

宅地建物取引業法

Real Estate Brokerage Act

(昭和二十七年六月十日法律第百七十六号)
(Act No. 176 of June 10, 1952)

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第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、宅地建物取引業を営む者について免許制度を実施し、その事業に対し必要な規制を行うことにより、その業務の適正な運営と宅地及び建物の取引の公正とを確保するとともに、宅地建物取引業の健全な発達を促進し、もって購入者等の利益の保護と宅地及び建物の流通の円滑化とを図ることを目的とする。

Article 1 The purpose of this Act is to secure the proper operations of the business of persons engaged in real estate brokerage by implementing a licensing system for said persons, through the enforcement of necessary regulations, properly managing business, making fair dealings and promoting the sound development of real estate brokerage while continuing the smooth distribution and facilitation, and protecting the profits of buyers, etc.

(用語の定義)

(Definitions of terms)

第二条 この法律において次の各号に掲げる用語の意義は、それぞれ当該各号の定めるところによる。

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

一 宅地 建物の敷地に供せられる土地をいい、都市計画法（昭和四十三年法律第百号）第八条第一項第一号の用途地域内のその他の土地で、道路、公園、河川その他政令で定める公共の用に供する施設の用に供せられているもの以外のものを含むものとする。

(i) Building Lot: The term "Building Lot" means land used as a building site which includes other land that is situated in use zones corresponding to Article 8, paragraph (1), item (i) of the City Planning Act (Act No. 100 of 1968) and that is not being used for roads, parks, rivers, or other facilities provided for public use as specified by Cabinet Order.

二 宅地建物取引業 宅地若しくは建物（建物の一部を含む。以下同じ。）の売買若しくは交換又は宅地若しくは建物の売買、交換若しくは貸借の代理若しくは媒介をする行為で業として行なうものをいう。

(ii) Real Estate Brokerage: The term "Real Estate Brokerage" means a business in which the buying, selling, or exchanging of Building Lots or buildings (including parts of buildings; the same applies hereinafter) or the provision of intermediary or agency services for the buying, selling, exchanging, or leasing of Building Lots or buildings is carried out in the course of business.

三 宅地建物取引業者 第三条第一項の免許を受けて宅地建物取引業を営む者をいう。

(iii) Real Estate Broker: The term "Real Estate Broker" means a person engaged in Real Estate Brokerage upon being granted a license as provided for in Article 3 paragraph (1).

第二章 免許 Chapter II License

(免許)

(License)

第三条 宅地建物取引業を営もうとする者は、二以上の都道府県の区域内に事務所（本店、支店その他の政令で定めるものをいう。以下同じ。）を設置してその事業を営もうとする場合にあつては国土交通大臣の、一の都道府県の区域内にのみ事務所を設置してその事業を営もうとする場合にあつては当該事務所の所在地を管轄する都道府県知事の免許を受けなければならない。

Article 3 (1) If a person intends to engage in Real Estate Brokerage upon establishing business offices (head office, branch office, or any other business offices as specified by Cabinet Order; the same applies hereinafter) within zones in two or more prefectures, said person must obtain a license granted by the Minister of Land, Infrastructure, Transport and Tourism or, if the person intends to engage in said business upon establishing business offices within zones in a single prefecture only, obtain a license granted by the governor of the prefecture with jurisdiction over the locations of said business offices.

2 前項の免許の有効期間は、五年とする。

(2) The period of validity of the license as provided for in the preceding paragraph is five years.

3 前項の有効期間の満了後引き続き宅地建物取引業を営もうとする者は、免許の更新を受けなければならない。

(3) A person intending to continue engaging in Real Estate Brokerage after the expiration of the period of validity as provided for in the preceding paragraph must renew their license.

4 前項の免許の更新の申請があつた場合において、第二項の有効期間の満了の日までにその申請について処分がなされないときは、従前の免許は、同項の有効期間の満了後もその処分がなされるまでの間は、なお効力を有する。

(4) If an application for a renewal of a license as provided for in the preceding paragraph is made and said application is not subject to a disposition by the date on which the period of validity as provided for in paragraph (2) expires, the prior license is to remain in effect even after the expiration of the period of validity as provided for in the same paragraph, until such time that it is subject to disposition.

5 前項の場合において、免許の更新がなされたときは、その免許の有効期間は、従前の免許の有効期間の満了の日の翌日から起算するものとする。

(5) If a license is renewed as in the case referred to in the preceding paragraph, the period of validity of said license is to be calculated from the day following the date on which the period of validity for the prior license expires.

6 第一項の免許のうち国土交通大臣の免許を受けようとする者は、登録免許税法

(昭和四十二年法律第三十五号)の定めるところにより登録免許税を、第三項の規定により国土交通大臣の免許の更新を受けようとする者は、政令の定めるところにより手数料を、それぞれ納めなければならない。

(6) A person intending to obtain a license granted by the Minister of Land, Infrastructure, Transport and Tourism as provided for in paragraph (1) must pay a registration and license tax pursuant to the provisions of the Registration and License Tax Act (Act No. 35 of 1967), and a person intending to renew a license granted by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (3) must pay a service fee pursuant to the provisions of a Cabinet Order.

(免許の条件)

(License conditions)

第三条の二 国土交通大臣又は都道府県知事は、前条第一項の免許（同条第三項の免許の更新を含む。第二十五条第六項を除き、以下同じ。）に条件を付し、及びこれを変更することができる。

Article 3-2 (1) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor may attach conditions to a license as provided for in paragraph (1) of the preceding article (including the renewal of a license as provided for in paragraph (3) of the same article; the same applies hereinafter except in Article 25, paragraph (6)), and may revise said conditions.

2 前項の条件は、宅地建物取引業の適正な運営並びに宅地及び建物の取引の公正を確保するため必要な最小限度のものに限り、かつ、当該免許を受ける者に不当な義務を課することとならないものでなければならない。

(2) The conditions as provided for in the preceding paragraph must be limited to the minimum required to ensure appropriate operations for a Real Estate business and secure the fairness of Real Estate transactions and must not impose improper obligations on a person obtaining the license.

(免許の申請)

(License application)

第四条 第三条第一項の免許を受けようとする者は、二以上の都道府県の区域内に事務所を設置してその事業を営もうとする場合にあつては国土交通大臣に、一の都道府県の区域内にのみ事務所を設置してその事業を営もうとする場合にあつては当該事務所の所在地を管轄する都道府県知事に、次に掲げる事項を記載した免許申請書を提出しなければならない。

Article 4 (1) A person intending to obtain a license as provided for in paragraph (1) of Article 3 must submit a license application form on which matters as listed below are stated, if the person intends to engage in said business upon establishing business offices within zones in two or more prefectures, said person must apply to the Minister of Land, Infrastructure, Transport and

Tourism or, if the person intends to engage in said business upon establishing business offices within zones in a single prefecture only, to the governor of the prefecture with jurisdiction over the locations of said business offices:

一 商号又は名称

(i) trade name or name;

二 法人である場合においては、その役員の氏名及び政令で定める使用人があるときは、その者の氏名

(ii) if the person is a corporation, the names of the officers thereof and names of any employees as specified by Cabinet Order;

三 個人である場合においては、その者の氏名及び政令で定める使用人があるときは、その者の氏名

(iii) if the person is an individual, the name thereof and names of any employees as specified by Cabinet Order;

四 事務所の名称及び所在地

(iv) names and locations of business offices;

五 前号の事務所ごとに置かれる第十五条第一項に規定する者（同条第二項の規定によりその者とみなされる者を含む。第八条第二項第六号において同じ。）の氏名

(v) name of the person as prescribed in Article 15, paragraph (1), corresponding to each business office as provided for in the preceding item (including any person deemed to be such a person pursuant to paragraph (2) of the same article; the same applies in Article 8, paragraph (2) item (vi));

六 他に事業を行つてゐるときは、その事業の種類

(vi) if any other business is operated by the person, the type of said business..

2 前項の免許申請書には、次の各号に掲げる書類を添附しなければならない。

(2) The documents listed in the following items must be attached to a license application form as provided for in the preceding paragraph:

一 宅地建物取引業経歴書

(i) history of the Real Estate Brokerage;

二 第五条第一項各号に該当しないことを誓約する書面

(ii) written pledge of non-correspondence to any of the items listed in Article 5, paragraph (1);

三 事務所について第十五条第一項に規定する要件を備えていることを証する書面

(iii) written proof by business offices of having satisfied the requirements as prescribed in Article 15, paragraph (1);

四 その他国土交通省令で定める書面

(iv) other documents as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(免許の基準)

(Licensing standards)

第五条 国土交通大臣又は都道府県知事は、第三条第一項の免許を受けようとする者が

次の各号のいずれかに該当する場合又は免許申請書若しくはその添付書類中に重要な事項について虚偽の記載があり、若しくは重要な事実の記載が欠けている場合においては、免許をしてはならない。

Article 5 (1) License must not be granted by the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor if a person intending to obtain a license as provided for in Article 3, paragraph (1), falls under any of the following items or if a false statement concerning important information has been made or, an entry of important facts has been omitted from the license application form or a document attached thereto:

一 成年被後見人若しくは被保佐人又は破産者で復権を得ないもの

(i) an adult ward, person under curatorship, or bankrupt person whose rights have yet to be restored;

二 第六十六条第一項第八号又は第九号に該当することにより免許を取り消され、その取消の日から五年を経過しない者（当該免許を取り消された者が法人である場合においては、当該取消に係る聴聞の期日及び場所の公示の日前六十日以内に当該法人の役員（業務を執行する社員、取締役、執行役又はこれらに準ずる者をいい、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、法人に対し業務を執行する社員、取締役、執行役又はこれらに準ずる者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。以下この条、第十八条第一項、第六十五条第二項及び第六十六条第一項において同じ。）であつた者で当該取消の日から五年を経過しないものを含む。）

(ii) a person whose license was rescinded as a result of falling under Article 66, paragraph (1), item (viii) or (ix), and for whom five years have not yet passed from the date of said rescission (including, if the person whose license as provided for herein was rescinded is a corporation, an officer belonging to said corporation at any time within sixty days prior to the public notification of the date and location of hearings pertaining to said rescission (executive member, director, or executive officer or a person similar thereto, such as an executive member, director, executive officer, or any other person deemed to possess the same or a higher level of authority as that possessed thereby who executes operations for the corporation, irrespective of whether the person has been granted a title as an advisor, consultant, or any other position holder; the same applies hereinafter in this article; Article 18, paragraph (1); Article 65, paragraph (2); and Article 66 paragraph (1)) and for whom five years have not yet passed from the date of said rescission);

二の二 第六十六条第一項第八号又は第九号に該当するとして免許の取消処分聴聞の期日及び場所が公示された日から当該処分をする日又は当該処分をしないことを決定する日までの間に第十一条第一項第四号又は第五号の規定による届出があつた者（解散又は宅地建物取引業の廃止について相当の理由がある者を除く。）で当該届出の日から五年を経過しないもの

(ii)-2 a person who submits a notification under Article 11, paragraph (1), item

(iv) or (v), sometime between the date on which the date and location of a hearing for disposition by a rescission of a license to be held as a result of the person falling under Article 66, paragraph (1), item (viii) or (ix), is publicly notified and the date of the said disposition or the date on which it is determined that said disposition will not be imposed (excluding any person with reasonable grounds for a dissolution or the discontinuation of the Real Estate Brokerage) and for whom five years have not yet passed from the date of said notification;

二の三 前号に規定する期間内に合併により消滅した法人又は第十一条第一項第四号若しくは第五号の規定による届出があつた法人（合併、解散又は宅地建物取引業の廃止について相当の理由がある法人を除く。）の前号の公示の日前六十日以内に役員であつた者で当該消滅又は届出の日から五年を経過しないもの

(ii)-3 an officer belonging to a corporation that disappeared by a merger occurring within a period as prescribed in the preceding item or a corporation that submitted a notification under Article 11, paragraph (1), item (iv) or (v), (excluding any corporation with reasonable grounds for a merger or dissolution or the discontinuation of the Real Estate Brokerage) at any time within sixty days prior to the public notification as provided for in the preceding item and for whom five years have not yet passed from the date of said extinction or notification;

三 禁錮以上の刑に処せられ、その刑の執行を終わり、又は執行を受けることがなくなつた日から五年を経過しない者

(iii) a person who has been sentenced to imprisonment or a heavier punishment, and for whom five years have not yet passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement;

三の二 この法律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（平成三年法律第七十七号）の規定（同法第三十二条の三第七項及び第三十二条の十一第一項の規定を除く。第十八条第一項第五号の二及び第五十二条第七号ハにおいて同じ。）に違反したことにより、又は刑法（明治四十年法律第四十五号）第二百四条、第二百六条、第二百八条、第二百八条の三、第二百二十二条若しくは第二百四十七条の罪若しくは暴力行為等処罰に関する法律（大正十五年法律第六十号）の罪を犯したことにより、罰金の刑に処せられ、その刑の執行を終わり、又は執行を受けることがなくなつた日から五年を経過しない者

(iii)-2 a person has been sentenced to the punishment of a fine as a result of having contravened a provision of this Act or the Act on the Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (excluding provisions of Article 32-3, paragraph (7), and Article 32-11, paragraph (1) of the same Act; the same applies in Article 18, paragraph (1), item (v)-2, and Article 52, item (vii)-(c)), or committed a crime under Article 204, Article 206, Article 208, Article 208-3, Article 222, or Article 247 of the

Penal Code (Act No. 45 of 1907) or a crime under the Act on the Punishment of Physical Violence and Other Acts (Act No. 60 of 1926) and for whom five years have not yet passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement ;

四 免許の申請前五年以内に宅地建物取引業に関し不正又は著しく不当な行為をした者

(iv) a person who has committed a wrongful or significantly unjustifiable act in connection with the Real Estate Brokerage within five years prior to the license application;

五 宅地建物取引業に関し不正又は不誠実な行為をするおそれが明らかな者

(v) a person who is clearly at risk of committing a wrongful act, or an act in bad-faith in connection with the Real Estate Brokerage;

六 営業に関し成年者と同一の行為能力を有しない未成年者でその法定代理人（法定代理人が法人である場合においては、その役員を含む。）が前各号のいずれかに該当するもの

(vi) a minor lacking the same capacity to act as an adult person in connection with a business and whose legal agent (including an officer of a legal agent where said legal agent constitutes a corporation) falls under any of the preceding items;

七 法人でその役員又は政令で定める使用人のうちに第一号から第五号までのいずれかに該当する者のあるもの

(vii) a corporation which has an officer or employee falls under any of items (i) through (v) as specified by Cabinet Order;

八 個人で政令で定める使用人のうちに第一号から第五号までのいずれかに該当する者のあるもの

(viii) an individual to whom, has an employee fall under any of items (i) through (v) as specified by Cabinet Order;

九 事務所について第十五条に規定する要件を欠く者

(ix) a person who fails to satisfy a requirement as prescribed in Article 15 applicable to business offices.

2 国土交通大臣又は都道府県知事は、免許をしない場合においては、その理由を附した書面をもつて、申請者にその旨を通知しなければならない。

(2) If no license is to be granted, the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor must provide written notification of the fact thereof to which an applicable reason has been appended to the applicant.

(免許証の交付)

(Issuance of a license certificate)

第六条 国土交通大臣又は都道府県知事は、第三条第一項の免許をしたときは、免許証を交付しなければならない。

Article 6 If a license as provided for in Article 3, paragraph (1), has been granted, the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor must issue a license certificate.

(免許換えの場合における従前の免許の効力)

(Validity of the previous license upon its replacement)

第七条 宅地建物取引業者が第三条第一項の免許を受けた後次の各号の一に該当して引き続き宅地建物取引業を営もうとする場合において同項の規定により国土交通大臣又は都道府県知事の免許を受けたときは、その者に係る従前の国土交通大臣又は都道府県知事の免許は、その効力を失う。

Article 7 (1) If a Real Estate Broker who has obtained a license as provided for in Article 3, paragraph (1), and who intends to continue engaging in the Real Estate Brokerage falling under any of the following items, when that person obtains a license granted by the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor, the previous license granted to the person by the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor is to cease to be effective:

一 国土交通大臣の免許を受けた者が一の都道府県の区域内にのみ事務所を有することとなつたとき。

(i) when the person who has obtained a license granted by the Minister of Land, Infrastructure, Transport and Tourism will have business offices only within zones in a single prefecture;

二 都道府県知事の免許を受けた者が当該都道府県の区域内における事務所を廃止して、他の一の都道府県の区域内に事務所を設置することとなつたとき。

(ii) when the person who has obtained a license granted by the governor of a prefecture has eliminated business offices within zones in said prefecture and will establish business offices within zones in another single prefecture;

三 都道府県知事の免許を受けた者が二以上の都道府県の区域内に事務所を有することとなつたとき。

(iii) when the person who has obtained a license from a prefectural governor will have business offices within zones in two or more prefectures.

2 第三条第四項の規定は、宅地建物取引業者が前項各号の一に該当して引き続き宅地建物取引業を営もうとする場合において第四条第一項の規定による申請があつたときについて準用する。

(2) If a Real Estate Broker falls under any of the items of the preceding paragraph and intends to continue engaging in the Real Estate Brokerage, the provisions of Article 3, paragraph (4), apply mutatis mutandis when an application under the provisions of Article 4, paragraph (1), is made.

(宅地建物取引業者名簿)

(Register of Real Estate Brokers)

第八条 国土交通省及び都道府県に、それぞれ宅地建物取引業者名簿を備える。

Article 8 (1) The Ministry of Land, Infrastructure, Transport and Tourism and each prefectural government are to maintain its respective register of Real Estate Brokers.

2 国土交通大臣又は都道府県知事は、宅地建物取引業者名簿に、国土交通大臣にあつてはその免許を受けた宅地建物取引業者に関する次に掲げる事項を、都道府県知事にあつてはその免許を受けた宅地建物取引業者及び国土交通大臣の免許を受けた宅地建物取引業者で当該都道府県の区域内に主たる事務所を有するものに関する次に掲げる事項を登載しなければならない。

(2) The Minister of Land, Infrastructure, Transport and Tourism must record the following matters pertaining to any Real Estate Broker to whom it has granted a license in its register of Real Estate Brokers and the governor of a prefecture must record the matters as listed below pertaining to any Real Estate Broker to whom it has granted a license and any Real Estate Broker who has obtained a license from the Minister of Land, Infrastructure, Transport and Tourism and who has business offices primarily within zones in said prefecture in its register of Real Estate Brokers:

一 免許証番号及び免許の年月日

(i) license certificate number and license date;

二 商号又は名称

(ii) trade name, or name;

三 法人である場合においては、その役員の氏名及び政令で定める使用人があるときは、その者の氏名

(iii) if the person is a corporation, the names of the officers thereof and names of any employees as specified by Cabinet Order;

四 個人である場合においては、その者の氏名及び政令で定める使用人があるときは、その者の氏名

(iv) if the person is an individual, the name thereof and names of any employees as specified by Cabinet Order;

五 事務所の名称及び所在地

(v) names and locations of business offices;

六 前号の事務所ごとに置かれる第十五条第一項に規定する者の氏名

(vi) name of the person as prescribed in Article 15, paragraph (1),

corresponding to each business office as provided for in the preceding item;

七 第五十条の二第一項の認可を受けているときは、その旨及び認可の年月日

(vii) if the authorization as provided for in Article 50-2, paragraph (1), has been obtained, the fact thereof and the date of authorization;

八 その他国土交通省令で定める事項

(viii) other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(変更の届出)

(Notification of change)

第九条 宅地建物取引業者は、前条第二項第二号から第六号までに掲げる事項について変更があつた場合においては、国土交通省令の定めるところにより、三十日以内に、その旨をその免許を受けた国土交通大臣又は都道府県知事に届け出なければならない。

Article 9 If there has been a change to a matter as listed in any of items (ii) through (vi) of paragraph (2) of the preceding article, the Real Estate Broker must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor from whom the applicable license was obtained within thirty days.

(宅地建物取引業者名簿等の閲覧)

(Inspection of register of Real Estate Brokers)

第十条 国土交通大臣又は都道府県知事は、国土交通省令の定めるところにより、宅地建物取引業者名簿並びに免許の申請及び前条の届出に係る書類又はこれらの写しを一般の閲覧に供しなければならない。

Article 10 The Minister of Land, Infrastructure, Transport and Tourism or the governor of a prefecture, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, must make its register of Real Estate Brokers, license applications, and documents pertaining to notifications as provided for in the preceding article, as well as copies thereof, to make available for the public inspection.

(廃業等の届出)

(Notification of the discontinuation of business)

第十一条 宅地建物取引業者が次の各号のいずれかに該当することとなつた場合においては、当該各号に掲げる者は、その日（第一号の場合にあつては、その事実を知つた日）から三十日以内に、その旨をその免許を受けた国土交通大臣又は都道府県知事に届け出なければならない。

Article 11 (1) If a Real Estate Broker falls under any of the following items, the person corresponding to the applicable item must provide a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor from whom the applicable license was obtained within thirty days of the applicable date (for item (i), the date on which the fact corresponding thereto becomes known):

一 宅地建物取引業者が死亡した場合 その相続人

(i) if the Real Estate Broker has died: the successor thereto;

二 法人が合併により消滅した場合 その法人を代表する役員であつた者

(ii) if the corporation has disappeared by merger: the person who was an official representing said corporation;

三 宅地建物取引業者について破産手続開始の決定があつた場合 その破産管財人
(iii) if an order of commencement of bankruptcy proceedings for the Real Estate

Broker has been made: the bankruptcy trustee for said Real Estate Broker;

四 法人が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場合 その清算人
(iv) if the corporation has dissolved other than by merger or an order of
commencement of bankruptcy proceedings: the liquidator for said
corporation;

五 宅地建物取引業を廃止した場合 宅地建物取引業者であつた個人又は宅地建物取
引業者であつた法人を代表する役員

(v) if the Real Estate Brokerage has been discontinued: the individual
constituting the Real Estate Broker or the officer representing the
corporation constituting the Real Estate Broker.

2 前項第三号から第五号までの規定により届出があつたときは、第三条第一項の免許
は、その効力を失う。

(2) If a notification has been submitted pursuant to the provisions of any of items
(iii) through (v) of the preceding paragraph, the license as provided for in
Article 3, paragraph (1), ceases to be effective.

(無免許事業等の禁止)

(Prohibition against unlicensed businesses)

第十二条 第三条第一項の免許を受けない者は、宅地建物取引業を営んではならない。

Article 12 (1) A person who has not obtained a license as provided for in Article
3, paragraph (1), is not to engage in Real Estate Brokerage.

2 第三条第一項の免許を受けない者は、宅地建物取引業を営む旨の表示をし、又は宅
地建物取引業を営む目的をもつて、広告をしてはならない。

(2) A person who has not obtained a license as provided for in Article 3,
paragraph (1), is not to provide any indication to the effect that the person
engages in Real Estate Brokerage or advertise for the purpose of engaging in
Real Estate Brokerage.

(名義貸しの禁止)

(Prohibition against name lending)

第十三条 宅地建物取引業者は、自己の名義をもつて、他人に宅地建物取引業を営ませ
てはならない。

Article 13 (1) A Real Estate Broker must not have another person engage in the
Real Estate Brokerage under the name of said Real Estate Broker.

2 宅地建物取引業者は、自己の名義をもつて、他人に、宅地建物取引業を営む旨の表
示をさせ、又は宅地建物取引業を営む目的をもつてする広告をさせてはならない。

(2) A Real Estate Broker is not to have another person provide any indication to
the effect that the person engages in Real Estate Brokerage or advertises for
the purpose of engaging in Real Estate Brokerage under the name of said Real

Estate Broker.

(国土交通省令への委任)

(Delegation to ordinances of the Ministry of Land, Infrastructure, Transport and Tourism)

第十四条 第三条から第十一条までに規定するもののほか、免許の申請、免許証の交付、書換交付、再交付及び返納並びに宅地建物取引業者名簿の登載、訂正及び消除について必要な事項は、国土交通省令で定める。

Article 14 In addition to what is as prescribed in Articles 3 through 11, required particulars concerning license applications, the issuance of license certificates, the issuance of replacement certificates, the re-issuance and return of license certificates, and the recording of entries to, correction of entries in, and deletion of entries from a register of Real Estate Brokers are as specified by an applicable Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

第三章 宅地建物取引主任者

Chapter III Real Estate Transaction Specialist

(取引主任者の設置)

(Appointing Transaction Specialists)

第十五条 宅地建物取引業者は、その事務所その他国土交通省令で定める場所（以下この条及び第五十条第一項において「事務所等」という。）ごとに、事務所等の規模、業務内容等を考慮して国土交通省令で定める数の成年者である専任の取引主任者（第二十二条の二第一項の宅地建物取引主任者証の交付を受けた者をいう。以下同じ。）を置かなければならない。

Article 15 (1) A Real Estate Broker must appoint adult, exclusive transaction specialists (persons to whom a Real Estate Transaction Specialist identification card as provided for in Article 22-2, paragraph (1), has been issued; the same applies hereinafter) of the amount as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the size of each business office, the contents of operations, and other factors to each business office thereof and any other location as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (referred to hereinafter in this article and Article 50, paragraph (1), as a "Business Office, etc.").

2 前項の場合において、宅地建物取引業者（法人である場合においては、その役員（業務を執行する社員、取締役、執行役又はこれらに準ずる者をいう。））が取引主任者であるときは、その者が自ら主として業務に従事する事務所等については、その者は、その事務所等に置かれる成年者である専任の取引主任者とみなす。

(2) If a Real Estate Broker (any officer (executive member, director, executive

officer, or any other person similar thereto who executes operations for the corporation) of said Real Estate Broker, if said Real Estate Broker is a corporation) is the transaction specialist in a case referred to in the preceding paragraph, the person will be deemed, for the Business Office, etc., at which the person personally and primarily engages in duties, to be the adult, exclusive transaction specialist appointed thereto.

3 宅地建物取引業者は、第一項の規定に抵触する事務所等を開設してはならず、既存の事務所等が同項の規定に抵触するに至ったときは、二週間以内に、同項の規定に適合させるため必要な措置を執らなければならない。

(3) A Real Estate Broker may not establish a Business Office, etc., that contravenes the provisions of paragraph (1) and must take measures required to ensure compliance with the provisions of the same paragraph within two weeks, when an existing Business Office, etc., contravenes the provisions of the same paragraph.

(試験)

(Examination)

第十六条 都道府県知事は、国土交通省令の定めるところにより、宅地建物取引主任者資格試験（以下「試験」という。）を行わなければならない。

Article 16 (1) A prefectural governor must administer a qualifications examination for Real Estate transaction specialists (hereinafter referred to as "Examination") pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 試験は、宅地建物取引業に関して、必要な知識について行う。

(2) An Examination is to be administered to test the required knowledge concerning Real Estate Brokerage.

3 第十七条の三から第十七条の五までの規定により国土交通大臣の登録を受けた者（以下「登録講習機関」という。）が国土交通省令で定めるところにより行う講習（以下「登録講習」という。）の課程を修了した者については、国土交通省令で定めるところにより、試験の一部を免除する。

(3) A person who has obtained a registration with the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Articles 17-3 through 17-5 (hereinafter referred to as "Registered Training Agency") and who has completed a course on training to be provided as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "Registered Training") is exempted from part of the Examination as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(指定)

(Designation)

第十六条の二 都道府県知事は、国土交通大臣の指定する者に、試験の実施に関する事務（以下「試験事務」という。）を行わせることができる。

Article 16-2 (1) A prefectural governor may have a person designated by the Minister of Land, Infrastructure, Transport and Tourism engage in processes relating to the administration of an Examination (hereinafter referred to as "Examination Processes").

2 前項の規定による指定は、試験事務を行おうとする者の申請により行う。

(2) The designation under the preceding paragraph is made through the application of a person intending to engage in Examination Processes.

3 都道府県知事は、第一項の規定により国土交通大臣の指定する者に試験事務を行わせるときは、試験事務を行わないものとする。

(3) A prefectural governor is not to engage in Examination Processes if a person designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) is to engage in Examination Processes.

(指定の基準)

(Designation criteria)

第十六条の三 国土交通大臣は、前条第二項の規定による申請が次の各号に適合していると認めるときでなければ、同条第一項の規定による指定をしてはならない。

Article 16-3 (1) Unless the Minister of Land, Infrastructure, Transport and Tourism deems an application under paragraph (2) of the preceding article to be in compliance with the following items, said minister is not to make a designation under paragraph (1) of the same article:

一 職員、設備、試験事務の実施の方法その他の事項についての試験事務の実施に関する計画が試験事務の適正かつ確実な実施のために適切なものであること。

(i) a plan concerning the conducting of Examination Processes in terms of employees, equipment, the method by which Examination Processes is to be conducted, and other matters that are appropriate for the proper and reliable conducting of Examination Processes;

二 前号の試験事務の実施に関する計画の適正かつ確実な実施に必要な経理的及び技術的な基礎を有するものであること。

(ii) the application possesses of financial and technical foundation necessary for the proper and reliable implementation of a plan concerning the conducting of Examination Processes as provided for in the preceding item;

三 申請者が、試験事務以外の業務を行つている場合には、その業務を行うことによつて試験事務が不公正になるおそれがないこと。

(iii) there is no risk that the performance of duties other than those pertaining to Examination Processes by the applicant, where applicable, will lead to the unfair conducting of Examination Processes.

