

# 信託業法施行令（暫定版）

## Order for Enforcement of the Trust Business Act (Tentative translation)

(平成十六年十二月二十七日政令第四百二十七号)  
(Cabinet Order No. 427 of December 27, 2004)

内閣は、信託業法（平成十六年法律第百五十四号）第二条第三項第一号、第五条第二項第二号及び第六号並びに第七項第二号、第七条第三項及び第五項（これらの規定を同法第五十四条第二項において準用する場合を含む。）、第十条第一項第二号、第十一条第二項、第三項、第七項及び第十項、第二十六条第二項（同法第二十七条第二項及び第二十九条第四項において準用する場合を含む。）、第二十九条第二項第一号、第五十三条第六項第二号、第五十四条第六項第二号、第八十六条第三項及び第五項、第九十一条第二項、第三項、第七項及び第十項、第九十五条第二項並びに第一百七条第一項及び第二項並びに附則第二百二十三条の規定に基づき、この政令を制定する。

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 2, paragraph (3), item (i); Article 5, paragraph (2), items (ii) and (vi) and paragraph (7), item (ii); Article 7, paragraphs (3) and (5) (including the cases in which these provisions are applied mutatis mutandis pursuant to Article 54, paragraph (2) of the Trust Business Act (Act No. 154 of 2004)); Article 10, paragraph (1), item (ii); Article 11, paragraphs (2), (3), (7) and (10); Article 26, paragraph (2) (including the cases in which it is applied mutatis mutandis pursuant to Article 27, paragraph (2) and Article 29, paragraph (4) of that Act); Article 29, paragraph (2), item (i); Article 53, paragraph (6), item (ii); Article 54, paragraph (6), item (ii); Article 86, paragraphs (3) and (5); Article 91, paragraphs (2), (3), (7) and (10); Article 95, paragraph (2); and Article 107, paragraphs (1) and (2) of that Act, and Article 123 of the supplementary provisions of that Act.

(定義)

(Definitions)

第一条 この政令において「信託会社」、「管理型信託会社」、「外国信託会社」、「管理型外国信託会社」又は「信託契約代理店」とは、それぞれ信託業法（以下「法」という。）第二条第二項、第四項、第六項、第七項又は第九項に規定する信託会社、管理型信託会社、外国信託会社、管理型外国信託会社又は信託契約代理店をいう。

Article 1 The terms "trust company," "custodian-type trust company," "foreign trust company," "custodian-type foreign trust company" and "trust agreement agent" as used in this Cabinet Order mean the trust company, custodian-type trust company, foreign trust company, custodian-type foreign trust company and trust agreement agent as prescribed in Article 2, paragraphs (2), (4), (6),

(7), and (9) of the Trust Business Act (hereinafter referred to as the "Act") respectively.

(信託業の適用除外)

(Exclusion from Categorization as Trust Business)

第一条の二 法第二条第一項に規定する政令で定めるものは、次に掲げる行為であつて、信託の引受けに該当するものとする。

Article 1-2 The acceptance of a trust as specified by Cabinet Order that is provided for in Article 2, paragraph (1) of the Act is an action set forth as follows that falls under the category of the acceptance of a trust:

一 弁護士、弁護士法人又は弁護士・外国法事務弁護士共同法人がその行う弁護士業務に必要な費用に充てる目的で依頼者から金銭の預託を受ける行為その他の委任契約における受任者がその行う委任事務に必要な費用に充てる目的で委任者から金銭の預託を受ける行為

(i) the receipt, by an attorney, a legal professional corporation, or an attorney at law / registered foreign lawyer joint corporation, of a deposit of money from a client, with the intention that the money will be allocated to cover the costs needed for the attorney services that the attorney or legal professional corporation will provide; or any other receipt, by the mandatary under a mandate agreement, of a deposit of money from the mandator, with the intention that the money will be allocated to cover the costs needed for the entrusted business that the mandatary will undertake;

二 請負契約における請負人がその行う仕事に必要な費用に充てる目的で注文者から金銭の預託を受ける行為

(ii) the receipt, by the contractor under a contract for work, of a deposit of money from the person placing the order, with the intention that the money will be allocated to cover the costs needed for the work that the contractor will carry out; and

三 前二号に掲げる行為に準ずるものとして内閣府令で定める行為

(iii) any action specified by Cabinet Office Order as equivalent to the actions set forth in the preceding two items.

(受託者と密接な関係を有する者の範囲)

(Scope of Persons Closely Related to the Trustee)

第二条 法第二条第三項第一号に規定する政令で定める者は、次に掲げるものとする。

Article 2 (1) The person specified by Cabinet Order that is provided for in Article 2, paragraph (3), item (i) of the Act is any person as follows:

一 受託者の役員（取締役、執行役、会計参与（会計参与が法人であるときは、その職務を行うべき社員を含む。））、監査役又はこれらに類する役職にある者をいう。以下同じ。）又は使用人

(i) an officer (meaning the director, executive officer, accounting advisor

(including the member responsible for performing the duties of the accounting advisor, if the accounting advisor is a corporation), company auditor, or any other person holding a position similar thereto; the same applies hereinafter) or employee of the relevant trustee;

二 受託者の子法人等

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

三 受託者を子法人等とする親法人等

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

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

(iv) a subsidiary corporation, etc. of the parent corporation, etc. that has the trustee as its subsidiary corporation, etc. (other than the trustee itself and any person as set forth in one of the preceding two items);

五 受託者の関連法人等

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

六 受託者を子法人等とする親法人等の関連法人等（前号に掲げる者を除く。）

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

七 受託者の特定個人株主

(vii) the specified individual shareholder of the trustee; and

八 前号に掲げる者に係る次に掲げる会社、組合その他これらに準ずる事業体（外国におけるこれらに相当するものを含み、当該受託者を除く。以下この号及び第十二条の二第二項第八号において「法人等」という。）

(viii) a company or partnership or other entity similar thereto as follows (including one in a foreign state that is equivalent thereto, and excluding the trustee itself; hereinafter collectively referred to as a "corporation, etc." in this item and Article 12-2, paragraph (2), item (viii)) that is associated with the individual set forth in the preceding item:

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

(a) a corporation, etc. (inclusive of its subsidiary corporations, etc. and affiliated corporations, etc.) in which the individual specified in the preceding item holds voting rights that exceed 50 percent of the voting rights of all of the shareholders or investors (for a stock company, this excludes voting rights from shares that do not allow a person to exercise

voting rights with regard to all of the matters that can be resolved at a shareholders meeting, but includes voting rights from shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); the same applies hereinafter); and

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

(b) a corporation, etc. in which the individual specified in the preceding item holds voting rights that constitute not less than 20 percent but not more than 50 percent of the voting rights of all of the shareholders or investors.

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

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

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

(3) The term "affiliated corporation, etc." as used in paragraph (1) means a person specified by Cabinet Office Order as a corporation, etc. (excluding a

subsidiary corporation, etc.) whose financial and operational or business policy decisions another corporation, etc. (inclusive of its subsidiary corporations, etc.) is able to materially influence through the making of contributions; through the assumption of the office of director or other equivalent position by a person that is or was an officer or employee of the other corporation, etc.; through financing; through the guaranteeing of obligations or provision of collateral; through the provision of technology; or through an operational or business transaction, etc.

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

(4) The term "specified individual shareholder" as used in paragraph (1) means an individual who holds subject voting rights (meaning subject voting rights as prescribed in Article 5, paragraph (5) of the Act) that exceed 50 percent of the voting rights of all of the shareholders or investors of the relevant corporation.

5 第一項第八号の場合において、同項第七号に掲げる者が保有する議決権には、社債、株式等の振替に関する法律（平成十三年法律第七十五号）第四百七条第一項又は第四百八条第一項（これらの規定を同法第二百二十八条第一項、第二百三十五条第一項、第二百三十九条第一項及び第二百七十六条（第二号に係る部分に限る。）において準用する場合を含む。）の規定により発行者に対抗することができない株式又は出資に係る議決権を含むものとする。

(5) In the cases referred to in paragraph (1), item (viii), the voting rights held by the individual specified in item (vii) of that paragraph include voting rights associated with shares or equity that cannot be duly asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001) (including as applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) or Article 276 (limited to the part concerning item (ii)) of that Act).

（運用型信託会社の最低資本金の額）

(Minimum Amount of Stated Capital of an Investment-Based Trust Company)

第三条 法第五条第二項第二号に規定する政令で定める金額は、一億円とする。

Article 3 The amount specified by Cabinet Order that is provided for in Article 5, paragraph (2), item (ii) of the Act is 100 million yen.

（免許の基準となる法律の範囲）

(Scope of Laws That Stipulate Licensing Standards)

第四条 法第五条第二項第六号に規定する政令で定める法律は、次のとおりとする。

Article 4 The laws specified by Cabinet Order that are provided for in Article 5, paragraph (2), item (vi) of the Act are as follows:

- 一 商品先物取引法（昭和二十五年法律第二百三十九号）  
(i) the Commodity Derivatives Transaction Act (Act No. 239 of 1950);
- 二 宅地建物取引業法（昭和二十七年法律第七十六号）  
(ii) the Building Lots and Buildings Transaction Business Act (Act No. 176 of 1952);
- 三 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九十五号）  
(iii) the Act Regulating the Receipt of Contributions, the Receipt of Deposits, and Interest Rates (Act No. 195 of 1954);
- 四 特許法（昭和三十四年法律第二百一十一号）  
(iv) the Patent Act (Act No. 121 of 1959);
- 五 実用新案法（昭和三十四年法律第二百二十三号）  
(v) the Utility Model Act (Act No. 123 of 1959);
- 六 意匠法（昭和三十四年法律第二百二十五号）  
(vi) the Design Act (Act No. 125 of 1959);
- 七 商標法（昭和三十四年法律第二百二十七号）  
(vii) the Trademark Act (Act No. 127 of 1959);
- 八 割賦販売法（昭和三十六年法律第五百五十九号）  
(viii) the Installment Sales Act (Act No. 159 of 1961);
- 九 著作権法（昭和四十五年法律第四十八号）  
(ix) the Copyright Act (Act No. 48 of 1970);
- 十 貸金業法（昭和五十八年法律第三十二号）  
(x) the Money Lending Business Act (Act No. 32 of 1983);
- 十一 半導体集積回路の回路配置に関する法律（昭和六十年法律第四十三号）  
(xi) the Act on the Circuit Layout of Semiconductor Integrated Circuits (Act No. 43 of 1985);
- 十二 預託等取引に関する法律（昭和六十一年法律第六十二号）  
(xii) the Act on Deposit Transactions (Act No. 62 of 1986);
- 十三 不動産特定共同事業法（平成六年法律第七十七号）  
(xiii) the Act on Specified Joint Real Estate Ventures (Act No. 77 of 1994);
- 十四 種苗法（平成十年法律第八十三号）  
(xiv) the Plant Variety Protection and Seed Act (Act No. 83 of 1998);
- 十五 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）  
(xv) the Act on the Issuance of Corporate Bonds for Financial Corporations' Loan Business (Act No. 32 of 1999); and
- 十六 金融サービスの提供に関する法律（平成十二年法律第一百一号）  
(xvi) the Act on the Provision of Financial Services (Act No. 101 of 2000).

（特別の関係）  
(Special Affiliation)

第五条 法第五条第七項第二号に規定する政令で定める特別の関係は、次の各号に掲げる者の区分に応じ、それぞれ当該各号に定める関係とする。

Article 5 (1) The special affiliation specified by Cabinet Order that is provided for in Article 5, paragraph (7), item (ii) of the Act is the affiliation specified in each of the following items for the category of persons set forth in the relevant item:

一 対象議決権（法第五条第五項に規定する対象議決権をいい、同条第七項（第二号に係る部分に限る。）の規定により保有しているものとみなされる対象議決権を除く。以下この号において同じ。）を保有している者又はその被支配会社が対象議決権を保有している者 当該者と次に掲げる者との関係

(i) a person holding subject voting rights (meaning subject voting rights as prescribed in Article 5, paragraph (5) of the Act and excluding subject voting rights that are deemed to be held pursuant to the provisions of paragraph (7) of that Article (limited to the part concerning item (ii)); hereinafter the same applies in this item) in the person in question or a person whose controlled company holds subject voting rights in the person in question: the affiliation between that person and the following persons:

イ 対象議決権をその者と共同で保有し、又は対象議決権をその者と共同で行使することを合意している者（第三項において「共同保有者」という。）

(a) a person that jointly holds subject voting rights with that person or that has agreed to exercise subject voting rights together with that person (referred to as a "joint holder" in paragraph (3));

ロ その配偶者

(b) that person's spouse;

ハ その被支配会社

(c) that person's controlled company;

ニ その支配株主等

(d) that person's controlling shareholder, etc.; and

ホ その支配株主等の他の被支配会社

(e) another controlled company with the same controlling shareholder, etc. as that person; and

二 前号に掲げる者以外の者 当該者と同号イ又はロに掲げる者との関係

(ii) a person other than one as set forth in the preceding item: the affiliation between that person and the persons set forth in (a) or (b) of that item.

