

# 金融サービス仲介業者保証金規則（暫定版）

## Regulation on Security Deposits by Financial Service Intermediaries (Tentative translation)

(令和三年六月二日内閣府・法務省令第四号)  
(Cabinet Office and Ministry of Justice Order No. 4 of June 2, 2021)

金融サービスの提供に関する法律（平成十二年法律第百一号）第二十二条第十二項の規定に基づき、金融サービス仲介業者保証金規則を次のように定める。

Pursuant to the provisions of Article 22, paragraph (12) of the Act on the Provision of Financial Services (Act No. 101 of 2000), the Regulation on Security Deposits by Financial Service Intermediaries is hereby enacted as follows.

(権利の実行の申立ての手續)

(Procedures for Filing a Petition for the Exercise of the Right)

第一条 金融サービスの提供に関する法律施行令（平成十二年政令第四百八十四号。以下「令」という。）第二十八条第一項に規定する権利の実行の申立てをしようとする者は、別紙様式第一号により作成した申立書に金融サービスの提供に関する法律（以下「法」という。）第二十二条第六項の権利（以下「権利」という。）を有することを証する書面を添付して、金融庁長官（令第四十六条第一項の規定により金融庁長官の権限が財務局長又は福岡財務支局長に委任されている場合にあつては、当該財務局長又は福岡財務支局長。以下同じ。）に提出するものとする。

Article 1 A person who intends to file a petition for the exercise of the right prescribed in Article 28, paragraph (1) of the Order for Enforcement of the Act on the Provision of Financial Services (Cabinet Order No. 484 of 2000; hereinafter referred to as the "Order") is to submit to the Commissioner of the Financial Services Agency (if the authority of the Commissioner of the Financial Services Agency has been delegated to the Director General of the Local Finance Bureau or the Director General of the Fukuoka Local Finance Branch Bureau pursuant to the provisions of Article 46, paragraph (1) of the Order, the Director General of the Local Finance Bureau or the Director General of the Fukuoka Local Finance Branch Bureau; the same applies hereinafter) a written petition prepared using Appended Form 1, by attaching a document proving that the person has the right referred to in Article 22, paragraph (6) of the Act on the Provision of Financial Services (hereinafter referred to as the "Act") (such right is hereinafter referred to as the "right").

(権利の申出の手續)

(Procedures for Reporting the Right)

第二条 令第二十八条第二項に規定する権利の申出をしようとする者は、別紙様式第二

号により作成した申出書に権利を有することを証する書面を添付して、金融庁長官に提出するものとする。

Article 2 A person who intends to report the right as prescribed in Article 28, paragraph (2) of the Order is to submit to the Commissioner of the Financial Services Agency a written report prepared using Appended Form 2, by attaching a document proving that the person has the right.

(仮配当表の作成等)

(Preparation of Provisional Distribution Table)

第三条 令第二十八条第四項の規定による権利の調査のため、金融庁長官は、同条第二項の期間が経過した後、遅滞なく、仮配当表を作成し、これを公示し、かつ、当該権利の調査の対象となる保証金に係る金融サービス仲介業者（法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。）及びこれと法第二十二条第三項の契約を締結している者（以下「受託者」という。）にその内容を通知しなければならない。

Article 3 (1) In order to conduct the investigation of the right under the provisions of Article 28, paragraph (4) of the Order, the Commissioner of the Financial Services Agency must, without delay after the expiration of the period referred to in paragraph (2) of the same Article, prepare a provisional distribution table, give public notice thereof, and notify the financial service intermediary (meaning the financial service intermediary prescribed in Article 11, paragraph (6) of the Act; the same applies hereinafter) pertaining to the security deposit subject to the investigation of the right and a person who has concluded therewith the contract referred to in Article 22, paragraph (3) of the Act (hereinafter referred to as a "trustee") of the contents thereof.

2 金融庁長官は、金融サービス仲介業者の営業所又は事務所の所在地を確知できないときは、前項の規定による金融サービス仲介業者への通知をすることを要しない。

(2) If the Commissioner of the Financial Services Agency cannot ascertain the location of the business office or office of the financial service intermediary, the Commissioner is not required to notify the financial service intermediary under the provisions of the preceding paragraph.

