages in type-I financial instruments business (meaning the type-I financial instruments business prescribed in Article 28, paragraph (1) of the Financial Instruments and Exchange Act; the same applies in item (i), (a) and Article 16, paragraph (3), item (viii), (c) and the financial instruments intermediary service provider (meaning a financial instruments intermediary service provider as defined in Article 2, paragraph (12) of the Financial Instruments and Exchange Act; the same applies in Article 15, item (i), (k), and item (ii), (d), 11, and Article 16, paragraph (3), item (viii), (c)):

一 次に掲げる者と顧客との間において行う有価証券の売買（当該売買について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の媒介（金融商品取引法第二条第八項第十号に該当するものを除く。）

(i) intermediation of the purchase and sale of securities (excluding the purchase and sale that are provided for by Cabinet Order as purchase and sale requiring highly professional explanations for customers) carried out between the following persons and customers (excluding intermediation falling under Article 2, paragraph (8), item (x) of the Financial Instruments and Exchange Act):

イ 第一種金融商品取引業（金融商品取引法第二十九条の四の二第十項に規定する第一種少額電子募集取扱業務を除く。）又は投資運用業（同法第二十九条の五第一項に規定する適格投資家向け投資運用業を除く。）を行う金融商品取引業者

(a) a financial instruments business operator engaging in type-I financial instruments business (excluding the type-I small amount electronic public offering service prescribed in Article 29-4-2, paragraph (10) of the Financial Instruments and Exchange Act) or investment management business (excluding investment management business for qualified investors prescribed in Article 29-5, paragraph (1) of that Act); or

ロ 金融商品取引法第二条第十一項に規定する登録金融機関

(b) registered financial institution as defined in Article 2, paragraph (11) of the Financial Instruments and Exchange Act;

二 前号イ又はロに掲げる者と顧客との間において行う金融商品取引法第二条第十七項に規定する取引所金融商品市場又は同条第八項第三号ロに規定する外国金融商品市場における有価証券の売買又は市場デリバティブ取引若しくは外国市場デリバティブ取引（これらの取引について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の委託の媒介

(ii) intermediation of the entrustment of purchase and sale of securities, or market derivatives transactions or foreign market derivatives transactions in a financial instruments exchange market as defined in Article 2, paragraph (17) of the Financial Instruments and Exchange Act or in a foreign financial instruments market as defined in paragraph (8), item (iii), (b) of that Article (excluding transactions that are provided for by Cabinet Order as

transactions requiring highly professional explanations for customers) conducted between the persons listed in (a) or (b) of the preceding item and customers;

三 第一号イ又はロに掲げる者のために行う有価証券の募集（金融商品取引法第二条第三項に規定する有価証券の募集をいう。）若しくは有価証券の売出し（同条第四項に規定する有価証券の売出しをいう。）の取扱い又は有価証券の私募（同条第三項に規定する有価証券の私募をいう。）若しくは特定投資家向け売付け勧誘等（同条第六項に規定する特定投資家向け売付け勧誘等をいう。）の取扱い（これらの取扱いについて顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）

(iii) dealing in public offering of securities (meaning public offering of securities as defined in Article 2, paragraph (3) of the Financial Instruments and Exchange Act) or secondary distribution of securities (meaning secondary distribution of securities as defined in paragraph (4) of that Article), or, dealing in private placement of securities (meaning private placement of securities as defined in paragraph (3) of that Article) or dealing in exclusive offer to sell, etc. to professional investors (meaning exclusive offer to sell, etc. to professional investors as defined in paragraph (6) of that Article) that are conducted for persons listed in item (i), (a) or (b) (excluding dealings that are provided for by Cabinet Order as dealings requiring highly professional explanations for customers); or

四 第一号イ又はロに掲げる者と顧客との間において行う投資顧問契約（金融商品取引法第二条第八項第十一号に規定する投資顧問契約をいう。第二十二条第六項第八号及び第三十一条第二項において同じ。）（当該投資顧問契約について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）又は投資一任契約（同法第二条第八項第十二号ロに規定する投資一任契約をいう。第二十二条第六項第八号及び第三十一条第二項において同じ。）（当該投資一任契約について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の締結の媒介

(iv) intermediation of the conclusion of an investment advisory contract (meaning an investment advisory contract as defined in Article 2, paragraph (8), item (xi) of the Financial Instruments and Exchange Act; the same applies in Article 22, paragraph (6), item (viii), and Article 31, paragraph (2)) (excluding investment advisory contracts that are provided for by Cabinet Order as investment advisory contracts requiring highly professional explanations of the investment advisory contract for customers) or a discretionary investment contract (meaning a discretionary investment contract as defined in Article 2, paragraph (8), item (xii), (b) of the Financial Instruments and Exchange Act; the same applies in Article 22, paragraph (6), item (viii), and Article 31, paragraph (2)) (excluding discretionary investment contracts provided for by Cabinet Order as discretionary investment

- contracts requiring highly professional explanations for customers)  
conducted between the persons listed in item (i), (a) or (b) and customers.
- 5 この章において「貸金業貸付媒介業務」とは、貸金業者以外の者が貸金業者と顧客との間における資金の貸付け又は手形の割引を内容とする契約（当該契約について顧客に対し高度に専門的な説明を必要とするものとして政令で定めるものを除く。）の締結の媒介（他の法律の規定に基づき業として行うもの及び貸金業法第二条第一項各号（第二号を除く。）に掲げるものを除く。）を行う業務をいう。
- (5) The term "loan intermediary business operations" as used in this Chapter means business operations in intermediation (excluding intermediation on a regular basis based on the provisions of other laws and intermediation listed in items of Article 2, paragraph (1) (excluding item (ii)) of the Money Lending Business Act) engaged in by persons other than a money lender on conclusion of a contract on the lending of funds or the discounting of bills and notes between the money lender and customers (excluding contracts that are provided for by Cabinet Order as contracts requiring highly professional explanations for customers).
- 6 この章及び次章において「金融サービス仲介業者」とは、次条の規定により内閣総理大臣の登録を受けた者をいう。
- (6) The term "financial service intermediary" as used in this Chapter and the following Chapter means a person who has been registered by the Prime Minister pursuant to the provisions of the following Article.
- 7 この章及び次章において「認定金融サービス仲介業協会」とは、第四十条の規定による認定を受けた一般社団法人をいう。
- (7) The term "certified financial service intermediary business association" as used in this Chapter and the following Chapter means a general incorporated association that has been certified pursuant to the provisions of Article 40.
- 8 この章において「金融サービス仲介業務」とは、金融サービス仲介業者が行う預金等媒介業務、保険媒介業務、有価証券等仲介業務又は貸金業貸付媒介業務をいう。
- (8) The term "financial service intermediary business operations" as used in this Chapter and the following Chapter means business operations to perform any of the following business operations performed by a financial service intermediary means deposit, etc. intermediary business operations, insurance intermediary business operations, securities, etc. intermediary business operations, or loan intermediary business operations.
- 9 この章及び次章において「指定紛争解決機関」とは、第五十一条第一項の規定による指定を受けた者をいう。
- (9) The term "designated dispute resolution organization" as used in this Chapter and the following Chapter means an organization that has been designated pursuant to the provisions of Article 51, paragraph (1).
- 10 この章において「苦情処理手続」とは、金融サービス仲介業務関連苦情（金融サービス仲介業務に関する苦情をいう。第六節において同じ。）を処理する手続をいう。

(10) The term "complaint processing procedures" as used in this Chapter means procedures for handling financial service intermediary business operations-related complaints (meaning complaints related to financial service intermediary business operations; the same applies in Section 6).

1 1 この章において「紛争解決手続」とは、金融サービス仲介業務関連紛争（金融サービス仲介業務に関する紛争で当事者が和解をすることができるものをいう。第六節において同じ。）について訴訟手続によらずに解決を図る手続をいう。

(11) The term "dispute resolution procedures" as used in this Chapter means procedures for resolving disputes related to financial service intermediary business operations (meaning disputes related to financial service intermediary business operations that may be settled between parties; the same applies in Section 6) without litigation proceedings.

1 2 この章及び次章において「紛争解決等業務」とは、苦情処理手続及び紛争解決手続に係る業務並びにこれに付随する業務をいう。

(12) The term "dispute resolution services" as used in this Chapter and the following Chapter means business operations related to complaint processing procedures and dispute resolution procedures, and business operations incidental thereto.

1 3 この章において「紛争解決等業務の種別」とは、紛争解決等業務の対象とする預金等媒介業務、保険媒介業務、有価証券等仲介業務及び貸金業貸付媒介業務の種別をいう。

(13) The term "category of dispute resolution services" as used in this Chapter means category of deposit, etc. intermediary business operations, insurance intermediary business operations, securities, etc. intermediary business operations, and loan intermediary business operations that are subject to dispute resolution services.

1 4 この章において「手続実施基本契約」とは、紛争解決等業務の実施に関し指定紛争解決機関と金融サービス仲介業者との間で締結される契約をいう。

(14) The term "basic contract for implementation of dispute resolution procedures" as used in this Chapter means a contract concluded on implementation of dispute resolution services between designated dispute resolution organizations and financial service intermediaries.

(登録)

(Registration)

第十二条 金融サービス仲介業は、内閣総理大臣の登録を受けた者でなければ、行うことができない。

Article 12 A person may not engage in financial service intermediary business unless registered by the Prime Minister.

(登録の申請)



(Application for Registration)

第十三条 前条の登録を受けようとする者（以下第十五条までにおいて「登録申請者」という。）は、次に掲げる事項を記載した登録申請書を内閣総理大臣に提出しなければならない。

Article 13 (1) A person that seeks to receive registration under the preceding Article (hereinafter referred to as "registration applicant" until Article 15) must submit an application form for registration stating the following information to the Prime Minister:

一 商号、名称又は氏名及び住所

(i) trade name or name, and address;

二 法人であるときは、その役員（外国法人にあつては、外国の法令上これと同様に取り扱われている者及び日本における代表者を含む。以下同じ。）の氏名又は名称

(ii) if the registration applicant is a corporation, the names of its officers (in cases of a foreign corporation, including persons that are treated in the same manner as officers under foreign laws and regulations and the representative in Japan; the same applies hereinafter);

三 金融サービス仲介業を行う営業所又は事務所の名称及び所在地

(iii) name and location of the business office or office for the financial service intermediary business;

四 業務の種別（預金等媒介業務、保険媒介業務、有価証券等仲介業務及び貸金業貸付媒介業務の種別をいう。以下同じ。）

(iv) category of business operations (meaning the category of deposit, etc. intermediary business operations, insurance intermediary business operations, securities, etc. intermediary business operations, and loan intermediary business operations; the same applies hereinafter);

五 貸金業貸付媒介業務を行う場合にあつては、貸金業貸付媒介業務に関して広告又は勧誘をする際に表示又は説明をする営業所又は事務所の電話番号その他の連絡先等であつて内閣府令で定めるもの

(v) when performing loan intermediary business operations, telephone number and other contact information, etc. of the business office or office that are indicated or given explanation in advertising or soliciting loan intermediary business operations and specified by Cabinet Office Order;

六 電子金融サービス仲介業務（電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて内閣府令で定めるものにより行う金融サービス仲介業務をいう。第十五条第一号レ及び第十八条第一項において同じ。）を行う場合にあつては、その旨

(vi) when performing electronic financial service intermediary business operations (meaning financial service intermediary business operations carried out by means of using an electronic data processing system or any other means using information and communication technology that are provided for by Cabinet Office Order; the same applies in Article 15, item (i),

(q) and Article 18, paragraph (1)), that fact;

七 他に事業を行うときは、その事業の種類

(vii) if engaging in other business, the category of the business; and

八 その他内閣府令で定める事項

(viii) other particulars specified by Cabinet Office Order.

2 前項の登録申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must be attached to the application form for registration set forth in the preceding paragraph:

一 第十五条第一号イからカまで、第二号イからヘまで又は第三号イ若しくはロのいずれにも該当しないことを誓約する書面

(i) a document pledging that the registration applicant does not fall under any of Article 15, item (i), (a) through (n), item (ii), (a) through (f), or item (iii), (a) or (b);

二 登録申請者が法人であるときは、定款及び登記事項証明書（これらに準ずるものを含む。）

(ii) if the registration applicant is a corporation, the articles of incorporation and certificate of registered information (including documents equivalent thereto);

三 金融サービス仲介業務の内容及び方法として内閣府令で定めるものを記載した書類

(iii) documents stating what is provided for by Cabinet Office Order as the details and method of the financial service intermediary business operations;

四 登録申請者が預金等媒介業務を行う場合にあっては、第十五条第四号に該当しないことを誓約する書面

(iv) if the registration applicant engages in deposit, etc. intermediary business, a document pledging that the applicant does not fall under Article 15, item (iv);

五 登録申請者が保険媒介業務を行う場合にあっては、第十五条第五号イ、ロ、ハ（（2）を除く。）、ニ（同号ハ（2）に係る部分を除く。）又はホ（同号ハ（2）に係る部分を除く。）のいずれにも該当しないことを誓約する書面

(v) if the registration applicant engages in insurance intermediary business operations, a document pledging that the applicant does not fall under any of Article 15, item (v), (a), (b), (c) (excluding 2), (d) (excluding the part related to (c) 2 of the item), or (e) (excluding the part related to (c) 2 of the item);

六 登録申請者が有価証券等仲介業務を行う場合にあっては、第十五条第六号に該当しないことを誓約する書面

(vi) if the registration applicant engages in securities, etc. intermediary business operations, a document pledging that the applicant does not fall under Article 15, item (vi);

七 登録申請者が貸金業貸付媒介業務を行う場合にあっては、第十五条第七号に該当しないことを誓約する書面

(vii) if the registration applicant engages in loan intermediary business operations, a document pledging that the applicant does not fall under Article 15, item (vii); or

八 その他内閣府令で定める書類

(viii) other documents specified by Cabinet Office Order.

(登録の実施)

(Implementation of Registration)

第十四条 内閣総理大臣は、第十二条の登録の申請があった場合においては、次条の規定により登録を拒否する場合を除き、次に掲げる事項を金融サービス仲介業者登録簿に登録しなければならない。

Article 14 (1) When the registration set forth in Article 12 is applied, the Prime Minister must register the following information on the register of financial service intermediaries, excluding cases of rejecting the registration pursuant to the provisions of the following Article:

一 前条第一項各号に掲げる事項

(i) information listed in items of the preceding Article, paragraph (1); and

二 登録年月日及び登録番号

(ii) registration date and registration number.

2 内閣総理大臣は、前項の規定による登録をしたときは、遅滞なく、その旨を登録申請者に通知しなければならない。

(2) When the Prime Minister makes the registration pursuant to the preceding paragraph, the Prime Minister must notify the registration applicant of that fact without delay.

3 内閣総理大臣は、金融サービス仲介業者登録簿を公衆の縦覧に供しなければならない。

(3) The Prime Minister must make available the register of financial service intermediaries for public inspection.

(登録の拒否)

(Refusal of Registration)

第十五条 内閣総理大臣は、登録申請者が次の各号のいずれかに該当するとき、又は登録申請書若しくはこれに添付すべき書類のうちに虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

Article 15 If the registration applicant falls under any of the following items, or if there are false entries in the application form for registration or documents to be attached thereto or important information is not adequately stated, the Prime Minister must reject the registration:

一 次のいずれかに該当する者

(i) a person falling under any of the following cases:

イ 金融サービス仲介業者であった者が第三十八条第一項の規定により第十二条の

登録を取り消された場合又はこの法律に相当する外国の法令の規定により当該外国において同種類の登録（当該登録に類する許可その他の行政処分を含む。次号ニ（１）において同じ。）を受けていた者が当該同種類の登録を取り消された場合において、その取消しの日から五年を経過しないもの

(a) in cases where a person who had been a financial service intermediary had its registration as set forth in Article 12 rescinded pursuant to the provisions of Article 38, paragraph (1) or where a person who had obtained the same type of registration (including permission or other administrative dispositions similar to the registration; the same applies in (d), 1 of the following item) in a foreign state had its registration rescinded under the laws and regulations of the foreign state equivalent to this Act, a person for whom five years have not elapsed from the date of rescission;

ロ 銀行主要株主（銀行法第二条第十項に規定する銀行主要株主をいう。次号ニ（２）において同じ。）であった者が同法第五十二条の十五第一項の規定により同法第五十二条の九第一項若しくは第二項ただし書の認可を取り消された場合、銀行持株会社（同法第二条第十三項に規定する銀行持株会社をいう。同号ニ（２）において同じ。）であった者が同法第五十二条の三十四第一項の規定により同法第五十二条の十七第一項若しくは第三項ただし書の認可を取り消された場合若しくは銀行代理業者であった者が同法第五十二条の五十六第一項の規定により同法第五十二条の三十六第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の認可若しくは許可（当該認可又は許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の認可若しくは許可を取り消された場合において、その取消しの日から五年を経過しないもの

(b) in cases where a person who had been a bank's major shareholder (meaning a bank's major shareholder as defined in Article 2, paragraph (10) of the Banking Act; the same applies in (d), 2 of the following item) had its authorization as set forth in Article 52-9, paragraph (1) or the proviso to paragraph (2) of the Banking Act rescinded pursuant to the provisions of Article 52-15, paragraph (1) of the Banking Act, where a person who had been a bank holding company (meaning a bank holding company as defined in Article 2, paragraph (13) of the Banking Act; the same applies in (d) 2 of the item) had its authorization as set forth in Article 52-17, paragraph (1) or the proviso to paragraph (3) of the Banking Act rescinded pursuant to the provisions of Article 52-34, paragraph (1) of the Banking Act, or where a person who had been a bank agent had its permission as set forth in Article 52-36, paragraph (1) of the Banking Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act, or where a person who had obtained the same type of authorization or permission (including a registration or other administrative disposition similar to the authorization or permission) in a

foreign state had its authorization or permission rescinded under the laws and regulations of the foreign state equivalent to the Banking Act, a person for whom five years have not elapsed from the date of rescission;

ハ 特定信用事業代理業者（農業協同組合法第九十二条の二第三項に規定する特定信用事業代理業者をいう。次号ニ（３）において同じ。）であった者が同法第九十二条の四第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により農業協同組合法第九十二条の二第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の許可（当該許可に類する登録その他の行政処分を含む。同号ニ（３）において同じ。）を受けていた者が当該同種類の許可を取り消された場合において、その取消の日から五年を経過しないもの

(c) in cases where a person who had been a specified credit business agent (meaning a specified credit business agent prescribed in Article 92-2, paragraph (3) of the Agricultural Cooperatives Act; the same applies in (d), 3 of the following item) had its license as set forth in Article 92-2, paragraph (1) of the Agricultural Cooperatives Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 92-4, paragraph (1) of the Agricultural Cooperatives Act following the deemed replacement of terms or where a person who had obtained the same type of permission (including registration or other administrative disposition similar to the permission; the same applies in (d), 3 of the following item) in a foreign state had its permission rescinded under the laws and regulations of the foreign state equivalent to the Agricultural Cooperatives Act, a person for whom five years have not elapsed from the date of rescission;

ニ 特定信用事業代理業者（水産業協同組合法第百六条第三項に規定する特定信用事業代理業者をいう。次号ニ（４）において同じ。）であった者が同法第百八条第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により水産業協同組合法第百六条第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の許可（当該許可に類する登録その他の行政処分を含む。同号ニ（４）において同じ。）を受けていた者が当該同種類の許可を取り消された場合において、その取消の日から五年を経過しないもの

(d) in cases where a person who had been a specified credit business agent (meaning a specified credit business agent prescribed in Article 106, paragraph (3) of the Fisheries Cooperative Act; the same applies in (d), 4 of the following item) had its permission as set forth in Article 106, paragraph (1) of the Fisheries Cooperative Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 108, paragraph (1) of the Fisheries Cooperative Act following the deemed replacement of

terms or where a person who had obtained the same type of permission (including registration or other administrative disposition similar to the permission; the same applies in (d), 4 of the following item) in a foreign state had its license rescinded under the laws and regulations of the foreign state equivalent to the Fisheries Cooperative Act, a person for whom five years have not elapsed from the date of rescission;

ホ 信用協同組合代理業者（協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条の三第三項に規定する信用協同組合代理業者をいう。次号ニ（５）において同じ。）であった者が同法第六条の五第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により協同組合による金融事業に関する法律第六条の三第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の許可（当該許可に類する登録その他の行政処分を含む。同号ニ（５）において同じ。）を受けていた者が当該同種類の許可を取り消された場合において、その取消の日から五年を経過しないもの

(e) in cases where a person who had been a credit cooperative agent (meaning a credit cooperative agent prescribed in Article 6-3, paragraph (3) of the Act on Financial Businesses by Cooperative (Act No. 183 of 1949); the same applies in (d), 5 of the following item) had its permission set forth in Article 6-3, paragraph (1) of the Act on Financial Businesses by Cooperative rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 6-5, paragraph (1) of the Act on Financial Businesses by Cooperative following the deemed replacement of terms or where a person who had obtained the same type of permission in a foreign state (including registration or other administrative disposition similar to the permission; the same applies in (d), 5 of the following item) had its permission rescinded under the laws and regulations of the foreign state equivalent to the Act on Financial Businesses by Cooperative, a person for whom five years have not elapsed from the date of rescission;

ヘ 信用金庫代理業者（信用金庫法（昭和二十六年法律第二百三十八号）第八十五条の二第三項に規定する信用金庫代理業者をいう。次号ニ（６）において同じ。）であった者が同法第八十九条第五項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により信用金庫法第八十五条の二第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の許可（当該許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の許可を取り消された場合において、その取消の日から五年を経過しないもの

(f) in cases where a person who had been a shinkin bank agent (meaning a shinkin bank agent prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act (Act No. 238 of 1951); the same applies in (d), 6 of the following

item) had its permission as set forth in Article 85-2, paragraph (1) of the Shinkin Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 89, paragraph (5) of the Shinkin Bank Act following the deemed replacement of terms or where a person who had obtained the same type of permission in a foreign state (including registration or other administrative disposition similar to the permission) had its permission rescinded under the laws and regulations of the foreign state equivalent to the Shinkin Bank Act, a person for whom five years have not elapsed from the date of rescission;

ト 長期信用銀行主要株主（長期信用銀行法第十六条の二の二第五項に規定する長期信用銀行主要株主をいう。次号ニ（7）において同じ。）であった者が同法第十七条において準用する銀行法第五十二条の十五第一項の規定により長期信用銀行法第十六条の二の二第一項若しくは第二項ただし書の認可を取り消された場合、長期信用銀行持株会社（同法第十六条の四第一項に規定する長期信用銀行持株会社をいう。同号ニ（7）において同じ。）であった者が同法第十七条において準用する銀行法第五十二条の三十四第一項の規定により長期信用銀行法第十六条の二の四第一項若しくは第三項ただし書の認可を取り消された場合若しくは長期信用銀行代理業者（同法第十六条の五第三項に規定する長期信用銀行代理業者をいう。同号ニ（7）において同じ。）であった者が同法第十七条において準用する銀行法第五十二条の五十六第一項の規定により長期信用銀行法第十六条の五第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の認可若しくは許可（当該認可又は許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の認可若しくは許可を取り消された場合において、その取消の日から五年を経過しないもの

(g) in cases where a person who had been a major shareholder of long-term credit bank (meaning a major shareholder of long-term credit bank prescribed in Article 16-2-2, paragraph (5) of the Long Term Credit Bank Act; the same applies in (d), 7 of the following item) had its authorization as set forth in Article 16-2-2, paragraph (1) or the proviso to paragraph (2) of the Long Term Credit Bank Act rescinded pursuant to the provisions of Article 52-15, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 17 of the Long Term Credit Bank Act, where a person who had been a long-term credit bank holding company (meaning a long-term credit bank holding company prescribed in Article 16-4, paragraph (1) of the Long Term Credit Bank Act; the same applies in (d), 7 of the following item) had its authorization as set forth in Article 16-2-4, paragraph (1) or the proviso to paragraph (3) of the Long Term Credit Bank Act rescinded pursuant to the provisions of Article 52-34, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 17 of the Long Term Credit Bank Act, or where a

person who had been a long-term credit bank agent (meaning a long-term credit bank agent prescribed in Article 16-5, paragraph (3) of the Long Term Credit Bank Act; the same applies in (d), 7 of the following item) had its permission as set forth in Article 16-5, paragraph (1) of the Long Term Credit Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 17 of the Long Term Credit Bank Act, or where a person who had obtained the same type of authorization or license in a foreign state (including a registration or other administrative disposition similar to the authorization or permission) had its authorization or permission rescinded under the laws and regulations of the foreign state equivalent to the Long Term Credit Bank Act, a person for whom five years have not elapsed from the date of rescission;

チ 労働金庫代理業者（労働金庫法（昭和二十八年法律第二百二十七号）第八十九条の三第三項に規定する労働金庫代理業者をいう。次号ニ（8）において同じ。）であった者が同法第九十四条第三項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により労働金庫法第八十九条の三第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の許可（当該許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の許可を取り消された場合において、その取消の日から五年を経過しないもの

(h) in cases where a person who had been a labor bank agent (meaning a labor bank agent prescribed in Article 89-3, paragraph (3) of the Labor Bank Act (Act No. 227 of 1953); the same applies in (d), 8 of the following item) had its permission as set forth in Article 89-3, paragraph (1) of the Labor Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 94, paragraph (3) of the Labor Bank Act following the deemed replacement of terms or where a person who had obtained the same type of permission in a foreign state (including registration or other administrative disposition similar to the permission) had its permission rescinded under the laws and regulations of the foreign state equivalent to the Labor Bank Act, a person for whom five years have not elapsed from the date of rescission;

リ 農林中央金庫代理業者（農林中央金庫法（平成十三年法律第九十三号）第九十五条の二第三項に規定する農林中央金庫代理業者をいう。次号ニ（9）において同じ。）であった者が同法第九十五条の四第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により農林中央金庫法第九十五条の二第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の許可（当該許可に類する登録その他の行政処分を含む。同号ニ（9）において同じ。）を受けていた者が当該同種類の許可を取り消された場



合において、その取消しの日から五年を経過しないもの

(i) in cases where a person who had been a Norinchukin Bank agent (meaning a Norinchukin Bank agent prescribed in Article 95-2, paragraph (3) of the Norinchukin Bank Act (Act No. 93 of 2001); the same applies in (d), 9 of the following item) had its permission as set forth in Article 95-2, paragraph (1) of the Norinchukin Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to the provisions of Article 95-4, paragraph (1) of the Norinchukin Bank Act following the deemed replacement of terms or where a person who had obtained the same type of permission (including registration or other administrative disposition similar to the permission; the same applies in (d), 9 of the following item) in a foreign state had its permission rescinded under the laws and regulations of the foreign state equivalent to the Norinchukin Bank Act, a person for whom five years have not elapsed from the date of rescission;

ヌ 特定保険募集人であった者が保険業法第三百七条第一項の規定により同法第二百七十六条の登録を取り消された場合若しくは保険仲立人であった者が同項の規定により同法第二百八十六条の登録を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の登録（当該登録に類する許可その他の行政処分を含む。次号ニ（10）において同じ。）を受けていた者が当該同種類の登録を取り消された場合において、その取消しの日から五年を経過しないもの

(j) in cases where a person who had been a specified insurance agent had its registration as set forth in Article 276 of the Insurance Business Act rescinded pursuant to the provisions of Article 307, paragraph (1) of the Insurance Business Act or where a person who had been an insurance broker had its registration as set forth in Article 286 of the Insurance Business Act rescinded pursuant to the provisions of that paragraph, or where a person who had obtained the same type of registration (including permission and other administrative disposition similar to the registration; the same applies in (d), 10 of the following item) in a foreign state had its registration rescinded under the laws and regulations of the foreign state equivalent to the Insurance Business Act, a person for whom five years have not elapsed from the date of rescission;

ル 金融商品取引業者であった者が金融商品取引法第五十二条第一項、第五十三条第三項若しくは第五十七条の六第三項の規定により同法第二十九条の登録を取り消された場合、取引所取引許可業者（同法第六十条の四第一項に規定する取引所取引許可業者をいう。次号ニ（11）において同じ。）であった者が同法第六十条の八第一項の規定により同法第六十条第一項の許可を取り消された場合、電子店頭デリバティブ取引等許可業者（同法第六十条の十四第二項に規定する電子店頭デリバティブ取引等許可業者をいう。同号ニ（11）において同じ。）であっ

た者が同法第六十条の十四第二項において準用する同法第六十条の八第一項の規定により同法第六十条の十四第一項の許可を取り消された場合、特例業務届出者（同法第六十三条第五項に規定する特例業務届出者をいう。同号ニ（１１）において同じ。）であった者が同法第六十三条の五第三項の規定により適格機関投資家等特例業務（同法第六十三条第二項に規定する適格機関投資家等特例業務をいう。ル及び同号ニ（１１）において同じ。）の廃止を命ぜられた場合、同法第六十三条の三第一項の規定による届出をした者であった者が同条第二項において読み替えて準用する同法第六十三条の五第三項の規定により適格機関投資家等特例業務の廃止を命ぜられた場合、金融商品仲介業者であった者が同法第六十六条の二十第一項の規定により同法第六十六条の登録を取り消された場合、信用格付業者（同法第二条第三十六項に規定する信用格付業者をいう。同号ニ（１１）において同じ。）であった者が同法第六十六条の四十二第一項の規定により同法第六十六条の二十七の登録を取り消された場合若しくは高速取引行為者（同法第二条第四十二項に規定する高速取引行為者をいう。同号ニ（１１）において同じ。）であった者が同法第六十六条の六十三第一項の規定により同法第六十六条の五十の登録を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の登録若しくは許可（当該登録又は許可に類する認可その他の行政処分を含む。同号ニ（１１）において同じ。）を受けていた者が当該同種類の登録若しくは許可を取り消された場合若しくは適格機関投資家等特例業務と同種類の業務を行っていた者が当該業務の廃止を命ぜられた場合において、その取消し又は命令の日から五年を経過しないもの

- (k) in cases where a person who had been a financial instruments business operator had its registration as set forth in Article 29 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 52, paragraph (1), Article 53, paragraph (3), or Article 57-6, paragraph (3) of the Financial Instruments and Exchange Act, where a person who had been an authorized firm for on-exchange transactions (meaning an authorized firm for on-exchange transactions prescribed in Article 60-4, paragraph (1) of the Financial Instruments and Exchange Act; the same applies in (d), 11 of the following item) had its permission as set forth in Article 60, paragraph (1) of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 60-8, paragraph (1) of the Financial Instruments and Exchange Act, where a person who had been an authorized electronic over-the-counter derivatives transactions, etc. business operator (meaning an authorized electronic over-the-counter derivatives transactions, etc. business operator prescribed in Article 60-14, paragraph (2) of the Financial Instruments and Exchange Act; the same applies in (d), 11 of the following item) had its permission as set forth in Article 60-14, paragraph (1) of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 60-8, paragraph (1) of the Financial Instruments and Exchange Act as applied

mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Financial Instruments and Exchange Act, where a person who had been a notifier of specially permitted services (meaning a notifier of specially permitted services prescribed in Article 63, paragraph (5) of the Financial Instruments and Exchange Act; the same applies in (d), 11 of the following item) was ordered to discontinue the specially permitted services for qualified institutional investors, etc. (meaning specially permitted services for qualified institutional investors, etc. prescribed in Article 63, paragraph (2) of the Financial Instruments and Exchange Act; the same applies in (k) of this item and (d), 11 of the following item), where a person who had given a notification pursuant to the provisions of Article 63-3, paragraph (1) of the Financial Instruments and Exchange Act was ordered to discontinue the specially permitted services for qualified institutional investors, etc. pursuant to the provisions of Article 63-5, paragraph (3) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) following the deemed replacement of terms, where a person who had been a financial instruments intermediary service provider had its registration as set forth in Article 66 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 66-20, paragraph (1) of the Financial Instruments and Exchange Act, where a person who had been a credit rating institution (meaning a credit rating institution prescribed in Article 2, paragraph (36) of the Financial Instruments and Exchange Act; the same applies in (d), 11 of the following item) had its registration as set forth in Article 66-27 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 66-42, paragraph (1) of the Financial Instruments and Exchange Act, or where a person who had been a high-speed trader (meaning a high-speed trader as defined in Article 2, paragraph (42) of the Financial Instruments and Exchange Act; the same applies in (d), 11 of the following item) had its registration as set forth in Article 66-50 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 66-63, paragraph (1) of the Financial Instruments and Exchange Act, or where a person who had obtained the same type of registration or permission (including authorization or other administrative disposition equivalent to the registration or permission; the same applies in (d), 11 of the following item) in a foreign state had its registration or permission rescinded, or where a person that engages in business operations in the same category as specially permitted services for qualified institutional investors, etc. in a foreign state was ordered to discontinue the business operations under the laws and regulations of the foreign state equivalent to the Financial Instruments and Exchange Act, a

person for whom five years have not elapsed from the date of rescission or order;

ヲ 貸金業者であった者が貸金業法第六条第一項の規定により同法第三条第一項の登録の更新を拒否された場合若しくは同法第二十四条の六の四第一項、第二十四条の六の五第一項若しくは第二十四条の六の六第一項（第一号に係る部分に限る。）の規定により同法第三条第一項の登録を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の登録（当該登録に類する許可その他の行政処分を含む。次号ニ（12）において同じ。）を受けていた者が当該同種類の登録の更新を拒否された場合若しくは当該同種類の登録を取り消された場合において、その取消の日（更新の拒否の場合にあっては、当該更新の拒否の処分がなされた日。同号ニ（12）において同じ。）から五年を経過しないもの

(1) in cases where a person who had been a money lender had its renewal of registration as set forth in Article 3, paragraph (1) of the Money Lending Business Act rejected pursuant to the provisions of Article 6, paragraph (1) of the Money Lending Business Act or had its registration as set forth in Article 3, paragraph (1) of the Money Lending Business Act rescinded pursuant to the provisions of Article 24-6-4, paragraph (1), Article 24-6-5, paragraph (1), or Article 24-6-6, paragraph (1) (limited to the part related to item (i)) of the Money Lending Business Act, or where a person who had obtained the same type of registration (including permission or other administrative disposition similar to the registration; the same applies in (d), 12 of the following item) in a foreign state had its renewal of the registration rejected or its registration rescinded under the laws and regulations of the foreign state equivalent to the Money Lending Business Act, a person for whom five years have not elapsed from the date of rescission (in cases of rejection of renewal, the date when the disposition for the rejection of renewal was taken; the same applies in (d), 12 of the following item);

ヲ この法律、担保付社債信託法（明治三十八年法律第五十二号）、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）、農業協同組合法、金融商品取引法、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、商品先物取引法（昭和二十五年法律第二百三十九号）、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）、信用金庫法、宅地建物取引業法（昭和二十七年法律第百七十六号）、長期信用銀行法、労働金庫法、出資の受入れ、預り金及び金利等の取締りに関する法律（昭和二十九年法律第百九十五号）、割賦販売法（昭和三十六年法律第百五十九号）、銀行法、貸金業法、特定商品等の預託等取引契約に関する法律（昭和六十一年法律第六十二号）、商品投資に係る事業の規制に関する法律（平成三年法律第六十六号）、暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）（第三十二条の三第七項及び第三十二条の十一第一項を除く。）、不動産特定共

同事業法、保険業法、資産の流動化に関する法律（平成十年法律第百五号）、金融業者の貸付業務のための社債の発行等に関する法律（平成十一年法律第三十二号）、農林中央金庫法若しくは信託業法（平成十六年法律第百五十四号）その他政令で定める法律若しくはこれらに相当する外国の法令の規定に違反し、貸付けの契約（貸金業法第二条第三項に規定する貸付けの契約をいう。）の締結若しくは当該契約に基づく債権の取立てに当たり物価統制令（昭和二十一年勅令第百十八号）第十二条の規定に違反し、又は刑法（明治四十年法律第四十五号）若しくは暴力行為等処罰に関する法律（大正十五年法律第六十号）の罪を犯し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者

(m) a person that violated the provisions of this Act, the Secured Bonds Trust Act (Act No. 52 of 1905), the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943), the Agricultural Cooperatives Act, the Financial Instruments and Exchange Act, the Fisheries Cooperative Act, the Small and Medium-Sized Enterprise Cooperatives Act, the Act on Financial Businesses by Cooperative, the Commodity Futures Act (Act No. 239 of 1950), the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951), the Shinkin Bank Act, the Real Estate Brokerage Act (Act No. 176 of 1952), the Long Term Credit Bank Act, the Labor Bank Act, the Act Regulating the Receipt of Contributions, Receipt of Deposits and Interest Rates (Act No. 195 of 1954), the Installment Sales Act (Act No. 159 of 1961), the Banking Act, the Money Lending Business Act, the Act on the Deposit Transaction Agreements of Specified Commodities (Act No. 62 of 1986), the Act on Regulation of Commodity Investment (Act No. 66 of 1991), the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (excluding Article 32-3, paragraph (7) and Article 32-11, paragraph (1)), the Act on Specified Joint Real Estate Ventures, the Insurance Business Act, the Act on Securitization of Assets (Act No. 105 of 1998), the Act on Issuance, etc. of Bonds for Financial Corporations' Loan Business (Act No. 32 of 1999), the Norinchukin Bank Act, the Trust Business Act (Act No. 154 of 2004), or other laws specified by Cabinet Order or the laws and regulations of a foreign state equivalent thereto, that violated the provisions of Article 12 of the Prices Control Order (Imperial Order No. 118 of 1946) upon conclusion of a contract for a loan (meaning a contract for a loan as prescribed in the provisions of Article 2, paragraph (3) of the Money Lending Business Act) or upon collection of claims based on the contract, or that committed a crime as set forth in the Penal Code (Act No. 45 of 1907) or the Act on Punishment of Physical Violence and Others (Act no. 60 of 1926) and that had been sentenced to a fine (including punishment pursuant to the laws and regulations of a foreign state equivalent thereto),

- for whom five years have not elapsed from the day on which the person finished serving the sentence or ceased to be subject to the sentence;
- カ 金融サービス仲介業務に関し不正又は不誠実な行為をするおそれがあると認めらるに足りる相当の理由がある者として内閣府令で定める者
- (n) a person specified by Cabinet Office Order as a person for whom there are reasonable grounds to find that the person is likely to commit a wrongful or dishonest act in relation to the financial service intermediary service business operations;
- ヨ 他に行っている事業が公益に反すると認められる者
- (o) a person whose other business is found to be contrary to the public interest;
- タ 金融サービス仲介業を適確に遂行するに足りる能力を有しない者
- (p) a person that does not have sufficient capacity to perform financial service intermediary business properly;
- レ 電子金融サービス仲介業務を行う場合にあっては、当該電子金融サービス仲介業務を適正かつ確実に遂行する体制の整備が行われていない者
- (q) in cases of engaging in electronic financial service intermediary business operations, a person that has not developed a system to perform the electronic financial service intermediary business operations appropriately and reliably; and
- ソ 認定金融サービス仲介業協会等（認定金融サービス仲介業協会又は業務の種別ごとにこれに類するものとして内閣府令で定めるもの（第十三条第一項の規定による登録申請書に記載した業務の種別に係るものに限る。）をいう。ソにおいて同じ。）に加入しない者であって、認定金融サービス仲介業協会等の定款その他の規則（金融サービス仲介業務の適正を確保すること又は顧客の保護に関するものに限る。）に準ずる内容の社内規則（当該者又はその役員（相談役、顧問その他いかなる名称を有する者であるかを問わず、法人に対し取締役、会計参与、監査役、執行役、業務を執行する社員、理事若しくは監事又はこれらに準ずる者と同等以上の支配力を有するものと認められる者として内閣府令で定める者を含む。第五号イ及びロを除き、以下この条、第十八条第一項第二号ロ、第三十八条第三項並びに第五十一条第一項第四号及び第六号において同じ。）若しくは使用人が遵守すべき規則をいう。）を作成していないもの又は当該社内規則を遵守するための体制を整備していないもの
- (r) a person that has not joined a certified financial service intermediary business association, etc. (meaning a certified financial service intermediary business association or what is provided for by Cabinet Office Order as similar thereto for each category of business operations (limited to what is related to each category of business operations stated in the application form for registration pursuant to the provisions of Article 13, paragraph (1)); the same applies in (r) of this item) that has not created internal rules (meaning rules for compliance by the person, its officers