2 前項第一号ニ及びホの「支配株主等」とは、会社の総株主又は総出資者の議決権の百分の五十を超える議決権を保有している者をいい、同号の「被支配会社」とは、支配株主等によりその総株主又は総出資者の議決権の百分の五十を超える議決権を保有されている会社をいう。この場合において、支配株主等とその被支配会社が合わせて他の会社の総株主又は総出資者の議決権の百分の五十を超える議決権を保有している場合には、当該他の会社を当該支配株主等の被支配会社と、当該支配株主等を当該他の会社の支配株主等とそれぞれみなす。

(2) The term "controlling shareholder, etc." as used in item (i), sub-items (d) and (e) of the preceding paragraph means a person that holds voting rights that exceed 50 percent of the voting rights of all of a company's shareholders or investors, and the term "controlled company" as used in that item means a company in which a controlling shareholder, etc. holds voting rights that exceed 50 percent of the voting rights of all of the shareholders or investors. When this is the case, if a controlling shareholder, etc. and its controlled companies jointly hold voting rights that exceed 50 percent of the voting rights of all of another company's shareholders or investors, the other company is deemed to be the controlled company of the controlling shareholder, etc. and the controlling shareholder, etc. is deemed to be the controlling shareholder, etc. of the other company.

3 共同保有者と合わせて会社の総株主又は総出資者の議決権の百分の五十を超える議決権を保有している者がある場合には、当該者をそれぞれ当該会社の支配株主等（前項に規定する支配株主等をいう。次項において同じ。）と、当該会社を当該者の被支配会社（前項に規定する被支配会社をいう。次項において同じ。）とそれぞれみなして、第一項の規定を適用する。

(3) If a person, in combination with a joint holder, holds voting rights that exceed 50 percent of the voting rights of all of the shareholders or investors of a company, the person is deemed to be the controlling shareholder, etc. (meaning the controlling shareholder, etc. as prescribed in the preceding paragraph; the same applies in the following paragraph) of the company, the company is deemed to be the controlled company (meaning the controlled company as prescribed in the preceding paragraph; the same applies in the following paragraph) of the person, and the provisions of paragraph (1) apply.

4 配偶者と合わせて会社の総株主又は総出資者の議決権の百分の五十を超える議決権を保有している者がある場合には、当該者を当該会社の支配株主等と、当該会社を当該者の被支配会社とそれぞれみなして、第一項の規定を適用する。

(4) If a person, in combination with that person's spouse, holds voting rights that exceed 50 percent of the voting rights of all of a company's shareholders or investors, the person is deemed to be the controlling shareholder, etc. of the company, the company is deemed to be the controlled company of the person, and the provisions of paragraph (1) apply.

5 第二条第五項の規定は、前三項の場合においてこれらの規定に規定する者が保有する議決権について準用する。この場合において、同条第五項中「第四百七条第一項又は第四百八条第一項（これらの規定を同法第二百二十八条第一項、第二百三十五条第一項、第二百三十九条第一項及び第二百七十六条（第二号に係る部分に限る。）において準用する場合を含む。）」とあるのは「第四百七条第一項又は第四百八条第一項」と、「株式又は出資」とあるのは「株式」と読み替えるものとする。

(5) The provisions of Article 2, paragraph (5) apply mutatis mutandis to voting rights held by the persons prescribed in the preceding three paragraphs in the



cases prescribed in those paragraphs. When this is the case, the phrases "Article 147, paragraph (1) or Article 148, paragraph (1) (including as applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the part concerning item (ii)) of that Act)" and "shares or equity" in Article 2, paragraph (5) is deemed to be replaced with "Article 147, paragraph (1) or Article 148, paragraph (1)" and "shares", respectively.

(管理型信託会社等の登録の更新の申請期間)

(Period for Applying to Renew the Registration of a Custodian-type Trust Company)

第六条 法第七条第三項（法第五十条の二第二項及び第五十四条第二項において準用する場合を含む。以下同じ。）に規定する政令で定める期間は、法第七条第一項、第五十条の二第一項又は第五十四条第一項の登録の有効期間の満了する日の前日の三月前の日から二月前の日までとする。

Article 6 The period specified by Cabinet Order that is provided for in Article 7, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 50-2, paragraph (2) and Article 54, paragraph (2) of the Act; the same applies hereinafter) is the period from the day three months prior to the day immediately before the day on which the valid period of the registration referred to in Article 7, paragraph (1), Article 50-2, paragraph (1) or Article 54, paragraph (1) of the Act expires, until the day two months prior to the day it expires.

(管理型信託会社等の登録の更新の手数料)

(Fees for Renewing the Registration of a Custodian-type Trust Company)

第七条 法第七条第五項（法第五十四条第二項において準用する場合を含む。）の手数料の額は、六万七千七百円（情報通信技術を活用した行政の推進等に関する法律（平成十四年法律第百五十一号）第六条第一項の規定により同項に規定する電子情報処理組織を使用して法第七条第三項の登録の更新の申請をする場合にあっては、六万七千五百円）とする。

Article 7 (1) The amount of the fees provided for in Article 7, paragraph (5) of the Act (including as applied mutatis mutandis pursuant to Article 54, paragraph (2) of the Act) is 67,700 yen (or 67,500 yen, if the person, pursuant to Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002), uses an electronic data processing system as prescribed in that paragraph to file an application to renew its registration as referred to in Article 7, paragraph (3) of the Act).

2 法第五十条の二第二項において準用する法第七条第五項の手数料の額は、六万六千四百円（情報通信技術を活用した行政の推進等に関する法律第六条第一項の規定によ

り同項に規定する電子情報処理組織を使用して法第五十条の二第二項において準用する法第七条第三項の登録の更新の申請をする場合にあっては、六万六千二百円) とする。

- (2) The amount of the fees provided for in Article 7, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 50-2, paragraph (2) of the Act, is 66,400 yen (or 66,200 yen, if the person, pursuant to Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology, uses an electronic data processing system as prescribed in that paragraph to file an application to renew its registration as referred to in Article 7, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 50-2, paragraph (2) of the Act).
- 3 前二項の手数料は、法第八条第一項、第五十条の二第一項又は第五十四条第三項に規定する申請書に手数料の額に相当する額の収入印紙を貼って納付しなければならない。
- (3) A person must pay the fees referred to in the preceding two paragraphs by affixing revenue stamps in an amount equivalent to the amount of the fees to a written application prescribed in Article 8, paragraph (1), Article 50-2, paragraph (1) or Article 54, paragraph (3) of the Act.

(管理型信託会社の最低資本金の額)

(Minimum Amount of Stated Capital for a Custodian-type Trust Company)

第八条 法第十条第一項第二号に規定する政令で定める金額は、五千万円とする。

Article 8 The amount specified by Cabinet Order that is provided for in Article 10, paragraph (1), item (ii) of the Act is 50 million yen.

(信託会社等の営業保証金の額)

(Amount of the Security Deposit Deposited by a Trust Company)

第九条 法第十一条第二項に規定する政令で定める金額は、次の各号に掲げる者の区分に応じ、当該各号に定める額とする。

Article 9 The amount specified by Cabinet Order that is provided for in Article 11, paragraph (2) of the Act is the amount specified in the relevant of the following items for the category of person set forth in that item:

一 管理型信託会社以外の信託会社及び管理型外国信託会社以外の外国信託会社 二千五百万円

(i) a trust company that is not a custodian-type trust company, or a foreign trust company that is not a custodian-type foreign trust company: 25 million yen;

二 管理型信託会社及び管理型外国信託会社 千万円

(ii) a custodian-type trust company or a custodian-type foreign trust company: 10 million yen;

三 法第五十条の二第一項の登録を受けた者 千万円

(iii) a person registered as referred to in Article 50-2, paragraph (1) of the Act: 10 million yen; and

四 承認事業者（法第五十二条第三項の規定により信託会社又は管理型信託会社とみなされる同条第一項に規定する承認事業者をいう。次条において同じ。） 一千万円

(iv) an approved business operator (meaning an approved business operator as prescribed in Article 52, paragraph (1) of the Act that is deemed to be a trust company or custodian-type trust company pursuant to the provisions of paragraph (3) of that Article; the same applies in the following Article): 10 million yen.

(信託会社等の営業保証金に代わる契約の内容)

(Terms of a Contract Substituted for a Security Deposit by a Trust Company)

第十条 信託会社、外国信託会社、法第五十条の二第一項の登録を受けた者又は承認事業者（以下「信託会社等」という。）は、法第十一条第三項に規定する契約を締結する場合には、銀行法（昭和五十六年法律第五十九号）第二条第一項に規定する銀行、保険業法（平成七年法律第百五号）第二条第二項に規定する保険会社、同条第七項に規定する外国保険会社等その他内閣府令で定める金融機関を相手方とし、その内容を次に掲げる要件に適合するものとしなければならない。

Article 10 When a trust company, a foreign trust company, a person registered as referred to in Article 50-2, paragraph (1) of the Act, or an approved business operator (hereinafter collectively referred to as a "trust company, etc.") concludes a contract provided for in Article 11, paragraph (3) of the Act, the counterparty to the contract must be a bank provided for in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981), a life insurance company provided for in Article 2, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995), a foreign insurance company, etc. provided for in paragraph (7) of that Article, or any other type of financial institution provided for by Cabinet Office Order, and the contract terms must comply with the following requirements:

一 法第十一条第四項の規定による金融庁長官の命令を受けたときは、当該信託会社等のために当該命令に係る額の営業保証金が遅滞なく供託されるものであること。

(i) at the order of the Commissioner of the Financial Services Agency under Article 11, paragraph (4) of the Act, a security deposit in the amount so ordered will be deposited with an official depository, without delay, for the relevant trust company, etc.;

二 一年以上の期間にわたって有効な契約であること。

(ii) the contract is valid for a period of one year or longer; and

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

(iii) the parties may not cancel the contract or modify the terms thereof without the approval of the Commissioner of the Financial Services Agency.

(信託会社等の営業保証金に係る権利の実行の手続)

(Procedures for the Enforcement of Rights to the Security Deposit of a Trust Company)

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

Article 11 (1) A person that holds a right under Article 11, paragraph (6) of the Act (hereinafter simply referred to as the "right" in this Article) may file a petition for the enforcement of the right with the Commissioner of the Financial Services Agency.

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

(2) When a petition as referred to in the preceding paragraph has been filed and the Commissioner of the Financial Services Agency finds the petition to be reasonable, the commissioner must issue a public notice notifying persons that have a right to the relevant security deposit that they must report that right within a fixed period not shorter than 60 days, and that persons with rights will be excluded from the distribution process if they fail to report those rights within that period, and the commissioner must notify the person that filed the petition pursuant to the preceding paragraph (hereinafter referred to as the "petitioner" in this Article) and the depositor to that effect (if the depositor has deposited the full amount of the security deposit under Article 11, paragraph (1) of the Act on behalf of the trust company, etc. pursuant to a contract as referred to in paragraph (3) of that Article based on an order issued under paragraph (4) of that Article, the depositor includes the trust company, etc.; the same applies in paragraphs (4) and (5)).

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

(3) Once the public notice under the preceding paragraph has been given, even if the petitioner withdraws the petition, it does not prevent the process from proceeding.

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

見を述べる機会を与えなければならない。

(4) The Commissioner of the Financial Services Agency must make an examination into the rights without delay after the period referred to in paragraph (2) has elapsed. When this is the case, the Commissioner of the Financial Services Agency must, in advance, issue a public notice of the date and place of the examination, notify the depositor, and give the petitioner, any person that has notified the commissioner of a right within the designated period, and the depositor, the opportunity to present evidence and state opinions as to the existence of a right and the amount of the claim secured by that right.

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

(5) The Commissioner of the Financial Services Agency must prepare a distribution list based on the results of the examination under the preceding paragraph without delay, issue a public notice of the contents of the list, and notify the depositor of its contents.

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

(6) A distribution must be implemented in accordance with the distribution list referred to in the preceding paragraph after 110 days have elapsed from the day on which the public notice under the preceding paragraph is issued.

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

(7) If securities (including book entry transfer bonds as prescribed in Article 278, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares) have been deposited, and if it is necessary for the enforcement of a right, the Commissioner of the Financial Services Agency may realize the securities. When this is the case, the expenses for the realization are deducted from the proceeds of the realization.