(意見聴取会の開催)

(Holding a Hearing Session)

第四条 令第二十八条第四項の規定による権利の調査の手続は、金融庁長官の指名する職員が議長として主宰する意見聴取会によって行う。

Article 4 (1) The procedures for the investigation of the right under Article 28, paragraph (4) of the Order are conducted through a hearing session over which an official designated by the Commissioner of the Financial Services Agency presides as the chairperson.

2 令第二十八条第一項の規定による権利の実行の申立てをした者、同条第二項の期間

内に権利の申出をした者又は前条第一項に規定する金融サービス仲介業者若しくは受託者（第八条第四号及び第九条において「関係人」と総称する。）は、病気その他のやむを得ない理由により意見聴取会に出席することができないときは、口述書を提出して、意見聴取会における陳述に代えることができる。

(2) When a person who has filed a petition for the exercise of the right under the provisions of Article 28, paragraph (1) of the Order, a person who has reported the right within the period referred to in paragraph (2) of the same Article, or the financial service intermediary or trustee prescribed in paragraph (1) of the preceding Article (collectively referred to as a "relevant person" in Article 8, item (iv) and Article 9) is unable to attend the hearing session due to illness or any other compelling reasons, the relevant person may submit a written statement, in lieu of making a statement at the hearing session.

第五条 議長は、必要があると認めるときは、学識経験のある者その他の参考人に対し、意見聴取会に出席することを求めることができる。

Article 5 When the chairperson finds it necessary, the chairperson may request a person with relevant expertise or any other persons of reference to attend the hearing session.

第六条 議長は、議事を整理するため必要があると認めるときは、意見の陳述、証拠の提示その他の必要な事項について指示をすることができる。

Article 6 (1) When the chairperson finds it necessary for organizing the business of the session, the chairperson may give instructions with regard to the statement of opinions, production of evidence, and any other necessary matters.

2 議長は、意見聴取会の秩序を維持するため必要があると認めるときは、その秩序を乱し、又は不穏な言動をする者を退去させることができる。

(2) When the chairperson finds it necessary for maintaining order in the hearing session, the chairperson may have a person who is disturbing the order or is acting or behaving in a disturbing manner leave the session.

第七条 議長は、必要があると認めるときは、意見聴取会を延期し、又は続行することができる。この場合において、議長は、あらかじめ、次回の期日及び場所を定め、これを公示し、かつ、第三条第一項に規定する金融サービス仲介業者及び受託者に通知しなければならない。

Article 7 (1) When the chairperson finds it necessary, the chairperson may postpone or continue the hearing session. In this case, the chairperson must determine and give public notice of the date and place of the next session, and notify the financial service intermediary and trustee prescribed in Article 3, paragraph (1) thereof in advance.

2 第三条第二項の規定は、前項の規定による金融サービス仲介業者への通知について準用する。

(2) The provisions of Article 3, paragraph (2) apply mutatis mutandis to the notice to the financial service intermediary under the provisions of the preceding paragraph.

第八条 議長は、意見聴取会について次に掲げる事項を記載した調書を作成しなければならない。

Article 8 The chairperson must prepare a record stating the following matters with regard to the hearing session:

一 意見聴取会の事案の表示

(i) indication of the case concerning the hearing session;

二 意見聴取会の期日及び場所

(ii) date and place of the hearing session;

三 議長の職名及び氏名

(iii) job title and name of the chairperson;

四 出席した関係人の氏名及び住所

(iv) names and domiciles of the relevant persons who were present;

五 その他の出席者の氏名

(v) names of any other persons present;

六 陳述された意見の要旨

(vi) gist of the opinions stated;

七 第四条第二項の口述書が提出されたときは、その旨及びその要旨

(vii) if any written statement referred to in Article 4, paragraph (2) has been submitted, a statement to that effect and the gist thereof;

八 証拠が提示されたときは、その旨及び証拠の標目

(viii) if any evidence has been produced, a statement to that effect and a list of the evidence; and

九 その他議長が必要と認める事項

(ix) other matters found to be necessary by the chairperson.

第九条 関係人は、前条の調書を閲覧することができる。

Article 9 Relevant persons may inspect the record referred to in the preceding Article.