2 国土交通大臣は、前条第二項の規定による申請をした者が、次の各号のいずれかに

該当するときは、同条第一項の規定による指定をしてはならない。

(2) If a person who has submitted an application under paragraph (2) of the preceding article falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism is not to make a designation under paragraph (1) of the same article:

一 一般社団法人又は一般財団法人以外の者であること。

(i) a person who is not a general incorporated association or a general incorporated foundation;

二 この法律に違反して、刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から起算して二年を経過しない者であること。

(ii) a person who has been sentenced to a punishment after having contravened this Act and for whom two years have not yet passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement;

三 第十六条の十五第一項又は第二項の規定により指定を取り消され、その取消の日から起算して二年を経過しない者であること。

(iii) a person whose designation was rescinded pursuant to the provisions of Article 16-15, paragraph (1) or (2), and for whom two years have not yet passed from the date of said rescission;

四 その役員のうち、次のいずれかに該当する者があること。

(iv) a person to which belongs an officer who falls under either of the following:

イ 第二号に該当する者

(a) a person falling under item (ii);

ロ 第十六条の六第二項の規定による命令により解任され、その解任の日から起算して二年を経過しない者

(b) a person who was dismissed by an order under Article 16-6 paragraph (2) and for whom two years have not yet passed from the date of said dismissal.

(指定の公示等)

(Public notice of designation)

第十六条の四 国土交通大臣は、第十六条の二第一項の規定による指定をしたときは、当該指定を受けた者の名称及び主たる事務所の所在地並びに当該指定をした日を公示しなければならない。

Article 16-4 (1) If the Minister of Land, Infrastructure, Transport and Tourism grants a designation under Article 16-2, paragraph (1), said minister must issue a public notice of the name of the designated person, location of the principal business office thereof, and date of said designation.

2 第十六条の二第一項の規定による指定を受けた者（以下「指定試験機関」という。）は、その名称又は主たる事務所の所在地を変更しようとするときは、変更しようとする日の二週間前までに、その旨を国土交通大臣に届け出なければならない。

(2) If a person for whom a designation under Article 16-2, paragraph (1), has

been made (hereinafter referred to as "Designated Examination Body") intends to change the name or location of the principal business office thereof, the person must notify the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism by no later than two weeks prior to the intended date of said change.

3 国土交通大臣は、前項の規定による届出があつたときは、その旨を公示しなければならない。

(3) If a notification under the preceding paragraph is filed, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notification of the fact thereof.

(委任の公示等)

(Public notice of delegation)

第十六条の五 第十六条の二第一項の規定により指定試験機関にその試験事務を行わせることとした都道府県知事（以下「委任都道府県知事」という。）は、当該指定試験機関の名称、主たる事務所の所在地及び当該試験事務を取り扱う事務所の所在地並びに当該指定試験機関に試験事務を行わせることとした日を公示しなければならない。

Article 16-5 (1) A prefectural governor who has delegated their Examination Processes to a Designated Examination Body pursuant to the provisions of Article 16-2, paragraph (1), (hereinafter referred to as "Delegating Prefectural Governor") must issue a public notice of the name of said Designated Examination Body, location of the principal business office thereof, location of the business office thereof handling said Examination Processes, and date of the delegation of Examination Processes to said Designated Examination Body.

2 指定試験機関は、その名称、主たる事務所の所在地又は試験事務を取り扱う事務所の所在地を変更しようとするときは、委任都道府県知事（試験事務を取り扱う事務所の所在地については、関係委任都道府県知事）に、変更しようとする日の二週間前までに、その旨を届け出なければならない。

(2) If a Designated Examination Body intends to change the name, location of the principal business office, or location of the business office handling Examination Processes thereof, the Designated Examination Body must notify the fact thereof to the Delegating Prefectural Governor (relevant Delegating Prefectural Governor for the location of the business office handling Examination Processes) by no later than two weeks prior to the intended date of said change.

3 委任都道府県知事は、前項の規定による届出があつたときは、その旨を公示しなければならない。

(3) If a notification under the preceding paragraph is filled, the Delegating Prefectural Governor must issue a public notice of the fact thereof.

(役員を選任及び解任)

(Appointment and dismissal of officers)

第十六条の六 指定試験機関の役員の選任及び解任は、国土交通大臣の認可を受けなければ、その効力を生じない。

Article 16-6 (1) Appointment or dismissal of an officer of a Designated Examination Body will take effect unless approved by the Minister of Land, Infrastructure, Transport and Tourism.

2 国土交通大臣は、指定試験機関の役員が、この法律（この法律に基づく命令又は処分を含む。）若しくは第十六条の九第一項の試験事務規程に違反する行為をしたとき、又は試験事務に関し著しく不適当な行為をしたときは、指定試験機関に対し、その役員を解任すべきことを命ずることができる。

(2) If an officer of a Designated Examination Body engages in conduct contravening this Act (including an order or disposition based on this Act) or the regulations governing Examination Processes as provided for in Article 16-9, paragraph (1), or engages in considerably inappropriate conduct in connection with Examination Processes, the Minister of Land, Infrastructure, Transport and Tourism may order the Designated Examination Body to dismiss said officer.

(試験委員)

(Examination officers)

第十六条の七 指定試験機関は、国土交通省令で定める要件を備える者のうちから宅地建物取引主任者資格試験委員（以下「試験委員」という。）を選任し、試験の問題の作成及び採点を行わせなければならない。

Article 16-7 (1) A Designated Examination Body must appoint examiners to administer qualification Examinations for Real Estate transaction specialists (hereinafter referred to as "Examiners") from among persons satisfying requirements as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and have Examination questions prepared and marked.

2 指定試験機関は、前項の試験委員を選任し、又は解任したときは、遅滞なく、その旨を国土交通大臣に届け出なければならない。

(2) If an examiner as provided for in the preceding paragraph is appointed or dismissed, the Designated Examination Body must, without delay, notify the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism.

3 前条第二項の規定は、第一項の試験委員の解任について準用する。

(3) The provisions of paragraph (2) of the preceding article apply mutatis mutandis to the dismissal of an examiner as provided for in paragraph (1).

(秘密保持義務等)

(Obligation to maintain confidentiality)

第十六条の八 指定試験機関の役員若しくは職員（前条第一項の試験委員を含む。次項

において同じ。)又はこれらの職にあつた者は、試験事務に関して知り得た秘密を漏らしてはならない。

Article 16-8 (1) No officer or employee of a Designated Examination Body (including an examiner as provided for in paragraph (1) of the preceding article; the same applies in the following paragraph) or person who was formerly in such a position is to leak confidential information obtained concerning Examination Processes.

2 試験事務に従事する指定試験機関の役員及び職員は、刑法 その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) With respect to the application of the Penal Code or any other penal provisions, officers and employees of a Designated Examination Body engaging in Examination Processes are deemed to be an officials engaged in public services under laws.

(試験事務規程)

(Regulations governing Examination Processes)

第十六条の九 指定試験機関は、国土交通省令で定める試験事務の実施に関する事項について試験事務規程を定め、国土交通大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 16-9 (1) A Designated Examination Body must prescribe the regulations governing Examination Processes concerning matters relating to the conducting of Examination Processes as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and have them approved by the Minister of Land, Infrastructure, Transport and Tourism. The same applies when a Designated Examination Body intends to revise said regulations.

2 指定試験機関は、前項後段の規定により試験事務規程を変更しようとするときは、委任都道府県知事の意見を聴かなければならない。

(2) If a Designated Examination Body intends to revise regulations governing Examination Processes pursuant to the provisions of the second sentence of the preceding paragraph, it must hear the opinions of the Delegating Prefectural Governor.

3 国土交通大臣は、第一項の規定により認可をした試験事務規程が試験事務の適正かつ確実な実施上不適當となつたと認めるときは、指定試験機関に対し、これを変更すべきことを命ずることができる。

(3) The Minister of Land, Infrastructure, Transport and Tourism may, when deems that the regulations governing Examination Processes as approved pursuant to the provisions of paragraph (1) have become inappropriate for the proper and reliable conducting of Examination Processes, order the Designated Examination Body to revise said regulations.

(事業計画等)

(Business plan)

第十六条の十 指定試験機関は、毎事業年度、事業計画及び収支予算を作成し、当該事業年度の開始前に（第十六条の二第一項の規定による指定を受けた日の属する事業年度にあつては、その指定を受けた後遅滞なく）、国土交通大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 16-10 (1) A Designated Examination Body must prepare a business plan, as well as a revenue and expenditure budget each business year and have them approved by the Minister of Land, Infrastructure, Transport and Tourism prior to the commencement of the corresponding business year (or, for the business year in which falls the date on which a designation was obtained under Article 16-2, paragraph (1), without delay upon obtaining said designation). The same applies when a Designated Examination Body intends to revise said business plan or revenue or expenditure budget.

2 指定試験機関は、事業計画及び収支予算を作成し、又は変更しようとするときは、委任都道府県知事の意見を聴かなければならない。

(2) If a Designated Examination Body intends to prepare or revise a business plan or revenue and expenditure budget, it must hear the opinions of the Delegating Prefectural Governor.

3 指定試験機関は、毎事業年度、事業報告書及び収支決算書を作成し、当該事業年度の終了後三月以内に、国土交通大臣及び委任都道府県知事に提出しなければならない。

(3) A Designated Examination Body must prepare a business report and statement of accounts each business year and submit them to the Minister of Land, Infrastructure, Transport and Tourism and the Delegating Prefectural Governor within three months after the end of the corresponding business year.

(帳簿の備付け等)

(Maintenance of books)

第十六条の十一 指定試験機関は、国土交通省令で定めるところにより、試験事務に関する事項で国土交通省令で定めるものを記載した帳簿を備え、保存しなければならない。

Article 16-11 A Designated Examination Body must, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, prepare books in which matters that relate to Examination Processes and that are specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism are stated and retain said books.

(監督命令等)

(Supervisory order)

第十六条の十二 国土交通大臣は、試験事務の適正な実施を確保するため必要があると認めるときは、指定試験機関に対し、試験事務に関し監督上必要な命令をすることが

できる。

Article 16-12 (1) If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary to secure proper conducting of Examination Processes, said minister may issue an order required for supervision in connection with Examination Processes to a Designated Examination Body.

2 委任都道府県知事は、その行わせることとした試験事務の適正な実施を確保するため必要があると認めるときは、指定試験機関に対し、当該試験事務の適正な実施のために必要な措置をとるべきことを指示することができる。

(2) If a Delegating Prefectural Governor deems it necessary to secure the proper conducting of their entrusted Examination Processes, said governor may issue instructions to have measures required for the proper conducting of Examination Processes to a Designated Examination Body.

(報告及び検査)

(Reports and inspections)

第十六条の十三 国土交通大臣は、試験事務の適正な実施を確保するため必要があると認めるときは、指定試験機関に対し、試験事務の状況に関し必要な報告を求め、又はその職員に、指定試験機関の事務所に立ち入り、試験事務の状況若しくは設備、帳簿、書類その他の物件を検査させることができる。

Article 16-13 (1) If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary to secure the proper conducting of Examination Processes, said minister may request required reports on the status of Examination Processes from a Designated Examination Body or have said ministers officials enter the business office of the Designated Examination Body and inspect the status of Examination Processes or the equipment, books, documents, and other materials and articles of the Designated Examination Body.

2 委任都道府県知事は、その行わせることとした試験事務の適正な実施を確保するため必要があると認めるときは、指定試験機関に対し、当該試験事務の状況に関し必要な報告を求め、又はその職員に、当該試験事務を取り扱う指定試験機関の事務所に立ち入り、当該試験事務の状況若しくは設備、帳簿、書類その他の物件を検査させることができる。

(2) If a Delegating Prefectural Governor deems it necessary to secure the proper conducting of their entrusted Examination Processes, said governor may request required reports on the status of Examination Processes from a Designated Examination Body or have said governors officials enter the business office of the Designated Examination Body handling said Examination Processes and inspect the status of Examination Processes or the equipment, books, documents, and other materials and articles of the Designated Examination Body.

3 第一項又は前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) An official conducting an on-site inspection pursuant to the provision of paragraph (1) or the preceding paragraph must carry personal identification, and present said identification if requested to do so by a concerned person.

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

(4) The authority to conduct an on-site inspection under paragraph (1) or (2) must not be interpreted as having been accorded for the purpose of a criminal investigation.

(試験事務の休廃止)

(Suspension or abolition of Examination Processes)

第十六条の十四 指定試験機関は、国土交通大臣の許可を受けなければ、試験事務の全部又は一部を休止し、又は廃止してはならない。

Article 16-14 (1) A Designated Examination Body must not suspend or discontinue Examination Processes in whole or in part unless the permission of the Minister of Land, Infrastructure, Transport and Tourism is obtained.

2 国土交通大臣は、指定試験機関の試験事務の全部又は一部の休止又は廃止により試験事務の適正かつ確実な実施が損なわれるおそれがないと認めるときでなければ、前項の規定による許可をしてはならない。

(2) The Minister of Land, Infrastructure, Transport and Tourism is not to grant permission under the preceding paragraph unless it can be deemed that there is no risk that the suspension or abolition of Examination Processes in whole or in part by the Designated Examination Body will impede the proper and reliable conducting of Examination Processes.

3 国土交通大臣は、第一項の規定による許可をしようとするときは、関係委任都道府県知事の意見を聴かなければならない。

(3) If the Minister of Land, Infrastructure, Transport and Tourism intends to grant permission under paragraph (1), said minister must hear the opinions of the relevant Delegating Prefectural Governor.

4 国土交通大臣は、第一項の規定による許可をしたときは、その旨を、関係委任都道府県知事に通知するとともに、公示しなければならない。

(4) If the Minister of Land, Infrastructure, Transport and Tourism has granted permission under paragraph (1), said minister must notify the fact thereof to the relevant Delegating Prefectural Governor and issue a public notice of the fact thereof.

(指定の取消し等)

(Rescission of designation)

第十六条の十五 国土交通大臣は、指定試験機関が第十六条の三第二項各号（第三号を除く。）の一に該当するに至ったときは、当該指定試験機関の指定を取り消さなければならない。

Article 16-15 (1) If a Designated Examination Body comes to fall under any of the items listed in Article 16-3, paragraph (2), (excluding item (iii)), the Minister of Land, Infrastructure, Transport and Tourism must rescind the designation of said Designated Examination Body.

2 国土交通大臣は、指定試験機関が次の各号の一に該当するときは、当該指定試験機関に対し、その指定を取り消し、又は期間を定めて試験事務の全部若しくは一部の停止を命ずることができる。

(2) If a Designated Examination Body falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the designation of said Designated Examination Body or order said Designated Examination Body to suspend Examination Processes in whole or in part for a prescribed period:

一 第十六条の三第一項各号の一に適合しなくなつたと認められるとき。

(i) when it is deemed that the Designated Examination Body no longer conforms to an item listed in Article 16-3, paragraph (1);

二 第十六条の七第一項、第十六条の十第一項若しくは第三項、第十六条の十一又は前条第一項の規定に違反したとき。

(ii) when the Designated Examination Body contravenes a provision of Article 16-7, paragraph (1); Article 16-10, paragraph (1) or (3); Article 16-11; or paragraph (1) of the preceding article;

三 第十六条の六第二項（第十六条の七第三項において準用する場合を含む。）、第十六条の九第三項又は第十六条の十二第一項の規定による命令に違反したとき。

(iii) when the Designated Examination Body contravenes an order under Article 16-6 paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 16-7, paragraph (3)); Article 16-9, paragraph (3); or Article 16-12, paragraph (1);

四 第十六条の九第一項の規定により認可を受けた試験事務規程によらないで試験事務を行つたとき。

(iv) when the Designated Examination Body conducts Examination Processes without complying with regulations governing Examination Processes as approved pursuant to the provisions of Article 16-9, paragraph (1);

五 不正な手段により第十六条の二第一項の規定による指定を受けたとき。

(v) when the Designated Examination Body obtains a designation under Article 16-2, paragraph (1), by unlawful means;

3 国土交通大臣は、前二項の規定による処分に係る聴聞を行うに当たっては、その期日の一週間前までに、行政手続法（平成五年法律第八十八号）第十五条第一項の規定による通知をし、かつ、聴聞の期日及び場所を公示しなければならない。

(3) In holding a hearing pertaining to a disposition under either of the preceding two paragraphs, the Minister of Land, Infrastructure, Transport and Tourism must provide a notification under Article 15, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993) and issue a public notice of

the date and location of the hearing by no later than one week prior to the date thereof.

4 前項の通知を行政手続法第十五条第三項 に規定する方法によつて行う場合においては、同条第一項 の規定により聴聞の期日までにおくべき相当な期間は、二週間を下回つてはならない。

(4) If a notification as provided for in the preceding paragraph is to be made according to a method as prescribed in Article 15, paragraph (3) of the Administrative Procedure Act, the reasonable period of time to be provided prior to the date of the hearing pursuant to the provisions of paragraph (1) of the same article must not be less than two weeks in length.

5 第三項の聴聞の期日における審理は、公開により行わなければならない。

(5) Proceedings on the date of the hearing as provided for in paragraph (3) must be open to the public.

6 国土交通大臣は、第一項又は第二項の規定による処分をしたときは、その旨を、関係委任都道府県知事に通知するとともに、公示しなければならない。

(6) If the Minister of Land, Infrastructure, Transport and Tourism carries out a disposition under paragraph (1) or (2), said minister must notify the fact thereof to the relevant Delegating Prefectural Governor and issue a public notice of the fact thereof.

(委任の撤回の通知等)

(Notification of the revocation of delegation)

第十六条の十六 委任都道府県知事は、指定試験機関に試験事務を行わせないこととするときは、その三月前までに、その旨を指定試験機関に通知しなければならない。

Article 16-16 (1) If a Delegating Prefectural Governor determines that a Designated Examination Body will no longer conduct Examination Processes, said governor must provide notification of the fact thereof to the Designated Examination Body by no later than three months prior thereto.

2 委任都道府県知事は、指定試験機関に試験事務を行わせないこととしたときは、その旨を公示しなければならない。

(2) If a Delegating Prefectural Governor determines that a Designated Examination Body has chosen to no longer conduct Examination Processes, said governor must issue a public notice of the fact thereof.

(委任都道府県知事による試験の実施)

(Conducting of Examinations by a Delegating Prefectural Governor)

第十六条の十七 委任都道府県知事は、指定試験機関が第十六条の十四第一項の規定により試験事務の全部若しくは一部を休止したとき、国土交通大臣が第十六条の十五第二項の規定により指定試験機関に対し試験事務の全部若しくは一部の停止を命じたとき、又は指定試験機関が天災その他の事由により試験事務の全部若しくは一部を実施することが困難となつた場合において国土交通大臣が必要があると認めるときは、第

十六条の二第三項の規定にかかわらず、当該試験事務の全部又は一部を行うものとする。

Article 16-17 (1) If a Designated Examination Body suspends Examination Processes in whole or in part pursuant to the provisions of Article 16-14, paragraph (1); if the Minister of Land, Infrastructure, Transport and Tourism issues an order to a Designated Examination Body to suspend Examination Processes in whole or in part pursuant to the provisions of Article 16-15, paragraph (2); or if it has become difficult for a Designated Examination Body to conduct Examination Processes in whole or in part due to a natural disaster or for other reasons; the Delegating Prefectural Governor is to conduct said Examination Processes in whole or in part notwithstanding the provisions of Article 16-2, paragraph (3).

2 国土交通大臣は、委任都道府県知事が前項の規定により試験事務を行うこととなるとき、又は委任都道府県知事が同項の規定により試験事務を行うこととなる事由がなくなつたときは、速やかにその旨を当該委任都道府県知事に通知しなければならない。

(2) If a Delegating Prefectural Governor is to conduct Examination Processes pursuant to the provisions of the preceding paragraph or if the reason for the conducting of Examination Processes by the Delegating Prefectural Governor pursuant to the provisions of the same paragraph no longer applies, the Minister of Land, Infrastructure, Transport and Tourism must promptly provide notification of the fact thereof to said Delegating Prefectural Governor.

3 委任都道府県知事は、前項の規定による通知を受けたときは、その旨を公示しなければならない。

(3) If a Delegating Prefectural Governor receives a notification under the preceding paragraph, said governor must issue a public notice of the fact thereof.

(試験事務の引継ぎ等に関する国土交通省令への委任)

(Delegation to an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in connection with the succession of Examination Processes)

第十六条の十八 前条第一項の規定により委任都道府県知事が試験事務を行うこととなつた場合、国土交通大臣が第十六条の十四第一項の規定により試験事務の廃止を許可し、若しくは第十六条の十五第一項若しくは第二項の規定により指定を取り消した場合又は委任都道府県知事が指定試験機関に試験事務を行わせないこととした場合における試験事務の引継ぎその他の必要な事項は、国土交通省令で定める。

Article 16-18 The succession of Examination Processes and other required matters applicable in the event that a Delegating Prefectural Governor is to conduct Examination Processes pursuant to the provisions of paragraph (1) of the preceding article, in the event that the Minister of Land, Infrastructure, Transport and Tourism grants permission to discontinue Examination Processes pursuant to the provisions of Article 16-14, paragraph (1), or

rescinds a designation pursuant to the provisions of Article 16-15, paragraph (1) or (2), or in the event that a Delegating Prefectural Governor determines that said governor will not have Examination Processes conducted by a Designated Examination Body is to be as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(受験手数料)

(Examination fee)

第十六条の十九 都道府県は、地方自治法（昭和二十二年法律第六十七号）第二百二十七条の規定に基づき試験に係る手数料を徴収する場合には、第十六条の二の規定により指定試験機関が行う試験を受けようとする者に、条例で定めるところにより、当該手数料を当該指定試験機関に納めさせ、その収入とすることができる。

Article 16-19 If a fee pertaining to Examinations is to be collected pursuant to the provisions of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), a prefecture may, as specified by an Ordinance, have a person intending to take an Examination administered by a Designated Examination Body pursuant to the provisions of Article 16-2 pay said fee to said Designated Examination Body and treat said fee as revenue accruing thereto.

(合格の取消し等)

(Rescission of the Decision That a Person Has Passed)

第十七条 都道府県知事は、不正の手段によつて試験を受け、又は受けようとした者に対しては、合格の決定を取り消し、又はその試験を受けることを禁止することができる。

Article 17 (1) A prefectural governor may rescind the decision that such a person has passed who has taken or attempted to take an Examination by unlawful means or ban said person from taking said Examination.

2 指定試験機関は、前項に規定する委任都道府県知事の職権を行うことができる。

(2) A Designated Examination Body may exercise the authority of a Delegating Prefectural Governor as prescribed in the preceding paragraph.

3 都道府県知事は、前二項の規定による処分を受けた者に対し、情状により、三年以内の期間を定めて試験を受けることができないものとすることができる。

(3) A prefectural governor may, when circumstances warrant, identify a person subject to disposition under the preceding two paragraphs as someone who may not take an Examination for a prescribed period of time not exceeding three years.

(指定試験機関がした処分等に係る審査請求)

(Application for examination pertaining to a disposition carried out by a Designated Examination Body)

第十七条の二 指定試験機関が行う試験事務に係る処分又はその不作為については、国

土交通大臣に対し、行政不服審査法（昭和三十七年法律第百六十号）による審査請求をすることができる。

Article 17-2 A request for examination under the Administrative Appeal Act (Act No. 160 of 1962) may be filed with the Minister of Land, Infrastructure, Transport and Tourism with respect to a disposition pertaining to Examination Processes as carried out by a Designated Examination Body or to the forbearance of such an action thereby.

(登録講習機関の登録)

(Registering a Registered Training Agency)

第十七条の三 第十六条第三項の登録は、登録講習の実施に関する業務（以下「講習業務」という。）を行おうとする者の申請により行う。

Article 17-3 Registration as provided for in Article 16, paragraph (3), is carried out by way of the application of a person intending to engage in operations relating to the administration of Registered Training (hereinafter referred to as "Training Course Operations").

(欠格条項)

(Disqualification)

第十七条の四 次の各号のいずれかに該当する者は、第十六条第三項の登録を受けることができない。

Article 17-4 A person falling under any of the following items may not obtain a registration as provided for in Article 16, paragraph (3):

一 この法律又はこの法律に基づく命令に違反し、罰金以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から二年を経過しない者

(i) a person who has been sentenced to a fine or a heavier the punishment as a result of having contravened this Act or any order under this Act and for whom two years have not yet passed since the day on which the person finished serving the sentence or to be subject to its enforcement;

二 第十七条の十四の規定により第十六条第三項の登録を取り消され、その取消の日から二年を経過しない者

(ii) a person whose registration as provided for in Article 16, paragraph (3), was rescinded pursuant to the provisions of Article 17-14 and for whom two years have not yet passed from the date of said rescission;

三 法人であつて、講習業務を行う役員のうち前二号のいずれかに該当する者があるもの

(iii) a corporation with an officer that has one of the following persons engaged in Training Course Operations who falls under either of the preceding two items.

(登録基準等)

(Registration criteria)

第十七条の五 国土交通大臣は、第十七条の三の規定により登録を申請した者の行う登録講習が、別表の上欄に掲げる科目について、それぞれ同表の下欄に掲げる講師によつて行われるものであるときは、その登録をしなければならない。この場合において、登録に関して必要な手続は、国土交通省令で定める。

Article 17-5 (1) If Registered Training to be administered by a person who has applied for registration pursuant to the provisions of Article 17-3 is to be administered by an instructor as listed in the right column of the Appended Table corresponding to a course as listed in the left column thereof, the Minister of Land, Infrastructure, Transport and Tourism must carry out said registration. In such a case, procedures required concerning a registration is to be as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 登録は、登録講習機関登録簿に次に掲げる事項を記載してするものとする。

(2) A registration is to be carried out by stating the matters as listed below in a registry of Registered Training Agencies:

一 登録年月日及び登録番号

(i) date of registration and registration number;

二 登録講習機関の氏名又は名称及び住所並びに法人にあつては、その代表者の氏名

(ii) name and address of the Registered Training Agency and, in the case of a corporation, the name of the representative thereof;

三 登録講習機関が講習業務を行う事務所の所在地

(iii) location of the business office where the Registered Training Agency will carry out Training Course Operations;

四 前三号に掲げるもののほか、国土交通省令で定める事項

(iv) in addition to what are listed in the three preceding items, matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(登録の更新)

(Renewal of registration)

第十七条の六 第十六条第三項の登録は、三年を下らない政令で定める期間ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

Article 17-6 (1) A registration as provided for in Article 16, paragraph (3), will cease to be effective upon the expiration of a period of not less than three years as specified by Cabinet Order unless renewed each time at said frequency.

2 前三条の規定は、前項の登録の更新について準用する。

(2) The provisions of the preceding three articles apply mutatis mutandis to the renewal of a registration as provided for in the preceding paragraph.

(講習業務の実施に係る義務)

(Obligations pertaining to the implementation of Training Course Operations)

第十七条の七 登録講習機関は、公正に、かつ、第十七条の五第一項の規定及び国土交通省令で定める基準に適合する方法により講習業務を行わなければならない。

Article 17-7 A Registered Training Agency must carry out Training Course Operations fairly, and by a method that conforms to standards as prescribed in the provisions of Article 17-5, paragraph (1), and as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(登録事項の変更の届出)

(Notification of changes to registration matters)

第十七条の八 登録講習機関は、第十七条の五第二項第二号から第四号までに掲げる事項を変更しようとするときは、変更しようとする日の二週間前までに、その旨を国土交通大臣に届け出なければならない。

Article 17-8 If a Registered Training Agency intends to change a particular as listed in any of items (ii) through (iv) in Article 17-5, paragraph (2), said change must be notified of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism by no later than two weeks prior to the date on which said change is intended to be made.

(講習業務規程)

(Regulations governing Training Course Operations)

第十七条の九 登録講習機関は、講習業務に関する規程（以下「講習業務規程」という。）を定め、講習業務の開始前に、国土交通大臣に届け出なければならない。これを変更しようとするときも、同様とする。

Article 17-9 (1) A Registered Training Agency must prescribe regulations governing Training Course Operations (hereinafter referred to as "Regulations Governing Training Course Operations") and provide a notification thereof to the Minister of Land, Infrastructure, Transport and Tourism prior to the commencement of Training Course Operations. The same applies when a Registered Training Agency intends to revise said regulations.

2 講習業務規程には、登録講習の実施方法、登録講習に関する料金その他の国土交通省令で定める事項を定めておかななければならない。

(2) The method by which Registered Training will be administered, fees relating to Registered Training, and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism must be as specified in the Regulations Governing Training Course Operations.

(業務の休廃止)

(Suspension or abolition of operations)

第十七条の十 登録講習機関は、講習業務の全部又は一部を休止し、又は廃止しようとするときは、国土交通省令で定めるところにより、あらかじめ、その旨を国土交通大

臣に届け出なければならぬ。

Article 17-10 If a Registered Training Agency intends to suspend or discontinue Training Course Operations in whole or in part, it must, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, provide a notification of the fact thereof in advance to the Minister of Land, Infrastructure, Transport and Tourism.

(財務諸表等の備付け及び閲覧等)

(Maintaining and inspection financial statements)

第十七条の十一 登録講習機関は、毎事業年度経過後三月以内に、その事業年度の財産目録、貸借対照表及び損益計算書又は収支計算書並びに事業報告書（その作成に代えて電磁的記録（電子的方式、磁気的方式その他の人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。以下この条において同じ。）の作成がされている場合における当該電磁的記録を含む。次項及び第八十五条の二において「財務諸表等」という。）を作成し、五年間登録講習機関の事務所に備えて置かなければならない。

Article 17-11 (1) A Registered Training Agency must prepare, within three months after the end of each business year, an inventory of property, balance sheet, income statement, statement of receipts and disbursements, and business report for said business year (this includes electronic or magnetic records (meaning records used in computer data processing, which are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; hereinafter the same applies in this Article)if electronic records are prepared in lieu of such written documents; referred to hereinafter in the next paragraph and Article 85-2 as "Financial Statements") and keep said documents at a business office of the Registered Training Agency for a period of five years.