（信託会社等の営業保証金の取戻し）

（Recovery of the Security Deposit for a Trust Company）

第十二条 信託会社等若しくはその承継人又は当該信託会社等のために営業保証金を供託した者は、当該信託会社等が次に掲げる場合に該当することとなったときは、その供託していた営業保証金の全部を、金融庁長官の承認を受けて取り戻すことができる。

Article 12 (1) If a trust company, etc. has come to fall under any of the following cases, the trust company, etc., its successor, or the person that has deposited the security deposit on behalf of the trust company, etc. may recover the full amount of the security deposit that it deposited with the approval of the

Commissioner of the Financial Services Agency:

一 信託会社等の本店等（信託会社の本店、外国信託会社の主たる支店（法第五十三条第一項に規定する「主たる支店」をいう。）、法第五十条の二第一項の登録を受けた者の信託法（平成十八年法律第百八号）第三条第三号に掲げる方法によってする信託に係る事務を行う主たる営業所又は承認事業者の主たる営業所若しくは事務所をいう。第二十条第一項から第三項まで及び第五項において同じ。）の位置の変更により法第十一条第一項に規定する供託所を変更し、かつ、当該変更後の供託所に営業保証金の全部を供託した場合

(i) if the trust company, etc. changes official depositories as provided in Article 11, paragraph (1) of the Act due to a change in the location of its main office (meaning the trust company's head office, the foreign trust company's principal branch office (meaning a principal branch office as prescribed in Article 53, paragraph (1) of the Act), the principal business office at which a person registered under Article 50-2, paragraph (1) of the Act engages in administrative affairs involved in a trust created by any of the methods set forth in Article 3, item (iii) of the Trust Act (Act No. 108 of 2006), or the approved business operator's principal business office or office; the same applies in Article 20, paragraphs (1) through (3) and (5)), and it deposits the full amount of the security deposit with the new official depository;

二 次のいずれかに該当し、かつ、信託財産の新受託者への譲渡又は帰属権利者への移転が終了した場合

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

イ 法第七条第三項の登録の更新がされなかった場合

(a) if a renewal of registration as referred to in Article 7, paragraph (3) of the Act has not been carried out;

ロ 法第四十四条第一項の規定により法第三条の免許が取り消された場合

(b) if a license as referred to in Article 3 of the Act has been rescinded pursuant to the provisions of Article 44, paragraph (1) of the Act;

ハ 法第四十五条第一項の規定により法第七条第一項、第五十条の二第一項又は第五十二条第一項の登録が取り消された場合

(c) if a registration as referred to in Article 7, paragraph (1), Article 50-2, paragraph (1), or Article 52, paragraph (1) of the Act has been rescinded pursuant to the provisions of Article 45, paragraph (1) of the Act;

ニ 法第四十六条第一項の規定により法第三条若しくは第五十三条第一項の免許又は第七条第一項、第五十条の二第一項、第五十二条第一項若しくは第五十四条第一項の登録がその効力を失った場合

(d) if a license as referred to in Article 3 or Article 53, paragraph (1) of the Act, or a registration as referred to in Article 7, paragraph (1), Article 50-2, paragraph (1), Article 52, paragraph (1), or Article 54, paragraph (1) of the Act has lost effect pursuant to the provisions of Article 46, paragraph (1) of

the Act;

ホ 法第五十九条第一項の規定により法第五十三条第一項の免許が取り消された場合

(e) if a license as referred to in Article 53, paragraph (1) of the Act has been rescinded pursuant to the provisions of Article 59, paragraph (1) of the Act; or

ヘ 法第六十条第一項の規定により法第五十四条第一項の登録が取り消された場合

(f) if a registration as referred to in Article 54, paragraph (1) of the Act has been rescinded pursuant to the provisions of Article 60, paragraph (1) of the Act.

2 信託会社等又は当該信託会社等のために営業保証金を供託した者は、当該信託会社等が次に掲げる場合に該当し、かつ、当該信託会社等に係る営業保証金の額（契約金額（法第十一条第三項に規定する契約金額をいう。以下この項において同じ。）を含む。）が同条第一項及び第二項の規定により供託すべき金額を超えることとなったときは、当該営業保証金の額から契約金額を控除した額の範囲内において、その超える額の全部又は一部を、金融庁長官の承認を受けて取り戻すことができる。

(2) If a trust company, etc. has come to fall under any of the following items and the amount of the security deposit (including a contract amount (meaning a contract amount as provided in Article 11, paragraph (3) of the Act; hereinafter the same applies in this paragraph)) for the trust company, etc. has come to exceed the amount that must be deposited pursuant to the provisions of paragraphs (1) and (2) of that Article, the trust company, etc. or the person that deposited the security deposit on behalf of the trust company, etc. may recover all or part of the amount that is in excess, within the scope of the amount calculated by deducting the contract amount from the amount of the security deposit, with the approval of the Commissioner of the Financial Services Agency:

一 法第十一条第三項の契約を締結し、又は当該契約の内容を変更し、その旨を金融庁長官に届け出た場合

(i) if the relevant trust company, etc. has concluded a contract as referred to in Article 11, paragraph (3) of the Act, or changed the contents of that contract and notified the Commissioner of the Financial Services Agency to that effect; or

二 法第四十六条第二項の規定により法第三条又は第五十三条第一項の免許の効力が失われた場合

(ii) if a license as referred to in Article 3 or Article 53, paragraph (1) of the Act has lost effect pursuant to the provisions of Article 46, paragraph (2) of the Act.

(委託者及び受託者と密接な関係を有する者)

(Persons Closely Related to the Settlor and Trustee)

第十二条の二 法第二十三条第二項に規定する委託者と密接な関係を有する者として政令で定める者は、次に掲げるものとする。

Article 12-2 (1) The person that Cabinet Order prescribes as being closely related to the settlor, as provided in Article 23, paragraph (2) of the Act, is as follows:

一 当該委託者の役員又は使用人

(i) an officer or employee of the settlor;

二 当該委託者の子法人等（第二条第二項に規定する子法人等をいう。以下この条及び第十四条において同じ。）

(ii) a subsidiary corporation, etc. (meaning a subsidiary corporation, etc. as prescribed in Article 2, paragraph (2); hereinafter the same applies in this Article and Article 14) of the settlor;

三 当該委託者を子法人等とする親法人等（第二条第二項に規定する親法人等をいう。以下この条及び第十四条において同じ。）

(iii) the parent corporation, etc. (meaning a parent corporation, etc. as prescribed in Article 2, paragraph (2); hereinafter the same applies in this Article and Article 14) that has the settlor as its subsidiary corporation, etc.;

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

(iv) a subsidiary corporation, etc. of the parent corporation, etc. that has the settlor as its subsidiary corporation, etc. (other than the settlor itself and any person as set forth in one of the preceding two items);

五 当該委託者の関連法人等（第二条第三項に規定する関連法人等をいう。以下この条及び第十四条において同じ。）

(v) an affiliated corporation, etc. (meaning an affiliated corporation, etc. as prescribed in Article 2, paragraph (3); hereinafter the same applies in this Article and Article 14) of the settlor;

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

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

七 当該委託者の特定個人株主（第二条第四項に規定する特定個人株主をいう。以下この条及び第十四条において同じ。）

(vii) the specified individual shareholder (meaning the specified individual shareholder as prescribed in Article 2, paragraph (4); hereinafter the same applies in this Article and Article 14) of the settlor; or

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

(viii) a company or partnership or other entity similar thereto as follows (including one in a foreign state that is equivalent thereto, and excluding the



relevant settlor itself; hereinafter collectively referred to as the "corporation, etc." in this item) that is associated with the individual set forth in the preceding item:

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

(a) a corporation, etc. (inclusive of its subsidiary corporations, etc. and affiliated corporations, etc.) in which the individual specified in the preceding item holds voting rights that exceed 50 percent of the voting rights of all of the shareholders or investors; or

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

(b) a corporation, etc. in which the individual specified in the preceding item holds voting rights that constitute not less than 20 percent but not more than 50 percent of the voting rights of all of the shareholders or investors.

2 法第二十三条第二項に規定する受託者と密接な関係を有する者として政令で定める者は、次に掲げるものとする。

(2) The person that Cabinet Order prescribes as being closely related to the trustee, as provided, in Article 23, paragraph (2) of the Act, is as follows:

一 当該受託者の役員又は使用人

(i) an officer or employee of the trustee;

二 当該受託者の子法人等

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

三 当該受託者を子法人等とする親法人等

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

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

(iv) a subsidiary corporation, etc. of the parent corporation, etc. that has the trustee as its subsidiary corporation, etc. (other than a person as set forth in one of the preceding two items);

五 当該受託者の関連法人等

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

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

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

七 当該受託者の特定個人株主

(vii) the specified individual shareholder of the trustee; and

八 前号に掲げる者がその総株主又は総出資者の議決権の百分の五十を超える議決権を保有する法人等（当該法人等の子法人等及び関連法人等を含む。）及び同号に掲げる者がその総株主又は総出資者の議決権の百分の二十以上百分の五十以下の議決

権を保有する法人等

(viii) a corporation, etc. (inclusive of its subsidiary corporations, etc. and affiliated corporations, etc.) in which the individual specified in the preceding item holds voting rights that exceed 50 percent of the voting rights of all of the shareholders or investors, or a corporation, etc. in which the individual specified in the preceding item holds voting rights that constitute not less than 20 percent but not more than 50 percent of the voting rights of all of the shareholders or investors.

3 第二条第五項の規定は、第一項第八号又は前項第八号の場合において、第一項第七号に掲げる者又は前項第七号に掲げる者が保有する議決権について準用する。

(3) In the cases referred to in paragraph (1), item (viii) and item (viii) of the preceding paragraph, the provisions of Article 2, paragraph (5) apply mutatis mutandis to the voting rights held by the individual set forth in paragraph (1), item (vii) or the individual set forth in item (vii) of the preceding paragraph.

(情報通信の技術を利用した提供)

(Using Information and Communications Technology to Provide a Person with Information)

第十二条の三 信託会社は、法第二十四条の二において準用する金融商品取引法（昭和二十三年法律第二十五号。以下「準用金融商品取引法」という。）第三十四条の二第四項（準用金融商品取引法第三十四条の三第十二項（準用金融商品取引法第三十四条の四第六項において準用する場合を含む。）、第三十四条の四第三項及び第三十七条の三第二項において準用する場合を含む。以下この条において同じ。）の規定により準用金融商品取引法第三十四条の二第四項に規定する事項を提供しようとするときは、内閣府令で定めるところにより、あらかじめ、当該事項を提供する相手方に対し、その用いる同項に規定する方法（以下この条において「電磁的方法」という。）の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

Article 12-3 (1) Before seeking to provide a person, pursuant to the provisions of Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis (including as applied mutatis mutandis pursuant to Article 34-3, paragraph (12) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis (including as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis), and Article 34-4, paragraph (3) and Article 37-3, paragraph (2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis; hereinafter the same applies in this Article) with the information prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) as applied mutatis mutandis pursuant to Article 24-2 of the Act (hereinafter referred to as the "Financial Instruments and Exchange Act as Applied Mutatis Mutandis"), a trust company, in advance and pursuant to the provisions of Cabinet Office

Order, must indicate to the person to which it seeks to provide that information the type and details of the means prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis that it will use (hereinafter referred to as "electronic or magnetic means" in this Article), and obtain the person's authorization to do so in writing or by electronic or magnetic means.

2 前項の規定による承諾を得た信託会社は、当該相手方から書面又は電磁的方法により電磁的方法による提供を受けない旨の申出があったときは、当該相手方に対し、準用金融商品取引法第三十四条の二第四項に規定する事項の提供を電磁的方法によってしてはならない。ただし、当該相手方が再び前項の規定による承諾をした場合は、この限りでない。

(2) If a trust company that has obtained a party's authorization under the preceding paragraph is notified by the party, in writing or by electronic or magnetic means, that the party will not accept information provided to it by electronic or magnetic means, the trust company must not provide the party with the information prescribed in Article 34-2, paragraph (4) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis by electronic or magnetic means; provided, however, that this does not apply if the party has reaffirmed its authorization under the preceding paragraph.

(情報通信の技術を利用した同意の取得)

(Using Information and Communications Technology to Gain a Person's Consent)

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

Article 12-4 (1) Before seeking to gain a person's consent by a means specified by Cabinet Office Order as referred to in Article 34-2, paragraph (12) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis (hereinafter such a means is referred to as "electronic or magnetic means" in this Article) in lieu of a written consent under paragraph (11) of that Article, pursuant to the provisions of Article 34-2, paragraph (12) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis (including as applied mutatis mutandis pursuant to Article 34-3, paragraph (3) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis (including as applied mutatis mutandis pursuant to Article 34-4, paragraph (6)

of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis); hereinafter the same applies in this Article), a trust company, in advance and pursuant to the provisions of Cabinet Office Order, must indicate to the person whose consent it seeks to gain the type and details of the electronic or magnetic means that it will use, and gain authorization to do so in writing or by electronic or magnetic means.

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

(2) If a trust company that has obtained a party's authorization under the preceding paragraph is notified by the party, in writing or by electronic or magnetic means, that the party will not give consent by electronic or magnetic means, the trust company may not use electronic or magnetic means to obtain the consent prescribed in Article 34-2, paragraph (12) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis from the party; provided, however, that this does not apply if the party has reaffirmed its authorization under the preceding paragraph.