(配当の実施の順序)

(Order of Distribution)

第十条 第三条第一項に規定する保証金のうちに、金融サービス仲介業者が供託したもののほか、受託者が供託したものがある場合には、金融庁長官は、当該金融サービス仲介業者が供託した保証金につき先に配当を実施しなければならない。

Article 10 If the security deposit prescribed in Article 3, paragraph (1) includes, beyond the portion deposited by a financial service intermediary, a portion deposited by a trustee, the Commissioner of the Financial Services Agency

must first distribute the security deposit deposited by the financial service intermediary.

(配当の手続等)

**(Procedures for Distribution)**

第十一条 金融庁長官は、配当の実施のため、供託規則（昭和三十四年法務省令第二号）第二十七号書式、第二十八号書式又は第二十八号の二書式により作成した支払委託書を供託所に送付するとともに、配当を受けるべき者に同令第二十九号書式により作成した証明書を交付しなければならない。

Article 11 (1) The Commissioner of the Financial Services Agency must, for the purpose of implementing distribution, send a payment entrustment document prepared using Appended Form 27, Appended Form 28 or Appended Form 28-2 of the Deposit Regulation (Ministry of Justice Order No. 2 of 1959) to the official depository and deliver certificates prepared using Appended Form 29 of the Deposit Regulation to the persons who are to receive the distribution.

2 金融庁長官は、前項の手続をしたときは、当該支払委託書の写しを当該配当の対象となる保証金に係る金融サービス仲介業者及び法第二十二条第四項の規定により当該保証金の全部又は一部を供託した受託者に送付しなければならない。

(2) If the Commissioner of the Financial Services Agency has conducted the procedures referred to in the preceding paragraph, the Commissioner must send a copy of the payment entrustment document to the financial service intermediary pertaining to the security deposit subject to the distribution and the trustee who has deposited all or part of the security deposit pursuant to the provisions of Article 22, paragraph (4) of the Act.

3 第三条第二項の規定は、前項の規定による支払委託書の写しの金融サービス仲介業者への送付について準用する。

(3) The provisions of Article 3, paragraph (2) apply mutatis mutandis to the sending of a copy of the payment entrustment document to the financial service intermediary under the provisions of the preceding paragraph.

(保証金の取戻し)

**(Recovery of Security Deposit)**

第十二条 法第二十二条第一項、第四項又は第八項の規定により保証金を供託した者（第十五条第三項の規定の適用がある場合にあつては、同項の規定により保証金を供託したものとみなされる金融サービス仲介業者を含む。次条第一項から第三項まで及び第六項において「供託者」という。）は、当該保証金の取戻しについて法第二十二条第十項の規定により金融庁長官の承認を受けようとするときは、取戻しの事由及び取戻しをしようとする金銭の額又は取戻しをしようとする有価証券（その権利の帰属が社債、株式等の振替に関する法律（平成十三年法律第七十五号）の規定による振替口座簿の記載又は記録により定まるものとされる国債（以下この項において「振替国債」という。）を含む。以下同じ。）の名称、枚数、総額面等（振替国債については、

その銘柄、金額等とする。次条第八項及び第十四条第二項において同じ。)を記載した別紙様式第三号により作成した保証金取戻承認申請書に取戻しをすることができることを証する書面及び法第二十二条第十一項の指定に関し参考となる書面を添付して、これを金融庁長官に提出するものとする。

Article 12 (1) When a person who has deposited a security deposit pursuant to the provisions of Article 22, paragraph (1), (4) or (8) of the Act (if the provisions of Article 15, paragraph (3) apply, such person includes a financial service intermediary that is deemed to have deposited a security deposit pursuant to the provisions of the same paragraph; such person is referred to as the "depositor" in paragraphs (1) through (3) and paragraph (6) of the following Article) intends to obtain the approval of the Commissioner of the Financial Services Agency for the recovery of the security deposit pursuant to the provisions of Article 22, paragraph (10) of the Act, the person is to submit to the Commissioner of the Financial Services Agency a written application for approval of recovery of security deposit prepared using Appended Form 3, stating the grounds for recovery and the amount of money to be recovered or the name, quantity, total face value, etc. of the securities to be recovered (including Japanese government bonds where the ownership of the right for the bond is based on the entry or record in the book-entry transfer account under the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001) (hereinafter referred to as "book-entry transfer Japanese government bonds"); the same applies hereinafter) (in the case of book-entry transfer Japanese government bonds, the issue, amount, etc. thereof; the same applies in paragraph (8) of the following Article and Article 14, paragraph (2)) by attaching a document proving that the person is entitled to the recovery and a document that provides a reference for the designation referred to in Article 22, paragraph (11) of the Act.

