

債権管理回収業に関する特別措置法施行令

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

(平成十一年一月二十七日政令第十四号)
(Cabinet Order No. 14 of January 27, 1999)

内閣は、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）第二条第一項及び第十二条第二号の規定に基づき、この政令を制定する。

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).

(貸付債権の主体)

(Holder of Loan Claims)

第一条 債権管理回収業に関する特別措置法（以下「法」という。）第二条第一項第一号ヌに規定する政令で定めるものは、次に掲げる者とする。

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:

一 銀行法（昭和五十六年法律第五十九号）第四十七条第二項に規定する外国銀行支店

(i) the Branch Office of a Foreign Bank provided for in Article 47, paragraph (2) of the Banking Act (Act No. 59 of 1981);

二 株式会社日本政策投資銀行

(ii) the Development Bank of Japan Inc. ;

三 都道府県、市町村及び特別区並びに地方公共団体の組合

(iii) a prefecture, municipality, or special ward, or an association of local public entities;

四 削除

(iv) deleted;

五 削除

(v) deleted;

六 独立行政法人福祉医療機構

(vi) the Welfare and Medical Service Agency;

七 削除

(vii) deleted;

八 削除

(viii) deleted;

九 独立行政法人新エネルギー・産業技術総合開発機構

(ix) the New Energy and Industrial Technology Development Organization;

十 独立行政法人日本学生支援機構

(x) the Japan Student Services Organization;

十一 保険業法（平成七年法律第百五号）第二条第七項に規定する外国保険会社等

(xi) a Foreign Insurance Company, etc. provided for in Article 2, paragraph (7) of the Insurance Business Act (Act No. 105 of 1995);

十二 農業協同組合法（昭和二十二年法律第百三十二号）第十条第一項第十号の事業を行う農業協同組合連合会

(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);

十三 共済水産業協同組合連合会

(xiii) a federation of mutual aid fisheries cooperatives; and

十四 金融商品取引法（昭和二十三年法律第二十五号）第二条第九項に規定する金融商品取引業者（同法第二十八条第一項に規定する第一種金融商品取引業を行う者に限る。）

(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).

（求償権の主体）

(Holder of the Right to Indemnification)

第二条 法第二条第一項第二十一号に規定する政令で定める者は、次に掲げる者とする。

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:

一 農業信用基金協会

(i) an agriculture credit guarantee fund association;

二 漁業信用基金協会

(ii) a fisheries credit guarantee fund association;

三 独立行政法人農林漁業信用基金

(iii) the Agriculture, Forestry and Fisheries Credit Foundations;

四 削除

(iv) deleted;

五 独立行政法人情報通信研究機構

(v) the National Institute of Information and Communications Technology;

六 法第二条第一項第一号に掲げる者

(vi) a person listed in Article 2, paragraph (1), item (i) of the Act; and

七 前各号に掲げる者のほか、法第二条第一項第一号から第十九号までに規定する債

権に係る債務の保証を行うことを業務とする法人

(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 (ix) of the Act.

(その他特定金銭債権)

(Other Specified Monetary Claims)

第三条 法第二条第一項第二十二号に規定する政令で定めるものは、次に掲げる債権とする。

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:

一 法第二条第一項第一号に掲げる者がその有する貸付債権の債務者に対して有する金銭債権（貸付債権を除く。次号において同じ。）であって、当該貸付債権に係る担保権により担保されているもの

(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;

二 法第二条第一項第一号に掲げる者がその有していた貸付債権の債務者に対して有していた金銭債権であって、当該貸付債権に係る担保権により担保されていたものうち、同号に掲げる者により当該貸付債権とともに譲渡されたもの

(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;

三 法第二条第一項第一号に掲げる者が不動産を販売した場合において、二月以上の期間にわたり、かつ、三回以上に分割してその代金を受領する旨の定めのある売買契約に基づいて、同号に掲げる者が購入者に対して有する金銭債権

(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;