(顧客の判断に影響を及ぼす重要事項)

(Material Particulars That Impact Customers' Judgment)

第十二条の五 準用金融商品取引法第三十七条第一項第三号に規定する政令で定めるものは、次に掲げるものとする。

Article 12-5 (1) The information specified by Cabinet Order that is provided for in Article 37, paragraph (1), item (iii) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis is as follows:

一 特定信託契約（法第二十四条の二に規定する特定信託契約をいう。以下同じ。）に関して顧客が支払うべき手数料、報酬その他の対価に関する事項であつて内閣府令で定めるもの

(i) information specified by Cabinet Office Order about the fees, remuneration, or other type of consideration that a customer must pay under a specified trust agreement (meaning a specified trust agreement as prescribed in Article 24-2 of the Act; the same applies hereinafter);

二 顧客が行う特定信託契約の締結について金利、通貨の価格、金融商品取引法第二条第十四項に規定する金融商品市場における相場その他の指標に係る変動を直接の原因として損失が生ずることとなるおそれがある場合にあつては、次に掲げる事項

(ii) the following information, if there is a risk of a loss arising in connection with the customer's conclusion of a specified trust agreement as a direct result of fluctuations in the money rate, the value of currencies, quotations on a financial instruments market as prescribed in Article 2, paragraph (14)

of the Financial Instruments and Exchange Act, or any other indicator:

イ 当該指標

(a) the indicator in question;

ロ 当該指標に係る変動により損失が生ずるおそれがある旨及びその理由

(b) the fact that there is a risk that the customer will incur a loss due to fluctuations in the relevant indicator and the reason therefor; and

三 前二号に掲げる事項に準ずるものとして内閣府令で定める事項

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

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

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

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

(i) an indication that there is a risk of a loss arising in connection with the customer's conclusion of a specified trust agreement as a direct result of fluctuations in the interest rate, the value of currencies, quotations on a financial instruments market, or any other indicator, if such a risk is present; and

二 前号に掲げる事項に準ずるものとして内閣府令で定める事項

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

（金融商品取引法を準用する場合の読替え）

(Deemed Replacement of Terms When the Financial Instruments and Exchange Act Applies Mutatis Mutandis)

第十二条の六 法第二十四条の二の規定による技術的読替えは、次の表のとおりとする。

Article 12-6 The technical replacement of terms under the provisions of Article 24-2 of the Act is as in the following table:

| 読み替える金融商品取引法の規定<br>Provisions of the Financial Instruments and Exchange Act whose phrasing is deemed to be replaced | 読み替えられる字句<br>Original phrasing                           | 読み替える字句<br>Phrasing deemed to replace the original phrasing  |
|---|--|--|
| 第三十四条<br>Article 34   | 同条第三十一項第四号<br>Article 2,<br>paragraph (31),<br>item (iv) | 第二条第三十一項第四号<br>Article 2, paragraph (31),<br>item (iv)   |
| 第三十七条第一項第一号<br>Article 37, paragraph (1), item (i)  | 商号、名称又は氏名<br>the trade name or name                      | 商号<br>the trade name   |
| 第四十条第二号<br>Article 40, item (ii)  | 前号に掲げるもの<br>what is set forth in the preceding item      | 信託業法第二十四条第二項の規定に違反すると認められる状況<br>a situation found to violate the provisions of Article 24, paragraph (2) of the Trust Business Act |

(情報通信の技術を利用する方法)

(Means of Using Information and Communications Technology)

第十三条 信託会社は、法第二十六条第二項の規定により同項に規定する事項を提供しようとするときは、内閣府令で定めるところにより、あらかじめ、当該委託者に対し、その用いる同項に規定する電磁的方法（以下この条において「電磁的方法」という。）の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

Article 13 (1) Before seeking to provide a settlor, pursuant to the provisions of Article 26, paragraph (2) of the Act, with the information prescribed in that paragraph, a trust company, in advance and pursuant to the provisions of Cabinet Office Order, must indicate to the settlor the type and details of the electronic or magnetic means prescribed in that paragraph that it will use (hereinafter simply referred to as "electronic or magnetic means" in this Article) and obtain the settlor's authorization to do so in writing or by electronic or magnetic means.

2 前項の規定による承諾を得た信託会社は、当該委託者から書面又は電磁的方法によ

り電磁的方法による提供を受けない旨の申出があったときは、当該委託者に対し、法第二十六条第二項に規定する事項の提供を電磁的方法によってしてはならない。ただし、当該委託者が再び前項の規定による承諾をした場合は、この限りでない。

(2) If a trust company that has obtained a settlor's authorization under the preceding paragraph is notified by the settlor, in writing or by electronic or magnetic means, that the settlor will not accept information provided to it by electronic or magnetic means, the trust company must not provide the settlor with the information prescribed in Article 26, paragraph (2) of the Act by electronic or magnetic means; provided, however, that this does not apply if the settlor has reaffirmed its authorization under the preceding paragraph.

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

(3) The provisions of the preceding two paragraphs apply mutatis mutandis if the provisions of Article 26, paragraph (2) of the Act apply mutatis mutandis pursuant to Article 27, paragraph (2) or Article 29, paragraph (4) of the Act. When this is the case, the term "settlor" in these provisions is deemed to be replaced with "the beneficiary of the trust property".

(信託会社と密接な関係を有する者の範囲)

(Scope of Persons Closely Related to a Trust Company)

第十四条 法第二十九条第二項第一号に規定する政令で定める者は、次に掲げるものとする。

Article 14 (1) The person specified by Cabinet Order that is provided for in Article 29, paragraph (2), item (i) of the Act is one that is as follows:

一 信託会社の役員又は使用人

(i) an officer or employee of the relevant trust company;

二 信託会社の子法人等

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

三 信託会社を子法人等とする親法人等

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

四 信託会社を子法人等とする親法人等の子法人等（当該信託会社及び前二号に掲げる者を除く。）

(iv) a subsidiary corporation, etc. of the parent corporation, etc. that has the trust company as its subsidiary corporation, etc. (other than the trust company itself and any person as set forth in one of the preceding two items);

五 信託会社の関連法人等

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

六 信託会社を子法人等とする親法人等の関連法人等（前号に掲げる者を除く。）

(vi) an affiliated corporation, etc. of the parent corporation, etc. that has the

trust company as its subsidiary corporation, etc. (excluding the persons set forth in the preceding item);

七 信託会社の特定個人株主

(vii) the specified individual shareholder of the trust company;

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

(viii) a company or partnership or other entity similar thereto as follows

(including one in a foreign state that is equivalent thereto, and excluding the relevant trust company itself; hereinafter collectively referred to as the "corporation, etc." in this item) that is associated with the individual set forth in the preceding item:

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

(a) a corporation, etc. (inclusive of its subsidiary corporations, etc. and affiliated corporations, etc.) in which the individual specified in the preceding item holds voting rights that exceed 50 percent of the voting rights of all of the shareholders or investors; and

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

(b) a corporation, etc. in which the individual specified in the preceding item holds voting rights that constitute not less than 20 percent but not more than 50 percent of the voting rights of all of the shareholders or investors.

2 信託会社が法第二十二条第一項の規定により信託業務の委託をした場合における当該委託を受けた者についての前項の規定の適用については、同項中「信託会社」とあるのは、「信託会社から信託業務の委託を受けた者」とする。

(2) To apply the provisions of the preceding paragraph to the person entrusted with trust business in a case in which the trust company has entrusted trust business pursuant to the provisions of Article 22, paragraph (1) of the Act, the term "trust company" in the preceding paragraph is deemed to be replaced with "the person entrusted with trust business by the trust company".

3 第二条第五項の規定は、第一項第八号の場合において同項第七号に掲げる者が保有する議決権について準用する。

(3) The provisions of Article 2, paragraph (5) apply mutatis mutandis to voting rights held by a person set forth in paragraph (1), item (vii) in the case referred to in item (viii) of that paragraph.

(信託会社が電子公告により公告をする場合について準用する会社法の規定の読替え)

(Deemed Replacement of Terms in the Provisions of the Companies Act as Applied Mutatis Mutandis to a Case in Which a Trust Company Issues a



Public Notice by Means of an Electronic Public Notice)

第十五条 法第四十一条第六項の規定において信託会社が電子公告により法又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合について会社法第九百四十条第三項の規定を準用する場合における当該規定に係る技術的読替えは、次の表のとおりとする。

Article 15 When a trust company issues a public notice under the provisions of the Act or any other Act (excluding a public notice under the provisions of the Companies Act) pursuant to the provisions of Article 41, paragraph (6) of the Act and the provisions of Article 940, paragraph (3) of the Companies Act apply mutatis mutandis, the technical replacement of terms in the provisions of Article 940, paragraph (3) of the Companies Act is as in the following table:

| 読み替える会社法の規定<br>Provisions of the Companies Act whose phrasing is deemed to be replaced | 読み替えられる字句<br>Original phrasing      | 読み替える字句<br>Phrasing deemed to replace the original phrasing |
|--|-------------------------------------|---|
| 第九百四十条第三項<br>Article 940, paragraph (3)  | 前二項<br>the preceding two paragraphs | 第一項<br>paragraph (1)  |
|  | これらの<br>these provisions            | 同項の<br>that paragraph                                       |

(多数の者が受益権を取得することができる場合)

(Cases in Which Many Persons May Acquire a Beneficial Interest)

第十五条の二 法第五十条の二第一項に規定する政令で定める人数は、五十名とする。

Article 15-2 (1) The number of persons specified by Cabinet Order that is provided for in Article 50-2, paragraph (1) of the Act is 50.

2 法第五十条の二第一項本文及び第十項に規定する政令で定める場合は、次の各号（同項に規定する政令で定める場合にあつては、第三号及び第四号ロを除く。）のいずれかに該当する場合とする。

(2) The cases specified by Cabinet Order that are provided for in the main clause of Article 50-2, paragraph (1) of the Act and paragraph (10) of that Article are cases that fall under any of the following items (excluding item (iii) and item (iv), sub-item (b), in the cases specified by Cabinet Order which are referred to in that paragraph):

一 信託法第三条第三号に掲げる方法によってする一の信託（以下この条において「対象信託」という。）のその効力が生ずる時における受益者の人数（次号ロ（1）から（3）までに掲げる者の人数を除く。以下この項において「対象信託受益者数」という。）が、前項に規定する人数以上である場合

(i) a case in which the number of beneficiaries at the time when a single trust

created by any of the methods set forth in Article 3, item (iii) of the Trust Act (hereinafter referred to as a "subject trust" in this Article) becomes effective (excluding the number of persons set forth in sub-item (b)1. through 3. of the following item; hereinafter referred to as the "number of beneficiaries of the subject trust" in this paragraph) is equal to or greater than the number of persons prescribed in the preceding paragraph;

二 次に掲げる人数の合計数（以下この項において「対象信託受益者等合計数」という。）が前項に規定する人数以上である場合（前号に掲げる場合を除く。）

(ii) a case in which the total number of persons set forth in the following sub-item (hereinafter referred to as the "total number of beneficiaries, etc. of the subject trust" in this paragraph) is equal to or greater than the number of persons prescribed in the preceding paragraph (excluding the cases set forth in the preceding item):

イ 対象信託受益者数（ロに規定する場合におけるロの利益享受組合員等に係るロ（４）の匿名組合契約の営業者及びロ（５）の有価証券の発行者の人数を除く。）

(a) the number of beneficiaries of the subject trust (excluding the number of business operators under a silent partnership agreement as referred to in sub-item (b)4. that are partners enjoying benefits, etc. as referred to in sub-item (b) in the cases prescribed in sub-item (b), and issuers of the securities as referred to in sub-item (b)5.);

ロ 当該対象信託をしようとする者が次に掲げる者（以下この項において「利益享受組合員等」という。）に当該対象信託の利益を享受させる目的をもって当該対象信託をしようとする場合において、当該対象信託の効力が生ずる時における当該利益享受組合員等の人数

(b) if the person that seeks to create the subject trust seeks to create the subject trust for the purpose of having the following persons (hereinafter referred to as "partners enjoying benefits, etc." in this paragraph) enjoy the benefits of the subject trust, the number of partners enjoying benefits, etc. at the time when the subject trust becomes effective:

(１) 組合契約（民法（明治二十九年法律第八十九号）第六百六十七条第一項に規定する組合契約をいう。）の組合員

1. partners under a partnership contract (meaning a partnership contract as prescribed in Article 667, paragraph (1) of the Civil Code (Act No. 89 of 1896));

(２) 投資事業有限責任組合契約（投資事業有限責任組合契約に関する法律（平成十年法律第九十号）第三条第一項に規定する投資事業有限責任組合契約をいう。）の組合員

2. partners under an investment limited partnership agreement (meaning a limited partnership agreement for investment as prescribed in Article 3, paragraph (1) of the Limited Partnership Act for

Investment(Act No. 90 of 1998));

(3) 有限責任事業組合契約（有限責任事業組合契約に関する法律（平成十七年法律第四十号）第三条第一項に規定する有限責任事業組合契約をいう。）の組合員

3. partners under an investment limited liability partnership agreement (meaning an investment limited liability partnership agreement as prescribed in Article 3, paragraph (1) of the Limited Liability Partnership Act (Act No. 40 of 2005));

(4) 匿名組合契約（商法（明治三十二年法律第四十八号）第五百三十五条に規定する匿名組合契約をいう。）の匿名組合員

4. silent partners under a silent partnership agreement (meaning a silent partnership agreement as prescribed in Article 535 of the Commercial Code (Act No. 48 of 1899));