2 金融庁長官は、前項の承認をしようとするときは、法第二十二条第十項第三号の規定による保証金の取戻しを承認する場合を除き、前項の保証金につき権利を有する者は六月を下らない一定の期間内にその権利の申出をすべきこと及びその期間内に申出をしないときは配当手続から除斥されるべきことを公示し、かつ、その旨を当該保証金に係る金融サービス仲介業者及び受託者に通知しなければならない。

(2) When the Commissioner of the Financial Services Agency intends to grant the approval referred to in the preceding paragraph, the Commissioner must, excluding the case of approving the recovery of security deposit under Article 22, paragraph (10), item (iii) of the Act, give public notice of the fact that the person who has the right to the security deposit referred to in the preceding paragraph must report the right within a certain period of not less than six months, and that the person will be excluded from the distribution procedures if the person fails to make the report within the period, and must notify the financial service intermediary and trustee pertaining to the security deposit to

that effect.

3 第三条第二項の規定は、前項の規定による金融サービス仲介業者への通知について準用する。

(3) The provisions of Article 3, paragraph (2) applies mutatis mutandis to the notice to the financial service intermediary under the provisions of the preceding paragraph.

4 第二項の権利の申出をしようとする者は、別紙様式第四号により作成した申出書に権利を有することを証する書面を添付して、これを金融庁長官に提出するものとする。

(4) A person who intends to report the right referred to in paragraph (2) is to submit to the Commissioner of the Financial Services Agency a written report prepared using Appended Form 4 by attaching a document proving that the person has the right.

5 令第二十八条第四項から第八項まで及び第三条から前条までの規定は、第二項の期間内に権利の申出があった場合について準用する。この場合において、令第二十八条第四項中「第二項」とあるのは「金融サービス仲介業者保証金規則（令和三年内閣府・法務省令第四号）第十二条第二項」と、同条第七項中「第二項、第四項及び第五項」とあるのは「第四項及び第五項」と、同条第八項中「権利の実行に必要なときは」とあるのは「金融サービス仲介業者保証金規則第十二条第二項に規定する権利の申出があった場合の権利の実行に必要なときは」と、第三条第一項中「令第二十八条第四項」とあるのは「第十二条第五項において準用する令第二十八条第四項」と、「同条第二項」とあるのは「第十二条第二項」と、第四条第一項中「令第二十八条第四項」とあるのは「第十二条第五項において準用する令第二十八条第四項」と、同条第二項中「令第二十八条第一項の規定による権利の実行の申立てをした者、同条第二項」とあるのは「第十二条第二項」と読み替えるものとする。

(5) The provisions of Article 28, paragraphs (4) through (8) of the Order and the provisions of Article 3 through the preceding Article apply mutatis mutandis to the case where the reporting of the right is made within the period referred to in paragraph (2). In this case, the term "paragraph (2)" in Article 28, paragraph (4) of the Order is deemed to be replaced with "Article 12, paragraph (2) of the Regulation on Security Deposits by Financial Service Intermediaries (Cabinet Office and Ministry of Justice Order No. 4 of 2021)," the term "paragraphs (2), (4) and (5)" in paragraph (7) of the same Article is deemed to be replaced with "paragraphs (4) and (5)," the term "when it is necessary for the exercise of the right" in paragraph (8) of the same Article is deemed to be replaced with "when it is necessary for the exercise of the rights if the reporting of the right prescribed in Article 12, paragraph (2) of the Regulation on Security Deposits by Financial Service Intermediaries has been made," the term "Article 28, paragraph (4) of the Order" in Article 3, paragraph (1) is deemed to be replaced with "Article 28, paragraph (4) of the Order as applied mutatis mutandis pursuant to Article 12, paragraph (5)," the term "paragraph (2) of the same Article" in the same paragraph is deemed to be

replaced with "Article 12, paragraph (2)," the term "Article 28, paragraph (4) of the Order" in Article 4, paragraph (1) is deemed to be replaced with "Article 28, paragraph (4) of the Order as applied mutatis mutandis pursuant to Article 12, paragraph (5)," the term "person who has filed a petition for the exercise of the right under the provisions of Article 28, paragraph (1) of the Order, a person who has reported the right within the period referred to in paragraph (2) of the same Article" in paragraph (2) of the same Article is deemed to be replaced with "a person who has reported the right within the period referred to in Article 12, paragraph (2)."