四 年金積立金管理運用独立行政法人法（平成十六年法律第百五号）附則第十四条第二号の規定による廃止前の年金福祉事業団の解散及び業務の承継等に関する法律（平成十二年法律第二十号）第十二条第二項第二号イ又は同法附則第三条第一号の規定による廃止前の年金福祉事業団法（昭和三十六年法律第百八十号）第十七条第一項第三号イの規定により、年金積立金管理運用独立行政法人法附則第三条第一項の規定による解散前の年金資金運用基金又は同法附則第十四条第二号の規定による

廃止前の年金福祉事業団の解散及び業務の承継等に関する法律第一条第一項の規定による解散前の年金福祉事業団から資金の貸付けを受けた者が、厚生年金保険の被保険者に対する当該資金による住宅資金の貸付けに基づいて当該被保険者に対して有し、又は有していた貸付債権

(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;

五 法第二条第一項第一号に掲げる貸付債権の債権者が当該貸付債権に係る債務の弁済を確保するためその債務者を被保険者として締結した保険契約に基づく保険料について当該債務者に対して有し、又は有していた金銭債権

(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;

六 法第二条第一項第四号から第七号の二までに掲げる債権の債権者が当該債権の発生の原因である契約の付随的な約定に基づいてその債務者に対して有し、又は有していたその他の金銭債権

(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;

七 民事再生法（平成十一年法律第二百二十五号）附則第二条の規定による廃止前の

- 和議法（大正十一年法律第七十二号）に規定する和議開始の決定を受けた者（当該和議開始の決定に係る和議手続が終了している者を除く。）が有する金銭債権
- (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);
- 八 前号に規定する和議開始の決定を受けた者が譲渡した金銭債権
- (viii) a monetary claim assigned by a person subject to the ruling to commence composition prescribed in the preceding item;
- 九 一般社団法人又は一般財団法人であつて、都道府県からその費用に充てるための資金の提供を受け、当該都道府県に代わつて高等学校等（学校教育法（昭和二十二年法律第二十六号）第一条に規定する高等学校、中等教育学校（同法第六十六条に規定する後期課程に限る。）及び特別支援学校（同法第七十六条第二項に規定する高等部に限る。）並びに同法第二百二十四条に規定する専修学校（同法第二百五条第一項に規定する高等課程に限る。）をいう。以下この号において同じ。）の生徒に対する無利息で行う学資としての資金の貸付け（当該資金の貸付けの条件を当該都道府県が定めるもの又は承認するものに限る。）に係る事業を行う法人として文部科学大臣が指定したものが当該事業として高等学校等の生徒に対して行った学資としての資金の貸付けに基づく貸付債権であつて、当該法人が有するもの
- (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;
- 十 法第二条第一項各号に掲げる金銭債権の債務者が支払うべき執行費用、訴訟費用その他の回収に係る費用の償還請求権
- (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;
- 十一 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
(xi) a claim under a contract of guarantee to secure any of the monetary claims listed in the preceding items;
- 十二 信用保証協会又は第二条各号に掲げ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
(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;
- 十三 前号に掲げる者が法第二条第一項第二十一号又は前号に規定する債務に係る保証委託契約に基づいて有し、又は有していた保証料に係る債権
(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;
- 十四 法第二条第一項第二十一号若しくは第十二号に掲げる求償権又は前号に掲げる債権を担保する保証契約に基づく債権
(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
- 十五 独立行政法人通信総合研究所法の一部を改正する法律（平成十四年法律第百三十四号）附則第三条第一項の規定により独立行政法人情報通信研究機構が承継した貸付契約に係る貸付債権
(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).

(付随業務)

(Incidental Business)

第四条 法第十二条第二号に規定する政令で定めるものは、特定金銭債権に係る担保権の目的である不動産（担保権の目的が土地である場合にあつては当該土地の隣地、担保権の目的が建物である場合にあつては当該建物の所在する土地及びその隣地を含む。）の売買、交換若しくは貸借又はその代理若しくは媒介を行う業務とする。

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.