債権管理回収業に関する特別措置法

Act on Special Measures Concerning the Management of and Collection on Monetary Claims

（平成十年十月十六日法律第百二十六号）

(Act No. 126 of October 16, 1998)

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第一章　総則

Chapter I General Provisions

（目的）

(Purpose)

第一条　この法律は、特定金銭債権の処理が喫緊の課題となっている状況にかんがみ、許可制度を実施することにより弁護士法（昭和二十四年法律第二百五号）の特例として債権回収会社が業として特定金銭債権の管理及び回収を行うことができるようにするとともに、債権回収会社について必要な規制を行うことによりその業務の適正な運営の確保を図り、もって国民経済の健全な発展に資することを目的とする。

Article 1 In response to the fact that the handling of specified monetary claims has become a pressing issue, this Act was created to enable companies managing and collecting on monetary claims to manage and collect on specified monetary claims in the course of trade as an exception to the Attorney Act (Act No. 205 of 1949) by introducing a licensing system, and to enforce regulations necessary for ensuring the appropriate operation of companies managing and collecting on monetary claims, with the aim of contributing to the sound development of the Japanese national economy.

（定義）

(Definitions)

第二条　この法律において「特定金銭債権」とは、次に掲げるものをいう。

Article 2 (1) The term "specified monetary claim" as used in this Act means any of the following as listed:

一　次に掲げる者が有する貸付債権

(i) a creditor's loan claim that is held by any of the following persons as listed:

イ　預金保険法（昭和四十六年法律第三十四号）第二条第一項に規定する金融機関

(a) a financial institution prescribed in Article 2, paragraph (1) of the Deposit Insurance Act (Act No. 34 of 1971);

ロ　農林中央金庫

(b) the Norinchukin Bank;

ハ　政府関係金融機関

(c) a government-affiliated financial institution;

ニ　独立行政法人中小企業基盤整備機構及び独立行政法人住宅金融支援機構

(d) the Organization for Small & Medium Enterprises and Regional Innovation, JAPAN, and the Japan Housing Finance Agency;

ホ　農業協同組合法（昭和二十二年法律第百三十二号）第十条第一項第三号の事業を行う農業協同組合及び農業協同組合連合会

(e) an agricultural cooperative and federation of agricultural cooperatives engaged in the business set forth in Article 10, paragraph (1), item (iii) of the Agricultural Cooperatives Act (Act No. 132 of 1947);

ヘ　水産業協同組合法（昭和二十三年法律第二百四十二号）第十一条第一項第四号の事業を行う漁業協同組合及び同法第八十七条第一項第四号の事業を行う漁業協同組合連合会

(f) a fishery cooperative engaged in the business set forth in Article 11, paragraph (1), item (iv) of the Fishery Cooperatives Act (Act No. 242 of 1948) or a federation of fishery cooperatives engaged in the business set forth in Article 87, paragraph (1), item (iv) of that Act;

ト　水産業協同組合法第九十三条第一項第二号の事業を行う水産加工業協同組合及び同法第九十七条第一項第二号の事業を行う水産加工業協同組合連合会

(g) a fishery processing cooperative engaged in the business set forth in Article 93, paragraph (1), item (ii) of the Fishery Cooperatives Act and a federation of fishery processing cooperatives engaged in the business set forth in Article 97, paragraph (1), item (ii) of that Act;

チ　保険会社

(h) an insurance company;

リ　貸金業法（昭和五十八年法律第三十二号）第二条第二項に規定する貸金業者

(i) a money lending business prescribed in Article 2, paragraph (2) of the Money Lending Business Act (Act No. 32 of 1983); and

ヌ　イからリまでに掲げる者に類する者として政令で定めるもの

(j) a person specified by Cabinet Order as a person similar to any of those listed in (a) through (i); and

二　前号に掲げる者が有していた貸付債権

(ii) a creditor's loan claim that was held by any of the persons listed in the preceding items;

三　前二号に掲げる貸付債権に係る担保権の目的となっている金銭債権

(iii) a monetary claim that is the subject matter of a security interest in relation to any of the creditor's loan claims listed in the preceding two items;

四　機械類その他の物品を使用させる契約であってその使用させる期間（以下この号において「使用期間」という。）が一年を超えるものであり、かつ、使用期間の開始の日（以下この号において「使用開始日」という。）以後又は使用開始日から一定期間を経過した後当事者の一方又は双方がいつでも解約の申入れをすることができる旨の定めがないものに基づいて、当該物品を使用させることの対価としての金銭の支払を目的とする金銭債権

(iv) a monetary claim for the payment of rental charges for machinery and any other article under a fixed-term lease for that article (hereinafter referred to in this item as a "fixed-term lease") exceeding one year, without a provisions to the effect that one or both of the parties may give notice of termination of the fixed-term lease at any point after the date on which the lease comes into effect (hereinafter referred to in this item as "effective date") or after the expiration of a certain period of time from the effective date;

五　それと引換えに、又はそれを提示して特定の販売業者又は役務の提供の事業を営む者（以下この号及び次号において「販売業者等」という。）から商品を購入し、又は役務の提供を受けることができる証票その他の物（以下この号及び次号において「証票等」という。）をこれにより商品を購入し、又は役務の提供を受けようとする者（以下この号において「利用者」という。）に交付し、当該利用者がその証票等と引換えに、又はそれを提示して販売業者等から商品を購入し、又は役務の提供を受ける場合において、その代金又は役務の対価に相当する金額を当該販売業者等に交付し、当該利用者から当該金額又はあらかじめ定められた時期ごとにその代金若しくは役務の対価に相当する金額の合計額を基礎としてあらかじめ定められた方法により算定して得た金額を受領することを約する契約に基づいて、当該利用者に対し生ずる金銭債権

(v) a monetary claim arising against a person (hereinafter referred to in this item as a "user") based on a contract under which a specified seller or person engaged in providing services (hereinafter referred to in this item and the following item as a "seller or service provider") is to be paid for the cost of goods or the total equivalent monetary value of services, or to receive from the user, at predetermined intervals of time, a monetary amount reached by a predetermined method of calculation based on the total cost of goods or the total monetary value of services, if a user purchases goods or receives services from the seller or service provider, in exchange for or upon presenting vouchers or any other items (hereinafter referred to in this item and the following item as "vouchers or other items") that a user can exchange or present to purchase goods or receive services from the seller or service provider, when those vouchers or other items have been issued to a person who wishes to purchase goods or receive services through the use thereof;

六　証票等を利用することなく、販売業者等が行う購入者又は役務の提供を受ける者（以下この号において「購入者等」という。）への商品の販売又は役務の提供を条件として、その代金又は役務の対価の全部又は一部に相当する金額を当該販売業者等に交付し、当該購入者等から当該金額を受領することを約する契約に基づいて、当該購入者等に対し生ずる金銭債権

(vi) a monetary claim arising against a person who purchases goods or services (hereinafter referred to in this item as a "purchaser of goods or services") from the seller or service provider without using a voucher or other item, under a sales contract wherein the seller or service provider is to receive payment from the purchaser of goods or services of a monetary amount equivalent to all or part of the cost of the goods or the value of the services provided to the purchaser of goods or services;

七　それと引換えに、又はそれを提示して商品を購入し、又は役務の提供を受けることができる証票その他の物をこれにより商品を購入し、又は役務の提供を受けようとする者（以下この号において「利用者」という。）に交付し、その証票その他の物と引換えに、又はその提示を受けて当該利用者に商品を販売し、又は役務を提供する場合において、その代金若しくは役務の対価又はあらかじめ定められた時期ごとにその代金若しくは役務の対価の合計額を基礎としてあらかじめ定められた方法により算定して得た金額を受領することを約する契約に基づいて、当該利用者に対し生ずる金銭債権

(vii) a monetary claim arising against a person (hereinafter referred to in this item as a "user") based on a contract for receipt of payment for the cost of goods or the value of services or to receive, at predetermined intervals of time, a monetary amount reached by a predetermined method of calculation based on the total cost of goods or the total value of services, if goods are sold or services are provided to the user in exchange for or upon the presentation of vouchers or any other items that a user can exchange or present to purchase goods or receive services, when that voucher or other item has been issued to a person who wishes to purchase goods or receive services through the use thereof;