(5) 有価証券（その取得者の保護を確保することが必要なものとして内閣府令で定めるものに限る。）の取得者

5. persons that have acquired securities (limited to securities specified by Cabinet Office Order as being necessary for securing the protection of the person that acquires them);

ハ ロに規定する場合以外の場合において、当該対象信託の効力が生ずる時における当該対象信託の受益権がロ（1）から（3）までの契約に基づき数人の共有に属するときにおける当該契約の一ごとに当該数人を一人とみなした人数

(c) in cases other than those prescribed in sub-item (b), when the beneficial interest in the relevant subject trust is co-owned by multiple persons based on any of the agreements referred to in sub-item (b)1. through 3. at the time when the subject trust becomes effective, the number of persons calculated if the multiple persons under each such agreement are deemed to be one person for each agreement;

ニ 当該対象信託をしようとする者が、当該対象信託の効力が生ずる時後にロ（1）から（3）までに掲げる者並びにロに規定する場合における利益享受組合員等に係るロ（4）の匿名組合契約の営業者及びロ（5）の有価証券の発行者に該当する者以外の者が当該対象信託の受益権を取得することとなることを知って当該対象信託をしようとする場合における当該者の人数

(d) if the person that seeks to create the subject trust seeks to create the subject trust with the knowledge that, after the time when the subject trust becomes effective, the persons set forth in sub-item (b)1. through 3. and persons other than persons falling under the category of business operators under a silent partnership agreement referred to in sub-item (b)4. that are partners enjoying benefits, etc. or issuers of the securities referred to in sub-item (b)5. in the cases prescribed in sub-item (b), will come to acquire a beneficial interest in the subject trust, the number of such persons;

ホ 当該対象信託をしようとする者が、当該対象信託の効力が生ずる時後に利益享受組合員等に該当する者に当該対象信託の利益を享受させる目的をもって当該対象信託をしようとする場合における当該利益享受組合員等に該当する者の人数

(e) if the person that seeks to create the subject trust seeks to create the subject trust for the purpose of having persons that fall under the category of partners enjoying benefits, etc. enjoy benefits in the subject trust after the time when the subject trust becomes effective, the number of persons that fall under the category of partners enjoying benefits, etc.;

へ ホに規定する場合以外の場合において、当該対象信託をしようとする者が、当該対象信託の効力が生ずる時後にロ（１）から（３）までに掲げる者に該当する者が当該対象信託の受益権を取得することとなることを知って当該対象信託をしようとするときであって、当該対象信託の受益権がロ（１）から（３）までの契約に基づき数人の共有に属することとなるときにおける当該契約の一ごとに当該数人を一人とみなした人数

(f) in cases other than those prescribed in sub-item (e), if the person that seeks to create the relevant subject trust seeks to create the subject trust with the knowledge that, after the time when the subject trust becomes effective, persons falling under the category of persons set forth in sub-item (b)1. through 3. will come to acquire a beneficial interest in the subject trust, and the beneficial interest in the subject trust will come be co-owned by multiple persons based on any of the agreements referred to in sub-item (b)1. through 3., the number of persons calculated when the multiple persons under each such agreement are deemed to be one person for each agreement;

三 当該対象信託をしようとする者が、当該対象信託以外に、信託の目的、信託財産の種類及び価額、信託期間、信託財産の管理又は処分の方法その他の信託行為の内容に照らし当該対象信託と同一又は同種の信託法第三条第三号に掲げる方法によってする信託と認められるもの（以下この条において「同種内容信託」という。）をしている場合において、次に掲げる数の合計数が前項に規定する人数以上であるとき（前二号に掲げる場合を除く。）。

(iii) a case in which the sum total of the following numbers is equal to or greater than the number of persons prescribed in the preceding paragraph (excluding the cases set forth in the preceding two items), if, aside from the relevant subject trust, the person that seeks to create the subject trust has created a trust that is found to be created by a method set forth in Article 3, item (iii) of the Trust Act and that is the same as or of the same type as the subject trust in light of the purpose of the trust, the type and value of the trust property, the trust period, the method of managing or disposing of the trust property, and any other content of the act of trust (hereinafter referred to as a "trust with the same content" in this Article):

イ 対象信託受益者等合計数

(a) the Total Number of Beneficiaries, etc. of the Subject Trust; and

ロ 当該同種内容信託を前号に規定する対象信託とした場合における対象信託受益者等合計数に相当する数（次号ロにおいて「同種内容信託受益者等合計数」という。）

(b) the number equivalent to the total number of beneficiaries, etc. of the subject trust that would exist if the trust with the same content were treated as the subject trust prescribed in the preceding item (referred to as the "total number of beneficiaries, etc. of a trust with the same content" in sub-item (b) of the following item);

四 次のいずれかに該当する場合（前三号に掲げる場合を除く。）

(iv) a case that falls under any of the following (excluding the cases set forth in the preceding three items):

イ 当該対象信託の受益権の個数が五十以上である場合（あらかじめ定められた方法に従った受益権の譲渡以外の譲渡ができない旨が当該信託行為において定められている場合において、当該定めにより対象信託受益者等合計数が前項に規定する人数以上となることがないときを除く。）

(a) a case in which the number of beneficial interests in the subject trust is 50 or greater (except when the act of trust specifies that a beneficial interest may not be transferred other than in a manner that is specified in advance, and when, pursuant to the provisions of the trust deed, the total number of beneficiaries, etc. of the subject trust will never reach or exceed the number of persons prescribed in the preceding paragraph);

ロ 当該対象信託をしようとする者が、当該対象信託以外に、同種内容信託をしている場合における当該同種内容信託の受益権の個数と当該対象信託の受益権の個数との合計が五十以上である場合（あらかじめ定められた方法に従った受益権の譲渡以外の譲渡ができない旨が当該対象信託及び当該同種内容信託の各信託行為において定められている場合において、当該定めにより対象信託受益者等合計数と同種内容信託受益者等合計数とを合計した数が前項に規定する人数以上となることがないとき及びイに掲げる場合を除く。）

(b) a case in which, aside from the relevant subject trust, the person seeking to create the subject trust has created a trust with the same content, and the sum total of the number of beneficial interests in the trust with the same content and the number of beneficial interests in the subject trust is 50 or greater (except when the act of trust of the subject trust and that of the trust with the same content specify that a beneficial interest may not be transferred other than in a manner that is specified in advance, and when, pursuant to the provisions of the trust deed, the sum total of the total number of beneficiaries, etc. of the subject trust and the total number of beneficiaries, etc. of the trust with the same content will never reach or exceed the number of persons prescribed in the preceding paragraph, and excluding a case set forth in sub-item (a)); or

ハ 当該対象信託の信託行為に受益権の分割を禁止する旨の定めがない場合（あらかじめ定められた方法に従った受益権の分割以外の分割ができない旨が当該信託行為において定められている場合において、当該定めにより対象信託受益者等合計数が前項に規定する人数以上となることがないとき並びにイ及びロに掲げる場合を除く。）

(c) a case in which the terms of trust of the subject trust do not include provisions that prohibit the splitting of a beneficial interest (except when the terms of trust specify that a beneficial interest may not be split other than in a way that is specified in advance, and when, pursuant to the provisions of the trust deed, the total number of beneficiaries, etc. of the subject trust will never reach or exceed the number of persons prescribed in the preceding paragraph, and excluding a case set forth in sub-items (a) and (b)).

(適用除外)

(Exclusion from Application)

第十五条の三 法第五十条の二第一項ただし書に規定する政令で定める場合は、次に掲げる場合とする。

Article 15-3 The cases specified by Cabinet Order that are provided for in the proviso to Article 50-2, paragraph (1) of the Act are the following cases:

一 株式会社日本政策金融公庫が信託法第三条第三号に掲げる方法によって信託をする場合

(i) a case in which the Japan Finance Corporation creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act;

二 株式会社国際協力銀行が信託法第三条第三号に掲げる方法によって信託をする場合

(ii) a case in which the Japan Bank for International Corporation creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act;

三 独立行政法人都市再生機構が独立行政法人都市再生機構法（平成十五年法律第百号）第三十六条又は第三十七条第一号の規定により、信託法第三条第三号に掲げる方法によって信託をする場合

(iii) a case in which the Urban Renaissance Agency creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act pursuant to the provisions of Article 36 or Article 37, item (i) of the Act on the Urban Renaissance Agency, Independent Administrative Agency (Act No. 100 of 2003);

四 独立行政法人住宅金融支援機構が独立行政法人住宅金融支援機構法（平成十七年法律第八十二号）第二十一条又は第二十二条第一号の規定により、信託法第三条第三号に掲げる方法によって信託をする場合

(iv) a case in which the Japan Housing Finance Agency creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act pursuant to

the provisions of Article 21 or Article 22, item (i) of the Act on the Japan Housing Finance Agency, Independent Administrative Agency (Act No. 82 of 2005);

五 特定金銭債権（債権管理回収業に関する特別措置法（平成十年法律第百二十六号）第二条第一項に規定する特定金銭債権をいう。）の管理又は回収を行う者がこれらの行為に付随して管理する金銭その他これに類する財産（以下「金銭等」という。）を信託財産として信託法第三条第三号に掲げる方法によって信託をする場合

(v) a case in which a person that manages or collects a specified monetary claim (meaning a specified monetary claim as prescribed in Article 2, paragraph (1) of the Act on Special Measures concerning the Claim Management and Collection Business (Act No. 126 of 1998)) creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act with money that the person manages incidental to those actions or with any other property similar thereto (hereinafter referred to as "money, etc.") as trust property;

六 弁護士、弁護士法人又は弁護士・外国法事務弁護士共同法人がその行う弁護士業務に付随して管理する金銭等その他の委任契約における受任者がその行う委任事務に付随して管理する金銭等を信託財産として信託法第三条第三号に掲げる方法によって信託をする場合（前号に掲げる場合を除く。）

(vi) a case in which an attorney, a legal professional corporation, or an attorney at law / registered foreign lawyer joint corporation creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act with Money, etc. that it manages incidental to the attorney services conducted thereby as the trust property, or a case in which the mandatary of a mandate agreement creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act with money, etc. that it manages incidental to the entrusted business conducted thereby as the trust property (excluding a case set forth in the preceding item);

七 請負契約における請負人がその行う仕事に付随して管理する金銭等を信託財産として信託法第三条第三号に掲げる方法によって信託をする場合

(vii) a case in which a contractor under a contract of work creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act with money, etc. that it manages incidental to the work conducted thereby as the trust property;

八 他の者に代わり金銭の收受を行う者が当該金銭の收受に付随して管理する金銭等を信託財産として信託法第三条第三号に掲げる方法によって信託をする場合（前三号に掲げる場合を除く。）

(viii) a case in which a person that accepts money on behalf of another person creates a trust by any of the methods set forth in Article 3, item (iii) of the Trust Act with money, etc. that it manages incidental to the acceptance of that money as the trust property (excluding a case set forth in the preceding

three items); and

九 前各号に掲げる場合に準ずるものとして内閣府令で定める場合

(ix) cases specified by Cabinet Office Order as equivalent to the cases set forth in the preceding items.

(法第五十条の二第一項の登録に係る最低資本金の額)

(Minimum Amount of Stated Capital for a Registration as Referred to in Article 50-2, Paragraph (1) of the Act)

第十五条の四 法第五十条の二第六項第二号に規定する政令で定める金額は、三千万円とする。

Article 15-4 The amount specified by Cabinet Order that is provided for in Article 50-2, paragraph (6), item (ii) of the Act is 30 million yen.

