

# Order for Enforcement of the Act on Special Measures Concerning Claim Management and Collection Businesses

(Cabinet Order No. 14 of January 27, 1999)

The Cabinet hereby enacts this Cabinet Order based on the provisions of Article 2, paragraph (1) and Article 12, item (ii) of the Act on Special Measures Concerning Claim Management and Collection Businesses (Act No. 126 of 1998).

(Holder of Loan Claims)

Article 1 The person specified by a Cabinet Order referred to in Article 2, paragraph (1), item (i) (j) of the Act on Special Measures Concerning Claim Management and Collection Businesses (hereinafter referred to as "the Act") is one of the following persons:

- (i) the Branch Office of a Foreign Bank provided for in Article 47, paragraph (2) of the Banking Act (Act No. 59 of 1981);
- (ii) the Development Bank of Japan Inc. ;
- (iii) a prefecture, municipality, or special ward, or an association of local public entities;
- (iv) deleted;
- (v) deleted;
- (vi) the Welfare and Medical Service Agency;
- (vii) deleted;
- (viii) deleted;
- (ix) the New Energy and Industrial Technology Development Organization;
- (x) the Japan Student Services Organization;
- (xi) a Foreign Insurance Company, etc. provided for in Article 2, paragraph (7) of the Insurance Business Act (Act No. 105 of 1995);
- (xii) a federation of agricultural cooperatives engaged in the business set forth in Article 10, paragraph (1), item (x) of the Agricultural Cooperatives Act (Act No. 132 of 1947);
- (xiii) a federation of mutual aid fisheries cooperatives; and
- (xiv) a Financial Instruments Business Operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) (limited to those engaged in the Type I Financial Instruments Business prescribed in Article 28, paragraph (1) of said Act).

(Holder of the Right to Indemnification)

Article 2 The person specified by Cabinet Order referred to in Article 2,

paragraph (1), item (xxi) of the Act is one of the following persons:

- (i) an agriculture credit guarantee fund association;
- (ii) a fisheries credit guarantee fund association;
- (iii) the Agriculture, Forestry and Fisheries Credit Foundations;
- (iv) deleted;
- (v) the National Institute of Information and Communications Technology;
- (vi) a person listed in Article 2, paragraph (1), item (i) of the Act; and
- (vii) a juridical person that is other than a person listed in any of the preceding items, and that is engaged in the business of providing guarantees for debts involving claims prescribed in Article 2, paragraph (1), items (i) through (xix) of the Act.

(Other Specified Monetary Claims)

Article 3 The claim specified by Cabinet Order referred to in Article 2, paragraph (1), item (xxii) of the Act is one of the following claims:

- (i) a monetary claim (excluding a loan claim; the same applies in the following item) that is held by any of the persons listed in Article 2, paragraph (1), item (i) of the Act against the debtor of the loan claim that is held thereby, which is secured by the security interest in said loan claim;
- (ii) a monetary claim that was held by any of the persons listed in Article 2, paragraph (1), item (i) of the Act against the debtor of the loan claim that was held thereby, which was secured by the security interest in said loan claim, and which has been assigned along with said loan claim by the person listed in said item;
- (iii) if a person listed in Article 2, paragraph (1), item (i) of the Act has sold real property, a monetary claim that is held by the person listed in said item against the purchaser under a sales contract stipulating that the seller is to receive the proceeds of the sale in three or more installments over a period of two months or more;
- (iv) a loan claim that is held or was held by a person who received a loan of funds, pursuant to the provisions of Article 12, paragraph (2), item (ii)(a) of the Act on the Dissolution of and Succession to Business of the Pension and Welfare Service Corporation (Act No. 20 of 2000) prior to its repeal pursuant to the provisions of Article 14, item (ii) of the Supplementary Provisions of the Act on the Government Pension Investment Fund (Act No. 105 of 2004) or pursuant to the provisions of Article 17, paragraph (1), item (iii)(a) of the Pension and Welfare Service Corporation Act (Act No. 180 of 1961) prior to its repeal pursuant to the provisions of Article 3, item (i) of the Supplementary Provisions of the Act on the Dissolution of and Succession to Business of the Pension and Welfare Service Corporation, from the old Government Pension Investment Fund prior to its dissolution pursuant to