(including those that are provided for by Cabinet Office Order as persons found to have the same or a higher authority over a corporation as directors, accounting advisors, company auditors, executive officers, members that execute the operation, board members, or inspectors, or any persons holding positions equivalent thereto, irrespective of their job title as advisor, consultant, or any other job title; hereinafter the same applies in this Article, Article 18, paragraph (1), item (ii), (b), Article 38, paragraph (3), and Article 51, paragraph (1), items (iv) and (vi), excluding item (v), (a) and (b)) or employees) equivalent to the articles of incorporation or other rules (limited to rules related to ensuring the appropriateness of financial service intermediary business operations or to the protection of customers) of a certified financial service intermediary business association, etc., or that has not developed a system to comply with the internal rules;

二 法人である場合にあっては、役員のうち次のいずれかに該当する者のある者

(ii) in cases where the person is a corporation, the corporation has a person who corresponds to any of the following sub-items among its officers:

イ 心身の故障により金融サービス仲介業を適正に行うことができない者として内閣府令で定める者

(a) a person who is provided for by Cabinet Office Order as a person that cannot perform financial service intermediary business appropriately due to mental or physical disorder;

ロ 破産手続開始の決定を受けて復権を得ない者又は外国の法令上これと同様に取  
り扱われている者

(b) a person who has become subject to an order to commence bankruptcy proceedings and has not been released from bankruptcy restrictions, or a person who is treated in the same manner under foreign laws and regulations;

ハ 禁錮以上の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者

(c) a person who has been sentenced to imprisonment without work or a heavier sentence (including any equivalent punishment under a foreign law or regulation), and for whom five years have not elapsed from the day on which the person finished serving the sentence or ceased to be subject to the sentence; or

ニ 次のいずれかに該当する者

(d) a person who falls under any of the following cases:

(1) 金融サービス仲介業者であった法人が第三十八条第一項の規定により第十二条の登録を取り消された場合又はこの法律に相当する外国の法令の規定により当該外国において同種類の登録を受けていた法人が当該同種類の登録

を取り消された場合において、その取消しの日前三十日以内にこれらの法人の役員であった者でその取消しの日から五年を経過しないもの

1. in cases where a corporation that had been a financial service intermediary had its registration as set forth in Article 12 rescinded pursuant to the provisions of Article 38, paragraph (1) or where a corporation that had obtained the same type of registration in a foreign state had its registration rescinded under the laws and regulations of the foreign state equivalent to this Act, a person who was an officer of these corporations within thirty days prior to the date of rescission and for whom five years have not elapsed from the date of rescission;

- (2) 銀行であった法人が銀行法第二十七条若しくは第二十八条の規定により同法第四条第一項の免許を取り消された場合、銀行主要株主であった法人が同法第五十二条の十五第一項の規定により同法第五十二条の九第一項若しくは第二項ただし書の認可を取り消された場合、銀行持株会社であった法人が同法第五十二条の三十四第一項の規定により同法第五十二条の十七第一項若しくは第三項ただし書の認可を取り消された場合若しくは銀行代理業者であった法人が同法第五十二条の五十六第一項の規定により同法第五十二条の三十六第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の免許、認可若しくは許可（当該免許、認可又は許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の免許、認可若しくは許可を取り消された場合において、その取消しの日前三十日以内にこれらの法人の役員であった者でその取消しの日から五年を経過しないもの

2. in cases where a corporation that had been a bank had its license as set forth in Article 4, paragraph (1) of the Banking Act rescinded pursuant to the provisions of Article 27 or Article 28 of the Banking Act, where a corporation that had been a major shareholder of the bank had its authorization as set forth in Article 52-9, paragraph (1) or proviso to paragraph (2) of the Banking Act rescinded pursuant to the provisions of Article 52-15, paragraph (1) of the Banking Act, where a corporation that had been a bank holding company had its authorization as set forth in Article 52-17, paragraph (1) or the proviso to paragraph (3) of the Banking Act rescinded pursuant to the provisions of Article 52-34, paragraph (1) of the Banking Act, or where a corporation that had been a bank agent had its permission as set forth in Article 52-36, paragraph (1) of the Banking Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act, or where a corporation that had obtained the same type of license, authorization, or permission (including registration or other administrative disposition similar to the license, authorization, or permission) in a foreign state had its license, authorization, or permission rescinded



under the laws and regulations of the foreign state equivalent to the Banking Act, a person who was an officer of these corporations within thirty days prior to the date of rescission and for whom five years have not elapsed from the date of rescission;

- (3) 特定信用事業代理業者であった法人が農業協同組合法第九十二条の四第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により農業協同組合法第九十二条の二第一項の許可を取り消された場合若しくは同法に相当する外国の法令の規定により当該外国において同種類の許可を受けていた者が当該同種類の許可を取り消された場合又は農業協同組合若しくは農業協同組合連合会であった法人が同法第九十五条の二の規定により解散を命ぜられた場合若しくは外国の法令上これらに相当する法人が当該外国の法令の規定により解散を命ぜられた場合において、その取消し又は命令の日前三十日以内にこれらの法人の役員であった者でその取消し又は命令の日から五年を経過しないもの

3. in cases where a corporation that had been a specified credit business agent had its permission as set forth in Article 92-2, paragraph (1) of the Agricultural Cooperatives Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to Article 92-4, paragraph (1) of the Agricultural Cooperatives Act following the deemed replacement of terms or where a corporation had obtained the same type of permission in a foreign state had its permission rescinded under the laws and regulations of the foreign state equivalent to the Agricultural Cooperatives Act, or where a corporation that had been an agricultural cooperative or a federation of agricultural cooperatives was ordered to dissolve pursuant to the provisions of Article 95-2 of the Agricultural Cooperatives Act or where a corporation equivalent thereto under laws and regulations of a foreign state was ordered to dissolve under the laws and regulations of the foreign state, a person who was an officer of these corporations within thirty days prior to the date of rescission or order and for whom five years have not elapsed from the date of rescission or order;

- (4) 特定信用事業代理業者であった法人が水産業協同組合法第百八条第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により水産業協同組合法第百六条第一項の許可を取り消された場合若しくは同法に相当する外国の法令の規定により当該外国において同種類の許可を受けていた者が当該同種類の許可を取り消された場合又は漁業協同組合、漁業協同組合連合会、水産加工業協同組合若しくは水産加工業協同組合連合会であった法人が同法第二百二十四条の二の規定により解散を命ぜられた場合若しくは外国の法令上これらに相当する法人が当該外国の法令の規定により解散を命ぜられた場合において、その取消し又は命令の日前三十日以内にこれらの法人

の役員であった者でその取消し又は命令の日から五年を経過しないもの

4. in cases where a corporation that had been a specified credit business agent had its permission as set forth in Article 106, paragraph (1) of the Fisheries Cooperative Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to Article 108, paragraph (1) of the Fisheries Cooperative Act following the deemed replacement of terms or where a corporation that had obtained the same type of permission in a foreign state had its permission rescinded under the laws and regulations of the foreign state equivalent to the Fisheries Cooperative Act, or where a corporation that had been a fisheries cooperative, federation of fisheries cooperatives, a fishery processing cooperative, or federation of fishery processing cooperatives was ordered to dissolve pursuant to the provisions of Article 124-2 of the Fisheries Cooperative Act or where a corporation equivalent thereto under laws and regulations of a foreign state was ordered to dissolve under the laws and regulations of the foreign state, a person who was an officer of these corporations within thirty days prior to the date of rescission or order and for whom five years have not elapsed from the date of rescission or order;

(5) 信用協同組合若しくは協同組合連合会であった法人が中小企業等協同組合法第百六条第二項若しくは協同組合による金融事業に関する法律第六条第一項において読み替えて準用する銀行法第二十七条若しくは第二十八条の規定により解散を命ぜられた場合若しくは外国の法令上これらに相当する法人が当該外国の法令の規定により解散を命ぜられた場合又は信用協同組合代理業者であった法人が協同組合による金融事業に関する法律第六条の五第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により協同組合による金融事業に関する法律第六条の三第一項の許可を取り消された場合若しくは同法に相当する外国の法令の規定により当該外国において同種類の許可を受けていた者が当該同種類の許可を取り消された場合において、その命令又は取消しの日前三十日以内にこれらの法人の役員であった者でその命令又は取消しの日から五年を経過しないもの

5. in cases where a corporation that had been a credit cooperative or federation of cooperatives was ordered to dissolve pursuant to the provisions of Article 27 or Article 28 of the Banking Act as applied mutatis mutandis pursuant to Article 106, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act or Article 6, paragraph (1) of the Act on Financial Businesses by Cooperative following the deemed replacement of terms or where a corporation equivalent thereto under laws and regulations of a foreign state was ordered to dissolve pursuant to the provisions of the laws and regulations of the foreign state, or where a corporation that had been a credit cooperative

agent had its permission set forth in Article 6-3, paragraph (1) of the Act on Financial Businesses by Cooperative rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to Article 6-5, paragraph (1) of the Act on Financial Businesses by Cooperative following the deemed replacement of terms or where a corporation that had obtained the same type of permission in a foreign state had its permission rescinded under the laws and regulations of the foreign state equivalent to the Act on Financial Businesses by Cooperative, a person who was an officer of these corporations within thirty days prior to the date of rescission or order and for whom five years have not elapsed from the date of rescission or order;

- (6) 信用金庫若しくは信用金庫連合会であった法人が信用金庫法第八十九条第一項において準用する銀行法第二十七条若しくは第二十八条の規定により信用金庫法第四条の免許を取り消された場合若しくは信用金庫代理業者であった法人が同法第八十九条第五項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により信用金庫法第八十五条の二第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の免許若しくは許可（当該免許又は許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の免許若しくは許可を取り消された場合において、その取消しの日前三十日以内にこれらの法人の役員であった者でその取消しの日から五年を経過しないもの

6. in cases where a corporation that had been a shinkin bank or federation of shinkin banks had its license as set forth in Article 4 of the Shinkin Bank Act rescinded pursuant to the provisions of Article 27 or Article 28 of the Banking Act as applied mutatis mutandis pursuant to Article 89, paragraph (1) of the Shinkin Bank Act or where a corporation that had been a shinkin bank agent had its permission as set forth in Article 85-2, paragraph (1) of the Shinkin Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis to the provisions of Article 89, paragraph (5) of the Shinkin Bank Act following the deemed replacement of terms, or where a corporation that had obtained the same type of license or permission (including registration or other administrative disposition similar to the license or permission) in a foreign state had its license or permission rescinded under the laws and regulations of the foreign state equivalent to the Shinkin Bank Act, a person who was an officer of these corporations within thirty days prior to the date of rescission and for whom five years have not elapsed from the date of rescission;

- (7) 長期信用銀行であった法人が長期信用銀行法第十七条において準用する銀行法第二十七条若しくは第二十八条の規定により長期信用銀行法第四条第

一項の免許を取り消された場合、長期信用銀行主要株主であった法人が同法第十七条において準用する銀行法第五十二条の十五第一項の規定により長期信用銀行法第十六条の二の二第一項若しくは第二項ただし書の認可を取り消された場合、長期信用銀行持株会社であった法人が同法第十七条において準用する銀行法第五十二条の三十四第一項の規定により長期信用銀行法第十六条の二の四第一項若しくは第三項ただし書の認可を取り消された場合若しくは長期信用銀行代理業者であった者が同法第十七条において準用する銀行法第五十二条の五十六第一項の規定により長期信用銀行法第十六条の五第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の免許、認可若しくは許可（当該免許、認可又は許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の免許、認可若しくは許可を取り消された場合において、その取消しの日前三十日以内にこれらの法人の役員であった者でその取消しの日から五年を経過しないもの

7. in cases where a corporation that had been a long-term credit bank had its license as set forth in Article 4, paragraph (1) of the Long Term Credit Bank Act rescinded pursuant to the provisions of Article 27 or Article 28 of the Banking Act as applied mutatis mutandis pursuant to Article 17 of the Long Term Credit Bank Act, where a corporation that had been a major shareholder of a long-term credit bank had its authorization as set forth in Article 16-2-2, paragraph (1) or the proviso to paragraph (2) of the Long Term Credit Bank Act rescinded pursuant to the provisions of Article 52-15, paragraph (1) of the Banking Act as applied mutatis mutandis to Article 17 of the Long Term Credit Bank Act, where a corporation that had been a long-term credit bank holding company had its authorization as set forth in Article 16-2-4, paragraph (1) or proviso to paragraph (3) of the Long Term Credit Bank Act rescinded pursuant to the provisions of Article 52-34, paragraph (1) of the Banking Act as applied mutatis mutandis to Article 17 of the Long Term Credit Bank Act, or where a corporation that had been a long-term credit bank agent had its permission set forth in Article 16-5, paragraph (1) of the Long Term Credit Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to Article 17 of the Long Term Credit Bank Act, or where a corporation that had obtained the same type of license, authorization, or permission (including registration or other administrative disposition similar to the license, authorization, or permission) in a foreign state had its license, authorization, or permission rescinded under the laws and regulations of the foreign state equivalent to the Long Term Credit Bank Act, a person who was an officer of these corporations within

thirty days prior to the date of rescission and for whom five years have not elapsed from the date of rescission;

- (8) 労働金庫若しくは労働金庫連合会であった法人が労働金庫法第九十五条の規定により同法第六条の免許を取り消された場合若しくは労働金庫代理業者であった法人が同法第九十四条第三項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により労働金庫法第八十九条の三第一項の許可を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の免許若しくは許可（当該免許又は許可に類する登録その他の行政処分を含む。）を受けていた者が当該同種類の免許若しくは許可を取り消された場合において、その取消しの日前三十日以内にこれらの法人の役員であった者でその取消しの日から五年を経過しないもの

8. in cases where a corporation that had been a labor bank or a federation of labor banks had its license as set forth in Article 6 of the Labor Bank Act rescinded pursuant to the provisions of Article 95 of the Labor Bank Act or where a corporation that had been a labor bank agent had its permission as set forth in Article 89-3, paragraph (1) of the Labor Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to Article 94, paragraph (3) of the Labor Bank Act following the deemed replacement of terms, or where a corporation that had obtained the same type of license or permission in a foreign state (including registration or other administrative disposition similar to the license or permission) had its license or permission rescinded under the laws and regulations of the foreign state equivalent to the Labor Bank Act, a person who was an officer of these corporations within thirty days prior to the date of rescission and for whom five years have not elapsed from the date of rescission;

- (9) 農林中央金庫であった法人が農林中央金庫法第八十六条の規定により解散を命ぜられた場合若しくは外国の法令上これに相当する法人が当該外国の法令の規定により解散を命ぜられた場合又は農林中央金庫代理業者であった法人が同法第九十五条の四第一項において読み替えて準用する銀行法第五十二条の五十六第一項の規定により農林中央金庫法第九十五条の二第一項の許可を取り消された場合若しくは同法に相当する外国の法令の規定により当該外国において同種類の許可を受けていた者が当該同種類の許可を取り消された場合において、その命令又は取消しの日前三十日以内にこれらの法人の役員（経営管理委員を含む。）であった者でその命令又は取消しの日から五年を経過しないもの

9. in cases where a corporation that had been the Norinchukin Bank was ordered to dissolve pursuant to the provisions of Article 86 of the Norinchukin Bank Act or where a corporation equivalent thereto under laws and regulations of a foreign state was ordered to dissolve under

the laws and regulations of the foreign state, or where a corporation that had been a Norinchukin Bank agent had its permission as set forth in Article 95-2, paragraph (1) of the Norinchukin Bank Act rescinded pursuant to the provisions of Article 52-56, paragraph (1) of the Banking Act as applied mutatis mutandis pursuant to Article 95-4, paragraph (1) of the Norinchukin Bank Act following the deemed replacement of terms or where a corporation that had obtained the same type of permission in a foreign state had its permission rescinded under the laws and regulations of the foreign state equivalent to the Norinchukin Bank Act, a person who was an officer (including management supervisory committee members) of these corporations within thirty days prior to the date of rescission or order and for whom five years have not elapsed from the date of rescission or order;

(10) 特定保険募集人であった法人が保険業法第三百七条第一項の規定により同法第二百七十六条の登録を取り消された場合若しくは保険仲立人であった法人が同項の規定により同法第二百八十六条の登録を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の登録を受けていた法人が当該同種類の登録を取り消された場合において、その取消しの日前三十日以内にこれらの法人の役員であった者でその取消しの日から五年を経過しないもの

10. in cases where a corporation that had been a specified insurance agent had its registration as set forth in Article 276 of the Insurance Business Act rescinded pursuant to the provisions of Article 307, paragraph (1) of the Insurance Business Act or where a corporation that had been an insurance broker had its registration as set forth in Article 286 of the Insurance Business Act rescinded pursuant to the provisions of Article 307, paragraph (1) of the Insurance Business Act, or where a corporation that had obtained the same type of registration in a foreign state had its registration rescinded under the laws and regulations of the foreign state, a person who was an officer of these corporations within thirty days prior to the date of rescission and for whom five years have not elapsed from the date of rescission;

(11) 金融商品取引業者であった法人が金融商品取引法第五十二条第一項、第五十三条第三項若しくは第五十七条の六第三項の規定により同法第二十九条の登録を取り消された場合、取引所取引許可業者であった法人が同法第六十条の八第一項の規定により同法第六十条第一項の許可を取り消された場合、電子店頭デリバティブ取引等許可業者であった法人が同法第六十条の十四第二項において準用する同法第六十条の八第一項の規定により同法第六十条の十四第一項の許可を取り消された場合、特例業務届出者であった法人が同法第六十三条の五第三項の規定により適格機関投資家等特例業務の廃止を命ぜられた場合、同法第六十三条の三第一項の規定による届出をした者であった

法人が同条第二項において読み替えて準用する同法第六十三条の五第三項の規定により適格機関投資家等特例業務の廃止を命ぜられた場合、金融商品仲介業者であった法人が同法第六十六条の二十第一項の規定により同法第六十六条の登録を取り消された場合、信用格付業者であった法人が同法第六十六条の四十二第一項の規定により同法第六十六条の二十七の登録を取り消された場合若しくは高速取引行為者であった法人が同法第六十六条の六十三第一項の規定により同法第六十六条の五十の登録を取り消された場合又は同法に相当する外国の法令の規定により当該外国においてこれらと同種類の登録若しくは許可を受けていた法人が当該同種類の登録若しくは許可を取り消された場合若しくは適格機関投資家等特例業務と同種類の業務を行っていた法人が当該業務の廃止を命ぜられた場合において、その取消し又は命令の日前三十日以内にこれらの法人の役員であった者でその取消し又は命令の日から五年を経過しないもの

11. in cases where a corporation that had been a financial instruments business operator had its registration as set forth in Article 29 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 52, paragraph (1), Article 53, paragraph (3), or Article 57-6, paragraph (3) of the Financial Instruments and Exchange Act, where a corporation that had been an authorized firm for on-exchange transactions had its permission as set forth in Article 60-14, paragraph (1) of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 60-8, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (1) of the Financial Instruments and Exchange Act, where a corporation that had been an authorized electronic over-the-counter derivatives transactions, etc. business operator had its permission as set forth in Article 60-14, paragraph (1) of the Act rescinded pursuant to the provisions of Article 60-8, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Financial Instruments and Exchange Act, where a corporation that had been a notifier of specially permitted services was ordered to discontinue the specially-permitted business for qualified institutional investors, etc. pursuant to the provisions of Article 63-5, paragraph (3) of the Financial Instruments and Exchange Act, where a corporation that had given notification pursuant to the provisions of Article 63-3, paragraph (1) of the Financial Instruments and Exchange Act was ordered to discontinue the specially-permitted business for qualified institutional investors, etc. pursuant to the provisions of Article 63-5, paragraph (3) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of

the Financial Instruments and Exchange Act following the deemed replacement of terms, where a corporation that had been a financial instruments intermediary service provider had its registration as set forth in Article 66 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 66-20, paragraph (1) of the Financial Instruments and Exchange Act, where a corporation that had been a credit rating institution had its registration as set forth in Article 66-27 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 66-42, paragraph (1) of the Financial Instruments and Exchange Act, or where a corporation that had been a high-speed trader had its registration as set forth in Article 66-50 of the Financial Instruments and Exchange Act rescinded pursuant to the provisions of Article 66-63, paragraph (1) of the Financial Instruments and Exchange Act, or where a corporation that had obtained the same type of registration or permission in a foreign state had its registration or permission rescinded or where a corporation that engaged in the same type of operation as the specially-permitted business for qualified institutional investors, etc. in a foreign state was ordered to discontinue the operation under the laws and regulations of the foreign state equivalent to the Financial Instruments and Exchange Act, a person who was an officer of these corporations within thirty days prior to the date of rescission or order and for whom five years have not elapsed from the date of rescission or order; or

- (1 2) 貸金業者であった法人が貸金業法第六条第一項の規定により同法第三条第一項の登録の更新を拒否された場合若しくは同法第二十四条の六の四第一項、第二十四条の六の五第一項若しくは第二十四条の六の六第一項（第一号に係る部分に限る。）の規定により同法第三条第一項の登録を取り消された場合又は同法に相当する外国の法令の規定により当該外国において同種類の登録を受けていた法人が当該同種類の登録の更新を拒否された場合若しくは当該同種類の登録を取り消された場合において、その取消しの日前三十日以内にこれらの法人の役員であった者でその取消しの日から五年を経過しないもの

12. in cases where a corporation that had been a money lender had its renewal of registration as set forth in Article 3, paragraph (1) of the Money Lending Business Act rejected pursuant to the provisions of Article 6, paragraph (1) of the Money Lending Business Act or its registration as set forth in Article 3, paragraph (1) of the Money Lending Business Act rescinded pursuant to the provisions of Article 24-6-4, paragraph (1), Article 24-6-5, paragraph (1), or Article 24-6-6, paragraph (1) (limited to the part related to item (i)) of the Money



Lending Business Act, or where a corporation that had obtained the same type of registration in a foreign state had its renewal of registration rejected or its registration rescinded under the laws and regulations of the foreign state equivalent to the Money Lending Business Act, a person who was an officer of these corporations within thirty days prior to the date of rescission, and for whom five years have not elapsed from the date of rescission.

ホ 次のいずれかに該当する者

(e) a person who falls under any of the following cases:

(1) 第三十八条第三項の規定により解任を命ぜられた役員又はこの法律に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者

1. an officer whose dismissal was ordered pursuant to the provisions of Article 38, paragraph (3) or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to this Act, and for whom five years have not elapsed from the date of the disposition;

(2) 銀行法第二十七条、第五十二条の三十四第一項若しくは第五十二条の五十六第二項の規定により解任を命ぜられた役員又は同法に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者

2. an officer whose dismissal was ordered pursuant to the provisions of Article 27, Article 52-34, paragraph (1), or Article 52-56, paragraph (2) of the Banking Act or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Banking Act, and for whom five years have not elapsed from the date of the disposition;

(3) 農業協同組合法第九十二条の四第一項において読み替えて準用する銀行法第五十二条の五十六第二項の規定により解任を命ぜられた役員若しくは農業協同組合法第九十五条第二項の規定により改選を命ぜられた役員又は同法に相当する外国の法令の規定により当該外国において解任若しくは改選を命ぜられた役員でその処分を受けた日から五年を経過しない者

3. an officer whose dismissal was ordered pursuant to the provisions of Article 52-56, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 92-4, paragraph (1) of the Agricultural Cooperatives Act following the deemed replacement of terms, an officer whose reelection was ordered pursuant to the provisions of Article 95, paragraph (2) of the Agricultural Cooperatives Act, or an officer who was ordered to be dismissed or re-elected in a foreign state under the laws and regulations of the foreign state equivalent to the Agricultural Cooperatives Act, and for whom five years have not elapsed from the

date of the disposition;

- (4) 水産業協同組合法第百八条第一項において読み替えて準用する銀行法第五十二条の五十六第二項の規定により解任を命ぜられた役員若しくは水産業協同組合法第百二十四条第二項の規定により改選を命ぜられた役員又は同法に相当する外国の法令の規定により当該外国において解任若しくは改選を命ぜられた役員でその処分を受けた日から五年を経過しない者
4. an officer whose dismissal was ordered pursuant to the provisions of Article 52-56, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 108, paragraph (1) of the Fisheries Cooperative Act following the deemed replacement of terms, an officer whose reelection was ordered pursuant to the provisions of Article 124, paragraph (2) of the Banking Act, or an officer who was ordered to be dismissed or re-elected in a foreign state under the laws and regulations of the foreign state equivalent to the Fisheries Cooperative Act, and for whom five years have not elapsed from the date of the disposition;
- (5) 協同組合による金融事業に関する法律第六条第一項において読み替えて準用する銀行法第二十七条若しくは協同組合による金融事業に関する法律第六条の五第一項において準用する銀行法第五十二条の五十六第二項の規定により解任を命ぜられた役員又は協同組合による金融事業に関する法律に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者
5. an officer whose dismissal was ordered pursuant to the provisions of Article 27 of the Banking Act as applied mutatis mutandis pursuant to Article 6, paragraph (1) of the Act on Financial Businesses by Cooperative following the deemed replacement of terms or pursuant to the provisions of Article 52-56, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 6-5, paragraph (1) of the Act on Financial Businesses by Cooperative, or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Act on Financial Businesses by Cooperative, and for whom five years have not elapsed from the date of the disposition;
- (6) 信用金庫法第八十九条第一項において準用する銀行法第二十七条若しくは信用金庫法第八十九条第五項において準用する銀行法第五十二条の五十六第二項の規定により解任を命ぜられた役員又は信用金庫法に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者
6. an officer whose dismissal was ordered pursuant to the provisions of Article 27 of the Banking Act as applied mutatis mutandis pursuant to Article 89, paragraph (1) of the Shinkin Bank Act or pursuant to the

provisions of Article 52-56, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 89, paragraph (5) of the Shinkin Bank Act, or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Shinkin Bank Act, and for whom five years have not elapsed from the date of the disposition;

- (7) 長期信用銀行法第十七条において準用する銀行法第二十七条、第五十二条の三十四第一項若しくは第五十二条の五十六第二項の規定により解任を命ぜられた役員又は長期信用銀行法に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者

7. an officer whose dismissal was ordered pursuant to the provisions of Article 27, Article 52-34, paragraph (1) or Article 52-56, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 17 of the Long Term Credit Bank Act, or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Long Term Credit Bank Act, and for whom five years have not elapsed from the date of the disposition;

- (8) 労働金庫法第九十五条第一項の規定により改任を命ぜられた役員若しくは同法第九十四条第三項において読み替えて準用する銀行法第五十二条の五十六第二項の規定により解任を命ぜられた役員又は労働金庫法に相当する外国の法令の規定により当該外国において改任若しくは解任を命ぜられた役員でその処分を受けた日から五年を経過しない者

8. an officer whose replacement was ordered pursuant to the provisions of Article 95, paragraph (1) of the Labor Bank Act or an officer whose dismissal was ordered pursuant to the provisions of Article 52-56, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 94, paragraph (3) of the Labor Bank Act following the deemed replacement of terms, or an officer whose replacement or dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Labor Bank Act, and for whom five years have not elapsed from the date of the disposition;

- (9) 農林中央金庫法第八十六条の規定により解任を命ぜられた役員（経営管理委員を含む。）若しくは同法第九十五条の四第一項において読み替えて準用する銀行法第五十二条の五十六第二項の規定により解任を命ぜられた役員又は農林中央金庫法に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者

9. an officer (including a management supervisory committee member) whose dismissal was ordered pursuant to the provisions of Article 86 of the Norinchukin Bank Act or an officer whose dismissal was ordered pursuant to the provisions of Article 52-56, paragraph (2) of the

Banking Act as applied mutatis mutandis pursuant to Article 95-4, paragraph (1) of the Norinchukin Bank Act following the deemed replacement of terms, or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Norinchukin Bank Act, and for whom five years have not elapsed from the date of the disposition;

(10) 金融商品取引法第五十二条第二項、第六十条の八第二項（同法第六十条の十四第二項において準用する場合を含む。）、第六十六条の二十第二項、第六十六条の四十二第二項若しくは第六十六条の六十三第二項の規定により解任若しくは解職を命ぜられた役員又は同法に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者

10. an officer whose dismissal or removal was ordered pursuant to the provisions of Article 52, paragraph (2), Article 60-8, paragraph (2) (including as applied mutatis mutandis pursuant to Article 60-14, paragraph (2)), Article 66-20, paragraph (2), Article 66-42, paragraph (2), or Article 66-63, paragraph (2) of the Financial Instruments and Exchange Act or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Financial Instruments and Exchange Act, and for whom five years have not elapsed from the date of the disposition; or

(11) 貸金業法第二十四条の六の四第二項の規定により解任を命ぜられた役員又は同法に相当する外国の法令の規定により当該外国において解任を命ぜられた役員でその処分を受けた日から五年を経過しない者

11. an officer whose dismissal was ordered pursuant to the provisions of Article 24-6-4, paragraph (2) of the Money Lending Business Act or an officer whose dismissal was ordered in a foreign state under the laws and regulations of the foreign state equivalent to the Money Lending Business Act, and for whom five years have not elapsed from the date of the disposition;

へ 前号イからカまでのいずれかに該当する者

(f) a person who falls under any of the sub-items (a) through (n) of the preceding item;

三 個人である場合にあっては、次のいずれかに該当する者

(iii) in cases where a person is an individual, a person who falls under any of the following sub-items:

イ 前号イからホまでのいずれかに該当する者

(a) a person who falls under any of the sub-items (a) through (e) of the preceding item; or

ロ 金融サービス仲介業に関し成年者と同一の行為能力を有しない未成年者でその法定代理人（法定代理人が法人である場合にあっては、その役員を含む。第五号

- ホにおいて同じ。) が前号イからへまでのいずれかに該当する者
- (b) in cases where a minor does not have the same legal capacity to act as an adult concerning financial service intermediary business and whose statutory agent (in cases where a statutory agent is a corporation, including its officers; the same applies in item (v), (e)) falls under any of the sub-items (a) through (f) of the preceding item;
- 四 預金等媒介業務を行う場合にあっては、他に事業を行うことにより預金等媒介業務を適正かつ確実に行うことについて支障を及ぼすおそれがあるものとして内閣府令で定める場合に該当する者
- (iv) in cases of engaging in deposit, etc. intermediary business operations, a person that falls under the case provided for by Cabinet Office Order as a case where conducting other businesses is likely to hinder the appropriate and reliable deposit, etc. intermediary business operations;
- 五 保険媒介業務を行う場合にあっては、次のいずれかに該当する者
- (v) in cases of engaging in insurance intermediary business operations, a person that falls under any of the following sub-items:
- イ 保険会社、外国保険会社等若しくは少額短期保険業者又はこれらの役員若しくは使用人
- (a) an insurance company, foreign insurance company, etc. or small amount and short term insurance provider, or officers or employees thereof;
- ロ 保険募集人（保険業法第二条第二十三項に規定する保険募集人をいう。以下この節において同じ。）（保険会社、外国保険会社等若しくは少額短期保険業者の委託を受け、又は当該委託を受けた者の再委託を受けて、その保険会社、外国保険会社等又は少額短期保険業者のために保険契約の締結の代理又は媒介を行う者を除く。）又は保険仲立人の役員若しくは使用人
- (b) an insurance agent (meaning an insurance agent set forth in Article 2, paragraph (23) of the Insurance Business Act; hereinafter the same applies in this Section) (excluding a person that acts as an agent or intermediary for the conclusion of insurance contracts for an insurance company, foreign insurance company, etc. or small amount and short term insurer based on the entrustment by the insurance company, foreign insurance company, etc. or small amount and short term insurer or based on re-entrustment by the person that accepted the entrustment) or an officer or employee of an insurance broker; or
- ハ 保険契約の締結の媒介を行う使用人のうちに次のいずれかに該当する者のある者
- (c) there is a person who falls under any of the following persons among the employees engaging in intermediation of the conclusion of insurance contracts:
- (1) 第二号イからへまで又はイ若しくはロのいずれかに該当する者
1. a person who falls under any of item (ii), (a) through (f), or either (a) or

- (b);
- (2) 登録の申請の日前三年以内に保険媒介業務又は保険募集（保険業法第二条第二十六項に規定する保険募集をいう。第十七条第三項において同じ。）に関し著しく不適當な行為をした者
2. a person who committed a significantly inappropriate act in relation to insurance intermediary business operations or solicitation of insurance (meaning solicitation of insurance as defined in Article 2, paragraph (26) of the Insurance Business Act; the same applies in Article 17, paragraph (3)) within three years prior to the date of application for registration; or
- (3) 保険募集人（保険会社、外国保険会社等若しくは少額短期保険業者の委託を受け、又は当該委託を受けた者の再委託を受けて、その保険会社、外国保険会社等又は少額短期保険業者のために保険契約の締結の代理又は媒介を行う者に限る。）又は保険仲立人
3. an insurance agent (limited to a person who acts as an agent or intermediary for conclusion of insurance contracts for an insurance company, foreign insurance company, etc. or small amount and short-term insurer based on the entrustment by the insurance company, foreign insurance company, etc. or small amount and short term insurer or based on re-entrustment by the person that accepted the entrustment) or an insurance broker;
- ニ 法人である場合にあっては、役員のうちイ、ロ又はハ（2）若しくは（3）のいずれかに該当する者のある者
- (d) in cases where the person is a corporation, it has an officer who falls under any of (a), (b), or (c) 2 or 3; or
- ホ 個人である場合にあっては、金融サービス仲介業に関し成年者と同一の行為能力を有しない未成年者でその法定代理人がイ、ロ又はハ（2）若しくは（3）のいずれかに該当する者
- (e) in cases where the person is an individual, a minor who does not have the same legal capacity to act as an adult concerning financial service intermediary business and whose statutory agent falls under any of (a), (b), or (c) 2 or 3;
- 六 有価証券等仲介業務を行う場合にあっては、銀行その他政令で定める者
- (vi) in cases of engaging in securities, etc. intermediary business operations, a bank or other persons provided for by Cabinet Order; or
- 七 貸金業貸付媒介業務を行う場合にあっては、政令で定める使用人のうちに第二号イからへまでのいずれかに該当する者のある者
- (vii) in cases of engaging in loan intermediary business operations, a person any of whose employees that are provided for by Cabinet Order, falls under any of item (ii), (a) through (f).

(変更登録等)

(Registration of Changes)

第十六条 金融サービス仲介業者は、第十三条第一項第四号又は第六号に掲げる事項について変更をしようとするときは、内閣府令で定めるところにより、内閣総理大臣の変更登録を受けなければならない。

Article 16 (1) When a financial service intermediary seeks to change the particulars set forth in Article 13, paragraph (1), item (iv) or (vi), the financial service intermediary must obtain registration of change by the Prime Minister pursuant to the provisions of Cabinet Office Order.

2 第十四条（第一項各号を除く。）及び前条（第一号イからヨまで、第二号及び第三号を除く。）の規定は、前項の変更登録について準用する。この場合において、第十四条第一項中「次に掲げる」とあるのは「変更に係る」と、前条中「各号」とあるのは「各号（第一号イからヨまで、第二号及び第三号を除く。）」と、同条第四号中「預金等媒介業務を行う」とあるのは「次条第一項の変更登録により預金等媒介業務を行う」と、同条第五号中「保険媒介業務を」とあるのは「次条第一項の変更登録により保険媒介業務を」と、同条第六号中「有価証券等仲介業務」とあるのは「次条第一項の変更登録により有価証券等仲介業務」と、同条第七号中「貸金業貸付媒介業務」とあるのは「次条第一項の変更登録により貸金業貸付媒介業務」と読み替えるものとする。

(2) The provisions of Article 14 (excluding the items of paragraph (1)) and the preceding Article (excluding item (i), (a) through (o), item (ii), and item (iii)) apply mutatis mutandis pursuant to the registration of change referred to in the preceding paragraph. In this case, the term "the following information" in Article 14, paragraph (1) is deemed to be replaced with "information related to the change," the term "each item" in the preceding Article is deemed to be replaced with "each item (excluding item (i), (a) through (o), item (ii), and item (iii))," the term "engaging in deposit, etc. intermediary business operations" in item (iv) of the preceding Article is deemed to be replaced with "engaging in deposit, etc. intermediary business operations by the registration of change set forth in paragraph (1) of the following Article," the term "insurance intermediary business operations" in item (v) of the preceding Article is deemed to be replaced with "insurance intermediary business operations by the registration of change set forth in paragraph (1) of the following Article," the term "securities, etc. intermediary business operations" in item (vi) of the preceding Article is deemed to be replaced with "securities, etc. intermediary business operations by the registration of change set forth in paragraph (1) of the following Article," and the term "loan intermediary business operations" in item (vii) of the preceding Article is deemed to be replaced with "loan intermediary business operations by the registration of change set forth in paragraph (1) of the following Article."

3 金融サービス仲介業者が次の各号のいずれかに該当することとなったときは、当該

各号に定める者は、内閣府令で定めるところにより、遅滞なく、その旨を内閣総理大臣に届け出なければならない。

- (3) If a financial service intermediary comes to fall under any of the following items, the person specified in that item must notify the Prime Minister of that fact without delay, pursuant to the provisions of Cabinet Office Order:
- 一 第十三条第一項各号（第四号及び第六号を除く。）に掲げる事項に変更があったとき 当該金融サービス仲介業者
  - (i) a particular set forth in the items of Article 13, paragraph (1) (excluding items (iv) and (vi)) changes: the financial service intermediary;
  - 二 第十三条第二項第三号に掲げる書類に記載した金融サービス仲介業務の内容又は方法について変更があったとき 当該金融サービス仲介業者
  - (ii) the business outline or business method of the financial service intermediary business operations stated in the documents set forth in Article 13, paragraph (2), item (iii) changes: the financial service intermediary;
  - 三 金融サービス仲介業を廃止し、分割により金融サービス仲介業に係る事業の全部の承継をさせ、又は金融サービス仲介業に係る事業の全部の譲渡をしたとき その金融サービス仲介業を廃止し、承継をさせ、又は譲渡をした個人又は法人
  - (iii) the financial service intermediary discontinues the financial service intermediary business, has the whole of its business pertaining to the financial service intermediary business succeeded to through a company split, or transfers the whole of its business pertaining to the financial service intermediary business: the individual or the corporation that discontinues the financial service intermediary business, has it succeeded to, or transfers it;
  - 四 金融サービス仲介業者である個人が死亡したとき その相続人
  - (iv) the financial service intermediary is an individual, and that individual dies: the heir thereof;
  - 五 金融サービス仲介業者である法人が合併により消滅したとき その法人を代表する役員であった者
  - (v) the financial service intermediary is a corporation, and that corporation disappears in a merger: the officer that represented the corporation;
  - 六 金融サービス仲介業者である法人について破産手続開始の決定があったとき その破産管財人
  - (vi) the financial service intermediary is a corporation, and that corporation becomes subject to an order to commence bankruptcy proceedings: the bankruptcy trustee;
  - 七 金融サービス仲介業者である法人が合併及び破産手続開始の決定以外の理由により解散したとき その清算人
  - (vii) the financial service intermediary is a corporation, and that corporation is dissolved on grounds other than a merger or an order to commence bankruptcy proceedings: the liquidator;



八 次のイからニまでに掲げる業務を行う金融サービス仲介業者が、それぞれ当該イからニまでに定める者となったとき 当該イからニまでに定める者となった者

(viii) the financial service intermediary engaging in the business operations set forth in the following sub-items (a) through (d) becomes a person specified in (a) through (d), respectively: the financial service intermediary that has become the person specified in sub-items (a) through (d), respectively:

イ 預金等媒介業務 銀行代理業者その他政令で定める者

(a) deposit, etc. intermediary business operations: a bank agent or a person specified by Cabinet Order;

ロ 保険媒介業務 保険募集人又は保険仲立人若しくはその役員若しくは使用人

(b) insurance intermediary business operations: an insurance agent, or an insurance broker, or any officer or employee thereof;

ハ 有価証券等仲介業務 金融商品取引業者であつて第一種金融商品取引業を行うもの又は金融商品仲介業者

(c) securities, etc. intermediary business operations: a financial instruments business operator engaging in type I financial instruments business or a financial instruments intermediary service provider; or

ニ 貸金業貸付媒介業務 貸金業者

(d) loan intermediary business operations: a money lender; and

九 その他内閣府令で定める場合に該当するとき 内閣府令で定める者

(ix) the financial service intermediary falls under cases provided for by Cabinet Office Order: a person provided for by Cabinet Office Order.