七の二　それと引換えに、又はそれを提示して商品を購入することができる証票その他の物を利用することなく、購入者から代金を六月以上の期間にわたり、かつ、三回以上に分割して受領することを条件として機械類を販売する契約（以下この号において「機械類販売契約」という。）又は購入者から代金を二月以上の期間にわたり、かつ、三回以上に分割して受領することを条件として割賦販売法（昭和三十六年法律第百五十九号）第二条第五項に規定する指定商品を販売する契約（機械類販売契約を除く。）に基づいて、当該購入者に対し生ずる金銭債権

(vii)-2 a monetary claim arising against a purchaser under a contract for the sale of machinery under which consideration for the machinery is received from the purchaser in three or more installments over a period of six months or more without using a voucher or other item, or under a contract to sell goods designated in Article 2, paragraph (5) of the Installment Sales Act (Act No. 159 of 1961) (excluding contracts for the sale of machinery) on the condition that consideration for the goods is received from the purchaser in three or more installments over a period of two months or more without using a voucher or other item;

八　資産の流動化に関する法律（平成十年法律第百五号）第二条第一項に規定する特定資産（以下「資産流動化法に規定する特定資産」という。）である金銭債権

(viii) a monetary claim which is a specified asset prescribed in Article 2, paragraph (1) of the Act on Securitization of Assets (Act No. 105 of 1998) (hereinafter referred to as a "specified asset prescribed in the Asset Securitization Act");

九　削除

(ix) deleted;

十　金銭債権であって、これを信託する信託の受益権が資産流動化法に規定する特定資産であるもの

(x) a monetary claim entrusted to a trust, where the beneficial interest of that trust is a specified asset prescribed in the Asset Securitization Act;

十一　資産流動化法に規定する特定資産の管理及び処分により生ずる金銭債権（資産の流動化に関する法律第二条第三項に規定する特定目的会社又は同条第十六項に規定する受託信託会社等が有するものに限る。）

(xi) a monetary claim arising from the management and disposition of a specified asset prescribed in the Asset Securitization Act (limited to claims held by a specific purpose company prescribed in Article 2, paragraph (3) of the Act on Securitization of Assets or a trustee company, etc. prescribed in paragraph (16) of the relevant Article);

十二　一連の行為として、次のイからホまでに掲げる資金調達の方法により得られる金銭をもって資産を取得し、当該資産の管理及び処分により得られる金銭をもって、それぞれ当該イからホまでに定める行為を専ら行うことを目的とする株式会社又は外国会社が有する当該資産（以下「流動化資産」という。）である金銭債権

(xii) a monetary claim which is an asset held by a stock company or foreign company (hereinafter referred to as a "securitized asset") whose purpose is to acquire assets using funds obtained through any of the means of fund procurement listed in (a) through (e) below and to engage exclusively in the acts specified in (a) through (e) respectively using the funds obtained through the management and disposition of those assets:

イ　金融商品取引法（昭和二十三年法律第二十五号）第二条第一項第五号に掲げる有価証券又は同項第十七号に掲げる有価証券のうち同項第五号に掲げる有価証券の性質を有する有価証券（同条第二項の規定により同号に掲げる有価証券又は同条第一項第十七号に掲げる有価証券のうち同項第五号に掲げる有価証券の性質を有する有価証券とみなされる権利を含む。）の発行　その債務の履行

(a) issuance of securities set forth in Article 2, paragraph (1), item (v) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) or securities set forth in item (xvii) of that paragraph which have the nature of securities set forth in item (v) of paragraph (1) (including rights that are deemed, pursuant to the provisions of Article 2, paragraph (2), to be securities set forth in Article 2, paragraph (1), item (v) or securities set forth in item (xvii) of paragraph (1) that have the nature of securities set forth in paragraph (1), item (v)): performance of the obligations concerned;

ロ　金融商品取引法第二条第一項第十五号に掲げる有価証券又は同項第十七号に掲げる有価証券のうち同項第十五号に掲げる有価証券の性質を有する有価証券（同条第二項の規定により同号に掲げる有価証券又は同条第一項第十七号に掲げる有価証券のうち同項第十五号に掲げる有価証券の性質を有する有価証券とみなされる権利を含む。）の発行　その債務の履行

(b) issuance of securities listed in Article 2, paragraph (1), item (xv) of the Financial Instruments and Exchange Act or securities set forth in paragraph (1), item (xvii) which have the nature of securities set forth in paragraph (1), item (xv) (including rights that are deemed, pursuant to the provisions of Article 2, paragraph (2), to be securities set forth in Article 2, paragraph (1), item (xv) or securities set forth in paragraph (1), item (xvii) that have the nature of securities set forth in paragraph (1), item (xv)): performance of the obligations concerned;

ハ　資金の借入れ　その債務の履行

(c) borrowing of funds: performance of the obligations concerned;

ニ　金融商品取引法第二条第一項第九号に掲げる有価証券又は同項第十七号に掲げる有価証券のうち同項第九号に掲げる有価証券の性質を有する有価証券（同条第二項の規定により同号に掲げる有価証券又は同条第一項第十七号に掲げる有価証券のうち同項第九号に掲げる有価証券の性質を有する有価証券とみなされる権利を含む。）の発行　利益の配当及び消却のための取得又は残余財産の分配

(d) issuance of securities listed in Article 2, paragraph (1), item (ix) of the Financial Instruments and Exchange Act or securities set forth in paragraph (1), item (xvii) which have the nature of securities set forth in paragraph (1), item (ix) (including rights that are deemed, pursuant to the provisions of Article 2, paragraph (2) to be securities set forth in Article 2, paragraph (1), item (ix) or securities set forth in paragraph (1), item (xvii) that have the nature of securities set forth in paragraph (1), item (ix)): payment of dividends on profits and acquisition of securities for the purpose of cancellation, or distribution of residual assets; or

ホ　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に基づく出資の受入れ　利益の分配又は出資の価額若しくは残額の返還

(e) acceptance of a contribution under a silent partnership contract as prescribed in Article 535 of the Commercial Code (Act No. 48 of 1899): distribution of profits or a refund of the value of the contribution or of any remaining balance thereof;

十三　金銭債権であって、これを信託する信託の受益権が流動化資産であるもの

(xiii) a monetary claim entrusted to a trust, where the beneficial interest of the trust is a securitized asset;

十四　流動化資産の管理及び処分により生ずる金銭債権（第十二号に掲げる株式会社又は外国会社が有するものに限る。）

(xiv) a monetary claim arising from the management and disposition of a securitized asset (limited to claims held by a stock company or foreign company stated in item (xii));

十五　第一号に掲げる者であって、商業、工業、サービス業その他の事業を行う者から金銭債権を買い取ることを業として行うものが有する金銭債権（その業として買い取ったものに限る。）

(xv) a monetary claim held by any of the persons listed in item (i) who purchases monetary claims in the course of trade from another person who engages in a commercial, industrial, service or any other business (limited to claims purchased in the course of trade);

十六　破産手続開始の決定、再生手続開始の決定、更生手続開始の決定、特別清算開始の命令又は外国倒産処理手続の承認の決定（以下「手続開始決定」という。）を受けた者（当該手続開始決定に係る破産手続、再生手続、更生手続、特別清算手続又は承認援助手続が終了している者を除く。次号において同じ。）が有する金銭債権

(xvi) a monetary claim held by a person who has received an order of commencement of bankruptcy, rehabilitation, reorganization or special liquidation proceedings; or an order of recognition of foreign insolvency proceedings (hereinafter referred to as an "order of commencement of proceedings") (excluding a person whose bankruptcy, rehabilitation, reorganization, special liquidation or recognition and assistance proceedings based on the order of commencement of proceedings have been closed; the same applies in the following item);

十七　手続開始決定を受けた者が譲渡した金銭債権

(xvii) a monetary claim assigned by a person who received an order of commencement of proceedings;