- the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Act on the Government Pension Investment Fund or from the Pension and Welfare Service Corporation prior to its dissolution pursuant to the provisions of Article 1, paragraph (1) of the Act on the Dissolution of and Succession to Business of the Pension and Welfare Service Corporation prior to its repeal pursuant to the provisions of Article 14, item (ii) of the Supplementary Provisions of the Act on the Government Pension Investment Fund, against a person insured by employees' pension insurance, by reason of the home loan provided from said funds for said insured person;
- (v) a monetary claim that is held or was held by the creditor of a loan claim set forth in Article 2, paragraph (1), item (i) of the Act against the debtor of said loan claim, in connection with an insurance premium under an insurance contract concluded in order to secure payment of the debt under said loan claim, in which said debtor is designated as the insured;
  - (vi) any other monetary claim that is held or was held by the creditor of any of the claims listed in Article 2, paragraph (1), items (iv) through (vii)-2 of the Act against the debtor of said claim, under an agreement incidental to the contract from which said claim has arisen;
  - (vii) a monetary claim that is held by a person subject to a ruling to commence composition prescribed in the Composition Act (Act No. 72 of 1922) prior to its repeal pursuant to the provisions of Article 2 of the Supplementary Provisions of the Civil Rehabilitation Act (Act No. 225 of 1999) (excluding a person for whom the composition proceedings based on said ruling to commence composition have been closed);
  - (viii) a monetary claim assigned by a person subject to the ruling to commence composition prescribed in the preceding item;
  - (ix) a loan claim that is held by a general incorporated association or general incorporated foundation designated by the Minister of Education, Culture, Sports, Science and Technology as a juridical person that receives funds provided by a prefecture to cover expenses and engages in the business of providing loans of funds (limited to loans for which the loan conditions are specified or approved by said prefecture) as school expenses to be provided without interest on behalf of said prefecture for students in high school, etc. (meaning in high school, a school for secondary education (limited to the second half of studies prescribed in Article 66 of the School Education Act) (Act No. 26 of 1947), or a school for special needs education (limited to a high school section prescribed in Article 76, paragraph (2) of said Act) prescribed in Article 1 of said Act, in a specialized training school prescribed in Article 124 of said Act (limited to high school programs prescribed in Article 125, paragraph (1) of said Act); hereinafter the same applies in this item), by reason of the loan of funds provided by said association or foundation as

school expenses for a student in high school, etc. in the course of said business;

- (x) a claim for reimbursement of enforcement costs, court costs, or any other costs incurred for collection that are payable by the debtor of any of the monetary claims listed in the items of Article 2, paragraph (1) of the Act;
- (xi) a claim under a contract of guarantee to secure any of the monetary claims listed in the preceding items;
- (xii) the right to indemnification obtained by a credit guarantee corporation or any of the persons listed in the items of Article 2 when performing an obligation under the claim set forth in the preceding item;
- (xiii) a claim to a guarantee fee that is held or was held by any of the persons listed in the preceding item under a guarantee consignment contract involving the obligation set forth in Article 2, paragraph (1), item (xxi) of the Act or the preceding item;
- (xiv) the right to indemnification set forth in Article 2, paragraph (1), item (xxi) of the Act or in item (xii) above, or a claim under the contract of guarantee to secure the claim set forth in the preceding item; and
- (xv) a loan claim in connection with a loan contract taken over by the National Institute of Information and Communications Technology pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Act Partially Revising the Act on the National Institute of Information and Communications Technology (Act No. 134 of 2002).

(Incidental Business)

Article 4 The business specified by Cabinet Order referred to in Article 12, item (ii) of the Act is the business of conducting the sale, exchange, or lease of the real property that is the subject of the security interest in a specified monetary claim (if the subject of the security interest is land, this includes its neighboring land, and if the subject of the security interest is a building, this includes the land on which the building is located and its neighboring land), or of acting as an agent or intermediary therefor.