2 登録講習を受けようとする者その他の利害関係人は、登録講習機関の業務時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号の請求をするには、登録講習機関の定めた費用を支払わなければならない。

(2) A person intending to undergo Registered Training or another interested person may make any of the following requests at any time during the operating hours of a Registered Training Agency. Provided, however, that prescribed fees of the Registered Training Agency must be paid when making a request as provided for in item (ii) or (iv).

一 財務諸表等が書面をもつて作成されているときは、当該書面の閲覧又は謄写の請求

(i) when Financial Statements have been prepared in written form, a request for inspection or copy said documents;

二 前号の書面の謄本又は抄本の請求

(ii) a request for a transcript or extract of documents as provided for in the

preceding item;

三 財務諸表等が電磁的記録をもつて作成されているときは、当該電磁的記録に記録された事項を国土交通省令で定める方法により表示したものの閲覧又は謄写の請求

(iii) when Financial Statements have been prepared in the form of electronic or magnetic records, a request for inspection or copying the output of matters recorded in said electronic or magnetic records as displayed by way of a method as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism;

四 前号の電磁的記録に記録された事項を電磁的方法であつて国土交通省令で定めるものにより提供することの請求又は当該事項を記載した書面の交付の請求

(iv) a request for the provision of particulars recorded as an electronic or magnetic record under the preceding item by way of electronic or magnetic means as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism or a request for the issuance of documents containing said matters.

(適合命令)

(Compliance order)

第十七条の十二 国土交通大臣は、登録講習機関が第十七条の五第一項の規定に適合しなくなつたと認めるときは、その登録講習機関に対し、同項の規定に適合するため必要な措置をとるべきことを命ずることができる。

Article 17-12 If the Minister of Land, Infrastructure, Transport and Tourism deems that a Registered Training Agency no longer conforms to the provisions of Article 17-5, paragraph (1), said minister may order said Registered Training Agency to take measures required to ensure conformity with the provisions of the same paragraph.

(改善命令)

(Amelioration order)

第十七条の十三 国土交通大臣は、登録講習機関が第十七条の七の規定に違反していると認めるときは、その登録講習機関に対し、同条の規定による講習業務を行うべきこと又は登録講習の方法その他の業務の方法の改善に関し必要な措置をとるべきことを命ずることができる。

Article 17-13 If the Minister of Land, Infrastructure, Transport and Tourism deems that a Registered Training Agency has contravened the provisions of Article 17-7, said minister may order said Registered Training Agency to carry out Training Course Operations under Article 17-7 or take measures required for the amelioration of the method by which Registered Training is carried out or any other operational method.

(登録の取消し等)

(Rescission of registration)

第十七条の十四 国土交通大臣は、登録講習機関が次の各号のいずれかに該当するときは、その登録を取り消し、又は期間を定めて講習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 17-14 If a Registered Training Agency falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the registration thereof or order the suspension of Training Course Operations in whole or in part for a prescribed period:

一 第十七条の四第一号又は第三号に該当するに至ったとき。

(i) when the Registered Training Agency comes to fall under Article 17-4 item (i) or (iii);

二 第十七条の八から第十七条の十まで、第十七条の十一第一項又は次条の規定に違反したとき。

(ii) when the Registered Training Agency contravenes the provisions of any of Articles 17-8 through 17-10; Article 17-11, paragraph (1); or the following article;

三 正当な理由がないのに第十七条の十一第二項各号の規定による請求を拒んだとき。

(iii) when the Registered Training Agency refuses a request under any of the items of Article 17-11, paragraph (2), without justifiable grounds for doing so;

四 前二条の規定による命令に違反したとき。

(iv) when the Registered Training Agency contravenes an order under either of the preceding two articles;

五 不正の手段により第十六条第三項の登録を受けたとき。

(v) when the Registered Training Agency obtains a registration as provided for in Article 16, paragraph (3), by unlawful means.

(帳簿の記載)

(Bookkeeping)

第十七条の十五 登録講習機関は、国土交通省令で定めるところにより、帳簿を備え、講習業務に関し国土交通省令で定める事項を記載し、これを保存しなければならない。

Article 17-15 A Registered Training Agency must, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, prepare books, enter particulars concerning Training Course Operations as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism therein, and retain said books.

(報告の徴収)

(Collecting reports)

第十七条の十六 国土交通大臣は、講習業務の適正な実施を確保するため必要があると認めるときは、登録講習機関に対し、講習業務の状況に関し必要な報告を求めること

ができる。

Article 17-16 If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary for maintaining the proper conducting of Training Course Operations, said minister may submit a request for a report required in connection with the status of Training Course Operations to a Registered Training Agency.

(立入検査)

(On-site inspection)

第十七条の十七 国土交通大臣は、講習業務の適正な実施を確保するため必要があると認めるときは、その職員に、登録講習機関の事務所に立ち入り、講習業務の状況又は設備、帳簿、書類その他の物件を検査させることができる。

Article 17-17 (1) If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary for maintaining the proper conducting of Training Course Operations, said minister may have officials enter the business office of a Registered Training Agency and inspect the status of Training Course Operations or the equipment, books, documents, and other materials and objects of the Registered Training Agency.

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) An official conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry personal identification and present said identification if requested to do so by a concerned person.

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority to conduct an on-site inspection under paragraph (1) must not be interpreted as having been accorded for the purpose of a criminal investigation..

(公示)

(Public notice)

第十七条の十八 国土交通大臣は、次に掲げる場合には、その旨を官報に公示しなければならない。

Article 17-18 The Minister of Land, Infrastructure, Transport and Tourism must, in the following cases, issue a public notice of the fact thereof in the Official Gazette:

一 第十六条第三項の登録をしたとき。

(i) when a registration as provided for in Article 16, paragraph (3), has been carried out;

二 第十七条の八の規定による届出があつたとき。

(ii) when a notification under Article 17-8 has been made;

三 第十七条の十の規定による届出があつたとき。

(iii) when a notification under Article 17-10 has been made;

四 第十七条の十四の規定により第十六条第三項の登録を取り消し、又は登録講習の業務の停止を命じたとき。

(iv) when a registration as provided for in Article 16, paragraph (3), is rescinded or a suspension of Registered Training Operations is ordered pursuant to the provisions of Article 17-14.

(取引主任者の登録)

(Registering a transaction specialist)

第十八条 試験に合格した者で、宅地若しくは建物の取引に関し国土交通省令で定める期間以上の実務の経験を有するもの又は国土交通大臣がその実務の経験を有するものと同等以上の能力を有すると認めたものは、国土交通省令の定めるところにより、当該試験を行つた都道府県知事の登録を受けることができる。ただし、次の各号のいずれかに該当する者については、この限りでない。

Article 18 (1) A person who passes an Examination and who has practical experience of a term equal to or greater than a term as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism or who is deemed by the Minister of Land, Infrastructure, Transport and Tourism to possess skills of a level that is at least equal to that of a person with said practical experience may, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, obtain a registration from the prefectural governor who administered said Examination. Provided, however, that this does not to apply to a person who falls under any of the following items:

一 宅地建物取引業に係る営業に関し成年者と同一の行為能力を有しない未成年者

(i) a minor lacking the same capacity to act as an adult person in connection with a business pertaining to the Real Estate Brokerage;

二 成年被後見人又は被保佐人

(ii) an adult ward or person under curatorship;

三 破産者で復権を得ないもの

(iii) a bankrupt person whose rights have yet to be restored;

四 第六十六条第一項第八号又は第九号に該当することにより第三条第一項の免許を取り消され、その取消の日から五年を経過しない者（当該免許を取り消された者が法人である場合においては、当該取消しに係る聴聞の期日及び場所の公示の日前六十日以内にその法人の役員であつた者で当該取消の日から五年を経過しないもの）

(iv) a person whose license as provided for in Article 3, paragraph (1), was rescinded as a result of falling under Article 66, paragraph (1), item (viii) or (ix), and for whom five years have not yet passed from the date of said rescission (if the person whose license as provided for herein was rescinded is

a corporation, an officer belonging to said corporation at any time within sixty days prior to the public notification of the date and location of hearings pertaining to said rescission and for whom five years have not yet passed from the date of said rescission);

四の二 第六十六条第一項第八号又は第九号に該当するとして免許の取消処分 of 聴聞の期日及び場所が公示された日から当該処分をする日又は当該処分をしないことを決定する日までの間に第十一条第一項第五号の規定による届出があつた者（宅地建物取引業の廃止について相当の理由がある者を除く。）で当該届出の日から五年を経過しないもの

(iv)-2 a person who submitted a notification under Article 11, paragraph (1), item (v), sometime between the date on which the date and location of a hearing for disposition by license rescission to be held as a result of the person falling under Article 66, paragraph (1), item (viii) or (ix), is publicly notified and the date of said disposition or the date on which it is determined that said disposition will not be imposed (excluding any person with reasonable grounds for the discontinuation of the Real Estate Brokerage) and for whom five years have not yet passed from the date of said notification;

四の三 第五条第一項第二号の三に該当する者

(iv)-3 a person falling under Article 5, paragraph (1), item (ii)-3;

五 禁錮以上の刑に処せられ、その刑の執行を終わり、又は執行を受けることがなくなつた日から五年を経過しない者

(v) a person who has been sentenced to imprisonment or a heavier punishment, and for whom five years have not yet passed since the date on which the person finished serving the sentence or ceased to be its enforcement;

五の二 この法律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の規定に違反したことにより、又は刑法第二百四条、第二百六条、第二百八条、第二百八条の三、第二百二十二条若しくは第二百四十七条の罪若しくは暴力行為等処罰に関する法律の罪を犯したことにより、罰金の刑に処せられ、その刑の執行を終わり、又は執行を受けることがなくなつた日から五年を経過しない者

(v)-2 a person who has been sentenced to the punishment of a fine as a result of having contravened a provision of this Act or the Act on the Prevention of Unjust Acts by Organized Crime Group Members or committed a crime under Article 204, 206, 208, 208-3, 222, or 247 of the Penal Code or a crime under the Act on the Punishment of Physical Violence and Other Acts and for whom five years have not yet passed since the date on which the person finished serving the sentence or ceased to be its enforcement;

六 第六十八条の二第一項第二号から第四号まで又は同条第二項第二号若しくは第三号のいずれかに該当することにより登録の消除の処分を受け、その処分の日から五年を経過しない者

(vi) a person who was subject to disposition by registration rescission as a result of falling under any of Article 68-2, paragraph (1), items (ii) through

(iv) or paragraph (2), item (ii) or (iii) of the same article and for whom five years have not yet passed from the date of said disposition;

七 第六十八条の二第一項第二号から第四号まで又は同条第二項第二号若しくは第三号のいずれかに該当するとして登録の消除の処分の際の聴聞の期日及び場所が公示された日から当該処分をする日又は当該処分をしないことを決定する日までの間に登録の消除の申請をした者（登録の消除の申請について相当の理由がある者を除く。）で当該登録が消除された日から五年を経過しないもの

(vii) a person who submitted an application for a deletion of registration sometime between the date on which the date and location of a hearing for disposition by a deletion of registration to be held as a result of the person falling under Article 68-2, paragraph (1), items (ii) through (iv) or paragraph (2), item (ii) or (iii) of the same article is publicly notified and the date of said disposition or the date on which it is determined that said disposition will not be imposed (excluding any person with reasonable grounds for making an application for a deletion of registration) and for whom five years have not yet passed from the date on which said registration was deleted;

八 第六十八条第二項又は第四項の規定による禁止の処分を受け、その禁止の期間中に第二十二条第一号の規定によりその登録が消除され、まだその期間が満了しない者

(viii) a person who, being subject to a disposition of prohibition under Article 68, paragraph (2) or (4), was subject to a deletion of registration pursuant to the provisions of Article 22, item (i), during the period of said prohibition and for whom said period has not yet expired.

2 前項の登録は、都道府県知事が、宅地建物取引主任者資格登録簿に氏名、生年月日、住所その他国土交通省令で定める事項並びに登録番号及び登録年月日を登載してするものとする。

(2) A registration as provided for in the preceding paragraph is to be carried out by a prefectural governor by stating the name, date of birth, address, other particulars as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, registration number, and date of registration in a registry of Real Estate transaction specialists.

(登録の手續)

(Registration procedures)

第十九条 前条第一項の登録を受けることができる者がその登録を受けようとするときは、登録申請書を同項の都道府県知事に提出しなければならない。

Article 19 (1) A person who is entitled to obtain a registration as provided for in paragraph (1) of the preceding article and who intends to obtain said registration must submit a registration application form to the prefectural governor as provided for in the same paragraph.

2 都道府県知事は、前項の登録申請書の提出があつたときは、遅滞なく、登録をしな

ければならない。

(2) If a registration application form as provided for in the preceding paragraph is received, a prefectural governor must carry out the registration without delay.

(登録の移転)

(Transfer of registration)

第十九条の二 第十八条第一項の登録を受けている者は、当該登録をしている都道府県知事の管轄する都道府県以外の都道府県に所在する宅地建物取引業者の事務所の業務に従事し、又は従事しようとするときは、当該事務所の所在地を管轄する都道府県知事に対し、当該登録をしている都道府県知事を経由して、登録の移転の申請をすることができる。ただし、その者が第六十八条第二項又は第四項の規定による禁止の処分を受け、その禁止の期間が満了していないときは、この限りでない。

Article 19-2 If a person who has obtained a registration as provided for in Article 18, paragraph (1), engages in or intends to engage in operations of the business office of a Real Estate Broker situated in a prefecture other than the prefecture under the jurisdiction of the prefectural governor who carried out said registration, said person can submit an application for a registration transfer to the prefectural governor with jurisdiction over the location of said business office through the prefectural governor who carried out said registration. Provided, however, that this is not to apply if said person has been subject to a disposition of prohibition under Article 68, paragraph (2) or (4), and the period thereof has not yet expired.

(変更の登録)

(Registration of change)

第二十条 第十八条第一項の登録を受けている者は、登録を受けている事項に変更があつたときは、遅滞なく、変更の登録を申請しなければならない。

Article 20 If there has been a change to a particular subject to said registration, a person who has obtained a registration as provided for in Article 18, paragraph (1), must apply for a registration of change without delay.

(死亡等の届出)

(Notification of death)

第二十一条 第十八条第一項の登録を受けている者が次の各号の一に該当することとなつた場合においては、当該各号に定める者は、その日（第一号の場合にあつては、その事実を知つた日）から三十日以内に、その旨を当該登録をしている都道府県知事に届け出なければならない。

Article 21 If a person who has obtained a registration as provided for in Article 18, paragraph (1), comes to fall under any of the following items, the person as specified in the applicable item must provide a notification of the fact thereof

to the prefectural governor who carried out said registration within thirty days of the applicable date (for item (i), the date on which the fact corresponding thereto becomes known):

一 死亡した場合 その相続人

(i) if the person has died: the successor thereto;

二 第十八条第一項第一号又は第三号から第五号の二までに該当するに至った場合本人

(ii) if the person comes to fall under any of item (i) or items (iii) through (v)-2 in Article 18, paragraph (1): said person;

三 第十八条第一項第二号に該当するに至った場合 その後見人又は保佐人

(iii) if the person comes to fall under item (ii) in Article 18, paragraph (1): said persons guardian or curator.

(申請等に基づく登録の消除)

(Deletion of registration by application)

第二十二條 都道府県知事は、次の各号の一に掲げる場合には、第十八条第一項の登録を消除しなければならない。

Article 22 A prefectural governor must delete a registration as provided for in Article 18, paragraph (1) if a case falls under any of the following items:

一 本人から登録の消除の申請があつたとき。

(i) when the person directly applies for a deletion of registration;

二 前条の規定による届出があつたとき。

(ii) when a notification under the preceding article has been made;

三 前条第一号の規定による届出がなく、同号に該当する事実が判明したとき。

(iii) when no notification under item (i) of the preceding article has been made and a fact corresponding to the same item has been ascertained;

四 第十七条第一項又は第二項の規定により試験の合格の決定を取り消されたとき。

(iv) when a judgment of passing an Examination is rescinded pursuant to the provisions of Article 17, paragraph (1) or (2).

(取引主任者証の交付等)

(Issuance of a transaction specialist identification card)

第二十二條の二 第十八条第一項の登録を受けている者は、登録をしている都道府県知事に対し、宅地建物取引主任者証（以下「取引主任者証」という。）の交付を申請することができる。

Article 22-2 (1) A person who has obtained a registration as provided for in Article 18, paragraph (1), may submit an application for the issuance of a real estate transaction specialist identification card (hereinafter referred to as "Transaction Specialist Identification Card") to the prefectural governor who carried out said registration.

2 取引主任者証の交付を受けようとする者は、登録をしている都道府県知事が国土交

通省令の定めるところにより指定する講習で交付の申請前六月以内に行われるものを受講しなければならない。ただし、試験に合格した日から一年以内取引主任者証の交付を受けようとする者又は第五項に規定する取引主任者証の交付を受けようとする者については、この限りでない。

(2) A person intending to receive a Transaction Specialist Identification Card must undergo, within six months prior to the application for issuance, a course designated pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism by the prefectural governor who carried out the registration thereof. Provided, however, that this is not to apply to a person who intends on receiving a Transaction Specialist Identification Card within one year after the date on which said person passes an Examination or to a person who intends on receiving a Transaction Specialist Identification Card as prescribed in paragraph (5).

3 取引主任者証（第五項の規定により交付された取引主任者証を除く。）の有効期間は、五年とする。

(3) The period of validity of a Transaction Specialist Identification Card (excluding a Transaction Specialist Identification Card issued pursuant to the provisions of paragraph (v)) is to be five years.

4 取引主任者証が交付された後第十九条の二の規定により登録の移転があつたときは、当該取引主任者証は、その効力を失う。

(4) If a registration is transferred pursuant to the provisions of Article 19-2 after a Transaction Specialist Identification Card has been issued, said Transaction Specialist Identification Card ceases to be effective.

5 前項に規定する場合において、登録の移転の申請とともに取引主任者証の交付の申請があつたときは、移転後の都道府県知事は、前項の取引主任者証の有効期間が経過するまでの期間を有効期間とする取引主任者証を交付しなければならない。

(5) If an application for the issuance of a Transaction Specialist Identification Card is made together with an application for the transfer of a registration in a case as prescribed in the preceding paragraph, the post-transfer prefectural governor must issue a Transaction Specialist Identification Card for which the period up to the expiration of the period of validity of the Transaction Specialist Identification Card as provided for in the preceding paragraph is to be treated as the period of validity.

6 取引主任者は、第十八条第一項の登録が削除されたとき、又は取引主任者証が効力を失つたときは、速やかに、取引主任者証をその交付を受けた都道府県知事に返納しなければならない。

(6) If a registration as provided for in Article 18, paragraph (1), is deleted or a Transaction Specialist Identification Card ceases to be effective, a transaction specialist must promptly return said Transaction Specialist Identification Card to the prefectural governor that issued said Transaction Specialist Identification Card.

7 取引主任者は、第六十八条第二項又は第四項の規定による禁止の処分を受けたときは、速やかに、取引主任者証をその交付を受けた都道府県知事に提出しなければならない。

(7) If a transaction specialist is subject to disposition by suspension under Article 68, paragraph (2) or (4), said specialist must promptly submit said Transaction Specialist Identification Card to the prefectural governor that issued said Transaction Specialist Identification Card.

8 前項の規定により取引主任者証の提出を受けた都道府県知事は、同項の禁止の期間が満了した場合においてその提出者から返還の請求があつたときは、直ちに、当該取引主任者証を返還しなければならない。

(8) A prefectural governor who has received a Transaction Specialist Identification Card that was submitted pursuant to the provisions of the preceding paragraph must promptly return said Transaction Specialist Identification Card, if a request for the return thereof is received from the submitting party in a case in which the period of prohibition as provided for in the same paragraph expires.

(取引主任者証の有効期間の更新)

(Renewing the period of validity of a Transaction Specialist Identification Card)

第二十二條の三 取引主任者証の有効期間は、申請により更新する。

Article 22-3 (1) The period of validity of a Transaction Specialist Identification Card is to be renewed by submitting an application.

2 前条第二項本文の規定は取引主任者証の有効期間の更新を受けようとする者について、同条第三項の規定は更新後の取引主任者証の有効期間について準用する。

(2) The provisions of the main clause of paragraph (2) of the preceding article apply mutatis mutandis to a person intending to renew the period of validity of a Transaction Specialist Identification Card and the provisions of paragraph (3) of the same article apply mutatis mutandis to the period of validity of a renewed Transaction Specialist Identification Card.

(取引主任者証の提示)

(Presenting a Transaction Specialist Identification Card)

第二十二條の四 取引主任者は、取引の関係者から請求があつたときは、取引主任者証を提示しなければならない。

Article 22-4 If a person concerned with transactions makes a request, a transaction specialist must present their Transaction Specialist Identification Card.

第二十三條 削除

Article 23 [deleted]

(国土交通省令への委任)

(Delegation to an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism)

第二十四条 この章に定めるもののほか、試験、登録講習、登録講習機関、指定試験機関、第十八条第一項の登録、その移転及び取引主任者証に関し必要な事項は、国土交通省令で定める。

Article 24 In addition to what is prescribed in this chapter, required particulars in connection with Examinations, Registered Training, Registered Training Agencies, Designated Examination Bodies, registrations as provided for in Article 18, paragraph (1), transfers thereof, and Transaction Specialist Identification Cards are to be as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

第四章 営業保証金

Chapter IV Security deposit for Operations

(営業保証金の供託等)

(Depositing of a security deposit for operations)

第二十五条 宅地建物取引業者は、営業保証金を主たる事務所のもよりの供託所に供託しなければならない。

Article 25 (1) A Real Estate Broker must deposit a security deposit for operations with the official depository located nearest to its principal business office.

2 前項の営業保証金の額は、主たる事務所及びその他の事務所ごとに、宅地建物取引業者の取引の実情及びその取引の相手方の利益の保護を考慮して、政令で定める額とする。

(2) The amount of security deposit for operations as provided for in the preceding paragraph is to be an amount as specified by Cabinet Order upon taking into account the conditions of transactions carried out by the Real Estate Broker and the protection of the interests of parties with whom the Real Estate Broker is engaged in transactions for the principal business office and other business offices on an office-by-office basis.

3 第一項の営業保証金は、国土交通省令の定めるところにより、国債証券、地方債証券その他の国土交通省令で定める有価証券（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）第二百七十八条第一項に規定する振替債を含む。）をもつて、これに充てることができる。

(3) Government bond certificates, local bond certificates, and other negotiable security certificates as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (including transfer bonds as prescribed in Article 278, paragraph (1) of the Act on Book-Entry Transfer of Company

Bonds, Shares (Act No. 75 of 2001)) may, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, be allocated to the security deposit for operations as provided for in paragraph (1).

4 宅地建物取引業者は、営業保証金を供託したときは、その供託物受入れの記載のある供託書の写しを添附して、その旨をその免許を受けた国土交通大臣又は都道府県知事に届け出なければならない。

(4) If a Real Estate Broker deposits a security deposit for operations, the Real Estate Broker must attach a copy of the documents of a deposit in which the acceptance of the deposit is stated, and provide notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor from whom the license was obtained.

5 宅地建物取引業者は、前項の規定による届出をした後でなければ、その事業を開始してはならない。

(5) A Real Estate Broker is not to commence its business unless a notification under paragraph (4) has been made.

6 国土交通大臣又は都道府県知事は、第三条第一項の免許をした日から三月以内に宅地建物取引業者が第四項の規定による届出をしないときは、その届出をすべき旨の催告をしなければならない。

(6) If a Real Estate Broker does not provide a notification under paragraph (4) within three months of the date on which a license as provided for in Article 3, paragraph (1) is granted, the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor must provide notice of the fact that said notification should be made.

7 国土交通大臣又は都道府県知事は、前項の催告が到達した日から一月以内に宅地建物取引業者が第四項の規定による届出をしないときは、その免許を取り消すことができる。

(7) If a Real Estate Broker does not provide a notification under paragraph (4) within one month of the date on which the notice as provided for in the preceding paragraph is arrived, the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor may rescind the license thereof.

8 第二項の規定に基づき政令を制定し、又は改廃する場合には、その政令で、営業保証金の追加の供託又はその取戻しに関して、所要の経過措置（経過措置に関し監督上必要な措置を含む。）を定めることができる。

(8) If a Cabinet Order is to be enacted, revised, or abolished based on the provisions of the preceding two paragraphs, required transitional measures (including measures required for the supervision of transitional measures) concerning additional deposits and the recovery of a security deposit for operations may be specified by said Cabinet Order.

(事務所新設の場合の営業保証金)

(A Security deposit for operations for the construction of a new business office)

第二十六条 宅地建物取引業者は、事業の開始後新たに事務所を設置したとき（第七条第一項各号の一に該当する場合において事務所の増設があつたときを含むものとする。）は、当該事務所につき前条第二項の政令で定める額の営業保証金を供託しなければならない。

Article 26 (1) If a Real Estate Broker establishes a new business office after the commencement of business (such as where a business office is expanded in a case falling under any of the items listed in Article 7, paragraph (1)), the Real Estate Broker must deposit a security deposit for operations in the amount as specified by Cabinet Order under paragraph (2) of the preceding article for said business office.

2 前条第一項及び第三項から第五項までの規定は、前項の規定により供託する場合に準用する。

(2) The provisions of paragraph (1) and paragraphs (3) through (5) of the preceding article apply mutatis mutandis to a case in which a deposit is made pursuant to the provisions of the preceding paragraph.

（営業保証金の還付）

(Refund of a security deposit for operations)

第二十七条 宅地建物取引業者と宅地建物取引業に関し取引をした者は、その取引により生じた債権に関し、宅地建物取引業者が供託した営業保証金について、その債権の弁済を受ける権利を有する。

Article 27 (1) A person engaged in a transaction in connection with Real Estate Brokerage with a Real Estate Broker has the right to receive a payment of a claim on the security deposit for operations deposited by the Real Estate Broker in connection with a claim arising from said transaction.

2 前項の権利の実行に関し必要な事項は、法務省令・国土交通省令で定める。

(2) Any matters required in connection with the exercising of the right as provided for in the preceding paragraph are as specified by an Ordinance of the Ministry of Justice and an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

（営業保証金の不足額の供託）

(Depositing to cover a shortfall in a security deposit for operations)

第二十八条 宅地建物取引業者は、前条第一項の権利を有する者がその権利を実行したため、営業保証金が第二十五条第二項の政令で定める額に不足することとなつたときは、法務省令・国土交通省令で定める日から二週間以内にその不足額を供託しなければならない。

Article 28 (1) If the security deposit for operations falls short of the amount as specified by Cabinet Order under Article 25, paragraph (2), as a result of a person exercising their right as provided for in paragraph (1) of the preceding article of said right, a Real Estate Broker must deposit the amount of said

shortfall within two weeks of the date as specified by an Ordinance of the Ministry of Justice and an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 宅地建物取引業者は、前項の規定により営業保証金を供託したときは、その供託物受入れの記載のある供託書の写しを添附して、二週間以内に、その旨をその免許を受けた国土交通大臣又は都道府県知事に届け出なければならない。

(2) If a Real Estate Broker deposits a security deposit for operations pursuant to the provisions of the preceding paragraph, the Real Estate Broker must attach a copy of the documents of the deposit, in which the acceptance of the deposit is stated and provide a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor from whom its license was obtained within two weeks.

3 第二十五条第三項の規定は、第一項の規定により供託する場合に準用する。

(3) The provisions of Article 25, paragraph (3), apply mutatis mutandis to a case in which a deposit is made pursuant to the provisions of paragraph (1).

(営業保証金の保管替え等)

(Change in the place of retention of a security deposit for operations)

第二十九条 宅地建物取引業者は、その主たる事務所を移転したためその最寄りの供託所が変更した場合において、金銭のみをもって営業保証金を供託しているときは、法務省令・国土交通省令の定めるところにより、遅滞なく、費用を予納して、営業保証金を供託している供託所に対し、移転後の主たる事務所の最寄りの供託所への営業保証金の保管替えを請求し、その他のときは、遅滞なく、営業保証金を移転後の主たる事務所の最寄りの供託所に新たに供託しなければならない。

Article 29 (1) If the nearest official depository is changed as a result of the relocation of the principal office of a Real Estate Broker, the Real Estate Broker if a security deposit for operations has been deposited with cash only, must pay costs in advance and submit a request for the transfer of the security deposit for operations to the official depository located nearest to its relocated principal business office to the deposit office to which the security deposit for operations was deposited without delay pursuant to the provisions of an Ordinance of the Ministry of Justice and an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism or, in any other case, newly deposit the security deposit for operations with the official depository located nearest to its relocated principal business office without delay.

2 第二十五条第二項及び第三項の規定は、前項の規定により供託する場合に準用する。

(2) The provisions of Article 25, paragraphs (2) and (3), apply mutatis mutandis to a case in which a deposit is made pursuant to the provisions of the preceding paragraph.