4 前項第八号イからニまでに掲げる業務を行う金融サービス仲介業者が、それぞれ当該イからニまでに定める者（当該イからニまでに掲げる業務のうち一の業務のみを行うものを除く。）となったときは、それぞれ当該イからニまでに掲げる業務を行わない旨の第一項の変更登録を受けたものとみなす。

(4) If a financial service intermediary engaging in the business operations set forth in item (viii), sub-items (a) through (d) of the preceding paragraph becomes a person specified in sub-items (a) through (d), respectively (excluding a person engaging in only one business operation out of those set forth in sub-items (a) through (d)), the financial service intermediary is deemed to have obtained the registration of change as referred to in paragraph (1) indicating that it no longer engages in the business operations set forth in sub-items (a) through (d), respectively.

5 内閣総理大臣は、第三項（第一号に係る部分に限る。）の規定による届出を受理したときは、届出があつた事項を金融サービス仲介業者登録簿に登録しなければならない。

(5) Upon accepting a notification under paragraph (3) (limited to the part related to item (i)), the Prime Minister must register the particulars provided in the notification in the register of financial service intermediaries.

6 金融サービス仲介業者が第三項第三号から第七号までのいずれかに該当することと

なったとき、又は同項第八号イからニまでに掲げる業務のうち一の業務のみを行う金融サービス仲介業者がそれぞれ当該イからニまでに定める者となったときは、当該金融サービス仲介業者の第十二条の登録は、その効力を失う。

- (6) If a financial service intermediary comes to fall under any of paragraph (3), item (iii) through item (vii) or if a financial service intermediary engaging in only one business operation out of those set forth in item (viii), sub-items (a) through (d) of that paragraph becomes a person specified in sub-items (a) through (d), respectively, the registration under Article 12 of the financial service intermediary ceases to be effective.

(銀行法等の特例)

(Special Provisions of the Banking Act and Other Laws)

第十七条 保険媒介業務の種別に係る第十二条の登録を受けた銀行その他政令で定める者は、銀行法その他政令で定める法律の規定にかかわらず、保険媒介業務を行うことができる（保険契約者等（保険業法第五条第一項第三号イに規定する保険契約者等をいう。第二十二条第二項及び第二十八条第二項において同じ。）の保護に欠けるおそれが少ない場合として内閣府令で定める場合に限る。）。

Article 17 (1) Notwithstanding the provisions of the Banking Act or other laws specified by Cabinet Order, a bank that has obtained registration under Article 12 related to each category of insurance intermediary business operations or other persons specified by Cabinet Order may engage in insurance intermediary business operations (limited to the cases specified by Cabinet Office Order as posing little risk of resulting in insufficient protection of policyholders, etc. (meaning policyholders, etc. as defined in Article 5, paragraph (1), item (iii), (a) of the Insurance Business Act; the same applies in Article 22, paragraph (2) and Article 28, paragraph (2))).

2 預金等媒介業務の種別に係る第十二条の登録を受けた金融サービス仲介業者が行う預金等媒介業務については、銀行法第二条第十四項に規定する銀行代理業、農業協同組合法第九十二条の二第二項に規定する特定信用事業代理業、水産業協同組合法第一百六条第二項に規定する特定信用事業代理業、協同組合による金融事業に関する法律第六条の三第二項に規定する信用協同組合代理業、信用金庫法第八十五条の二第二項に規定する信用金庫代理業、長期信用銀行法第十六条の五第二項に規定する長期信用銀行代理業、労働金庫法第八十九条の三第二項に規定する労働金庫代理業及び農林中央金庫法第九十五条の二第二項に規定する農林中央金庫代理業に該当しないものとみなす。

(2) The deposit, etc. intermediary business operations performed by a financial service intermediary that has obtained registration under Article 12 related to each category of deposit, etc. intermediary business operations is deemed not to fall under bank agency services as defined in Article 2, paragraph (14) of the Banking Act; specified credit business agency services prescribed in Article 92-2, paragraph (2) of the Agricultural Cooperatives Act; specified credit business

agency services prescribed in Article 106, paragraph (2) of the Fisheries Cooperative Act; credit cooperative agency services prescribed in Article 6-3, paragraph (2) of the Act on Financial Businesses by Cooperative; shinkin bank agency services prescribed in Article 85-2, paragraph (2) of the Shinkin Bank Act; long-term credit bank agency services prescribed in Article 16-5, paragraph (2) of the Long Term Credit Bank Act; labor bank agency services prescribed in Article 89-3, paragraph (2) of the Labor Bank Act; and Norinchukin Bank agency services prescribed in Article 95-2, paragraph (2) of the Norinchukin Bank Act.

3 保険媒介業務の種別に係る第十二条の登録を受けた金融サービス仲介業者が行う保険契約の締結の媒介については、保険募集に該当しないものとみなす。

(3) Intermediary in concluding an insurance contract performed by a financial service intermediary that has obtained registration under Article 12 related to each category of insurance intermediary business operations is deemed not to fall under solicitation of insurance.

4 保険媒介業務の種別に係る第十二条の登録を受けた金融サービス仲介業者が保険媒介業務を行うときは、当該金融サービス仲介業者並びにその役員及び使用人は、保険業法の規定の適用については、保険募集人又は保険仲立人でないものとみなす。

(4) With regard to the application of the provisions of the Insurance Business Act, if a financial service intermediary that has obtained registration under Article 12 related to each category of insurance intermediary business operations engages in those business operations, the financial service intermediary and its officers, and employees are deemed not to be insurance agents or insurance brokers.

5 有価証券等仲介業務の種別に係る第十二条の登録を受けた金融サービス仲介業者が行う有価証券等仲介業務については、金融商品取引法第二条第八項に規定する金融商品取引業に該当しないものとみなす。

(5) Securities, etc. intermediary business operations engaged in by a financial service intermediary that has obtained registration under Article 12 related to each category of those business operations are deemed not to fall under a financial instruments business as defined in Article 2, paragraph (8) of the Financial Instruments and Exchange Act.

(電子金融サービス仲介業務に関する特例)

(Special Provisions on Electronic Financial Service Intermediary Business Operations)

第十八条 電子金融サービス仲介業務を行う金融サービス仲介業者は、次に掲げる要件の全てに該当する場合には、銀行法第五十二条の六十一の二の規定にかかわらず、電子決済等代行業（同法第二条第十七項に規定する電子決済等代行業をいう。以下同じ。）を行うことができる。

Article 18 (1) Notwithstanding the provisions of Article 52-61-2 of the Banking

Act, if a financial service intermediary engaging in electronic financial service intermediary business operations falls under all of the following requirements, the financial service intermediary may engage in electronic payment services (meaning electronic payment services as defined in Article 2, paragraph (17) of the Banking Act; the same applies hereinafter):

一 次のいずれにも該当しない者であること。

(i) it is a person that does not fall under any of the following sub-items:

イ 電子決済等代行業を適正かつ確実に遂行するために必要と認められる内閣府令で定める基準に適合する財産的基礎を有しない者

(a) a person that does not have the financial basis that satisfies the requirements specified by Cabinet Office Order as those found to be necessary for performing electronic payment services in an appropriate and reliable manner; and

ロ 次に掲げる処分を受け、その処分の日から五年を経過しない者

(b) a person subject to any of the following dispositions, and for whom five years have not elapsed from the date of the disposition:

(1) 銀行法第五十二条の六十一の十七第一項又は第二項の規定による同法第五十二条の六十一の二の登録の取消し

1. a rescission of registration referred to in Article 52-61-2 of the Banking Act pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) of that Act;

(2) 農業協同組合法第九十二条の五の九第一項において読み替えて準用する銀行法第五十二条の六十一の十七第一項又は第二項の規定による農業協同組合法第九十二条の五の二第一項の登録の取消し

2. a rescission of registration referred to in Article 92-5-2, paragraph (1) of the Agricultural Cooperatives Act, made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) of the Banking Act as applied mutatis mutandis pursuant to Article 92-5-9, paragraph (1) of the Agricultural Cooperatives Act following the deemed replacement of terms;

(3) 水産業協同組合法第百十七条第一項において読み替えて準用する銀行法第五十二条の六十一の十七第一項又は第二項の規定による水産業協同組合法第百十条第一項の登録の取消し

3. a rescission of registration referred to in Article 110, paragraph (1) of the Fisheries Cooperative Act, made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) of the Banking Act as applied mutatis mutandis pursuant to Article 117, paragraph (1) of the Fisheries Cooperative Act following the deemed replacement of terms;

(4) 協同組合による金融事業に関する法律第六条の五の十第一項において読み替えて準用する銀行法第五十二条の六十一の十七第一項又は第二項の規定による協同組合による金融事業に関する法律第六条の五の二第一項の登録の

取消し

4. a rescission of registration referred to in Article 6-5-2, paragraph (1) of the Act on Financial Businesses by Cooperative, made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) of the Banking Act as applied mutatis mutandis pursuant to Article 6-5-10, paragraph (1) of the Act on Financial Businesses by Cooperative following the deemed replacement of terms;
  - (5) 信用金庫法第八十九条第七項において読み替えて準用する銀行法第五十二条の六十一の十七第一項又は第二項の規定による信用金庫法第八十五条の四第一項の登録の取消し
5. a rescission of registration referred to in Article 85-4, paragraph (1) of the Shinkin Bank Act, made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) of the Banking Act as applied mutatis mutandis pursuant to Article 89, paragraph (7) of the Shinkin Bank Act following the deemed replacement of terms;
  - (6) 労働金庫法第九十四条第五項において読み替えて準用する銀行法第五十二条の六十一の十七第一項又は第二項の規定による労働金庫法第八十九条の五第一項の登録の取消し
6. a rescission of registration referred to in Article 89-5, paragraph (1) of the Labor Bank Act, made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) of the Banking Act as applied mutatis mutandis pursuant to Article 94, paragraph (5) of the Labor Bank Act following the deemed replacement of terms;
  - (7) 農林中央金庫法第九十五条の五の十第一項において読み替えて準用する銀行法第五十二条の六十一の十七第一項又は第二項の規定による農林中央金庫法第九十五条の五の二第一項の登録の取消し
7. a rescission of registration referred to in Article 95-5-2, paragraph (1) of the Norinchukin Bank Act, made pursuant to the provisions of Article 52-61-17, paragraph (1) or (2) of the Banking Act as applied mutatis mutandis to Article 95-5-10, paragraph (1) of the Norinchukin Bank Act following the deemed replacement of terms;
  - (8) 株式会社商工組合中央金庫法（平成十九年法律第七十四号）第六十条の十九第一項又は第二項の規定による同法第六十条の三の登録の取消し
8. a rescission of registration referred to in Article 60-3 of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007), made pursuant to the provisions of Article 60-19, paragraph (1) or (2) of that Act; or
  - (9) 銀行法、農業協同組合法、水産業協同組合法、協同組合による金融事業に関する法律、信用金庫法、労働金庫法、農林中央金庫法又は株式会社商工組合中央金庫法に相当する外国の法令の規定により当該外国において受けている（1）から（8）までの登録と同種類の登録（当該登録に類する許可その他の行政処分を含む。）の取消し

9. a rescission of registration of the same type of registration as that referred to in 1 through 8, which the financial service intermediary has obtained in a foreign state under the laws and regulations of the foreign state that are equivalent to the Banking Act, Agricultural Cooperatives Act, Fisheries Cooperative Act, Act on Financial Businesses by Cooperative, Shinkin Bank Act, Labor Bank Act, Norinchukin Bank Act, or Shoko Chukin Bank Limited Act (including permission or other administrative dispositions similar to the registration):

ハ 次に掲げる命令を受け、その命令の日から五年を経過しない者

(c) a person that has been issued any of the following orders, and for whom five years have not elapsed from the date of the order:

- (1) 第三十八条第二項の規定による電子決済等代行業の廃止の命令
1. an order to discontinue electronic payment services, which is issued pursuant to the provisions of Article 38, paragraph (2);
- (2) 農業協同組合法第九十二条の五の八第四項の規定による同法第九十二条の五の二第二項に規定する特定信用事業電子決済等代行業の廃止の命令
2. an order to discontinue specified electronic payment services for credit business prescribed in Article 92-5-2, paragraph (2) of the Agricultural Cooperatives Act, which is issued pursuant to the provisions of Article 92-5-8, paragraph (4) of that Act;
- (3) 水産業協同組合法第一百六条第四項の規定による同法第一百条第二項に規定する特定信用事業電子決済等代行業の廃止の命令
3. an order to discontinue specified electronic payment services for credit business prescribed in Article 110, paragraph (2) of the Fisheries Cooperative Act, which is issued pursuant to the provisions of Article 116, paragraph (4) of that Act;
- (4) 協同組合による金融事業に関する法律第六条の五の九第四項の規定による同法第六条の五の二第二項に規定する信用協同組合電子決済等代行業の廃止の命令
4. an order to discontinue electronic payment services for credit cooperatives prescribed in Article 6-5-2, paragraph (2) of the Act on Financial Businesses by Cooperative, which is issued pursuant to the provisions of Article 6-5-9, paragraph (4) of that Act;
- (5) 信用金庫法第八十五条の十一第四項の規定による同法第八十五条の四第二項に規定する信用金庫電子決済等代行業の廃止の命令
5. an order to discontinue electronic payment services for shinkin banks prescribed in Article 85-4, paragraph (2) of the Shinkin Bank Act, which is issued pursuant to the provisions of Article 85-11, paragraph (4) of that Act;
- (6) 労働金庫法第八十九条の十二第四項の規定による同法第八十九条の五第

二項に規定する労働金庫電子決済等代行業の廃止の命令

6. an order to discontinue electronic payment services for labor banks prescribed in Article 89-5, paragraph (2) of the Labor Bank Act, which is issued pursuant to the provisions of Article 89-12, paragraph (4) of that Act;

(7) 農林中央金庫法第九十五条の五の九第四項の規定による同法第九十五条の五の二第二項に規定する農林中央金庫電子決済等代行業の廃止の命令

7. an order to discontinue electronic payment services for Norinchukin Bank prescribed in Article 95-5-2, paragraph (2) of the Norinchukin Bank Act, which is issued pursuant to the provisions of Article 95-5-9, paragraph (4) of that Act;

(8) 株式会社商工組合中央金庫法第六十条の三十二第四項の規定による同法第六十条の二第一項に規定する商工組合中央金庫電子決済等代行業の廃止の命令

8. an order to discontinue electronic payment services for Shoko Chukin Banks prescribed in Article 60-2, paragraph (1) of the Shoko Chukin Bank Limited Act, which is issued pursuant to the provisions of Article 60-32, paragraph (4) of that Act; or

(9) この法律、農業協同組合法、水産業協同組合法、協同組合による金融事業に関する法律、信用金庫法、労働金庫法、農林中央金庫法又は株式会社商工組合中央金庫法に相当する外国の法令の規定による（1）から（8）までの業務と同種類の業務の廃止の命令

9. an order to discontinue business operations that are the same type of business operations as those referred to in 1 through 8 under laws and regulations of a foreign state equivalent to this Act, Agricultural Cooperatives Act, Fisheries Cooperative Act, Act on Financial Businesses by Cooperative, Shinkin Bank Act, Labor Bank Act, Norinchukin Bank Act, or Shoko Chukin Bank Limited Act;

ニ 株式会社商工組合中央金庫法その他政令で定める法律又はこれらに相当する外国の法令の規定に違反し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者

(d) a person subject to a fine (including any equivalent sentence under laws and regulations of a foreign state) for violating the provisions of the Shoko Chukin Bank Limited Act or any other laws provided for by Cabinet Order, or for violating the provisions of laws and regulations of a foreign state equivalent to those laws, and for whom five years have not elapsed from the day on which the person became subject to that fine or ceased to be subject to its enforcement;

二 法人である場合にあつては、次のいずれにも該当しない者であること。

(ii) if the person is a corporation, a person that does not fall under any of the

following sub-items:

イ 外国法人であって日本における代表者を定めていない者

(a) a foreign corporation that has not designated its representative in Japan;  
and

ロ 役員のうち次のいずれかに該当する者のある者

(b) a corporation whose officers include a person falling under any of the following cases:

(1) 法人が前号ロ(1)から(9)までに掲げる処分を受けた場合において、その処分の日前三十日以内にその法人の役員であった者でその処分の日から五年を経過しないもの

1. in cases where a corporation was subject to a disposition set forth in (b), 1 through 9 of the preceding item, a person who was an officer of the corporation within 30 days prior to the date of the disposition, and for whom five years have not elapsed from the date of the disposition;

(2) 法人が前号ハ(1)から(9)までに掲げる命令を受けた場合において、その命令の日前三十日以内にその法人の役員であった者でその命令の日から五年を経過しないもの

2. in cases where a corporation was subject to an order set forth in (c), 1 through 9 of the preceding item, a person who was an officer of the corporation within 30 days prior to the date of the order, and for whom five years have not elapsed from the date of the order; or

(3) 前号ロからニまでのいずれかに該当する者

3. a person that falls under any of sub-items (b) through (d) of the preceding item; or

三 個人である場合にあっては、次のいずれにも該当しない者であること。

(iii) if the person is an individual, a person that does not fall under any of the following cases:

イ 外国に住所を有する個人であって日本における代理人を定めていない者

(a) a person domiciled in a foreign state who has not designated their agent in Japan; or

ロ 前号ロ(1)又は(2)のいずれかに該当する者

(b) a person that falls under any of (b), 1 or 2 of the preceding item;

2 金融サービス仲介業者が前項の規定により電子決済等代行業を行う場合にあっては、当該金融サービス仲介業者を銀行法第二条第十八項に規定する電子決済等代行業者とみなして、同法第五十二条の六十一の六第一項及び第三項、第五十二条の六十一の七第一項、第五十二条の六十一の八から第五十二条の六十一の十六まで、第五十二条の六十一の十七第一項（第一号及び第二号を除く。）、第五十二条の六十一の十九から第五十二条の六十一の三十まで、第五十三条第五項並びに第五十六条（第十四号及び第十六号から第十八号までに係る部分に限る。）の規定並びにこれらの規定に係る同法第九章の規定並びに農業協同組合法第九十二条の五の八、水産業協同組合法第一百六条、協同組合による金融事業に関する法律第六条の五の九、信用金庫法第八十五条



の十一、労働金庫法第八十九条の十二、農林中央金庫法第九十五条の五の九及び株式会社商工組合中央金庫法第六十条の三十二の規定を適用する。この場合において、銀行法第五十二条の六十一の六第一項中「第五十二条の六十一の三第一項各号に掲げる」とあるのは「金融サービスの提供に関する法律第十八条第三項（電子金融サービス仲介業務に関する特例）に規定する」と、同条第三項中「第五十二条の六十一の三第二項第三号」とあるのは「金融サービスの提供に関する法律第十八条第四項第二号」と、同法第五十二条の六十一の十七第一項中「次の各号のいずれか」とあるのは「第三号」と、「第五十二条の六十一の二の登録を取り消し、又は六月以内の期間を定めて業務の全部若しくは」とあるのは「六月以内の期間を定めて電子決済等代行業の全部又は」とするほか、必要な技術的読替えは、政令で定める。

(2) If a financial service intermediary engages in electronic payment services pursuant to the provisions of the preceding paragraph, the financial service intermediary is deemed to be an electronic payment service provider as defined in Article 2, paragraph (18) of the Banking Act, and the provisions of Article 52-61-6, paragraphs (1) and (3), Article 52-61-7, paragraph (1), Articles 52-61-8 through 52-61-16, Article 52-61-17, paragraph (1) (excluding items (i) and (ii)), Articles 52-61-19 through 52-61-30, Article 53, paragraph (5), and Article 56 (limited to the part related to item (xiv) and items (xvi) through (xviii)) of the Banking Act, and the provisions of Chapter 9 of the Banking Act related to these provisions, and the provisions of Article 92-5-8 of the Agricultural Cooperatives Act, Article 116 of the Fisheries Cooperative Act, Article 6-5-9 of the Act on Financial Businesses by Cooperative, Article 85-11 of the Shinkin Bank Act, Article 89-12 of the Labor Bank Act, Article 95-5-9 of the Norinchukin Bank Act and Article 60-32 of the Shoko Chukin Bank Limited Act apply. In this case, the phrase "set forth in any of the items of Article 52-61-3, paragraph (1)" in Article 52-61-6, paragraph (1) of the Banking Act is deemed to be replaced with "prescribed in Article 18, paragraph (3) of the Act on the Provision of Financial Services (Special Provisions on Electronic Financial Service Intermediary Business Operations)"; the term "Article 52-61-3, paragraph (2), item (iii)" in paragraph (3) of that Article is deemed to be replaced with "Article 18, paragraph (4), item (ii) of the Act on Provision of Financial Services"; the term "any of the following items" in Article 52-61-17, paragraph (1) of that Act is deemed to be replaced with "item (iii)"; the phrase "revoke the registration under Article 52-61-2, or order the suspension of all or a part of its business during a fixed period of no longer than six months" in that paragraph is deemed to be replaced with "order the suspension of all or a part of its electronic payment services during a fixed period of no longer than six months"; and any other necessary technical replacement of terms is specified by Cabinet Order.

3 金融サービス仲介業者は、第一項の規定により電子決済等代行業を行うときは、内閣府令で定めるところにより、銀行法第五十二条の六十一の三第一項各号に掲げる事

項を内閣総理大臣に届け出なければならない。

(3) If a financial service intermediary engages in electronic payment services pursuant to the provisions of paragraph (1), the financial service intermediary must notify the Prime Minister of the particulars set forth in the items of Article 52-61-3, paragraph (1) of the Banking Act, pursuant to the provisions of Cabinet Office Order.

4 前項の規定による届出には、次に掲げる書類を添付しなければならない。

(4) The following documents must be attached to any notification under the provisions of the preceding paragraph:

一 第一項各号に掲げる要件に該当することを誓約する書面

(i) a document in which a person making the notification pledges that the person satisfies the requirements set forth in the items of paragraph (1);

二 電子決済等代行業の業務の内容及び方法として内閣府令で定めるものを記載した書類

(ii) a document stating what is specified by Cabinet Office Order as the details and means of electronic payment services; and

三 その他内閣府令で定める書類

(iii) other documents specified by Cabinet Office Order.

5 内閣総理大臣は、第三項の規定による届出をした金融サービス仲介業者に係る名簿を作成し、公衆の縦覧に供しなければならない。

(5) The Prime Minister must prepare a register of financial service intermediaries that have given a notification under the provisions of paragraph (3) and must make that register available for public inspection.

(商号等の使用制限)

(Restriction on the Use of a Trade Name)

第十九条 金融サービス仲介業者でない者は、金融サービス仲介業者という商号若しくは名称又はこれに紛らわしい商号若しくは名称を用いてはならない。

Article 19 A person that is not a financial service intermediary must not use a trade name or name that refers to it as a financial service intermediary, and must not use any trade name or name that is confusingly similar thereto.

(標識の掲示等)

(Posting of Signs)

第二十条 金融サービス仲介業者は、金融サービス仲介業務を行う営業所又は事務所ごとに、公衆の見やすい場所に、内閣府令で定める様式の標識を掲示しなければならない。

Article 20 (1) A financial service intermediary must post a sign in the format specified by the Cabinet Office Order in a place easily visible to the public at each of its business offices or other offices that conduct financial service intermediary business operations.

2 金融サービス仲介業者は、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法により金融サービス仲介業務を行う場合にあっては、インターネットを利用する方法その他の内閣府令で定める方法により商号、名称又は氏名、行う業務の種別その他内閣府令で定める事項を公表しなければならない。

(2) In cases where a financial service intermediary engages in financial service intermediary business operations by means of using an electronic data processing system or by any other means using information and communication technology, the financial service intermediary must publish the trade name, name, category of business operations it engages in, and other particulars specified by the Cabinet Office Order by the use of the internet or by other means specified by Cabinet Office Order.

3 金融サービス仲介業者以外の者は、第一項の標識又はこれに類似する標識を掲示してはならない。

(3) A person other than a financial service intermediary must not post the sign referred to in paragraph (1) or a sign similar thereto.

(名義貸しの禁止)

(Prohibition of Lending One's Name)

第二十一条 金融サービス仲介業者は、自己の名義をもって、他人に金融サービス仲介業を行わせてはならない。

Article 21 A financial service intermediary must not allow another person to engage in financial service intermediary business using its name.

(保証金)

(Security Deposits)

第二十二条 金融サービス仲介業者は、保証金を主たる営業所又は事務所の最寄りの供託所に供託しなければならない。

Article 22 (1) A financial service intermediary must make security deposits with the deposit office nearest to its principal business office or other relevant office.

2 前項の保証金の額は、金融サービス仲介業務の状況及び顧客等（顧客、顧客以外の保険契約者等又は第十一条第五項に規定する媒介により締結した資金の貸付け若しくは手形の割引を内容とする契約に関して保証人となった者をいう。第四項及び次条第二項において同じ。）の保護を考慮して、政令で定める額とする。

(2) The amount of the security deposits referred to in the preceding paragraph is specified by Cabinet Order in consideration of the state of the financial service intermediary business operations and the necessity of protecting customers, etc. (meaning customers, policyholders, etc. other than customers, or a person who has become a guarantor in a contract for the lending of funds or the discounting of bills and notes concluded through an intermediary as prescribed in Article 11, paragraph (5); the same applies in paragraph (4) and paragraph (2) of the following Article).

3 金融サービス仲介業者は、政令で定めるところにより、当該金融サービス仲介業者のために所要の保証金が内閣総理大臣の命令に応じて供託される旨の契約を締結し、かつ、その旨を内閣総理大臣に届け出たときは、当該契約の効力の存する間、当該契約において供託されることとなっている金額について第一項の保証金の全部又は一部の供託をしないことができる。

(3) If a financial service intermediary has concluded a contract stipulating that the required amount of security deposits is to be deposited for the financial service intermediary by the order of the Prime Minister pursuant to the provisions of Cabinet Order and has notified the Prime Minister of that fact, the financial service intermediary may withhold depositing all or part of the amount of security deposits referred to in paragraph (1) concerning the amount to be deposited under the relevant contract, so long as the contract remains in effect.

4 内閣総理大臣は、顧客等の保護のため必要があると認めるときは、金融サービス仲介業者と前項の契約を締結した者又は当該金融サービス仲介業者に対し、当該契約において供託されることとなっている金額に相当する金額の全部又は一部を供託すべき旨を命ずることができる。

(4) If the Prime Minister finds it necessary for the protection of customers, etc., the Prime Minister may order a person that has concluded a contract as set forth in the preceding paragraph with a financial service intermediary or the relevant financial service intermediary, to deposit all or part of the amount equivalent to the amount to be deposited under that contract.

5 金融サービス仲介業者は、第一項の保証金について供託（第三項の契約の締結を含む。第八項及び第十項第三号並びに第九十一条第一号において同じ。）を行い、かつ、その旨を内閣総理大臣に届け出た後でなければ、金融サービス仲介業を行ってはならない。

(5) A financial service intermediary may not engage in financial service intermediary business, unless it has deposited the security deposits under paragraph (1) (including the conclusion of a contract under paragraph (3)); the same applies in paragraph (8) and paragraph (10), item (iii) of this Article, and Article 91, item (i)) and has notified the Prime Minister of this.

6 金融サービス仲介業者が行った次の各号に掲げる行為に関して当該各号に定める者に生じた債権に関し、当該各号に定める者は、当該金融サービス仲介業者に係る保証金について、他の債権者に先立ち弁済を受ける権利を有する。

(6) Concerning claims against a person specified in the following items in relation to the acts set forth in the relevant items performed by a financial service intermediary, the person specified in those items has the right to receive payment in preference over other creditors regarding the security deposits made by the financial service intermediary:

- 一 第十一条第二項第一号に掲げる行為 当該行為により預金等の受入れを内容とする契約を締結した者

- (i) an act set forth in Article 11, paragraph (2), item (i): a person who has concluded a contract for the acceptance of deposit, etc. through that act;  
二 第十一条第二項第二号に掲げる行為 当該行為により資金の貸付け又は手形の割引を内容とする契約を締結した者
- (ii) an act set forth in Article 11, paragraph (2), item (ii): a person who has concluded a contract for lending funds or discounting bills and notes through that act;  
三 第十一条第二項第三号に掲げる行為 当該行為により為替取引を内容とする契約を締結した者
- (iii) an act set forth in Article 11, paragraph (2), item (iii): a person who has concluded a contract for funds transfer transactions through that act;  
四 第十一条第三項に規定する媒介 当該媒介により保険契約を締結した保険契約者、当該保険契約の被保険者又は保険金額を受け取るべき者
- (iv) intermediation as prescribed in Article 11, paragraph (3): a policyholder who has concluded an insurance contract through the intermediation, an insured covered by the insurance contract, or a beneficiary of insurance proceeds;  
五 第十一条第四項第一号に掲げる行為 当該行為により有価証券の売買契約を締結した者
- (v) an act set forth in Article 11, paragraph (4), item (i): a person who has concluded purchase and sale contract of securities through that act;  
六 第十一条第四項第二号に掲げる行為 当該行為により有価証券の売買契約又は市場デリバティブ取引若しくは外国市場デリバティブ取引に係る契約を締結した者
- (vi) act set forth in Article 11, paragraph (4), item (ii): a person who has concluded purchase and sale contract of securities, or a contract related to market derivatives transactions or foreign market derivatives transactions, through that act;  
七 第十一条第四項第三号に掲げる行為 当該行為により有価証券を取得した者
- (vii) an act set forth in Article 11, paragraph (4), item (iii): a person who has acquired securities through that act;  
八 第十一条第四項第四号に掲げる行為 当該行為により投資顧問契約又は投資一任契約を締結した者
- (viii) an act set forth in Article 11, paragraph (4), item (iv): a person who has concluded an investment advisory contract or a discretionary investment contract through that act; and  
九 第十一条第五項に規定する媒介 当該媒介により資金の貸付け若しくは手形の割引を内容とする契約を締結した者又は当該契約に関して保証人となった者
- (ix) intermediation prescribed in Article 11, paragraph (5): a person who has concluded a contract for lending funds or discounting bills and notes through the intermediation or a person that became a guarantor in relation to that contract.

7 前項の権利の実行に関し必要な事項は、政令で定める。

(7) The necessary particulars relevant to the exercise of the rights referred to in the preceding paragraph are specified by Cabinet Order.

8 金融サービス仲介業者は、第六項の権利の実行その他の理由により、供託を行った保証金の額が第二項の政令で定める額に不足することとなったときは、内閣府令で定める日から二週間以内にその不足額について供託を行い、遅滞なく、その旨を内閣総理大臣に届け出なければならない。

(8) If the amount of the security deposits that was deposited by a financial service intermediary comes to fall short of the amount specified by Cabinet Order under paragraph (2) due to the exercise of the right referred to in paragraph (6) or any other reason, the financial service intermediary must deposit the shortfall within two weeks from the date specified by Cabinet Office Order and notify the Prime Minister of this without delay.

9 第一項又は前項の規定により供託する保証金は、国債証券、地方債証券その他の内閣府令で定める有価証券をもってこれに充てることができる。

(9) National government bonds, local government bonds or any other securities specified by Cabinet Office Order may serve as the security deposits to be deposited pursuant to the provisions of paragraph (1) or the preceding paragraph.

10 第一項、第四項又は第八項の規定により供託した保証金は、次の各号のいずれかに該当することとなったときは、内閣総理大臣の承認を受けて、その全部又は一部を取り戻すことができる。

(10) The security deposits that have been deposited pursuant to the provisions of paragraph (1), (4), or (8) may be fully or partly refunded with the Prime Minister's approval, if the financial service intermediary comes to fall under any of the following items:

一 第十六条第三項第三号から第七号までのいずれかに該当することとなったとき、又は同項第八号イからニまでに掲げる業務のうち一の業務のみを行う金融サービス仲介業者がそれぞれ当該イからニまでに定める者となったとき。

(i) the financial service intermediary comes to fall under any of Article 16, paragraph (3), items (iii) through (vii) or the financial service intermediary engaging in only one business operation out of those set forth in item (viii), sub-items (a) through (d) of that paragraph becomes a person specified in sub-items (a) through (d), respectively;

二 第三十八条第一項又は第四項の規定により第十二条の登録が取り消されたとき。

(ii) the registration under Article 12 is rescinded pursuant to the provisions of Article 38, paragraph (1) or (4); or

三 金融サービス仲介業務の状況の変化その他の理由により、供託を行った保証金の額が第二項の政令で定める額を超えることとなったとき。

(iii) the amount of the security deposits that have been deposited by the financial service intermediary has come to exceed the amount specified by

Cabinet Order under paragraph (2) for reasons such as changes in the state of financial service intermediary business operations.

1 1 内閣総理大臣は、前項の承認をするときは、金融サービス仲介業者が行った第六項各号に掲げる行為に関して生じた債権の弁済を確保するために必要と認める限度において、取り戻すことができる時期及び取り戻すことができる保証金の額を指定することができる。

(11) When granting the approval set forth in the preceding paragraph, the Prime Minister may designate a period for the recovery and the recoverable amount of the security deposits, within the limit that the Prime Minister finds necessary to ensure the payment of any claim that has arisen in relation to the act set forth in the items of paragraph (6) performed by a financial service intermediary.

1 2 前各項に定めるもののほか、保証金に関し必要な事項は、内閣府令・法務省令で定める。

(12) Beyond what is provided for in the preceding paragraphs, the necessary particulars relevant to security deposits are specified by Cabinet Office Order or Ministry of Justice Order.

(金融サービス仲介業者賠償責任保険契約)

(Financial Service Intermediary Liability Insurance Contract)

第二十三条 金融サービス仲介業者は、政令で定めるところにより、金融サービス仲介業者賠償責任保険契約（金融サービス仲介業務に関して生じた損害の賠償の責任が発生した場合において、これを金融サービス仲介業者が賠償することにより生ずる損失を保険者が填補することを約し、保険契約者が保険者に保険料を支払うことを約する契約をいう。以下この条において同じ。）を締結し、内閣総理大臣の承認を受けたときは、当該契約の効力の存する間、当該契約の保険金の額に応じて前条第一項の保証金の一部の供託をしないことができる。

Article 23 (1) A financial service intermediary that has concluded a financial service intermediary liability insurance contract (meaning a contract guaranteeing that, in cases where compensation liability for damages arises in relation to financial service intermediary business operations, an insurer compensates the loss arising from the compensation by the financial service intermediary and that the policyholder pays the insurance premium to the insurer; hereinafter the same applies in this Article) pursuant to the provisions of Cabinet Order, may, with the Prime Minister's approval, choose not to deposit all or part of the security deposit referred to in paragraph (1) of the preceding Article in accordance with the amount of insurance proceeds under the contract, so long as the contract remains in effect.

2 内閣総理大臣は、顧客等の保護のため必要があると認めるときは、金融サービス仲介業者賠償責任保険契約を締結した金融サービス仲介業者に対し、前項の規定により供託をしないことができる金額の全部又は一部を供託すべき旨を命ずることができる。

(2) If the Prime Minister finds it necessary for the protection of customers, etc., the Prime Minister may order a financial service intermediary that has concluded a financial service intermediary liability insurance contact to deposit all or part of the amount of security deposits which the financial service intermediary may choose not to deposit pursuant to the provisions of the preceding paragraph.

3 前二項に定めるもののほか、金融サービス仲介業者賠償責任保険契約に関し必要な事項は、内閣府令で定める。

(3) Beyond what is provided for in the preceding two paragraphs, any necessary particulars for financial service intermediary liability insurance contracts are specified by Cabinet Office Order.

## 第二節 業務

### Section 2 Business Operations

(金融サービス仲介業者の誠実義務)

(Duty of Good Faith of Financial Service Intermediaries)

第二十四条 金融サービス仲介業者並びにその役員及び使用人は、顧客に対して誠実かつ公正に、その業務を遂行しなければならない。

Article 24 A financial service intermediary as well as its officers and employees must act fairly and in good faith with customers in performing business operations.

(情報の提供)

(Provision of Information)

第二十五条 金融サービス仲介業者は、金融サービス仲介業務を行うときは、あらかじめ、顧客に対し次に掲げる事項を明らかにしなければならない。

Article 25 (1) A financial service intermediary, when engaging in financial service intermediary business operations, must clearly indicate the following particulars to customers in advance:

一 金融サービス仲介業者の商号、名称又は氏名及び住所

(i) the trade name or name, and address of the financial service intermediary;

二 第十四条第一項に規定する金融サービス仲介業者登録簿に登録されている業務の種類別

(ii) the category of business operations registered on the registry of financial service intermediaries prescribed in Article 14, paragraph (1);

三 第十一条第二項第一号イからヨまで、第三項各号若しくは第四項第一号イ若しくはロに掲げる者又は貸金業者の代理権がない旨その他金融サービス仲介業者の権限に関する事項

(iii) the fact that the financial service intermediary does not have the authority to represent a person set forth in Article 11, paragraph (2), item (i), (a)



through (o), the items of paragraph (3) or paragraph (4), item (i), (a) or (b), or a money lender, and other particulars of the financial service intermediary's authority;

四 第二十七条の規定の趣旨

(iv) the purport of the provisions of Article 27;

五 金融サービス仲介業者の損害賠償に関する事項

(v) the particulars of the financial service intermediary's liability for damages; and

六 その他内閣府令で定める事項

(vi) other particulars specified by Cabinet Office Order.

2 金融サービス仲介業者は、顧客から求められたときは、金融サービス仲介業務に関して当該金融サービス仲介業者が受ける手数料、報酬その他の対価の額その他内閣府令で定める事項を、明らかにしなければならない。

(2) A financial service intermediary, upon request of a customer, must disclose the amount of commission, reward or any other consideration that the financial service intermediary receives for financial service intermediary business operations, or any other particulars specified by Cabinet Office Order.

(業務運営に関する措置)

(Measures Concerning Business Operations)

第二十六条 金融サービス仲介業者は、金融サービス仲介業務に関し、この法律又は他の法律に定めがあるものを除き、内閣府令で定めるところにより、その金融サービス仲介業務に係る重要な事項の顧客への説明、その金融サービス仲介業務に関して取得した顧客に関する情報の適正な取扱いその他の健全かつ適切な運営を確保するための措置を講じなければならない。

Article 26 Unless otherwise provided in this Act or any other law, a financial service intermediary, pursuant to the provisions of Cabinet Office Order, must explain important matters related to its financial service intermediary business operations to customers, appropriately handle customer information acquired in connection with its financial service intermediary business operations, and take other measures to ensure the sound and appropriate management of its financial service intermediary business.

(金銭等の預託の禁止)

(Ban on Depositing Money)

第二十七条 金融サービス仲介業者は、いかなる名目によるかを問わず、その行う金融サービス仲介業に関して、顧客から金銭その他の財産の預託を受け、又は当該金融サービス仲介業者と密接な関係を有する者として政令で定める者に顧客の金銭その他の財産を預託させてはならない。ただし、顧客の保護に欠けるおそれが少ない場合として内閣府令で定める場合は、この限りでない。

Article 27 A financial service intermediary must not, for any reason, receive a

deposit in the form of money or other property from a customer, or have a person specified by Cabinet Order as being closely related to the financial service intermediary deposit money or other property of a customer in connection with the financial service intermediary business it conducts; provided, however, that this does not apply in a case specified by Cabinet Office Order as one in which there is little likelihood of this resulting in insufficient protection of customers.