十八　特定債務等の調整の促進のための特定調停に関する法律（平成十一年法律第百五十八号）第二条第一項に規定する特定債務者が同条第三項に規定する特定調停が成立した日又は当該特定調停に係る事件に関し裁判所がする民事調停法（昭和二十六年法律第二百二十二号）第十七条の決定が確定した日に有していた金銭債権

(xviii) a monetary claim held by a specified debtor prescribed in Article 2, paragraph (1) of the Act on Specified Conciliation for Promoting Adjustment of Specified Debts (Act No. 158 of 1999) as of the day on which specified conciliation prescribed in Article 2, paragraph (3) is reached or the day on which an order issued by the court under Article 17 of the Civil Conciliation Act (Act No. 222 of 1951) with respect to the case related to that specified conciliation becomes final and binding;

十九　手形交換所による取引停止処分を受けた者がその処分を受けた日に有していた金銭債権

(xix) a monetary claim held by a person who received a suspension of transaction ruling from a clearing house as of the day on which the person received the ruling;

二十　前各号に掲げる金銭債権を担保する保証契約に基づく債権

(xx) a claim under a contract of guarantee to secure any of the monetary claims listed in the preceding items;

二十一　信用保証協会その他政令で定める者が前号に掲げる債権に係る債務を履行した場合に取得する求償権

(xxi) a right to indemnification to be obtained by a credit guarantee corporation or other person specified by Cabinet Order when performing an obligation in relation to the claim listed in the preceding item; and

二十二　前各号に掲げる金銭債権に類し又は密接に関連するものとして政令で定めるもの

(xxii) a claim specified by Cabinet Order as being similar to or closely related to any of the monetary claims listed in the preceding items.

２　この法律において「債権管理回収業」とは、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以外の者が委託を受けて法律事件に関する法律事務である特定金銭債権の管理及び回収を行う営業又は他人から譲り受けて訴訟、調停、和解その他の手段によって特定金銭債権の管理及び回収を行う営業をいう。

(2) The term "claim management and collection" as used in this Act means, the business of any person other than an attorney-at-law, a legal professional corporation or attorney / registered foreign lawyer joint corporation conducting, under an entrustment, the managing and collecting of specified monetary claims arising from legal services concerning a legal case, or conducting, through a suit, mediation, settlement, or any other means, the management and collection of specified monetary claims assigned by another person.

３　この法律において「債権回収会社」とは、次条の許可を受けた株式会社をいう。

(3) The term "company managing and collecting on monetary claims" as used in this Act means a stock company that has obtained a license under the following Article.

第二章　許可等

Chapter II License

（営業の許可）

(Business Licenses)

第三条　債権管理回収業は、法務大臣の許可を受けた株式会社でなければ、営むことができない。

Article 3 No person other than a stock company that has obtained a license from the Minister of Justice may conduct claim management and collection.

（許可の申請）

(Application for Licenses)

第四条　前条の許可を受けようとする者は、次に掲げる事項を記載した許可申請書を法務大臣に提出しなければならない。

Article 4 (1) A person who intends to obtain the license stated in the preceding Article must submit to the Minister of Justice a written application for the license stating the following listed particulars:

一　商号

(i) trade name;

二　本店その他の営業所の名称及び所在地

(ii) names and locations of the head office and other business offices;

三　取締役及び監査役（監査等委員会設置会社にあっては取締役、指名委員会等設置会社にあっては取締役及び執行役。以下「役員」という。）の氏名及び住所

(iii) names and addresses of directors and auditors (or directors in the case of a company with an audit and supervisory committee, or directors and executive officers in the case of a company with nominating committee, etc.; hereinafter referred to as "officers");

四　役員のうち弁護士であるものについては、その旨及び所属弁護士会の名称

(iv) if any of the officers is an attorney-at-law, a statement to that effect and the name of the bar association to which the attorney belongs;

五　資本金の額

(v) amount of stated capital; and

六　前各号に掲げるもののほか、法務省令で定める事項

(vi) beyond what is listed in the preceding items, particulars specified by Order of the Ministry of Justice.

２　前項の許可申請書には、法務省令で定める書類を添付しなければならない。

(2) Documents specified by Order of the Ministry of Justice must be attached to a written application for the license as set forth in the preceding paragraph.

（許可の基準）

(Criteria for Licenses)

第五条　法務大臣は、前条の規定による許可の申請があったときは、許可申請者が次の各号のいずれかに該当する場合を除き、第三条の許可をしなければならない。

Article 5 Upon receiving an application for a license filed under the provisions of the preceding paragraph, the Minister of Justice must grant a license under Article 3, unless the applicant falls under any of the following:

一　資本金の額が五億円以上の株式会社でない者

(i) the applicant is not a stock company with a stated capital of 500 million yen or more;

二　第二十四条第一項の規定により第三条の許可を取り消され、その取消しの日から五年を経過しない株式会社

(ii) the applicant is a stock company whose license under Article 3 was revoked pursuant to the provisions of Article 24, paragraph (1), and five years have not elapsed from the date of revocation;

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

(iii) the applicant is a stock company that was ordered to pay a fine pursuant to the provisions of this Act or the Attorney Act or equivalent foreign laws and regulations equivalent (including a penalty equivalent under foreign laws and regulations), and five years have not elapsed from the day on which payment of the fine was completed, or the fine ceased to apply;

四　常務に従事する取締役のうちにその職務を公正かつ的確に遂行することができる知識及び経験を有する弁護士のない株式会社

(iv) the applicant is a stock company which does not have any attorney-at-law among its directors who are regularly engaged in its business, who has the knowledge and experience required to carry out duties fairly and properly;

五　暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第二条第六号に規定する暴力団員（以下この号において「暴力団員」という。）又は暴力団員でなくなった日から五年を経過しない者（以下「暴力団員等」という。）がその事業活動を支配する株式会社

(v) the applicant is a stock company whose business activities are controlled by a member of an organized crime group prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (hereinafter referred to in this item as a "member of an organized crime group") or a person for whom five years have not elapsed from the day on which they have ceased to be a member of an organized crime group (hereinafter referred to as a "member of an organized crime group, etc.");

六　暴力団員等をその業務に従事させ、又はその業務の補助者として使用するおそれのある株式会社

(vi) the applicant is a stock company which is likely to employ a member of an organized crime group, etc. in its business affairs or use one as an assistant in its business affairs;

七　取締役若しくは執行役（相談役、顧問その他いかなる名称を有する者であるかを問わず、会社に対し取締役又は執行役と同等以上の支配力を有するものと認められる者を含む。）又は監査役（以下この号において「役員等」という。）のうちに次のいずれかに該当する者のある株式会社

(vii) the applicant is a stock company with a director or executive officer (including a person who is found to have a level of authority equal to or greater than that of a director or executive officer of the company, irrespective of title, such as an advisor, consultant, etc.) or an auditor (hereinafter referred to in this item as an "officer, etc.") who falls under any of the following:

イ　心身の故障により債権管理回収業に係る業務を適正に行うことができない者として法務省令で定めるもの

(a) a person specified by Order of the Ministry of Justice as a person who is unable to properly engage in the business of claim management and collection due to a mental or physical disorder;

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

(b) a person who has not had their rights restored after receiving an order of commencement of bankruptcy proceedings, or is a person who is treated in the same manner under foreign laws and regulations;

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

(c) the officer, etc. has been sentenced to imprisonment or a sentence more severe than imprisonment (including an equivalent sentence under foreign laws and regulations), and five years have not elapsed from the day on which execution of the sentence was completed or the sentence ceased to apply;

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

(d) the officer, etc. has been ordered to pay a fine pursuant to the provisions of this Act or the Attorney Act, or under equivalent foreign laws and regulations (including an equivalent penalty under foreign laws and regulations), and five years have not elapsed from the day on which payment of the fine ceased to apply;

ホ　債権の管理又は回収に関し、刑法（明治四十年法律第四十五号）、暴力行為等処罰に関する法律（大正十五年法律第六十号）、貸金業法若しくは暴力団員による不当な行為の防止等に関する法律又はこれらに相当する外国の法令により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者