(営業保証金の取戻し)

(Recovery of a security deposit for operations)

第三十条 第三条第二項の有効期間（同条第四項に規定する場合にあつては、同項の規定によりなお効力を有することとされる期間を含む。第七十六条において同じ。）が満了したとき、第十一条第二項の規定により免許が効力を失つたとき、同条第一項第一号若しくは第二号に該当することとなつたとき、又は第二十五条第七項、第六十六条若しくは第六十七条第一項の規定により免許を取り消されたときは、宅地建物取引業者であつた者又はその承継人（第七十六条の規定により宅地建物取引業者とみなされる者を除く。）は、当該宅地建物取引業者であつた者が供託した営業保証金を取り戻すことができる。宅地建物取引業者が一部の事務所を廃止した場合において、営業保証金の額が第二十五条第二項の政令で定める額を超えることとなつたときは、その超過額について、宅地建物取引業者が前条第一項の規定により供託した場合においては、移転前の主たる事務所のもよりの供託所に供託した営業保証金についても、また同様とする。

Article 30 (1) If the period of validity as provided for in Article 3, paragraph (2) (including, in a case as prescribed in paragraph (4) of the same article, the term that is deemed to be still in effect pursuant to the provisions of the same paragraph; the same applies in Article 76) expires; a license ceases to be effective pursuant to the provisions of Article 11, paragraph (2); circumstances come to fall under paragraph (1), item (i) or (ii) of the same article; or a license is rescinded pursuant to the provisions of Article 25, paragraph 7; Article 66; or Article 67, paragraph (1), a Real Estate Broker or the successor thereof (excluding any person deemed to be a Real Estate Broker pursuant to the provisions of Article 76) may recover the security deposit for operations deposited by the person constituting said Real Estate Broker. The same apply to the amount by which the security deposit for operations exceeds the amount as specified by Cabinet Order as provided for in Article 25, paragraph (2), where that Real Estate Broker eliminates some business offices as well as to the excess security deposit for operations deposited to the official depository located nearest to the principal business office of that Real Estate Broker prior to its relocation where said security deposit for operations was deposited thereby pursuant to the provisions of paragraph (1) of the preceding article.

2 前項の営業保証金の取りもどし（前条第一項の規定により供託した場合における移転前の主たる事務所のもよりの供託所に供託した営業保証金の取りもどしを除く。）は、当該営業保証金につき第二十七条第一項の権利を有する者に対し、六月を下らない一定期間内に申し出るべき旨を公告し、その期間内にその申出がなかつた場合でなければ、これを行うことができない。ただし、営業保証金を取りもどすことができる事由が発生した時から十年を経過したときは、この限りでない。

(2) The security deposit for operations as provided for in the preceding paragraph (excluding the recovery of a security deposit for operations deposited with the official depository located nearest to the principal business office prior to relocation where said security deposit for operations was deposited pursuant to

the provisions of paragraph (1) of the preceding article) cannot be recovered unless a public notice calls upon persons who have the right, as provided for in Article 27, paragraph (1), with respect to said security deposit for operations to make a notification within a fixed period of no less than six months is made and said notification is not made within said period. Provided, however, that this does not apply upon the passage of ten years since the occurrence of grounds for enabling the recovery of security deposit for operations.

3 前項の公告その他営業保証金の取戻しに関し必要な事項は、法務省令・国土交通省令で定める。

(3) The public notice as provided for in the preceding paragraph and other matters required in connection with the recovery of a security deposit for operations are to be as specified by an Ordinance of the Ministry of Justice and an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

第五章 業務

Chapter V Operations

第一節 通則

Section 1 General Principles

(業務処理の原則)

(Principles of operational processing)

第三十一条 宅地建物取引業者は、取引の関係者に対し、信義を旨とし、誠実にその業務を行なわなければならない。

Article 31 (1) A Real Estate Broker must carry out its operations for persons concerned with transactions in, and accordance with the principle of good faith.

2 宅地建物取引業者は、第五十条の二第一項に規定する取引一任代理等を行うに当たっては、投機的取引の抑制が図られるよう配慮しなければならない。

(2) In engaging in entrustment-based agency services for transactions, etc., and other such functions as prescribed in Article 50-2, paragraph (1), a Real Estate Broker must take into account the need to promote restrictions on speculative transactions.

(誇大広告等の禁止)

(Prohibition against misleading advertising)

第三十二条 宅地建物取引業者は、その業務に関して広告をするときは、当該広告に係る宅地又は建物の所在、規模、形質若しくは現在若しくは将来の利用の制限、環境若しくは交通その他の利便又は代金、借賃等の対価の額若しくはその支払方法若しくは代金若しくは交換差金に関する金銭の貸借のあつせんについて、著しく事実に相違する表示をし、又は実際のものよりも著しく優良であり、若しくは有利であると人を誤認させるような表示をしてはならない。

Article 32 If a Real Estate Broker advertises concerning the operations thereof,

the Real Estate Broker, with respect to the location, size, characteristics, or restrictions on the present or future usage of a Building Lot or building pertaining to said advertising; the environment, transportation, and other matters relating to convenience as they pertain thereto; the amounts and methods for the payment of the price, rents, and other consideration as they pertain thereto; and any mediation for monetary loans relating to the price or difference arising from the exchange of property, must not give an indication that significantly contradicts the facts or that which mislead others to believe that conditions are significantly more favorable than they really are or are advantageous.

(広告の開始時期の制限)

(Restriction on the time of the commencement of advertising)

第三十三条 宅地建物取引業者は、宅地の造成又は建物の建築に関する工事の完了前においては、当該工事に関し必要とされる都市計画法第二十九条第一項 又は第二項の許可、建築基準法 (昭和二十五年法律第二百一号) 第六条第一項 の確認その他法令に基づく許可等の処分で政令で定めるものがあつた後でなければ、当該工事に係る宅地又は建物の売買その他の業務に関する広告をしてはならない。

Article 33 Prior to the completion of construction work relating to the development of a Building Lot or the construction of a building, a Real Estate Broker is not to sell a Building Lot or building or engage in advertising tied to other operations subject to said construction work unless such permission as provided for in Article 29, paragraph (1) or (2) of the Urban Planning Act, verification as provided for in Article 6, paragraph (1) of the Building Standards Act (Act No. 201 of 1950), or any other permission or disposition based on a law or regulation required in connection with said construction work that is as specified by Cabinet Order has been granted.

(自己の所有に属しない宅地又は建物の売買契約締結の制限)

(Restrictions on concluding sales agreements for non-owned Real Estate)

第三十三条の二 宅地建物取引業者は、自己の所有に属しない宅地又は建物について、自ら売主となる売買契約（予約を含む。）を締結してはならない。ただし、次の各号のいずれかに該当する場合は、この限りでない。

Article 33-2 A Real Estate Broker is not to conclude a sales agreement (including a reservation) under which the Real Estate Broker will constitute the seller of a Building Lot or building that it does not own. Provided, however, this does not apply in a case falling under either of the following items:

一 宅地建物取引業者が当該宅地又は建物を取得する契約（予約を含み、その効力の発生が条件に係るものを除く。）を締結しているときその他宅地建物取引業者が当該宅地又は建物を取得できることが明らかな場合で国土交通省令・内閣府令で定めるとき。

(i) when the Real Estate Broker has concluded an agreement for the acquisition of said Building Lot or building (including booking; excluding any such agreement in which conditions are affected by the effectiveness thereof) or otherwise when as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance in a case in which the Real Estate Broker is clearly able to acquire said Building Lot or building;

二 当該宅地又は建物の売買が第四十一条第一項に規定する売買に該当する場合で当該売買に関して同項第一号又は第二号に掲げる措置が講じられているとき。

(ii) when, in a case in which the sale of said Building Lot or building corresponds to a sale as prescribed in Article 41, paragraph (1), measures as listed in item (i) or (ii) of the same paragraph concerned with said sale have been taken.

(取引態様の明示)

(Clarification of conditions of transactions)

第三十四条 宅地建物取引業者は、宅地又は建物の売買、交換又は貸借に関する広告をするときは、自己が契約の当事者となつて当該売買若しくは交換を成立させるか、代理人として当該売買、交換若しくは貸借を成立させるか、又は媒介して当該売買、交換若しくは貸借を成立させるかの別（次項において「取引態様の別」という。）を明示しなければならない。

Article 34 (1) If a Real Estate Broker advertises in connection with the sale, exchange, or loan of a Building Lot or building, the Real Estate Broker must clearly state whether it effects the said sale or exchange as a party concerned to the applicable agreement; effect said sale, exchange, or loan as an agent; or effect said sale, exchange, or loan as an intermediary (referred to hereinafter in the following paragraph as "Mode of Transaction").

2 宅地建物取引業者は、宅地又は建物の売買、交換又は貸借に関する注文を受けたときは、遅滞なく、その注文をした者に対し、取引態様の別を明らかにしなければならない。

(2) If a Real Estate Broker receives an order for the sale, exchange, or loan of a Building Lot or building, the Real Estate Broker must, without delay, clarify the terms of Mode of Transaction for the ordering party.

(媒介契約)

(Mediation agreement)

第三十四条の二 宅地建物取引業者は、宅地又は建物の売買又は交換の媒介の契約（以下この条において「媒介契約」という。）を締結したときは、遅滞なく、次に掲げる事項を記載した書面を作成して記名押印し、依頼者にこれを交付しなければならない。

Article 34-2 (1) If a Real Estate Broker concludes an agreement for mediating a sale or exchange of a Building Lot or building (referred to hereinafter in this

article as "Mediation Agreement"), the Real Estate Broker must, without delay, prepare a document in which the matters as listed below are stated, affix the name and seal of the Real Estate Broker thereto, and issue said document to the requesting party:

一 当該宅地の所在、地番その他当該宅地を特定するために必要な表示又は当該建物の所在、種類、構造その他当該建物を特定するために必要な表示

(i) the location and lot number of said Building Lot and any other indication required to identify said Building Lot or the location, type, and structure of said building and any other indication required to identify said building;

二 当該宅地又は建物を売買すべき価額又はその評価額

(ii) the price at which said Building Lot or building should be sold or the appraised value thereof;

三 当該宅地又は建物について、依頼者が他の宅地建物取引業者に重ねて売買又は交換の媒介又は代理を依頼することの許否及びこれを許す場合の他の宅地建物取引業者を明示する義務の存否に関する事項

(iii) matters concerning the acceptance of a request made by the requesting party to have another Real Estate Broker provide mediation or agency services for the sale or exchange of said Building Lot or building and, where said request is permitted, matters concerning the existence of an obligation to clearly identify the other Real Estate Broker;

四 媒介契約の有効期間及び解除に関する事項

(iv) matters concerning the effective term and cancellation of the Mediation Agreement;

五 当該宅地又は建物の第五項に規定する指定流通機構への登録に関する事項

(v) matters concerning the registration of said Building Lot or building with the Real Estate Information Network System as prescribed in paragraph (5);

六 報酬に関する事項

(vi) matters concerning remuneration;

七 その他国土交通省令・内閣府令で定める事項

(vii) other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance.

2 宅地建物取引業者は、前項第二号の価額又は評価額について意見を述べるときは、その根拠を明らかにしなければならない。

(2) If a Real Estate Broker states an opinion regarding a price or appraised value as provided for in item (ii) of the preceding paragraph, the Real Estate Broker must clarify the basis on which said opinion is made.

3 依頼者が他の宅地建物取引業者に重ねて売買又は交換の媒介又は代理を依頼することを禁ずる媒介契約（以下「専任媒介契約」という。）の有効期間は、三月を超えることができない。これより長い期間を定めたときは、その期間は、三月とする。

(3) The effective term of a Mediation Agreement that prohibits a requesting party from making a request to have another Real Estate Broker provide mediation

or agency services for a sale or exchange (hereinafter referred to as "Exclusive Mediation Agreement") may not exceed three months. Any prescribed period longer than this is deemed to be three months.

4 前項の有効期間は、依頼者の申出により、更新することができる。ただし、更新の時から三月を超えることができない。

(4) The effective term as provided for in the preceding paragraph may be renewed by the submission of an application by the requesting party. Provided, however, that the effective term as extended may not exceed three months from the time of renewal.

5 宅地建物取引業者は、専任媒介契約を締結したときは、契約の相手方を探索するため、国土交通省令で定める期間内に、当該専任媒介契約の目的物である宅地又は建物につき、所在、規模、形質、売買すべき価額その他国土交通省令で定める事項を、国土交通省令で定めるところにより、国土交通大臣が指定する者（以下「指定流通機構」という。）に登録しなければならない。

(5) If a Real Estate Broker concludes an Exclusive Mediation Agreement; the Real Estate Broker must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, register the location, size, and characteristics of a Building Lot or building subject to said Exclusive Mediation Agreement; the price at which said Building Lot or building should be sold; and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with a person designated by the Minister of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as the "Real Estate Information Network System") in order to facilitate searches of agreement counterparties.

6 前項の規定による登録をした宅地建物取引業者は、第五十条の六に規定する登録を証する書面を遅滞なく依頼者に引き渡さなければならない。

(6) A Real Estate Broker that carries out a registration under the preceding paragraph must, without delay, deliver a document attesting to said registration as prescribed in Article 50-6 to the requesting party.

7 前項の宅地建物取引業者は、第五項の規定による登録に係る宅地又は建物の売買又は交換の契約が成立したときは、国土交通省令で定めるところにより、遅滞なく、その旨を当該登録に係る指定流通機構に通知しなければならない。

(7) If a Real Estate Broker as provided for in the preceding paragraph concludes an agreement for selling or exchanging a Building Lot or building pertaining to a registration under paragraph (5), the Real Estate Broker must, without delay and pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, provide notification of the fact thereof to the Real Estate Information Network System pertaining to said registration.

8 専任媒介契約を締結した宅地建物取引業者は、依頼者に対し、当該専任媒介契約に係る業務の処理状況を二週間に一回以上（依頼者が当該宅地建物取引業者が探索した相手方以外の者と売買又は交換の契約を締結することができない旨の特約を含む専任

媒介契約にあつては、一週間に一回以上) 報告しなければならない。

(8) A Real Estate Broker that has concluded an Exclusive Mediation Agreement must submit a report on the processing status of operations pertaining to said Exclusive Mediation Agreement to the requesting party at least once every two weeks (or at least once a week for an Exclusive Mediation Agreement that includes special provisions to the effect that the requesting party is unable to conclude an agreement for sale or exchange with a person other than a counterparty searched by said Real Estate Broker).

9 第三項から第六項まで及び前項の規定に反する特約は、無効とする。

(9) Any special provision contravening the provisions of any of paragraphs (3) through (6) or the preceding paragraph is hereby invalidated.

(代理契約)

(Agency agreement)

第三十四条の三 前条の規定は、宅地建物取引業者に宅地又は建物の売買又は交換の代理を依頼する契約について準用する。

Article 34-3 The provisions of the preceding article apply mutatis mutandis to an agreement requesting agency services for the sale or exchange of a Building Lot or building from a Real Estate Broker.

(重要事項の説明等)

(Explaining important matters)

第三十五条 宅地建物取引業者は、宅地若しくは建物の売買、交換若しくは貸借の相手方若しくは代理を依頼した者又は宅地建物取引業者が行う媒介に係る売買、交換若しくは貸借の各当事者（以下「宅地建物取引業者の相手方等」という。）に対して、その者が取得し、又は借りようとしている宅地又は建物に関し、その売買、交換又は貸借の契約が成立するまでの間に、取引主任者をして、少なくとも次に掲げる事項について、これらの事項を記載した書面（第五号において図面を必要とするときは、図面）を交付して説明をさせなければならない。

Article 35 (1) A Real Estate Broker must have a transaction specialist provide, through the issuance of a document in which the matters as listed below are stated (or drawing if required under item (v)), explanations, at the minimum these matters to a counterparty on the sale, exchange, or loan of a Building Lot or building or to parties for the sale, exchange, or loan of a Building Lot or building subject to mediation to be carried out by the Real Estate Broker (hereinafter referred to as "Real Estate Brokerage Operation Counterparty") in connection with the Building Lot or building that said party intends to acquire or borrow during the period until the conclusion of an agreement for said sale, exchange, or loan:

一 当該宅地又は建物の上に存する登記された権利の種類及び内容並びに登記名義人又は登記簿の表題部に記録された所有者の氏名（法人にあつては、その名称）

- (i) types and contents of registered rights on said Building Lot or building and the name of the registration title holder or name of the owner recorded in the heading section of the applicable registration book (name of corporation where applicable);
- 二 都市計画法、建築基準法その他の法令に基づく制限で契約内容の別（当該契約の目的物が宅地であるか又は建物であるかの別及び当該契約が売買若しくは交換の契約であるか又は貸借の契約であるかの別をいう。以下この条において同じ。）に応じて政令で定めるものに関する事項の概要
- (ii) outline of matters relating to restrictions based on the Urban Planning Act, Building Standards Act, or any other law or regulation where said restrictions are as specified by Cabinet Order according to distinctions in terms of the contents of the agreement (distinction in terms of whether the subject of said agreement is a Building Lot or building and distinguish in terms of whether said agreement is an agreement for a sale, exchange or an agreement for a loan; same hereinafter in this article);
- 三 当該契約が建物の貸借の契約以外のものであるときは、私道に関する負担に関する事項
- (iii) when said agreement is an agreement other than an agreement for the loan of a building, matters relating to burdens tied to a private road;
- 四 飲用水、電気及びガスの供給並びに排水のための施設の整備の状況（これらの施設が整備されていない場合においては、その整備の見通し及びその整備についての特別の負担に関する事項）
- (iv) the status of the development of facilities for supplying potable water, electricity, natural gas and for dealing with waste water (if these facilities have not been developed, matters relating to prospects for the development thereof and the assumption of special burdens tied to the development thereof);
- 五 当該宅地又は建物が宅地の造成又は建築に関する工事の完了前のものであるときは、その完了時における形状、構造その他国土交通省令・内閣府令で定める事項
- (v) if said Building Lot or building exists prior to the completion of construction work relating to the development of the Building Lot or construction of the building, the characteristics and structure thereof and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance at the time of the completion thereof;
- 六 当該建物が建物の区分所有等に関する法律（昭和三十七年法律第六十九号）第二条第一項に規定する区分所有権の目的であるものであるときは、当該建物を所有するための一棟の建物の敷地に関する権利の種類及び内容、同条第四項に規定する共用部分に関する規約の定めその他の一棟の建物又はその敷地（一団地内に数棟の建物があつて、その団地内の土地又はこれに関する権利がそれらの建物の所有者の共有に属する場合には、その土地を含む。）に関する権利及びこれらの管理又

- は使用に関する事項で契約内容の別に応じて国土交通省令・内閣府令で定めるもの
- (vi) if said building corresponds to the purpose of unit ownership as prescribed in Article 2, paragraph (1) of the Act on Building Unit Ownership (Act No. 69 of 1962), the types and contents of rights relating to a single building site for owning said building; the provisions of an agreement relating to common elements as prescribed in paragraph (4) of the same article; other rights relating to a single building or the site thereof (including land for multiple buildings located within a single housing complex where land in said housing complex and other rights relating thereto belong to the owners of said buildings on a co-owned basis); and matters that relate to the management or use thereof and that are as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance according to distinctions in terms of the contents of the agreement;
- 七 代金、交換差金及び借賃以外に授受される金銭の額及び当該金銭の授受の目的
- (vii) the amount of money that is transferred for reasons other than for price, a difference arising from the exchange of property, rent, and the purpose for the transferring of said money;
- 八 契約の解除に関する事項
- (viii) matters relating to the cancellation of an agreement;
- 九 損害賠償額の予定又は違約金に関する事項
- (ix) matters relating to liquidated damages and penalties for breach of agreement;
- 十 第四十一条第一項に規定する手付金等を受領しようとする場合における同条又は第四十一条の二の規定による措置の概要
- (x) if there is an intent to receive an earnest money , etc., as prescribed in Article 41 paragraph (1), an outline of measures under the same article or Article 41-2;
- 十一 支払金又は預り金（宅地建物取引業者の相手方等からその取引の対象となる宅地又は建物に関し受領する代金、交換差金、借賃その他の金銭（第四十一条第一項又は第四十一条の二第一項の規定により保全の措置が講ぜられている手付金等を除く。）であつて国土交通省令・内閣府令で定めるものをいう。以下同じ。）を受領しようとする場合において、第六十四条の三第二項の規定による保証の措置その他国土交通省令・内閣府令で定める保全措置を講ずるかどうか、及びその措置を講ずる場合におけるその措置の概要
- (xi) if there is an intent to receive a disbursement or deposit (price, difference arising from the exchange of property, rents, or other money received from a Real Estate Brokerage Operation Counterparty in connection with a Building Lot or building subject to an applicable transaction (excluding the earnest money, etc., for which preservation measures pursuant to the provisions of Article 41, paragraph (1), or Article 41-2, paragraph (1), have been taken) that are as specified by an Ordinance of the Ministry of Land, Infrastructure,

Transport and Tourism and Cabinet Office Ordinance ; the same applies hereinafter), whether assurance measures under Article 64-3, paragraph (2), or other preservation measures as specified under an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance will be taken, and an outline of said measures if they are to be taken;

十二 代金又は交換差金に関する金銭の貸借のあつせんの内容及び当該あつせんに係る金銭の貸借が成立しないときの措置

(xii) the contents of any mediation for monetary loans relating to the price or difference arising from the exchange of property and the measures to be taken if no monetary loan pertaining to said mediation is established;

十三 当該宅地又は建物の瑕疵を担保すべき責任の履行に関し保証保険契約の締結その他の措置で国土交通省令・内閣府令で定めるものを講ずるかどうか、及びその措置を講ずる場合におけるその措置の概要

(xiii) whether a warranty insurance agreement in connection with the fulfillment of liability for defect warranty on said Building Lot or building will be concluded or other measures as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance will be taken and an outline of said measures if they are to be taken;

十四 その他宅地建物取引業者の相手方等の利益の保護の必要性及び契約内容の別を勘案して、次のイ又はロに掲げる場合の区分に応じ、それぞれ当該イ又はロに定める命令で定める事項

(xiv) any other matter as specified by an order as prescribed in (a) or (b) below according to the applicable classification as listed in (a) or (b) below in consideration for the necessity of protecting the interests of the Real Estate Brokerage Operation Counterparty and the distinctions in terms of the contents of the agreement:

イ 事業を営む場合以外の場合において宅地又は建物を買ひ、又は借りようとする個人である宅地建物取引業者の相手方等の利益の保護に資する事項を定める場合
国土交通省令・内閣府令

(a) if matters contributing to the protection of the interests of the Real Estate Brokerage Operation Counterparty, constituting an individual intending to purchase or borrow a Building Lot or building in a case not involving the operations of a business are to be prescribed: an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance;

ロ イに規定する事項以外の事項を定める場合 国土交通省令

(b) if matters other than matters as prescribed in (a) are to be prescribed: an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 宅地建物取引業者は、宅地又は建物の割賦販売（代金の全部又は一部について、目

物的物の引渡し後一年以上の期間にわたり、かつ、二回以上に分割して受領することを条件として販売することをいう。以下同じ。)の相手方に対して、その者が取得しようとする宅地又は建物に関し、その割賦販売の契約が成立するまでの間に、取引主任者をして、前項各号に掲げる事項のほか、次に掲げる事項について、これらの事項を記載した書面を交付して説明をさせなければならない。

(2) During the period until the conclusion of an agreement for said installment sale, a Real Estate Broker must have a transaction specialist provide, through the issuance of a document in which matters as listed in any of the items of the preceding paragraph and the matters as listed below are stated, explanations on these matters to a counterparty to the installment sale of a Building Lot or building (sale subject to the receipt of the price in whole or in part of the subject matter through two or more installments across a period of time not shorter than one year after the delivery thereof; the same applies hereinafter) in connection with the Building Lot or building that said party intends to acquire:

一 現金販売価格 (宅地又は建物の引渡しまでにその代金の全額を受領する場合の価格をいう。)

(i) cash sales price (price of the Building Lot or building if the payment is received in full by the time of the delivery thereof);

二 割賦販売価格 (割賦販売の方法により販売する場合の価格をいう。)

(ii) installment sales price (price of the Building Lot or building if it is sold according to the installment sales method);

三 宅地又は建物の引渡しまでに支払う金銭の額及び賦払金 (割賦販売の契約に基づく各回ごとの代金の支払分で目的物の引渡し後のものをいう。第四十二条第一項において同じ。)の額並びにその支払の時期及び方法

(iii) amount of money to be paid by the time of the delivery of the Building Lot or building and the amount of installments (amount of the price to be paid each time pursuant to an installment sales agreement subsequent to the delivery of the subject matter; the same applies in Article 42, paragraph (1)) as well as the timing and method of the payments thereof.

3 宅地建物取引業者は、宅地又は建物に係る信託 (当該宅地建物取引業者を委託者とするものに限る。)の受益権の売主となる場合における売買の相手方に対して、その者が取得しようとしている信託の受益権に係る信託財産である宅地又は建物に関し、その売買の契約が成立するまでの間に、取引主任者をして、少なくとも次に掲げる事項について、これらの事項を記載した書面 (第五号において図面を必要とするときは、図面)を交付して説明をさせなければならない。ただし、その売買の相手方の利益の保護のため支障を生ずることがない場合として国土交通省令で定める場合は、この限りでない。

(3) A Real Estate Broker must have a transaction specialist provide, through the issuance of a document in which the matters as listed below are stated (or drawing if required under item (v)), with explanations at the minimum, on

these matters to a counterparty to a sale in a case in which the Real Estate Broker constitutes the seller of a beneficial interest in trust pertaining to a Building Lot or building (limited to that for which said Real Estate Broker constitutes the consignor) in connection with the Building Lot or building constituting the asset in trust pertaining to the beneficial interest in trust that said party intends to acquire during the period until the conclusion of an agreement for said sale. Provided, however, that this is not to apply in a case as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as being one in which the protection of the interests of said counterparty to a sale will not be hindered.

一 当該信託財産である宅地又は建物の上に存する登記された権利の種類及び内容並びに登記名義人又は登記簿の表題部に記録された所有者の氏名（法人にあつては、その名称）

(i) types and contents of registered rights on the Building Lot or building constituting said asset in trust and the name of the registration title holder or name of the owner recorded in the heading section of the applicable registration book (name of corporation where applicable);

二 当該信託財産である宅地又は建物に係る都市計画法、建築基準法その他の法令に基づく制限で政令で定めるものに関する事項の概要

(ii) outline of matters relating to restrictions based on the Urban Planning Act, Building Standards Act, or any other law or regulation pertaining to the Building Lot or building constituting said asset in trust where said restrictions are as specified by Cabinet Order;

三 当該信託財産である宅地又は建物に係る私道に関する負担に関する事項

(iii) matters relating to burdens tied to a private road pertaining to the Building Lot or building constituting said asset in trust;

四 当該信託財産である宅地又は建物に係る飲用水、電気及びガスの供給並びに排水のための施設の整備の状況（これらの施設が整備されていない場合においては、その整備の見通し及びその整備についての特別の負担に関する事項）

(iv) the status of the development of facilities for supplying potable water, electricity, and natural gas and for dealing with waste water as they pertain to the Building Lot or building constituting said asset in trust (if these facilities have not been developed, matters relating to prospects for the development thereof and the assumption of special burdens tied to the development thereof);

五 当該信託財産である宅地又は建物が宅地の造成又は建築に関する工事の完了前のものであるときは、その完了時における形状、構造その他国土交通省令で定める事項

(v) if the Building Lot or building constituting said asset in trust exists prior to the completion of construction work relating to the development of the Building Lot or construction of the building, the characteristics and structure

thereof and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport or Tourism and Cabinet Order at the time of the completion thereof;

六 当該信託財産である建物が建物の区分所有等に関する法律第二条第一項 に規定する区分所有権の目的であるものであるときは、当該建物を所有するための一棟の建物の敷地に関する権利の種類及び内容、同条第四項 に規定する共用部分に関する規約の定めその他の一棟の建物又はその敷地（一団地内に数棟の建物があつて、その団地内の土地又はこれに関する権利がそれらの建物の所有者の共有に属する場合には、その土地を含む。）に関する権利及びこれらの管理又は使用に関する事項で国土交通省令で定めるもの

(vi) if the building constituting said asset in trust corresponds to the purpose of unit ownership as prescribed in Article 2, paragraph (1), of the Act on Building Unit Ownership, the types and contents of rights relating to a single building site for owning said building; the provisions of an agreement relating to common elements as prescribed in paragraph (4) of the same article; other rights relating to a single building or the site thereof (including land for multiple buildings located within a single housing complex where land in said housing complex and other rights relating thereto belong to the owners of said buildings on a co-owned basis); and matters that relate to the management or use thereof and that are as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism;

七 その他当該信託の受益権の売買の相手方の利益の保護の必要性を勘案して国土交通省令で定める事項

(vii) any other matter as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the necessity for protecting the interests of the counterparty to the sale of said beneficial interest in trust.

4 取引主任者は、前三項の説明をするときは、説明の相手方に対し、取引主任者証を提示しなければならない。

(4) If an explanation as provided for in any of the preceding three paragraphs is to be provided, a transaction specialist must present their Transaction Specialist Identification Card to the party to whom said explanation is to be provided.

5 第一項から第三項までの書面の交付に当たっては、取引主任者は、当該書面に記名押印しなければならない。

(5) In issuing a document as provided for in any of paragraphs (1) through (3), the transaction specialist must affix their name and seal to said document.