(指定紛争解決機関との契約締結義務等)

(Obligation to Conclude a Contract with a Designated Dispute Resolution Organization)

第二十八条 金融サービス仲介業者は、次の各号に掲げる場合の区分に応じ、当該各号に定める措置を講じなければならない。

Article 28 (1) A financial service intermediary must take the measures specified in any of the following items in accordance with the category of cases set forth in that item:

一 当該金融サービス仲介業者が預金等媒介業務を行う者である場合 次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める措置

(i) in cases where the financial service intermediary engages in deposit, etc. intermediary business operations: measures specified in the following sub-item (a) or (b) in accordance with the category of cases set forth in the sub-item (a) or (b):

イ 指定預金等媒介紛争解決機関（指定紛争解決機関であってその紛争解決等業務の種別が預金等媒介業務であるものをいう。以下この条において同じ。）が存在する場合 一の指定預金等媒介紛争解決機関との間で預金等媒介業務に係る手続実施基本契約を締結する措置

(a) if there is a designated dispute resolution organization for deposit, etc. intermediary business operations (meaning a designated dispute resolution organization for which the category of dispute resolution services is deposit, etc. intermediary business operations; hereinafter the same applies in this Article): measures to conclude a basic contract for the implementation of dispute resolution procedures related to deposit, etc. intermediary business operations with a designated dispute resolution organization for deposit, etc. intermediary business operations; or

ロ 指定預金等媒介紛争解決機関が存在しない場合 預金等媒介業務に関する苦情処理措置（顧客等からの苦情の処理の業務に従事する使用人その他の従業者に対する助言若しくは指導を第六十二条第三項第三号に掲げる者に行わせること又はこれに準ずるものとして内閣府令で定める措置をいう。以下この項において同じ。）及び紛争解決措置（顧客等との紛争の解決を裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）第二条第三号に規定する認証紛争解決手続により図ること又はこれに準ずるものとして内閣府令で定める措置

をいう。以下この項において同じ。)

(b) if there is no designated dispute resolution organization for deposit, etc. intermediary business operations: complaint processing measures (meaning measures to have the person set forth in Article 62, paragraph (3), item (iii) provide advice or guidance to the employee or any other workers engaging in the business of processing complaints from customers, etc. or any other measures specified by Cabinet Office Order as being equivalent thereto; hereinafter the same applies in this paragraph) and dispute resolution measures (meaning measures to resolve disputes with customers, etc. through certified dispute resolution procedures as defined in Article 2, item (iii) of the Act on Promotion of the Use of Alternative Dispute Resolution (Act No. 151 of 2004) or any other measure specified by Cabinet Office Order as being equivalent thereto; hereinafter the same applies in this paragraph), related to deposit, etc. intermediary business operations;

二 当該金融サービス仲介業者が保険媒介業務を行う者である場合 次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める措置

(ii) in cases where the financial service intermediary engages in insurance intermediary business operations: measures specified in the following sub-item (a) or (b) in accordance with the category of cases set forth in sub-item (a) or (b):

イ 指定保険媒介紛争解決機関（指定紛争解決機関であってその紛争解決等業務の種類が保険媒介業務であるものをいう。以下この条において同じ。）が存在する場合 一の指定保険媒介紛争解決機関との間で保険媒介業務に係る手続実施基本契約を締結する措置

(a) if there is a designated dispute resolution organization for insurance intermediary business operations (meaning a designated dispute resolution organization for which the category of dispute resolution services is insurance intermediary business operations; hereinafter the same applies in this Article): measures to conclude a basic contract for the implementation of dispute resolution procedures in connection with insurance intermediary business operations with a designated dispute resolution organization for insurance intermediary business operations; or

ロ 指定保険媒介紛争解決機関が存在しない場合 保険媒介業務に関する苦情処理措置及び紛争解決措置

(b) if there is no designated dispute resolution organization for insurance intermediary business operations: complaint processing measures and dispute resolution measures related to insurance intermediary business operations;

三 当該金融サービス仲介業者が有価証券等仲介業務を行う者である場合 次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める措置

(iii) in cases where the financial service intermediary engages in securities, etc. intermediary business operations: measures specified in the following sub-item (a) or (b) in accordance with the category of cases set forth in sub-item (a) or (b):

イ 指定有価証券等仲介紛争解決機関（指定紛争解決機関であってその紛争解決等業務の種別が有価証券等仲介業務であるものをいう。以下この条において同じ。）が存在する場合 一の指定有価証券等仲介紛争解決機関との間で有価証券等仲介業務に係る手続実施基本契約を締結する措置

(a) if there is a designated dispute resolution organization for securities, etc. intermediary business operations (meaning a designated dispute resolution organization for which the category of dispute resolution services is securities, etc. intermediary business operations; hereinafter the same applies in this Article): measures to conclude a basic contract for the implementation of dispute resolution procedures in connection with securities, etc. intermediary business operations with a designated dispute resolution organization for securities, etc. intermediary business operations ; or

ロ 指定有価証券等仲介紛争解決機関が存在しない場合 有価証券等仲介業務に関する苦情処理措置及び紛争解決措置

(b) if there is no designated dispute resolution organization for securities, etc. intermediary business operations: complaint processing measures and dispute resolution measures related to securities, etc. intermediary business operations;

四 当該金融サービス仲介業者が貸金業貸付媒介業務を行う者である場合 次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める措置

(iv) in cases where the financial service intermediary engages in loan intermediary business operations: measures specified in the following sub-item (a) or (b) in accordance with the category of cases set forth in sub-item (a) or (b):

イ 指定貸金業貸付媒介紛争解決機関（指定紛争解決機関であってその紛争解決等業務の種別が貸金業貸付媒介業務であるものをいう。以下この条において同じ。）が存在する場合 一の指定貸金業貸付媒介紛争解決機関との間で貸金業貸付媒介業務に係る手続実施基本契約を締結する措置

(a) if there is a designated dispute resolution organization for loan intermediary business operations (meaning a designated dispute resolution organization for which the category of dispute resolution services is loan intermediary business operations; hereinafter the same applies in this Article): measures to conclude a basic contract for the implementation of dispute resolution procedures in connection with loan intermediary business operations with a designated dispute resolution organization for loan intermediary business operations; or

ロ 指定貸金業貸付媒介紛争解決機関が存在しない場合 貸金業貸付媒介業務に関する苦情処理措置及び紛争解決措置

(b) if there is no designated dispute resolution organization for loan intermediary business operations: complaint processing measures and dispute resolution measures related to loan intermediary business operations.

2 前項第一号ロに規定する「顧客等」とは、顧客又は顧客以外の保険契約者等、資金需要者等（貸金業法第二条第六項に規定する資金需要者等をいう。）若しくは債務者等（同条第五項に規定する債務者等をいう。）であった者をいう。

(2) The term "customers, etc." prescribed in item (i), (b) of the preceding paragraph means a customer, policyholder, etc. other than a customer or a person seeking funds, etc. (meaning a person seeking funds, etc. as defined in Article 2, paragraph (6) of the Money Lending Business Act), or a person who was an obligor, etc. (meaning an obligor, etc. as defined in paragraph (5) of that Article).

3 金融サービス仲介業者は、第一項の規定により手続実施基本契約を締結する措置を講じた場合には、当該手続実施基本契約の相手方である指定紛争解決機関の名称又は商号を公表しなければならない。

(3) Once a financial service intermediary has taken measures to conclude a basic contract for the implementation of dispute resolution procedures pursuant to the provisions of paragraph (1), the financial service intermediary must disclose the name or trade name of the designated dispute resolution organization that is the counterparty to the basic contract for the implementation of dispute resolution procedures.

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

(4) The provisions of paragraph (1) do not apply during the period specified in the following items in accordance with the category of cases set forth in the items:

一 第一項第一号イ、第二号イ、第三号イ又は第四号イに掲げる場合に該当していた場合において、同項第一号ロ、第二号ロ、第三号ロ又は第四号ロに掲げる場合に該当することとなったとき 第七十二条第一項の規定による紛争解決等業務の廃止の認可又は第七十三条第一項の規定による指定の取消しの時に、第一項第一号ロ、第二号ロ、第三号ロ又は第四号ロに定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(i) if a case that fell under a category of cases set forth in paragraph (1), item (i), (a), item (ii), (a), item (iii), (a), or item (iv), (a) has come to fall under a category of cases set forth in item (i), (b), item (ii), (b), item (iii), (b), or item (iv), (b) of that paragraph: the period specified by the Prime Minister as the necessary period for taking the measures specified in paragraph (1), item (i), (b), item (ii), (b), item (iii), (b), or item (iv), (b) at the time of granting authorization for the discontinuation of dispute resolution services under the

provisions of Article 72, paragraph (1) or at the time of rescinding the designation under the provisions of Article 73, paragraph (1);

二 第一項第一号イ、第二号イ、第三号イ又は第四号イに掲げる場合に該当していた場合において、同項第一号イの一の指定預金等媒介紛争解決機関、同項第二号イの一の指定保険媒介紛争解決機関、同項第三号イの一の指定有価証券等仲介紛争解決機関若しくは同項第四号イの一の指定貸金業貸付媒介紛争解決機関（以下この号において「指定種別紛争解決機関」と総称する。）の紛争解決等業務の廃止が第七十二条第一項の規定により認可されたとき、又は指定種別紛争解決機関の第五十一条第一項の規定による指定が第七十三条第一項の規定により取り消されたとき（前号に掲げる場合を除く。）その認可又は取消しの時に、第一項第一号イ、第二号イ、第三号イ又は第四号イに定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(ii) if for a case that fell under a category of the cases set forth in paragraph (1), item (i), (a), item (ii), (a), item (iii), (a), or item (iv), (a), the discontinuation of the dispute resolution services of a designated dispute resolution organization for deposit, etc. intermediary business operations under item (i), (a) of that paragraph, a designated dispute resolution organization for insurance intermediary business operations under item (ii), (a) of that paragraph, a designated dispute resolution organization for securities, etc. intermediary business operations under item (iii), (a) of that paragraph, or a designated dispute resolution organization for loan intermediary business operations under item (iv), (a) of that paragraph (hereinafter collectively referred to as "designated dispute resolution organization for each category of business" in this item) has been authorized under the provisions of Article 72, paragraph (1) or the designation under the provisions of Article 51, paragraph (1) has been rescinded for the designated dispute resolution organization for each category of business pursuant to the provisions of Article 73, paragraph (1) (excluding the case set forth in the preceding item): the period specified by the Prime Minister as the necessary period for taking the measures specified in paragraph (1), item (i), (a), item (ii), (a), item (iii), (a), or item (iv), (a) at the time of granting the authorization or at the time of rescinding the designation; and

三 第一項第一号ロ、第二号ロ、第三号ロ又は第四号ロに掲げる場合に該当していた場合において、同項第一号イ、第二号イ、第三号イ又は第四号イに掲げる場合に該当することとなったとき 第五十一条第一項の規定による指定の時に、第一項第一号イ、第二号イ、第三号イ又は第四号イに定める措置を講ずるために必要な期間として内閣総理大臣が定める期間

(iii) if a case that fell under a category of the cases set forth in paragraph (1), item (i), (b), item (ii), (b), item (iii), (b), or item (iv), (b), has come to fall under the cases set forth in item (i), (a), item (ii), (a), item (iii), (a), or item (iv), (a) of that paragraph: the period specified by the Prime Minister as the

necessary period for taking the measures specified in paragraph (1), item (i), (a), item (ii), (a), item (iii), (a), or item (iv), (a) at the time of the designation under the provisions of Article 51, paragraph (1).

(銀行法の準用)

(Mutatis Mutandis Application of the Banking Act)

第二十九条 銀行法第五十二条の四十四第二項及び第五十二条の四十五の規定は、預金等媒介業務を行う金融サービス仲介業者について準用する。この場合において、次の表の上欄に掲げる同法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 29 The provisions of Article 52-44, paragraph (2) and Article 52-45 of the Banking Act apply mutatis mutandis to a financial service intermediary that engages in deposit, etc. intermediary business operations. In this case, the terms or phrases listed in the middle column of the following table that appear in the provisions of the Banking Act as listed in the left-hand column of that table are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of that table and any other necessary technical replacement of terms is specified by Cabinet Order.

第五十二条の 四十四第二項 Article 52-44, paragraph (2)	第二条第十四項 第一号 Article 2, paragraph (14), item (i)	金融サービスの提供に関する法律第十一条第二 項第一号 (定義) Article 11, paragraph (2), item (i) (Definitions) of the Act on Provision of Financial Services
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<p>特定預金等契約 a contract for specified deposit, etc.</p>	<p>金利、通貨の価格、金融商品取引法第二条第十四項（定義）に規定する金融商品市場における相場その他の指標に係る変動によりその元本について損失が生ずるおそれがある預金等（金融サービスの提供に関する法律第二条第一項（定義）に規定する預金等をいう。以下この項及び次条第四号において同じ。）として内閣府令で定めるものの受入れを内容とする契約（次条において「特定預金等契約」という。） a contract on the acceptance of what is specified by Cabinet Office Order as a deposit, etc. (meaning a deposit, etc. as defined in Article 2, paragraph (1) (Definitions) of the Act on the Provision of Financial Services; hereinafter the same applies in this paragraph and item (iv) of the following Article) that has the risk of incurring loss of the principal due to fluctuations in the money percentage, value of currencies, quotations on a financial instruments market as defined in Article 2, paragraph (14) (Definitions) of the Financial Instruments and Exchange Act, or any other index (the contract is referred to as "a contract for specified deposit, etc." in the following Article)</p>
<p>代理及び媒介 agent or intermediary</p>	<p>媒介 intermediary</p>
<p>預金者等の of depositor, etc.</p>	<p>預金者等（預金者、貯金者及び定期積金の積金者（第二条第四項に規定する掛金の掛金者を含む。）をいう。以下この項において同じ。）の of depositor, etc. (meaning a depositor, savings depositor, installment savings depositor (including a person that makes the installments as defined in Article 2, paragraph (4)); hereinafter the same applies in this paragraph)</p>
<p>預金又は定期積 金等 deposits or installment savings, etc.</p>	<p>預金等 deposits, etc.</p>



第五十二条の 四十五各号列 記以外の部分 及び同条第三 号 Parts other than those listed in the items of Article 52-45, and item (iii) of that Article	代理又は媒介 agent or intermediary	媒介 intermediary
第五十二条の 四十五第四号 Article 52-45, item (iv)	が所属銀行 with the principal bank	が相手方金融機関（金融サービスの提供に関する法律第十一条第六項（定義）に規定する金融サービス仲介業者が行う同条第二項に規定する預金等媒介業務により顧客が締結する預金等の受入れ、資金の貸付け若しくは手形の割引又は為替取引を内容とする契約の相手方をいう。以下この条において同じ。） with the counterparty financial institution (meaning a counterparty to a contract for the acceptance of deposit, etc., the lending of funds or the discounting of bills and notes, or funds transfer transactions that a customer concludes through deposit, etc. intermediary business as defined in Article 11, paragraph (2) (Definitions) of the Act on the Provision of Financial Services conducted by a financial service intermediary as defined in paragraph (6) of the Article; hereinafter the same applies in this Article)
	当該所属銀行 the principal bank	当該相手方金融機関 the counterparty financial institution
	代理又は媒介 agent or intermediary	媒介 intermediary
	(所属銀行 the principal bank)	(相手方金融機関 the counterparty financial institution)
第五十二条の 四十五第五号 Article 52-45, item (v)	所属銀行 the principal bank	相手方金融機関 the counterparty financial institution

(保険業法の準用)

(Mutatis Mutandis Application of the Insurance Business Act)

第三十条 保険業法第二百九十三条、第二百九十四条第一項及び第二項、第二百九十四条の二、第二百九十五条、第二百九十八条、第三百条第一項並びに第三百九条第七項、第八項及び第十項の規定は、保険媒介業務を行う金融サービス仲介業者について準用する。この場合において、次の表の上欄に掲げる同法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 30 The provisions of Article 293, Article 294, paragraphs (1) and (2), Article 294-2, Article 295, Article 298, Article 300, paragraph (1), and Article 309, paragraphs (7), (8), and (10) of the Insurance Business Act apply mutatis mutandis to a financial service intermediary that engages in insurance intermediary business operations. In this case, the terms or phrases listed in the middle column of the following table that appear in the provisions of the Insurance Business Act as listed in the left-hand column of that table are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of that table and any other necessary technical replacement of terms is specified by Cabinet Order.

<p>第二百九十三 条 Article 293</p>	<p>保険仲立人が行う保険契約 by an insurance broker in concluding an insurance contract</p>	<p>金融サービス仲介業者が顧客のために 行う保険契約（金融サービスの提供に 関する法律第二条第二項（定義）に規 定する保険契約をいう。以下同じ。） by a financial service intermediary in concluding an insurance contract (meaning an insurance contract as defined in Article 2, paragraph (2) (Definitions) of the Act on the Provision of Financial Services; the same applies hereinafter) on behalf of a customer</p>
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第二百九十四  
 条第一項  
 Article  
 294,  
 paragraph  
 (1)

<p>使用人は          employee thereof</p>	<p>使用人（金融サービスの提供に関する法律第七十四条（保険契約の締結の媒介を行う役員又は使用人の届出）の規定による届出が行われているものに限る。次条及び第三百条第一項において同じ。）は          employee thereof (limited to an employee for which notification pursuant to Article 74 (Notification of Officers and Employees Conducting Intermediation of Conclusion of Insurance Policy) of the Act on the Provision of Financial Services has been given; the same applies in the following Article and Article 300, paragraph (1))</p>
<p>保険契約の締結、保険募集          又は自らが締結した若しくは          は保険募集          the conclusion of an          insurance contract,          insurance sales, [or an act          of urging a customer to          subscribe to an insurance          contract for group          insurance (meaning          insurance for which a          group or its representative          is the policyholder and the          persons who belong to that          group are the insured; the          same applies in the          following Article, Article          294-3, paragraph (1) and          Article 300, paragraph          (1))] which has been          concluded or solicited by          the relevant company,          officer, agent, broker or          employee</p>	<p>保険契約の締結の媒介又は自らが締結          の媒介          an intermediary for the conclusion          of an insurance contract, [or an act          of urging a customer to subscribe to          an insurance contract for group          insurance (meaning insurance for          which a group or its representative          is the policyholder and the persons          who belong to that group are the          insured; the same applies in the          following Article, Article 294-3,          paragraph (1) and Article 300,          paragraph (1))] of which the          relevant financial services          intermediary, or its officer or          employee has acted as an          intermediary for the conclusion</p>
<p>の保険募集          solicitation of insurance          for</p>	<p>の締結の媒介          an intermediary for the conclusion          of</p>

第二百九十四條第二項 Article 294, paragraph (2)	又はその代理若しくは媒介 or [any related acts performed as] an an agent or intermediary	の媒介 or [any related acts performed as] an intermediary
第二百九十四條の二 Article 294-2	、保険募集又は自らが締結した若しくは保険募集 [the conclusion of an insurance contract,] solicitation of insurance, [or an act of urging a customer to subscribe to an insurance contract for group insurance] which has been concluded or solicited by the relevant company, officer, agent, broker or employee	の媒介又は自らが締結の媒介 an intermediary for the conclusion of an insurance contract, or an act of urging a customer to subscribe to an insurance contract for group insurance of which the relevant financial services intermediary, or its officer or employee has acted as intermediary for the conclusion
第二百九十五条第一項 Article 295, paragraph (1)	保険仲立人にあつては、内閣府令 for an insurance broker, limited to those contracts specified by Cabinet Office Order	内閣府令 [limited to those contracts specified by] Cabinet Office Order
第三百条第一項 Article 300, paragraph (1)	、保険募集又は自らが締結した若しくは保険募集 [the conclusion of an insurance contract,] solicitation of insurance [or an act of urging a customer to subscribe to an insurance contract for group insurance] which has been concluded or solicited by the relevant company, officer, agent, broker or employee	の媒介又は自らが締結の媒介 an intermediary for the conclusion of an insurance contract, or an act of urging a customer to subscribe to an insurance contract for group insurance of which the relevant financial financial services intermediary, or its officer or employee has acted as an intermediary for the conclusion
	締結した又は保険募集 [in case of an act of urging a customer to subscribe to an insurance contract for group insurance] which has been concluded or solicited by the relevant company, officer, agent, broker or employee	締結の媒介 [in case of an act of urging a customer to subscribe to an insurance contract for group insurance] of which the relevant financial services intermediary, or its officer or employee has acted as intermediary for the conclusion

	又はその代理若しくは媒介 [in case of conclusion of a specified insurance contract prescribed in the following Article] or agency or intermediary therefor	の媒介 [in case of] an intermediary for [conclusion of a specified insurance contract prescribed in the following Article]
第三百条第一項第八号 Article 300, paragraph (1), item (viii)	当該保険会社等又は外国保険会社等の of the insurance company, etc. or foreign insurance company, etc.	金融サービス仲介業者が行う保険契約の締結の媒介により当該保険契約者が締結する保険契約の相手方となる保険会社等又は外国保険会社等（以下この号において「相手方金融機関」という。）の of the insurance company, etc. or the foreign insurance company, etc. that is a counterparty to an insurance contract of which the insurance policyholder concludes through intermediation for the conclusion performed by a financial service intermediary (hereinafter referred to as a "counterparty financial institution" in this item)
	保険会社等又は外国保険会社等を include the insurance company, etc. or foreign insurance company, etc.	相手方金融機関を include the counterparty financial institution

（金融商品取引法の準用）

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

第三十一条 金融商品取引法第三十八条の二、第六十六条の十四（第一号イ及びロ並びに第三号を除く。）及び第六十六条の十四の二の規定は、有価証券等仲介業務を行う金融サービス仲介業者について準用する。この場合において、次の表の上欄に掲げる同法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 31 (1) The provisions of Article 38-2, Article 66-14 (excluding item (i), (a) and (b), and item (iii)), and Article 66-14-2 of the Financial Instruments and Exchange Act apply mutatis mutandis to a financial service intermediary that engages in securities, etc. intermediary business operations. In this case, the terms or phrases listed in the middle column of the following table that appear in the provisions of the Financial Instruments and Exchange Act as listed in the left-hand column of that table are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of that table

and any other necessary technical replacement of terms is specified by Cabinet Order.

<p>第三十八条の二 Article 38-2</p>	<p>投資助言・代理業又は投資運用業 the investment advisory and agency business or investment management business</p>	<p>有価証券等仲介業務（金融サービスの提供に関する法律第十一条第四項第四号に掲げる行為を行う業務に限る。第六十六条の十四において同じ。） serucities, etc. intermediary business operations (limited to business operations to conclude the act set forth in Article 11, paragraph (4), item (iv) of the Act on the Provision of Financial Services; the same applies in Article 66-14)</p>
<p>第三十八条の二第一号 Article 38-2, item (i)</p>	<p>、投資一任契約若しくは第二条第八項第十二号イに掲げる , discretionary investment contract, or contract specified in Article 2, paragraph (8), item (xii), (a)</p>	<p>若しくは投資一任契約又はこれらの媒介に係る or discretionary investment contract, or contract related to an intermediary thereof</p>
<p>第六十六条の十四第一号及び第二号 Article 66-14, items (i) and (ii)</p>	<p>金融商品仲介業 financial instruments intermediary services</p>	<p>有価証券等仲介業務 serucities, etc. intermediary business</p>
<p>第六十六条の十四の二 Article 66-14-2</p>	<p>として、 as the other party</p>	<p>とし、又は一般投資家のために、 as the other party or for a general investor</p>

<p>場合、一般投資家に対する勧誘に基づかないで所属金融商品取引業者等のために買付けの媒介を行う場合</p> <p>, a case in which the financial instruments intermediary service provider intermediates a purchase for an entrusting financial instruments business operator, etc. which is not based on a solicitation of general investors, or any other case</p>	<p>場合</p> <p>or any other case</p>
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2 金融商品取引法第三章第一節第五款（第三十四条の二第六項から第八項まで並びに第三十四条の三第五項及び第六項を除く。）、同章第二節第一款（第三十五条から第三十六条の四まで、第三十七条の二、第三十七条の三第三項、第三十七条の五、第三十七条の六第一項、第二項、第四項ただし書及び第五項、第三十七条の七、第三十八条第七号及び第八号、第三十八条の二並びに第四十条の二から第四十条の七までを除く。）及び第四十五条（第三号及び第四号を除く。）の規定は、特定金融サービス契約（第二十九条において読み替えて準用する銀行法第五十二条の四十四第二項に規定する特定預金等契約、保険業法第三百条の二に規定する特定保険契約、第十一条第四項第一号に掲げる行為により締結する有価証券の売買契約、同項第二号に掲げる行為により締結する有価証券の売買契約若しくは市場デリバティブ取引若しくは外国市場デリバティブ取引に係る契約、同項第三号に掲げる行為により有価証券を取得することを内容とする契約又は同項第四号に掲げる行為により締結する投資顧問契約若しくは投資一任契約をいう。）に係る金融サービス仲介業務を行う金融サービス仲介業者について準用する。この場合において、次の表の上欄に掲げる金融商品取引法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Chapter 3, Section 1, Subsection 5 (excluding Article 34-2, paragraphs (6) through (8) and Article 34-3, paragraphs (5) and (6)), Section 2, Subsection 1 of that Chapter (excluding Articles 35 through 36-4, Article 37-2, Article 37-3, paragraph (3), Article 37-5, Article 37-6, paragraphs (1) and (2), the proviso to paragraph (4), and paragraph (5), Article 37-7, Article 38, items (vii) and (viii), Article 38-2, and Articles 40-2 through 40-7), and Article 45 (excluding items (iii) and (iv)) of the Financial Instruments and Exchange Act apply mutatis mutandis to a financial service intermediary that engages in financial service intermediary business operations related to a specified

financial service contract (meaning a contract for specified deposit, etc. prescribed in Article 52-44, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 29 following the deemed replacement of terms; a specified insurance contract prescribed in Article 300 of the Insurance Business Act; purchase and sale contracts of securities concluded through the acts listed in Article 11, paragraph (4), item (i); purchase and sale contracts of securities, or contracts related to market derivatives transactions or foreign market derivatives transactions through the acts set forth in item (ii) of that paragraph; a contract on acquisition of securities through the acts set forth in item (iii) of that paragraph; or an investment advisory contract or a discretionary investment contract concluded through the acts set forth in item (iv) of that paragraph). In this case, the terms or phrases listed in the middle column of the following table that appear in the provisions of the Financial Instruments and Exchange Act as listed in the left-hand column of that table are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of that table and any other necessary technical replacement of terms is specified by Cabinet Order.



<p>第三十四条 Article 34</p>	<p>顧客を相手方とし、又は顧客のために金融商品取引行為（第二条第八項各号に掲げる行為をいう。以下同じ。）を行うことを内容とする契約（以下「金融商品取引契約」という a contract for the financial instruments business operator, etc. to perform an act that constitutes a financial instruments transaction (meaning an act as set forth in the items of Article 2, paragraph (8); the same applies hereinafter) with the customer as the other party or on behalf of the customer (hereinafter such contract is referred to as a "financial instruments transaction contract"</p>	<p>特定金融サービス契約（金融サービスの提供に関する法律第三十一条第二項に規定する特定金融サービス契約をいう。以下同じ a specified financial service contract (meaning a specified financial service contract as defined in Article 31, paragraph (2) of the Act on the Provision of Financial Services; the same applies hereinafter</p>
	<p>同条第三十一項第四号 Article 2, paragraph (31), item (iv)</p>	<p>第二条第三十一項第四号 Article 2, paragraph (31), item (iv)</p>
	<p>金融商品取引契約と同じ金融商品取引契約 a financial instruments transaction contract [with that professional investor of a type specified by Cabinet Office Order] as constituting the same type of contract as the financial instruments transaction contract</p>	<p>特定金融サービス契約と同じ特定金融サービス契約 a specified financial service contract [with that professional investor of a type specified by Cabinet Office Order] as constituting] the same type of contract as the specified financial service contract</p>
	<p>を過去に当該特定投資家との間で締結した has never in the past concluded</p>	<p>の締結の媒介を過去に当該特定投資家との間で行った has never in the past conducted intermediation of the conclusion of</p>

	を締結する concluding	の締結の媒介を行う conducting intermediation of the conclusion of
第三十四条の二第二項 Article 34-2, paragraph (2)	又は締結 or by the time it concludes	又は媒介 or by the time it conducts intermediation of the conclusion of
第三十四条の二第三項第三号 Article 34-2, paragraph (3), item (iii)	締結をする or concludes	媒介を行う or conducts intermediation of the conclusion of
第三十四条の二第五項第二号 Article 34-2, paragraph (5), item (ii)	締結する [with which the financial instruments business operator, etc.] concludes	締結の媒介を行う [to a subject contract of which the financial service intermediary] conducts intermediation of the conclusion
第三十四条の三第二項第二号 Article 34-3, paragraph (2), item (ii)	締結をする in concluding	媒介を行う in conducting intermediation of the conclusion of
第三十四条の三第二項第四号イ Article 34-3, paragraph (2), item (iv) (a)	と対象契約 a subject contract with	の媒介により対象契約 a subject contract through intermediation of
第三十四条の三第二項第五号及び第六号 Article 34-3, paragraph (2), items (v) and (vi)	締結をする in concluding a subject contract with	媒介を行う in conducting intermediation of the conclusion of a subject contract for
第三十四条の三第四項第二号 Article 34-3, paragraph (4), item (ii)	締結する concludes	締結の媒介を行う conducts intermediation of the conclusion of

<p>第三十四条の 三第十項及び 第三十四条の 四第五項 Article 34-3, paragraph (10) and Article 34-4, paragraph (5)</p>	<p>又は締結 [by the time it first] concludes</p>	<p>又は媒介 [by the time it first] conducts intermediation of the conclusion of</p>
<p>第三十七条第 二項 Article 37, paragraph (2)</p>	<p>金融商品取引行為を行 う the performance of an act that constitutes a financial instruments transaction</p>	<p>特定金融サービス契約を締結する the conclusion of a specified financial service contract</p>
<p>第三十七条の 三第一項 Article 37-3, paragraph (1)</p>	<p>を締結しようとする seeks to conclude</p>	<p>の締結の媒介を行う conducts intermediation of the conclusion of</p>

交付しなければ  
must deliver [a  
document stating the  
following particulars  
to the customer in  
advance, pursuant to  
the provisions of  
Cabinet Office Order]

交付するほか、特定預金等契約（金融サービスの提供に関する法律第二十九条において読み替えて準用する銀行法第五十二条の四十四第二項に規定する特定預金等契約をいう。第三十八条第一号並びに第三十九条第一項及び第三項において同じ。）については預金者等（金融サービスの提供に関する法律第二十九条において読み替えて準用する銀行法第五十二条の四十四第二項に規定する預金者等をいう。以下この項において同じ。）の、特定保険契約（保険業法第三百条の二に規定する特定保険契約をいう。以下同じ。）については保険契約者等（金融サービスの提供に関する法律第十七条第一項に規定する保険契約者等をいう。以下この項において同じ。）の保護に資するため、内閣府令で定めるところにより、当該特定金融サービス契約の内容その他預金者等又は保険契約者等に参考となるべき情報の提供を行わなければ

must deliver [a document stating the following particulars to the customer in advance, pursuant to the provisions of Cabinet Office Order] and, in order to contribute to protecting depositors, etc. (meaning depositors, etc. as defined in Article 52-44, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 29 of the Act on the Provision of Financial Services following the deemed replacement of terms; hereinafter the same applies in this paragraph) concerning a contract for specified deposit, etc. (meaning a contract for specified deposit, etc. as defined in Article 52-44, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 29 of the Act on the Provision of Financial Services following the deemed replacement of terms; the same applies in Article 38, item (i) and Article 39, paragraphs (1) and (3)), and to protecting insurance policyholders, etc. (meaning insurance policyholders, etc. as defined in Article 17, paragraph (1) of the Act on the Provision of Financial Services; hereinafter the same

applies in this paragraph) concerning a specified insurance contract (meaning specified insurance contract as defined in Article 300-2 of the Insurance Business Act; the same

<p>第三十七条の 三第一項第一 号 Article 37-3, paragraph (1), item (i)</p>	<p>の商号、名称又は氏名 及び住所 the trade name or name, and address of the financial instruments business operator, etc.</p>	<p>及び当該特定金融サービス契約に係る相手方金融機関（金融サービスの提供に関する法律第十一条第六項に規定する金融サービス仲介業者が行う同条第八項に規定する金融サービス仲介業務により顧客が締結する特定金融サービス契約の相手方をいう。以下同じ。）の商号、名称又は氏名及び住所（相手方金融機関が同条第三項第二号に規定する外国保険会社等である場合にあつては、支店等（保険業法第百八十五条第一項に規定する支店等をいう。）の所在地） the trade name or name, and address (in cases where a counterparty financial institution (meaning a counterparty to a specified financial service contract that a customer concludes through financial service intermediary business operations as defined in Article 11, paragraph (8) of the Act on the Provision of Financial Services conducted by a financial service intermediary as defined in paragraph (6) of that Article; the same applies hereinafter) is a foreign insurance company, etc. as defined in paragraph (3), item (ii) of that Article, location of a branch, etc. in Japan (meaning a branch, etc. in Japan as defined in Article 185, paragraph (1) of the Insurance Business Act)) of the financial service intermediary and the counterparty financial institution related to the specified financial service contract</p>
<p>第三十七条の 三第一項第五 号 Article 37-3, paragraph (1), item (v)</p>	<p>行う金融商品取引行為 an act that constitutes a financial instruments transaction carried out</p>	<p>締結する特定金融サービス契約 a specified financial service contract concluded</p>

<p>第三十七条の六第三項 Article 37-6, paragraph (3)</p>	<p>第一項の規定による金融商品取引契約の解除があつた場合には If a financial instruments transaction contract becomes subject to a cancelation under paragraph (1),</p>	<p>顧客からの申出により特定金融サービス契約（特定保険契約を除く。次項において同じ。）の解除に伴い相手方金融機関に損害賠償その他の金銭の支払をした場合において If a financial service intermediary paid compensation for damages and other money to the counterparty financial institution in association with cancellation of a specified financial service contract (excluding a specified insurance contract; the same applies in the following paragraph) at the request of a customer,</p>
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	<p>金融商品取引契約の解除までの期間に相当する手数料、報酬その他の当該金融商品取引契約に関して顧客が支払うべき対価（次項において「対価」という。）の額として内閣府令で定める金額を超えて当該金融商品取引契約の解除に伴う損害賠償又は違約金の支払を</p> <p>[the customer] to pay damages or a penalty for the cancellation of that financial instruments transaction contract that exceeds the amount specified by Cabinet Office Order as the amount of fees, reward, or other consideration payable by the customer with regard to that financial instruments transaction contract (referred to as a "consideration" in the following paragraph) for the period until the cancellation of that financial instruments transaction contract</p>	<p>支払いに伴う損害賠償その他の金銭の支払を、解除をした者に対し、</p> <p>the customer that has cancelled the contract to pay that compensation for damages or other money that the financial service intermediary paid</p>
<p>第三十七条の六第四項 Article 37-6, paragraph (4)</p>	<p>第一項の規定による under paragraph (1)</p>	<p>顧客からの申出により at the request of the customer</p>
	<p>金融商品取引契約 financial instruments transaction contract</p>	<p>特定金融サービス契約 specified financial service contract</p>

<p>第三十八条第一号 Article 38, item (i)</p>	<p>金融商品取引契約の締結又はその勧誘 the conclusion of a financial instruments transaction contract or in connection with the solicitation thereof</p>	<p>特定金融サービス契約の締結の勧誘又は媒介（特定預金等契約及び特定保険契約に係るものを除く。次号において同じ。） the solicitation or intermediation of the conclusion of a specified financial service contract (excluding a contract for specified deposit, etc. and a specified insurance policy; the same applies in the following item)</p>
<p>第三十八条第二号 Article 38, item (ii)</p>	<p>金融商品取引契約の締結の勧誘をする soliciting the customer to conclude a financial instruments transaction contract</p>	<p>特定金融サービス契約の締結の勧誘又は媒介を行う soliciting the customer to conclude a financial instrument transaction contract or conducting intermediation of the conclusion thereof</p>
<p>第三十九条第一項第一号 Article 39, paragraph (1), item (i)</p>	<p>有価証券の売買その他の取引（買戻価格があらかじめ定められている買戻条件付売買その他の政令で定める取引を除く。）又はデリバティブ取引（以下この条において「有価証券売買取引等」という。） purchase and sale or other transaction of securities (excluding purchase and sale with a repurchase requirement and a predetermined repurchase price, and other transactions specified by Cabinet Order) or a derivatives transaction (hereinafter collectively referred to as "purchase and sale or other transaction of securities, etc." in this Article)</p>	<p>特定金融サービス契約の締結 the conclusion of a specified financial service contract</p>



<p>有価証券又はデリバティブ取引（以下この条において「有価証券等」という。） the securities or derivatives transaction (hereinafter collectively referred to as "securities, etc." in this Article)</p>	<p>特定金融サービス契約 the specified financial service contract</p>
<p>損失 a loss</p>	<p>損失（特定保険契約にあつては、当該特定保険契約が締結されることにより顧客の支払う保険料の合計額が当該特定保険契約が締結されることにより当該顧客の取得する保険金、返戻金その他の給付金の合計額を上回る場合における当該保険料の合計額から当該保険金、返戻金その他の給付金の合計額を控除した金額をいう。以下この項、第三項及び第五項において同じ。） a loss (in cases of a specified insurance contract, meaning the amount obtained by deducting the total amount of insurance proceeds, rewards and other benefits from the total amount of the insurance premiums, in the case where the total amount of the insurance premiums to be paid by the customer following the conclusion of the specified insurance contract exceeds the total amount of insurance proceeds, rewards and other benefits to be paid out to the customer following the conclusion of the specified insurance contract; hereinafter the same applies in this paragraph, and paragraphs (3) and (5))</p>
<p>ため to supplement its profits</p>	<p>ため、特定預金等契約又は特定保険契約にあつては当該特定預金等契約又は特定保険契約によらないで、 to supplement its profits, in cases of a contract for specified deposit, etc. or a specified insurance contract, without concluding those contracts</p>

第三十九条第一項第二号 Article 39, paragraph (1), item (ii)	有価証券売買取引等 purchase and sale or other transaction of securities, etc.	特定金融サービス契約の締結 the conclusion of a specified financial service contract
	有価証券等 those securities, etc.	特定金融サービス契約 that specified financial service contract
	ため will add [to the profits that the customer has accrued in connection with those securities, etc.]	ため、特定預金等契約又は特定保険契約 にあつては当該特定預金等契約又は特定 保険契約によらないで、 will add to the profits that the customer has accrued in connection with those securities, etc., in cases of a contract for specified deposit, etc. or a specified insurance contract, without concluding those contracts
第三十九条第一項第三号 Article 39, paragraph (1), item (iii)	有価証券売買取引等 purchase and sale or other transaction of securities, etc.	特定金融サービス契約の締結 the conclusion of a specified financial service contract
	有価証券等 those securities, etc.	特定金融サービス契約 that specified financial service contract
	ため、 in order to add [to the profits that the customer has accrued in connection with those securities, etc.]	ため、特定預金等契約又は特定保険契約 にあつては当該特定預金等契約又は特定 保険契約によらないで、 in order to add to the profit that the customer has accrued in connection with those securities, etc., in cases of a contract for specified deposit, etc. or a specified insurance contract, without concluding those contracts
第三十九条第二項各号 each item of Article 39, paragraph (2)	有価証券売買取引等 purchase and sale or other transaction of securities, etc.	特定金融サービス契約の締結 the conclusion of a specified financial service contract

第三十九条第三項 Article 39, paragraph (3)	として内閣府令で定めるもの [, which is] specified by Cabinet Office Order as [a potential cause of a dispute between a financial instruments business operator, etc. and its customer]	(特定預金等契約及び特定保険契約を除く特定金融サービス契約にあつては、内閣府令で定めるものに限る。) [, which is a potential cause of a dispute between a financial instruments business operator, etc. and its customer] (in cases of a specified financial service contract excluding a contract for specified deposit, etc. and a specified insurance contract; limited to what is provided for by Cabinet Office Order)
	の提供 the provision of [an economic benefit as referred to in item (iii) of that paragraph]	の提供 (これらの行為のうち特定預金等契約及び特定保険契約に係るものを除く。) the provision of an economic benefit as referred to in item (iii) of that paragraph (excluding the acts related to a contract for specified deposit, etc. and a specified insurance contract out of these acts)
第三十九条第四項 Article 39, paragraph (4)	と金融商品取引業者等 and a financial instruments business operator, etc.	と相手方金融機関 and a counterparty financial institution
	第二条第八項第九号 Article 2, paragraph (8), item (ix)	金融サービスの提供に関する法律第十一条第四項第三号 Article 11, paragraph (4), item (iii) of the Act on the Provision of Financial Services
第四十条第一号 Article 40, item (i)	金融商品取引行為 an act that constitutes a financial instruments transaction	特定金融サービス契約の締結 the conclusion of a specified financial service contract
第四十五条第二号 Article 45, item (ii)	締結した has concluded	締結の媒介を行つた has conducted intermediation of the conclusion thereof

(貸金業法の準用)

(Mutatis Mutandis Application of the Money Lending Business Act)

第三十二条 貸金業法第十二条の四から第十二条の九まで、第十四条（第四号を除く。）、第十五条から第十八条まで、第十九条の二から第二十条の二まで、第二十一条（第二項第五号を除く。）及び第二十二条の規定は、貸金業貸付媒介業務を行う金融サービス仲介業者について準用する。この場合において、次の表の上欄に掲げる同法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替え

るものとするほか、必要な技術的読替えは、政令で定める。

Article 32 The provisions of Articles 12-4 through 12-9, Article 14 (excluding item (iv)), Articles 15 through 18, Articles 19-2 through 20-2, Article 21 (excluding paragraph (2), item (v)), and Article 22 of the Money Lending Business Act apply mutatis mutandis to a financial service intermediary that engages in loan intermediary business operations. In this case, the terms or phrases listed in the middle column of the following table that appear in the provisions of the Money Lending Business Act as listed in the left-hand column of that table are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of that table and any other necessary technical replacement of terms is specified by Cabinet Order.