(信託財産に属する財産に関する事項の調査を行う者)

(Person That Inspects Matters Involving the Property Included in the Trust Property)

第十五条の五 法第五十条の二第十項に規定する政令で定めるものは、次に掲げる者とする。

Article 15-5 The person specified by Cabinet Order that is provided for in Article 50-2, paragraph (10) of the Act is any of the following persons:

一 弁護士、弁護士法人又は弁護士・外国法事務弁護士共同法人であつて、次に掲げる者以外の者

(i) an attorney, legal professional corporation, or attorney at law / registered foreign lawyer joint corporation other than the following persons:

イ 弁護士にあつては、次に掲げる者

(a) in the case of an attorney, the following persons:

(1) 法第五十条の二第一項の登録を受けた者の役員又は使用人

1. the officer or employee of a person registered under Article 50-2, paragraph (1) of the Act;

(2) 弁護士法（昭和二十四年法律第二百五号）の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者

2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Attorney Act (Act No. 205 of 1949);

ロ 弁護士法人又は弁護士・外国法事務弁護士共同法人にあつては、次に掲げる者

(b) in the case of a legal professional corporation or attorney at law / registered foreign lawyer joint corporation, the following persons:

(1) その社員のうちにイ（1）に掲げる者がある者

1. a person that has a person set forth in sub-item (a)1. as a member;

(2) 弁護士法又は外国弁護士による法律事務の取扱い等に関する法律（昭和



六十一年法律第六十六号)の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者

2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Attorney Act or the Act on the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986);

二 公認会計士（公認会計士法（昭和二十三年法律第百三号）第十六条の二第五項に規定する外国公認会計士を含む。以下同じ。）又は監査法人であって、次に掲げる者以外の者

(ii) a certified public accountant (including a foreign certified public accountant as prescribed in Article 16-2, paragraph (5) of the Certified Public Accountant Act (Act No. 103 of 1948); the same applies hereinafter) or auditing firm other than the following persons:

イ 公認会計士にあつては、次に掲げる者

(a) in the case of a certified public accountant, the following persons:

- (1) 法第五十条の二第一項の登録を受けた者の役員又は使用人
  1. the officer or employee of a person registered under Article 50-2, paragraph (1) of the Act;
  - (2) 公認会計士法の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者
2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Certified Public Accountant Act;

ロ 監査法人にあつては、次に掲げる者

(b) in the case of an audit corporation, the following persons:

- (1) その社員のうちにイ（1）に掲げる者がある者
  1. a person that has a person set forth in sub-item (a)1. as a member;
  - (2) 公認会計士法の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者
2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Certified Public Accountant Act;

三 税理士又は税理士法人であつて、次に掲げる者以外の者

(iii) a certified public tax accountant or tax accountant corporation other than the following persons:

イ 税理士にあつては、次に掲げる者

(a) in the case of a certified public tax accountant, the following persons:

- (1) 法第五十条の二第一項の登録を受けた者の役員又は使用人
  1. the officer or employee of a person registered under Article 50-2, paragraph (1) of the Act;
  - (2) 税理士法（昭和二十六年法律第二百三十七号）の規定により、法第五十

条の二第十項の規定による調査に係る業務をすることができない者

2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Certified Public Tax Accountant Act (Act No. 237 of 1951);

ロ 税理士法人にあっては、次に掲げる者

(b) in the case of a tax accountant corporation, the following persons:

(1) その社員のうちにイ(1)に掲げる者がある者

1. a person that has a person set forth in sub-item (a)1. as a member;

(2) 税理士法の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者

2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Certified Public Tax Accountant Act;

四 不動産鑑定士であって、次に掲げる者以外の者（信託財産が不動産（土地若しくは建物又はこれらに関する所有権以外の権利をいう。以下この号において同じ。）及び不動産のみを信託する信託の受益権の場合に限る。）

(iv) a real estate appraiser other than the following persons (but only if the trust property is real property (meaning land or a building, or rights to land or a building other than ownership rights; hereinafter the same applies in this item) and the beneficial interest is in a trust in which only real property is entrusted):

イ 法第五十条の二第一項の登録を受けた者の役員又は使用人

(a) the officer or employee of a person registered under Article 50-2, paragraph (1) of the Act;

ロ 不動産の鑑定評価に関する法律（昭和三十八年法律第百五十二号）の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者

(b) a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Act on Real Property Appraisal (Act No. 152 of 1963);

五 弁理士又は弁理士法人であって、次に掲げる者以外の者（信託財産が知的財産基本法（平成十四年法律第百二十二号）第二条第二項に規定する知的財産権（以下この号において同じ。）及び知的財産権のみを信託する信託の受益権の場合に限る。）

(v) a patent attorney or patent attorney corporation other than the following persons (but only if the trust property is intellectual property rights as prescribed in Article 2, paragraph (2) of the Intellectual Property Basic Act (Act No. 122 of 2002) (hereinafter the same applies in this item) and the beneficial interest is in a trust in which only intellectual property rights are

entrusted):

イ 弁理士にあつては、次に掲げる者

(a) in the case of a patent attorney, the following persons:

- (1) 法第五十条の二第一項の登録を受けた者の役員又は使用人
  1. the officer or employee of a person registered under Article 50-2, paragraph (1) of the Act;
  - (2) 弁理士法（平成十二年法律第四十九号）の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者
2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Patent Attorney Act (Act No. 49 of 2000);

ロ 弁理士法人にあつては、次に掲げる者

(b) in the case of a patent attorney corporation, the following persons:

- (1) その社員のうちにイ（1）に掲げる者がある者
  1. a person that has a person set forth in sub-item (a)1. as a member;
  - (2) 弁理士法の規定により、法第五十条の二第十項の規定による調査に係る業務をすることができない者
2. a person that may not engage in the business activities involved in an inspection under the provisions of Article 50-2, paragraph (10) of the Act, pursuant to the provisions of the Patent Attorney Act; and

六 前各号に掲げるもののほか、信託財産に属する財産の状況その他の当該財産に関する事項に関し専門的知識を有する者として内閣府令で定めるもの

(vi) a person other than those set forth in the preceding items that is specified by Cabinet Office Order as a person with expert knowledge regarding the condition of property included in the trust property and any other particulars of the relevant property.

(運用型外国信託会社の最低資本金の額)

(Minimum Amount of Stated Capital of an Investment-Based Foreign Trust Company)

第十六条 法第五十三条第六項第二号に規定する政令で定める金額は、一億円に相当する金額とする。

Article 16 The amount specified by Cabinet Order that is provided for in Article 53, paragraph (6), item (ii) of the Act is an amount equivalent to 100 million yen.

(管理型外国信託会社の最低資本金の額)

(Minimum Amount of Stated Capital of a Custodian-type Foreign Trust Company)

第十七条 法第五十四条第六項第二号に規定する政令で定める金額は、五千万円に相当

する金額とする。

Article 17 The amount specified by Cabinet Order that is provided for in Article 54, paragraph (6), item (ii) of the Act is an amount equivalent to 50 million yen.

(外国信託会社が電子公告により公告をする場合について準用する会社法の規定の読替え)

(Deemed Replacement of Terms in the Provisions of the Companies Act as Applied Mutatis Mutandis to a Case in Which a Foreign Trust Company Issues a Public Notice by Means of an Electronic Public Notice)

第十八条 法第五十七条第六項の規定において外国信託会社が電子公告により法又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合について会社法第九百四十条第三項及び第九百四十一条の規定を準用する場合における当該規定に係る技術的読替えは、次の表のとおりとする。

Article 18 When a foreign trust company issues a public notice under the provisions of the Act or other Acts (excluding a public notice under the provisions of the Companies Act) by means of an electronic public notice pursuant to the provisions of Article 57, paragraph (6) of the Act and the provisions of Article 940, paragraph (3) and Article 941 of the Companies Act apply mutatis mutandis, the technical replacement of terms for the provisions of Article 940, paragraph (3) and Article 941 of the Companies Act is as in the following table:

| 読み替える会社法の規定<br>Provisions of the Companies Act whose phrasing is deemed to be replaced | 読み替えられる字句<br>Original phrasing  | 読み替える字句<br>Phrasing deemed to replace the original phrasing   |
|--|---|---|
| 第九百四十条第三項<br>Article 940, paragraph (3)  | これらの<br>these provisions  | 同項の<br>that paragraph   |
| 第九百四十一条<br>Article 941   | この法律又は他の法律の規定による公告（第四百四十条第一項の規定による公告を除く。以下この節において同じ。）<br>public notice under the provisions of this Act or another Act (excluding the public notice under the provisions of Article 440, paragraph (1); hereinafter the same applies in this Section) | 信託業法又は他の法律（会社法を除く。）の規定による公告<br>public notice under the provisions of the Trust Business Act or other Acts (excluding the Companies Act) |

(外国信託会社についての金融商品取引法の準用)

(Application Mutatis Mutandis of the Financial Instruments and Exchange Act to Foreign Trust Companies)

第十八条の二 法第六十三条の規定により外国信託会社に適用される法第二十四条の二の規定による技術的読替えは、次の表のとおりとする。

Article 18-2 The technical replacement of terms under the provisions of Article 24-2 of the Act as they apply to foreign trust companies pursuant to the provisions of Article 63 of the Act is as in the following table:

| 読み替える金融商品取引法の規定<br>Provisions of the Financial Instruments and Exchange Act whose phrasing is deemed to be replaced | 読み替えられる字句<br>Original phrasing                      | 読み替える字句<br>Phrasing deemed to replace the original phrasing   |
|---|---|---|
| 第三十四条<br>Article 34   | 同条第三十一項第四号<br>Article 2, paragraph (31), item (iv)  | 第二条第三十一項第四号<br>Article 2, paragraph (31), item (iv)   |
| 第三十七条第一項第一号<br>Article 37, paragraph (1), item (i)  | 商号、名称又は氏名<br>the trade name or name                 | 支店の名称<br>the names of branch offices  |
| 第四十条第二号<br>Article 40, item (ii)  | 前号に掲げるもの<br>what is set forth in the preceding item | 信託業法第二十四条第二項の規定に違反すると認められる状況<br>a situations found to violate the provisions of Article 24, paragraph (2) of the Trust Business Act |

(紛争解決等業務に相当する業務に係る他の法律の規定による指定)

(Designation under Provisions of Other Acts in Relation to Business Activities Equivalent to Dispute Resolution)

第十八条の三 法第八十五条の二第一項第二号及び第四号ニ、第八十五条の六並びに第八十五条の二十三第三項に規定する政令で定めるものは、次に掲げるものとする。

Article 18-3 The designation specified by Cabinet Order that is provided for in Article 85-2, paragraph (1), item (ii) and item (iv), (d), Article 85-6 and Article 85-23, paragraph (3) of the Act is one of the following designations:

一 金融商品取引法第一百五十六条の三十九第一項の規定による指定

(i) a designation under the provisions of Article 156-39, paragraph (1) of the

Financial Instruments and Exchange Act; or

二 第十八条の五各号に掲げる指定

(ii) a designation set forth in one of the items of Article 18-5.

(異議を述べた信託会社等の数の信託会社等の総数に占める割合)

(Proportion of the Total Number of Trust Companies That the Number of Trust Companies Raising Objections Accounts For)

第十八条の四 法第八十五条の二第一項第八号に規定する政令で定める割合は、三分の一とする。

Article 18-4 The proportion specified by Cabinet Order that is provided for in Article 85-2, paragraph (1), item (viii) of the Act is one-third.

(名称の使用制限の適用除外)

(Exclusion from Application of the Restrictions on the Use of Names)

第十八条の五 法第八十五条の十七に規定する政令で定めるものは、次に掲げる指定のいずれかを受けた者とする。

Article 18-5 The person specified by Cabinet Order that is provided for in Article 85-17 of the Act is a person that has been accorded one of the following designations:

一 無尽業法（昭和六年法律第四十二号）第三十五条の二第一項の規定による指定

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

二 金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第十二条の二第一項の規定による指定

(ii) a designation under the provisions of Article 12-2, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943);

三 農業協同組合法（昭和二十二年法律第百三十二号）第九十二条の六第一項の規定による指定

(iii) a designation under the provisions of Article 92-6, paragraph (1) of the Agricultural Co-operatives Act (Act No. 132 of 1947);

四 水産業協同組合法（昭和二十三年法律第二百四十二号）第一百八条第一項の規定による指定

(iv) a designation under the provisions of Article 118, paragraph (1) of the Fisheries Cooperatives Act (Act No. 242 of 1948);

五 中小企業等協同組合法（昭和二十四年法律第百八十一号）第六十九条の二第一項の規定による指定

(v) a designation under the provisions of Article 69-2, paragraph (1) of the Small and Medium Sized Enterprise Cooperatives Act (Act No. 181 of 1949);

六 信用金庫法（昭和二十六年法律第二百三十八号）第八十五条の十二第一項の規定による指定

- (vi) a designation under the provisions of Article 85-12, paragraph (1) of the Credit Union Act (Act No. 238 of 1951);
- 七 長期信用銀行法（昭和二十七年法律第百八十七号）第十六条の八第一項の規定による指定
- (vii) a designation under the provisions of Article 16-8, paragraph (1) of the Long-Term Credit Bank Act (Act No. 187 of 1952);
- 八 労働金庫法（昭和二十八年法律第二百二十七号）第八十九条の十三第一項の規定による指定
- (viii) a designation under the provisions of Article 89-13, paragraph (1) of the Worker's Bank Act (Act No. 227 of 1953);
- 九 銀行法第五十二条の六十二第一項の規定による指定
- (ix) a designation under the provisions of Article 52-62, paragraph (1) of the Banking Act;
- 十 貸金業法第四十一条の三十九第一項の規定による指定
- (x) a designation under the provisions of Article 41-39, paragraph (1) of the Money Lending Business Act;
- 十一 保険業法第三百八条の二第一項の規定による指定
- (xi) a designation under the provisions of Article 308-2, paragraph (1) of the Insurance Business Act;
- 十二 金融サービスの提供に関する法律第五十一条第一項の規定による指定
- (xii) a designation under the provisions of Article 51, paragraph (1) of the Act on the Provision of Financial Services;
- 十三 農林中央金庫法（平成十三年法律第九十三号）第九十五条の六第一項の規定による指定
- (xiii) a designation under the provisions of Article 95-6, paragraph (1) of the Norinchukin Act (Act No. 93 of 2001); or
- 十四 資金決済に関する法律（平成二十一年法律第五十九号）第九十九条第一項の規定による指定
- (xiv) a designation under the provisions of Article 99, paragraph (1) of the Act on Settlement of Funds (Act No. 59 of 2009).