(供託所等に関する説明)

(Explanation regarding official depository)

第三十五条の二 宅地建物取引業者は、宅地建物取引業者の相手方等に対して、当該売

買、交換又は貸借の契約が成立するまでの間に、当該宅地建物取引業者が第六十四条の二第一項の規定により指定を受けた一般社団法人の社員でないときは第一号に掲げる事項について、当該宅地建物取引業者が同条同項の規定により指定を受けた一般社団法人の社員であるときは、第六十四条の八第一項の規定により国土交通大臣の指定する弁済業務開始日前においては第一号及び第二号に掲げる事項について、当該弁済業務開始日以後においては第二号に掲げる事項について説明をするようにしなければならない。

Article 35-2 If said Real Estate Broker is not general incorporated association member designated pursuant to the provisions of Article 64-2, paragraph (1), a Real Estate Broker during the period until the conclusion of an agreement for said sale, exchange, or loan, must provide an explanation on the matter as listed in item (i); or, if said Real Estate Broker is a member of a general incorporated association designated pursuant to the provisions of the same paragraph of the same article, explanations on matters as listed in items (i) and (ii) prior to the date for the commencement of repayment services as designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 64-8 paragraph (1) and matters as listed in item (ii) on or subsequent to said date for the commencement of repayment services:

- 一 営業保証金を供託した主たる事務所の最寄りの供託所及びその所在地
(i) official depository located nearest to the principal business office that deposited security deposit for operations and the location thereof;
- 二 社員である旨、当該一般社団法人の名称、住所及び事務所の所在地並びに第六十四条の七第二項の供託所及びその所在地
(ii) the fact that said Real Estate Broker is a member, the name, address, and location of the principal business office of said general incorporated association; and the official depository as provided for in Article 64-7, paragraph (2), and the location thereof.

(契約締結等の時期の制限)

(Restrictions on the timing of the conclusion of an agreement)

第三十六条 宅地建物取引業者は、宅地の造成又は建物の建築に関する工事の完了前においては、当該工事に関し必要とされる都市計画法第二十九条第一項又は第二項の許可、建築基準法第六条第一項の確認その他法令に基づく許可等の処分政令で定めるものがあつた後でなければ、当該工事に係る宅地又は建物につき、自ら当事者として、若しくは当事者を代理してその売買若しくは交換の契約を締結し、又はその売買若しくは交換の媒介をしてはならない。

Article 36 Prior to the completion of construction work relating to the development of a Building Lot or the construction of a building, a Real Estate Broker is not to conclude an agreement for the sale or exchange of the Building Lot or building pertaining to said construction work as a party thereto or as an

agent of a party thereto or mediate for said sale or exchange unless such permission as provided for in Article 29, paragraph (1) or (2) of the Urban Planning Act, verification as provided for in Article 6, paragraph (1) of the Building Standards Act, or any other permission or disposition based on a law or regulation required in connection with said construction work that is as specified by Cabinet Order has been granted.

(書面の交付)

(Document issuance)

第三十七条 宅地建物取引業者は、宅地又は建物の売買又は交換に関し、自ら当事者として契約を締結したときはその相手方に、当事者を代理して契約を締結したときはその相手方及び代理を依頼した者に、その媒介により契約が成立したときは当該契約の各当事者に、遅滞なく、次に掲げる事項を記載した書面を交付しなければならない。

Article 37 (1) A Real Estate Broker must, without delay, issue a document in which the matters as listed below are stated to the counterparty to an agreement in connection with the sale or exchange of a Building Lot or building if said agreement is concluded with the Real Estate Broker as a party thereto; to the counterparty to an agreement in connection with the sale or exchange of a Building Lot or building and the person requesting agency services if said agreement is concluded with the Real Estate Broker acting as an agent for a party thereto; or to each party to an agreement in connection with the sale or exchange of a Building Lot or building if said agreement is concluded through the mediation of the Real Estate Broker:

一 当事者の氏名（法人にあつては、その名称）及び住所

(i) the names and addresses of the parties to the agreement (names of corporations where applicable);

二 当該宅地の所在、地番その他当該宅地を特定するために必要な表示又は当該建物の所在、種類、構造その他当該建物を特定するために必要な表示

(ii) the location and lot number of said Building Lot and any other indication required to identify said Building Lot, or the location, type, and structure of said building and any other indication required to identify said building;

三 代金又は交換差金の額並びにその支払の時期及び方法

(iii) the amount of the price or difference arising from the exchange of property and the timing and method of the payment thereof;

四 宅地又は建物の引渡しの時期

(iv) the timing of the delivery of the Building Lot or building;

五 移転登記の申請の時期

(v) the timing of the submission of an application for relocation registration;

六 代金及び交換差金以外の金銭の授受に関する定めがあるときは、その額並びに当該金銭の授受の時期及び目的

(vi) if there are provisions relating to the transfer of money other than for the

- price or difference arising from the exchange of property, the amount thereof and the timing and purpose of said transfer of money;
- 七 契約の解除に関する定めがあるときは、その内容
(vii) if there are provisions relating to the cancellation of the agreement, the contents thereof;
- 八 損害賠償額の予定又は違約金に関する定めがあるときは、その内容
(viii) if there are provisions relating to the planned amount for liquidated damages or penalties for breach of agreement, the contents thereof;
- 九 代金又は交換差金についての金銭の貸借のあつせんに関する定めがある場合においては、当該あつせんに係る金銭の貸借が成立しないときの措置
(ix) if there are provisions relating to mediation for monetary loans concerning the price or differences arising from the exchange of property, the measures to be taken if no monetary loan pertaining to said mediation is established;
- 十 天災その他不可抗力による損害の負担に関する定めがあるときは、その内容
(x) if there are provisions relating to the assumption of losses due to a natural disaster or other event of force majeure, the contents thereof;
- 十一 当該宅地若しくは建物の瑕疵を担保すべき責任又は当該責任の履行に関して講ずべき保証保険契約の締結その他の措置についての定めがあるときは、その内容
(xi) if there are provisions regarding liability for a defect warranty on said Building Lot or building or, the conclusion of a warranty insurance agreement or other measure that should be undertaken concerning the fulfillment of said liability, the contents thereof;
- 十二 当該宅地又は建物に係る租税その他の公課の負担に関する定めがあるときは、その内容
(xii) if there are provisions relating to the assumption of taxes or other public dues pertaining to said Building Lot or building, the contents thereof.
- 2 宅地建物取引業者は、宅地又は建物の貸借に関し、当事者を代理して契約を締結したときはその相手方及び代理を依頼した者に、その媒介により契約が成立したときは当該契約の各当事者に、次に掲げる事項を記載した書面を交付しなければならない。
- (2) A Real Estate Broker must issue a document in which the matters as listed below are stated to the counterparty to an agreement in connection with the loan of a Building Lot or building if said agreement is concluded with the Real Estate Broker acting as an agent for a party thereto; or to each party to an agreement in connection with the sale or exchange of a Building Lot or building if said agreement is concluded through the mediation of the Real Estate Broker:
- 一 前項第一号、第二号、第四号、第七号、第八号及び第十号に掲げる事項
(i) matters as listed in items (i), (ii), (iv), (vii), (viii), and (x) of the preceding paragraph;
- 二 借賃の額並びにその支払の時期及び方法
(ii) the amount of rent, period and method of the payment thereof;

三 借賃以外の金銭の授受に関する定めがあるときは、その額並びに当該金銭の授受の時期及び目的

(iii) if there are provisions relating to the transfer of money other than for rent, the amount thereof and the period and purpose of said transfer of money.

3 宅地建物取引業者は、前二項の規定により交付すべき書面を作成したときは、取引主任者をして、当該書面に記名押印させなければならない。

(3) If a Real Estate Broker prepares a document that should be issued pursuant to the provisions of the preceding two paragraphs, the Real Estate Broker must have the transaction specialist affix their name and seal to said document.

(事務所等以外の場所においてした買受けの申込みの撤回等)

(Revocation of purchase offer made at a location other than a business office)

第三十七条の二 宅地建物取引業者が自ら売主となる宅地又は建物の売買契約について、当該宅地建物取引業者の事務所その他国土交通省令・内閣府令で定める場所（以下この条において「事務所等」という。）以外の場所において、当該宅地又は建物の買受けの申込みをした者又は売買契約を締結した買主（事務所等において買受けの申込みをし、事務所等以外の場所において売買契約を締結した買主を除く。）は、次に掲げる場合を除き、書面により、当該買受けの申込みの撤回又は当該売買契約の解除（以下この条において「申込みの撤回等」という。）を行うことができる。この場合において、宅地建物取引業者は、申込みの撤回等に伴う損害賠償又は違約金の支払を請求することができない。

Article 37-2 (1) With respect to a sales agreement for a Building Lot or building for which a Real Estate Broker constitutes the seller, a person who makes a purchase offer on said Building Lot or building, or buyer who concludes a sales agreement at a business office of said Real Estate Broker or elsewhere as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance (hereinafter referred to in this article as "Business Office, etc.") (excluding a buyer who makes a purchase offer at a Business Office and concludes a sales agreement at a location other than a Business Office) may revoke said purchase offer or cancel said sales agreement in writing (hereinafter referred to in this article as "Revocation of Offer, etc.") except in either of the following cases. In such a case, the Real Estate Broker may not demand payment of indemnification for damage or a penalty charge tied to a Revocation of Offer, etc.

一 買受けの申込みをした者又は買主（以下この条において「申込者等」という。）が、国土交通省令・内閣府令の定めるところにより、申込みの撤回等を行うことができる旨及びその申込みの撤回等を行う場合の方法について告げられた場合において、その告げられた日から起算して八日を経過したとき。

(i) if eight days have passed since the date on which the person who made a purchase offer or buyer (hereinafter referred to in this article as "Offerer, etc."), pursuant to the provisions of Ordinance of the Ministry of Land,

Infrastructure, Transport and Tourism and Cabinet Office Ordinance, was duly informed of the fact that said person can carry out a Revocation of Offer, etc., and the method that is applicable if said Revocation of Offer, etc. is to be carried out;

二 申込者等が、当該宅地又は建物の引渡しを受け、かつ、その代金の全部を支払ったとき。

(ii) if the Offerer takes delivery of said Building Lot or building and pays the price thereof in full.

2 申込みの撤回等は、申込者等が前項前段の書面を発した時に、その効力を生ずる。

(2) A Revocation of Offer, etc. is to take effect upon the issuance by the Offerer of a document as provided for in the first sentence of the preceding paragraph.

3 申込みの撤回等が行われた場合においては、宅地建物取引業者は、申込者等に対し、速やかに、買受けの申込み又は売買契約の締結に際し受領した手付金その他の金銭を返還しなければならない。

(3) If a Revocation of Offer, etc. is carried out, a Real Estate Broker must promptly refund the earnest money and other monetary amounts received at the time of the purchase offer or conclusion of sales agreement to the Offerer.

4 前三項の規定に反する特約で申込者等に不利なものは、無効とする。

(4) Any special provision that contravenes any of the provisions of the preceding three paragraphs and is disadvantageous to the Offerer is hereby invalidated.

(損害賠償額の予定等の制限)

(Restrictions on the planned amount of liquidated damages)

第三十八条 宅地建物取引業者がみずから売主となる宅地又は建物の売買契約において、当事者の債務の不履行を理由とする契約の解除に伴う損害賠償の額を予定し、又は違約金を定めるときは、これらを合算した額が代金の額の十分の二をこえることとなる定めをしてはならない。

Article 38 (1) Regarding the sales agreement for a Building Lot or building for which the Real Estate Broker constitutes the seller, on grounds of the non-fulfillment of obligations by a party governing the cost of liquidated damages or penalties for breach of agreement tied to the cancellation prescribed therein, the sum of said amount in said provision must not exceed two-tenths of the amount of the price of said Building Lot or building.

2 前項の規定に反する特約は、代金の額の十分の二をこえる部分について、無効とする。

(2) The portion corresponding to any special provision that contravenes a provision of the preceding paragraph exceeding two-tenths of the amount of the price of said Building Lot or building is hereby invalidated.

(手附の額の制限等)

(Restrictions on the earnest money amount)

第三十九条 宅地建物取引業者は、みずから売主となる宅地又は建物の売買契約の締結に際して、代金の額の十分の二をこえる額の手附を受領することができない。

Article 39 (1) When a Real Estate Broker concludes a sales agreement for a Building Lot or building for which the Real Estate Broker constitutes the seller, the Real Estate Broker is not entitled to receive an earnest money of an amount exceeding two-tenths of the amount of the price of said Building Lot or building.

2 宅地建物取引業者が、みずから売主となる宅地又は建物の売買契約の締結に際して手附を受領したときは、その手附がいかなる性質のものであつても、当事者の一方が契約の履行に着手するまでは、買主はその手附を放棄して、当該宅地建物取引業者はその倍額を償還して、契約の解除をすることができる。

(2) If a Real Estate Broker receives an earnest money when concluding a sales agreement for a Building Lot or building for which the Real Estate Broker constitutes the seller, the buyer may forfeit said earnest money and said Real Estate Broker may repay double the amount thereof and thereby cancel the agreement at any time until one of the parties thereto commences with the performance of said agreement, irrespective of the properties of said earnest money.

3 前項の規定に反する特約で、買主に不利なものは、無効とする。

(3) Any special provision that contravenes a provision of the preceding paragraph and that is disadvantageous to the buyer is hereby invalidated.

(瑕疵担保責任についての特約の制限)

(Restrictions on special provisions concerning defect liability)

第四十条 宅地建物取引業者は、自ら売主となる宅地又は建物の売買契約において、その目的物の瑕疵を担保すべき責任に関し、民法（明治二十九年法律第八十九号）第五百七十条において準用する同法第五百六十六条第三項に規定する期間についてその目的物の引渡しの日から二年以上となる特約をする場合を除き、同条に規定するものより買主に不利となる特約をしてはならない。

Article 40 (1) A Real Estate Broker is not to prescribe any special provisions in a sales agreement for a Building Lot or building for which the Real Estate Broker constitutes the seller in connection with defect liability concerning the subject matter thereof that, with the exception of special provisions setting forth a period as prescribed in Article 566, paragraph (3) of the Civil Code (Act No. 89 of 1896) as applied mutatis mutandis pursuant to Article 570 of the same Act that is at least two years from the date of the delivery of the subject matter thereof, would be more disadvantageous to the buyer than provisions as prescribed in the same article.

2 前項の規定に反する特約は、無効とする。

(2) Any special provision that contravenes a provision of the preceding paragraph is hereby invalidated.

(手付金等の保全)

(Earnest money preservation)

第四十一条 宅地建物取引業者は、宅地の造成又は建築に関する工事の完了前において行う当該工事に係る宅地又は建物の売買で自ら売主となるものに関しては、次の各号のいずれかに掲げる措置を講じた後でなければ、買主から手付金等（代金の全部又は一部として授受される金銭及び手付金その他の名義をもつて授受される金銭で代金に充当されるものであつて、契約の締結の日以後当該宅地又は建物の引渡し前に支払われるものをいう。以下同じ。）を受領してはならない。ただし、当該宅地若しくは建物について買主への所有権移転の登記がされたとき、買主が所有権の登記をしたとき、又は当該宅地建物取引業者が受領しようとする手付金等の額（既に受領した手付金等があるときは、その額を加えた額）が代金の額の百分の五以下であり、かつ、宅地建物取引業者の取引の実情及びその取引の相手方の利益の保護を考慮して政令で定める額以下であるときは、この限りでない。

Article 41 (1) A Real Estate Broker must not receive an earnest money t, etc., (money transferred as the price in whole or in part, and money transferred as an earnest money or under a different name where said money is allocated to the price and is paid on or after the date of the conclusion of the agreement and prior to the delivery of said Building Lot or building; the same applies hereinafter) from a buyer concerning the sale of a Building Lot or building pertaining to construction work relating to the development of the Building Lot or construction of the building prior to the completion of said construction work where they are the seller, unless measures as listed in either of the following items are first taken. Provided, however, that this is not to apply if the transfer of ownership of said Building Lot or building to the buyer has been registered; if the buyer has carried out a registration of ownership; or if the amount of the earnest money, etc., that said Real Estate Broker intends to receive (the amount obtained by adding the amount of earnest money, etc., that has already been received, if applicable) is no more than five-one hundredths of the amount of the price and no more than the amount as specified by Cabinet Order in consideration of the actual conditions of transactions undertaken by Real Estate Brokers and the protection of the interests of counterparties to said transactions.

一 銀行その他政令で定める金融機関又は国土交通大臣が指定する者（以下この条において「銀行等」という。）との間において、宅地建物取引業者が受領した手付金等の返還債務を負うこととなつた場合において当該銀行等がその債務を連帯して保証することを委託する契約（以下「保証委託契約」という。）を締結し、かつ、当該保証委託契約に基づいて当該銀行等が手付金等の返還債務を連帯して保証することを約する書面を買主に交付すること。

(i) An agreement is concluded with a bank or a financial institution as specified by Cabinet Order or a person as designated by the Minister of Land,

Infrastructure, Transport and Tourism (hereinafter referred to in this article as "Bank") for delegation whereby, if the obligation to refund the earnest money, etc., received by the Real Estate Broker is assumed by the Real Estate Broker, said Bank is to jointly and severally guarantee said obligation (hereinafter referred to as "Indemnity Agreement") and a document promising that said Bank is to jointly and severally guarantee the obligation to refund the earnest money, etc., pursuant to said Indemnity Agreement is issued to the buyer;

二 保険事業者（保険業法（平成七年法律第百五号）第三条第一項又は第百八十五条第一項の免許を受けて保険業を行う者をいう。以下この号において同じ。）との間において、宅地建物取引業者が受領した手付金等の返還債務の不履行により買主に生じた損害のうち少なくとも当該返還債務の不履行に係る手付金等の額に相当する部分を当該保険事業者がうめることを約する保証保険契約を締結し、かつ、保険証券又はこれに代わるべき書面を買主に交付すること。

(ii) A warranty insurance agreement is concluded with an insurance provider (a person engaged in the insurance business who has obtained a license as provided for in Article 3, paragraph (1), or Article 185, paragraph (1) of the Insurance Business Act (Act No. 105 of 1995); same hereinafter in this item) that promises that the portion of losses caused to the buyer as a result of the non-performance of the obligation to refund the earnest money etc. received by the Real Estate Broker equals the amount of the earnest money etc. pertaining to said non-performance of refund obligation is at the minimum, covered by said insurance provider and an insurance certificate or document acceptable in lieu thereof, issued to the buyer.

2 前項第一号の規定による保証委託契約は、銀行等が次の各号に掲げる要件に適合する保証契約を買主との間において成立させることを内容とするものでなければならない。

(2) An Indemnity Agreement under item (i) of the preceding paragraph must stipulate that an insurance agreement satisfying the requirements as listed in the following items are concluded by the Bank with the buyer:

一 保証債務が、少なくとも宅地建物取引業者が受領した手付金等の返還債務の全部を保証するものであること。

(i) the guarantee obligation constitutes, at the very least, the guaranteeing of the obligation to refund the earnest money, etc., received by the Real Estate Broker in full;

二 保証すべき手付金等の返還債務が、少なくとも宅地建物取引業者が受領した手付金等に係る宅地又は建物の引渡しまでに生じたものであること。

(ii) the obligation to refund the earnest money, etc., that should be guaranteed, is at least in effect until the delivery of the Building Lot or building pertaining to the down payment, etc., received by the Real Estate Broker.

3 第一項第二号の規定による保証保険契約は、次の各号に掲げる要件に適合するもの

でなければならない。

(3) The warranty insurance agreement under paragraph (1), item (ii), must satisfy the requirements listed in the following items:

一 保険金額が、宅地建物取引業者が受領しようとする手付金等の額（既に受領した手付金等があるときは、その額を加えた額）に相当する金額であること。

(i) the insurance amount is an amount equivalent to the amount of the earnest money, etc., that the Real Estate Broker intends to receive (the amount obtained by adding the amount of earnest money, etc., that has already been received, if applicable);

二 保険期間が、少なくとも保証保険契約が成立した時から宅地建物取引業者が受領した手付金等に係る宅地又は建物の引渡しまでの期間であること。

(ii) the insurance period is, at the minimum, the period from the conclusion of the warranty insurance agreement to the delivery of the Building Lot, or building pertaining to the earnest money, etc., received by the Real Estate Broker.

4 宅地建物取引業者が、第一項に規定する宅地又は建物の売買を行う場合（同項ただし書に該当する場合を除く。）において、同項第一号又は第二号に掲げる措置を講じないときは、買主は、手付金等を支払わないことができる。

(4) If a Real Estate Broker sells a Building Lot or building as prescribed in paragraph (1) (excluding any case, falling under the proviso of the same paragraph) and does not take measures as listed in item (i) or (ii) of the same paragraph, the buyer may choose to forgo payment of an earnest money, etc.

5 宅地建物取引業者は、次の各号に掲げる措置に代えて、政令で定めるところにより、第一項に規定する買主の承諾を得て、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて、当該各号に掲げる措置に準ずるものとして国土交通省令・内閣府令で定めるものを講じることができる。この場合において、当該国土交通省令・内閣府令で定める措置を講じた者は、当該各号に掲げる措置を講じたものとみなす。

(5) A Real Estate Broker, pursuant to the provisions of Cabinet Order, after obtaining the consent of the buyer as prescribed in paragraph (1) can take measures, in lieu of a method as listed in either of the following items, a method for using an electronic data processing system or any other method for using information communications technology where said method is as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance as corresponding to a measure as listed in either of said items. In such a case, the person who carries out said measure as specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance is deemed to have carried out a measure as listed in either of said items.

一 第一項第一号に掲げる措置のうち、当該保証委託契約に基づいて当該銀行等が手付金等の返還債務を連帯して保証することを約する書面を買主に交付する措置

(i) a measure as listed in paragraph (1), item (i), constituting a measure for issuing a document promising that said Bank is to jointly and severally guarantee the obligation to refund the earnest money, etc., pursuant to said Indemnity Agreement issued to the buyer;

二 第一項第二号に掲げる措置のうち、保険証券に代わるべき書面を買主に交付する措置

(ii) a measure as listed in paragraph (1), item (ii), constituting a measure for issuing a document in lieu of an insurance certificate to the buyer.

第四十一条の二 宅地建物取引業者は、自ら売主となる宅地又は建物の売買（前条第一項に規定する売買を除く。）に関しては、同項第一号若しくは第二号に掲げる措置を講じた後又は次の各号に掲げる措置をいずれも講じた後でなければ、買主から手付金等を受領してはならない。ただし、当該宅地若しくは建物について買主への所有権移転の登記がされたとき、買主が所有権の登記をしたとき、又は当該宅地建物取引業者が受領しようとする手付金等の額（既に受領した手付金等があるときは、その額を加えた額）が代金の額の十分の一以下であり、かつ、宅地建物取引業者の取引の実情及びその取引の相手方の利益の保護を考慮して政令で定める額以下であるときは、この限りでない。

Article 41-2 (1) A Real Estate Broker must not receive an earnest money, etc., from a buyer concerning the sale of a Building Lot or building for which the Real Estate Broker is the seller (excluding any sale as prescribed in paragraph (1) of the preceding article) unless measures as listed in item (i) or (ii) of the same paragraph or the measures as listed in both of the following items are taken. Provided, however, that this does not apply if the transfer of ownership of said Building Lot or building to the buyer has been registered; if the buyer has carried out a registration of ownership; or if the amount of the earnest money, etc., that said Real Estate Broker intends to receive (the amount obtained by adding the amount of earnest money, etc., that has already been received, if applicable) is no more than one-tenth of the amount of the price and no more than the amount as specified by Cabinet Order in consideration of the actual conditions of transactions undertaken by Real Estate Brokers and the protection of the interests of counterparties to said transactions.

一 国土交通大臣が指定する者（以下「指定保管機関」という。）との間において、宅地建物取引業者が自己に代理して当該指定保管機関に当該手付金等を受領させることとするとともに、当該指定保管機関が、当該宅地建物取引業者が受領した手付金等の額に相当する額の金銭を保管することを約する契約（以下「手付金等寄託契約」という。）を締結し、かつ、当該手付金等寄託契約を証する書面を買主に交付すること。

(i) an agreement is concluded with a person designated by the Minister of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "Designated Custodian") that promises that the Real Estate Broker will have

said Designated Custodian receive said earnest money, etc., on behalf thereof and that said Designated Custodian will retain an amount of money equivalent to the amount of the earnest money, etc., received by said Real Estate Broker (hereinafter referred to as "Earnest Money Deposition Agreement") and a document attesting to said Earnest Money Deposition Agreement is issued to the buyer;

二 買主との間において、買主が宅地建物取引業者に対して有することとなる手付金等の返還を目的とする債権の担保として、手付金等寄託契約に基づく寄託金の返還を目的とする債権について質権を設定する契約（以下「質権設定契約」という。）を締結し、かつ、当該質権設定契約を証する書面を買主に交付し、及び当該質権設定契約による質権の設定を民法第四百六十七条の規定による確定日付のある証書をもつて指定保管機関に通知すること。

(ii) an agreement establishing a right of pledge over claims for the purpose of refunding trust money based on the Earnest Money Deposition Agreement is concluded with the buyer to secure claims for the purpose of refunding the earnest money, etc., to be held by the buyer against the Real Estate Broker (hereinafter referred to as "Pledge-Establishing Agreement"); a document attesting to said Pledge-Establishing Agreement is issued to the buyer; and the establishment of the right of pledge under said Pledge-Establishing Agreement is notified to the Designated Custodian with a certificate bearing the date of finalization under Article 467 of the Civil Code.

2 前項第一号の規定による手付金等寄託契約は、次の各号に掲げる要件に適合するものでなければならない。

(2) An Earnest Money Deposition Agreement under item (i) of the preceding paragraph must satisfy the requirements as listed in the following items:

一 保管される金額が、宅地建物取引業者が受領しようとする手付金等の額（既に受領した手付金等で指定保管機関に保管されていないものがあるときは、その保管されていないものの額を加えた額）に相当する金額であること。

(i) the retained amount is an amount equivalent to the amount of the earnest money, etc., that the Real Estate Broker intends to receive (the amount obtained by adding the amount of earnest money, etc., that has already been received and that has not yet been retained by the Designated Custodian, if applicable);

二 保管期間が、少なくとも指定保管機関が宅地建物取引業者に代理して手付金等を受領した時から当該手付金等に係る宅地又は建物の引渡しまでの期間であること。

(ii) the retention period is, at the minimum, the period from the receipt of the earnest money, etc., by the Designated Custodian on behalf of the Real Estate Broker to the delivery of the Building Lot or building pertaining to said earnest money, etc.

3 第一項第二号の規定による質権設定契約は、設定される質権の存続期間が、少なくとも当該質権が設定された時から宅地建物取引業者が受領した手付金等に係る宅地又

は建物の引渡しまでの期間であるものでなければならない。

- (3) A Pledge-Establishing Agreement under paragraph (1), item (ii), must stipulate that the duration of the established right of pledge is, at the minimum the period from the establishment of said right of pledge to the delivery of the Building Lot or building pertaining to the earnest money, etc., received by the Real Estate Broker.
- 4 宅地建物取引業者は、第一項各号に掲げる措置を講ずる場合において、既に自ら手付金等を受領しているときは、自ら受領した手付金等の額に相当する額（既に指定保管機関が保管する金銭があるときは、その額を除いた額）の金銭を、買主が手付金等の支払をする前に、指定保管機関に交付しなければならない。
- (4) If a Real Estate Broker takes measures as listed in any of the items of paragraph (1) and has already received an earnest money, etc., the Real Estate Broker must deliver an amount that is equivalent to the amount of earnest money, etc., received by the Real Estate Broker (the amount obtained by deducting the amount already retained by the Designated Custodian, if applicable) to the Designated Custodian prior to payment of an earnest money, etc., by the buyer.
- 5 宅地建物取引業者が、第一項に規定する宅地又は建物の売買を行う場合（同項ただし書に該当する場合を除く。）において、前条第一項第一号若しくは第二号に掲げる措置を講じないとき、第一項各号の一に掲げる措置を講じないとき、又は前項の規定による金銭の交付をしないときは、買主は、手付金等を支払わないことができる。
- (5) If a Real Estate Broker sells a Building Lot or building as prescribed in paragraph (1) (excluding any case falling under the proviso of the same paragraph) and does not take measures as listed in item (i) or (ii) of paragraph (1) of the preceding article, does not take measures as listed in any of the items of paragraph (1), or does not deliver money under the preceding paragraph, the buyer may choose to forgo payment of an earnest money, etc.
- 6 宅地建物取引業者は、次の各号に掲げる措置に代えて、政令で定めるところにより、第一項に規定する買主の承諾を得て、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて、当該各号に掲げる措置に準ずるものとして国土交通省令・内閣府令で定めるものを講じることができる。この場合において、当該国土交通省令・内閣府令で定める措置を講じた者は、当該各号に掲げる措置を講じたものとみなす。
- (6) A Real Estate Broker may, pursuant to the provisions of Cabinet Order, obtain the consent of the buyer as prescribed in paragraph (1) and apply, in lieu of a method as listed in either of the following items, a method for using an electronic data processing system or any other method for using information communications technology where said method is as specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism or Cabinet Office Ordinance as corresponding to a measure as listed in either of said items. In such a case, the person who carries out said measure as specified by Ordinance

of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance is deemed to have carried out a measure as listed in either of said items.

一 第一項第一号に掲げる措置のうち、当該手付金等寄託契約を証する書面を買主に交付する措置

(i) a measure as listed in paragraph (1), item (i), constituting a measure for issuing a document attesting to said Earnest Money Deposit Agreement to the buyer;

二 第一項第二号に掲げる措置のうち、当該質権設定契約を証する書面を買主に交付する措置

(ii) a measure as listed in paragraph (1), item (ii), constituting a measure for issuing a document attesting to said Pledge-Establishing Agreement to the buyer.