第十二条の六第一号 Article 12-6, item (i)	貸付けの契約 a contract for a loan	貸付けの契約（貸金業貸付媒介業務（金融サービスの提供に関する法律第十一条第五項に規定する貸金業貸付媒介業務をいう。以下同じ。）に係るものに限る。以下同じ。） a contract for a loan (limited to a contract related to loan intermediary business operations (meaning loan intermediary business operations as defined in Article 11, paragraph (5) of the Act on the Provision of Financial Services); the same applies hereinafter)
第十二条の八第五項 Article 12-8, paragraph (5)	、貸付け a loan contract,	、貸付け（貸金業貸付媒介業務に係るものに限る。以下同じ。） a loan (limited to a loan related to loan intermediary business operations; the same applies hereinafter) contract,
第十五条第一項第一号 Article 15, paragraph (1), item (i)	の商号 the trade name, [name, and registration number] of the money lender	及び貸主（金融サービス仲介業者（金融サービスの提供に関する法律第十一条第六項に規定する金融サービス仲介業者をいう。以下同じ。）が行う貸金業貸付媒介業務により顧客が締結する貸付けに係る契約の相手方をいう。以下同じ。）の商号 the trade name, [name, and registration number of] the financial service intermediary and the money lender (meaning a counterparty of a loan contract concluded by a customer through loan intermediary business operations conducted by a financial service intermediary (meaning a financial service intermediary as defined in Article 11, paragraph (6) of the Act on the Provision of Financial Services; the same applies hereinafter); the same applies hereinafter)

第十五条第二項 Article 15, paragraph (2)	電磁的記録 electronic or magnetic records	電磁的記録（金融サービスの提供に関する法律第六十二条第八項に規定する電磁的記録をいう。第二十一条第二項において同じ。） electronic or magnetic records (meaning electronic or magnetic records as defined in Article 62, paragraph (8) of the Act on the Provision of Financial Services; the same applies in Article 21, paragraph (2))
	、これに [other than][those listed in Article 4, paragraph (1), item (vii) and registered in] the money lender's registry.	、これに同法第十四条第一項に規定する金融サービス仲介業者登録簿に登録された同法第十三条第一項第五号に掲げる事項及び貸主の [other than] those listed in Article 13, paragraph (1), item (v) of the Act on the Provision of Financial Services and registered in the register of financial service intermediaries as prescribed in Article 14, paragraph (1) of that Act, and [those listed in Article 4, paragraph (1), item (vii) and registered in] the register of money lenders.
第十六条第二項第二号 Article 16, paragraph (2), item (ii)	貸金業者 [other] money lenders	金融サービス仲介業者が行う貸金業貸付媒介業務の顧客若しくは貸主以外の貸金業者 customers of loan intermediary business operations conducted by other financial service intermediaries or money lenders other than the money lender,
第十六条の二第一項 Article 16-2, paragraph (1)	を締結しよう In concluding	の締結又はその媒介をしよう In concluding or conducting intermediation of the conclusion of
	締結する [by the time of] conclusion thereof	締結し、又は当該契約が成立する [by the time of] conclusion or formation of the contract
第十六条の二第一項第一号 Article 16-2, paragraph (1), item (i)	の商号 the trade name, [name, and registration number] of the money lender	及び貸主の商号 the trade name, [name, and registration number] of the financial service intermediary and the money lender
第十六条の二第二項 Article 16-2, paragraph (2)	を締結しよう In concluding [a basic contract for a revolving credit loan]	（貸金業貸付媒介業務に係るものに限る。以下同じ。）の締結又はその媒介をしよう In concluding or conducting intermediation of the conclusion of a basic contract for a revolving credit loan (limited to a loan related to loan intermediary business operations; the same applies hereinafter)

	締結する [by the time of conclusion thereof	締結し、又は当該極度方式基本契約が成立する [by the time of] conclusion or formation of the basic contract for a revolving credit loan
第十六条の 二第二項第 一号 Article 16- 2, paragraph (2), item (i)	の商号 the trade name, [name, and registration number] of the money lender	及び貸主の商号 the trade name, [name, and registration number] of the financial service intermediary and the money lender
第十六条の 二第二項第 二号 Article 16- 2, paragraph (2), item (ii)	貸金業者 money lender	貸主 money lender
第十六条の 三第一項第 一号 Article 16- 3, paragraph (1), item (i)	貸金業者 money lender	貸金業貸付媒介業務を行う金融サービス仲介業 者又は貸主 financial service intermediary that engages in loan intermediary business operations or the money lender
第十七条第 一項 Article 17, paragraph (1)	を締結した has concluded	の締結又はその媒介をした has concluded or conducted intermediation of the conclusion of
第十七条第 一項第一号 Article 17, paragraph (1), item (i)	の商号 the trade name, [name, and registration number] of the money lender	及び貸主の商号 the trade name, [name, and registration number] of the financial service intermediary and the money lender
第十七条第 二項 Article 17, paragraph (2)	を締結した has concluded	の締結又はその媒介をした has concluded or conducted intermediation of the conclusion of
第十七条第 二項第一号 Article 17, paragraph (2), item (i)	の商号 the trade name, [name, and registration number of] the money lender	及び貸主の商号 the trade name, [name, and registration number] of the financial service intermediary and the money lender

第十七条第二項第三号 Article 17, paragraph (2), item (iii)	貸金業者 money lender	貸主 money lender
第十七条第五項 Article 17, paragraph (5)	を締結した has concluded [a contract for a revolving guarantee]	(貸金業貸付媒介業務に係るものに限る。以下同じ。)の締結又はその媒介をした has concluded or conducted intermediation of the conclusion of a contract for a revolving guarantee (limited to a contract related to loan intermediary business operations; the same applies hereinafter)
第十七条第六項 Article 17, paragraph (6)	に係る契約を締結した has concluded [a contract for a revolving credit loan]	(貸金業貸付媒介業務に係るものに限る。次条第三項において同じ。)に係る契約の締結又はその媒介をした has concluded or conducted an intermediary for the conclusion of a contract for a revolving credit loan (limited to a contract related to loan intermediary business operations; the same applies in paragraph (3) of the following Article)
第十九条の二 Article 19-2	前条の帳簿 the books provided in the preceding Article	金融サービスの提供に関する法律第三十三条に規定する帳簿書類 the books and documents prescribed in Article 33 of the Act on the Provision of Financial Services

### 第三節 経理 Section 3 Accounting

(業務に関する帳簿書類)

(Books and Documents related to Business Operations)

第三十三条 金融サービス仲介業者は、内閣府令で定めるところにより、金融サービス仲介業に関する帳簿書類を作成し、保存しなければならない。

Article 33 Financial service intermediaries must prepare and keep books and documents for their financial service intermediary business pursuant to the provisions of Cabinet Office Order.

(事業報告書の提出等)

(Submission of Business Reports)

第三十四条 金融サービス仲介業者は、事業年度ごとに、内閣府令で定めるところにより、金融サービス仲介業に関する報告書を作成し、毎事業年度経過後三月以内に内閣総理大臣に提出しなければならない。

Article 34 (1) Each business year, financial service intermediaries must prepare a report on their financial service intermediary business and submit it to the Prime Minister within three months after the end of each business year, pursuant to the provisions of Cabinet Office Order.

2 金融サービス仲介業者は、内閣府令で定めるところにより、事業年度ごとに、前項の報告書に記載されている事項のうち顧客の保護に必要と認められるものとして内閣府令で定めるものを記載した書面を作成し、金融サービス仲介業を行う全ての営業所若しくは事務所に備え置いて公衆の縦覧に供し、又は内閣府令で定めるところにより、インターネットを利用する方法その他の内閣府令で定める方法により公表しなければならない。

(2) Each business year, pursuant to the provisions of Cabinet Office Order, financial service intermediaries must prepare documents stating the particulars stated in the business report referred to in the preceding paragraph which are specified by Cabinet Office Order as particulars that are found to be necessary in terms of the protection of customers, and must keep those documents at all of its business offices or offices for financial service intermediary business and make them available for public inspection or, pursuant to the provisions of Cabinet Office Order, must publicize them by the use of the internet or by other means specified by Cabinet Office Order.

#### 第四節 監督

#### Section 4 Supervision

(報告又は資料の提出)

(Making Reports or Submitting Materials)

第三十五条 内閣総理大臣は、金融サービス仲介業者の金融サービス仲介業の健全かつ適切な運営を確保するため必要があると認めるときは、当該金融サービス仲介業者に対し、その業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

Article 35 (1) If the Prime Minister finds it to be necessary for ensuring the sound and appropriate management of financial service intermediary business by a financial service intermediary, the Prime Minister may request the financial service intermediary to report or submit materials that will serve as reference for the business operations or financial status thereof.

2 内閣総理大臣は、金融サービス仲介業者の金融サービス仲介業の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該金融サービス仲介業者と金融サービス仲介業務に関して取引する者、当該金融サービス仲介業者から業務の委託を受けた者（その者から委託（二以上の段階にわたる委託を含む。）を受けた者を含む。次項並びに次条第二項及び第五項において同じ。）又は貸金業貸付媒介業務により締結された資金の貸付け若しくは手形の割引を内容とする契約若しくは当該契約の締結の媒介を行うことを内容とする契約について業として保



証を行う者（次項並びに同条第二項及び第五項において「保証業者」という。）に対し、当該金融サービス仲介業者の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of financial service intermediary business by a financial service intermediary, the Prime Minister, to the extent necessary, may request a person conducting transactions with the financial service intermediary concerning its financial service intermediary business operations, a person that is entrusted with its business operations by the financial service intermediary (including a person that is entrusted by the person (including entrustment at two or more degrees of separation from the original entrustment); the same applies in the following paragraph, and paragraphs (2) and (5) of the following Article), or a person that provides guarantees on a regular basis, on a contract for the lending of funds or the discounting of bills and notes that is concluded through the loan intermediary business operations or a contract stipulating any specific action as an intermediary in concluding that contract (referred to as the "guarantee business operator" in the following paragraph, and paragraphs (2) and (5) of the following Article) to report or submit materials that will serve as reference for the business operations or financial status of the financial service intermediary.

3 金融サービス仲介業者と金融サービス仲介業務に関して取引する者、金融サービス仲介業者から業務の委託を受けた者又は保証業者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A person conducting transactions with a financial service intermediary concerning its financial service intermediary business, a person that is entrusted with business operations by the financial service intermediary, or a guarantee business operator may refuse to report or submit materials under the provisions of the preceding paragraph if the person has legitimate grounds for doing so.

(立入検査)

(On-Site Inspections)

第三十六条 内閣総理大臣は、金融サービス仲介業者の金融サービス仲介業の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に当該金融サービス仲介業者の営業所若しくは事務所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 36 (1) If the Prime Minister finds it necessary for ensuring the sound and appropriate management of financial service intermediary business by a financial service intermediary, the Prime Minister may have relevant officials enter the business office, office, or other facilities of the financial service intermediary, have those officials ask questions about its business operations

or financial status, and have them inspect its books, documents, and any other articles.

2 内閣総理大臣は、金融サービス仲介業者の金融サービス仲介業の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該職員に当該金融サービス仲介業者と金融サービス仲介業務に関して取引する者、当該金融サービス仲介業者から業務の委託を受けた者若しくは保証業者の施設に立ち入らせ、当該金融サービス仲介業者に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) If the Prime Minister finds it to be particularly necessary for ensuring the sound and appropriate management of financial service intermediary business by a financial service intermediary, the Prime Minister, to the extent necessary, may have relevant officials enter the facilities of a person conducting transactions with the financial service intermediary concerning its financial service intermediary service operations, of a person that is entrusted with business operations by the financial service intermediary, or of a guarantee business operator, have those officials ask questions about the financial service intermediary or necessary matters for the inspection, or have them inspect its books, documents, and any other articles.

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

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

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

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

5 金融サービス仲介業者と金融サービス仲介業務に関して取引する者、金融サービス仲介業者から業務の委託を受けた者又は保証業者は、正当な理由があるときは、第二項の規定による質問又は検査を拒むことができる。

(5) A person conducting transactions with the financial service intermediary concerning its financial service intermediary business operations, a person that is entrusted with business operations by the financial service intermediary, or a guarantee business operator may refuse the questioning or inspection under the provisions of paragraph (2) if the person has legitimate grounds for doing so.

(業務改善命令)

(Business Improvement Orders)

第三十七条 内閣総理大臣は、金融サービス仲介業者の業務の状況に照らして、当該金融サービス仲介業者の金融サービス仲介業の健全かつ適切な運営を確保するため必要

があると認めるときは、当該金融サービス仲介業者に対し、その必要の限度において、業務の内容及び方法の変更その他監督上必要な措置を命ずることができる。

**Article 37** If the Prime Minister finds it necessary for ensuring the sound and appropriate management of financial service intermediary business by a financial service intermediary in light of the business conditions of that financial service intermediary, the Prime Minister, to the extent necessary, may order the financial service intermediary to change the details and methods of its business operations and order other measures that are necessary from a supervisory perspective.

(監督上の処分)

(Supervisory Dispositions)

第三十八条 内閣総理大臣は、金融サービス仲介業者が次の各号のいずれかに該当するときは、当該金融サービス仲介業者の第十二条の登録を取り消し、又は六月以内の期間を定めて業務の全部若しくは一部の停止を命ずることができる。

**Article 38** (1) If a financial service intermediary falls under any of the following items, the Prime Minister may rescind its registration under Article 12, or order the financial service intermediary to suspend all or part of its business operations for a fixed period of no longer than six months:

一 金融サービス仲介業者が第十五条第一号から第三号までのいずれかに該当するとき。

(i) the financial service intermediary falls under any of Article 15, items (i) through (iii);

二 金融サービス仲介業者が第十二条の登録（預金等媒介業務の種別に係るものに限る。）を受けている場合であって、第十五条第四号に該当するとき。

(ii) the financial service intermediary falls under Article 15, item (iv) in cases where it has received the registration under Article 12 (limited to the registration related to the category of deposit, etc. intermediary business operations);

三 金融サービス仲介業者が第十二条の登録（保険媒介業務の種別に係るものに限る。）を受けている場合であって、第十五条第五号に該当するとき。

(iii) the financial service intermediary falls under Article 15, item (v) in cases where it has received the registration under Article 12 (limited to the registration related to the category of insurance intermediary business operations);

四 金融サービス仲介業者が第十二条の登録（有価証券等仲介業務の種別に係るものに限る。）を受けている場合であって、第十五条第六号に該当するとき。

(iv) the financial service intermediary falls under Article 15, item (vi) in cases where it has received the registration under Article 12 (limited to the registration related to the category of securities, etc. intermediary business operations);

五 金融サービス仲介業者が第十二条の登録（貸金業貸付媒介業務の種別に係るものに限る。）を受けている場合であって、第十五条第七号に該当するとき。

(v) the financial service intermediary falls under Article 15, item (vii) in cases where it has received the registration under Article 12 (limited to the registration related to the category of loan intermediary business operations);

六 不正の手段により第十二条の登録を受けたことが判明したとき。

(vi) it is discovered that the financial service intermediary has received the registration under Article 12 by wrongful means; or

七 この法律又はこの法律に基づく内閣総理大臣の処分に違反したとき、その他金融サービス仲介業務に関し著しく不適当な行為をしたと認められるとき。

(vii) the financial service intermediary violates this Act or a disposition by the Prime Minister based on this Act, or it is otherwise found to have committed a significantly inappropriate act in relation to financial service intermediary business operations.

2 内閣総理大臣は、第十八条第一項の規定により電子決済等代行業を行う金融サービス仲介業者が、同条第二項の規定により適用する銀行法の規定又は当該規定に基づく内閣総理大臣の処分に違反した場合その他電子決済等代行業の業務に関し著しく不適当な行為をしたと認められる場合には、当該金融サービス仲介業者に対し、電子決済等代行業の廃止を命ずることができる。

(2) If a financial service intermediary that engages in electronic payment services pursuant to the provisions of Article 18, paragraph (1) violates the provisions of the Banking Act as applied pursuant to the provisions of Article 18, paragraph (2) or violates a disposition by the Prime Minister based on those provisions, or is otherwise found to have committed a significantly inappropriate act in relation to electronic payment services, the Prime Minister may order the financial service intermediary to discontinue the electronic payment services.

3 内閣総理大臣は、金融サービス仲介業者の役員が、次の各号のいずれかに該当するとき、又は第一項第七号に該当する行為をしたときは、当該金融サービス仲介業者に対し、当該役員の解任を命ずることができる。

(3) If an officer of a financial service intermediary falls under any of the following items or commits an act that falls under paragraph (1), item (vii), the Prime Minister may order the financial service intermediary to dismiss the officer:

一 第十五条第二号イからへまでのいずれかに該当するとき。

(i) the officer falls under any of Article 15, item (ii), (a) through (f); or

二 金融サービス仲介業者が第十二条の登録（保険媒介業務の種別に係るものに限る。）を受けている場合にあつては、その役員が第十五条第五号イ、ロ又はハ（２）若しくは（３）に該当するとき。

(ii) in cases where a financial service intermediary has received the

registration under Article 12 (limited to the registration related to the category of insurance intermediary business operations), the officer falls under Article 15, item (v), (a), (b), or either (c) 2 or 3.

4 内閣総理大臣は、金融サービス仲介業者の営業所若しくは事務所の所在地を確知できないとき、又は金融サービス仲介業者の所在（法人である場合にあっては、その法人を代表する役員の所在）を確知できないときは、内閣府令で定めるところにより、その事実を公告し、その公告の日から三十日を経過しても当該金融サービス仲介業者から申出がないときは、当該金融サービス仲介業者の第十二条の登録を取り消すことができる。

(4) If the Prime Minister is unable to ascertain the location of the business offices or offices of a financial service intermediary or is unable to ascertain the whereabouts of a financial service intermediary (in the case of a corporation, the whereabouts of the officer representing the corporation), the Prime Minister, pursuant to the provisions of Cabinet Office Order, may issue public notice of that fact and rescind the registration of the financial service intermediary under Article 12 if no report is made by the financial service intermediary even after 30 days have elapsed from the day of the public notice.

5 前項の規定による処分については、行政手続法（平成五年法律第八十八号）第三章の規定は、適用しない。

(5) The provisions of Chapter 3 of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to a disposition under the preceding paragraph.

（登録の抹消等）

(Deletion of Registrations)

第三十九条 内閣総理大臣は、次に掲げる場合には、金融サービス仲介業者の登録を抹消しなければならない。

Article 39 In the following cases, the Prime Minister must delete the registration of a financial service intermediary:

一 前条第一項又は第四項の規定により第十二条の登録を取り消したとき。

(i) the Prime Minister rescinds the registration under Article 12 pursuant to the provisions of paragraph (1) or (4) of the preceding Article; or

二 第十六条第六項の規定により第十二条の登録がその効力を失ったとき。

(ii) the registration under Article 12 ceases to be effective pursuant to the provisions of Article 16, paragraph (6).

#### 第五節 認定金融サービス仲介業協会

#### Section 5 Certified Financial Service Intermediary Business Association

（認定金融サービス仲介業協会の認定）

(Certification of Financial Service Intermediary Business Association)

第四十条 内閣総理大臣は、政令で定めるところにより、金融サービス仲介業者が設立

した一般社団法人であって、次に掲げる要件を備える者を、その申請により、次条に規定する業務（以下この節において「認定業務」という。）を行う者として認定することができる。

**Article 40** The Prime Minister may certify a general incorporated association that has been incorporated by a financial service intermediary and that satisfies the following requirements, to engage in the business operations prescribed in the following Article (hereinafter referred to as "certified business operations"), upon application by the general incorporated association, pursuant to the provisions of Cabinet Order:

一 金融サービス仲介業務の適正を確保し、並びにその健全な発展及び顧客の保護に資することを目的とすること。

(i) its purpose is to ensure the appropriate operation of financial service intermediary business operations and to contribute to the sound development of the business operations and the protection of customers;

二 金融サービス仲介業者を社員（以下この節及び第九十二条第六号において「会員」という。）に含む旨の定款の定めがあること。

(ii) its articles of incorporation stipulate that financial service intermediaries are to be included as its members (hereinafter referred to as "association members" in this Section and Article 92, item (vi));

三 認定業務を適正かつ確実にを行うに必要な業務の実施の方法を定めていること。

(iii) the general incorporated association has established the necessary means for business implementation for performing certified business operations appropriately and reliably; and

四 認定業務を適正かつ確実にを行うに足りる知識及び能力並びに財産的基礎を有すること。

(iv) the general incorporated association has the sufficient knowledge, ability, and financial basis for conducting the certified business operations appropriately and reliably.

（認定金融サービス仲介業協会の業務）

**(Business Operations of Certified Financial Service Intermediary Business Associations)**

第四十一条 認定金融サービス仲介業協会は、次に掲げる業務を行うものとする。

**Article 41** A certified financial service intermediary business association is to perform the following business operations:

一 会員が金融サービス仲介業を行うに当たり、この法律その他の法令の規定及び第三号の規則を遵守させるための会員に対する指導、勧告その他の業務

(i) business operations such as providing guidance and recommendations to association members in order to have them comply with the provisions of this Act, other laws and regulations, and with the rules referred to in item (iii) in engaging in financial service intermediary business;

- 二 会員の行う金融サービス仲介業に関し、契約の内容の適正化その他金融サービス仲介業の顧客の保護を図るために必要な指導、勧告その他の業務
- (ii) business operations such as giving the necessary guidance and recommendations for ensuring the propriety of contracts and otherwise protect customers of financial service intermediary business with regard to the financial service intermediary business performed by association members;
- 三 会員の行う金融サービス仲介業の適正化及びその取り扱う情報の適正な取扱いのために必要な規則の制定
- (iii) establishing necessary rules for ensuring the propriety of financial service intermediary business performed by association members and for appropriate handling of information that they handle;
- 四 会員のこの法律若しくはこの法律に基づく命令若しくはこれらに基づく処分若しくは定款その他の規則又は取引の信義則の遵守の状況の調査
- (iv) investigating association members' compliance with this Act, orders that are based on this Act, dispositions that are based on this Act or the orders, or the articles of incorporation and other rules, or the principle of good faith in transactions;
- 五 金融サービス仲介業の顧客を保護するために必要な情報の収集、整理及び提供
- (v) collecting, organizing, and providing information necessary for protecting customers of financial service intermediary business;
- 六 会員の行う金融サービス仲介業に関する顧客等（第二十八条第二項に規定する顧客等をいう。第四十三条第一項及び次節において同じ。）からの苦情の処理
- (vi) processing complaints filed by customers, etc. (meaning customers, etc. prescribed in Article 28, paragraph (2); the same applies in Article 43, paragraph (1) and the following Section) related to financial service intermediary business performed by association members;
- 七 第七十八条第一項又は第二項の規定により行う同条第一項に規定する届出受理事務又は同項に規定する登録事務
- (vii) carrying out the notification receipt work prescribed in Article 78, paragraph (1) or registration work prescribed in that paragraph, performed pursuant to the provisions of paragraph (1) or (2) of that Article;
- 八 金融サービス仲介業の顧客に対する広報
- (viii) handling public relation activities for customers of financial service intermediary business; and
- 九 前各号に掲げるもののほか、金融サービス仲介業の健全な発展及び金融サービス仲介業の顧客の保護に資する業務
- (ix) beyond what is set forth in the preceding items, providing services that contribute to the sound development of financial service intermediary business and to the protection of customers of financial service intermediary business.

(会員名簿の縦覧等)

**(Public Inspection of Association Membership Lists)**

第四十二条 認定金融サービス仲介業協会は、会員名簿を公衆の縦覧に供しなければならない。

Article 42 (1) A certified financial service intermediary business association must make its membership list available for public inspection.

2 認定金融サービス仲介業協会でない者は、その名称又は商号中に、認定金融サービス仲介業協会と誤認されるおそれのある文字を使用してはならない。

(2) A person that is not a certified financial service intermediary business association must not use a word in its name or trade name which could give rise to the misconception that it is a certified financial service intermediary business association.

3 認定金融サービス仲介業協会の会員でない者は、その名称又は商号中に、認定金融サービス仲介業協会の会員と誤認されるおそれのある文字を使用してはならない。

(3) A person that is not an association member of the certified financial service intermediary business association must not use a word in its name or trade name which could give rise to the misconception that it is an association member of the certified financial service intermediary business association.

(顧客等からの苦情に関する対応)

**(Dealing with Customer Complaints)**

第四十三条 認定金融サービス仲介業協会は、金融サービス仲介業の顧客等から会員が行う金融サービス仲介業に関する苦情について解決の申出があったときは、その相談に応じ、申出人に必要な助言をし、その苦情に係る事情を調査するとともに、当該会員に対しその苦情の内容を通知してその迅速な処理を求めなければならない。

Article 43 (1) If a customer, etc. of a financial service intermediary files for the resolution of a complaint related to the financial service intermediary business performed by association members of a certified financial service intermediary business association, the certified financial service intermediary business association must provide consultation and necessary advice to the customer, etc. who filed for the resolution, and investigate the circumstances related to the complaint, as well as notify the association members of the content of the complaint and ask the association members to promptly process the complaint.

2 認定金融サービス仲介業協会は、前項の申出に係る苦情の解決について必要があると認めるときは、当該会員に対し、文書若しくは口頭による説明を求め、又は資料の提出を求めることができる。

(2) If a certified financial service intermediary business association finds it necessary for the resolution of the complaint under a filing referred to in the preceding paragraph, it may ask the association members to provide a written or oral explanation or to submit materials.



3 会員は、認定金融サービス仲介業協会から前項の規定による求めがあったときは、正当な理由がないのに、これを拒んではならない。

(3) If a request under the provisions of the preceding paragraph is made by a certified financial service intermediary business association, an association member must not refuse the request without legitimate grounds.

4 認定金融サービス仲介業協会は、第一項の申出、苦情に係る事情及びその解決の結果について会員に周知させなければならない。

(4) A certified financial service intermediary business association must fully inform its association members about the filing referred to in paragraph (1), the circumstances related to the complaint, and the result of the resolution.

5 第一項の規定は、認定金融サービス仲介業協会が第五十一条第一項の規定による指定を受けている場合において、第一項の申出が当該指定に係る紛争解決等業務の種別に関する苦情に係るものであるときは、適用しない。

(5) The provisions of paragraph (1) do not apply to cases where a certified financial service intermediary business association has been designated pursuant to the provisions of Article 51, paragraph (1) and the filing for the resolution set forth in paragraph (1) is related to the complaint for the category of dispute resolution services related to the designation.

(認定金融サービス仲介業協会への報告等)

(Report to the Certified Financial Service Intermediary Business Association)

第四十四条 会員は、金融サービス仲介業者が行った顧客の保護に欠ける行為に関する情報その他金融サービス仲介業の顧客を保護するために必要な情報として内閣府令で定めるものを取得したときは、これを認定金融サービス仲介業協会に報告しなければならない。

Article 44 (1) If an association member has acquired information on acts that result in insufficient protection of customers performed by a financial service intermediary or any other information specified by Cabinet Office Order as necessary for protecting customers of the financial service intermediary business, the association member must report the fact to the certified financial service intermediary business association.

2 認定金融サービス仲介業協会は、その保有する前項に規定する情報について会員から提供の請求があったときは、正当な理由がある場合を除き、当該請求に係る情報を提供しなければならない。

(2) If a certified financial service intermediary business association receives a request from an association member to provide any information prescribed in the preceding paragraph that it holds, it must provide the association member with that information unless it has legitimate grounds for not doing so.

(秘密保持義務等)

(Duty of Confidentiality)

第四十五条 認定金融サービス仲介業協会の役員若しくは職員又はこれらの職にあった者（次項において「役員等」という。）は、その職務に関して知り得た秘密を漏らし、又は盗用してはならない。

Article 45 (1) An officer or employee of a certified financial service intermediary business association or persons that were in these positions (hereinafter collectively referred to as "officers, etc." in the following paragraph) must not divulge or misappropriate any confidential information learned of in the course of their duties.

2 認定金融サービス仲介業協会の役員等は、その職務に関して知り得た情報を、認定業務の用に供する目的以外に利用してはならない。

(2) Officers, etc. of a certified financial service intermediary business association must not use any information learned of in the course of their duties other than for the purpose of providing it for use in the certified business operations.

（定款の必要的記載事項）

(Particulars Required to Be Stated in the Articles of Incorporation)

第四十六条 一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第十一条第一項各号に掲げる事項及び第四十条第二号に規定する定款の定めのほか、認定金融サービス仲介業協会は、その定款において、この法律若しくはこの法律に基づく命令若しくはこれらに基づく処分若しくは第四十一条第三号の規則に違反し、又は取引の信義則に背反する行為をした会員に対し、定款で定める会員の権利の停止若しくは制限を命じ、又は除名する旨を定めなければならない。

Article 46 In addition to the particulars set forth in the items of Article 11, paragraph (1) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) and the provisions of the articles of incorporation prescribed in Article 40, item (ii), a certified financial service intermediary business association must stipulate in its articles of incorporation that if an association member violates this Act, an order that is based on this Act, a disposition that is based on this Act or the order, or the rules referred to in Article 41, item (iii), or if an association member engages in an act that is contrary to the principle of good faith in transactions, the certified financial service intermediary business association will order the suspension or restriction of rights as an association member provided in the articles of incorporation, or will expel the association member from the certified financial service intermediary business association.

（業務規程）

(Operational Rules)

第四十七条 認定金融サービス仲介業協会は、認定業務に関する事項について規程を定め、内閣総理大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 47 A certified financial service intermediary business association must establish rules concerning the particulars related to the certified business operations and obtain the authorization of the Prime Minister for those rules. The same applies if the certified financial service intermediary business association seeks to change the rules.

(報告又は資料の提出)

(Making Reports or Submitting Materials)

第四十八条 内閣総理大臣は、顧客の保護を図るため必要があると認めるときは、認定金融サービス仲介業協会に対し、その業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

Article 48 (1) If the Prime Minister finds it to be necessary for protecting customers, the Prime Minister may request a certified financial service intermediary business association to report or submit materials that will serve as reference for its business operations or financial status.

2 内閣総理大臣は、顧客の保護を図るため特に必要があると認めるときは、その必要の限度において、認定金融サービス仲介業協会から業務の委託を受けた者（その者から委託（二以上の段階にわたる委託を含む。）を受けた者を含む。次項並びに次条第二項及び第五項において同じ。）に対し、当該認定金融サービス仲介業協会の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) If the Prime Minister finds it to be particularly necessary for protecting customers, the Prime Minister, to the extent necessary, may request a person that is entrusted with business operations by a certified financial service intermediary business association (including a person that is entrusted by the person (including entrustment at two or more degrees of separation from the original entrustment); the same applies in the following paragraph, and paragraphs (2) and (5) of the following Article) to submit reports or materials that will serve as reference for the business operations or financial status of the certified financial service intermediary business association.

3 認定金融サービス仲介業協会から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A person that is entrusted with business operations by a financial service intermediary business association may refuse to submit reports or materials pursuant to the provisions of the preceding paragraph if it has legitimate grounds for doing so.

(立入検査)

(On-Site Inspections)

第四十九条 内閣総理大臣は、顧客の保護を図るため必要があると認めるときは、当該職員に認定金融サービス仲介業協会の事務所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることがで

きる。

Article 49 (1) If the Prime Minister finds it to be necessary for protecting customers, the Prime Minister may have relevant officials enter the business offices, offices or other facilities of a certified financial service intermediary business association, have those officials ask questions about its business operations or financial status, and have them inspect its books, documents, and any other articles.

2 内閣総理大臣は、顧客の保護を図るため特に必要があると認めるときは、その必要の限度において、当該職員に認定金融サービス仲介業協会から業務の委託を受けた者の施設に立ち入らせ、当該認定金融サービス仲介業協会に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) If the Prime Minister finds it to be particularly necessary for protecting customers, the Prime Minister, to the extent necessary, may have relevant officials enter the facilities of a person that is entrusted with business operations by a certified financial service intermediary business association, have those officials ask questions about the certified financial service intermediary business association or matters necessary for the inspection, or have them inspect its books, documents, and any other articles.

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

(3) In the case referred to in the preceding two paragraphs, the officials must carry their identification cards with them, and must present them if a relevant person requests them to do so.

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

(4) The authorities under the provisions of paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

5 認定金融サービス仲介業協会から業務の委託を受けた者は、正当な理由があるときは、第二項の規定による質問又は検査を拒むことができる。

(5) A person that is entrusted with business operations by a certified financial service intermediary business association may refuse the questions or inspections pursuant to the provisions of paragraph (2) if the person has legitimate grounds for doing so.

(監督命令)

(Supervision Orders)

第五十条 内閣総理大臣は、認定業務の運営に関し改善が必要であると認めるときは、この節の規定の施行に必要な限度において、認定金融サービス仲介業協会に対し、その改善に必要な措置をとるべきことを命ずることができる。

Article 50 (1) If the Prime Minister finds that improvement is necessary in connection with the management of the certified business operations, the

Prime Minister, to the extent necessary for the implementation of the provisions of this Section, may order a certified financial service intermediary business association to take necessary measures for its improvement.

2 内閣総理大臣は、認定金融サービス仲介業協会の業務の運営がこの節の規定若しくはこの節の規定に基づく命令又はこれらに基づく処分に違反したときは、その認定を取り消し、又は六月以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。

(2) If the Prime Minister finds that the management of the business operations of a certified financial service intermediary business association is in violation of the provisions of this Section, an order that is based on the provisions of this Section, or a disposition that is based on this Section or the order, the Prime Minister may rescind its certification or order the suspension of all or part of its business operations for a fixed period of no longer than six months.

#### 第六節 指定紛争解決機関

#### Section 6 Designated Dispute Resolution Organizations

(紛争解決等業務を行う者の指定)

(Designation of a Person to Conduct Dispute Resolution Services)

第五十一条 内閣総理大臣は、次に掲げる要件を備える者を、その申請により、紛争解決等業務を行う者として、指定することができる。

Article 51 (1) At the application of a person satisfying the following requirements, the Prime Minister may designate the person as a person that conducts dispute resolution services:

一 法人（人格のない社団又は財団で代表者又は管理人の定めのあるものを含み、外国の法令に準拠して設立された法人その他の外国の団体を除く。第四号ニにおいて同じ。）であること。

(i) it is a corporation (including an association or foundation without legal personality that has a designated representative person or administrator, and excluding a corporation and any other foreign organizations incorporated under foreign laws and regulations; the same applies in item (iv), (d));

二 第七十三条第一項の規定によりこの項の規定による指定を取り消され、その取消しの日から五年を経過しない者又は他の法律の規定による指定であつて紛争解決等業務に相当する業務に係るものとして政令で定めるものを取り消され、その取消しの日から五年を経過しない者でないこと。

(ii) it does not fall under the category of a person that has had the designation under this paragraph rescinded pursuant to Article 73, paragraph (1) and for whom five years have not elapsed from the date of the rescission, nor does it fall under the category of a person that has had the designation under the provisions of other laws which is specified by Cabinet Order as pertaining to business operations equivalent to dispute resolution services rescinded and

for whom five years have not elapsed from the date of the rescission;

三 この法律若しくは弁護士法（昭和二十四年法律第二百五号）又はこれらに相当する外国の法令の規定に違反し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者でないこと。

(iii) it does not fall under the category of a person subject to a fine (including an equivalent sentence under foreign laws and regulations) for violating the provisions of this Act or the Attorneys Act (Act No. 205 of 1949) or for violating the provisions of foreign laws and regulations that are equivalent to those of these laws, and for whom five years have not elapsed from the day on which it finished serving the sentence or ceased to be subject to the sentence;

四 役員のうち、次のいずれかに該当する者がいないこと。

(iv) it has no officer that fall under any of the following sub-items:

イ 心身の故障のため紛争解決等業務に係る職務を適正に執行することができない者として内閣府令で定める者

(a) a person specified by Cabinet Office Order as being unable to appropriately perform duties related to dispute resolution services due to mental or physical disorder;

ロ 破産手続開始の決定を受けて復権を得ない者又は外国の法令上これと同様に取り扱われている者

(b) a person that is subject to an order to commence bankruptcy proceedings and that has not been released from bankruptcy restrictions, or a person that is treated in the same manner under foreign laws and regulations;

ハ 禁錮以上の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者

(c) a person sentenced to imprisonment or a heavier sentence (including any equivalent punishment under foreign laws and regulations), and for whom five years have not elapsed from the day on which the person finished serving the sentence or ceased to be subject to the sentence;

ニ 第七十三条第一項の規定によりこの項の規定による指定を取り消された場合若しくはこの法律に相当する外国の法令の規定により当該外国において受けている当該指定に類する行政処分を取り消された場合において、その取消しの日前一月以内にその法人の役員（外国の法令上これと同様に取り扱われている者を含む。ニにおいて同じ。）であった者でその取消しの日から五年を経過しない者又は他の法律の規定による指定であって紛争解決等業務に相当する業務に係るものとして政令で定めるもの若しくは当該他の法律に相当する外国の法令の規定により当該外国において受けている当該政令で定める指定に類する行政処分を取り消された場合において、その取消しの日前一月以内にその法人の役員であった者でその取消しの日から五年を経過しない者

(d) a person that, within one month prior to the date of the rescission, was an officer (including a person who is treated in the same manner under foreign laws and regulations; the same applies in (d)) of a corporation, for which a designation under this paragraph has been rescinded pursuant to the provisions of Article 73, paragraph (1) or an administrative disposition similar to that designation that has been received in a foreign state under the laws and regulations of the foreign state equivalent to this Act, has been rescinded, and for whom five years have not elapsed from the day of the rescission; or a person that, within one month prior to the date of the rescission, was an officer of a corporation, for which a designation pursuant to the provisions of other laws that is specified by Cabinet Order as being equivalent to dispute resolution services, has been rescinded, or an administrative disposition similar to that designation specified by Cabinet Order that has been received in a foreign state under the laws and regulations of the foreign state equivalent to those other laws, has been rescinded, and for whom five years have not elapsed from the day of the rescission; or

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

(e) a person subject to a fine (including an equivalent sentence under foreign laws and regulations) for violating the provisions of this Act or the Attorneys Act, or for violating the provisions of foreign laws and regulations equivalent to those of these laws, and for whom five years have not elapsed from the day on which the person finished serving the sentence or ceased to be subject to the sentence.

五 紛争解決等業務を適確に実施するに足りる経理的及び技術的な基礎を有すること。

(v) it has sufficient financial and technical basis to perform dispute resolution services in an appropriate manner;

六 役員又は職員の構成が紛争解決等業務の公正な実施に支障を及ぼすおそれがないものであること。

(vi) the composition of its officers and employees is unlikely to hinder the fair implementation of dispute resolution services;

七 紛争解決等業務の実施に関する規程（以下この節において「業務規程」という。）が法令に適合し、かつ、この法律の定めるところにより紛争解決等業務を公正かつ適確に実施するために十分であると認められること。

(vii) its rules for implementing dispute resolution services (hereinafter referred to as the "operational rules" in this Section) conform to laws and regulations and are found to be sufficient for implementing dispute resolution services fairly and appropriately pursuant to the provisions of this Act; and

八 次項の規定により意見を聴取した結果、手続実施基本契約の解除に関する事項その他の手続実施基本契約の内容（第五十六条第二項各号に掲げる事項を除く。）その他の業務規程の内容（同条第三項の規定によりその内容とするものでなければならないこととされる事項並びに同条第四項各号及び第五項第一号に掲げる基準に適合するために必要な事項を除く。）について異議（合理的な理由が付されたものに限る。）を述べた金融サービス仲介業者の数の金融サービス仲介業者の総数に占める割合が政令で定める割合以下の割合となったこと。

(viii) as a result of hearing opinions pursuant to the following paragraph, the proportion of the number of financial service intermediaries that have stated an objection to the matters concerning the cancellation of the basic contract for the implementation of dispute resolution procedures, other contents of the basic contract for the implementation of dispute resolution procedures (excluding the matters set forth in the items of Article 56, paragraph (2)), and other contents of the operational rules (excluding the matters that must be contained in those rules pursuant to paragraph (3) of that Article and the matters that are necessary for conforming to the criteria set forth in the items of paragraph (4) and paragraph (5), item (i) of that Article) (limited to objections for which there are reasonable grounds) to the total number of financial service intermediaries is less than the proportion specified by Cabinet Order.