6 金融庁長官は、第一項の承認をしたときは、別紙様式第五号により作成した取戻しを承認する旨の保証金取戻承認証明書を同項の承認の申請をした者に交付しなければならない。ただし、金融庁長官が法第二十二條第十一項の規定により保証金を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したときは、当該取戻しを承認する旨の保証金取戻承認証明書中第二面については、その時期が到来したとき（その時期が到来したときに令第二十八條に規定する権利の実行、次條の保管替え等又は第十四條の取戻しの手続が行われている場合は、当該手続が終了したとき）にこれを交付する。

(6) If the Commissioner of the Financial Services Agency has granted the approval referred to in paragraph (1), the Commissioner must deliver a certificate of approval of recovery of security deposit prepared using Appended Form 5 to the person who has filed the application for approval referred to in the same paragraph; provided, however, that if, pursuant to the provisions of Article 22, paragraph (11) of the Act, the Commissioner of the Financial Services Agency has designated the period in which the security deposit may be recovered and the amount of security deposit that may be recovered, the second page of the certificate of approval of recovery of security deposit is delivered when such period has arrived (when the procedures for the exercise of the right prescribed in Article 28 of the Order, the transfer of deposit, etc. referred to in the following Article, or the recovery referred to in Article 14 are still pending, it is delivered when the relevant procedures have been completed).

7 第一項の承認を受けた者が、供託規則第二十五條第一項の規定により供託物払渡請求書に添付すべき書面は、前項の規定により交付を受けた取戻しを承認する旨の保証金取戻承認証明書をもちて足りる。

(7) It is sufficient for a person who has obtained the approval referred to in paragraph (1) to attach the certificate of approval of recovery of security deposit that has been delivered pursuant to the provisions of the preceding paragraph as the document to be attached to a written request for paying out of deposited property pursuant to the provisions of Article 25, paragraph (1) of the Deposit Regulation.



(保証金の保管替え等)

(Transfer of Deposit of Security Deposit)

第十三条 金銭のみをもって保証金を供託している供託者は、当該保証金に係る金融サービス仲介業者の主たる営業所又は事務所の所在地について変更があったためその最寄りの供託所（国内に営業所又は事務所を有しない者にあつては、東京法務局。以下この条において同じ。）に変更があったときは、遅滞なく、金融庁長官にその旨を届け出るものとする。

Article 13 (1) A depositor who has deposited a security deposit in the form of money alone is to notify the Commissioner of the Financial Services Agency without delay of any change of the official depository nearest the principal business office or office of the financial service intermediary pertaining to the security deposit due to a change in location of such office (or the Tokyo Legal Affairs Bureau if the financial services intermediary has no business office or office in Japan; hereinafter the same applies in this Article).

2 金融庁長官は、前項の届出があったときは、令第二十八条に規定する権利の実行又は前条若しくは次条の取戻しの手続がとられている場合を除き、当該保証金についての供託書正本を当該届出をした供託者に交付しなければならない。

(2) If the notification referred to in the preceding paragraph has been given, the Commissioner of the Financial Services Agency must, excluding cases where the procedures for the exercise of the right prescribed in Article 28 of the Order or the recovery referred to in the preceding Article or the following Article are still pending, deliver an authenticated copy of the deposit certificate for the security deposit to the depositor.

3 第一項の届出をした供託者は、前項の規定により供託書正本の交付を受けた後、遅滞なく、当該保証金を供託している供託所に対し、費用を予納して、所在地の変更後の主たる営業所又は事務所の最寄りの供託所への保証金の保管替えを請求するものとする。

(3) A depositor who has given the notification referred to in paragraph (1) is to, without delay after receiving delivery of the authenticated copy of the deposit certificate pursuant to the provisions of the preceding paragraph, and upon prepaying the costs, request the official depository with which the depositor has deposited the security deposit to transfer the deposit of the security deposit to the official depository nearest to the principal business office or office after relocation.