(宅地又は建物の割賦販売の契約の解除等の制限)

(Restrictions on canceling an installment sales agreement for a Building Lot or building)

第四十二条 宅地建物取引業者は、みずから売主となる宅地又は建物の割賦販売の契約について賦払金の支払の義務が履行されない場合においては、三十日以上相当の期間を定めてその支払を書面で催告し、その期間内にその義務が履行されないときでなければ、賦払金の支払の遅滞を理由として、契約を解除し、又は支払時期の到来していない賦払金の支払を請求することができない。

Article 42 (1) If the obligation to pay installments under an installment sales agreement for a Building Lot or building for which a Real Estate Broker is the seller is not performed, the Real Estate Broker is to provide a written demand for payment to be made within a prescribed reasonable period of time of no less than thirty days and may not cancel the agreement on grounds that the payment of an installment is late or demand payment of an installment that is not yet due unless said obligation is not performed within said period.

2 前項の規定に反する特約は、無効とする。

(2) Any special provision that contravenes a provision of the preceding paragraph is hereby invalidated.

(所有権留保等の禁止)

(Prohibition against the reservation of ownership)

第四十三条 宅地建物取引業者は、みずから売主として宅地又は建物の割賦販売を行なった場合には、当該割賦販売に係る宅地又は建物を買主に引き渡すまで（当該宅地又は建物を引き渡すまでに代金の額の十分の三をこえる額の金銭の支払を受けていない場合にあつては、代金の額の十分の三をこえる額の金銭の支払を受けるまで）に、登記その他引渡し以外の売主の義務を履行しなければならない。ただし、買主が、当該宅地又は建物につき所有権の登記をした後の代金債務について、これを担保するため

の抵当権若しくは不動産売買の先取特権の登記を申請し、又はこれを保証する保証人を立てる見込みがないときは、この限りでない。

Article 43 (1) If a Real Estate Broker carries out an installment sale of a Building Lot or building with the Real Estate Broker as the seller, the Real Estate Broker must fulfill obligations of the seller other than registration and delivery by the time the Building Lot or building pertaining to said installment sale is delivered to the buyer (if an amount of money exceeding three-tenths of the amount of the price has not yet been received by the time said Building Lot or building is delivered, by the time an amount of money exceeding three-tenths of the amount of the price is received). Provided, however, that this is not to apply if it is not expected that the buyer will make an application for the registration of a mortgage or a prior lien on the sale of Real Estate in order to secure the payment liabilities obligation in effect subsequent to the registration of the ownership of said Building Lot or building or establish a guarantor to guarantee said obligation.

2 宅地建物取引業者は、みずから売主として宅地又は建物の割賦販売を行なった場合において、当該割賦販売に係る宅地又は建物を買主に引き渡し、かつ、代金の額の十分の三をこえる額の金銭の支払を受けた後は、担保の目的で当該宅地又は建物を譲り受けてはならない。

(2) If a Real Estate Broker carries out an installment sale of a Building Lot or building with the Real Estate Broker as the seller, the Real Estate Broker must not obtain said Building Lot or building by transfer as collateral after the Building Lot or building pertaining to said installment sale is delivered to the buyer and payment of an amount of money exceeding three-tenths of the amount of the price is received.

3 宅地建物取引業者は、みずから売主として宅地又は建物の売買を行なった場合において、代金の全部又は一部に充てるための買主の金銭の借入で、当該宅地又は建物の引渡し後一年以上の期間にわたり、かつ、二回以上に分割して返還することを条件とするものに係る債務を保証したときは、当該宅地又は建物を買主に引き渡すまで（当該宅地又は建物を引き渡すまでに受領した代金の額から当該保証に係る債務で当該宅地又は建物を引き渡すまでに弁済されていないものの額を控除した額が代金の額の十分の三をこえていない場合にあつては、受領した代金の額から当該保証に係る債務で弁済されていないものの額を控除した額が代金の額の十分の三をこえるまで）に、登記その他引渡し以外の売主の義務を履行しなければならない。ただし、宅地建物取引業者が当該保証債務を履行した場合に取得する求償権及び当該宅地又は建物につき買主が所有権の登記をした後の代金債権について、買主が、これを担保するための抵当権若しくは不動産売買の先取特権の登記を申請し、又はこれを保証する保証人を立てる見込みがないときは、この限りでない。

(3) If a Real Estate Broker carries out a sale of a Building Lot or building with the Real Estate Broker as the seller and guarantees obligations pertaining to money that is borrowed by the buyer to be allocated to the price in whole or in

part and that is subject to repayment over two or more installments across a period of at least one year after the delivery of said Building Lot or building, the Real Estate Broker must fulfill obligations of the seller not covered by registration and delivery by the time the Building Lot or building pertaining to said installment sale is delivered to the buyer. (If the amount of the price received by the time of the delivery of said Building Lot or building net of the amount of the obligation pertaining to said guarantee not yet repaid by the time of the delivery of said Building Lot or building does not exceed three-tenths of the amount of the price, by the time the received amount of the price net of the amount of the obligation pertaining to said guarantee not yet repaid exceeds three-tenths of the amount of the price.) Provided, however, that this is not to apply if it is not expected that the buyer will make an application for the registration of a mortgage or a prior lien on the sale of Real Estate in order to secure the right of indemnity obtained upon the performance of said guarantee obligation by the Real Estate Broker and the payment liabilities obligation in effect subsequent to the registration of the ownership of said Building Lot or building by the buyer or establish a guarantor to guarantee said obligation.

4 宅地建物取引業者は、みずから売主として宅地又は建物の売買を行なった場合において、当該宅地又は建物の代金の全部又は一部に充てるための買主の金銭の借入で、当該宅地又は建物の引渡し後一年以上の期間にわたり、かつ、二回以上に分割して返還することを条件とするものに係る債務を保証したときは、当該売買に係る宅地又は建物を買主に引き渡し、かつ、受領した代金の額から当該保証に係る債務で弁済されていないものの額を控除した額が代金の額の十分の三をこえる額の金銭の支払を受けた後は、担保の目的で当該宅地又は建物を譲り受けてはならない。

(4) If a Real Estate Broker carries out a sale of a Building Lot or building with the Real Estate Broker as the seller and guarantees obligations pertaining to money that is borrowed by the buyer to be allocated to the price of said Building Lot or building in whole or in part that is subject to repayment over two or more installments across a period of at least one year after the delivery of said Building Lot or building, the Real Estate Broker is not to obtain said Building Lot or building by transfer as collateral after the Building Lot or building pertaining to said sale is delivered to the buyer and payment of the received amount of the price net of the amount of the obligation pertaining to said guarantee not yet repaid exceeding three-tenths of the amount of the price is received.

(不当な履行遅延の禁止)

(Prohibition against an undue delay in performance)

第四十四条 宅地建物取引業者は、その業務に関してなすべき宅地若しくは建物の登記若しくは引渡し又は取引に係る対価の支払を不当に遅延する行為をしてはならない。

Article 44 A Real Estate Broker must not unduly delay the registration or delivery of a Building Lot or building or the value of the payment affecting the transactions that should be carried out concerning the operations thereof.

(秘密を守る義務)

(Obligation to maintain confidentiality)

第四十五条 宅地建物取引業者は、正当な理由がある場合でなければ、その業務上取り扱ったことについて知り得た秘密を他に漏らしてはならない。宅地建物取引業を営まなくなつた後であつても、また同様とする。

Article 45 A Real Estate Broker must not divulge any secrets learned with respect to any matter handled in the course of the operations thereof unless there are justifiable grounds for doing so. The same is to apply even after the Real Estate Broker ceases to engage in the Real Estate Brokerage.

(報酬)

(Remuneration)

第四十六条 宅地建物取引業者が宅地又は建物の売買、交換又は貸借の代理又は媒介に関して受けることのできる報酬の額は、国土交通大臣の定めるところによる。

Article 46 (1) The amount of remuneration that a Real Estate Broker may receive concerning the provision of agency or mediation services for the sale, exchange, or loan of a Building Lot or building is to be as set forth by the Minister of Land, Infrastructure, Transport and Tourism.

2 宅地建物取引業者は、前項の額をこえて報酬を受けてはならない。

(2) A Real Estate Broker is not to receive remuneration exceeding the amount as provided for in the preceding paragraph.

3 国土交通大臣は、第一項の報酬の額を定めたときは、これを告示しなければならない。

(3) If the Minister of Land, Infrastructure, Transport and Tourism prescribes an amount of remuneration as provided for in paragraph (1), said minister must issue an announcement thereof.

4 宅地建物取引業者は、その事務所ごとに、公衆の見やすい場所に、第一項の規定により国土交通大臣が定めた報酬の額を掲示しなければならない。

(4) A Real Estate Broker must post the amount of remuneration as prescribed by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) at a conspicuous location accessible to the public at each office operated thereby.

(業務に関する禁止事項)

(Prohibitions concerning operations)

第四十七条 宅地建物取引業者は、その業務に関して、宅地建物取引業者の相手方等に対し、次に掲げる行為をしてはならない。

Article 47 A Real Estate Broker must not engage in any of the following actions against the Real Estate Brokerage Operation Counterparty concerning the operations of the Real Estate Broker:

一 宅地若しくは建物の売買、交換若しくは賃借の契約の締結について勧誘をするに際し、又はその契約の申込みの撤回若しくは解除若しくは宅地建物取引業に関する取引により生じた債権の行使を妨げるため、次のいずれかに該当する事項について、故意に事実を告げず、又は不実のことを告げる行為

(i) intentionally failing to disclose facts or misrepresent information on matters as listed in any of the following when soliciting for the conclusion of an agreement for the sale, exchange, or loan of a Building Lot or building or in order to prevent the exercising of claims arising from the revocation or cancellation of an agreement application or transactions relating to the Real Estate Brokerage:

イ 第三十五条第一項各号又は第二項各号に掲げる事項

(a) matters as listed in any of the items of paragraph (1) or any of the items of paragraph (2) of Article 35;

ロ 第三十五条の二各号に掲げる事項

(b) matters as listed in any of the items of Article 35-2;

ハ 第三十七条第一項各号又は第二項各号（第一号を除く。）に掲げる事項

(c) matters as listed in any of the items of paragraph (1) or any of the items of paragraph (2) (excluding item (i)) of Article 37;

ニ イからハマまでに掲げるもののほか、宅地若しくは建物の所在、規模、形質、現在若しくは将来の利用の制限、環境、交通等の利便、代金、借賃等の対価の額若しくは支払方法その他の取引条件又は当該宅地建物取引業者若しくは取引の関係者の資力若しくは信用に関する事項であつて、宅地建物取引業者の相手方等の判断に重要な影響を及ぼすこととなるもの

(d) in addition to what is as listed in (a) through (c), the location, size, characteristics, or restrictions on the present or future usage of a Building Lot or building the environment, the convenience of transportation, etc., price, the amounts of the price of rent or payment methods and other conditions relating to transaction conditions as they pertain thereto or any matter that relates to the means and credit of said Real Estate Broker or a person concerned with transactions and that materially affects the judgment of a Real Estate Brokerage Operation Counterparty.

二 不当に高額報酬を要求する行為

(ii) unreasonable requests for a large amount of remuneration;

三 手付けについて貸付けその他信用の供与をすることにより契約の締結を誘引する行為

(iii) solicit for the conclusion of an agreement by lending the earnest money or otherwise extending credit.

第四十七条の二 宅地建物取引業者又はその代理人、使用人その他の従業者（以下この条において「宅地建物取引業者等」という。）は、宅地建物取引業に係る契約の締結の勧誘をするに際し、宅地建物取引業者の相手方等に対し、利益を生ずることが確実であると誤解させるべき断定的判断を提供する行為をしてはならない。

Article 47-2 (1) No Real Estate Broker or agent, employee, or other worker thereof (hereinafter referred to in this article as "Real Estate Broker, etc.") must not make definitive conclusions that would cause a Real Estate Brokerage Operation Counterparty to mistakenly believe that the generation of profits is certain when soliciting for the conclusion of an agreement pertaining to the Real Estate Brokerage.

2 宅地建物取引業者等は、宅地建物取引業に係る契約を締結させ、又は宅地建物取引業に係る契約の申込みの撤回若しくは解除を妨げるため、宅地建物取引業者の相手方等を威迫してはならない。

(2) A Real Estate Broker, etc., must not use intimidation to a Real Estate Brokerage Operation Counterparty in order to have an agreement pertaining to the Real Estate Brokerage concluded, or hinder the revocation or cancellation of an agreement application pertaining to the Real Estate Brokerage.

3 宅地建物取引業者等は、前二項に定めるもののほか、宅地建物取引業に係る契約の締結に関する行為又は申込みの撤回若しくは解除の妨げに関する行為であつて、第三十五条第一項第十四号イに規定する宅地建物取引業者の相手方等の利益の保護に欠けるものとして国土交通省令・内閣府令で定めるもの及びその他の宅地建物取引業者の相手方等の利益の保護に欠けるものとして国土交通省令で定めるものをしてはならない。

(3) In addition to what is as prescribed in the preceding two paragraphs, a Real Estate Broker, etc., must not engage in conduct that relates to the conclusion of or the hindrance of the revocation or cancellation of an application for an agreement pertaining to the Real Estate Brokerage and that is, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Ordinance as lacking in terms of the protection of the interests of a Real Estate Brokerage Operation Counterparty as prescribed in Article 35, paragraph (1), item (14)(a) or as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as lacking in terms of the protection of other interests of a Real Estate Brokerage Operation Counterparty.

（証明書の携帯等）

(Carrying an identification card)

第四十八条 宅地建物取引業者は、国土交通省令の定めるところにより、従業者に、その従業者であることを証する証明書を携帯させなければ、その者をその業務に従事させてはならない。

Article 48 (1) A Real Estate Broker is not to, pursuant to the provisions of an

Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, have an employee engage in the operations of the Real Estate Broker unless it has said employee carry an identification card proving that said employee is an employee thereof.

2 従業者は、取引の関係者の請求があつたときは、前項の証明書を提示しなければならない。

(2) An employee must present their identification card as provided for in the preceding paragraph if a request is made by a person concerned with transactions.

3 宅地建物取引業者は、国土交通省令で定めるところにより、その事務所ごとに、従業者名簿を備え、従業者の氏名、住所、第一項の証明書の番号その他国土交通省令で定める事項を記載しなければならない。

(3) A Real Estate Broker must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, prepare an employee roster and state therein the names, addresses, and numbers of identification cards as provided for in paragraph (1) of employees and any other matter as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism therein for each business office operated.

4 宅地建物取引業者は、取引の関係者から請求があつたときは、前項の従業者名簿をその者の閲覧に供しなければならない。

(4) If a request is made by a person concerned with transactions, the employee roster as provided for in the preceding paragraph must be made available for inspection to said person by the Real Estate Broker.

(帳簿の備付け)

(Maintenance of books)

第四十九条 宅地建物取引業者は、国土交通省令の定めるところにより、その事務所ごとに、その業務に関する帳簿を備え、宅地建物取引業に関し取引のあつたつど、その年月日、その取引に係る宅地又は建物の所在及び面積その他国土交通省令で定める事項を記載しなければならない。

Article 49 A Real Estate Broker must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, prepare books relating to the operations thereof for each business office operated thereby and state therein, for each transaction relating to the Real Estate Brokerage, the date, address and area of the Building Lot or building pertaining to said transaction and any other matter as specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(標識の掲示等)

(Posting of sign)

第五十条 宅地建物取引業者は、事務所等及び事務所等以外の国土交通省令で定めるそ

の業務を行う場所ごとに、公衆の見やすい場所に、国土交通省令で定める標識を掲げなければならない。

Article 50 (1) A Real Estate Broker must put up a sign as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism at a conspicuous location accessible to the public at each Business Office, etc., and any other location at which the operations of the Real Estate Broker are carried out other than a Business Office, etc., as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 宅地建物取引業者は、国土交通省令の定めるところにより、あらかじめ、第十五条第一項の国土交通省令で定める場所について所在地、業務内容、業務を行う期間及び専任の取引主任者の氏名を免許を受けた国土交通大臣又は都道府県知事及びその所在地を管轄する都道府県知事に届け出なければならない。

(2) A Real Estate Broker must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, provide a notification in advance of the locations of, operational contents of, periods during which operations are to be carried out for, and names of exclusive transaction specialists at locations as specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as provided for in Article 15, paragraph (1), to the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor from whom its license was obtained and to the prefectural governor with jurisdiction over said locations.

(取引一任代理等に係る特例)

(Special provisions pertaining to entrustment-based agency services for transactions)

第五十条の二 宅地建物取引業者が、宅地又は建物の売買、交換又は貸借に係る判断の全部又は一部を次に掲げる契約により一任されるとともに当該判断に基づきこれらの取引の代理又は媒介を行うこと（以下「取引一任代理等」という。）について、あらかじめ、国土交通省令で定めるところにより、国土交通大臣の認可を受けたときは、第三十四条の二及び第三十四条の三の規定は、当該宅地建物取引業者が行う取引一任代理等については、適用しない。

Article 50-2 (1) If, in conjunction with the entrustment in whole or in part of determinations pertaining to the selling, exchanging, or lending of Building Lots or buildings pursuant to an agreement as listed below, the approval of the Minister of Land, Infrastructure, Transport and Tourism is obtained, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, by a Real Estate Broker in advance for the provision of agency or mediation services for said transactions based on said determinations (hereinafter referred to as "Entrustment-Based Agency Services for Transactions, etc."), the provisions of Articles 34-2 and 34-3 does not apply to Entrustment-Based Agency Services for Transactions, etc. and

other such functions to be engaged in by said Real Estate Broker.

一 当該宅地建物取引業者が金融商品取引法（昭和二十三年法律第二十五号）第二十九条の登録（同法第二十八条第四項に規定する投資運用業の種別に係るものに限る。）を受けて次のイ又はロに掲げる者と締結する当該イ又はロに定める契約

(i) an agreement as prescribed in either (a) or (b) below as concluded by said Real Estate Broker with a person as listed in said (a) or (b) upon obtaining a registration as provided for in Article 29 of the Financial Instruments and Exchange Act (Act No. 25 of 1948) (limited to that which pertains to any of the categories of investment management businesses as prescribed in Article 28, paragraph (4) of the same Act):

イ 当該宅地建物取引業者がその運用の指図を行う委託者指図型投資信託（投資信託及び投資法人に関する法律（昭和二十六年法律第百九十八号）第二条第一項に規定する委託者指図型投資信託をいう。）の信託財産の受託会社（同法第九条に規定する受託会社をいう。） 同法第三条に規定する投資信託契約

(a) a trustee company of investment trust property under an investment trust managed under instructions from the settlor through which said Real Estate Broker is to issue management instructions thereof, (investment trust managed under instructions from the settler as prescribed in Article 2, paragraph (1) of the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951) (trustee company as prescribed in Article 9 of the same Act): investment trust agreement as prescribed in Article 3 of the same Act;

ロ 当該宅地建物取引業者がその資産の運用を行う投資法人（投資信託及び投資法人に関する法律第二条第十二項に規定する投資法人をいう。） 同法第百八十八条第一項第四号に規定する委託契約

(b) an investment corporation through which said Real Estate Broker is to invest the assets thereof, (investment corporation as prescribed in Article 2, paragraph (12) of the Act on Investment Trusts and Investment Corporations: entrustment agreement as prescribed in Article 188, paragraph (1), item (iv) of the same Act.

二 当該宅地建物取引業者が次のイ又はロに掲げる規定に基づき宅地又は建物の売買、交換又は賃貸に係る業務を受託する場合における当該業務を委託する当該イ又はロに定める者と締結する当該業務の委託に関する契約

(ii) an agreement relating to the entrustment of operations pertaining to the selling, exchanging, or lending of Building Lots or buildings as concluded by said Real Estate Broker with a person as prescribed in either (a) or (b) below to whom said operations are entrusted where the entrustment of said operations are accepted pursuant to the provisions as listed in said (a) or (b):

イ 資産の流動化に関する法律（平成十年法律第百五号）第二百三条 同法第二条第三項に規定する特定目的会社

(a) Article 203 of the Act on the Securitization of Assets (Act No. 105 of

1998): specific purpose company as prescribed in Article 2, paragraph (3) of the same Act;

ロ 資産の流動化に関する法律第二百八十四条第二項 同法第二条第十六項 に規定する受託信託会社等

(b) Article 284 paragraph (2) of the Act on the Securitization of Assets: fiduciary trust company, etc., as prescribed in Article 2, paragraph (16) of the same Act.

2 前項の認可を受けた宅地建物取引業者（以下「認可宅地建物取引業者」という。）が取引一任代理等を行う場合には、当該取引一任代理等に係る前項各号に掲げる契約の相手方に対しては、次の各号に掲げる規定にかかわらず、当該各号に定める行為をすることを要しない。

(2) If a Real Estate Broker that has obtained the approval as provided for in the preceding paragraph (hereinafter referred to as "Approved Real Estate Broker") engages in Entrustment-Based Agency Services for Transactions, etc., actions as prescribed in each of the items below does not need to be carried out for the counterparty to the agreement as listed in the applicable item of the preceding paragraph pertaining to said Entrustment-Based Agency Services for Transactions, etc. irrespective of the corresponding provisions as listed in said item below:

一 第三十五条第一項 同項に規定する書面の交付及び説明

(i) Article 35, paragraph (1): issuance of documents and provision of explanation as prescribed in the same paragraph;

二 第三十五条第二項 同項に規定する書面の交付及び説明

(ii) Article 35, paragraph (2): issuance of documents and provision of explanation as prescribed in the same paragraph;

三 第三十五条の二 同条に規定する説明

(iii) Article 35-2: provision of explanation as prescribed in the same article;

四 第三十七条第二項 同項に規定する書面の交付

(iv) Article 37, paragraph (2): issuance of documents as prescribed in the same paragraph.

(認可の条件)

(Approval conditions)

第五十条の二の二 国土交通大臣は、前条第一項の認可に条件を付し、及びこれを変更することができる。

Article 50-2-2 (1) The Minister of Land, Infrastructure, Transport and Tourism may attach conditions to the approval as provided for in paragraph (1) of the preceding article and revise said conditions.

2 前項の条件は、宅地及び建物の取引の公正を確保するため必要な最小限度のものに限り、かつ、当該認可を受ける者に不当な義務を課することとならないものでなければならない。

(2) The conditions as provided for in the preceding paragraph must not be limited to those that are minimally required to secure the fairness of transactions involving Real Estate, and must not impose any undue obligation on a person who has obtained said approval.

(認可の基準等)

(Approval criteria)

第五十条の二の三 国土交通大臣は、第五十条の二第一項の認可を受けようとする者が次の各号のいずれかに該当するときは、認可をしてはならない。

Article 50-2-3 (1) If a person intending to obtain an approval as provided for in Article 50-2, paragraph (1), falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism must not grant said approval:

一 その行おうとする取引一任代理等を健全に遂行するに足りる財産的基礎を有しないこと。

(i) does not possess sufficient financial basis to allow for the smooth intended execution of Entrustment-Based Agency Services for Transactions, etc.;

二 その営む業務の収支の見込みが良好でなく、取引一任代理等の公正を害するおそれがあること。

(ii) there is a risk that the fairness of Entrustment-Based Agency Services for Transactions, etc. will be impaired given the unfavorable prospects for the income and expenditures of operations to be carried out by said person;

三 その行おうとする取引一任代理等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しないこと。

(iii) does not possess the knowledge and experience to allow for the intended execution of Entrustment-Based Agency Services for Transactions, etc. in a fair and precise manner.

2 国土交通大臣は、第五十条の二第一項の認可をしない場合においては、その理由を付した書面をもって、申請者にその旨を通知しなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism does not grant approval as provided for in Article 50-2, paragraph (1), said minister must provide a written notification thereof with grounds for said decision included therein to the applicant.

3 国土交通大臣は、第五十条の二第一項の認可をした場合であつて、当該宅地建物取引業者が都道府県知事の免許を受けたものであるときは、遅滞なく、その旨を当該都道府県知事に通知しなければならない。

(3) If the Minister of Land, Infrastructure, Transport and Tourism grants approval as provided for in Article 50-2, paragraph (1), and said Real Estate Broker has obtained a license granted by a prefectural governor, the Minister of Land, Infrastructure, Transport and Tourism must, without delay, provide a notification of the fact thereof to said prefectural governor.

(不動産信託受益権等の売買等に係る特例)

(Special provisions pertaining to the sale of Real Estate trust beneficiary rights)

第五十条の二の四 金融商品取引業者（金融商品取引法第二条第九項 に規定する金融商品取引業者をいう。）又は金融商品仲介業者（同条第十二項 に規定する金融商品仲介業者をいう。）である宅地建物取引業者が、宅地若しくは建物に係る信託の受益権又は当該受益権に対する投資事業に係る組合契約（民法第六百六十七条第一項 に規定する組合契約をいう。）、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。）若しくは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。）に基づく権利（以下この条において「不動産信託受益権等」という。）の売主となる場合又は不動産信託受益権等の売買の代理若しくは媒介をする場合においては、これを当該宅地建物取引業者が宅地又は建物に係る信託（当該宅地建物取引業者を委託者とするものに限る。）の受益権の売主となる場合とみなして第三十五条第三項から第五項までの規定を適用する。この場合において、同条第三項本文中「売買の相手方に対して」とあるのは「売買の相手方又は代理を依頼した者若しくは媒介に係る売買の各当事者（以下「不動産信託受益権売買等の相手方」という。）に対して」と、「信託の受益権に係る」とあるのは「第五十条の二の四に規定する不動産信託受益権等に係る」と、同項ただし書中「売買の相手方」とあり、及び同項第七号中「信託の受益権の売買の相手方」とあるのは「不動産信託受益権売買等の相手方」とする。

Article 50-2-4 A case in which a financial service specialist (a financial service specialist as prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act) or a financial instruments intermediary service provider (a financial instruments intermediary as prescribed in paragraph (12) of the same article) constituting a Real Estate Broker serves as the seller of rights based on a partnership agreement (a partnership agreement as prescribed in Article 667 paragraph (1) of the Civil Code), silent partnership agreement (a silent partnership agreement as prescribed in Article 535 of the Commercial Code (Act No. 48 of 1899)), or limited partnership agreement for investment (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)) pertaining to trust beneficial rights pertaining to Building Lots or buildings or to an investment business relating to said beneficial rights (hereinafter referred as "Real Estate Trust Beneficiary Rights") or provides agency or intermediation services for the selling of Real Estate Trust Beneficiary Rights is deemed to be a case in which said Real Estate Broker is a seller of trust (limited to that for which said Real Estate Broker is the consignor) beneficiary rights pertaining to Building Lots or buildings and the provisions of Article 35, paragraphs (3) through (5) apply. In such a case, "to a counterparty to a sale" as referred to the main text of in paragraph (3) of the

same article is to be read as "to a counterparty to a sale or to the person who requested agency services or parties to a sale pertaining to intermediation services (hereinafter referred to as "Counterparty to the Sale of Real Estate Beneficiary Rights)"; "pertaining to the beneficial interest in trust" as referred to in the same paragraph is to be read as "pertaining to Real Estate trust beneficiary rights as prescribed in Article 50-2-4"; as referred "to a counterparty" in the proviso of the same paragraph; and "counterparty to the sale of said beneficial interest in trust" as referred to in item (vii) of the same paragraph is to be read as "Counterparty to the Sale of Real Estate Beneficiary Rights".

第二節 指定流通機構

Section 2 Real Estate Information Network System

(指定等)

(Designation)

第五十条の二の五 第三十四条の二第五項の規定による指定（以下この節において「指定」という。）は、次に掲げる要件を備える者であつて、次条第一項各号に掲げる業務を適正かつ確実にを行うことができると認められるものにつき、国土交通省令で定めるところにより、その者の同意を得て行わなければならない。

Article 50-2-5 (1) For a designation under Article 34-2, paragraph (5)

(hereinafter referred to in this Section as "Designation"), the consent of a person who satisfies the conditions as listed below and who is deemed to be capable of properly and reliably carrying out duties as listed in the items of paragraph (1) of the following article must be obtained as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism:

一 宅地及び建物の取引の適正の確保及び流通の円滑化を目的とする一般社団法人又は一般財団法人であること。

(i) a general incorporated association or a general incorporated foundation whose purpose is to facilitate the proper securing of transactions and logistics involving Real Estate;

二 第五十条の十四第一項の規定により指定を取り消され、その取消の日から五年を経過しない者でないこと。

(ii) a person who is not a person whose Designation has been rescinded pursuant to the provisions of Article 50-14, paragraph (1), and for whom five years has not yet passed from the date of said rescission;

三 役員のうち次のいずれかに該当する者がいないこと。

(iii) an officer, who does not fall under either of the following:

イ 第五条第一項第一号、第三号又は第三号の二に該当する者

(a) a person falling under Article 5, paragraph (1), item (i), (iii), or (iii)-2;

ロ 指定流通機構が第五十条の十四第一項の規定により指定を取り消された場合に

において、当該取消しに係る聴聞の期日及び場所の公示の日前六十日以内にその指定流通機構の役員であつた者で当該取消しの日から五年を経過しないもの

(b) a person who, in a case in which a Real Estate Information Network System has been subject to a rescission of Designation pursuant to the provisions of Article 50-14, paragraph (1), was an officer belonging to said Real Estate Information Network System at any time within sixty days prior to the public notification of the date and location of hearings pertaining to said rescission and for whom five years have not yet passed from the date of said rescission.

2 国土交通大臣は、指定をしたときは、指定流通機構の名称及び主たる事務所の所在地、当該指定をした日その他国土交通省令で定める事項を公示しなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism carries out a Designation, said minister must issue a public notice of the name of the Real Estate Information Network System, location of the principal business office thereof, date of said designation, and any other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

3 指定流通機構は、その名称又は主たる事務所の所在地を変更しようとするときは、変更しようとする日の二週間前までに、その旨を国土交通大臣に届け出なければならない。

(3) If a Real Estate Information Network System intends to change the name or location of the principal business office thereof, the Real Estate Information Network System must notify the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism by no later than two weeks prior to the intended date of said change.