（金融庁長官へ委任される権限から除かれる権限）

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

第十九条 法第八十七条第一項に規定する政令で定めるものは、次に掲げるものとする。

Article 19 The authority specified by Cabinet Order that is provided for in Article 87, paragraph (1) of the Act is authority over the following:

一 法第三条及び第五十三条第一項の規定による免許

(i) licensing under the provisions of Article 3 and Article 53, paragraph (1) of the Act; and

二 法第四十四条第一項及び第五十九条第一項の規定による法第三条及び第五十三条

第一項の免許の取消し

- (ii) rescission, under the provisions of Article 44, paragraph (1) and Article 59, paragraph (1) of the Act, of the licensing referred to in Article 3 and Article 53, paragraph (1) of the Act.

(信託会社等に関する権限の財務局長への委任)

(Delegation of Authority over Trust Companies to the Director-General of the Local Finance Bureau)

第二十条 法第八十七条第一項の規定により金融庁長官に委任された権限及びこの政令による金融庁長官の権限（以下「長官権限」という。）のうち次に掲げるものは、信託会社等の本店等の所在地を管轄する財務局長（財務支局長を含む。以下同じ。）に委任する。

Article 20 (1) Within the scope of the authority delegated to the Commissioner of the Financial Services Agency pursuant to the provisions of Article 87, paragraph (1) of the Act and the authority of the Commissioner of the Financial Services Agency under this Cabinet Order (hereinafter referred to as the "commissioner's authority"), the authority set forth in the following items is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the main office of a trust company, etc. (including the Director-General of a Local Finance Branch Bureau; the same applies hereinafter):

一 法第八条第一項（法第五十二条第二項において準用する場合を含む。）、第五十条の二第三項及び第五十四条第三項の規定による登録の申請書の受理

- (i) acceptance of a written application for registration under the provisions of Article 8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 52, paragraph (2) of the Act), Article 50-2, paragraph (3) and Article 54, paragraph (3) of the Act;

二 法第九条第一項（法第五十二条第二項において準用する場合を含む。）、第十二条第三項、第五十条の二第八項、第五十四条第九項及び第五十六条第三項の規定による登録並びに法第七条第三項の規定による登録の更新

- (ii) registration under the provisions of Article 9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 52, paragraph (2) of the Act), Article 12, paragraph (3), Article 50-2, paragraph (8), Article 54, paragraph (9), and Article 56, paragraph (3) of the Act, and renewal of registration under the provisions of Article 7, paragraph (3) of the Act;

三 法第九条第二項（法第五十二条第二項において準用する場合を含む。）、第五十条の二第九項及び第五十四条第十項の規定による公衆への縦覧

- (iii) public inspection under the provisions of Article 9, paragraph (2) (including as applied mutatis mutandis pursuant to Article 52, paragraph (2) of the Act), Article 50-2, paragraph (9) and Article 54, paragraph (10) of the Act;



四 法第十条第一項（法第五十二条第二項において準用する場合を含む。）、第五十条の二第六項及び第五十四条第六項の規定による登録（法第七条第三項の登録の更新を含む。）の拒否

(iv) refusal of registration under the provisions of Article 10, paragraph (1) (including as applied mutatis mutandis pursuant to Article 52, paragraph (2) of the Act), Article 50-2, paragraph (6) and Article 54, paragraph (6) of the Act (including the renewal of registration referred to in Article 7, paragraph (3) of the Act); and

五 法第四十七条の規定による登録の抹消

(v) deletion of registration under the provisions of Article 47 of the Act.

2 長官権限のうち次に掲げるもの（金融庁長官の指定する信託会社及び外国信託会社に係るものを除く。）は、信託会社等の本店等の所在地を管轄する財務局長に委任する。ただし、第六号及び第七号（管理型信託会社に係るものを除く。）に掲げる権限は、金融庁長官が自ら行うことを妨げない。

(2) The part of the commissioner's authority that is as set forth in the following items (excluding authority over trust companies and foreign trust companies designated by the Commissioner of the Financial Services Agency) is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the main office of the trust company, etc.; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising the authority set forth in items (vi) and (vii) (excluding authority over custodian-type trust companies):

一 法第六条及び第十三条第一項の規定による認可

(i) authorization under the provisions of Article 6 and Article 13, paragraph (1) of the Act;

二 法第十一条第三項、第五項及び第八項、第十二条第一項及び第二項、第十三条第二項、第四十一条第一項、第二項及び第四項、第五十六条第一項及び第二項並びに第五十七条第一項、第二項及び第四項の規定による届出の受理

(ii) acceptance of a notification under the provisions of Article 11, paragraphs (3), (5) and (8), Article 12, paragraphs (1) and (2), Article 13, paragraph (2), Article 41, paragraphs (1), (2) and (4), Article 56, paragraphs (1) and (2), and Article 57, paragraphs (1), (2) and (4) of the Act;

三 法第十一条第四項、第四十五条第二項及び第六十条第二項の規定による命令

(iii) orders under the provisions of Article 11, paragraph (4), Article 45, paragraph (2), and Article 60, paragraph (2) of the Act;

四 法第十六条第一項並びに第二十一条第二項及び第四項（これらの規定を法第六十三条第二項において準用する場合を含む。）の規定による承認

(iv) approval under the provisions of Article 16, paragraph (1) and Article 21, paragraphs (2) and (4) of the Act (including as applied mutatis mutandis pursuant to Article 63, paragraph (2) of the Act);

五 法第二十一条第三項（法第六十三条第二項において準用する場合を含む。）及び

第三十三条の規定による書類の受理

(v) acceptance of documents under the provisions of Article 21, paragraph (3) (including as applied mutatis mutandis pursuant to Article 63, paragraph (2) of the Act) and Article 33 of the Act;

六 法第四十二条第一項（法第五十条第三項（法第六十二条第二項において準用する場合を含む。））において準用する場合を含む。）及び第五十八条第一項の規定による報告及び資料の提出の命令並びに質問及び立入検査

(vi) issuance of orders to give reports and submit materials, and the conducting of questioning and inspection under the provisions of Article 42, paragraph (1) (including as applied mutatis mutandis pursuant to Article 50, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 62, paragraph (2) of the Act)) and Article 58, paragraph (1) of the Act;

七 法第四十三条の規定による命令

(vii) issuance of orders under the provisions of Article 43 of the Act;

八 法第四十五条第一項及び第六十条第一項の規定による登録の取消し及び業務の全部又は一部の停止の命令

(viii) rescission of registrations and orders for suspension of the whole or part of business under the provisions of Article 45, paragraph (1) and Article 60, paragraph (1) of the Act;

九 法第四十八条の規定による公告（法第四十四条第一項又は第五十九条第一項の規定による法第三条又は第五十三条第一項の免許の取消しの処分に係るもの並びに第四十四条第一項及び第五十九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を除く。）

(ix) public notices under the provisions of Article 48 of the Act (excluding public notices regarding dispositions rescinding licensing as referred to in Article 3 or Article 53, paragraph (1) of the Act under the provisions of Article 44, paragraph (1) or Article 59, paragraph (1) of the Act, and orders for suspension of the whole or part of business under the provisions of Article 44, paragraph (1) and Article 59, paragraph (1));

十 法第四十九条第一項（法第四十四条第一項の規定による法第三条の免許の取消しに係る部分を除き、法第六十一条において準用する場合を含む。）の規定により読み替えて適用する信託法第五十八条第四項（同法第七十条において準用する場合を含む。）の規定による申立て並びに法第四十九条第二項（法第四十四条第一項の規定による法第三条の免許の取消しに係る部分を除き、法第六十一条において準用する場合を含む。）の規定により読み替えて適用する信託法第六十二条第二項及び第四項並びに第六十三条第一項の規定による催告及び申立て

(x) petitions under the provisions of Article 58, paragraph (4) of the Trust Act (including as applied mutatis mutandis pursuant to Article 70 of that Act) as applied following a deemed replacement of certain terms pursuant to the provisions of Article 49, paragraph (1) of the Act (excluding the part concerning the rescission of a license as referred to in Article 3 of the Act

under the provisions of Article 44, paragraph (1) of the Act, and including as applied mutatis mutandis pursuant to Article 61 of the Act) and notices and petitions under the provisions of Article 62, paragraphs (2) and (4) and Article 63, paragraph (1) of the Trust Act as applied by replacing certain terms pursuant to the provisions of Article 49, paragraph (2) of the Act (excluding the part concerning the rescission of a license as referred to in Article 3 of the Act under the provisions of Article 44, paragraph (1) of the Act, and including as applied mutatis mutandis pursuant to Article 61 of the Act);

十一 法第五十条第一項及び第六十二条第一項の規定による依頼の受理並びに法第五十条第二項（法第六十二条第二項において準用する場合を含む。）の規定による意見の陳述

(xi) acceptance of requests under the provisions of Article 50, paragraph (1) and Article 62, paragraph (1) of the Act, and statements of opinions under the provisions of Article 50, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 62, paragraph (2) of the Act);

十二 第十条第三号並びに第十二条第一項及び第二項の規定による承認

(xii) approval under the provisions of Article 10, item (iii) and Article 12, paragraphs (1) and (2); and

十三 第十一条の規定による申立ての受理、公示、通知、調査、意見を述べる機会の付与、配当表の作成及び換価

(xiii) acceptance of petitions, public notice, notice, investigation, granting of opportunities to state opinions, preparation of distribution lists, and realization, under the provisions of Article 11.

3 前項第六号に掲げる権限（同項に規定する金融庁長官の指定する信託会社及び外国信託会社に係るものを除く。）で信託会社等の本店等以外の支店その他の営業所若しくは事務所、当該信託会社等とその業務に関して取引をする者又は当該信託会社等を子会社（法第五条第六項に規定する子会社をいう。）とする同条第二項第九号に規定する持株会社（以下この条において「支店等」という。）に関するものについては、前項に規定する財務局長のほか、当該支店等の所在地（当該取引をする者が個人の場合にあっては、その住所又は居所）を管轄する財務局長も行うことができる。

(3) In addition to the Director-General of the Local Finance Bureau provided for in the preceding paragraph, the Director-General of the Local Finance Bureau with jurisdiction over the locality of a branch office, other business office, or office other than the main office of a trust company, etc.; a person that has business dealings with a trust company, etc.; or a holding company as prescribed in Article 5, paragraph (2), item (ix) of the Act that has the trust company, etc. as its subsidiary company (meaning a subsidiary company as prescribed in Article 5, paragraph (6) of the Act) (hereinafter collectively referred to as a "branch office, etc." in this Article) (if a person that has business dealings with a trust company, etc. is an individual, the domicile or

residence of that individual) may also exercise the authority set forth in item (vi) of the preceding paragraph (excluding the authority over trust companies and foreign trust companies designated by the Commissioner of the Financial Services Agency as prescribed in that paragraph) as it concerns that branch office, etc.

4 第二項第六号に掲げる権限で同項に規定する金融庁長官の指定する信託会社及び外国信託会社の支店等に関するものについては、当該支店等の所在地（当該信託会社又は外国信託会社と取引をする者が個人の場合にあっては、その住所又は居所）を管轄する財務局長に委任する。ただし、金融庁長官が自らその権限を行うことを妨げない。

(4) The authority set forth in paragraph (2), item (vi) over the branch office, etc. of a trust company or foreign trust company designated by the Commissioner of the Financial Services Agency as prescribed in that paragraph is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the relevant branch office, etc. (if the person conducting transactions with the trust company or foreign trust company is an individual, the domicile or residence); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

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

(5) If the Director-General of a Local Finance Bureau who has ordered a branch office, etc. to give a report or submit materials or who has conducted questioning or inspections at a branch office, etc. pursuant to the provisions of the preceding two paragraphs (hereinafter referred to as an "inspection, etc." in this paragraph) finds, as a result of the inspection, etc., that it is necessary to conduct an inspection, etc. at the main office of the trust company, etc. or at a branch office, etc. other than the branch office, etc. in question, the director-general may conduct an inspection, etc. at the main office or other branch office, etc.

6 金融庁長官は、第二項の指定をした場合には、その旨を告示するものとする。これを取り消したときも、同様とする。

(6) Having conferred a designation as referred to in paragraph (2), the Commissioner of the Financial Services Agency must issue public notice of this. The same applies if the Commissioner of the Financial Services Agency has rescinded such a designation.