4 前項の保管替えを請求した者は、当該保管替えの手続の終了後、遅滞なく、別紙様式第六号により作成した届出書に供託規則第二十一条の五第三項の規定により交付された供託書正本及び金融サービス仲介業者等に関する内閣府令（令和三年内閣府令第三十五号）第二十六条第三項に規定する保証金等内訳書を添付して、金融庁長官にこれを提出するものとする。

(4) A person who has requested the transfer of deposit referred to in the preceding paragraph is to, without delay after completing the procedures for

the transfer of deposit, submit to the Commissioner of the Financial Services Agency a written notification prepared using Appended Form 6 by attaching an authenticated copy of the deposit certificate that has been delivered pursuant to the provisions of Article 21-5, paragraph (3) of the Deposit Regulation and a statement of security deposit, etc. prescribed in Article 26, paragraph (3) of the Cabinet Office Order on Financial Service Intermediaries (Cabinet Office Order No. 35 of 2021).

5 金融庁長官は、前項の届出書に添付された供託書正本を受理したときは、その供託書正本保管証書を当該保管替えを請求した者に交付しなければならない。

(5) If the Commissioner of the Financial Services Agency has received an authenticated copy of the deposit certificate attached to the written notification referred to in the preceding paragraph, the Commissioner must deliver a custody certificate for the authenticated copy of the deposit certificate to the person who has requested the transfer of deposit.

6 法第二十二条第九項の規定により有価証券又は金銭及び有価証券をもって保証金を供託している供託者は、当該保証金に係る金融サービス仲介業者の主たる営業所又は事務所の所在地について変更があったためその最寄りの供託所に変更があったときは、遅滞なく、当該保証金と同額の保証金を所在地の変更後の主たる営業所又は事務所の最寄りの供託所に供託するものとする。

(6) A depositor who has deposited a security deposit in the form of securities or in the form of money and securities pursuant to the provisions of Article 22, paragraph (9) of the Act is to, if, due to a change in the location of the principal business office or office of the financial service intermediary pertaining to the security deposit, the official depository nearest thereto has changed, make a security deposit in the same amount as the security deposit with the official depository nearest to the principal business office or office as of after the change of the location without delay.

7 前項の規定により供託をした者は、金融庁長官に対し、所在地の変更前の主たる営業所又は事務所の最寄りの供託所に供託している保証金の取戻しの承認の申請をすることができる。

(7) A person who has made the deposit pursuant to the provisions of the preceding paragraph may file with the Commissioner of the Financial Services Agency an application for approval for the recovery of the security deposit deposited with the official depository nearest to the principal business office or office as of before the change of the location.

8 第六項の規定により供託をした者は、前項の承認の申請をしようとするときは、その事由及び取戻しをしようとする金銭の額又は取戻しをしようとする有価証券の名称、枚数、総額面等を記載した別紙様式第七号により作成した保証金取戻承認申請書を金融庁長官に提出するものとする。

(8) When a person who has made the deposit pursuant to the provisions of paragraph (6) intends to file the application for approval of recovery of security

deposit referred to in the preceding paragraph, the person is to submit to the Commissioner of the Financial Services Agency a written application for approval of recovery of security deposit prepared using Appended Form 7, stating the grounds for the recovery and the amount of money to be recovered or the name, quantity, total face value, etc. of the securities to be recovered.

9 前条第六項本文及び第七項の規定は、第七項の取戻しの手続について準用する。この場合において、同条第六項本文中「第一項の承認をしたときは」とあるのは「次条第七項の承認の申請に係る保証金の取戻しを承認したときは」と、「別紙様式第五号」とあるのは「別紙様式第八号」と、同条第七項中「第一項の承認を受けた者」とあるのは「次条第七項の申請に係る承認を受けた者」と読み替えるものとする。

(9) The provisions of the main clause of paragraph (6) and paragraph (7) of the preceding Article apply mutatis mutandis to the procedures for recovery referred to in paragraph (7). In this case, the term "has granted the approval referred to in paragraph (1)" in the main clause of paragraph (6) of the same Article is deemed to be replaced with "has granted the approval for the recovery of the security deposit pertaining to the application for approval referred to in paragraph (7) of the following Article," the term "Appended Form 5" in the same clause is deemed to be replaced with "Appended Form 8," and the term "person who has obtained the approval referred to in paragraph (1)" in paragraph (7) of the same Article is deemed to be replaced with "person who has obtained the approval pertaining to the application referred to in paragraph (7) of the following Article."