(e) the officer, etc. has been ordered to pay a fine in connection with the management or collection of claims, pursuant to the provisions of the Penal Code (Article 45 of 1907), the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926), the Money Lending Business Act or the Act on Prevention of Unjust Acts by Organized Crime Group Members, or equivalent foreign laws and regulations (including a penalty equivalent thereto under foreign laws and regulations), and five years have not elapsed from the day on which payment of the fine was completed, or the fine ceased to apply;

ヘ　暴力団員等

(f) the officer, etc. is a member of an organized crime group, etc.;

ト　債権回収会社が第二十四条第一項の規定により第三条の許可を取り消された場合において、その取消しの日前六月以内に当該債権回収会社の役員等であった者で当該取消しの日から五年を経過しないもの

(g) if a company managing and collecting on monetary claims has had its license under Article 3 revoked pursuant to the provisions of Article 24, paragraph (1), a person who had been an officer, etc. of that company managing and collecting on monetary claims within the six months prior to the revocation, in which five years have not elapsed from the date of revocation;

チ　債権管理回収業に関し不正又は不誠実な行為をするおそれがあると認めるに足りる相当の理由がある者

(h) there are reasonable grounds for believing that the officer, etc. is likely to engage in improper or dishonest conduct in connection with claim management and collection; or

八　債権管理回収業を適正に遂行するに足りる人的構成を有しない株式会社

(viii) the applicant is a stock company which does not have a personnel structure sufficient to conduct claim management and collection appropriately.

（許可に関する意見聴取）

(Hearing of Opinions on Licenses)

第六条　法務大臣は、第三条の許可をしようとするときは、前条第五号、第六号及び第七号ヘに該当する事由の有無について、警察庁長官の意見を聴くものとする。

Article 6 (1) If the Minister of Justice intends to grant a license under Article 3, the Minister of Justice is to hear the opinion of the Commissioner General of the National Police Agency with regard to whether or not there are grounds that fall under item (v), item (vi) or item (vii), (f) of the preceding Article.

２　法務大臣は、第三条の許可をしようとするときは、弁護士である取締役について、当該取締役がその職務を公正かつ的確に遂行することができる知識及び経験を有するものであるか否かに関し、日本弁護士連合会の意見を聴くものとする。ただし、当該取締役がその所属する弁護士会の推薦を受けた者であるときは、この限りでない。

(2) If the Minister of Justice, intends to grant a license under Article 3, the Minister of Justice is to hear the opinion of the Japan Federation of Bar Associations with regard to whether or not a director who is an attorney-at-law has the knowledge and experience required to carry out duties fairly and properly; provided, however, that this does not apply if the director is recommended by the bar association to which that director belongs.

（変更の届出）

(Notification of Changes)

第七条　債権回収会社は、次の各号のいずれかに該当することとなったときは、その日から二週間以内に、その旨を法務大臣に届け出なければならない。

Article 7 (1) If a company managing and collecting on monetary claims comes to fall under any of the following items, it must notify the Minister of Justice to that effect within two weeks from the relevant day:

一　第四条第一項各号に掲げる事項に変更があったとき。

(i) If there has been a change to any of the particulars listed in the provisions of Article 4, paragraph (1);

二　営業を開始し、休止し、又は再開したとき。

(ii) If the company has commenced, suspended or resumed its business; or

三　その他法務省令で定める場合に該当するとき。

(iii) If the company falls under any other cases specified by Order of the Ministry of Justice.

２　前条第二項の規定は、弁護士である取締役の変更の届出があった場合に準用する。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis if a notification of change of a director who is an attorney-at-law is made.

（債権管理回収業の譲渡及び譲受け並びに会社の合併及び分割）

(Transfer and Acquisition of Claim Management and Collection Business, and Company Mergers and Splits)

第八条　債権管理回収業の全部又は一部の譲渡及び譲受けは、法務大臣の認可を受けなければ、その効力を生じない。

Article 8 (1) Transfer and acquisition of the whole or part of claim management and collection business does not take effect unless approved by the Minister of Justice.

２　債権回収会社の合併は、法務大臣の認可を受けなければ、その効力を生じない。債権回収会社を分割をする会社とする分割で債権管理回収業の全部若しくは一部を承継させるもの又は債権回収会社を分割により事業を承継する会社とする吸収分割も、同様とする。

(2) A merger of a company managing and collecting on monetary claims does not take effect unless approved by the Minister of Justice. The same applies to a company split in which a company managing and collecting on monetary claims is to be split and another company is to succeed to claim management and collection business in whole or part, or an absorption-type split in which a company managing and collecting on monetary claims is to succeed to the business via the split.

３　第五条の規定は、前二項の認可について準用する。

(3) The provisions of Article 5 apply mutatis mutandis to the approval set forth in the preceding two paragraphs.

（承継）

(Succession)

第九条　債権管理回収業の全部の譲渡があり、又は債権回収会社について合併若しくは分割（債権管理回収業の全部を承継させるものに限る。）があったときは、債権管理回収業の全部を譲り受けた会社又は合併後存続する会社若しくは合併により設立された会社若しくは分割により債権管理回収業の全部を承継した会社は、その債権回収会社の地位を承継する。

Article 9 In the event of a transfer of all claim management and collection business, or a merger or split (limited to a split resulting in the succession to all claim management and collection business) of a claim management collection company, the company acquiring the entire company managing and collecting on monetary claims, or the company surviving the merger or company incorporated through the merger or the company succeeding to all claim management and collection business via the split succeeds to the status of the company managing and collecting on monetary claims.

（廃業の届出等）

(Notification of the Discontinuation of Business)

第十条　債権回収会社が次の各号のいずれかに該当することとなったときは、当該各号に定める者は、その日から三十日以内に、その旨を法務大臣に届け出なければならない。

Article 10 (1) If a company managing and collecting on monetary claims comes to fall under any of the following items, the person specified in the respective item must notify the Minister of Justice to that effect within 30 days from the relevant day:

一　破産手続開始の決定により解散したとき。　その破産管財人

(i) if the company is dissolved by an order for the commencement of bankruptcy proceedings: the bankruptcy trustee;

二　合併及び破産手続開始の決定以外の理由により解散したとき。　その清算人

(ii) if the company is dissolved due to reasons other than a merger or an order for the commencement of bankruptcy proceedings: the liquidator; or

三　債権管理回収業を廃止したとき。　債権回収会社であった会社の代表取締役又は代表執行役

(iii) if the company has discontinued claim management and collection business: the representative director or representative executive officer of the company that was previously a company managing and collecting on monetary claims.

２　債権回収会社が前項各号のいずれかに該当することとなったときは、当該債権回収会社の第三条の許可は、その効力を失う。

(2) If a company managing and collecting on monetary claims falls under any of the items of the preceding paragraph, that company managing and collecting on monetary claims license under Article 3 ceases to be effective.

第三章　業務

Chapter III Operations

（受託債権の管理又は回収の権限等）

(Authority to Manage or Collect on Entrusted Claims)

第十一条　債権回収会社は、委託を受けて債権の管理又は回収の業務を行う場合には、委託者のために自己の名をもって、当該債権の管理又は回収に関する一切の裁判上又は裁判外の行為を行う権限を有する。

Article 11 (1) If a company managing and collecting on monetary claims manages or collects on a claim under an entrustment, it has the authority to conduct, in its own name and on behalf of the entrusting party, any and all acts in or out of court that are related to the management or collection on that claim.