（信託会社の主要株主に関する権限の財務局長への委任）

(Delegation of Authority over the Major Shareholders of a Trust Company to the Director-General of the Local Finance Bureau)

第二十一条 長官権限のうち次に掲げるものは、居住者（外国為替及び外国貿易法（昭和二十四年法律第二百二十八号）第六条第一項第五号に規定する居住者をいう。以下この条、次条及び第二十三条第一項において同じ。）に関するものにあつては当該居住者の主たる営業所又は事務所の所在地（個人の場合にあつてはその住所又は居所とし、外国会社であつて本店又は主たる事務所が外国にある場合にあつては国内における営業所の所在地とする。次条第一項において同じ。）を管轄する財務局長に、非居住者（同法第六条第一項第六号に規定する非居住者をいう。次条及び第二十三条第一項において同じ。）に関するものにあつては関東財務局長に委任する。ただし、第二号に掲げる権限は、金融庁長官が自ら行うことを妨げない。

Article 21 (1) The part of the commissioner's authority that is as set forth in the following items is hereby delegated; that which concerns residents (meaning residents as prescribed in Article 6, paragraph (1), item (v) of the foreign exchange and Foreign Trade Act (Act No. 228 of 1949); hereinafter the same applies in this Article, the following Article and Article 23, paragraph (1)) is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the principal business office or office of the resident (if the resident is an individual, the domicile or residence thereof; and if the resident is a foreign company whose head office or principal office is located in a foreign state, the locality of its business office within Japan; the same applies in paragraph (1) of the following Article); and that which concerns non-residents (meaning non-residents as prescribed in Article 6, paragraph (1), item (vi) of that Act; the same applies in the following Article and Article 23, paragraph (1)) is delegated to the Director-General of the Kanto Local Finance Bureau; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising the authority set forth in item (ii):

一 法第十七条第一項（法第二十条において準用する場合を含む。）の規定による対象議決権保有届出書の受理及び法第十九条（法第二十条において準用する場合を含む。）の規定による届出の受理

(i) acceptance of statements of holdings in subject voting rights under the provisions of Article 17, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 20 of the Act) and acceptance of notifications under the provisions of Article 19 of the Act (including as applied mutatis mutandis pursuant to Article 20 of the Act); and

二 法第四十二条第二項の規定による報告及び資料の提出の命令並びに質問及び立入検査

(ii) issuance of orders to give reports and submit materials, and the conducting of questioning and inspections under the provisions of Article 42, paragraph (2) of the Act.

2 長官権限のうち法第十八条（法第二十条において準用する場合を含む。）の規定による命令の権限（金融庁長官の指定する信託会社に係るものを除く。）は、信託会社

の本店の所在地を管轄する財務局長に委任する。

- (2) The part of the commissioner's authority constituting authority to issue orders under the provisions of Article 18 of the Act (including as applied mutatis mutandis pursuant to Article 20 of the Act) (excluding the authority over trust companies designated by the Commissioner of the Financial Services Agency) is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the trust company's head office.
- 3 第一項第二号に掲げる権限は、同項に規定する財務局長のほか、信託会社の本店の所在地を管轄する財務局長も行うことができる。
- (3) In addition to the Director-General of the Local Finance Bureau who is provided for in paragraph (1), the Director-General of the Local Finance Bureau with jurisdiction over the locality of a trust company's head office may also exercise the authority set forth in paragraph (1), item (ii).
- 4 第一項第二号に掲げる権限のうち、法人である居住者の主たる営業所又は事務所以外の営業所又は事務所（以下この項において「従たる営業所等」という。）における質問及び立入検査の権限は、第一項及び前項に規定する財務局長のほか、当該従たる営業所等の所在地を管轄する財務局長も行うことができる。
- (4) In addition to the Directors-General of the Local Finance Bureaus provided for in paragraph (1) and the preceding paragraph, the Director-General of the Local Finance Bureau with jurisdiction over the locality of a non-principal business office or office of a resident that is a corporation (hereinafter referred to as a "secondary business office, etc." in this paragraph) may also exercise the authority set forth in paragraph (1), item (ii) to conduct questioning and inspections at that secondary business office, etc.
- 5 金融庁長官は、第二項の指定をした場合には、その旨を告示するものとする。これを取り消したときも、同様とする。
- (5) Having conferred a designation as referred to in paragraph (2), the Commissioner of the Financial Services Agency must issue a public notice of this. The same applies if the Commissioner of the Financial Services Agency has rescinded such a designation.

(信託会社の委託先に関する権限の財務局長への委任)

**(Delegation of Authority Over a Person Entrusted With Business by a Trust Company to the Director-General of the Local Finance Bureau)**

第二十二條 長官権限のうち法第四十二条第三項の規定による報告及び資料の提出の命令並びに質問及び立入検査は、居住者に関するものにあつては当該居住者の主たる営業所又は事務所の所在地を管轄する財務局長に、非居住者に関するものにあつては関東財務局長に委任する。ただし、金融庁長官が自らその権限を行うことを妨げない。

Article 22 (1) The commissioner's authority to order persons to give reports and submit materials and to conduct questioning and inspections under the provisions of Article 42, paragraph (3) of the Act is hereby delegated; that

which concerns residents is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the principal business office or office of the relevant resident; and that which concerns non-residents is delegated to the Director-General of the Kanto Local Finance Bureau; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

2 前項に規定する権限は、同項に規定する財務局長のほか、信託会社の本店の所在地を管轄する財務局長も行うことができる。

(2) In addition to the Director-General of the Local Finance Bureau who is provided for in the preceding paragraph, the Director-General of the Local Finance Bureau who has jurisdiction over the locality of the relevant trust company's head office may also exercise the authority prescribed in the preceding paragraph.

3 第一項に規定する権限のうち、法人である居住者の主たる営業所又は事務所以外の営業所又は事務所（以下この項において「従たる営業所等」という。）における質問及び立入検査の権限は、前二項に規定する財務局長のほか、当該従たる営業所等の所在地を管轄する財務局長も行うことができる。

(3) In addition to the Directors-General of the Local Finance Bureaus provided for in the preceding two paragraphs, the Director-General of the Local Finance Bureau with jurisdiction over the locality of a non-principal business office or office of a resident that is a corporation (hereinafter referred to as the "secondary business office, etc." in this paragraph) may also exercise the authority prescribed in paragraph (1) to conduct questioning and inspections at that secondary business office, etc.

（同一の会社集団に属する者の間における信託の受託者に関する権限の財務局長への委任）

(Delegation of Authority Over the Trustee of a Trust Created between Persons Belonging to the Same Company Group to the Director-General of the Local Finance Bureau)

第二十三条 長官権限のうち次に掲げるものは、居住者である法第五十一条第一項の信託の受託者に関するものにあつては当該受託者の主たる営業所又は事務所（以下この条において「主たる営業所等」という。）の所在地を管轄する財務局長に、非居住者である同項の信託の受託者に関するものにあつては関東財務局長に委任する。ただし、第三号に掲げる権限は、金融庁長官が自ら行うことを妨げない。

Article 23 (1) The part of the commissioner's authority that is set forth in the following items is hereby delegated; that which concerns residents that are the trustees of trusts as referred to in Article 51, paragraph (1) of the Act is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the principal business office or office of the relevant trustee (hereinafter referred to as the "principal business office, etc."

in this Article); and that which concerns non-residents that are the trustees of trusts as referred to in that paragraph is delegated to the Director-General of the Kanto Local Finance Bureau; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising the authority set forth in item (iii):

一 法第五十一条第二項及び第五項の規定による届出の受理

(i) acceptance of a notification under the provisions of Article 51, paragraphs (2) and (5) of the Act;

二 法第五十一条第四項の規定による命令

(ii) orders under the provisions of Article 51, paragraph (4) of the Act; and

三 法第五十一条第六項の規定による報告及び資料の提出の命令並びに質問及び立入検査

(iii) issuance of orders to give reports and submit materials, and the conducting of questioning and inspections under the provisions of Article 51, paragraph (6) of the Act.

2 前項第三号に掲げる権限で法第五十一条第一項の信託の受託者の主たる営業所等以外の営業所又は事務所（以下この項及び次項において「従たる営業所等」という。）に関するものについては、前項に規定する財務局長のほか、当該従たる営業所等の所在地を管轄する財務局長も行うことができる。

(2) In addition to the Director-General of the Local Finance Bureau provided for in the preceding paragraph, the Director-General of the Local Finance Bureau with jurisdiction over the locality of a business office or office of the trustee of a trust as referred to in Article 51, paragraph (1) of the Act which is not the principal business office, etc. thereof (hereinafter referred to as a "secondary business office, etc." in this paragraph and the following paragraph) may also exercise the authority set forth in item (iii) of the preceding paragraph as it concerns that secondary business office, etc.

3 前項の規定により、従たる営業所等に対して報告若しくは資料の提出の命令又は質問若しくは立入検査（以下この項において「検査等」という。）を行った財務局長は、当該検査等の結果、当該受託者の主たる営業所等又は当該従たる営業所等以外の従たる営業所等に対して検査等の必要を認めるときは、主たる営業所等又は当該従たる営業所等以外の従たる営業所等に対し、検査等を行うことができる。

(3) If the Director-General of a Local Finance Bureau who has ordered a secondary business office, etc. to give a report or submit materials or who has conducted questioning or inspections at a secondary business office, etc. pursuant to the provisions of the preceding paragraph (hereinafter referred to as an "inspection, etc." in this paragraph) finds, as a result of the inspection, etc., that it is necessary to conduct an inspection, etc. at the principal business office, etc. of the trustee or at a secondary business office, etc. other than the secondary business office, etc. in question, the Director-General may conduct an inspection, etc. at the principal business office, etc. or other secondary



business office, etc.

(信託契約代理店に関する権限の財務局長への委任)

(Delegation of Authority Over a Trust Agreement Agent to the Director-General of the Local Finance Bureau)

第二十四条 長官権限のうち次に掲げるものは、信託契約代理店の主たる営業所又は事務所（以下この条において「主たる営業所等」という。）の所在地を管轄する財務局長に委任する。ただし、第七号に掲げる権限は、金融庁長官が自ら行うことを妨げない。

Article 24 (1) The part of the commissioner's authority that is as set forth in the following items is delegated to the Director-General of the Local Finance Bureau with jurisdiction over the locality of the principal business office or office of the trust agreement agent (hereinafter referred to as the "principal business office, etc." in this Article); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising the authority set forth in item (vii):

一 法第六十八条第一項の規定による登録の申請書の受理

(i) acceptance of written applications for registration under the provisions of Article 68, paragraph (1) of the Act;

二 法第六十九条第一項及び第七十一条第二項の規定による登録

(ii) registration under the provisions of Article 69, paragraph (1) and Article 71, paragraph (2) of the Act;

三 法第六十九条第二項及び第七十七条第二項の規定による公衆への縦覧

(iii) making the relevant information available for public inspection under the provisions of Article 69, paragraph (2) and Article 77, paragraph (2) of the Act;

四 法第七十条の規定による登録の拒否

(iv) refusal of registrations under the provisions of Article 70 of the Act;

五 法第七十一条第一項及び第三項並びに第七十九条の規定による届出の受理

(v) acceptance of notifications under the provisions of Article 71, paragraphs (1) and (3) and Article 79 of the Act;

六 法第七十七条第一項の規定による報告書の受理

(vi) acceptance of reports under the provisions of Article 77, paragraph (1) of the Act;

七 法第八十条第一項の規定による報告及び資料の提出の命令並びに質問及び立入検査

(vii) issuance of orders to give reports and submit materials, and the conducting of questioning and inspections under the provisions of Article 80, paragraph (1) of the Act;

八 法第八十一条及び第八十二条の規定による登録の取消し及び命令

(viii) rescission of registrations and issuance of orders under the provisions of

Articles 81 and 82 of the Act; and

九 法第八十四条の規定による登録の抹消

(ix) deletion of registrations under the provisions of Article 84 of the Act.

2 前項第七号に掲げる権限で信託契約代理店の主たる営業所等以外の営業所若しくは事務所又は当該信託契約代理店とその業務に関して取引をする者（以下この条において「従たる営業所等」という。）に関するものについては、前項に規定する財務局長のほか、当該従たる営業所等の所在地（当該取引をする者が個人の場合にあっては、その住所又は居所）を管轄する財務局長も行うことができる。

(2) In addition to the Director-General of the Local Finance Bureau provided for in the preceding paragraph, the Director-General of the Local Finance Bureau with jurisdiction over the locality of a branch office or office of a trust agreement agent that is not the principal business office, etc. thereof or over a person that has business dealings with a trust agreement agent (hereinafter referred to as a "secondary business office, etc." in this Article) (or, if the person that has business dealings with a trust agreement agent is an individual, the domicile or residence thereof) may also exercise the authority set forth in item (vii) of the preceding paragraph as it concerns that secondary business office, etc.

3 前項の規定により、従たる営業所等に対して報告若しくは資料の提出の命令又は質問若しくは立入検査（以下この項において「検査等」という。）を行った財務局長は、当該検査等の結果、当該信託契約代理店の主たる営業所等又は当該従たる営業所等以外の営業所等に対して検査等の必要を認めるときは、主たる営業所等又は当該従たる営業所等以外の従たる営業所等に対し、検査等を行うことができる。

(3) If the Director-General of a Local Finance Bureau who has ordered a secondary business office, etc. to give a report or submit materials or who has conducted questioning or inspections at a secondary business office, etc. pursuant to the provisions of the preceding paragraph (hereinafter referred to as an "inspection, etc." in this paragraph) finds, as a result of the inspection, etc., that it is necessary to conduct an inspection, etc. at the principal business office, etc. of the Trust Agreement Agent or at a secondary business office, etc. other than the secondary business office, etc. in question, the Director-General may conduct an inspection, etc. at the principal business office, etc. or other secondary business office, etc.