(保証金の差替え)

#### (Replacement of Security Deposit)

第十四条 法第二十二条第九項の規定により有価証券を供託している者は、当該有価証券についてその償還期が到来した場合において、あらかじめ、当該有価証券に代わる保証金の供託をしたときは、金融庁長官に対し、当該有価証券の取戻しの承認の申請をすることができる。

Article 14 (1) A person who has deposited securities pursuant to the provisions of Article 22, paragraph (9) of the Act may, if the maturity date of the securities has arrived, if the person has deposited a security deposit in lieu of the securities in advance, file with the Commissioner of the Financial Services Agency an application for approval for the recovery of the securities.

2 前項の承認の申請をしようとする者は、有価証券に代わるものとして供託した供託物の内容及び取戻しをしようとする有価証券の名称、枚数、総額面等を記載した別紙様式第九号により作成した保証金取戻承認申請書を金融庁長官に提出するものとする。

(2) A person who intends to file the application for approval referred to in the preceding paragraph is to submit to the Commissioner of the Financial Services Agency a written application for approval of recovery of security deposit prepared using Appended Form 9, stating the contents of the deposited

property deposited in lieu of the securities and the name, quantity, total face value, etc. of the securities to be recovered.

- 3 第十二条第六項本文及び第七項の規定は、第一項の取戻しの手続について準用する。この場合において、同条第六項本文中「第一項の承認をしたときは」とあるのは「第十四条第一項の承認の申請に係る保証金の取戻しを承認したときは」と、「別紙様式第五号」とあるのは「別紙様式第十号」と、同条第七項中「第一項の承認を受けた者」とあるのは「第十四条第一項の申請に係る承認を受けた者」と読み替えるものとする。

- (3) The provisions of the main clause of paragraph (6) and paragraph (7) of Article 12 apply mutatis mutandis to the procedures for recovery referred to in paragraph (1). In this case, the term "has granted the approval referred to in paragraph (1)" in the main clause of paragraph (6) of the same Article is deemed to be replaced with "has granted the approval for the recovery of the security deposit pertaining to the application for approval referred to in Article 14, paragraph (1)," the term "Appended Form 5" in the same clause is deemed to be replaced with "Appended Form 10," and the term "person who has obtained the approval referred to in paragraph (1)" in paragraph (7) of the same Article is deemed to be replaced with "person who has obtained the approval pertaining to the application referred to in Article 14, paragraph (1)."

(有価証券の換価)

(Realization of Securities)

- 第十五条 金融庁長官は、令第二十八条第八項（第十二条第五項において準用する場合を含む。）の規定により有価証券を換価するためその還付を受けようとするときは、供託物払渡請求書二通を供託所に提出しなければならない。

Article 15 (1) When the Commissioner of the Financial Services Agency intends to receive the return of securities in order to realize them pursuant to the provisions of Article 28, paragraph (8) of the Order (including as applied mutatis mutandis pursuant to Article 12, paragraph (5)), the Commissioner must submit to the official depository two copies of the written request for paying out of deposited property.

- 2 金融庁長官は、有価証券を換価したときは、換価代金から換価の費用を控除した額を、当該有価証券に代わる供託金として供託しなければならない。

(2) If the Commissioner of the Financial Services Agency has realized securities into cash, the Commissioner must deposit the amount of the realization value less the expense for the realization, as a deposit in lieu of the securities.

- 3 前項の規定により供託された供託金は、第一項の規定により還付された有価証券を供託した金融サービス仲介業者が供託したものとみなす。

(3) The deposit deposited pursuant to the provisions of the preceding paragraph is deemed to have been deposited by the financial service intermediary who has deposited the securities that were returned pursuant to the provisions of

paragraph (1).

4 金融庁長官は、第二項の規定により供託したときは、その旨を前項に規定する金融サービス仲介業者に通知しなければならない。

(4) If the Commissioner of the Financial Services Agency has made the deposit pursuant to the provisions of paragraph (2), the Commissioner must notify the financial service intermediary prescribed in the preceding paragraph to that effect.