２　債権回収会社は、委託を受けて債権の管理若しくは回収の業務を行い、又は譲り受けた債権の管理若しくは回収の業務を行う場合において、次に掲げる手続については、弁護士に追行させなければならない。

(2) If a company managing and collecting on monetary claims manages or collects on a monetary claim under an entrustment or manages or collects on a claim acquired from another, it must have an attorney-at-law handle the proceedings listed as follows:

一　簡易裁判所以外の裁判所における民事訴訟手続、民事保全の命令に関する手続及び執行抗告（民事保全の執行の手続に関する裁判に対する執行抗告を含む。）に係る手続

(i) civil action proceedings, proceedings concerning an order for civil provisional remedies, appeal proceedings against a disposition of execution (including appeal proceedings against a judicial decision on the execution of civil provisional remedies), which are to be performed at a court other than a summary court;

二　簡易裁判所における民事訴訟手続であって、訴訟の目的の価額が裁判所法（昭和二十二年法律第五十九号）第三十三条第一項第一号に定める額を超えるもの

(ii) civil action proceedings at a summary court, in which the value of the subject matter of the action exceeds the value specified in Article 33, paragraph (1), item (i) of the Court Act (Act No. 59 of 1947); and

三　簡易裁判所における民事保全の命令に関する手続であって、本案の訴訟の目的の価額が裁判所法第三十三条第一項第一号に定める額を超えるもの

(iii) proceedings concerning an order for a civil provisional remedy at a summary court, in which the value of the subject matter of the primary suit exceeds the value specified in Article 33, paragraph (1), item (i) of the Court Act

（業務の範囲）

(Scope of Operations)

第十二条　債権回収会社は、債権管理回収業及び次に掲げる業務以外の業務を営むことができない。ただし、当該債権回収会社が債権管理回収業を営む上において支障を生ずることがないと認められるものについて、法務大臣の承認を受けたときは、この限りでない。

Article 12 A company managing and collecting on monetary claims must not engage in any operations beyond claim management and collection except for the following as listed; provided, however, that this does not apply if the relevant company managing and collecting on monetary claims has obtained the approval of the Minister of Justice for operations which are found not to hinder the company's conducting of claim management and collection:

一　特定金銭債権の管理又は回収を行う業務であって、債権管理回収業に該当しないもの

(i) operations involving the management or collection of specified monetary claims outside the scope of claim management and collection; and

二　債権管理回収業又は前号の業務に付随する業務であって、政令で定めるもの

(ii) operations specified by Cabinet Order which are incidental to claim management and collection or to the operations set forth in the preceding item.

（商号）

(Trade Name)

第十三条　債権回収会社は、その商号中に債権回収という文字を用いなければならない。

Article 13 (1) A company managing and collecting on monetary claims must use the Japanese characters 債権回収 (pronounced "saikenkaishu", meaning "collection on claims") in its trade name.

２　債権回収会社でない者は、その商号のうちに債権回収会社であると誤認されるおそれのある文字を用いてはならない。

(2) No person, other than a company managing and collecting on monetary claims, may use characters in a trade name representing any term which is likely to lead people to believe that the person is a company managing and collecting on monetary claims.

（名義貸しの禁止）

(Prohibition of Name Lending)

第十四条　債権回収会社は、自己の名義をもって、他人に債権管理回収業を営ませてはならない。

Article 14 A company managing and collecting on monetary claims must not have another person conduct claim management and collection under the name of that company managing and collecting on monetary claims.

（受取証書の交付）

(Issuance of Receipts)

第十五条　債権回収会社は、特定金銭債権の全部又は一部について弁済を受けたときは、その都度、直ちに、法務省令で定めるところにより、債権回収会社の商号及び本店の所在地、受領金額その他の法務省令で定める事項を記載した書面を当該弁済をした者に交付しなければならない。

Article 15 (1) Whenever a company managing and collecting on monetary claims receives payment of all or part of a specified monetary claim, it must, as provided by Order of the Ministry of Justice, immediately issue a document to the person who has made the payment, stating the trade name of the company managing and collecting on monetary claims and the address of its head office, the amount received, and any other particulars specified by Order of the Ministry of Justice.

２　前項の規定は、預金又は貯金の口座に対する払込みその他法務省令で定める方法により弁済を受ける場合にあっては、当該弁済をした者の請求があった場合に限り、適用する。

(2) If the company managing and collecting on monetary claims receives payment by means of payment into its deposit or saving account or by another method specified by order of the Ministry of Justice, the provisions of the preceding paragraph applies only upon the request of the person who has made the payment.

（債権証書の返還）

(Return of Instruments Evidencing Claims)

第十六条　債権回収会社は、特定金銭債権の全部の弁済を受けた場合において当該特定金銭債権の証書を有するときは、遅滞なく、これをその弁済をした者に返還しなければならない。

Article 16 If a company managing and collecting on monetary claims has received full payment of a specified monetary claim and holds the specified monetary claim instrument, it must return the instrument to the person who has made the payment without delay.

（業務に関する規制）

(Regulations on Operations)

第十七条　債権回収会社の業務に従事する者は、その業務を行うに当たり、人を威迫し又はその私生活若しくは業務の平穏を害するような言動により、その者を困惑させてはならない。

Article 17 (1) A person engaged in the operations of a company managing and collecting on monetary claims must not, in the course of their duties, embarrass another person by intimidating the person or speaking or acting in a way that disturbs their peaceful private life or business affairs.

２　債権回収会社の業務に従事する者は、その業務を行うに当たり、相手方の請求があったときは、当該債権回収会社の商号、自己の氏名その他法務省令で定める事項を、その相手方に明らかにしなければならない。

(2) A person engaged in the operations of a company managing and collecting on monetary claims must, upon the request of another party, disclose to the other party the trade name of the company managing and collecting on monetary claims, their own name, and any other particulars specified by Order of the Ministry of Justice.

第十八条　債権回収会社は、暴力団員等をその業務に従事させ、又はその業務の補助者として使用してはならない。

Article 18 (1) A company managing and collecting on monetary claims must not employ a member of an organized crime group, etc. in its operations, or have one assist with its operations.

２　債権回収会社は、その業務に関して広告をするときは、債権の回収の確実性その他法務省令で定める事項について、著しく事実に相違する表示をし、又は著しく人を誤認させるような表示をしてはならない。

(2) A company managing and collecting on monetary claims, when advertising itself, must not make a claim that significantly contradicts facts or that is particularly misleading with regard to the certainty of collection on claims or any other particulars specified by Order of the Ministry of Justice.

３　債権回収会社は、債権管理回収業に係る債権の債務者又は保証人（以下この条において「債務者等」という。）から、これらの者が当該債権に係る債務の不履行の場合に直ちに強制執行を受けるべきことを記載した公正証書の作成を公証人に嘱託することを代理人に委任することを証する書面（以下「委任状」という。）を取得する場合においては、当該債権の債権金額その他法務省令で定める事項を記載していない委任状を取得してはならない。

(3) If a company managing and collecting on monetary claims acquires from a debtor or guarantor (hereinafter referred to in this Article as a "debtor, etc.") a written document entrusting an agent to commission a notary to prepare a notarial deed stating that the person is subject to a compulsory execution immediately in the event of default of the obligation related to the claim (hereinafter referred to as the "power of attorney"), the power of attorney must state the amount of the claim and any other particulars specified by Order of the Ministry of Justice.

４　債権回収会社は、特定金銭債権の管理又は回収の業務を行うに当たり、偽りその他不正の手段を用いてはならない。

(4) A company managing and collecting on monetary claims must not use deception or other wrongful means in the management or collection of specified monetary claims.