2 前項の申請をしようとする者は、あらかじめ、内閣府令で定めるところにより、金融サービス仲介業者に対し、業務規程の内容を説明し、これについて異議がないかどうかの意見（異議がある場合には、その理由を含む。）を聴取し、及びその結果を記載した書類を作成しなければならない。

(2) A person seeking to file an application as referred to in the preceding paragraph must explain the contents of the operational rules to financial service intermediaries, hear opinions as to whether there are any objections to the contents (if there are objections, including the grounds for them) and prepare documents stating the results of the hearing, in advance and pursuant to the provisions of Cabinet Office Order.

3 内閣総理大臣は、第一項の規定による指定をしようとするときは、同項第五号から第七号までに掲げる要件（紛争解決手続の業務に係る部分に限り、同号に掲げる要件にあつては、第五十六条第四項各号及び第五項各号に掲げる基準に係るものに限る。）に該当していることについて、あらかじめ、法務大臣に協議しなければならない。

(3) When seeking to make a designation under the provisions of paragraph (1), the Prime Minister must consult with the Minister of Justice in advance with regard to whether the relevant person satisfies the requirements set forth in items (v) through (vii) of that paragraph (limited to the part related to the business operations of dispute resolution procedures, and with regard to the requirements set forth in item (vii), limited to the requirements related to the



criteria set forth in the items of Article 56, paragraph (4) and the items of paragraph (5) of that Article).

4 第一項の規定による指定は、紛争解決等業務の種別ごとに行うものとし、同項第八号の割合は、当該紛争解決等業務の種別ごとに算定するものとする。

(4) A designation under the provisions of paragraph (1) is to be made for each category of dispute resolution services, and the proportion referred to in item (viii) of that paragraph is to be calculated for each category of dispute resolution services.

5 内閣総理大臣は、第一項の規定による指定をしたときは、指定紛争解決機関の名称又は商号及び主たる営業所又は事務所の所在地、当該指定に係る紛争解決等業務の種別並びに当該指定をした日を官報で告示しなければならない。

(5) Upon making a designation under the provisions of paragraph (1), the Prime Minister must give public notice of the trade name or name and the location of the principal business office or office of the designated dispute resolution organization and the category of dispute resolution services under the designation, as well as the day on which the Prime Minister made the designation, in the official gazette.

(指定の申請)

(Application for Designation)

第五十二条 前条第一項の規定による指定を受けようとする者は、次に掲げる事項を記載した指定申請書を内閣総理大臣に提出しなければならない。

Article 52 (1) A person who seeks to obtain the designation pursuant to the provisions of paragraph (1) of the preceding Article must submit an application form for designation to the Prime Minister, which states the following particulars:

一 指定を受けようとする紛争解決等業務の種別

(i) the category of dispute resolution services for which the person seeks to obtain designation;

二 名称又は商号

(ii) the person's trade name or name;

三 主たる営業所又は事務所その他紛争解決等業務を行う営業所又は事務所の名称及び所在地

(iii) the name and location of the person's principal business office or office, or any other business offices or offices that conduct dispute resolution services; and

四 役員の名又は名称若しくは商号

(iv) the names or trade names of the officers.

2 前項の指定申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must be attached to the application form for designation referred to in the preceding paragraph:

- 一 前条第一項第三号及び第四号に掲げる要件に該当することを誓約する書面  
(i) a document pledging that the applicant falls under the requirements set forth in paragraph (1), items (iii) and (iv) of the preceding Article;
- 二 定款及び法人の登記事項証明書（これらに準ずるものを含む。）  
(ii) the articles of incorporation and the corporation's certificate of registered information (including anything equivalent thereto);
- 三 業務規程  
(iii) the operational rules;
- 四 組織に関する事項を記載した書類  
(iv) a document stating the matters related to the organization;
- 五 財産目録、貸借対照表その他の紛争解決等業務を行うために必要な経理的な基礎を有することを明らかにする書類であって内閣府令で定めるもの  
(v) an inventory of assets, balance sheet, and any other documents clarifying that the applicant has the necessary financial basis for conducting dispute resolution services that are specified by Cabinet Office Order;
- 六 前条第二項に規定する書類その他同条第一項第八号に掲げる要件に該当することを証する書類として内閣府令で定めるもの  
(vi) the documents prescribed in paragraph (2) of the preceding Article and any other documents specified by Cabinet Office Order as documents to prove that the applicant satisfies the requirements set forth in paragraph (1), item (viii) of that Article; and
- 七 前各号に掲げるもののほか、内閣府令で定める書類  
(vii) beyond what is set forth in the preceding items, documents specified by Cabinet Office Order.

（秘密保持義務等）

**(Duty of Confidentiality)**

第五十三条 指定紛争解決機関の紛争解決委員（第六十二条第二項の規定により選任された紛争解決委員をいう。次項、次条第二項並びに第五十六条第二項及び第四項において同じ。）若しくは役員若しくは職員又はこれらの職にあった者は、紛争解決等業務に関して知り得た秘密を漏らし、又は自己の利益のために使用してはならない。

Article 53 (1) A dispute resolution mediator (meaning a dispute resolution mediator appointed pursuant to the provisions of Article 62, paragraph (2); the same applies in the following paragraph, paragraph (2) of the following Article, and Article 56, paragraphs (2) and (4)), an officer or employee of a designated dispute resolution organization, or a person that has held any of these positions, must not divulge or use for personal benefit any confidential information obtained in the course of their dispute resolution services.

- 2 指定紛争解決機関の紛争解決委員又は役員若しくは職員で紛争解決等業務に従事する者は、刑法その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) With regard to the application of the Penal Code and other penal provisions, the dispute resolution mediator, or officer or employee of a designated dispute resolution organization is deemed to be an official engaged in public service pursuant to laws and regulations.

(指定紛争解決機関の業務)

(Business Operations of Designated Dispute Resolution Organizations)

第五十四条 指定紛争解決機関は、この法律及び業務規程の定めるところにより、紛争解決等業務を行うものとする。

Article 54 (1) A designated dispute resolution organization is to perform dispute resolution services pursuant to the provisions of this Act and the operational rules.

2 指定紛争解決機関（紛争解決委員を含む。）は、当事者である加入金融サービス仲介業者（手続実施基本契約を締結した相手方である金融サービス仲介業者をいう。以下この節において同じ。）若しくはその顧客等又はこれらの者以外の者との手続実施基本契約その他の契約で定めるところにより、紛争解決等業務を行うことに関し、負担金又は料金その他の報酬を受けることができる。

(2) Designated dispute resolution organizations (including dispute resolution mediators) may receive dues, fees, or any other reward for performing dispute resolution services pursuant to the basic contract for the implementation of dispute resolution procedures or any other contract concluded with a member financial service intermediary (meaning a financial service intermediary with which the organization has concluded a basic contract for the implementation of dispute resolution procedures; hereinafter the same applies in this Section) that is a counterparty, or its customer, etc. or with a person other than these persons.

(苦情処理手続又は紛争解決手続の業務の委託)

(Entrustment of Business Operations for Complaint Processing Procedures or Dispute Resolution Procedures)

第五十五条 指定紛争解決機関は、他の指定紛争解決機関又は他の法律の規定による指定であって紛争解決等業務に相当する業務に係るものとして政令で定めるものを受けた者（第六十二条第四項及び第五項において「受託紛争解決機関」という。）以外の者に対して、苦情処理手続又は紛争解決手続の業務を委託してはならない。

Article 55 Designated dispute resolution organizations must not entrust a person other than another designated dispute resolution organization or a person that has obtained designation under the provisions of other laws which is specified by Cabinet Order as being equivalent to dispute resolution services (the other designated dispute resolution organization or the person is referred to as an "entrusted dispute resolution organization" in Article 62, paragraphs (4) and (5)) with the business operations related to the complaint processing

procedures and dispute resolution procedures.

(業務規程)

(Operational Rules)

第五十六条 指定紛争解決機関は、次に掲げる事項に関する業務規程を定めなければならない。

Article 56 (1) Designated dispute resolution organizations must establish operational rules in respect of the following matters:

一 手続実施基本契約の内容に関する事項

(i) matters relevant to the content of the basic contract for implementation of dispute resolution procedures;

二 手続実施基本契約の締結に関する事項

(ii) matters relevant to the conclusion of the basic contract for implementation of dispute resolution procedures;

三 紛争解決等業務の実施に関する事項

(iii) matters relevant to the implementation of dispute resolution services;

四 紛争解決等業務に要する費用について加入金融サービス仲介業者が負担する負担金に関する事項

(iv) matters relevant to the dues that a member financial service intermediary bears for the costs required for dispute resolution services;

五 当事者である加入金融サービス仲介業者又はその顧客等（以下この節において単に「当事者」という。）から紛争解決等業務の実施に関する料金を徴収する場合にあっては、当該料金に関する事項

(v) if a designated dispute resolution organization collects fees for implementing dispute resolution services from the member financial service intermediary which is a party or from its customer, etc. (hereinafter simply referred to as a "party" in this Section), matters relevant to the fees;

六 他の指定紛争解決機関その他相談、苦情の処理又は紛争の解決を実施する国の機関、地方公共団体、民間事業者その他の者との連携に関する事項

(vi) matters relevant to coordination with other designated dispute resolution organizations, or national government organs, local governments, private firms, or any other persons providing consultation, processing complaints, or implementing dispute resolution;

七 紛争解決等業務に関する苦情の処理に関する事項

(vii) matters relevant to the processing of complaints about dispute resolution services; and

八 前各号に掲げるもののほか、紛争解決等業務の実施に必要な事項として内閣府令で定めるもの

(viii) beyond what is set forth in the preceding items, matters specified by Cabinet Office Order as being necessary for the implementation of dispute resolution services.

2 前項第一号の手續実施基本契約は、次に掲げる事項を内容とするものでなければならない。

(2) The basic contract for implementation of dispute resolution procedures referred to in item (i) of the preceding paragraph must have the following matters as its content:

一 指定紛争解決機関は、加入金融サービス仲介業者の顧客等からの金融サービス仲介業務関連苦情の解決の申立て又は当事者からの紛争解決手續の申立てに基づき苦情処理手續又は紛争解決手續を開始すること。

(i) that a designated dispute resolution organization commences complaint processing procedures or dispute resolution procedures based on an application for the resolution of a complaint related to financial service intermediary business operations from the customer, etc. of a member financial service intermediary or based on an application for dispute resolution procedures from a party;

二 指定紛争解決機関又は紛争解決委員は、苦情処理手續を開始し、又は加入金融サービス仲介業者の顧客等からの申立てに基づき紛争解決手續を開始した場合において、加入金融サービス仲介業者にこれらの手續に応じるよう求めることができ、当該加入金融サービス仲介業者は、その求めがあったときは、正当な理由がないのに、これを拒んではならないこと。

(ii) that when a designated dispute resolution organization or dispute resolution mediator commences complaint processing procedures, or commences dispute resolution procedures based on an application from the customer, etc. of a member financial service intermediary, the designated dispute resolution organization or dispute resolution mediator may request that the member financial service intermediary respond to these procedures, and that the member financial service intermediary must not refuse the request without legitimate grounds;

三 指定紛争解決機関又は紛争解決委員は、苦情処理手續又は紛争解決手續において、加入金融サービス仲介業者に対し、報告又は帳簿書類その他の物件の提出を求めることができ、当該加入金融サービス仲介業者は、その求めがあったときは、正当な理由がないのに、これを拒んではならないこと。

(iii) that a designated dispute resolution organization or dispute resolution mediator may request that a member financial service intermediary make reports or submit books, documents, and any other articles in the course of complaint processing procedures or dispute resolution procedures, and that the member financial service intermediary must not refuse the request without legitimate grounds;

四 紛争解決委員は、紛争解決手續において、金融サービス仲介業務関連紛争の解決に必要な和解案を作成し、当事者に対し、その受諾を勧告することができること。

(iv) that a dispute resolution mediator may prepare a settlement proposal that is necessary for resolving the dispute related to financial service

intermediary business operations in the course of dispute resolution procedures, and recommend that the parties accept the proposal;

五 紛争解決委員は、紛争解決手続において、前号の和解案の受諾の勧告によっては当事者間に和解が成立する見込みがない場合において、事案の性質、当事者の意向、当事者の手続追行の状況その他の事情に照らして相当であると認めるときは、金融サービス仲介業務関連紛争の解決のために必要な特別調停案を作成し、理由を付して当事者に提示することができること。

(v) that, if there is no prospect of reaching a settlement between the parties by recommending that they accept the settlement proposal referred to in the preceding item in dispute resolution procedures, and the dispute resolution mediator finds it to be reasonable in light of the nature of the case, the intentions of the parties, the parties' pursuance of the procedures, or any other circumstances, the dispute resolution mediator may prepare a special conciliation proposal that is necessary for resolving the dispute related to financial service intermediary business operations and present the proposal to the parties, while giving them the reason for this;

六 加入金融サービス仲介業者は、訴訟が係属している請求を目的とする紛争解決手続が開始された場合には、当該訴訟が係属している旨、当該訴訟における請求の理由及び当該訴訟の程度を指定紛争解決機関に報告しなければならないこと。

(vi) that, if dispute resolution procedures are commenced for a claim in pending litigation, a member financial service intermediary must report to the designated dispute resolution organization the fact that the litigation is pending, the grounds for the claim under litigation, and the progress of the litigation;

七 加入金融サービス仲介業者は、紛争解決手続の目的となった請求に係る訴訟が提起された場合には、当該訴訟が提起された旨及び当該訴訟における請求の理由を指定紛争解決機関に報告しなければならないこと。

(vii) that, if litigation is filed in connection with a claim that is subject to dispute resolution procedures, a member financial service intermediary must report to the designated dispute resolution organization the fact that the litigation has been filed and the grounds for the claim under litigation;

八 前二号に規定する場合のほか、加入金融サービス仲介業者は、紛争解決手続の目的となった請求に係る訴訟に関し、当該訴訟の程度その他の事項の報告を求められた場合には、当該事項を指定紛争解決機関に報告しなければならないこと。

(viii) that, beyond what is provided for in the preceding two items, if a member financial service intermediary is requested to report the progress of the litigation connected to a claim that is subject to dispute resolution procedures or any other matters, the member financial service intermediary must report those matters to the designated dispute resolution organization;

九 加入金融サービス仲介業者は、第六号若しくは第七号の訴訟が裁判所に係属しなくなった場合又はその訴訟について裁判が確定した場合には、その旨及びその内容

を指定紛争解決機関に報告しなければならないこと。

(ix) that, if the litigation referred to in item (vi) or (vii) comes to be no longer pending before the court, or if the judicial decision on the litigation becomes final and binding, the member financial service intermediary must report the fact to the designated dispute resolution organization and give the details thereof;

十 加入金融サービス仲介業者は、その顧客等に対し指定紛争解決機関による紛争解決等業務の実施について周知するため、必要な情報の提供その他の措置を講じなければならないこと。

(x) that a member financial service intermediary must provide the necessary information or take other measures in order to fully inform its customer, etc. of the implementation of dispute resolution services by the designated dispute resolution organization; and

十一 前各号に掲げるもののほか、金融サービス仲介業務関連苦情の処理又は金融サービス仲介業務関連紛争の解決の促進のために必要であるものとして内閣府令で定める事項

(xi) beyond what is set forth in the preceding items, matters specified by Cabinet Office Order as being necessary for facilitating the processing of complaints related to financial service intermediary business operations or the resolution of disputes related to financial service intermediary business operations.

3 第一項第二号の手續実施基本契約の締結に関する事項に関する業務規程は、金融サービス仲介業者から手續実施基本契約の締結の申込みがあった場合には、当該金融サービス仲介業者が手續実施基本契約に係る債務その他の紛争解決等業務の実施に関する義務を履行することが確実でないと思込まれるときを除き、これを拒否してはならないことを内容とするものでなければならない。

(3) The operational rules with regard to the matters related to the conclusion of the basic contract for implementation of dispute resolution procedures referred to in paragraph (1), item (ii) must have as their content that, if the designated dispute resolution organization receives an offer to conclude a basic contract for implementation of dispute resolution procedures from a financial service intermediary, unless the financial service intermediary is expected to be unreliable in performing obligations connected with the basic contract for implementation of dispute resolution procedures or any other obligations connected with the implementation of dispute resolution services, the designated dispute resolution organization must not refuse the offer.

4 第一項第三号に掲げる事項に関する業務規程は、次に掲げる基準に適合するものでなければならない。

(4) The operational rules with regard to the matters set forth in paragraph (1), item (iii) must conform to the following criteria:

一 苦情処理手続と紛争解決手続との連携を確保するための措置が講じられているこ

と。

(i) measures have been taken to ensure coordination between complaint processing procedures and dispute resolution procedures;

二 紛争解決委員の選任の方法及び紛争解決委員が金融サービス仲介業務関連紛争の当事者と利害関係を有することその他の紛争解決手続の公正な実施を妨げるおそれがある事由がある場合において、当該紛争解決委員を排除するための方法を定めていること。

(ii) the operational rules establish the method for appointing a dispute resolution mediator and for eliminating a dispute resolution mediator if the mediator has an interest in the party to a dispute related to financial service intermediary business operations or if there are any other circumstances that are likely to hinder the fair implementation of dispute resolution procedures;

三 指定紛争解決機関の実質的支配者等（指定紛争解決機関の株式の所有、指定紛争解決機関に対する融資その他の事由を通じて指定紛争解決機関の事業を実質的に支配し、又はその事業に重要な影響を与える関係にあるものとして内閣府令で定める者をいう。）又は指定紛争解決機関の子会社等（指定紛争解決機関が株式の所有その他の事由を通じてその事業を実質的に支配する関係にあるものとして内閣府令で定める者をいう。）を金融サービス仲介業務関連紛争の当事者とする金融サービス仲介業務関連紛争について紛争解決手続の業務を行うこととしている指定紛争解決機関にあっては、当該実質的支配者等若しくは当該子会社等又は指定紛争解決機関が紛争解決委員に対して不当な影響を及ぼすことを排除するための措置が講じられていること。

(iii) if the designated dispute resolution organization has decided to engage in operations for dispute resolution procedures in a dispute related to financial service intermediary business operations to which its substantial controller, etc. (meaning a person specified by Cabinet Office Order as one that is related to the designated dispute resolution organization in such a way as to substantially control the business of the designated dispute resolution organization or to have a material influence on the business due to their holding of shares in the designated dispute resolution organization, their financing of the designated dispute resolution organization, or any other circumstances) or the subsidiary company, etc. of the designated dispute resolution organization (meaning a person specified by Cabinet Office Order as one to which the designated dispute resolution organization is related in such a way as to substantially control the business due to the holding of their shares or any other circumstances) is a party, measures have been taken to prevent the substantial controller, etc., subsidiary company, etc., or designated dispute resolution organization from exercising undue influence on the dispute resolution mediator;

四 紛争解決委員が弁護士でない場合（司法書士法（昭和二十五年法律第九十七



号) 第三条第一項第七号に規定する紛争について行う紛争解決手続において、紛争解決委員が同条第二項に規定する司法書士である場合を除く。) において、紛争解決手続の実施に当たり法令の解釈適用に関し専門的知識を必要とするときに、弁護士  
の助言を受けることができるようにするための措置を定めていること。

(iv) the operational rules establish measures for receiving the advice of an attorney-at-law when the dispute resolution mediator is not an attorney-at-law (unless the dispute resolution mediator is a judicial scrivener prescribed in Article 3, paragraph (2) of the Judicial Scriveners Act (Act No. 197 of 1950) in dispute resolution procedures that are carried out for a dispute prescribed in paragraph (1), item (vii) of that Article) and the implementation of dispute resolution procedures requires expert knowledge with regard to the interpretation and application of laws and regulations;

五 紛争解決手続の実施に際して行う通知について相当な方法を定めていること。

(v) the operational rules establish an appropriate means of giving notice upon implementing dispute resolution procedures;

六 紛争解決手続の開始から終了に至るまでの標準的な手続の進行について定めていること。

(vi) the operational rules establish a standard operation process from the commencement to the termination of dispute resolution procedures;

七 加入金融サービス仲介業者の顧客等が指定紛争解決機関に対し金融サービス仲介業務関連苦情の解決の申立てをする場合又は金融サービス仲介業務関連紛争の当事者が指定紛争解決機関に対し紛争解決手続の申立てをする場合の要件及び方式を定めていること。

(vii) the operational rules establish the requirements and formalities for the customer, etc. of a member financial service intermediary to file an application for the resolution of a complaint related to financial service intermediary business operations with the designated dispute resolution organization, or for a party to a dispute related to financial service intermediary business operations to file an application for dispute resolution procedures with the designated dispute resolution organization;

八 指定紛争解決機関が加入金融サービス仲介業者から紛争解決手続の申立てを受けた場合において、金融サービス仲介業務関連紛争の他方の当事者となる当該加入金融サービス仲介業者の顧客等に対し、速やかにその旨を通知するとともに、当該顧客等がこれに応じて紛争解決手続の実施を依頼するか否かを確認するための手続を定めていること。

(viii) the operational rules establish procedures for a designated dispute resolution organization to promptly notify the customer, etc. of a member financial service intermediary which is to be the other party to a dispute related to financial service intermediary business operations when it receives an application for dispute resolution procedures from a member financial service intermediary, as well as for confirming with the customer, etc.

whether or not the customer will request the implementation of dispute resolution procedures in response to this;

九 指定紛争解決機関が加入金融サービス仲介業者の顧客等から第七号の紛争解決手続の申立てを受けた場合において、金融サービス仲介業務関連紛争の他方の当事者となる当該加入金融サービス仲介業者に対し、速やかにその旨を通知する手続を定めていること。

(ix) the operational rules establish procedures for the designated dispute resolution organization to promptly notify the member financial service intermediary which is to be the other party to a dispute related to financial service intermediary business operations of that fact, when it receives an application for dispute resolution procedures referred to in item (vii) from the customer, etc. of the member financial service intermediary;

十 紛争解決手続において提出された帳簿書類その他の物件の保管、返還その他の取扱いの方法を定めていること。

(x) the operational rules establish the method of retaining, returning, and otherwise handling books, documents, and any other articles submitted in the course of dispute resolution procedures;

十一 紛争解決手続において陳述される意見又は提出され、若しくは提示される帳簿書類その他の物件に含まれる金融サービス仲介業務関連紛争の当事者又は第三者の秘密について、当該秘密の性質に応じて適切に保持するための取扱いの方法を定めていること。第六十二条第九項に規定する手続実施記録に記載されているこれらの秘密についても、同様とする。

(xi) the operational rules establish means for properly keeping the confidential information of the parties to a dispute related to financial service intermediary business operations and of any third party, that is included in an opinion stated or books, documents, and any other articles submitted or presented in the course of dispute resolution procedures, in accordance with the nature of the confidential information; the same applies to confidential information stated in the dispute resolution procedures record prescribed in Article 62, paragraph (9);

十二 金融サービス仲介業務関連紛争の当事者が紛争解決手続を終了させるための要件及び方式を定めていること。

(xii) the operational rules establish the requirements and formalities for the parties to a dispute related to financial service intermediary business operations to terminate the dispute resolution procedures;

十三 紛争解決委員が紛争解決手続によっては金融サービス仲介業務関連紛争の当事者間に和解が成立する見込みがないと判断したときは、速やかに当該紛争解決手続を終了し、その旨を金融サービス仲介業務関連紛争の当事者に通知することを定めていること。

(xiii) the operational rules stipulate that if the dispute resolution mediator judges there to be no prospect of reaching a settlement between the parties to

the dispute related to financial service intermediary business operations through dispute resolution procedures, the dispute resolution mediator will promptly terminate the dispute resolution procedures and notify the parties to the dispute related to financial service intermediary business operations of that fact; and

十四 指定紛争解決機関の紛争解決委員、役員及び職員について、これらの者が紛争解決等業務に関して知り得た秘密を確実に保持するための措置を定めていること。

(xiv) the operational rules establish measures for the dispute resolution mediators, officers, and employees of the designated dispute resolution organization to reliably retain any confidential information learned of in the course of dispute resolution services.

5 第一項第四号及び第五号に掲げる事項に関する業務規程は、次に掲げる基準に適合するものでなければならない。

(5) The operational rules on the matters set forth in paragraph (1), items (iv) and (v) must conform to the following criteria:

一 第一項第四号に規定する負担金及び同項第五号に規定する料金の額又は算定方法及び支払方法（次号において「負担金額等」という。）を定めていること。

(i) the operational rules establish the amount of the dues prescribed in paragraph (1), item (iv), the fees prescribed in item (v) of the paragraph, or the method of calculating them and the method of payment (referred to as the "amount of dues, etc." in the following item); and

二 負担金額等が著しく不当なものでないこと。

(ii) the amount of dues, etc. is not extremely unreasonable.

6 第二項第五号の「特別調停案」とは、和解案であって、次に掲げる場合を除き、加入金融サービス仲介業者が受諾しなければならないものをいう。

(6) The term "special conciliation proposal" as used in paragraph (2), item (v) means a settlement proposal that the member financial service intermediary must accept except in the following cases:

一 当事者である加入金融サービス仲介業者の顧客等（以下この項において「当事者顧客等」という。）が当該和解案を受諾しないとき。

(i) the customer, etc. of the member financial service intermediary that is a party (hereinafter referred to as the "party customer, etc." in this paragraph) does not accept the settlement proposal;

二 当該和解案の提示の時ににおいて当該紛争解決手続の目的となった請求に係る訴訟が提起されていない場合において、当事者顧客等が当該和解案を受諾したことを加入金融サービス仲介業者が知った日から一月を経過する日までに当該請求に係る訴訟が提起され、かつ、同日までに当該訴訟が取り下げられないとき。

(ii) at the time when the settlement proposal is presented, litigation has not been filed in connection with a claim subject to the dispute resolution procedures, but by one month after the day on which the member financial service intermediary learns that the party customer, etc. has accepted the

settlement proposal, the litigation has been filed in connection with the relevant claim and has not been withdrawn;

三 当該和解案の提示の時ににおいて当該紛争解決手続の目的となった請求に係る訴訟が提起されている場合において、当事者顧客等が当該和解案を受諾したことを加入金融サービス仲介業者が知った日から一月を経過する日までに当該訴訟が取り下げられないとき。

(iii) at the time when the settlement proposal is presented, litigation has been filed in connection with a claim subject to the dispute resolution procedures, and by one month after the day on which the member financial service intermediary learns that the party customer, etc. has accepted the settlement proposal, the litigation has not been withdrawn; or

四 当事者顧客等が当該和解案を受諾したことを加入金融サービス仲介業者が知った日から一月を経過する日までに、当該紛争解決手続が行われている金融サービス仲介業務関連紛争について、当事者間において仲裁法（平成十五年法律第百三十八号）第二条第一項に規定する仲裁合意がされ、又は当該和解案によらずに和解若しくは調停が成立したとき。

(iv) by one month after the day on which the member financial service intermediary learns that the party customer, etc. has accepted the settlement proposal, an arbitration agreement provided for in Article 2, paragraph (1) of the Arbitration Act (Act No. 138 of 2003) is entered into or a settlement or conciliation other than through the relevant settlement proposal is reached between the parties with regard to the dispute related to financial service intermediary business operations for which the dispute resolution procedures have been implemented.

7 業務規程の変更は、内閣総理大臣の認可を受けなければ、その効力を生じない。

(7) Changes to the operational rules do not become effective without the authorization of the Prime Minister.

8 内閣総理大臣は、前項の規定による認可をしようとするときは、当該認可に係る業務規程が第四項各号及び第五項各号に掲げる基準（紛争解決手続の業務に係る部分に限る。）に適合していることについて、あらかじめ、法務大臣に協議しなければならない。

(8) When seeking to grant the authorization under the preceding paragraph, the Prime Minister must consult with the Minister of Justice in advance as to whether the operational rules subject to that authorization conform to the criteria set forth in the items of paragraph (4) and the items of paragraph (5) (limited to the parts related to the operation of dispute resolution procedures).

（手続実施基本契約の不履行の事実の公表等）

(Disclosure of a Breach of a Basic Contract for Implementation of Dispute Resolution Procedures)

第五十七条 指定紛争解決機関は、手続実施基本契約により加入金融サービス仲介業者

が負担する義務の不履行が生じた場合において、当該加入金融サービス仲介業者の意見を聴取し、当該不履行について正当な理由がないと認めるときは、遅滞なく、当該加入金融サービス仲介業者の商号、名称又は氏名及び当該不履行の事実を公表するとともに、内閣総理大臣に報告しなければならない。

Article 57 (1) If the obligations that a member financial service intermediary bears pursuant to a basic contract for implementation of dispute resolution procedures are breached, and a designated dispute resolution organization hears the opinion of the member financial service intermediary and finds there to be no legitimate grounds for the breach, the designated dispute resolution organization must disclose the trade name or name of the member financial service intermediary and the fact of the breach to the public, as well as report the fact to the Prime Minister, without delay.

2 指定紛争解決機関は、金融サービス仲介業務関連苦情及び金融サービス仲介業務関連紛争を未然に防止し、並びに金融サービス仲介業務関連苦情の処理及び金融サービス仲介業務関連紛争の解決を促進するため、加入金融サービス仲介業者その他の者に対し、情報の提供、相談その他の援助を行うよう努めなければならない。

(2) A designated dispute resolution organization must endeavor to provide information, consultation, and other support to member financial service intermediary and to other persons, in order to preemptively prevent complaints related to financial service intermediary business operations and disputes related to financial service intermediary business operations, and to facilitate the processing of complaints related to financial service intermediary business operations and the resolution of disputes related to financial service intermediary business operations.

(暴力団員等の使用の禁止)

(Prohibition on the Employment of Organized Crime Group Members)

第五十八条 指定紛争解決機関は、暴力団員（暴力団員による不当な行為の防止等に関する法律第二条第六号に規定する暴力団員をいう。以下この条において同じ。）又は暴力団員でなくなった日から五年を経過しない者を紛争解決等業務に従事させ、又は紛争解決等業務の補助者として使用してはならない。

Article 58 Designated dispute resolution organizations must not allow an organized crime group member (meaning an organized crime group member as defined in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members; hereinafter the same applies in this Article) or a person for whom five years have not elapsed from the day on which that person ceased to be an organized crime group member to engage in dispute resolution services, nor may they use the person as an assistant in dispute resolution services.

(差別的取扱いの禁止)

(Prohibition on Discriminatory Treatment)

第五十九条 指定紛争解決機関は、特定の加入金融サービス仲介業者に対し不当な差別的取扱いをしてはならない。

Article 59 Designated dispute resolution organizations must not subject any particular member financial service intermediary to unfair discriminatory treatment.

(記録の保存)

(Keeping Records)

第六十条 指定紛争解決機関は、第六十二条第九項の規定によるもののほか、内閣府令で定めるところにより、紛争解決等業務に関する記録を作成し、保存しなければならない。

Article 60 Designated dispute resolution organizations must prepare and keep records of their dispute resolution services pursuant to the provisions of Cabinet Office Order, in addition to the records under the provisions of Article 62, paragraph (9).

(苦情処理手続)

(Complaint Processing Procedures)

第六十一条 指定紛争解決機関は、加入金融サービス仲介業者の顧客等から金融サービス仲介業務関連苦情について解決の申立てがあったときは、その相談に応じ、当該顧客等に必要な助言をし、当該金融サービス仲介業務関連苦情に係る事情を調査するとともに、当該加入金融サービス仲介業者に対し、当該金融サービス仲介業務関連苦情の内容を通知してその迅速な処理を求めなければならない。

Article 61 If a customer, etc. of a member financial service intermediary files an application for the resolution of a complaint related to financial service intermediary business operations, designated dispute resolution organizations must provide the customer, etc. with consultation and necessary advice, and investigate the circumstances to which the complaint related to financial service intermediary business operations pertains, as well as notify the member financial service intermediary of the content of the complaint related to financial service intermediary business operations, and request the member financial service intermediary to promptly process the complaint.

(紛争解決手続)

(Dispute Resolution Procedures)

第六十二条 加入金融サービス仲介業者に係る金融サービス仲介業務関連紛争の解決を図るため、当事者は、当該加入金融サービス仲介業者が手続実施基本契約を締結した指定紛争解決機関に対し、紛争解決手続の申立てをすることができる。

Article 62 (1) In order to resolve a dispute related to financial service intermediary business operations related to a member financial service

intermediary, a party may file an application for dispute resolution procedures with a designated dispute resolution organization with which the member financial service intermediary has concluded a basic contract for implementation of dispute resolution procedures.

2 指定紛争解決機関は、前項の申立てを受けたときは、紛争解決委員を選任するものとする。

(2) If a designated dispute resolution organization receives the application referred to in the preceding paragraph, it is to appoint dispute resolution mediators.

3 紛争解決委員は、人格が高潔で識見の高い者であつて、次の各号のいずれかに該当する者（第一項の申立てに係る当事者と利害関係を有する者を除く。）のうちから選任されるものとする。この場合において、紛争解決委員のうち少なくとも一人は、第一号又は第三号（当該申立てが司法書士法第三条第一項第七号に規定する紛争に係るものである場合にあつては、第一号、第三号又は第四号）のいずれかに該当する者でなければならない。

(3) Dispute resolution mediators are to be appointed from among persons of the highest moral character that fall under any of the following items (excluding any person that has an interest in a party connected with the application referred to in paragraph (1)). In this case, at least one of the dispute resolution mediators must be a person that falls under item (i) or (iii) (or under item (i), (iii) or (iv), if the application pertains to a dispute provided for in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act).

一 弁護士であつてその職務に従事した期間が通算して五年以上である者

(i) an attorney-at-law who has been practicing for five years or more in total;

二 金融サービス仲介業務に従事した期間が通算して十年以上である者

(ii) a person that has engaged in financial service intermediary business operations for ten years or more in total;

三 消費生活に関する消費者と事業者との間に生じた苦情に係る相談その他の消費生活に関する事項について専門的な知識経験を有する者として内閣府令で定める者

(iii) a person specified by Cabinet Office Order as having specialized knowledge of and experience in consultation on complaints that arise between consumers and businesses with regard to consumer affairs or on any other consumer affairs matters;

四 当該申立てが司法書士法第三条第一項第七号に規定する紛争に係るものである場合にあつては、同条第二項に規定する司法書士であつて同項に規定する簡裁訴訟代理等関係業務に従事した期間が通算して五年以上である者

(iv) if the application pertains to a dispute prescribed in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act, a judicial scrivener as defined in paragraph (2) of that Article who has engaged in summary court legal representation services, etc. as defined in that paragraph for five years or more in total; or

五 前各号に掲げる者に準ずる者として内閣府令で定める者

(v) a person specified by Cabinet Office Order as a person equivalent to one as set forth in any of the preceding items.

4 指定紛争解決機関は、第一項の申立てを第二項の規定により選任した紛争解決委員（以下この条及び次条第一項において単に「紛争解決委員」という。）による紛争解決手続に付するものとする。ただし、紛争解決委員は、当該申立てに係る当事者である加入金融サービス仲介業者の顧客等が当該金融サービス仲介業務関連紛争を適切に解決するに足りる能力を有する者と認められることその他の事由により紛争解決手続を行うのに適当でないと認めるとき、又は当事者が不当な目的でみだりに第一項の申立てをしたと認めるときは、紛争解決手続を実施しないものとし、紛争解決委員が当該申立てを受託紛争解決機関における紛争解決手続に相当する手続に付することが適当と認めるときは、指定紛争解決機関は、受託紛争解決機関に紛争解決手続の業務を委託するものとする。

(4) A designated dispute resolution organization is to send the application referred to in paragraph (1) into dispute resolution procedures by dispute resolution mediators appointed pursuant to the provisions of paragraph (2) (hereinafter simply referred to as "dispute resolution mediators" in this Article and paragraph (1) of the following Article); provided, however, that if the dispute resolution mediators find that it is not appropriate to carry out dispute resolution procedures due to it being found that the customer, etc. of the member financial service intermediary that is a party under that application has sufficient ability to properly resolve the dispute related to financial service intermediary business operations or due to any other grounds, or if the dispute resolution mediators find that a party has filed the application referred to in paragraph (1) for unjust purposes and without due cause, they are not to implement dispute resolution procedures, and if the dispute resolution mediators find it to be appropriate to send the application into procedures equivalent to dispute resolution procedures at an entrusted dispute resolution organization, the designated dispute resolution organization is to entrust the operation of dispute resolution procedures to an entrusted dispute resolution organization.

5 前項ただし書の規定により紛争解決委員が紛争解決手続を実施しないとき、又は受託紛争解決機関に業務を委託するときは、指定紛争解決機関は、第一項の申立てをした者に対し、その旨を理由を付して通知するものとする。

(5) If the dispute resolution mediators do not implement dispute resolution procedures pursuant to the provisions of the proviso to the preceding paragraph, or if they entrust the operations to an entrusted dispute resolution organization, the designated dispute resolution organization is to notify the person that filed the application referred to in paragraph (1) of that fact with the reasons attached thereto.

6 紛争解決委員は、当事者若しくは参考人から意見を聴取し、若しくは報告書の提出



を求め、又は当事者から参考となるべき帳簿書類その他の物件の提出を求め、和解案を作成して、その受諾を勧告し、又は特別調停（第五十六条第六項に規定する特別調停案を提示することをいう。）をすることができる。

(6) Dispute resolution mediators may hear the opinions of the parties and witnesses, request that they submit written reports, request that the parties submit books, documents, and any other articles that will serve as reference, prepare a settlement proposal and recommend that the parties accept the proposal, or may implement a special conciliation (meaning presenting a special conciliation proposal prescribed in Article 56, paragraph (6)).

7 紛争解決手続は、公開しない。ただし、紛争解決委員は、当事者の同意を得て、相当と認める者の傍聴を許すことができる。

(7) Dispute resolution procedures are not open to the public; provided, however, that dispute resolution mediators may allow the attendance of a person that is considered to be appropriate, with the consent of the parties.

8 指定紛争解決機関は、紛争解決手続の開始に先立ち、当事者である加入金融サービス仲介業者の顧客等に対し、内閣府令で定めるところにより、次に掲げる事項について、これを記載した書面を交付し、又はこれを記録した電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものとして内閣府令で定めるものをいう。）を提供して説明をしなければならない。

(8) Prior to the commencement of dispute resolution procedures and pursuant to the provisions of Cabinet Office Order, a designated dispute resolution organization must deliver a document that states the following information or provide an electronic or magnetic record (meaning records that are created in an electronic form, magnetic form, or any other form that cannot be perceived through the human senses, which are specified by Cabinet Office Order as being used in computer data processing) in which the relevant information has been recorded to the customers, etc. of a member financial service intermediary that is a party to the dispute, and give an explanation of the relevant information:

一 当該顧客等が支払う料金に関する事項

(i) information of the fees to be paid by the customer, etc.;

二 第五十六条第四項第六号に規定する紛争解決手続の開始から終了に至るまでの標準的な手続の進行

(ii) the standard operation process from the commencement to the termination of dispute resolution procedures prescribed in Article 56, paragraph (4), item (vi); and

三 前二号に掲げるもののほか、内閣府令で定める事項

(iii) beyond what is set forth in the preceding two items, information specified by Cabinet Office Order.