(公示等)

(Public Notice)

第十六条 令第二十八条第二項並びに第四項及び第五項（これらの規定を第十二条第五項において準用する場合を含む。）並びに第三条第一項及び第七条第一項（これらの規定を第十二条第五項において準用する場合を含む。）並びに第十二条第二項に規定する公示は、官報に掲載することによって行う。

Article 16 (1) The public notice prescribed in Article 28, paragraphs (2), (4) and (5) of the Order (including the case where these provisions are applied mutatis mutandis pursuant to Article 12, paragraph (5)) and Article 3, paragraphs (1) and Article 7, paragraph (1) (including cases where these provisions are applied mutatis mutandis pursuant to Article 12, paragraph (5)) and Article 12, paragraph (2) is given through publication in an official gazette.

2 前項の規定による公示の費用その他の保証金の払渡しの手続に必要な費用（令第二十八条第八項（第十二条第五項において準用する場合を含む。）の換価の費用を除く。）は、還付又は取戻しの手続によって払渡しを受ける金額に応じ、当該金額を限度として、当該払渡しを受ける者の負担とする。

(2) The expense for the public notice under the preceding paragraph and any other expenses necessary for the procedures for the paying out of security deposit (excluding the expense for realization referred to in Article 28, paragraph (8) of the Order (including as applied mutatis mutandis pursuant to Article 12, paragraph (5))) are borne by the person to whom the security deposit will be paid out, with the amount being in accordance with the amount to be paid out through the procedures for return or recovery and not more than the amount.

(供託規則の適用)

(Application of the Deposit Regulation)

第十七条 この規則に定めるもののほか、金融サービス仲介業者に係る保証金の供託及び払渡しについては、供託規則の手続による。

Article 17 Beyond what is provided for in this Regulation, the procedures under the Deposit Regulation apply to a deposit and the paying out of security deposit pertaining to a financial service intermediary.

## 附 則

### Supplementary Provisions

この命令は、金融サービスの利用者の利便の向上及び保護を図るための金融商品の販売等に関する法律等の一部を改正する法律（令和二年法律第五十号）の施行の日（令和三年十一月一日）から施行する。

This Order comes into effect as of the day on which the Act Partially Amending the Act on the Provision of Financial Services, etc. for Improvement of Convenience for and Protection of Users of Financial Services (Act No. 50 of 2020) come into effect (November 1, 2021).

## 附 則 [令和三年六月三十日内閣府・法務省令第五号]

### Supplementary Provisions [Cabinet Office and Ministry of Justice Order No. 5 of June 30, 2021]

この命令は、公布の日から施行する。ただし、第十三条の規定は、金融サービスの利用者の利便の向上及び保護を図るための金融商品の販売等に関する法律等の一部を改正する法律（令和二年法律第五十号）の施行の日（令和三年十一月一日）から施行する。

This Order comes into effect as of the date of promulgation; provided, however, that the provisions of Article 13 come into effect as of the day on which the Act Partially Amending the Act on the Provision of Financial Services, etc. for Improvement of Convenience for and Protection of Users of Financial Services (Act No. 50 of 2020) come into effect (November 1, 2021).

別紙様式第1号（第1条関係）

Appended Form 1 (Re: Article 1)

別紙様式第2号（第2条関係）

Appended Form 2 (Re: Article 2)

別紙様式第3号（第12条第1項関係）

Appended Form 3 (Re: Article 12, paragraph (1))

別紙様式第4号（第12条第4項関係）

Appended Form 4 (Re: Article 12, paragraph (4))

別紙様式第5号（第12条第6項、第7項関係）

Appended Form 5 (Re: Article 12, paragraphs (6) and (7))

別紙様式第6号（第13条第4項関係）

Appended Form 6 (Re: Article 13, paragraph (4))

別紙様式第7号（第13条第8項関係）

Appended Form 7 (Re: Article 13, paragraph (8))

別紙様式第8号（第13条第9項関係）

Appended Form 8 (Re: Article 13, paragraph (9))

別紙様式第9号（第14条第2項関係）

Appended Form 9 (Re: Article 14, paragraph (2))

別紙様式第10号（第14条第3項関係）

Appended Form 10 (Re: Article 14, paragraph (3))