５　債権回収会社は、特定金銭債権に係る次の各号に掲げる債務について、債務者等に対し、当該各号に定めるものの支払を要求してはならない。

(5) A company managing and collecting on monetary claims must not request a debtor, etc. to pay any of what is stated in the following listed items in connection with any of the debts stated in those items that are related to a specified monetary claim:

一　金銭を目的とする消費貸借（利息制限法（昭和二十九年法律第百号）第五条第一号に規定する営業的金銭消費貸借（以下この項において単に「営業的金銭消費貸借」という。）を除く。）上の債務であって、同法第一条に定める利息の制限額を超える利息（同法第三条の規定によって利息とみなされる金銭を含む。以下この号において同じ。）の支払を伴い、又はその不履行による賠償額の予定が同法第四条に定める制限額を超えるものその制限額を超える利息又は賠償額

(i) with regard to a debt for a monetary loan (except for a commercial loan prescribed in Article 5, item (i) of the Interest Rate Restriction Act (Act No. 100 of 1954) (hereinafter simply referred to as "commercial loan" in this paragraph)) that involves payment for interest exceeding the upper limit of interest as set in Article 1 of the Act (including money deemed as interest pursuant to the provisions of Article 3 of the Act; hereinafter the same applies in this item) or whose liquidated damages for default exceeds the upper limit set in Article 4 of the Act, interest or damages exceeding that limit;

二　営業的金銭消費貸借上の債務であって、利息制限法第一条及び第五条の規定により計算した利息の制限額を超える利息（同法第三条及び第六条の規定によって利息とみなされる金銭を含む。以下この号において同じ。）若しくは同法第九条に定める利息の制限額を超える利息の支払を伴い、又はその不履行による賠償額の予定が同法第七条に定める制限額を超えるものその制限額を超える利息又は賠償額

(ii) with regard to a debt for a commercial loan that involves payment for interest exceeding the upper limit of interest that is calculated pursuant to the provisions of Article 1 or 5 of the Interest Rate Restriction Act (including money deemed as interest pursuant to the provisions of Article 3 or 6 of that Act; hereinafter the same applies in this item) or interest exceeding the upper limit of interest as set in Article 9 of the Act or whose liquidated damages for default exceeds the upper limit set in Article 7 of the Act, interest or damages exceeding that limit; and

三　営業的金銭消費貸借上の債務を主たる債務とする保証（業として行うものに限る。）がされた場合における保証料（利息制限法第八条第七項の規定によって保証料とみなされる金銭を含み、主たる債務者が支払うものに限る。以下この号において同じ。）の支払の債務であって、当該保証料が同条第一項から第四項まで及び第六項の規定により支払を受けることができる保証料の上限額を超えるものその上限額を超える保証料

(iii) with regard to a debt for payment of a guarantee charge when a guarantee is provided for principal debt for a commercial loan (limited to guarantees provided in the course of trade) (including money deemed as a guarantee charge pursuant to the provisions of Article 8, paragraph (7) of the Interest Rate Restriction Act and limited to guarantee charges paid by principal debtors; hereinafter the same applies in this item) whose amount exceeds the upper limit of a guarantee charge whose receipt is allowable pursuant to the provisions of paragraph (1), (2), (3), (4) or (6) of that Article, a guarantee charge exceeding that upper limit.

６　債権回収会社は、債務者等に対し、貸金業法第二条第一項に規定する貸金業を営む者からの金銭の借入れその他これに類する方法により特定金銭債権に係る債務の弁済資金を調達することをみだりに要求してはならない。

(6) A company managing and collecting on monetary claims must not without good reason, request that a debtor, etc. procure funds for payment of a debt in relation to a specified monetary claim by borrowing money from a person engaged in the money lending business prescribed in Article 2, paragraph (1) of the Money Lending Business Act or by any other similar method.

７　債権回収会社は、債務者等の親族（債務者等と内縁関係にある者その他債務者等と同居し、かつ、生計を同じくする者を含む。）又は債務者等が雇用する者その他の債務者等と密接な関係を有する者に対し、債務者等に代わって債務を弁済することをみだりに要求してはならない。

(7) A company managing and collecting on monetary claims must not without good reason, request that a relative of a debtor, etc. (including a person who is in a common-law marriage with a debtor, etc. and any other person who lives with and shares living expenses with a debtor, etc.), or a person employed by a debtor, etc. or any other person who has a close relationship with a debtor, etc. to pay the debt on behalf of the debtor, etc.

８　債権回収会社は、債務者等が特定金銭債権に係る債務の処理を弁護士、弁護士法人若しくは弁護士・外国法事務弁護士共同法人に委託し、又はその処理のため必要な裁判所における民事事件に関する手続をとった場合において、その旨の通知があったときは、正当な理由がないのに、債務者等に対し、訪問し又は電話をかけて、当該債務を弁済することを要求してはならない。

(8) A company managing and collecting on monetary claims must not without justifiable cause, visit or make phone calls to a debtor, etc. in order to request that the debtor, etc. pay the debt, if the debtor, etc. has entrusted an attorney at law, legal professional corporation or attorney / registered foreign lawyer joint corporation with handling a debt in relation to a specified monetary claim, or if a court procedures in a civil case have been undertaken to handle a debt, if the company managing and collecting on monetary claims is notified of this entrustment or court procedures.

９　債権回収会社は、前各項に定めるもののほか、債権の管理又は回収に関する行為であって、債務者等の保護に欠け、又は債権の管理若しくは回収の適正を害するおそれがあるものとして法務省令で定める行為をしてはならない。

(9) Beyond what is specified in the preceding items, a company managing and collecting on monetary claims must not engage in any act concerning the management or collection of claims which are specified by Order of the Ministry of Justice as lacking protection for debtors, etc. or likely to harm the appropriate management or collection of claims.

（業務の委託及び債権譲渡の制限）

(Restrictions on Entrustment of Business and Assignment of Claims)

第十九条　債権回収会社は、債権管理回収業に係る債権の管理又は回収を他の債権回収会社及び弁護士、弁護士法人又は弁護士・外国法事務弁護士共同法人以外の者に委託してはならない。

Article 19 (1) A company managing and collecting on monetary claims must not entrust its management or collection of claims to any person other than another company managing and collecting on monetary claims, an attorney at law, a legal professional corporation, or attorney / registered foreign lawyer joint corporation.

２　債権回収会社は、債権管理回収業に係る債権の譲渡（以下この項において「債権譲渡」という。）をしようとする場合において、その相手方が次の各号のいずれかに該当する者（以下この項において「譲受け制限者」という。）であることを知り、若しくは知ることができるとき、又は当該債権譲渡の後譲受け制限者が当該債権を譲り受けることを知り、若しくは知ることができるときは、当該債権譲渡をしてはならない。

(2) A company managing and collecting on monetary claims must not assign a claim it handles (hereinafter referred to as an "assignment of claims") if it knows or is able to determine that the assignee falls under any of the following items (hereinafter referred to in this paragraph as an "ineligible assignee"), or knows or is able to determine that an ineligible assignee will acquire the claim after the assignment of the claim:

一　暴力団員等

(i) a member of an organized crime group, etc.

二　暴力団員等がその運営を支配する法人その他の団体又は当該法人その他の団体の構成員

(ii) a corporation or other organization whose operations are controlled by a member of an organized crime group, etc., or a member of that corporation or other organization; or

三　当該債権の管理又は回収に当たり、第十七条第一項若しくは前条の規定に違反し、又は刑法若しくは暴力行為等処罰に関する法律の罪を犯すおそれが明らかである者

(iii) a person who is deemed likely to violate the provisions of Article 17, paragraph (1) or the preceding Article, or to commit a crime under the Penal Code or the Act on Prevention of Unjust Acts by Organized Crime Group Members when conducting the management or collection of a claim.

第四章　監督

Chapter IV Supervision

（業務に関する帳簿書類）

(Books and Documents Concerning Business)

第二十条　債権回収会社は、法務省令で定めるところにより、その業務に関する帳簿書類を作成し、これを保存しなければならない。

Article 20 A company managing and collecting on monetary claims must prepare and keep books and documents concerning its business affairs, as provided by Order of the Ministry of Justice.

（事業報告書の提出）

(Submission of Business Reports)

第二十一条　債権回収会社は、事業年度ごとに、法務省令で定めるところにより、事業報告書を作成し、毎事業年度経過後三月以内に、これを法務大臣に提出しなければならない。

Article 21 A company managing and collecting on monetary claims must prepare a business report for each business year and submit it to the Minister of Justice within three months from the end of each business year as provided by Order of the Ministry of Justice.

（立入検査等）

(On-site Inspections)

第二十二条　法務大臣は、債権回収会社の業務の適正な運営を確保するため必要があると認めるときは、債権回収会社に対し、その業務若しくは財産に関して報告若しくは資料の提出を命じ、又は当該職員に、債権回収会社の営業所若しくは事務所に立ち入り、その業務若しくは財産の状況若しくは帳簿書類その他の物件を検査させ、若しくは関係者に質問させることができる。

Article 22 (1) When it is found necessary in order to ensure the appropriate operation of company managing and collecting on monetary claims business affairs, the Ministry of Justice may order the company managing and collecting on monetary claims to submit reports or materials on its operations or property, or have officials enter the business office or other offices of the company managing and collecting on monetary claims, inspect the state of its operations, or property, or its books, documents and any other property, or ask questions of any person concerned.