9 指定紛争解決機関は、内閣府令で定めるところにより、その実施した紛争解決手続

に関し、次に掲げる事項を記載した手続実施記録を作成し、保存しなければならない。

- (9) A designated dispute resolution organization must prepare and keep a dispute resolution procedures record stating the following information with regard to the dispute resolution procedures it implemented, pursuant to the provisions of Cabinet Office Order:
- 一 金融サービス仲介業務関連紛争の当事者が紛争解決手続の申立てをした年月日  
(i) the date on which the party to the dispute related to financial service intermediary business operations filed the application for dispute resolution procedures;
  - 二 金融サービス仲介業務関連紛争の当事者及びその代理人の氏名、商号又は名称  
(ii) the name or trade name of the parties to the dispute related to financial service intermediary business operations and the agents thereof;
  - 三 紛争解決委員の氏名  
(iii) the names of the dispute resolution mediators;
  - 四 紛争解決手続の実施の経緯  
(iv) the details of the implementation of the dispute resolution procedures;
  - 五 紛争解決手続の結果（紛争解決手続の終了の理由及びその年月日を含む。）  
(v) the results of the dispute resolution procedures (including the reasons for the termination of dispute resolution procedures and the date thereof); and
  - 六 前各号に掲げるもののほか、実施した紛争解決手続の内容を明らかにするために必要な事項であって内閣府令で定めるもの  
(vi) beyond what is set forth in the preceding items, information necessary for clarifying the content of the implemented dispute resolution procedures that are specified by Cabinet Office Order.

（時効の完成猶予）

(Postponement of Completion of Prescription)

第六十三条 紛争解決手続によっては金融サービス仲介業務関連紛争の当事者間に和解が成立する見込みがないことを理由に紛争解決委員が当該紛争解決手続を終了した場合において、当該紛争解決手続の申立てをした当該金融サービス仲介業務関連紛争の当事者がその旨の通知を受けた日から一月以内に当該紛争解決手続の目的となった請求について訴えを提起したときは、時効の完成猶予に関しては、当該紛争解決手続における請求の時に、訴えの提起があったものとみなす。

Article 63 (1) If dispute resolution mediators terminate dispute resolution procedures on the grounds that there is no prospect of reaching a settlement between the parties to a dispute related to financial service intermediary business operations through dispute resolution procedures, and the party to the dispute related to financial service intermediary business operations which filed the application for dispute resolution procedures files an action on a claim that was subject to the dispute resolution procedures within one month from the day on which that party receives notice of the termination, the action is

deemed to have been filed at the time the claim was filed in dispute resolution procedures with regard to the postponement of completion of prescription.

2 指定紛争解決機関の紛争解決等業務の廃止が第七十二条第一項の規定により認可され、又は第五十一条第一項の規定による指定が第七十三条第一項の規定により取り消され、かつ、その認可又は取消しの日に紛争解決手続が実施されていた金融サービス仲介業務関連紛争がある場合において、当該紛争解決手続の申立てをした当該金融サービス仲介業務関連紛争の当事者が第七十二条第三項若しくは第七十三条第四項の規定による通知を受けた日又は当該認可若しくは取消しを知った日のいずれか早い日から一月以内に当該紛争解決手続の目的となった請求について訴えを提起したときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply if the discontinuation of dispute resolution services by a designated dispute resolution organization is authorized pursuant to the provisions of Article 72, paragraph (1) or if the designation under Article 51, paragraph (1) is rescinded pursuant to the provisions of Article 73, paragraph (1) and there is a dispute related to financial service intermediary business operations for which dispute resolution procedures have been implemented as of the day of authorization or rescission, and the party to the dispute related to financial service intermediary business operations which has filed the application for dispute resolution procedures files an action on a claim that was subject to those dispute resolution procedures within one month from the day on which the party receives the notice under Article 72, paragraph (3) or Article 73, paragraph (4), or within one month from the day on which the party comes to know of the authorization or rescission, whichever comes earlier.

(訴訟手続の中止)

(Suspension of Litigation Proceedings)

第六十四条 金融サービス仲介業務関連紛争について当該金融サービス仲介業務関連紛争の当事者間に訴訟が係属する場合において、次の各号のいずれかに掲げる事由があり、かつ、当該金融サービス仲介業務関連紛争の当事者の共同の申立てがあるときは、受訴裁判所は、四月以内の期間を定めて訴訟手続を中止する旨の決定をすることができる。

Article 64 (1) If litigation is pending with regard to a dispute related to financial service intermediary business operations between the parties to a dispute related to financial service intermediary business operations, and if any of the following grounds exist and the parties to the dispute related to financial service intermediary business operations file a joint petition, the court in charge of the case may decide to suspend the litigation proceedings for a fixed period of no longer than four months:

一 当該金融サービス仲介業務関連紛争について、当該金融サービス仲介業務関連紛争の当事者間において紛争解決手続が実施されていること。

(i) dispute resolution procedures have been implemented for a dispute related to financial service intermediary business operations between the parties to the relevant dispute related to financial service intermediary business operations; and

二 前号の場合のほか、当該金融サービス仲介業務関連紛争の当事者間に紛争解決手続によって当該金融サービス仲介業務関連紛争の解決を図る旨の合意があること。

(ii) in addition to the case referred to in the preceding item, the parties to the dispute related to financial service intermediary business operations have reached an agreement to resolve the dispute related to financial service intermediary business operations through dispute resolution procedures.

2 受訴裁判所は、いつでも前項の決定を取り消すことができる。

(2) The court in charge of the case may rescind the decision referred to in the preceding paragraph at any time.

3 第一項の申立てを却下する決定及び前項の規定により第一項の決定を取り消す決定に対しては、不服を申し立てることができない。

(3) No appeal may be entered against a decision dismissing the petition referred to in paragraph (1) or a decision rescinding the decision referred to in paragraph (1) pursuant to the preceding paragraph.

(加入金融サービス仲介業者の名簿の縦覧)

(Public Inspection of the Register of Member Financial Service Intermediaries)

第六十五条 指定紛争解決機関は、加入金融サービス仲介業者の名簿を公衆の縦覧に供しなければならない。

Article 65 A designated dispute resolution organization must make the register of member financial service intermediaries available for public inspection.

(名称等の使用制限)

(Restriction on the Use of Names)

第六十六条 指定紛争解決機関でない者（金融商品取引法第百五十六条の三十九第一項の規定による指定を受けた者その他これに類する者として政令で定めるものを除く。）は、その名称又は商号中に、指定紛争解決機関と誤認されるおそれのある文字を使用してはならない。

Article 66 A person that is not a designated dispute resolution organization (excluding a person that has obtained the designation under Article 156-39, paragraph (1) of the Financial Instruments and Exchange Act or any other person specified by Cabinet Order as being similar thereto) must not use a word in its name or trade name which could give rise to the misconception that it is a designated dispute resolution organization.

(変更の届出)

(Notification of Changes)

第六十七条 指定紛争解決機関は、第五十二条第一項第二号から第四号までのいずれかに掲げる事項に変更があったときは、その旨を内閣総理大臣に届け出なければならない。

Article 67 (1) If information set forth in Article 52, paragraph (1), items (ii) through (iv) changes, a designated dispute resolution organization must notify the Prime Minister of that fact.

2 内閣総理大臣は、前項の規定により指定紛争解決機関の名称若しくは商号又は主たる営業所若しくは事務所の所在地の変更の届出があったときは、その旨を官報で告示しなければならない。

(2) If the Prime Minister is notified of a change in the name or trade name, or the location of the principal business office or office of a designated dispute resolution organization pursuant to the provisions of the preceding paragraph, the Prime Minister must give public notice of this in the official gazette.

(手続実施基本契約の締結等の届出)

(Notification of the Conclusion of a Basic Contract for Implementation of Dispute Resolution Procedures)

第六十八条 指定紛争解決機関は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 68 If a designated dispute resolution organization falls under any of the following items, the designated dispute resolution organization must notify the Prime Minister of that fact pursuant to the provisions of Cabinet Office Order:

一 金融サービス仲介業者と手続実施基本契約を締結したとき、又は当該手続実施基本契約を終了したとき。

(i) it concludes a basic contract for implementation of dispute resolution procedures with a financial service intermediary, or it terminates the basic contract for implementation of dispute resolution procedures; and

二 前号に掲げるもののほか、内閣府令で定めるとき。

(ii) beyond what is set forth in the preceding item, cases that are specified by Cabinet Office Order.

(業務に関する報告書の提出)

(Submission of Business Reports)

第六十九条 指定紛争解決機関は、事業年度ごとに、当該事業年度に係る紛争解決等業務に関する報告書を作成し、内閣総理大臣に提出しなければならない。

Article 69 (1) Each business year, a designated dispute resolution organization must prepare a report on the dispute resolution services for that business year and submit it to the Prime Minister.

2 前項の報告書に関する記載事項、提出期日その他必要な事項は、内閣府令で定める。

(2) Information to be stated in the report referred to in the preceding paragraph, the submission date, and other necessary matters are specified by Cabinet

Office Order.

(報告徴収及び立入検査)

(Collection of Reports and On-Site Inspections)

第七十条 内閣総理大臣は、紛争解決等業務の公正かつ適確な遂行のため必要があると認めるときは、指定紛争解決機関に対し、その業務に関し報告若しくは資料の提出を命じ、又は当該職員に、指定紛争解決機関の営業所若しくは事務所その他の施設に立ち入らせ、当該指定紛争解決機関の業務の状況に関し質問させ、若しくは帳簿書類その他の物件を検査させることができる。

Article 70 (1) If the Prime Minister finds it to be necessary for the fair and appropriate execution of dispute resolution services, the Prime Minister may order a designated dispute resolution organization to make reports or submit materials relevant to its business operations, or have the relevant officials enter the business office, office, or any other facilities of the designated dispute resolution organization, have those officials ask questions about the business conditions of the designated dispute resolution organization, or have them inspect its books, documents, and any other articles.

2 内閣総理大臣は、紛争解決等業務の公正かつ適確な遂行のため特に必要があると認めるときは、その必要の限度において、指定紛争解決機関の加入金融サービス仲介業者若しくは当該指定紛争解決機関から業務の委託を受けた者に対し、当該指定紛争解決機関の業務に関し参考となるべき報告若しくは資料の提出を命じ、又は当該職員に、これらの者の営業所若しくは事務所その他の施設に立ち入らせ、当該指定紛争解決機関の業務の状況に関し質問させ、若しくはこれらの者の帳簿書類その他の物件を検査させることができる。

(2) If the Prime Minister finds it to be particularly necessary for the fair and appropriate execution of dispute resolution services, the Prime Minister, to the extent necessary, may order a member financial service intermediary of a designated dispute resolution organization or the person that is entrusted with business operations by the designated dispute resolution organization, to make reports or submit materials that will serve as reference in relation to the business operations of the designated dispute resolution organization, or have the relevant officials enter the business office, office, or any other facilities of these persons, have those officials ask questions about the business conditions of the designated dispute resolution organization or have them inspect books, documents, and any other articles.

3 前二項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者の請求があったときは、これを提示しなければならない。

(3) The officials that conduct on-site inspections pursuant to the provisions of the preceding two paragraphs must carry their identification cards with them, and must present them if a relevant person requests them to do so.

4 第一項及び第二項の規定による立入検査の権限は、犯罪捜査のために認められたも

のと解してはならない。

(4) The authority for the on-site inspections under paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

(業務改善命令)

(Business Improvement Orders)

第七十一条 内閣総理大臣は、指定紛争解決機関の紛争解決等業務の運営に関し、紛争解決等業務の公正かつ適確な遂行を確保するため必要があると認めるときは、その必要の限度において、当該指定紛争解決機関に対して、その業務の運営の改善に必要な措置を命ずることができる。

Article 71 (1) If the Prime Minister finds it to be necessary for ensuring the fair and appropriate execution of dispute resolution services concerning the management of dispute resolution services of a designated dispute resolution organization, the Prime Minister, to the extent necessary, may order the designated dispute resolution organization to take necessary measures for improving the management of its business operations.

2 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当する場合において、前項の規定による命令をしようとするときは、あらかじめ、法務大臣に協議しなければならない。

(2) If a designated dispute resolution organization falls under any of the following items and the Prime Minister seeks to issue the order under the preceding paragraph, the Prime Minister must consult with the Minister of Justice in advance:

一 第五十一条第一項第五号から第七号までに掲げる要件（紛争解決手続の業務に係る部分に限り、同号に掲げる要件にあっては、第五十六条第四項各号及び第五項各号に掲げる基準に係るものに限る。以下この号において同じ。）に該当しないこととなった場合又は第五十一条第一項第五号から第七号までに掲げる要件に該当しないこととなるおそれがあると認められる場合

(i) the designated dispute resolution organization comes to no longer satisfy the requirements set forth in Article 51, paragraph (1), items (v) through (vii) (limited to the parts related to the operation of dispute resolution procedures; with regard to the requirement set forth in item (vii) of that paragraph, limited to the requirement related to the criteria set forth in the items of Article 56, paragraph (4) and the items of paragraph (5) of that Article; hereinafter the same applies in this item) or it is found likely that the designated dispute resolution organization will come to no longer satisfy the requirements set forth in Article 51, paragraph (1), items (v) through (vii); or

二 第五十四条、第五十五条、第五十八条又は第六十二条の規定に違反した場合（その違反行為が紛争解決手続の業務に係るものである場合に限る。）

(ii) the designated dispute resolution organization violates the provisions of

Article 54, Article 55, Article 58, or Article 62 (limited to the case where the violation is related to the business operations of dispute resolution procedures).

(紛争解決等業務の休廃止)

(Suspension or Discontinuation of Dispute Resolution Services)

第七十二条 指定紛争解決機関は、紛争解決等業務の全部若しくは一部の休止（次項に規定する理由によるものを除く。）をし、又は廃止をしようとするときは、内閣総理大臣の認可を受けなければならない。

Article 72 (1) A designated dispute resolution organization must obtain the authorization of the Prime Minister if it intends to suspend (excluding suspension on the grounds prescribed in the following paragraph) all or part of the dispute resolution services or discontinue the dispute resolution services.

2 指定紛争解決機関が、天災その他のやむを得ない理由により紛争解決等業務の全部又は一部の休止をした場合には、直ちにその旨を、理由を付して内閣総理大臣に届け出なければならない。指定紛争解決機関が当該休止をした当該紛争解決等業務の全部又は一部を再開するときも、同様とする。

(2) If a designated dispute resolution organization suspends all or part of its dispute resolution services due to a natural disaster or for any other compelling reason, it must immediately notify the Prime Minister of that fact together with the reason therefor. The same applies when the designated dispute resolution organization recommences all or part of the dispute resolution services thus suspended.

3 第一項の規定による休止若しくは廃止の認可を受け、又は前項の休止をした指定紛争解決機関は、当該休止又は廃止の日から二週間以内に、当該休止又は廃止の日に苦情処理手続又は紛争解決手続（他の指定紛争解決機関又は他の法律の規定による指定であって紛争解決等業務に相当する業務に係るものとして政令で定めるものを受けた者（以下この項において「委託紛争解決機関」という。）から業務の委託を受けている場合における当該委託に係る当該委託紛争解決機関の苦情を処理する手続又は紛争の解決を図る手続を含む。次条第四項において同じ。）が実施されていた当事者、当該当事者以外の加入金融サービス仲介業者及び他の指定紛争解決機関に当該休止又は廃止をした旨を通知しなければならない。指定紛争解決機関が当該休止をした当該紛争解決等業務の全部又は一部を再開するときも、同様とする。

(3) A designated dispute resolution organization that obtains authorization for suspension or discontinuation pursuant to the provisions of paragraph (1) or that implements the suspension referred to in the preceding paragraph must notify a party for which complaint processing procedures or dispute resolution procedures have been implemented as of the day of the suspension or discontinuation (if the designated dispute resolution organization has been entrusted with business operations by another designated dispute resolution organization or by a person that has obtained a designation under the



provisions of other laws specified by Cabinet Order as pertaining to business operations equivalent to dispute resolution services (hereinafter referred to as an "entrusting dispute resolution organization" in this paragraph), including procedures for processing complaints or procedures for resolving disputes for the entrusting dispute resolution organization related to the entrustment; the same applies in paragraph (4) of the following Article), the member financial service intermediaries that are not the parties, and other designated dispute resolution organizations, of the suspension or discontinuation, within two weeks from the day of the suspension or discontinuation. The same applies if the designated dispute resolution organization recommences all or part of the dispute resolution services thus suspended.

(指定の取消し等)

(Rescission of Designation)

第七十三条 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当するときは、第五十一条第一項の規定による指定を取り消し、又は六月以内の期間を定めて、その業務の全部若しくは一部の停止を命ずることができる。

Article 73 (1) If a designated dispute resolution organization falls under any of the following items, the Prime Minister may rescind the designation under Article 51, paragraph (1) or order to suspend all or part of its business operations for a fixed period of no longer than six months:

一 第五十一条第一項第二号から第七号までに掲げる要件に該当しないこととなったとき、又は指定を受けた時点において同項各号のいずれかに該当していなかったことが判明したとき。

(i) the designated dispute resolution organization comes to no longer satisfy the requirements set forth in Article 51, paragraph (1), items (ii) through (vii), or it is discovered that the designated dispute resolution organization has not fallen under any of the items of that paragraph at the time of the designation;

二 不正の手段により第五十一条第一項の規定による指定を受けたことが判明したとき。

(ii) it is discovered that the designated dispute resolution organization has obtained the designation under Article 51, paragraph (1) by wrongful means; or

三 法令又は法令に基づく処分に違反したとき。

(iii) the designated dispute resolution organization violates a law or regulation or a disposition based on a law or regulation.

2 内閣総理大臣は、指定紛争解決機関が次の各号のいずれかに該当する場合において、前項の規定による処分又は命令をしようとするときは、あらかじめ、法務大臣に協議しなければならない。

(2) If a designated dispute resolution organization falls under any of the

following items, and the Prime Minister seeks to issue the disposition or order under the preceding paragraph, the Prime Minister must consult with the Minister of Justice in advance:

一 第五十一条第一項第五号から第七号までに掲げる要件（紛争解決手続の業務に係る部分に限り、同号に掲げる要件にあっては、第五十六条第四項各号及び第五項各号に掲げる基準に係るものに限る。以下この号において同じ。）に該当しないこととなった場合又は第五十一条第一項の規定による指定を受けた時点において同項第五号から第七号までに掲げる要件に該当していなかったことが判明した場合

(i) the designated dispute resolution organization comes to no longer satisfy the requirements set forth in Article 51, paragraph (1), items (v) through (vii) (limited to the parts related to the business operation of dispute resolution procedures; with regard to the requirement set forth in item (vii) of the paragraph, limited to the requirement related to the criteria set forth in the items of Article 56, paragraph (4) and the items of paragraph (5) of that Article; hereinafter the same applies in this item), or it is discovered that the designated dispute resolution organization has not satisfied the requirements set forth in Article 51, paragraph (1), items (v) through (vii) at the time of the designation under that paragraph; or

二 第五十四条、第五十五条、第五十八条又は第六十二条の規定に違反した場合（その違反行為が紛争解決手続の業務に係るものである場合に限る。）

(ii) the designated dispute resolution organization violates the provisions of Article 54, Article 55, Article 58, or Article 62 (limited to the case where the violation is related to the business operations of dispute resolution procedures).

3 内閣総理大臣は、第一項の規定により第五十一条第一項の規定による指定を取り消したときは、その旨を官報で告示するものとする。

(3) If the Prime Minister rescinds a designation under Article 51, paragraph (1) pursuant to the provisions of paragraph (1), the Prime Minister is to give public notice of that fact in the official gazette.

4 第一項の規定により第五十一条第一項の規定による指定の取消しの処分を受け、又はその業務の全部若しくは一部の停止の命令を受けた者は、当該処分又は命令の日から二週間以内に、当該処分又は命令の日に苦情処理手続又は紛争解決手続が実施されていた当事者、当該当事者以外の加入金融サービス仲介業者及び他の指定紛争解決機関に当該処分又は命令を受けた旨を通知しなければならない。

(4) A person that is issued a disposition for the rescission of a designation under Article 51, paragraph (1) or an order to suspend all or part of its business operations pursuant to the provisions of paragraph (1) must notify a party for which complaint processing procedures or dispute resolution procedures have been implemented as of the day of the disposition or order, the member financial service intermediaries that are not the parties, and other designated dispute resolution organizations, that the disposition or order has been issued,

within two weeks from the day of the disposition or order.

## 第七節 雑則

### Section 7 Miscellaneous Provisions

(保険契約の締結の媒介を行う役員又は使用人の届出)

(Notification of Officers or Employees Engaging in Intermediation of the Conclusion of Insurance Contracts)

第七十四条 保険媒介業務を行う金融サービス仲介業者は、その役員又は使用人に保険契約の締結の媒介を行わせようとするときは、その者の氏名及び生年月日を内閣総理大臣に届け出なければならない。届け出た事項について変更を生じたとき、又は届出に係る役員若しくは使用人が保険契約の締結の媒介を行わないこととなったとき、若しくはこれらの者が死亡したときも、同様とする。

Article 74 If a financial service intermediary that engages in insurance intermediary business operations seeks to have its officer or employee engage in intermediation of the conclusion of insurance contracts, the financial service intermediary must notify the Prime Minister of the name and date of birth of the person. The same applies if there is a change in the matters notified, the officer or employee related to the notification no longer engages in intermediation of the conclusion of insurance contracts, or if these persons die.

(外務員の登録)

(Registration of Sales Representatives)

第七十五条 有価証券等仲介業務を行う金融サービス仲介業者は、その役員又は使用人のうち、当該金融サービス仲介業者のために次に掲げる行為を行う者（以下この節において「外務員」という。）の氏名、生年月日その他内閣府令で定める事項について、内閣府令で定める場所に備える外務員登録原簿に登録を受けなければならない。

Article 75 (1) A financial service intermediary that engages in securities, etc. intermediary business operations must have a registration made in a sales representatives register that is kept in a location specified by Cabinet Office Order concerning the name, date of birth, and any other matter specified by Cabinet Office Order, for a person engaging in the following acts for the financial service intermediary among its officers and employees (hereinafter referred to as a "sales representative" in this Section):

一 有価証券（金融商品取引法第二条第二項の規定により有価証券とみなされる権利にあつては、同項各号に掲げる権利を除く。）に係る次に掲げる行為

(i) the following acts related to securities (in cases of rights that are deemed to be securities pursuant to the provisions of Article 2, paragraph (2) of the Financial Instruments and Exchange Act, excluding the rights set forth in the items of that paragraph):

イ 第十一条第四項第一号から第三号までに掲げる行為

(a) acts set forth in Article 11, paragraph (4), items (i) through (iii); and  
ロ 次に掲げる行為

(b) the following acts:

(1) 売買の媒介の申込みの勧誘

1. the solicitation of offers for intermediation of purchase and sale; and

(2) 市場デリバティブ取引又は外国市場デリバティブ取引の委託の勧誘

2. the solicitation of entrustment with market derivatives transactions or  
foreign market derivatives transactions;

二 前号に掲げるもののほか、政令で定める行為

(ii) beyond what is set forth in the preceding item, acts specified by Cabinet  
Order.

2 有価証券等仲介業務を行う金融サービス仲介業者は、前項の規定により当該金融サービス仲介業者が登録を受けた者以外の者に外務員の職務（同項各号に掲げる行為をいう。第八十八条第七号において同じ。）を行わせてはならない。

(2) A financial service intermediary that engages in securities, etc. intermediary business operations must not allow a person other than one for whom the financial service intermediary obtained registration pursuant to the provisions of the preceding paragraph to engage in the duties of a sales representative (meaning acts set forth in the items of that paragraph; the same applies in Article 88, item (vii)).

(外務員の権限)

(Authority of Sales Representatives)

第七十六条 外務員は、金融サービス仲介業者に代わって、前条第一項各号に掲げる行為に関し、一切の裁判外の行為を行う権限を有するものとみなす。

Article 76 (1) Sales representatives are deemed to have the authority to perform any extra-judicial act in connection with the acts set forth in the items of paragraph (1) of the preceding Article on behalf of the financial service intermediary.

2 前項の規定は、相手方が悪意であった場合においては、適用しない。

(2) The provisions of the preceding paragraph do not apply if the other party has acted in bad faith.

(金融商品取引法の準用)

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

第七十七条 金融商品取引法第六十四条第三項から第六項まで、第六十四条の二第一項、第六十四条の四、第六十四条の五第一項及び第六十四条の六の規定は、金融サービス仲介業者の外務員について準用する。この場合において、次の表の上欄に掲げる同法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 77 The provisions of Article 64, paragraphs (3) through (6), Article 64-2, paragraph (1), Article 64-4, Article 64-5, paragraph (1) and Article 64-6 of the Financial Instruments and Exchange Act apply mutatis mutandis to sales representatives of a financial service intermediary. In this case, the terms or phrases listed in the middle column of the following table that appear in the provisions of that Act as listed in the left-hand column of that table are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of that table, and any other necessary technical replacement of terms is specified by Cabinet Order.

第六十四 条第三項 Article 64, paragrap h (3)	第一項 paragraph (1)	金融サービスの提供に関する法律第七十五条 第一項 Article 75, paragraph (1) of the Act on the Provision of Financial Services
第六十四 条第三項 第三号ハ Article 64, paragrap h (3), item (iii) (c)	第六十六条の二十五に おいて準用する前項に 規定する外務員の職務 及び金融サービスの提 供に関する法律第七十 五条第二項に規定する 外務員の職務を含む including the duties of a sales representative prescribed in the preceding paragraph as applied mutatis mutandis pursuant to Article 66-25 and the duties of a sales representative prescribed in Article 75, paragraph (2) of the Act on the Provision of Financial Services	前項（第六十六条の二十五において準用する 場合を含む。）に規定する外務員の職務を含 む including the duties of a sales representative prescribed in the preceding paragraph (including as applied mutatis mutandis pursuant to Article 66-25)
	若しくは金融商品仲介 業者又は金融サービス 仲介業者 or financial instruments intermediary service provider, or financial service intermediary	又は金融商品取引業者等若しくは金融商品仲 介業者 , or financial instruments business operator, etc. or financial instruments intermediary

第六十四 条第五項 Article 64, paragrap h (5)	第一項に in paragraph (1)	金融サービスの提供に関する法律第七十五条 第一項に in Article 75, paragraph (1) of the Act on the Provision of Financial Services
	登録原簿 the register	外務員登録原簿（同項に規定する外務員登録 原簿をいう。第六十四条の六において同 じ。） the sales representatives register (meaning the sales representatives register prescribed in that paragraph; the same applies in Article 64-6)
第六十四 条第六項 Article 64, paragrap h (6)	第一項 paragraph (1)	金融サービスの提供に関する法律第七十五条 第一項 Article 75, paragraph (1) of the Act on the Provision of Financial Services
第六十四 条の二第 一項第一 号 Article 64-2, paragrap h (1), item (i)	第二十九条の四第一項 第二号イからリまで Article 29-4, paragraph (1), item (ii), (a) through (i)	金融サービスの提供に関する法律第十五条第 二号イからへまで Article 15, item (ii), (a) through (f) of the Act on the Provision of Financial Services
第六十四 条の二第 一項第二 号 Article 64-2, paragrap h (1), item (ii)	外務員（ sales representatives （	前条第一項に規定する外務員（ sales representatives prescribed in paragraph (1) of the preceding Article（
第六十四 条の二第 一項第三 号 Article 64-2, paragrap h (1), item (iii)	外務員 sales representatives	前条第一項に規定する外務員 sales representatives prescribed in paragraph (1) of the preceding Article

	若しくは金融商品仲介業者又は金融サービス仲介業者 or financial instruments intermediary service provider, or financial service intermediary	又は金融商品取引業者等若しくは金融商品仲介業者 or financial instruments business operator, etc. or financial instruments intermediary
第六十四条の四 Article 64-4	第六十四条第一項 Article 64, paragraph (1)	金融サービスの提供に関する法律第七十五条第一項 Article 75, paragraph (1) of the Act on the Provision of Financial Services
第六十四条の四第二号 Article 64-4, item (ii)	第二十九条の四第一項第二号イ Article 29-4, paragraph (1), item (ii), (a)	金融サービスの提供に関する法律第十五条第二号イ Article 15, item (ii), (a) of the Act on the Provision of Financial Services
第六十四条の四第三号 Article 64-4, item (iii)	第二十九条の四第一項第二号ロからリまで Article 29-4, paragraph (1), item (ii), (b) through (i)	金融サービスの提供に関する法律第十五条第二号ロからへまで Article 15, item (ii), (b) through (f) of the Act on the Provision of Financial Services
第六十四条の五第一項第一号 Article 64-5, paragraph (1), item (i)	第二十九条の四第一項第二号イからリまで Article 29-4, paragraph (1), item (ii), (a) through (i)	金融サービスの提供に関する法律第十五条第二号イからへまで Article 15, item (ii), (a) through (f) of the Act on the Provision of Financial Services

第六十四条の五第一項第二号 Article 64-5, paragraph (1), item (ii)	金融商品取引業（登録金融機関にあつては、登録金融機関業務）のうち第六十四条第一項各号 the items of Article 64, paragraph (1) (or in connection with the services of a registered financial institution, if it is a registered financial institution) or services incidental thereto within the financial instruments business	金融サービス仲介業（金融サービスの提供に関する法律第十一条第一項に規定する金融サービス仲介業をいう。次条第二号において同じ。）のうち同法第七十五条第一項各号 the items of Article 75, paragraph (1) of the Act on the Provision of Financial Services or services incidental thereto within the financial service intermediary business (meaning the financial service intermediary business as prescribed in Article 11, paragraph (1) of the Act on the Provision of Financial Services; the same applies in item (ii) of the following Article)
第六十四条の六 Article 64-6	登録原簿 the register	外務員登録原簿 the sales representatives register
第六十四条の六第二号 Article 64-6, item (ii)	解散し is dissolved	死亡し、解散し dies, is dissolved
	金融商品取引業（登録金融機関にあつては、登録金融機関業務）のうち第六十四条第一項各号 the items of Article 64, paragraph (1) (or discontinues the services of a registered financial institution, if it is a registered financial institution) within the financial instruments business	金融サービス仲介業のうち金融サービスの提供に関する法律第七十五条第一項各号 the items of Article 75, paragraph (1) of the Act on the Provision of Financial Services within the financial service intermediary business

（届出受理事務等の委任）

**(Delegation of Notification Receipt Work)**

第七十八条 内閣総理大臣は、内閣府令で定めるところにより、認定金融サービス仲介業協会等（認定金融サービス仲介業協会又はこれに類するものとして内閣府令で定めるものをいう。以下この節及び第九十九条において同じ。）に、第七十四条に規定す



る届出の受理に係る事務（以下この条において「届出受理事務」という。）であって認定金融サービス仲介業協会等に所属する金融サービス仲介業者の役員又は使用人に係るもの並びに第七十五条並びに前条において読み替えて準用する金融商品取引法第六十四条第三項、前条において準用する同法第六十四条第四項並びに前条において読み替えて準用する同法第六十四条第五項及び第六項、第六十四条の二第一項、第六十四条の四、第六十四条の五第一項並びに第六十四条の六に規定する登録に関する事務（以下この条（第六項各号を除く。）及び第八十条において「登録事務」という。）であって認定金融サービス仲介業協会等に所属する金融サービス仲介業者の外務員に係るものを行わせることができる。

Article 78 (1) The Prime Minister may, pursuant to the provisions of Cabinet Office Order, have a certified financial service intermediary business association, etc. (meaning a certified financial service intermediary business association or what is specified by Cabinet Office Order as one similar thereto; hereinafter the same applies in this Section and Article 99) engage in the work related to the receipt of notification prescribed in Article 74 (hereinafter referred to as "notification receipt work" in this Article) that relates to officers or employees of a financial service intermediary affiliated with the certified financial service intermediary business association, etc. and the work related to the registration prescribed in Article 64, paragraph (3) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 75 and the preceding Article following the deemed replacement of terms, Article 64, paragraph (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article, Article 64, paragraphs (5) and (6), Article 64-2, paragraph (1), Article 64-4, Article 64-5, paragraph (1), and Article 64-6 of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms (hereinafter referred to as "registration work" in this Article (excluding the items of paragraph (6)) and Article 80) that relates to sales representatives of a financial service intermediary affiliated with the certified financial service intermediary business association, etc.

2 内閣総理大臣は、内閣府令で定めるところにより、認定金融サービス仲介業協会等に所属しない金融サービス仲介業者の役員又は使用人に係る届出受理事務及び認定金融サービス仲介業協会等に所属しない金融サービス仲介業者の外務員に係る登録事務（前条において読み替えて準用する金融商品取引法第六十四条の五第一項に係るものを除く。）をそれぞれ一の認定金融サービス仲介業協会等を定めて行わせることができる。

(2) The Prime Minister may, pursuant to the provisions of Cabinet Office Order, designate one certified financial service intermediary business association, etc. to have it engage in notification receipt work related to officers or employees of a financial service intermediary that is not affiliated with a certified financial service intermediary business association, etc. and in registration work related

to sales representatives of a financial service intermediary that is not affiliated with a certified financial service intermediary business association, etc.

(excluding the work related to Article 64-5, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms), respectively.

3 内閣総理大臣は、前二項の規定により認定金融サービス仲介業協会等に届出受理事務又は登録事務を行わせるときは、当該届出受理事務又は登録事務を行わないものとする。

(3) If the Prime Minister has a certified financial service intermediary business association, etc. engage in notification receipt work or registration work pursuant to the provisions of the preceding two paragraphs, the Prime Minister is not to conduct the notification receipt work or registration work.

4 認定金融サービス仲介業協会等は、第一項又は第二項の規定により届出受理事務又は登録事務を行うときは、その定款において保険契約の締結の媒介を行う役員若しくは使用人の届出に関する事項又は外務員の登録に関する事項を定め、内閣総理大臣の認可を受けなければならない。

(4) If a certified financial service intermediary business association, etc. engages in notification receipt work or registration work pursuant to the provisions of paragraph (1) or (2), the certified financial service intermediary business association, etc. must specify the matters related to the notification of officers or employees engaging in intermediation of the conclusion of insurance contracts or the matters related to registration of sales representatives in its articles of incorporation and must obtain the authorization of the Prime Minister.

5 第一項又は第二項の規定により届出受理事務又は登録事務を行う認定金融サービス仲介業協会等は、第七十四条に規定する届出を受理した場合又は前条において読み替えて準用する金融商品取引法第六十四条第五項の規定による登録、前条において読み替えて準用する同法第六十四条の四の規定による届出に係る登録の変更、前条において読み替えて準用する同法第六十四条の五第一項の規定による処分（登録の取消しを除く。）若しくは前条において読み替えて準用する同法第六十四条の六の規定による登録の抹消をした場合には、内閣府令で定めるところにより、遅滞なく、その旨を内閣総理大臣に届け出なければならない。

(5) If a certified financial service intermediary business association, etc. that engages in notification receipt work or registration work pursuant to the provisions of paragraph (1) or (2), receives a notification prescribed in Article 74, conducts a registration under Article 64, paragraph (5) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms, makes a change to a registration related to the notification under Article 64-4 of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms, issues a

disposition under Article 64-5, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms (excluding rescission of registration), or makes a deletion of registration under Article 64-6 of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms, the certified financial service intermediary business association, etc. must notify the Prime Minister of that fact without delay, pursuant to the provisions of Cabinet Office Order.

- 6 第一項又は第二項の規定による届出受理事務又は登録事務を行う認定金融サービス仲介業協会等（次に掲げるものを含む。以下この項において同じ。）が二以上ある場合（当該認定金融サービス仲介業協会等が次に掲げるもののみである場合を除く。）には、各認定金融サービス仲介業協会等は、当該届出受理事務又は登録事務の適正な実施を確保するため、認定金融サービス仲介業協会等相互間の情報交換を促進するとともに、他の認定金融サービス仲介業協会等に対し、必要な協力及び情報の提供をすよう努めるものとする。

- (6) If there are two or more certified financial service intermediary business associations, etc. that engage in notification receipt work or registration work under the provisions of paragraph (1) or (2) (including an association set forth in the following items; hereinafter the same applies in this paragraph) (excluding cases where the certified financial service intermediary business associations, etc. are solely an association that is set forth in the following items), each certified financial service intermediary business association, etc. is to facilitate information exchange between certified financial service intermediary business associations, etc. and endeavor to provide necessary cooperation and information to other certified financial service intermediary business associations, etc. in order to ensure the appropriate implementation of the notification receipt work or registration work:

一 金融商品取引法第六十四条の七第一項又は第二項の規定による登録事務（同条第一項に規定する登録事務をいう。次号において同じ。）を行う協会（同条第一項に規定する協会をいう。同号において同じ。）

- (i) an association (meaning an association prescribed in Article 64-7, paragraph (1) of the Financial Instruments and Exchange Act; the same applies in the following item) that engages in registration work (meaning the registration work prescribed in paragraph (1) of that Article; the same applies in the following item) pursuant to the provisions of paragraph (1) or (2) of that Article; and

二 金融商品取引法第六十六条の二十五において準用する同法第六十四条の七第一項の規定による登録事務を行う協会

- (ii) an association that engages in registration work pursuant to the provisions of Article 64-7, paragraph (1) of the Financial Instruments and Exchange Act

as applied mutatis mutandis pursuant to Article 66-25 of that Act.

7 内閣総理大臣は、認定金融サービス仲介業協会等に所属する金融サービス仲介業者の外務員が前条において読み替えて準用する金融商品取引法第六十四条の五第一項第一号若しくは第二号又は前条において準用する同法第六十四条の五第一項第三号のいずれかに該当するにもかかわらず、第一項の規定により当該外務員の登録事務を行う認定金融サービス仲介業協会等が前条において読み替えて準用する同法第六十四条の五第一項の規定による処分をしない場合において、公益又は顧客の保護のため必要かつ適当であると認めるときは、同項の規定による処分をすることを命ずることができる。

(7) If a sales representative of a financial service intermediary that is affiliated with a certified financial service intermediary business association, etc. falls under any of Article 64-5, paragraph (1), item (i) or (ii) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms, or Article 64-5, paragraph (1), item (iii) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article but the certified financial service intermediary business association, etc. that engages in the registration work of the sales representative pursuant to the provisions of paragraph (1) fails to conduct a disposition under Article 64-5, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms, and the Prime Minister finds it to be necessary and appropriate for the public interest or for the protection of customers, the Prime Minister may order the certified financial service intermediary business association, etc. to conduct the disposition under the provisions of that paragraph.

8 内閣総理大臣は、第一項若しくは第二項の規定により認定金融サービス仲介業協会等に届出受理事務若しくは登録事務を行わせることとするとき、又はこれらの規定により認定金融サービス仲介業協会等に行わせていた届出受理事務若しくは登録事務を行わせないこととするときは、その旨を公示しなければならない。

(8) If the Prime Minister determines to have a certified financial service intermediary business association, etc. engage in notification receipt work or registration work pursuant to the provisions of paragraph (1) or (2), or have a certified financial service intermediary business association, etc. no longer engage in notification receipt work or registration work pursuant to the relevant provisions, which it has engaged in, the Prime Minister must issue public notice of that fact.

(登録手数料)

(Registration Fees)

第七十九条 外務員の登録を受けようとする金融サービス仲介業者は、政令で定めるところにより、登録手数料を国（前条第一項又は第二項の規定により認定金融サービス

仲介業協会等に登録する場合にあっては、認定金融サービス仲介業協会等) に納めなければならない。

Article 79 (1) A financial service intermediary seeking to have a sales representative registered must pay a registration fee to the government (if registering with a certified financial service intermediary business association, etc. pursuant to the provisions of paragraph (1) or (2) of the preceding Article, to the certified financial service intermediary business association, etc.) pursuant to the provisions of Cabinet Order.

2 前項の手数料で認定金融サービス仲介業協会等に納められたものは、当該認定金融サービス仲介業協会等の収入とする。

(2) The fee set forth in the preceding paragraph that is paid to a certified financial service intermediary business association, etc. is the revenue of the relevant certified financial service intermediary business association, etc.