4 国土交通大臣は、前項の規定による届出があつたときは、その旨を公示しなければならない。

(4) If a notification under the preceding paragraph is filed, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notification of the fact thereof.

(指定流通機構の業務)

(Real Estate Information Network System operations)

第五十条の三 指定流通機構は、この節の定めるところにより、次に掲げる業務を行うものとする。

Article 50-3 (1) Pursuant to the provisions of this Section, a Real Estate Information Network System is to carry out operations as listed below:

一 専任媒介契約その他の宅地建物取引業に係る契約の目的物である宅地又は建物の登録に関すること。

(i) operations relating to the registration of Building Lots or buildings subject to Exclusive Mediation Agreements and other agreements pertaining to the Real Estate Brokerage;

二 前号の登録に係る宅地又は建物についての情報を、宅地建物取引業者に対し、定期的に又は依頼に応じて提供すること。

(ii) provision of information concerning Building Lots or buildings pertaining to registration as provided for in the preceding item to Real Estate Brokers on a regular basis or in response to requests;

三 前二号に掲げるもののほか、前号の情報に関する統計の作成その他宅地及び建物の取引の適正の確保及び流通の円滑化を図るために必要な業務

(iii) in addition to operations as listed in the preceding two items, preparation of statistics relating to information as provided for in the preceding item and other operations required to facilitate the proper securing of transactions and logistics involving Real Estate.

2 指定流通機構は、国土交通省令で定めるところにより、その業務の一部を、国土交通大臣の承認を受けて、他の者に委託することができる。

(2) A Real Estate Information Network System may, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, entrust some of the operations thereof to another person upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism.

(差別的取扱いの禁止)

(Prohibition against discriminatory treatment)

第五十条の四 指定流通機構は、前条第一項第一号及び第二号に掲げる業務（以下この節において「登録業務」という。）の運営に関し、宅地又は建物を登録しようとする者その他指定流通機構を利用しようとする宅地建物取引業者に対して、不当に差別的な取扱いをしてはならない。

Article 50-4 A Real Estate Information Network System must not, in connection with the performance of operations as listed in paragraph (1), items (i) and (ii) of the preceding article (hereinafter referred to as in this Section as "Registration Operations"), improperly engage in the discriminatory treatment of a person intending to register a Building Lot or building or another Real Estate Broker intending to utilize said Real Estate Information Network System.

(登録業務規程)

(Regulations governing registration operations)

第五十条の五 指定流通機構は、登録業務に関する規程（以下この節において「登録業務規程」という。）を定め、国土交通大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 50-5 (1) A Real Estate Information Network System must prescribe regulations concerning Registration Operations (hereinafter referred to as "Regulations Governing Registration Operations") and have them approved by

the Minister of Land, Infrastructure, Transport and Tourism. The same applies if said regulations are revised.

2 登録業務規程には、登録業務の実施方法（登録業務の連携、代行等に関する他の指定流通機構との協定の締結を含む。）、登録業務に関する料金その他の国土交通省令で定める事項を定めておかなければならない。この場合において、当該料金は、能率的な業務運営の下における適正な原価を償う限度のものであり、かつ、公正妥当なものでなければならない。

(2) The method of implementing Registration Operations (including any method with respect to the conclusion of agreements with other Real Estate Information Network Systems concerning such matters as coordination and the provision of proxy services involving Registration Operations), fees relating to Registration Operations, and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism must be prescribed in the Regulations Governing Registration Operations. In such a case, said fees must be limited to the coverage of appropriate costs for the efficient performance of operations and must be fair and reasonable.

3 国土交通大臣は、第一項の認可をした登録業務規程が登録業務の適正かつ確実な実施上不適当となつたと認めるときは、指定流通機構に対し、その登録業務規程を変更すべきことを命ずることができる。

(3) If the Minister of Land, Infrastructure, Transport and Tourism deems that Regulations Governing Registration Operations as approved under paragraph (1) have become inappropriate for the proper and reliable implementation of Registration Operations, said minister may order a Real Estate Information Network System to revise said Regulations Governing Registration Operations.

（登録を証する書面の発行）

(Issuance of a document proving registration)

第五十条の六 指定流通機構は、第三十四条の二第五項の規定による登録があつたときは、国土交通省令で定めるところにより、当該登録をした宅地建物取引業者に対し、当該登録を証する書面を発行しなければならない

Article 50-6 If a registration under Article 34-2, paragraph (5), has been carried out, a Real Estate Information Network System must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, issue a document attesting to said registration to the Real Estate Broker that carried out said registration.

（売買契約等に係る件数等の公表）

(Official announcement of case counts pertaining to sales agreements and other matters)

第五十条の七 指定流通機構は、当該指定流通機構に登録された宅地又は建物について、国土交通省令で定めるところにより、毎月の売買又は交換の契約に係る件数その他国

土交通省令で定める事項を公表しなければならない。

Article 50-7 A Real Estate Information Network System, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, must officially announce the numbers of sales or exchange agreements concluded each month and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with respect to Building Lots or buildings registered with said Real Estate Information Network System.

(事業計画等)

(Business plan)

第五十条の八 指定流通機構は、毎事業年度、事業計画及び収支予算を作成し、当該事業年度の開始前に（指定を受けた日の属する事業年度にあつては、その指定を受けた後遅滞なく）、国土交通大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 50-8 (1) A Real Estate Information Network System must prepare a business plan, revenue and expenditure budget each business year and have them approved by the Minister of Land, Infrastructure, Transport and Tourism prior to the commencement of the corresponding business year (or, for the business year in which falls the date on which a Designation was obtained, without delay upon obtaining said Designation). The same is to apply when the Real Estate Information Network System intends to revise a business plan or revenue and expenditure budget.

2 指定流通機構は、毎事業年度、事業報告書及び収支決算書を作成し、当該事業年度の終了後三月以内に、国土交通大臣に提出しなければならない。

(2) A Real Estate Information Network System must prepare a business report and statement of accounts each business year and submit them to the Minister of Land, Infrastructure, Transport and Tourism within three months after the end of the corresponding business year.

(登録業務に関する情報の目的外使用の禁止)

(Prohibition against the use of information relating to registration operations for other purposes)

第五十条の九 指定流通機構の役員若しくは職員又はこれらの職にあつた者は、登録業務に関して得られた情報を、第五十条の三第一項に規定する業務の用に供する目的以外に使用してはならない。

Article 50-9 No officer or employee of a Real Estate Information Network System or person who was formerly in such a position are to use information obtained concerning Registration Operations for a purpose other than operations as prescribed in Article 50-3, paragraph (1).

(役員の選任及び解任)

(Appointment and dismissal of officers)

第五十条の十 指定流通機構の役員の選任及び解任は、国土交通大臣の認可を受けなければ、その効力を生じない。

Article 50-10 (1) No appointment or dismissal of an officer of a Real Estate Information Network System will take effect unless approved by the Minister of Land, Infrastructure, Transport and Tourism.

2 国土交通大臣は、指定流通機構の役員が、この法律の規定（この法律に基づく命令又は処分を含む。）若しくは第五十条の五第一項の規定により認可を受けた登録業務規程に違反する行為をしたとき、又は登録業務に関し著しく不適当な行為をしたときは、指定流通機構に対し、その役員を解任すべきことを命ずることができる。

(2) If an officer of a Real Estate Information Network System engages in conduct contravening this Act (including an order or disposition based on this Act) or the Regulations Governing Registration Operations as approved pursuant to the provisions of Article 50-5, paragraph (1), or engages in considerably inappropriate conduct in connection with Registration Operations, the Minister of Land, Infrastructure, Transport and Tourism may order the Real Estate Information Network System to dismiss said officer.

(監督命令)

(Supervisory orders)

第五十条の十一 国土交通大臣は、第五十条の三第一項に規定する業務の適正な実施を確保するため必要があると認めるときは、指定流通機構に対し、当該業務に関し監督上必要な命令をすることができる。

Article 50-11 If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary to secure the proper implementation of operations as prescribed in Article 50-3, paragraph (1), said minister may issue an order required for supervision in connection with said operations to a Real Estate Information Network System.

(報告及び検査)

(Reports and inspections)

第五十条の十二 国土交通大臣は、第五十条の三第一項に規定する業務の適正な実施を確保するため必要があると認めるときは、指定流通機構に対し、当該業務の状況に関し必要な報告を求め、又はその職員に、指定流通機構の事務所に立ち入り、業務の状況若しくは設備、帳簿、書類その他の物件を検査させることができる。

Article 50-12 (1) If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary to secure the proper implementation of operations as prescribed in Article 50-3, paragraph (1), said minister may request required reports concerning the status of said operations from a Real Estate Information Network System or have said ministers officials, enter the business office of

the Real Estate Information Network System and inspect the status of operations or the equipment, books, documents, and other materials and objects of the Real Estate Information Network System.

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) An official conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry personal identification and present said identification if requested to do so by a concerned person.

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority to conduct an on-site inspection under paragraph (1) must not be interpreted as having been accorded for the purpose of a criminal investigation.

(登録業務の休廃止)

(Suspension or abolition of registration operations)

第五十条の十三 指定流通機構は、登録業務の全部又は一部を休止し、又は廃止しようとするときは、休止し、又は廃止しようとする日の三十日前までに、国土交通省令で定める事項を国土交通大臣に届け出なければならない。

Article 50-13 (1) If a Real Estate Information Network System intends to suspend or discontinue Registration Operations in whole or in part, the Real Estate Information Network System must provide a notification of matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism to the Minister of Land, Infrastructure, Transport and Tourism by no later than thirty days prior to the intended date of suspension or abolition.

2 国土交通大臣は、前項の届出があつたときは、その旨を公示しなければならない。

(2) If a notification as provided for in the preceding paragraph is submitted, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notification of the fact thereof.

(指定の取消し等)

(Rescission of Designation)

第五十条の十四 国土交通大臣は、指定流通機構が次の各号のいずれかに該当するときは、当該指定流通機構に対し、その指定を取り消し、又は期間を定めて登録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 50-14 (1) If a Real Estate Information Network System falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the designation of said Real Estate Information Network System or order said Real Estate Information Network System to suspend Registration Operations in whole or in part for a prescribed period:

- 一 登録業務を適正かつ確実に実施することができないと認められるとき。
(i) when it can be deemed that the Real Estate Information Network System cannot properly and reliably implement Registration Operations;
 - 二 この節の規定又は当該規定に基づく命令若しくは処分に違反したとき。
(ii) when the Real Estate Information Network System contravenes a provision of this Section or an order or disposition based on said provisions;
 - 三 第五十条の五第一項の規定により認可を受けた登録業務規程によらないで登録業務を行ったとき。
(iii) when the Real Estate Information Network System has carried out Registration Operations without complying with Regulations Governing Registration Operations as approved pursuant to the provisions of Article 50-5, paragraph (1).
- 2 第十六条の十五第三項から第五項までの規定は、前項の規定による処分に係る聴聞について準用する。
- (2) The provisions of Article 16-15, paragraphs (3) through (5) are to apply mutatis mutandis to any hearings pertaining to a disposition under the preceding paragraph.
- 3 国土交通大臣は、第一項の規定による処分をしたときは、その旨を公示しなければならない。
- (3) If the Minister of Land, Infrastructure, Transport and Tourism carries out a disposition under paragraph (1), said minister must issue a public notification of the fact thereof.

(他の指定流通機構による登録業務の実施等)

(Implementation of Registration Operations by another Real Estate Information Network System)

第五十条の十五 国土交通大臣は、第五十条の十三第一項の規定による登録業務の全部若しくは一部の休止若しくは廃止の届出があつたとき、前条第一項の規定により指定を取り消したとき若しくは登録業務の全部若しくは一部の停止を命じたとき、又は指定流通機構が天災その他の事態により登録業務の全部若しくは一部を実施することが困難となつた場合において必要があると認めるときは、当該登録業務の全部又は一部を、第五十条の五第一項の認可をした登録業務規程に従い、他の指定流通機構に行わせることができる。

Article 50-15 (1) If a notification of the suspension or abolition of Registration Operations in whole or in part under Article 50-13, paragraph (1), has been made; a Designation has been rescinded or the suspension of Registration Operations in whole or in part has been ordered pursuant to the provisions of paragraph (1) of the preceding article; or it is deemed necessary where it has become difficult for a Real Estate Information Network System to implement Registration Operations in whole or in part due to a natural disaster or for other reasons, the Minister of Land, Infrastructure, Transport and Tourism

may have another Real Estate Information Network System carry out said Registration Operations in whole or in part pursuant to approved Regulations Governing Registration Operations as provided for in Article 50-5, paragraph (1).

2 国土交通大臣は、前項の規定により他の指定流通機構に登録業務を行わせることとしたときは、国土交通省令で定めるところにより、その旨を公示しなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism determines that Registration Operations are to be carried out by another Real Estate Information Network System pursuant to the provisions of the preceding paragraph, said minister must, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, issue a public notice of the fact thereof.

3 前二項に定めるもののほか、第一項に規定する事由が生じた場合における所要の経過措置は、合理的に必要と判断される範囲内において、国土交通省令で定めることができる。

(3) In addition to what is as prescribed in the preceding two paragraphs, transitional measures that would be required if a reason as prescribed in paragraph (1) were to arise may be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism to the extent that is determined to be reasonably necessary.

第三節 指定保証機関

Section 3 Designated Guarantee Agency

(指定)

(Designation)

第五十一条 第四十一条第一項第一号の指定（以下この節において「指定」という。）は、宅地又は建物の売買に関し宅地建物取引業者が買主から受領する手付金等の返還債務を保証する事業（以下「手付金等保証事業」という。）を営もうとする者の申請により行う。

Article 51 (1) The designation as provided for in Article 41, paragraph (1), item (i) (hereinafter referred to in this Section as "Designation") is to be made through the application of a person intending to engage in a business to guarantee the obligation to refund earnest money s, etc., received by Real Estate Brokers from buyers in connection with the sale of Building Lots or buildings (hereinafter referred to as "Earnest Money Guarantee Business").

2 指定を受けようとする者は、国土交通省令の定めるところにより、次に掲げる事項を記載した申請書を国土交通大臣に提出しなければならない。

(2) A person intending to obtain a Designation must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, submit an application form on which matters as listed below are

stated to the Minister of Land, Infrastructure, Transport and Tourism:

一 商号

(i) trade name;

二 役員の氏名及び住所

(ii) name and addresses of officers;

三 本店、支店その他政令で定める営業所の名称及び所在地

(iii) name and locations of the head office, branch offices, and other business offices of the person as specified by Cabinet Order;

四 資本金の額

(iv) amount of capital.

3 前項の申請書には、次に掲げる書類を添付しなければならない。

(3) Documents as listed below must be attached to the application form as provided for in the preceding paragraph:

一 定款及び事業方法書

(i) articles of association and statement of business procedures;

二 収支の見積りその他国土交通省令で定める事項を記載した事業計画書

(ii) business plan in which revenue and expenditure estimates and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism are stated;

三 手付金等保証事業に係る保証委託契約約款

(iii) provisions of an Indemnity Agreement pertaining to the Earnest Money Guarantee Business;

四 その他国土交通省令で定める書類

(iv) other documents as specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

4 前項第一号の事業方法書には、保証の目的の範囲、支店及び政令で定めるその他の営業所の権限に関する事項、保証限度、各保証委託者からの保証の受託の限度、保証委託契約の締結の方法に関する事項、保証の受託の拒否の基準に関する事項その他国土交通省令で定める事項を記載しなければならない。

(4) The extent of what the guarantee is for; matters relating to the authority of branch offices and other business offices as specified by Cabinet Order; limits on guarantees; limits on the acceptance of guarantees consigned from guarantee consignors; matters relating to the method by which an Indemnity Agreement is to be concluded; matters relating to criteria for rejecting a guarantee consignment; and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism must be stated in a statement of business procedures as provided for in item (i) of the preceding paragraph.

(指定の基準)

(Designation criteria)

第五十二条 国土交通大臣は、指定を申請した者が次の各号のいずれかに該当すると認めるときは、その指定をしてはならない。

Article 52 If the Minister of Land, Infrastructure, Transport and Tourism deems that a person who has applied for a Designation falls under any of the following items, said minister must not carry out said Designation:

一 資本金の額が五千万円以上の株式会社でないこと。

(i) is not a stock company with fifty million yen or more in capital;

二 前号に規定するほか、その行おうとする手付金等保証事業を健全に遂行するに足りる財産的基礎を有しないこと。

(ii) in addition to what is as prescribed in the preceding item, does not possess a sufficient financial basis to allow for the smooth intended execution of an Earnest Money Guarantee Business;

三 定款の規定又は事業方法書若しくは事業計画書の内容が法令に違反し、又は事業の適正な運営を確保するのに十分でないこと。

(iii) the provisions of the articles of association or the contents of the statement of business procedures or business plan contravenes a law or regulations or are insufficient for securing the proper operations of the business;

四 手付金等保証事業に係る保証委託契約約款の内容が国土交通省令で定める基準に適合しないこと。

(iv) the contents of the provisions of an Indemnity Agreement pertaining to the Earnest Money Guarantee Business do not conform to standards as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism;

五 第六十二条第二項の規定により指定を取り消され、その取消の日から五年を経過しないこと。

(v) the Designation of the person was rescinded pursuant to the provisions of Article 62, paragraph (2), and five years has not yet passed from the date of said rescission;

六 この法律の規定に違反して罰金の刑に処せられ、その刑の執行を終わり、又は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こと。

(vi) a person who has been sentenced to a fine or a heavier punishment as a result of having contravened a provision of this Act was and whom five years have not yet passed from the date on which the person finished serving the sentence or to its enforcement;

七 役員のうち次のいずれかに該当する者のあること。

(vii) an officer who falls under any of the following:

イ 成年被後見人若しくは被保佐人又は破産者で復権を得ないもの

(a) an adult ward, person under curatorship, or bankrupt person whose rights have yet to be restored;

ロ 禁錮以上の刑に処せられ、その刑の執行を終わり、又は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

- (b) a person who has been sentenced to imprisonment or a heavier punishment, and for whom five years have not yet passed from the date on which the person finished serving the sentence or to be subject to its enforcement;
- ハ この法律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の規定に違反したことにより、又は刑法第二百四条、第二百六条、第二百八条、第二百八条の三、第二百二十二条若しくは第二百四十七条の罪若しくは暴力行為等処罰に関する法律の罪を犯したことにより、罰金の刑に処せられ、その刑の執行を終わり、又は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) a person who has been sentenced to the punishment of a fine as a result of having contravened a provision of this Act or the Act on the Prevention of Unjust Acts by Organized Crime Group Members or committed a crime under Article 204, 206, 208, 208-3, 222, or 247 of the Penal Code or a crime under the Act on the Punishment of Physical Violence and Other Acts and for whom five years have not yet passed from the date on which the person finished serving the sentence or to be subject to its enforcement;
- ニ 指定を受けた者（以下この節において「指定保証機関」という。）が第六十二条第二項の規定により指定を取り消された場合において、当該取消しに係る聴聞の期日及び場所の公示の日前六十日以内にその指定保証機関の役員であつた者で当該取消しの日から五年を経過しないもの。
- (d) a person who, in a case in where a person who has obtained a Designation (hereinafter referred to in this Section as "Designated Guarantee Agency") has been subject to a rescission of Designation pursuant to the provisions of Article 62, paragraph (2), was an officer belonging to said Designated Guarantee Agency at any time within sixty days prior to the public notification of the date and location of hearings pertaining to said rescission and for whom five years have not yet passed from the date of said rescission.

(変更の届出)

(Notification of change)

第五十三条 指定保証機関は、第五十一条第二項各号に掲げる事項又は同条第三項第一号若しくは第三号に掲げる書類に記載した事項について変更があつた場合においては、国土交通省令の定めるところにより、二週間以内に、その旨を国土交通大臣に届け出なければならない。

Article 53 If there has been a change to a matter as listed in any of the items of Article 51, paragraph (2), or document as listed in item (i) or (iii) of paragraph (3) of the same article, a Designated Guarantee Agency must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism within two weeks.

(事業の不開始又は休止に基づく指定の取消し)

(Rescission of Designation based on the non-commencement or suspension of business)

第五十四条 国土交通大臣は、第六十二条第二項の規定により指定を取り消す場合のほか、指定保証機関が指定を受けた日から三月以内に手付金等保証事業を開始しないとき、又は引き続き三月以上その手付金等保証事業を休止したときは、当該指定保証機関の指定を取り消すことができる。

Article 54 (1) If, in addition to a case in which a Designation is rescinded pursuant to the provisions of Article 62, paragraph (2), a Designated Guarantee Agency does not commence an Earnest Money Guarantee Business within three months from the date on which it obtains a Designation or suspends said Earnest Money Guarantee Business for a continuous period of three or more months, the Minister of Land, Infrastructure, Transport and Tourism may rescind the Designation of said Designated Guarantee Agency.

2 第十六条の十五第三項から第五項までの規定は、前項の規定による処分に係る聴聞について準用する。

(2) The provisions of Article 16-15, paragraphs (3) through (5), apply mutatis mutandis to any hearing pertaining to a disposition under the preceding paragraph.

(廃業等の届出)

(Notification of closure)

第五十五条 指定保証機関が次の各号のいずれかに該当することとなつた場合においては、当該各号に定める者は、二週間以内に、その旨を国土交通大臣に届け出なければならない。

Article 55 (1) If a Designated Guarantee Agency comes to fall under any of the following items, the person as specified in the applicable item must provide a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism within two weeks:

一 合併により消滅した場合 消滅した会社を代表する役員であつた者

(i) if the Designated Guarantee Agency becomes extinct by merger: the person who was an officer representing the extinguished company;

二 破産手続開始の決定により解散した場合 その破産管財人

(ii) if the Designated Guarantee Agency has dissolved due to an order of commencement of bankruptcy proceedings: the bankruptcy trustee for said Designated Guarantee Agency;

三 合併又は破産手続開始の決定以外の理由により解散した場合 その清算人

(iii) if the Designated Guarantee Agency has dissolved other than by merger or an order of commencement of bankruptcy proceedings: the liquidator for said Designated Guarantee Agency;

四 手付金等保証事業を廃止した場合 その会社を代表する役員

(iv) if the Earnest Money Guarantee Business has been discontinued: the officer representing said company.

2 前項第二号から第四号までの規定により届出があつたときは、指定は、その効力を失う。

(2) If a notification has been submitted pursuant to the provisions of any of items (ii) through (iv) of the preceding paragraph, the Designation ceases to be effective.

(兼業の制限)

(Restrictions on additional operations)

第五十六条 指定保証機関は、手付金等保証事業以外の事業を営んではならない。ただし、買主の利益の保護のため支障を生ずることがないと認められるものについて、国土交通大臣の承認を受けたときは、この限りでない。

Article 56 (1) A Designated Guarantee Agency must not engage in business other than the Earnest Money Guarantee Business; provided, however, that this shall not does not apply to engagement in business that is found not interfere with the protection of the buyer's interests, if this has been approved by the Minister of Land, Infrastructure, Transport and Tourism.

2 指定保証機関が第四十一条の二第一項第一号の指定を受けたときは、前項ただし書の承認を受けたものとみなす。

(2) If a Designated Guarantee Agency has obtained a Designation as provided for in Article 41-2, paragraph (1), item (i), it is deemed to have obtained the approval as provided for in the proviso of the preceding paragraph.

(責任準備金の計上)

(Posting of a liability reserve)

第五十七条 指定保証機関は、事業年度末においてまだ経過していない保証契約があるときは、次に掲げる金額のうちいずれか多い金額を、事業年度ごとに責任準備金として計上しなければならない。

Article 57 (1) A Designated Guarantee Agency must post the larger amount as listed in the following as a liability reserve for each business year, if there is a guarantee agreement which is still in effect as of the end of a business year:

一 当該保証契約の保証期間のうちまだ経過していない期間に対応する保証料の総額に相当する金額

(i) amount equivalent to the sum of the guarantee charges corresponding to the guarantee period under said guarantee agreement that remains in effect;

二 当該事業年度において受け取った保証料の総額から当該保証料に係る保証契約に基づいて支払った保証金（当該保証金の支払に基づく保証委託者からの収入金を除く。）、当該保証料に係る保証契約のために積み立てるべき支払備金及び当該事業年度の事業費の合計額を控除した残額に相当する金額

- (ii) amount equivalent to the sum of the guarantee charges obtained during said business year, the net of the guarantee money paid based on the guarantee agreement pertaining to said guarantee charges (excluding revenue money obtained from guarantee consignors based on the payment of said guarantee money); outstanding claims reserves that should be accumulated for the guarantee agreement pertaining to said guarantee charges; and the sum of business expenses for said business year, that remains after deduction from the corresponding amount
- 2 指定保証機関が前項の規定により責任準備金を計上した場合には、その計上した金額は、法人税法（昭和四十年法律第三十四号）の規定によるその計上した事業年度の所得の金額又はその計上した連結事業年度の連結所得の金額の計算上、損金の額に算入する。
- (2) If a Designated Guarantee Agency posts a liability reserve pursuant to the provisions of the preceding paragraph, the amount posted is to include the amount of losses for the purpose of calculating the amount of income posted thereby for the corresponding business year or the amount of consolidated income posted thereby for the corresponding consolidated business year under the Corporation Tax Act (Act No. 34 of 1965).
- 3 前項の規定により損金の額に算入された責任準備金の金額は、法人税法の規定によるその翌事業年度の所得の金額又はその翌連結事業年度の連結所得の金額の計算上、益金の額に算入する。
- (3) The amount of the liability reserve included in the amount of losses pursuant to the provisions of the preceding paragraph is to include the amount of profits for the purpose of calculating the amount of income posted thereby for the following business year or the amount of consolidated income posted thereby for the following consolidated business year under the Corporation Tax Act.

（支払備金の積立て）

(Accumulation of an outstanding claims reserve)

第五十八条 指定保証機関は、決算期ごとに、次の各号の一に掲げる金額がある場合には、支払備金として当該各号に掲げる金額を積み立てなければならない。

Article 58 If there is an amount as listed in any of the following items, a Designated Guarantee Agency must accumulate the corresponding amount as listed in said each item as an outstanding claims reserve in each settlement term:

一 保証契約に基づいて支払うべき保証金その他の金額のうち決算期までにその支払が終わらないものがある場合には、その金額

(i) if there is any guarantee money or other amount that should be paid based on a guarantee agreement for which payment will not be completed within the settlement term, the amount thereof;

二 保証契約に基づいて支払う義務が生じたと認められる保証金その他の金額がある

場合においては、その支払うべきものと認められる金額

(ii) if there is any guarantee money or other amount for which it is deemed that the obligation to pay based on a guarantee agreement has arisen, the amount for which it is deemed that payment is required;

三 現に保証金その他の金額について訴訟が係属しているために支払っていないものがある場合においては、その金額

(iii) if there is any guarantee money or other amount that has not been paid given that a suit in connection therewith is currently pending, the amount thereof.

(保証基金)

(Payment guarantee fund)

第五十九条 指定保証機関は、定款の定めるところにより、保証基金を設けなければならない。

Article 59 (1) A Designated Guarantee Agency must, pursuant to the provisions of its articles of association, set up a payment guarantee fund.

2 指定保証機関は、責任準備金をもつて保証債務を支払うことができない場合においては、当該保証債務の弁済に充てる場合に限り、保証基金を使用することができる。

(2) If a Designated Guarantee Agency is unable to pay a guarantee obligation out of its liability reserve, it may use its payment guarantee fund only for allocation to repayment of said guarantee obligation.

(契約締結の禁止)

(Prohibition against concluding an agreement)

第六十条 指定保証機関は、その者が宅地建物取引業者との間において締結する保証委託契約に係る保証債務の額の合計額が、政令で定める額をこえることとなるときは、保証委託契約を締結してはならない。

Article 60 If the sum of the amounts of guarantee obligations pertaining to an Indemnity Agreement to be concluded by and between a Designated Guarantee Agency and a Real Estate Broker exceeds an amount as specified by Cabinet Order, said Designated Guarantee Agency is not to conclude said Indemnity Agreement.

(改善命令)

(Amelioration order)

第六十一条 国土交通大臣は、指定保証機関が第五十二条第二号から第四号までの規定に該当することとなつた場合において、買主の利益を保護するため必要かつ適当であると認めるときは、その必要の限度において、当該指定保証機関に対し、財産の状況又はその事業の運営を改善するため必要な措置を執るべきことを命ずることができる。

Article 61 If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary and appropriate to protect the interests of a buyer where a

Designated Guarantee Agency comes to fall under the provisions of any of Article 52, items (ii) through (iv), said minister may order said Designated Guarantee Agency to take measures required for the amelioration of the status of property or the operations of the business thereof to the extent of said necessity.

(指定の取消し等)

(Rescission of designation)

第六十二条 国土交通大臣は、指定保証機関が次の各号の一に該当する場合又はこの法律の規定に違反した場合においては、当該指定保証機関に対して、必要な指示をすることができる。

Article 62 (1) If a Designated Guarantee Agency falls under any of the following items or contravenes a provision of this Act, the Minister of Land, Infrastructure, Transport and Tourism may issue instructions as necessary to said Designated Guarantee Agency:

一 手付金等保証事業に関しその関係者に損害を与えたとき、又は損害を与えるおそれが大であるとき。

(i) when damage is caused or there is a significant risk that damage will be caused to a person concerned with an Earnest Money Guarantee Business;

二 手付金等保証事業に関し不誠実な行為をしたとき。

(ii) when acts in bad-faith are committed in connection to an Earnest Money Guarantee Business;

三 手付金等保証事業に関し他の法令に違反し、指定保証機関として不適當であると認められるとき。

(iii) when the Designated Guarantee Agency is deemed inappropriate as a Designated Guarantee Agency for having contravened another law or other regulations in connection with an Earnest Money Guarantee Business.