２　警察庁長官は、債権回収会社について、第五条第五号、第六号若しくは第七号ヘに該当する事由又は第十七条第一項、第十八条第一項若しくは第十九条第二項の規定に違反する事実があると疑うに足りる相当な理由があり、かつ、第六条第一項、第二十四条第二項又は第二十七条の規定に基づき意見を述べるために必要であると認められる場合には、法務大臣に協議の上、第五条第五号、第六号若しくは第七号ヘに該当する事由又は第十七条第一項、第十八条第一項若しくは第十九条第二項の規定に違反する事実の有無を確認するために必要な限度で、債権回収会社に対し、その業務に関して報告若しくは資料の提出を命じ、又は警察庁職員に、債権回収会社の営業所若しくは事務所に立ち入り、その業務の状況若しくは帳簿書類その他の物件を検査させ、若しくは関係者に質問させることができる。

(2) After consulting with the Minister of Justice, the Commissioner General of the National Police Agency, if it is deemed necessary in order to state their opinion under the provisions of Article 6, paragraph (1), Article 24, paragraph (2), or Article 27, may order a company managing and collecting on monetary claims to submit reports or materials on its operations or have officials of the National Police Agency enter any office of the company managing and collecting on monetary claims to ascertain the status of its business and inspect its books, documents or other property, or question any person concerned, to the extent necessary to confirm whether the company managing and collecting on monetary claims falls under Article 5, item (v), item (vi) or item (vii) (f) or whether there is a fact in violation of the provisions of Article 17, paragraph (1), Article 18, paragraph (1) or Article 19, paragraph (2) in which there is reason to suspect that a company managing and collecting on monetary claims falls under or violates those provisions.

３　警察庁長官は、前項の規定により報告若しくは資料の提出を命じ、又は立入検査若しくは質問をさせたときは、その結果を速やかに文書で法務大臣に通報するものとする。

(3) The Commissioner General of the National Police Agency is to promptly report in writing the results of reports or materials submitted and on-site inspections, or questioning conducted pursuant to the provisions of the preceding paragraph, to the Minister of Justice.

４　第一項又は第二項の規定により立入検査又は質問をする職員は、その身分を示す証明書を携帯し、関係者の請求があったときは、これを提示しなければならない。

(4) An official who conducts an on-site inspection or asks questions pursuant to the provisions of paragraph (1) or paragraph (2) must carry an identification card and present it when requested by any person concerned.

５　第一項又は第二項の規定による立入検査又は質問の権限は、犯罪捜査のために認められたものと解してはならない。

(5) The authority to conduct on-site inspections and ask questions pursuant to the provisions of paragraph (1) and paragraph (2) must not be construed as being granted for the purpose of criminal investigation.

（業務改善命令）

(Business Improvement Orders)

第二十三条　法務大臣は、債権回収会社の業務の適正な運営を確保するため必要があると認めるときは、当該債権回収会社に対し、業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 23 On finding it is necessary to do so in order to ensure appropriate business operations, the Minister of Justice may order a company managing and collecting on monetary claims to take necessary measures to improve those business operations.

（許可の取消し等）

(Revocation of Licenses)

第二十四条　法務大臣は、債権回収会社が次の各号のいずれかに該当するときは、第三条の許可を取り消し、又は六月以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。

Article 24 (1) If a company managing and collecting on monetary claims falls under any of the following items, the Minister of Justice may revoke its license under Article 3 or order suspension of all or part of its operations for a period not exceeding six months:

一　第五条各号のいずれかに該当することとなったとき。

(i) if the company comes to fall under any of the items of Article 5;

二　不正の手段により第三条の許可を受けたとき。

(ii) if the company has obtained a license under Article 3 through wrongful means;

三　この法律若しくはこの法律に基づく命令又はこれらに基づく処分に違反したとき。

(iii) if the company has violated this Act, or an order issued under this Act, or a disposition made under either;

四　債権管理回収業に関し、著しく不当な行為をした場合において、その情状が特に重いとき。

(iv) if the company has engaged in an extremely unjust act in connection with claim management and collection, and the circumstances related to that act are particularly serious; or

五　第三条の許可を受けてから六月以内に営業を開始せず、又は引き続き六月以上営業を休止し、現に営業を営んでいないとき。

(v) if the company has not commenced business operations within six months after obtaining a license under Article 3 or has continuously suspended business operations for six months and is not currently operating the business.

２　法務大臣は、前項の規定による処分をしようとするときは、第五条第五号、第六号若しくは第七号ヘに該当する事由又は第十七条第一項、第十八条第一項若しくは第十九条第二項の規定に違反する事実の有無について、警察庁長官の意見を聴くことができる。

(2) If the Minister of Justice intends to issue a disposition under the provisions of the preceding paragraph, the Minister may hear the opinions of the Commissioner General of the National Police Agency with regard to whether Article 5, item (v), item (vi), or item (vii), (f) applies, or whether a violation of the provisions of Article 17, paragraph (1), Article 18, paragraph (1), or Article 19, paragraph (2) exists.

（監督処分の公告）

(Public Notice of a Supervisory Disposition)

第二十五条　法務大臣は、前条第一項の規定による処分をしたときは、法務省令で定めるところにより、その旨を公告しなければならない。

Article 25 If the Minister of Justice has issued a disposition under the provisions of paragraph (1) of the preceding Article, the Minister must give public notice to that effect as provided by Order of the Ministry of Justice.

第五章　雑則

Chapter V Miscellaneous Provisions

（協力依頼）

(Request for Cooperation)

第二十六条　法務大臣は、この法律の施行のため必要があると認めるときは、官庁、公共団体その他の者に照会し、又は協力を求めることができる。

Article 26 If the Minister of Justice finds it necessary for the enforcement of this Act, the Minister may make inquiries of, or request cooperation from government agencies, public entities and any other persons.

（法務大臣への意見）

(Stating Opinions to the Minister of Justice)

第二十七条　警察庁長官は、債権回収会社について、第五条第五号、第六号若しくは第七号ヘに該当する事由又は第十七条第一項、第十八条第一項若しくは第十九条第二項の規定に違反する事実があると疑うに足りる相当な理由があるため、法務大臣が当該債権回収会社に対して適当な措置をとることが必要であると認める場合には、法務大臣に対し、その旨の意見を述べることができる。

Article 27 The Commissioner General of the National Police Agency may state to the Minister of Justice their opinion that it is necessary for the Minister of Justice to take appropriate measures against a company managing and collecting on monetary claims on the grounds that there is a sufficient reason to suspect that the company managing and collecting on monetary claims falls under Article 5, item (v), item (vi), or item (vii), (f), or that the company managing and collecting on monetary claims is in violation of the provisions of Article 17, paragraph (1), Article 18, paragraph (1), or Article 19, paragraph (2).

（援助）

(Assistance)

第二十八条　債権回収会社は、その業務を行うに当たり、暴力団員による不当な行為の防止等に関する法律第二条第一号に規定する暴力的不法行為等による被害を受け、又は被害を受けるおそれがあると認めるときは、警察庁長官に対し、必要な援助を受けたい旨の申出をすることができる。

Article 28 (1) If a company managing and collecting on monetary claims, when conducting its operations, suffers damage or encounters a risk of suffering damage from a violent and unlawful act as prescribed in Article 2, item (i) of the Act on Prevention of Unjust Acts by Organized Crime Group Members, it may request necessary assistance from the Commissioner General of the National Police Agency.

２　警察庁長官は、前項の申出を相当と認めるときは、債権回収会社に対し、助言その他必要な援助を行うものとする。

(2) The Commissioner General of the National Police Agency, if finding a request under the preceding paragraph to be reasonable, is to provide the company managing and collecting on monetary claims with advice and any other necessary assistance.