(登録事務についての審査請求)

(Requests for Reviews of Registration Work)

第八十条 第七十八条第一項若しくは第二項の規定により登録事務を行う認定金融サービス仲介業協会等の第七十七条において読み替えて準用する金融商品取引法第六十四条第三項の規定による登録の申請に係る不作為若しくは第七十七条において読み替えて準用する同法第六十四条の二第一項の規定による登録の拒否又は第七十八条第一項の規定により登録事務を行う認定金融サービス仲介業協会等の第七十七条において読み替えて準用する同法第六十四条の五第一項の規定による処分について不服がある金融サービス仲介業者は、内閣総理大臣に対し、審査請求をすることができる。この場合において、内閣総理大臣は、行政不服審査法（平成二十六年法律第六十八号）第二十五条第二項及び第三項、第四十六条第一項及び第二項並びに第四十九条第三項の規定の適用については、認定金融サービス仲介業協会等の上級行政庁とみなす。

Article 80 A financial service intermediary that is dissatisfied with inaction related to an application for registration under Article 64, paragraph (3) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 77 following the deemed replacement of terms or the refusal of registration under Article 64-2, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 77 following the deemed replacement of terms by a certified financial service intermediary business association, etc. that engages in registration work pursuant to the provisions of Article 78, paragraph (1) or (2), or a disposition under Article 64-5, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 77 following the deemed replacement of terms by a certified financial service intermediary business association, etc. that engages in registration work pursuant to the provisions of Article 78, paragraph (1), may make a request for review to the Prime Minister. In this case, concerning the application of the provisions of

Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), and Article 49, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014), the Prime Minister is deemed to be the higher administrative agency of a certified financial service intermediary business association, etc.

(内閣府令への委任)

(Delegation to Cabinet Office Orders)

第八十一条 この法律に定めるもののほか、この法律の規定による認可、承認、登録、認定又は指定に関する申請の手続、書類の提出の手続その他この法律を実施するため必要な事項は、内閣府令で定める。

Article 81 Beyond what is provided for in this Act, the procedures for application and procedures for submission of documents related to authorization, approval, registration, certification, or designation under the provisions of this Act, or other matters necessary for implementation of this Act are specified by Cabinet Office Order.

(権限の委任)

(Delegation of Authority)

第八十二条 内閣総理大臣は、この法律による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 82 (1) The Prime Minister is to delegate their authority under this Act (excluding what is specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

2 金融庁長官は、前項の規定により委任された権限のうち、次に掲げるものを証券取引等監視委員会（以下この条及び次条において「委員会」という。）に委任する。ただし、報告又は資料の提出を命ずる権限は、金融庁長官が自ら行うことを妨げない。

(2) Among the authority delegated to the Commissioner of the Financial Services Agency pursuant to the provisions of the preceding paragraph, the Commissioner is to delegate the authority set forth in the following items to the Securities and Exchange Surveillance Commission (hereinafter referred to as the "Commission" in this Article and the following Article); provided, however, that this does not preclude the Commissioner from personally exercising the authority to issue an order to report or submit materials:

一 第三十五条第一項又は第二項の規定による権限（第十一条第四項第一号から第三号までに掲げる行為の公正の確保に係る規定として政令で定める規定に関するものに限る。）

(i) the authority under the provisions of Article 35, paragraph (1) or (2) (limited to the authority related to the provisions specified by Cabinet Order as those related to ensuring the fairness of the acts set forth in Article 11, paragraph (4), items (i) through (iii));

二 第三十六条第一項又は第二項の規定による権限（第十一条第四項第一号から第三

号までに掲げる行為の公正の確保に係る規定として政令で定める規定に関するものに限る。)

(ii) the authority under the provisions of Article 36, paragraph (1) or (2) (limited to authority related to the provisions specified by Cabinet Order as those related to ensuring the fairness of the acts set forth in Article 11, paragraph (4), items (i) through (iii));

三 第四十八条第一項又は第二項の規定による権限（金融サービス仲介業（有価証券等仲介業務に係るものに限る。）の適正の確保に係る認定金融サービス仲介業協会の業務として政令で定める業務に関するものに限る。次号において同じ。）

(iii) the authority under the provisions of Article 48, paragraph (1) or (2) (limited to authority related to the business operations specified by Cabinet Order as the business operations of a certified financial service intermediary business association related to ensuring the appropriateness of financial service intermediary business (limited to the business concerning securities, etc. intermediary business operations); the same applies in the following item); and

四 第四十九条第一項又は第二項の規定による権限

(iv) the authority under the provisions of Article 49, paragraph (1) or (2).

3 金融庁長官は、政令で定めるところにより、第一項の規定により委任された権限（前項の規定により委員会に委任されたものを除く。）のうち、第三十五条第一項及び第二項、第三十六条第一項及び第二項、第四十八条第一項及び第二項並びに第四十九条第一項及び第二項の規定によるものを委員会に委任することができる。

(3) The Commissioner of the Financial Service Agency may, pursuant to the provisions of Cabinet Order, delegate the authority under Article 35, paragraphs (1) and (2), Article 36, paragraphs (1) and (2), Article 48, paragraphs (1) and (2), and Article 49, paragraphs (1) and (2) to the Commission among the authority delegated to the Commissioner pursuant to the provisions of paragraph (1) (excluding authority delegated to the Commission pursuant to the provisions of the preceding paragraph).

4 委員会は、前項の規定により委任された権限を行使したときは、速やかに、その結果について金融庁長官に報告するものとする。

(4) If the Commission exercises the authority delegated to it pursuant to the provisions of the preceding paragraph, it is to promptly report the results to the Commissioner of the Financial Services Agency.

5 金融庁長官は、政令で定めるところにより、第一項の規定により委任された権限（第二項及び第三項の規定により委員会に委任されたものを除く。）の一部を財務局長又は財務支局長に委任することができる。

(5) The Commissioner of the Financial Services Agency may delegate part of the authority delegated to the Commissioner pursuant to the provisions of paragraph (1) (excluding authority delegated to the Commission pursuant to the provisions of paragraphs (2) and (3)) to the director-general of a local

finance bureau or to the director-general of a local finance branch bureau, pursuant to the provisions of Cabinet Order.

6 委員会は、政令で定めるところにより、第二項及び第三項の規定により委任された権限の一部を財務局長又は財務支局長に委任することができる。

(6) The Commission may delegate part of the authority delegated to it pursuant to the provisions of paragraphs (2) and (3) to the Director-General of a Local Finance Bureau or to the Director-General of a Local Finance Branch Bureau, pursuant to the provisions of Cabinet Order.

7 前項の規定により財務局長又は財務支局長に委任された権限に係る事務に関しては、委員会が財務局長又は財務支局長を指揮監督する。

(7) The Commission directs and supervises the Director-General of a Local Finance Bureau or the Director-General of a Local Finance Branch Bureau concerning affairs related to the authority that is delegated to the Director-General of a Local Finance Bureau or to the Director-General of a Local Finance Branch Bureau pursuant to the provisions of the preceding paragraph.

(委員会に対する審査請求)

(Requests for Reviews Against the Commission)

第八十三条 委員会が前条第二項又は第三項の規定により行う報告又は資料の提出の命令（同条第六項の規定により財務局長又は財務支局長が行う場合を含む。）についての審査請求は、委員会に対してのみ行うことができる。

Article 83 A request for review with regard to an order to report or submit materials issued by the Commission pursuant to the provisions of paragraph (2) or (3) of the preceding Article (including an order issued by the Director-General of a Local Finance Bureau or the Director-General of a Local Finance Branch Bureau pursuant to the provisions of paragraph (6) of that Article) may only be filed against the Commission.

(経過措置)

(Transitional Measures)

第八十四条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 84 If an order is established, amended, or repealed based on the provisions of this Act, any necessary transitional measures (including transitional measures for penal provisions) may be prescribed in that order, to the extent that is considered to be reasonably necessary for the establishment, amendment, or repeal of that order.

#### 第四章 罰則

#### Chapter IV Penal Provisions



第八十五条 次の各号のいずれかに該当するときは、その違反行為をした者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 85 If a person falls under any of the following items, the person that commits the violation is subject to punishment by imprisonment for not more than three years, a fine of not more than three million yen, or both:

一 不正の手段により第十二条の登録又は第十六条第一項の変更登録を受けたとき。

(i) a person has obtained registration under Article 12 or registration of change under Article 16, paragraph (1) by wrongful means;

二 第二十一条の規定に違反して他人に金融サービス仲介業を行わせたとき。

(ii) a person has, in violation of Article 21, had another person engage in financial service intermediary business;

三 第三十条において準用する保険業法第三百条第一項の規定に違反して同項第一号に掲げる行為（運用実績連動型保険契約（同法第百条の五第一項に規定する運用実績連動型保険契約をいう。第八十七条第三号において同じ。）に係るものに限る。）をしたとき。

(iii) a person has, in violation of the provisions of Article 300, paragraph (1) of the Insurance Business Act as applied mutatis mutandis pursuant to Article 30, conducted an act set forth in item (i) of that paragraph (limited to an act related to a performance-linked insurance contract (meaning a performance-linked insurance contract prescribed in Article 100-5, paragraph (1) of that Act; the same applies in Article 87, item (iii)));

四 第三十一条第一項において準用する金融商品取引法第三十八条の二又は第三十一条第二項において準用する同法第三十九条第一項の規定に違反したとき。

(iv) a person has violated the provisions of Article 38-2 of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (1) or the provisions of Article 39, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 31, paragraph (2);

五 第三十一条第一項において準用する金融商品取引法第六十六条の十四第一号ハの規定に違反したとき。

(v) a person has violated the provisions of Article 66-14, item (i), (c) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (1);

六 第三十一条第一項において準用する金融商品取引法第六十六条の十四の二の規定に違反したとき。

(vi) a person has violated the provisions of Article 66-14-2 of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (1); or

七 第三十八条第二項の規定による電子決済等代行業の廃止の命令に違反したとき。

(vii) a person has violated an order to discontinue electronic payment services under Article 38, paragraph (2).

第八十六条 次の各号のいずれかに該当するときは、その違反行為をした者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 86 If a person falls under any of the following items, the person that commits the violation is subject to punishment by imprisonment for not more than two years, a fine of not more than three million yen, or both:

一 第三十二条において準用する貸金業法第二十一条第一項の規定に違反したとき。

(i) a person has violated the provisions of Article 21, paragraph (1) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32;

二 第三十八条第一項の規定による業務の全部又は一部の停止の命令に違反したとき。

(ii) a person has violated an order to suspend all or part of its services under Article 38, paragraph (1); or

三 第五十条の規定による命令に違反したとき。

(iii) a person has violated an order under Article 50.

第八十七条 次の各号のいずれかに該当するときは、その違反行為をした者は、一年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 87 If a person falls under any of the following items, the person that commits the violation is subject to punishment by imprisonment for not more than one year, a fine of not more than three million yen, or both:

一 第十三条又は第五十二条の規定による申請書又はこれに添付すべき書類に虚偽の記載をしてこれらを提出したとき。

(i) a person has made a false statement in an application form or a document to be attached to the application form pursuant to the provisions of Article 13 or Article 52 and submitted it;

二 第二十九条において準用する銀行法第五十二条の四十五（第一号に係る部分に限る。）の規定の違反があった場合において、顧客以外の者（第十一条第二項第一号イからヨまでに掲げる者又は金融サービス仲介業者を含む。）の利益を図り、又は顧客に損害を与える目的でその違反行為をしたとき。

(ii) a person has violated the provisions of Article 52-45 of the Banking Act (limited to the part related to item (i)) as applied mutatis mutandis pursuant to Article 29, and the person has committed the violation for the purpose of benefiting a person other than customers (including a person set forth in Article 11, paragraph (2), item (i), (a) through (o) or a financial service intermediary) or of damaging customers;

三 第三十条において準用する保険業法第三百条第一項の規定に違反して、同項第一号に掲げる行為（運用実績連動型保険契約に係るものを除く。）をしたとき、又は同項第二号若しくは第三号に掲げる行為をしたとき。

(iii) a person has, in violation of the provisions of Article 300, paragraph (1) of the Insurance Business Act as applied mutatis mutandis pursuant to Article

- 30, conducted an act set forth in item (i) of that paragraph (excluding an act related to a performance-linked insurance contract) or an act set forth in item (ii) or (iii) of that paragraph;
- 四 第三十一条第二項において準用する金融商品取引法第三十八条第一号の規定に違反して虚偽のことを告げたとき。
- (iv) a person has, in violation of the provisions of Article 38, item (i) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2), made a false statement;
- 五 第三十二条において準用する貸金業法第十二条の五の規定に違反したとき。
- (v) a person has violated the provisions of Article 12-5 of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32;
- 六 第三十二条において準用する貸金業法第十二条の六（第一号に係る部分に限る。）の規定に違反して虚偽のことを告げたとき。
- (vi) a person has, in violation of the provisions of Article 12-6 of the Money Lending Business Act (limited to the part related to item (i)) as applied mutatis mutandis pursuant to Article 32, made a false statement;
- 七 第三十二条において準用する貸金業法第十二条の七の規定に違反したとき。
- (vii) a person has violated the provisions of Article 12-7 of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32;
- 八 第三十二条において準用する貸金業法第十六条の三第一項の規定に違反して、書面を交付せず、又は同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付したとき。
- (viii) a person has, in violation of the provisions of Article 16-3, paragraph (1) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, failed to deliver documents, or has delivered documents lacking the matters prescribed in the paragraph or documents containing false statements;
- 九 第三十二条において準用する貸金業法第十八条第一項の規定に違反して、書面を交付せず、又は同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付したとき。
- (ix) a person has, in violation of the provisions of Article 18, paragraph (1) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, failed to deliver documents, or has delivered documents lacking the matters prescribed in the paragraph or documents containing false statements;
- 十 第三十二条において準用する貸金業法第二十条第一項又は第二項の規定に違反したとき。
- (x) a person has violated the provisions of Article 20, paragraph (1) or (2) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32;
- 十一 第三十二条において準用する貸金業法第二十条第三項の規定に違反して、書面

を交付せず、又は同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付したとき。

(xi) a person has, in violation of the provisions of Article 20, paragraph (3) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, failed to deliver documents, or has delivered documents lacking the matters prescribed in the paragraph or documents containing false statements;

十二 第三十二条において準用する貸金業法第二十条の二（第一号に係る部分に限る。）の規定に違反して、同条に規定する預金通帳等の引渡し若しくは提供を求め、又はこれらを保管したとき。

(xii) a person has, in violation of the provisions of Article 20-2 of the Money Lending Business Act (limited to the part related to item (i)) as applied mutatis mutandis pursuant to Article 32, requested delivery or provision of a deposit passbook, etc. as prescribed in Article 20-2 of that Act, or has retained it;

十三 第三十二条において準用する貸金業法第二十条の二（第二号に係る部分に限る。）の規定に違反したとき。

(xiii) a person has violated the provisions of Article 20-2 of the Money Lending Business Act (limited to the part related to item (ii)) as applied mutatis mutandis pursuant to Article 32;

十四 第三十三条の規定による帳簿書類の作成若しくは保存をせず、又は虚偽の帳簿書類を作成したとき。

(xiv) a person has failed to prepare or keep books and documents under Article 33 or prepared false books and documents;

十五 第三十四条第一項又は第六十九条第一項の規定による報告書を提出せず、又は虚偽の記載をした報告書を提出したとき。

(xv) a person has failed to submit a report under Article 34, paragraph (1) or Article 69, paragraph (1) or has submitted a report containing false statements;

十六 第三十四条第二項の規定による書面を公衆の縦覧に供せず、若しくは同項の規定による公表をせず、又は虚偽の記載をした書面を公衆の縦覧に供し、若しくは虚偽の公表をしたとき。

(xvi) a person has failed to make documents under Article 34, paragraph (2) available for public inspection, failed to publicize the documents pursuant to the provisions of that paragraph, has made documents containing false statements available for public inspection, or has made a false publication;

十七 第三十五条第一項若しくは第二項又は第四十八条第一項若しくは第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。

(xvii) a person has failed to make a report or submit materials under Article 35, paragraph (1) or (2) or Article 48, paragraph (1) or (2), has made a false

report, or has submitted false materials;

十八 第三十六条第一項若しくは第二項又は第四十九条第一項若しくは第二項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避したとき。

(xviii) a person has failed to answer a question asked by officials pursuant to the provisions of Article 36, paragraph (1) or (2) or Article 49, paragraph (1) or (2), or has given a false answer, or refused, hindered, or evaded the inspection under these provisions;

十九 第五十八条の規定に違反したとき。

(xix) a person has violated the provisions of Article 58;

二十 第七十条第一項若しくは第二項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告若しくは資料の提出をし、又はこれらの規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくはこれらの規定による検査を拒み、妨げ、若しくは忌避したとき。

(xx) a person has failed to make a report or submit materials under Article 70, paragraph (1) or (2), or has made a false report, or submitted false materials, or failed to answer a question asked by officials pursuant to these provisions, or given a false answer, or refused, hindered, or evaded the inspection under these provisions; or

二十一 第七十一条第一項の規定による命令に違反したとき。

(xxi) a person has violated an order under Article 71, paragraph (1).

第八十八条 次の各号のいずれかに該当するときは、その違反行為をした者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 88 If a person falls under any of the following items, the person that commits the violation is subject to punishment by imprisonment for not more than one year, a fine of not more than one million yen, or both:

一 第二十二条第五項の規定に違反したとき。

(i) a person has violated the provisions of Article 22, paragraph (5);

二 第二十七条の規定に違反したとき。

(ii) a person has violated the provisions of Article 27;

三 第三十一条第二項において準用する金融商品取引法第三十七条の三第一項若しくは第三十二条において準用する貸金業法第十六条の二第一項から第三項までの規定に違反して、書面を交付せず、若しくはこれらの規定に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付したとき、又は第三十一条第二項において準用する金融商品取引法第三十七条の三第二項において準用する同法第三十四条の二第四項若しくは第三十二条において準用する貸金業法第十六条の二第四項に規定する方法により当該事項を欠いた提供若しくは虚偽の事項の提供をしたとき。

(iii) a person has, in violation of the provisions of Article 37-3, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) or the provisions of Article 16-2,

paragraphs (1) through (3) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, failed to deliver documents or delivered documents lacking the matters prescribed in these provisions or documents containing false statements; or a person has provided another person with something lacking the matters or with something containing false matters, by the method prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 37-3, paragraph (2) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) or in Article 16-2, paragraph (4) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32;

四 第三十一条第二項において準用する金融商品取引法第三十九条第二項の規定に違反したとき。

(iv) a person has violated the provisions of Article 39, paragraph (2) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2);

五 第三十一条第二項において準用する金融商品取引法第三十九条第七項の規定による申請書又は書類に虚偽の記載をして提出したとき。

(v) a person has made a false statement in an application form or a document under Article 39, paragraph (7) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) and has submitted it.

六 第五十三条第一項の規定に違反したとき。

(vi) a person has violated the provisions of Article 53, paragraph (1); or

七 第七十五条第二項の規定に違反して外務員の職務を行わせたとき。

(vii) a person has, in violation of the provisions of Article 75, paragraph (2), allowed another person to engage in the duties of a sales representative.

第八十九条 前条第四号の場合において、犯人又は情を知った第三者が受けた財産上の利益は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

Article 89 (1) In a case referred to in item (iv) of the preceding Article, the economic benefit received by the offender or a third party with knowledge is confiscated. If it is not possible to confiscate all or part of the benefit, its value is to be collected.

2 金融商品取引法第二百九条の二及び第二百九条の三第二項の規定は、前項の規定による没収について準用する。この場合において、同法第二百九条の二第一項中「第九十八条の二第一項又は第二百条の二」とあるのは「金融サービスの提供に関する法律第八十九条第一項」と、同条第二項中「混和財産（第二百条の二の規定に係る不法財産が混和したものに限る。）」とあるのは「混和財産」と、同法第二百九条の三第二項中「第九十八条の二第一項又は第二百条の二」とあるのは「金融サービスの提

供に関する法律第八十九条第一項」と読み替えるものとする。

(2) The provisions of Article 209-2 and Article 209-3, paragraph (2) of the Financial Instruments and Exchange Act apply mutatis mutandis to the confiscation under the preceding paragraph. In this case, the term "Article 198-2, paragraph (1) or Article 200-2" in Article 209-2, paragraph (1) of the Financial Instruments and Exchange Act is deemed to be replaced with "Article 89, paragraph (1) of the Act on the Provision of Financial Services," the term "mixed property (limited to mixed property in which illegal property pertaining to the provisions of Article 200-2 is mixed)" in paragraph (2) of that Article is deemed to be replaced with "mixed property," and the term "Article 198-2, paragraph (1) or Article 200-2" in Article 209-3, paragraph (2) of the Financial Instruments and Exchange Act is deemed to be replaced with "Article 89, paragraph (1) of the Act on the Provision of Financial Services."

第九十条 第四十五条の規定に違反したときは、その違反行為をした者は、一年以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 90 If a person had violated the provisions of Article 45, the person that commits the violation is subject to punishment by imprisonment for not more than one year, a fine of not more than 500 thousand yen, or both.

第九十一条 次の各号のいずれかに該当するときは、その違反行為をした者は、六月以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 91 If a person falls under any of the following items, the person that commits the violation is subject to punishment by imprisonment for not more than six months, a fine of not more than 500 thousand yen, or both:

一 第二十二条第八項の規定に違反して同項の不足額について保証金の供託を行わなかったとき。

(i) a person has, in violation of the provisions of Article 22, paragraph (8), failed to deposit a security deposit for the shortfall referred to in that paragraph;

二 第三十一条第二項において準用する金融商品取引法第三十七条第一項又は第三十二条において準用する貸金業法第十五条第一項に規定する事項を表示せず、若しくは説明せず、又は虚偽の表示若しくは説明をしたとき。

(ii) a person has failed to indicate or explain the matters prescribed in Article 37, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) or in Article 15, paragraph (1) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, or has made false indications or explanations;

三 第三十一条第二項において準用する金融商品取引法第三十七条第二項又は第三十二条において準用する貸金業法第十六条第一項の規定に違反して、著しく事実に相

違する表示若しくは説明をし、又は人を誤認させるような表示若しくは説明をしたとき。

(iii) a person has, in violation of the provisions of Article 37, paragraph (2) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) or the provisions of Article 16, paragraph (1) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, made indications or explanations that significantly contradict the facts or are likely to mislead people;

四 第三十一条第二項において準用する金融商品取引法第三十七条の四第一項若しくは第三十二条において準用する貸金業法第十七条（第六項及び第七項を除く。）の規定に違反して、書面を交付せず、若しくはこれらの規定に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付したとき、又は第三十一条第二項において準用する金融商品取引法第三十七条の四第二項において準用する同法第三十四条の二第四項若しくは第三十二条において準用する貸金業法第十七条第六項若しくは第七項に規定する方法により当該事項を欠いた提供若しくは虚偽の事項の提供をし、若しくは当該事項を記載しない書面若しくは虚偽の記載をした書面を交付したとき。

(iv) a person has, in violation of the provisions of Article 37-4, paragraph (1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) or the provisions of Article 17 of the Money Lending Business Act (excluding paragraphs (6) and (7)) as applied mutatis mutandis pursuant to Article 32, failed to deliver documents or delivered documents lacking the matters prescribed in these provisions or documents containing false statements; or a person has provided another person with something lacking the matters or with something containing false matters, or has delivered documents lacking the matters or documents containing false statements by the method prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 37-4, paragraph (2) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) or in Article 17, paragraph (6) or (7) of the Money Lending Business Act as applied mutatis mutandis to Article 32;

五 第三十二条において準用する貸金業法第十五条第二項の規定に違反して、第十三条第一項第五号に掲げる事項又は同法第四条第一項第七号に掲げる事項に係るもの以外のものを表示し、又は記録したとき。

(v) a person has, in violation of the provisions of Article 15, paragraph (2) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, indicated or recorded matters other than those set forth in Article 13, paragraph (1), item (v) or matters other than those set forth in Article 4, paragraph (1), item (vii) of that Act; or

六 第七十七条において準用する金融商品取引法第六十四条第三項又は第四項の規定



による申請書又は添付書類に虚偽の記載をしてこれらを提出したとき。

- (vi) a person has made a false statement in an application form or a document to be attached under Article 64, paragraph (3) or (4) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 77 and submitted it.

第九十二条 次の各号のいずれかに該当するときは、その違反行為をした者は、百万円以下の罰金に処する。

Article 92 If a person falls under any of the following items, the person that commits the violation is subject to punishment by a fine of not more than one million yen:

- 一 第十八条第三項の規定による届出をせず、若しくは虚偽の届出をし、又は同条第四項の規定により当該届出に添付すべき書類に虚偽の記載をしてこれを提出したとき。

- (i) a person has failed to give a notification under Article 18, paragraph (3) or has given a false notification, or has submitted a document to be attached to the notification pursuant to the provisions of paragraph (4) of the Article by making false statements;

- 二 第三十二条において準用する貸金業法第十二条の四第一項の規定に違反したとき。

- (ii) a person has violated the provisions of Article 12-4, paragraph (1) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32;

- 三 第三十二条において準用する貸金業法第十四条（第四号を除く。）に規定する事項を掲示せず、又は虚偽の掲示をしたとき。

- (iii) a person has failed to post the matters prescribed in Article 14 of the Money Lending Business Act (excluding item (iv)) as applied mutatis mutandis pursuant to Article 32 or has posted false matters;

- 四 第三十二条において準用する貸金業法第十九条の二後段の規定に違反して、相当の理由がないのに、帳簿書類の閲覧又は謄写の請求を拒んだとき。

- (iv) a person has, in violation of the provisions of the second sentence of Article 19-2 of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, refused the request to inspect or copy books and documents without reasonable grounds;

- 五 第三十二条において準用する貸金業法第二十一条第二項又は第三項の規定に違反して、同条第二項各号（第五号を除く。）に掲げる事項を記載せず、若しくは虚偽の記載をし、若しくは記録をせず、若しくは虚偽の記録をし、又は相手方から請求があった場合に取立てを行う者の氏名その他の事項を明らかにしなかったとき。

- (v) a person has, in violation of the provisions of Article 21, paragraph (2) or (3) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, failed to state the matters set forth in the items of paragraph (2) of that Article (excluding item (v)), or made a false statement, or failed to

record the matters or made a false record, or failed to disclose the name of the person conducting the collection or other matters in response to a request from the counterparty;

六 第四十二条第三項の規定に違反してその名称又は商号中に認定金融サービス仲介業協会の会員と誤認されるおそれのある文字を使用したとき。

(vi) a person has, in violation of the provisions of Article 42, paragraph (3), used a word in its name or trade name which could give rise to the misconception that it is an association member of the certified financial service intermediary business association; or

七 第六十条又は第六十二条第九項の規定による記録の作成若しくは保存をせず、又は虚偽の記録を作成したとき。

(vii) a person has failed to prepare or keep records under Article 60 or Article 62, paragraph (9) or prepared false records.

第九十三条 次の各号のいずれかに該当するときは、その違反行為をした者は、五十万円以下の罰金に処する。

Article 93 If a person falls under any of the following items, the person that commits the violation is subject to punishment by a fine of not more than 500 thousand yen:

一 第十六条第三項の規定による届出をせず、又は虚偽の届出をしたとき。

(i) a person has failed to give a notification pursuant to the provisions of Article 16, paragraph (3) or has given a false notification;

二 第三十二条において準用する貸金業法第十二条の四第二項の規定に違反して、従業者名簿を備え付けず、これに同項に規定する事項を記載せず、若しくは虚偽の記載をし、又はこれを保存しなかったとき。

(ii) a person has, in violation of Article 12-4, paragraph (2) of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32, failed to prepare a roster of employees, failed to state the matters prescribed in that paragraph or made a false statement in the roster, or failed to keep the roster; or

三 第七十二条第一項の認可を受けないで、紛争解決等業務の全部若しくは一部の休止又は廃止をしたとき。

(iii) a person suspends or discontinues all or part of dispute resolution services without obtaining the authorization referred to in Article 72, paragraph (1).

第九十四条 次の各号のいずれかに該当するときは、その違反行為をした者は、三十万円以下の罰金に処する。

Article 94 If a person falls under any of the following items, the person that commits the violation is subject to punishment by a fine of not more than 300 thousand yen:

一 第十九条の規定に違反したとき。

- (i) a person has violated the provisions of Article 19;  
二 第二十条第一項又は第二項の規定に違反したとき。
- (ii) a person has violated the provisions of Article 20, paragraph (1) or (2);  
三 第二十条第三項の規定に違反して同条第一項の規定による標識又はこれに類似する標識を掲示したとき。
- (iii) a person has, in violation of the provisions of Article 20, paragraph (3), posted signs under paragraph (1) of the Article or signs similar to them;  
四 第四十七条後段の規定に違反したとき。
- (iv) a person has violated the provisions of the second sentence of Article 47;  
五 第五十七条第一項に規定する報告をせず、又は虚偽の報告をしたとき。
- (v) a person has failed to make a report under Article 57, paragraph (1) or made a false report;  
六 第六十七条第一項、第六十八条又は第七十二条第二項の規定による届出をせず、又は虚偽の届出をしたとき。
- (vi) a person has failed to give a notification under Article 67, paragraph (1), Article 68, or Article 72, paragraph (2) or has given a false notification;  
七 第七十二条第三項又は第七十三条第四項の規定に違反して通知をせず、又は虚偽の通知をしたとき。
- (vii) a person has, in violation of the provisions of Article 72, paragraph (3) or Article 73, paragraph (4), failed to give a notification, or has given a false notification;  
八 第七十七条において準用する金融商品取引法第六十四条の四の規定による届出をせず、又は虚偽の届出をしたとき。
- (viii) a person has failed to give a notification under Article 64-4 of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 77 or has given a false notification; or  
九 第七十八条第四項の規定に違反したとき。
- (ix) a person has violated the provisions of Article 78, paragraph (4).

第九十五条 法人（法人でない団体で代表者又は管理人の定めのあるものを含む。以下この項において同じ。）の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関し、次の各号に掲げる規定の違反行為をしたときは、その行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 95 (1) If a representative of a corporation (including an organization that is not a corporation and for which a representative or an administrator has been designated; hereinafter the same applies in this paragraph) or an agent, employee, or other worker of a corporation or individual violates the provisions set forth in the following items in relation to the business operations or property of the corporation or individual, in addition to the offender being subject to punishment, the corporation is subject to punishment by fine

prescribed in the relevant item, and the individual is subject to punishment by fine referred to in the relevant Article:

一 第八十五条（第七号を除く。）又は第八十六条（第一号を除く。） 三億円以下の罰金刑

(i) Article 85 (excluding item (vii)) or Article 86 (excluding item (i)): a fine of not more than 300 million yen;

二 第八十七条（第五号、第七号から第十三号まで及び第十九号を除く。） 二億円以下の罰金刑

(ii) Article 87 (excluding item (v), items (vii) through (xiii), and item (xix)): a fine of not more than 200 million yen;

三 第八十八条第二号、第四号又は第五号 一億円以下の罰金刑

(iii) Article 88, item (ii), (iv), or (v): a fine of not more than 100 million yen; and

四 第八十五条第七号、第八十六条第一号、第八十七条第五号、第七号から第十三号まで若しくは第十九号、第八十八条（第二号、第四号及び第五号を除く。）又は第九十一条から前条まで 各本条の罰金刑

(iv) Article 85, item (vii), Article 86, item (i), Article 87, item (v), items (vii) through (xiii), or item (xix), Article 88 (excluding items (ii), (iv) and (v)), or Article 91 through the preceding Article: the fine prescribed in the relevant Article.

2 前項の規定により法人でない団体を処罰する場合には、その代表者又は管理人がその訴訟行為につきその団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(2) If an organization that is not a corporation is punished pursuant to the provisions of the preceding paragraph, the representative or administrator of the organization represents the corporation with regard to procedural acts, and the provisions of laws on criminal proceedings that have a corporation as the defendant or suspect apply mutatis mutandis.

第九十六条 次の各号のいずれかに該当する者は、五十万円以下の過料に処する。

Article 96 A person that falls under any of the following items is subject to punishment by a civil fine of not more than 500 thousand yen:

一 第二十二条第四項又は第二十三条第二項の規定による命令に違反して供託しなかった者

(i) a person has, in violation of the order under Article 22, paragraph (4) or Article 23, paragraph (2), failed to make a deposit; or

二 第七十四条の規定による届出をせず、又は虚偽の届出をした者

(ii) a person has failed to give a notification under Article 74 or has given a false notification.

第九十七条 第十条第一項の規定に違反して勧誘方針を定めず、又は同条第三項の規定に違反してこれを公表しなかった金融商品販売業者等は、五十万円以下の過料に処す

る。

Article 97 A financial instruments provider, etc. that has failed to establish a solicitation policy in violation of the provisions of Article 10, paragraph (1) or that has failed to make the policy public in violation of the provisions of paragraph (3) of that Article is subject to punishment by a civil fine of not more than 500 thousand yen.

第九十八条 第四十二条第二項の規定に違反してその名称又は商号中に認定金融サービス仲介業協会と誤認されるおそれのある文字を使用した者は、三十万円以下の過料に処する。

Article 98 A person that has used a word in its name or trade name which could give rise to the misconception that it is a certified financial service intermediary business association in violation of the provisions of Article 42, paragraph (2) is subject to punishment by a civil fine of not more than 300 thousand yen.

第九十九条 次の各号のいずれかに該当するときは、その違反行為をした金融サービス仲介業者（金融サービス仲介業者が法人であるときは、その役員（取締役、会計参与、監査役、執行役、業務を執行する社員、理事又は監事に準ずる者を含む。以下この条及び第百一条において同じ。））、認定金融サービス仲介業協会等の役員又は指定紛争解決機関の役員（法人でない団体で代表者又は管理人の定めのあるものの代表者又は管理人を含む。）は、三十万円以下の過料に処する。

Article 99 If a financial service intermediary falls under any of the following items, the financial service intermediary (if the financial service intermediary is a corporation, its officer (including persons equivalent to directors, accounting advisors, company auditors, executive officers, members who execute the operations, board members or inspectors; hereinafter the same applies in this Article and Article 101)), officer of a certified financial service intermediary business association, etc. or officer of a designated dispute resolution organization (including a representative or administrator of an organization that is not a corporation and for which a representative or administrator has been designated) that commits the violation is subject to punishment by a civil fine of not more than 300 thousand yen:

一 第三十七条の規定による命令に違反したとき。

(i) it has violated the order under Article 37;

二 第四十二条第一項又は第六十五条の規定による名簿を公衆の縦覧に供することを怠ったとき。

(ii) it has failed to make the registry under Article 42, paragraph (1) or Article 65 available for public inspection; or

三 第七十八条第五項の規定に違反して届出を怠ったとき。

(iii) it has, in violation of the provisions of Article 78, paragraph (5), failed to

give a notification.

第百条 第六十六条の規定に違反してその名称又は商号中に指定紛争解決機関と誤認されるおそれのある文字を使用した者は、十万円以下の過料に処する。

Article 100 A person that has used a word in its name or trade name which could give rise to the misconception that it is a designated dispute resolution organization in violation of the provisions of Article 66 is subject to punishment by a civil fine of not more than 100 thousand yen.

第百一条 第三十二条において準用する貸金業法第二十二条の規定に違反したときは、その違反行為をした金融サービス仲介業者（金融サービス仲介業者が法人であるときは、その役員）又はその代理人、使用人その他の従業者は、十万円以下の過料に処する。

Article 101 If the provisions of Article 22 of the Money Lending Business Act as applied mutatis mutandis pursuant to Article 32 has been violated, a financial service intermediary (if the financial service intermediary is a corporation, its officer) or its agent, employee or other worker that has committed the violation is subject to punishment by a civil fine of not more than 100 thousand yen.

第百二条 金融商品取引法第九章の規定は、この章の罪のうち、有価証券の売買その他の取引又は同法第三十三条第三項に規定するデリバティブ取引等の公正を害するものとして政令で定めるものに係る事件について準用する。

Article 102 The provisions of Chapter 9 of the Financial Instruments and Exchange Act apply mutatis mutandis to cases related to a crime set forth in this Chapter which is specified by Cabinet Order as a crime that is detrimental to the fairness of purchase and sale or other transactions of securities or derivatives transactions, etc. prescribed in Article 33, paragraph (3) of the Financial Instruments and Exchange Act.

## 第五章 没収に関する手続等の特例

### Chapter V Special Provisions on Confiscation Procedures

(第三者の財産の没収手続等)

(Procedure for Confiscation of the Property of a Third Party)

第百三条 第八十九条第一項の規定により没収すべき財産である債権等（不動産及び動産以外の財産をいう。次条及び第百五条において同じ。）が被告人以外の者（以下この条において「第三者」という。）に帰属する場合において、当該第三者が被告事件の手続への参加を許されていないときは、没収の裁判をすることができない。

Article 103 (1) If a claim, etc. (meaning property other than real property and movables; the same applies in the following Article and Article 105) which is property to be confiscated pursuant to the provisions of Article 89, paragraph

(1), belongs to a person other than the defendant (hereinafter referred to as a "third party" in this Article), and the third party is not allowed to participate in the proceedings of a case under public prosecution, a judicial decision for confiscation may not be made.

2 第八十九条第一項の規定により、地上権、抵当権その他の第三者の権利がその上に存在する財産を没収しようとする場合において、当該第三者が被告事件の手續への参加を許されていないときも、前項と同様とする。

(2) The preceding paragraph also applies to the case that seeks to confiscate property on which a superficies, a mortgage or any other right of a third party exists pursuant to the provisions of Article 89, paragraph (1), and the third party is not allowed to participate in the proceedings of the case under public prosecution.

3 金融商品取引法第二百九条の四第三項から第五項までの規定は、地上権、抵当権その他の第三者の権利がその上に存在する財産を没収する場合において、第八十九条第二項において準用する同法第二百九条の三第二項の規定により当該権利を存続させるべきときについて準用する。この場合において、同法第二百九条の四第三項及び第四項中「前条第二項」とあるのは、「金融サービスの提供に関する法律第八十九条第二項において準用する前条第二項」と読み替えるものとする。

(3) The provisions of Article 209-4, paragraphs (3) through (5) of the Financial Instruments and Exchange Act apply mutatis mutandis when confiscating property on which a superficies, a mortgage or any other right of a third party exists, and the relevant right should be kept in existence pursuant to the provisions of Article 209-3, paragraph (2) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 89, paragraph (2). In this case, the term "paragraph (2) of the preceding Article" in Article 209-4, paragraphs (3) and (4) of the Financial Instruments and Exchange Act is deemed to be replaced with "paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to Article 89, paragraph (2) of the Act on the Provision of Financial Services."

4 第一項及び第二項に規定する財産の没収に関する手續については、この法律に特別の定めがあるもののほか、刑事事件における第三者所有物の没収手續に関する応急措置法（昭和三十八年法律第百三十八号）の規定を準用する。

(4) With regard to the procedures concerning confiscation of property as prescribed in paragraphs (1) and (2), in addition to what is specially provided for in this Act, the provisions of the Act on Emergency Measures on Criminal Procedure to Confiscate Items Owned by Third Parties (Act No. 138 of 1963) apply mutatis mutandis.

（没収された債権等の処分等）

(Disposition of Confiscated Claims)

第百四条 金融商品取引法第二百九条の五第一項の規定は第八十八条第四号の罪に関し

没収された債権等について、同法第二百九条の五第二項の規定は同号の罪に関し没収すべき債権の没収の裁判が確定したときについて、同法第二百九条の六の規定は権利の移転について登記又は登録を要する財産を同号の罪に関し没収する裁判に基づき権利の移転の登記又は登録を関係機関に嘱託する場合について、それぞれ準用する。

**Article 104** The provisions of Article 209-5, paragraph (1) of the Financial Instruments and Exchange Act apply *mutatis mutandis* to claims, etc. confiscated in relation to the crimes under Article 88, item (iv), the provisions of Article 209-5, paragraph (2) of the Financial Instruments and Exchange Act apply *mutatis mutandis* when a judicial decision for confiscation of a claim to be confiscated with regard to the crime set forth in the item becomes final and binding, and the provisions of Article 209-6 of the Financial Instruments and Exchange Act apply *mutatis mutandis* when commissioning a relevant organization to make a registration of transfer of right based on a judicial decision for confiscation of property for which the transfer of right requires registration with regard to the crime set forth in the item, respectively.

(刑事補償の特例)

(Special Provisions on Criminal Compensation)

第百五条 第八十八条第四号の罪に関し没収すべき債権等の没収の執行に対する刑事補償法（昭和二十五年法律第一号）による補償の内容については、同法第四条第六項の規定を準用する。

**Article 105** The provisions of Article 4, paragraph (6) of the Criminal Compensation Act (Act No. 1 of 1950) apply *mutatis mutandis* to the content of compensation under that Act concerning the execution of confiscation of claims, etc. to be confiscated in relation to the crimes set forth in Article 88, item (iv).