

身元保証ニ関スル法律

Act on Fidelity Guarantee

(昭和八年四月一日法律第四十二号)
(Act No. 42 of April 1, 1933)

第一条 引受、保証其ノ他名称ノ如何ヲ問ハズ期間ヲ定メズシテ被用者ノ行為ニ因リ使用者ノ受ケタル損害ヲ賠償スルコトヲ約スル身元保証契約ハ其ノ成立ノ日ヨリ三年間其ノ効力ヲ有ス但シ商工業見習者ノ身元保証契約ニ付テハ之ヲ五年トス

Article 1 A fidelity guarantee contract that promises to compensate an employer for damage caused by an act of their employee for an indefinite period, regardless of its name, such as underwriting or guarantee, is effective for three years from the date of its establishment; provided, however, that a fidelity guarantee contract of an industrial or commercial apprentice is effective for five years.

第二条 身元保証契約ノ期間ハ五年ヲ超ユルコトヲ得ズ若シ之ヨリ長キ期間ヲ定メタルトキハ其ノ期間ハ之ヲ五年ニ短縮ス

Article 2 (1) The period of a fidelity guarantee contract may not exceed five years. When a longer period is prescribed, that period is shortened to five years.
② 身元保証契約ハ之ヲ更新スルコトヲ得但シ其ノ期間ハ更新ノ時ヨリ五年ヲ超ユルコトヲ得ズ
(2) A fidelity guarantee contract may be renewed; provided, however, that the period may not exceed five years from the time of renewal.

第三条 使用者ハ左ノ場合ニ於テハ遅滞ナク身元保証人ニ通知スベシ

Article 3 An employer must notify the guarantor without delay in the following cases:

一 被用者ニ業務上不適任又ハ不誠実ナル事跡アリテ之ガ為身元保証人ノ責任ヲ惹起スル虞アルコトヲ知リタルトキ

(i) When the employee has been found to be unfit for, or to have acted in a dishonest manner in the course of their duties, and it has become known that this is likely to cause the guarantor to become liable;

二 被用者ノ任務又ハ任地ヲ変更シ之ガ為身元保証人ノ責任ヲ加重シ又ハ其ノ監督ヲ困難ナラシムルトキ

(ii) When the employee's duties or place of assignment are changed, thereby increasing the liability of the guarantor, or making the supervision of the employee by the guarantor difficult.

第四条 身元保証人前条ノ通知ヲ受ケタルトキハ将来ニ向テ契約ノ解除ヲ為スコトヲ得

身元保証人自ラ前条第一号及第二号ノ事実アリタルコトヲ知リタルトキ亦同ジ

Article 4 Having been notified as referred to in the preceding Article, a guarantor may effect a prospective cancellation of the contract. The same applies when the guarantor personally comes to know that a fact as referred to in item (i) or (ii) of the preceding Article exists.

第五条 裁判所ハ身元保証人ノ損害賠償ノ責任及其ノ金額ヲ定ムルニ付被用者ノ監督ニ関スル使用者ノ過失ノ有無、身元保証人ガ身元保証ヲ為スニ至リタル事由及之ヲ為スニ当リ用キタル注意ノ程度、被用者ノ任務又ハ身上ノ変化其ノ他一切ノ事情ヲ斟酌ス

Article 5 In determining the liability of a guarantor for compensation for loss or damage and the amount of the compensation, the court takes into account whether or not the employer was negligent in terms of the supervision of the employee, the grounds that led the guarantor to provide the fidelity guarantee and the degree of care taken in doing so, changes in the duties or personal circumstances of the employee, and all other circumstances.

第六条 本法ノ規定ニ反スル特約ニシテ身元保証人ニ不利益ナルモノハ総テ之ヲ無効トス

Article 6 Any special provisions contrary to the provisions of this Act and that are disadvantageous to a guarantor, are to be null and void.

附 則 [抄]

Supplementary Provisions [Extract]

①本法施行ノ期日ハ勅令ヲ以テ之ヲ定ム

(1) The effective date of this Act is specified by Imperial Order.