（犯罪があると思料する場合の措置）

(Measures When it Is Believed that a Crime Has Been Committed)

第二十九条　債権回収会社は、その役員又は職員がその業務を行うことにより犯罪があると思料するときは直ちに所要の報告をさせ、当該報告があったときは告発に向けて所要の措置をとらなければならない。

Article 29 A company managing and collecting on monetary claims must have its officers or employees make a necessary report immediately if they believe that an offense has been committed while the company managing and collecting on monetary claims was conducting its operations, and must take the necessary measures for filing an accusation upon receiving those report.

（警察庁長官への通報）

(Reporting to the Commissioner General of the National Police Agency)

第三十条　法務大臣は、第三条、第八条第一項若しくは第二項若しくは第二十四条第一項の規定による処分をし、又は第七条第一項若しくは第十条第一項の規定による届出を受けたときは、その旨を速やかに文書で警察庁長官に通報するものとする。

Article 30 If the Minister of Justice has issued a disposition under the provisions of Article 3, Article 8, paragraph (1) or paragraph (2), or Article 24, paragraph (1), or received a notification under Article 7, paragraph (1) or Article 10, paragraph (1), the Minister is to promptly report to the Commissioner General of the National Police Agency to that effect in writing.

（命令への委任）

(Delegation to Orders)

第三十一条　この法律に定めるもののほか、この法律を実施するため必要な事項は、法務省令で定める。

Article 31 (1) Beyond what is provided for in this Act, additional matters necessary to implement this Act are prescribed by Order of the Ministry of Justice.

２　第六条第一項、第二十二条第二項、第二十四条第二項、第二十七条及び第二十八条第二項の規定により警察庁長官の権限に属する事務を実施するため必要な事項は、国家公安委員会規則で定める。

(2) Matters necessary to implement the affairs that fall under the authority of the Commissioner General of the National Police Agency pursuant to the provisions of Article 6, paragraph (1), Article 22, paragraph (2), Article 24, paragraph (2), Article 27, and Article 28, paragraph (2) are prescribed by the Rules of the National Public Safety Commission.

（経過措置）

(Transitional Measures)

第三十二条　この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に係る経過措置を含む。）を定めることができる。

Article 32 When an order is established, revised or abolished under the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be specified by the relevant order to the extent considered reasonable and necessary upon the establishment, revision or abolition.

第六章　罰則

Chapter VI Penal Provisions

第三十三条　次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 33 A person who falls under any of the following items is subject to imprisonment for not more than three years or a fine of not more than three million yen, or both:

一　第三条の規定に違反して、許可を受けないで債権管理回収業を営んだ者

(i) a person who has, in violation of the provisions of Article 3, conducted claim management and collection without obtaining a license;

二　不正の手段により第三条の許可を受けた者

(ii) a person who has obtained a license under Article 3 through wrongful means;

三　第十四条の規定に違反して、他人に債権管理回収業を営ませた者

(iii) a person who has, in violation of the provisions of Article 14, have another person conduct claim management and collection; or

四　第二十四条第一項の規定による業務の停止の命令に違反した者

(iv) a person who has violated an order of suspension of business issued under the provisions of Article 24, paragraph (1).

第三十四条　次の各号のいずれかに該当する者は、一年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 34 A person who falls under any of the following is subject to imprisonment for not more than one year or a fine of not more than three million yen, or both:

一　第四条第一項の許可申請書又は同条第二項の書類に虚偽の記載をして提出した者

(i) a person who has submitted a written application for the license set forth in Article 4, paragraph (1) or the documents set forth in paragraph (2) of the relevant Article, containing false statements;

二　第十二条ただし書の規定による承認を受けないで、債権管理回収業及び同条各号に掲げる業務以外の業務を営んだ者

(ii) a person who has, without obtaining approval under the provisions of the proviso to Article 12, conducted any operations other than claim management and collection or business listed in the items of the same Article;

三　第十七条第一項の規定に違反した者

(iii) a person who has violated the provisions of Article 17, paragraph (1);

四　第二十条の規定による帳簿書類の作成若しくは保存をせず、又は虚偽の帳簿書類を作成した者

(iv) a person who has failed to prepare or keep books and documents under the provisions of Article 20 or who has prepared false books and documents;

五　第二十一条の規定による事業報告書を提出せず、又は虚偽の記載をした事業報告書を提出した者

(v) a person who has failed to submit a business report under the provisions of Article 21, or who has submitted a business report containing false statements;

六　第二十二条第一項又は第二項の規定による命令に違反して、報告若しくは資料の提出をせず、又は虚偽の報告若しくは虚偽の資料の提出をした者

(vi) a person who has, in violation of the provisions of Article 22, paragraph (1) or paragraph (2), failed to submit reports or materials, or who has submitted false reports or false materials; or

七　第二十二条第一項若しくは第二項の規定による立入検査を拒み、妨げ、若しくは忌避し、又はこれらの規定による質問に対して答弁をせず、若しくは虚偽の答弁をした者

(vii) a person who has refused, obstructed or avoided an on-site inspection under the provisions of Article 22, paragraph (1) or paragraph (2), or who has failed to answer or has answered untruthfully to the questions under these provisions.

第三十五条　次の各号のいずれかに該当する者は、百万円以下の罰金に処する。

Article 35 A person who falls under any of the following items is subject to a fine of not more than one million yen:

一　第七条第一項の規定に違反して、届出をせず、又は虚偽の届出をした者

(i) a person who has, in violation of the provisions of Article 7, paragraph (1), failed to give notification or given false notification;

二　第十三条第二項の規定に違反した者

(ii) a person who has violated the provisions of Article 13, paragraph (2);

三　第十五条第一項の規定に違反して書面を交付せず、又は同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付した者

(iii) a person who has, in violation of the provisions of Article 15, paragraph (1), failed to issue a document, or who has issued a document which does not state the particulars prescribed in the same paragraph, or a document which contains false statements;

四　第十六条の規定に違反して、証書を返還しなかった者

(iv) a person who has, in violation of the provisions of Article 16, failed to return the instrument;

五　第十七条第二項の規定に違反した者

(v) a person who has violated the provisions of Article 17, paragraph (2);

六　第十八条第一項の規定に違反した者

(vi) a person who has violated the provisions of Article 18, paragraph (1);

七　第十八条第二項の規定に違反して、著しく事実に相違する表示をし、又は著しく人を誤認させるような表示をした者

(vii) a person who has, in violation of the provisions of Article 18, paragraph (2), given an indication that is significantly contradictory to the facts or particularly misleading;

八　第十八条第三項の規定に違反して、同項に規定する事項を記載していない委任状を取得した者

(viii) a person who has, in violation of the provisions of Article 18, paragraph (3), obtained a power of attorney which does not state the particulars prescribed in the same paragraph; or

九　第二十三条の規定による命令に違反した者

(ix) a person who has violated an order issued under the provisions of Article 23.

第三十六条　法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関し、次の各号に掲げる規定の違反行為をしたときは、その行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 36 Where the representative person of a corporation or an agent, employee, or any other worker for a corporation or individual has, in connection with the business or property of the corporation or individual, violated any of the provisions listed in the following items, not only is the offender subject to punishment, but that corporation is also subject to punishment by the fine specified in the relevant item, and that individual is subject to punishment by the fine specified in the Article referred to in the respective item:

一　第三十三条第四号　三億円以下の罰金刑

(i) Article 33, item (iv): a fine of not more than 300 million yen;

二　第三十四条第二号又は第四号から第七号まで　二億円以下の罰金刑

(ii) Article 34, item (ii) or items (iv) through (vii): a fine of not more than 200 million yen; or

三　第三十三条第一号から第三号まで、第三十四条第一号若しくは第三号又は前条　各本条の罰金刑

(iii) Article 33, items (i) through (iii), Article 34, item (i) or item (iii), or the preceding Article: the fine specified in the respective Article.

第三十七条　第十条第一項の規定に違反して、届出をせず、又は虚偽の届出をした者は、百万円以下の過料に処する。

Article 37 A person who has, in violation of the provisions of Article 10, paragraph (1), failed to give notification or given false notification, is subject to a civil fine of one million yen.