2 国土交通大臣は、指定保証機関が次の各号の一に該当する場合においては、当該指定保証機関に対し、その指定を取り消し、又は六月以内の期間を定めて手付金等保証事業の全部若しくは一部の停止を命ずることができる。

(2) If a Designated Guarantee Agency falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the Designation of said Designated Guarantee Agency or order said Designated Guarantee Agency to suspend its Earnest Money Guarantee Business in whole or in part for a prescribed period not longer than six months:

一 不正の手段により指定を受けたとき。

(i) when the Designation was obtained by unlawful means;

二 第五十二条第一号、第六号又は第七号に該当することとなつたとき。

(ii) when the Designated Guarantee Agency comes to fall under Article 52, item (i), (vi), or (vii);

三 第五十三条の規定による届出を怠つたとき。

- (iii) when the Designated Guarantee Agency fails to provide a notification under Article 53;
- 四 第五十五条第一項の規定による届出がなく、同項第二号から第四号までの一に該当する事実が判明したとき。
- (iv) when no notification under Article 55, paragraph (1), has been submitted and a fact falling under any of items (ii) through (iv) of the same paragraph is ascertained;
- 五 第五十六条第一項の規定に違反して手付金等保証事業以外の事業を営んだとき。
- (v) when the Designated Guarantee Agency engages in business other than the Earnest Money Guarantee Business in contravention of the provisions of Article 56, paragraph (1);
- 六 第六十条の規定に違反して保証委託契約を締結したとき。
- (vi) when the Designated Guarantee Agency concludes an Indemnity Agreement in contravention of the provisions of Article 60;
- 七 前条の規定による改善命令に違反したとき。
- (vii) when the Designated Guarantee Agency contravenes an amelioration order under the preceding article;
- 八 前項の規定による指示に従わなかつたとき。
- (viii) When the Designated Guarantee Agency fails to follow instructions under the preceding paragraph;
- 九 この法律の規定に基づく国土交通大臣の処分に違反したとき。
- (ix) when the Designated Guarantee Agency contravenes a disposition of the Minister of Land, Infrastructure, Transport and Tourism based on the provisions of this Act.
- 3 国土交通大臣は、第一項の規定により必要な指示をし、又は前項の規定により手付金等保証事業の全部若しくは一部の停止を命じようとするときは、行政手続法第十三条第一項の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。
- (3) If the Minister of Land, Infrastructure, Transport and Tourism intends to issue necessary instructions pursuant to the provisions of paragraph (1) or an order to suspend the Earnest Money Guarantee Business in whole or in part pursuant to the provisions of the preceding paragraph, said minister must hold a hearing irrespective of the classification of procedures for stating opinions under Article 13, paragraph (1), of the Administrative Procedures Act.
- 4 第十六条の十五第三項から第五項までの規定は、第一項又は第二項の規定による処分に係る聴聞について準用する。
- (4) The provisions of Article 16-15, paragraphs (3) through (5), is to apply mutatis mutandis to any hearing that pertains to a disposition under paragraph (1) or (2).

(事業報告書等の提出)

(Submission of a business report)

第六十三条 指定保証機関は、毎事業年度開始前に、収支の見積りその他国土交通省令で定める事項を記載した事業計画書を作成し、国土交通大臣に提出しなければならない。

Article 63 (1) A Designated Guarantee Agency must, prior to the commencement of each business year, prepare a business plan in which revenue and expenditure estimates and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism are stated and submit it to the Minister of Land, Infrastructure, Transport and Tourism.

2 指定保証機関は、事業計画書に記載した事項を変更したときは、遅滞なく、その旨を国土交通大臣に届け出なければならない。

(2) If a Designated Guarantee Agency changes a matter as stated in a business plan, it must, without delay, provide a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism.

3 指定保証機関は、事業年度ごとに、国土交通省令で定める様式による事業報告書を作成し、毎事業年度経過後三月以内に、国土交通大臣に提出しなければならない。

(3) A Designated Guarantee Agency must, for each business year, prepare a business report according to a format as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and submit it to the Minister of Land, Infrastructure, Transport and Tourism within three months after the end of each business year.

(報告及び検査)

(Reports and inspections)

第六十三条の二 国土交通大臣は、手付金等保証事業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、指定保証機関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、又はその職員をしてその業務を行う場所に立ち入り、業務若しくは財産の状況若しくは帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 63-2 (1) If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary to secure the proper operations of an Earnest Money Guarantee Business, said minister may issue an order to a Designated Guarantee Agency to have a report or materials concerning the operations thereof submitted, or have said ministers officials enter the location where the operations thereof are carried out and inspect the status of operations or properties or the books, documents, and other materials and objects relating to operations.

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) An official conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry personal identification and present said identification if requested to do so by a concerned person.

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority to conduct an on-site inspection under paragraph (1) must not be interpreted as having been accorded for the purpose of a criminal investigation.

第四節 指定保管機関

Section 4 Designated Custodian

(指定等)

(Designation)

第六十三条の三 第四十一条の二第一項第一号の指定（以下この節において「指定」という。）は、宅地又は建物の売買（第四十一条第一項に規定する売買を除く。）に関し、宅地建物取引業者に代理して手付金等を受領し、当該宅地建物取引業者が受領した手付金等の額に相当する額の金銭を保管する事業（以下「手付金等保管事業」という。）を営もうとする者の申請により行う。

Article 63-3 (1) The designation as provided for in Article 41-2, paragraph (1), item (i), (hereinafter referred to in this Section as "Designation") is to be made through the application of a person intending to engage in a business to receive earnest money , etc., on behalf of Real Estate Brokers and retain money of amounts equivalent to the amounts of earnest money, etc., received by said Real Estate Brokers in connection with the sale of Building Lots or buildings (excluding any sale as prescribed in Article 41, paragraph (1)) (hereinafter referred to as " Earnest Money Safekeeping Business").

2 前節（第五十一条第一項、第五十七条から第六十条まで及び第六十二条第二項第六号を除く。）の規定は、指定保管機関について準用する。この場合において、第五十一条第二項第三号中「政令」とあるのは「国土交通省令」と、同条第三項第三号及び第五十二条第四号中「保証委託契約約款」とあるのは「手付金等寄託契約約款」と、第五十一条第四項中「保証の目的の範囲、支店及び政令で定めるその他の営業所の権限に関する事項、保証限度、各保証委託者からの保証の受託の限度、保証委託契約の締結の方法に関する事項、保証の受託の拒否の基準に関する事項」とあるのは「手付金等の保管に関する事項」と、第五十二条第五号及び第七号ニ中「の規定により」とあるのは「又は第六十四条第一項の規定により」と、第五十三条中「書類」とあるのは「書類（事業方法書を除く。）」と、第五十六条第二項中「第四十一条の二第一項第一号」とあるのは「第四十一条第一項第一号」と読み替えるものとする。

(2) The provisions of the preceding Section (excluding Article 51, paragraph (1); Articles 57 through 60; and Article 62, paragraph (2), item (vi)) is to apply mutatis mutandis to a Designated Custodian. In such a case, "Cabinet Order" as referred to in Article 51, paragraph (2), item (iii), is read as "an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism"; "provisions of an Indemnity Agreement" as referred to in paragraph (3), item (iii) of the same

article and Article 52, item (iv), is read as "provisions of an Earnest Money Deposition Agreement"; "The scope of the guarantee purpose; matters relating to the authority of branch offices and other business offices as specified by Cabinet Order; limits on guarantees; limits on the acceptance of guarantees consigned from guarantee consignors; matters relating to the method by which an Indemnity Agreement is to be concluded; matters relating to criteria for rejecting a guarantee consignment" as referred to in Article 51, paragraph (4), is read as "Matters relating to the retention of earnest moneys , etc."; "pursuant to the provisions of [...]" as referred to in Article 52, items (v) and (vii)(d), is read as "pursuant to the provisions of [...] or Article 64, paragraph (1)"; "document" as referred to in Article 53 is read as "document (excluding a statement of business procedures)"; and "Article 41-2, paragraph (1), item (i)" as referred to in Article 56, paragraph (2), is read as "Article 41, paragraph (1), item (i)".

(事業方法書の変更)

(Changing a statement of business procedures)

第六十三条の四 指定保管機関は、前条第二項において準用する第五十一条第三項第一号の事業方法書を変更しようとするときは、国土交通大臣の認可を受けなければならない。

Article 63-4 If a Designated Custodian intends to change a statement of business procedures as provided for in Article 51, paragraph (3), item (i), as applied mutatis mutandis pursuant to paragraph (2) of the preceding article, the Designated Custodian must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism.

(寄託金保管簿)

(Retention of trust money)

第六十三条の五 指定保管機関は、国土交通省令で定めるところにより、寄託金保管簿を備え、国土交通省令で定める事項を記載し、これを保存しなければならない。

Article 63-5 A Designated Custodian must, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, prepare a trust money safekeeping book, state therein matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, and retain said book.

(指定の取消し等)

(Rescission of designation)

第六十四条 国土交通大臣は、第六十三条の三第二項において準用する第五十四条第一項又は第六十二条第二項の規定により指定を取り消す場合のほか、指定保管機関が次の各号の一に該当する場合においては、当該指定保管機関に対し、その指定を取り消

し、又は六月以内の期間を定めて手付金等保管事業の全部若しくは一部の停止を命ずることができる。

Article 64 (1) If, in addition to a case in which a Designation is rescinded pursuant to the provisions of Article 54, paragraph (1), or Article 62, paragraph (2), as applied mutatis mutandis pursuant to Article 63-3, paragraph (2), a Designated Custodian falls under either of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the Designation of said Designated Custodian or order said Designated Custodian to suspend its Earnest Money Safekeeping Business in whole or in part for a prescribed period not longer than six months:

一 第六十三条の三第二項において準用する第五十一条第三項第一号の事業方法書（第六十三条の四の規定による認可を受けたものを含む。第八十二条において同じ。）によらないで手付金等保管事業を営んだとき。

(i) when the Designated Custodian engages in an Earnest Money Safekeeping Business without complying with a statement of business procedures as provided for in Article 51, paragraph (3), item (i), as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) (including that which is approved under Article 63-4; the same is to apply in Article 82);

二 前条の規定に違反して寄託金保管簿を備えず、これに同条に規定する事項を記載せず、若しくは虚偽の記載をし、又は寄託金保管簿を保存しなかつたとき。

(ii) when the Designated Custodian, in contravention of the provisions of the preceding article, fails to prepare a trust money safekeeping book, fails to state matters as prescribed in the same article, makes a false statement in said trust money safekeeping book, or fails to retain said trust money safekeeping book.

2 国土交通大臣は、前項の規定により手付金等保管事業の全部又は一部の停止を命じようとするときは、行政手続法第十三条第一項の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism intends to order the suspension of an Earnest Money Safekeeping Business in whole or in part pursuant to the provisions of the preceding paragraph, said minister must hold a hearing irrespective of the classification of procedures for stating opinions under Article 13, paragraph (1) of the Administrative Procedures Act.

3 第十六条の十五第三項から第五項までの規定は、第一項の規定による処分に係る聴聞について準用する。

(3) The provisions of Article 16-15, paragraphs (3) through (5), does apply mutatis mutandis to any hearing that pertains to a disposition under paragraph (1).

第五章の二 宅地建物取引業保証協会

Chapter V-2 Real Estate Transaction Guarantee Association

(指定)

(Designation)

第六十四条の二 国土交通大臣は、次に掲げる要件を備える者の申請があつた場合において、その者が次条第一項各号に掲げる業務の全部について適正な計画を有し、かつ、確実にその業務を行うことができると認められるときは、この章に定めるところにより同項各号に掲げる業務を行う者として、指定することができる。

Article 64-2 (1) If an application has been submitted by a person who satisfies the conditions as listed below, who has a proper plan concerning all of operations as listed in the items of paragraph (1) of the following article, and who is deemed to be capable of reliably carrying out said duties, the Minister of Land, Infrastructure, Transport and Tourism may designate said person as a person carrying out operations as listed in the items of the same paragraph pursuant to the provisions of this Chapter:

一 申請者が一般社団法人であること。

(i) the applicant is a general incorporated association;

二 申請者が宅地建物取引業者のみを社員とするものであること。

(ii) the applicant appoints only Real Estate Brokers as members;

三 申請者が第六十四条の二十二第一項の規定により指定を取り消され、その取消の日から五年を経過しない者でないこと。

(iii) the applicant is not a person whose designation has been rescinded pursuant to the provisions of Article 64-22, paragraph (1), and for whom five years has not yet passed from the date of said rescission;

四 申請者の役員のうち次のいずれかに該当する者がいないこと。

(iv) an officer from among the applicant n who does not fall under either of the following:

イ 第五条第一項第一号から第四号までのいずれかに該当する者

(a) a person falling under any of Article 5, paragraph (1), items (i) through (iv);

ロ 指定を受けた者（以下この章において「宅地建物取引業保証協会」という。）が第六十四条の二十二第一項の規定により指定を取り消された場合において、当該取消しに係る聴聞の期日及び場所の公示の日前六十日以内にその役員であつた者で当該取消の日から五年を経過しないもの

(b) a person who, in cases which a designated person (hereinafter referred to in this Chapter as "Real Estate Transaction Guarantee Association") has been subject to a rescission of designation pursuant to the provisions of Article 64-22, paragraph (1), was an officer belonging to said Real Estate Transaction Guarantee Association at any time within sixty days prior to the public notification of the date and location of hearings pertaining to said rescission and for whom five years have not yet passed from the date of said rescission.

2 国土交通大臣は、前項の規定による指定をしたときは、当該宅地建物取引業保証協会の名称、住所及び事務所の所在地並びに第六十四条の八第一項の規定により国土交通大臣の指定する弁済業務開始日を官報で公示するとともに、当該宅地建物取引業保証協会の社員である宅地建物取引業者が免許を受けた都道府県知事にその社員である旨を通知するものとする。

(2) If the Minister of Land, Infrastructure, Transport and Tourism carries out a designation under the preceding paragraph, said minister must issue a public notice through the Official Gazette of the name, address, and location of the business office of the Real Estate Transaction Guarantee Association and the date for the commencement of repayment services as designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 64-8, paragraph (1), and provide a notification of the fact that the Real Estate Broker is a Real Estate Transaction Guarantee Association member thereof to the prefectural governor from whom said Real Estate Broker obtained a license.

3 宅地建物取引業保証協会は、その名称、住所又は事務所の所在地を変更しようとするときは、あらかじめ、その旨を国土交通大臣に届け出なければならない。

(3) If a Real Estate Transaction Guarantee Association intends to change its name or address or the location of its business office, it must provide a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism in advance.

4 国土交通大臣は、前項の規定による届出があつたときは、その旨を官報に公示しなければならない。

(4) If a notification under the preceding paragraph is submitted, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notification of the fact thereof through the Official Gazette.

5 第一項の指定の申請に関し必要な事項は、国土交通省令で定める。

(5) Any matters required in connection with an application for designation as provided for in paragraph (1) is as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(業務)

(Operations)

第六十四条の三 宅地建物取引業保証協会は、次の各号に掲げる業務をこの章に定めるところにより適正かつ確実に実施しなければならない。

Article 64-3 (1) A Real Estate Transaction Guarantee Association must properly and reliably carry out operations as listed in the following items pursuant to the provisions of this Chapter:

一 宅地建物取引業者の相手方等からの社員の取り扱った宅地建物取引業に係る取引に関する苦情の解決

(i) resolution of complaints concerning member-handled transactions

pertaining to the Real Estate Brokerage as received from a Real Estate Brokerage Operation Counterparty;

二 取引主任者その他宅地建物取引業の業務に従事し、又は従事しようとする者に対する研修

(ii) provision of training to transaction specialists and other persons engaging or intending to engage in the Real Estate Brokerage;

三 社員と宅地建物取引業に関し取引をした者（社員とその者が社員となる前に宅地建物取引業に関し取引をした者を含む。）の有するその取引により生じた債権に関し弁済をする業務（以下「弁済業務」という。）

(iii) operations for repayment in connection with claims held by persons carrying out transactions relating to the Real Estate Brokerage with a member (including a person who carries out a transaction with a member in connection with the Real Estate Brokerage before that person became a member) where said claims arise from said transactions (hereinafter referred to as "Repayment Services").

2 宅地建物取引業保証協会は、前項の業務のほか、社員である宅地建物取引業者との契約により、当該宅地建物取引業者が受領した支払金又は預り金の返還債務その他宅地建物取引業に関する債務を負うこととなつた場合においてその返還債務その他宅地建物取引業に関する債務を連帯して保証する業務（以下「一般保証業務」という。）及び手付金等保管事業を行うことができる。

(2) In addition to operations as provided for in the preceding paragraph, a Real Estate Transaction Guarantee Association may carry out operations to jointly and severally guarantee the obligation to repay paid or deposited amounts received by a Real Estate Broker, constituting a member thereof under an agreement with said Real Estate Broker or any other obligation relating to the Real Estate Brokerage that has been incurred or any other obligation relating to the Real Estate Brokerage (hereinafter referred to as "General Guarantee Operations") and an Earnest Money Down Payment Safekeeping Business.

3 宅地建物取引業保証協会は、前二項に規定するもののほか、国土交通大臣の承認を受けて、宅地建物取引業の健全な発達を図るため必要な業務を行うことができる。

(3) In addition to operations as prescribed in the preceding two paragraphs, a Real Estate Transaction Guarantee Association may, upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism, carry out operations required to promote the sound development of the Real Estate Brokerage.

4 宅地建物取引業保証協会は、国土交通省令の定めるところにより、その業務の一部を、国土交通大臣の承認を受けて、他の者に委託することができる。

(4) A Real Estate Transaction Guarantee Association may, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism, entrust the operations thereof in part

to another party.

(社員の加入等)

(Admission of members)

第六十四条の四 一の宅地建物取引業保証協会の社員である者は、他の宅地建物取引業保証協会の社員となることができない。

Article 64-4 (1) A person constituting a member of a given Real Estate

Transaction Guarantee Association may not become a member of another Real Estate Transaction Guarantee Association.

2 宅地建物取引業保証協会は、新たに社員が加入し、又は社員がその地位を失ったときは、直ちに、その旨を当該社員である宅地建物取引業者が免許を受けた国土交通大臣又は都道府県知事に報告しなければならない。

(2) If a new member joins a Real Estate Transaction Guarantee Association or forfeits its status as a member thereof, the Real Estate Transaction Guarantee Association must promptly submit a report on the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor from whom the Real Estate Broker constituting said member obtained its license.

3 宅地建物取引業保証協会は、社員が社員となる前（第六十四条の八第一項の規定により国土交通大臣の指定する弁済業務開始日前に社員となつた者については当該弁済業務開始日前）に当該社員と宅地建物取引業に関し取引をした者の有するその取引により生じた債権に関し同項の規定による弁済が行なわれることにより弁済業務の円滑な運営に支障を生ずるおそれがあると認めるときは、当該社員に対し、担保の提供を求めることができる。

(3) If it is deemed that repayment under Article 64-8, paragraph (1), in connection with claims held by persons carrying out transactions relating to the Real Estate Brokerage with a member before said member became a member (or before the date for the commencement of said Repayment Services for a person who became a member before the date for the commencement of Repayment Services as designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the same paragraph) could impede the smooth operations of Repayment Services, a Real Estate Transaction Guarantee Association may submit a request for the provision of collateral to said member.

(苦情の解決)

(Resolution of complaints)

第六十四条の五 宅地建物取引業保証協会は、宅地建物取引業者の相手方等から社員の取り扱った宅地建物取引業に係る取引に関する苦情について解決の申出があつたときは、その相談に応じ、申出人に必要な助言をし、当該苦情に係る事情を調査するとともに、当該社員に対し当該苦情の内容を通知してその迅速な処理を求めなければならない。

Article 64-5 (1) If requested to resolve a complaint relating to a member-handled transaction pertaining to the Real Estate Brokerage as received from a Real Estate Brokerage Transaction Business Operation Counterparty, a Real Estate Transaction Guarantee Association must, in response thereto, provide necessary advice to the requesting party, investigate the circumstances pertaining to said complaint, notify the contents of said complaint to said member, and submit a request to said member for the prompt processing thereof.

2 宅地建物取引業保証協会は、前項の申出に係る苦情の解決について必要があると認めるときは、当該社員に対し、文書若しくは口頭による説明を求め、又は資料の提出を求めることができる。

(2) If a Real Estate Transaction Guarantee Association deems it necessary to resolve a complaint pertaining to a request as provided for in the preceding paragraph, it may submit a request to said member to provide a written or oral explanation or submit materials.

3 社員は、宅地建物取引業保証協会から前項の規定による求めがあつたときは、正当な理由がある場合でなければ、これを拒んではならない。

(3) A member is not to refuse accommodation for a request under the preceding paragraph that is received from a Real Estate Transaction Guarantee Association unless there are justifiable grounds for doing so.

4 宅地建物取引業保証協会は、第一項の申出及びその解決の結果について社員に周知させなければならない。

(4) A Real Estate Transaction Guarantee Association must disseminate any request as provided for in paragraph (1) and the results of the resolution thereof to its members.

(宅地建物取引業に関する研修)

(Training relating to Real Estate Brokerage)

第六十四条の六 宅地建物取引業保証協会は、一定の課程を定め、取引主任者の職務に関し必要な知識及び能力についての研修その他宅地建物取引業の業務に従事し、又は従事しようとする者に対する宅地建物取引業に関する研修を実施しなければならない。

Article 64-6 A Real Estate Transaction Guarantee Association must prescribe a certain program and provide training relating to the Real Estate Brokerage to persons engaging or intending to engage in training relating to the knowledge and skills required in connection with the duties of transaction specialists and other Real Estate Brokerage operations.

(弁済業務保証金の供託)

(Depositing of security deposit for Repayment Services)

第六十四条の七 宅地建物取引業保証協会は、第六十四条の九第一項又は第二項の規定により弁済業務保証金分担金の納付を受けたときは、その日から一週間以内に、その

納付を受けた額に相当する額の弁済業務保証金を供託しなければならない。

Article 64-7 (1) If a Real Estate Transaction Guarantee Association receives payment of a share of the security deposit for Repayment Services pursuant to the provisions of Article 64-9, paragraph (1) or (2), it must deposit a security deposit for Repayment Services equivalent to the received amount of said payment within one week of the date thereof.

2 弁済業務保証金の供託は、法務大臣及び国土交通大臣の定める供託所にしなければならない。

(2) Security deposits for Repayment Services must be deposited with the official depository as prescribed by the Minister of Justice and the Minister of Land, Infrastructure, Transport and Tourism.

3 第二十五条第三項及び第四項の規定は、第一項の規定により供託する場合に準用する。この場合において、同条第四項中「その旨をその免許を受けた国土交通大臣又は都道府県知事に」とあるのは、「当該供託に係る社員である宅地建物取引業者が免許を受けた国土交通大臣又は都道府県知事に当該社員に係る供託をした旨を」と読み替えるものとする。

(3) The provisions of Article 25, paragraphs (3) and (4), are to apply mutatis mutandis to a case in which a deposit pursuant to the provisions of paragraph (1) is made. In such a case, "of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor from whom its license was obtained" as referred to in paragraph (4) of the same article is to be read as "to the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor from whom the Real Estate Broker constituting a member pertaining to said deposit obtained its license, of the fact that a deposit pertaining to said member was made".

(弁済業務保証金の還付等)

(Refund of security deposit for Repayment Services)

第六十四条の八 宅地建物取引業保証協会の社員と宅地建物取引業に関し取引をした者（社員とその者が社員となる前に宅地建物取引業に関し取引をした者を含む。）は、その取引により生じた債権に関し、当該社員が社員でないとしたならばその者が供託すべき第二十五条第二項の政令で定める営業保証金の額に相当する額の範囲内（当該社員について、すでに次項の規定により認証した額があるときはその額を控除し、第六十四条の十第二項の規定により納付を受けた還付充当金があるときはその額を加えた額の範囲内）において、当該宅地建物取引業保証協会が供託した弁済業務保証金について、当該宅地建物取引業保証協会について国土交通大臣の指定する弁済業務開始日以後、弁済を受ける権利を有する。

Article 64-8 (1) A person who carries out a transaction in connection with the Real Estate Brokerage with a member of a Real Estate Transaction Guarantee Association (including a person who carries out a transaction with a member in connection with the Real Estate Brokerage before that person became a

member) possesses the right to receive, on or after the date for the commencement of Repayment Services as designated by the Minister of Land, Infrastructure, Transport and Tourism for said Real Estate Transaction Guarantee Association, repayment of security deposit for Repayment Services as deposited by said Real Estate Transaction Guarantee Association up to an amount that is equivalent to the amount of security deposit for operations as specified by Cabinet Order as provided for in Article 25, paragraph (2), that would be required to be deposited by said member if it were not a member (for said member, if there is an amount that has already been certified pursuant to the provisions of the following paragraph, up to an amount of said net amount; if there is a refund appropriation for which payment has been received pursuant to the provisions of Article 64-10, paragraph (2), up to an amount to which said amount has been added).

2 前項の権利を有する者がその権利を実行しようとするときは、同項の規定により弁済を受けることができる額について当該宅地建物取引業保証協会の認証を受けなければならない。

(2) If a person possessing the right as provided for in the preceding paragraph intends to exercise said right, the amount for which repayment can be obtained pursuant to the provisions of the preceding paragraph must be certified by said Real Estate Transaction Guarantee Association.

3 宅地建物取引業保証協会は、第一項の権利の実行があつた場合においては、法務省令・国土交通省令で定める日から二週間以内に、その権利の実行により還付された弁済業務保証金の額に相当する額の弁済業務保証金を供託しなければならない。

(3) If the right as provided for in paragraph (1) is exercised, a Real Estate Transaction Guarantee Association must, within two weeks of the date as specified by an Ordinance of the Ministry of Justice and Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, deposit security deposit for Repayment Services of an amount equivalent to the amount of the security deposit for Repayment Services refunded through the exercise of said right.

4 前条第三項の規定は、前項の規定により供託する場合に準用する。

(4) The provisions of paragraph (3) of the preceding article are to be applied *mutatis mutandis* to any case in which a deposit is made pursuant to the provisions of the preceding paragraph.

5 第一項の権利の実行に関し必要な事項は法務省令・国土交通省令で、第二項の認証に関し必要な事項は国土交通省令で定める。

(5) Matters required in connection with the exercise of the right as provided for in paragraph (1) are to be as specified by an Ordinance of the Ministry of Justice and an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and matters required in connection with certification as provided for in paragraph (2) are to be as specified by an Ordinance of the Ministry of

Land, Infrastructure, Transport and Tourism.

(弁済業務保証金分担金の納付等)

(Payment of a share of the security deposit for Repayment Services)

第六十四条の九 次の各号に掲げる者は、当該各号に掲げる日までに、弁済業務保証金に充てるため、主たる事務所及びその他の事務所ごとに政令で定める額の弁済業務保証金分担金を当該宅地建物取引業保証協会に納付しなければならない。

Article 64-9 (1) A person as listed in either of the following items must pay a share of the security deposit for Repayment Services of an amount as specified by Cabinet Order for the principal business office and other business offices on an office-by-office basis in order for it to be allocated to the security deposit for Repayment Services by the corresponding date as listed in said item to said Real Estate Transaction Guarantee Association:

一 宅地建物取引業者で宅地建物取引業保証協会に加入しようとする者 その加入しようとする日

(i) a Real Estate Broker constituting a person intending to join the Real Estate Transaction Guarantee Association: the date on which said person intends to join the Real Estate Transaction Guarantee Association;

二 第六十四条の二第一項の規定による指定の日にその指定を受けた宅地建物取引業保証協会の社員である者 前条第一項の規定により国土交通大臣の指定する弁済業務開始日の一月前の日

(ii) a person constituting a member of the Real Estate Transaction Guarantee Association that obtained a designation on the date of designation under Article 64-2, paragraph (1): the date one month prior to the date for the commencement of Repayment Services as designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) of the preceding article.

2 宅地建物取引業保証協会の社員は、前項の規定による弁済業務保証金分担金を納付した後に、新たに事務所を設置したとき（第七条第一項各号の一に該当する場合において事務所の増設があつたときを含むものとする。）は、その日から二週間以内に、同項の政令で定める額の弁済業務保証金分担金を当該宅地建物取引業保証協会に納付しなければならない。

(2) If a member of a Real Estate Transaction Guarantee Association establishes a new business office after paying a share of the security deposit for Repayment Services under the preceding paragraph (such where, a business office has been expanded in a case falling under any of the items in Article 7, paragraph (1)), said member must pay a share of the security deposit for Repayment Services of an amount as specified by Cabinet Order as provided for in the same paragraph to said Real Estate Transaction Guarantee Association within two weeks of the date thereof.

3 宅地建物取引業保証協会の社員は、第一項第二号に規定する期日までに、又は前項

に規定する期間内に、これらの規定による弁済業務保証金分担金を納付しないときは、その地位を失う。

(3) A member of a Real Estate Transaction Guarantee Association is to forfeit its status if it fails to pay, by the date as prescribed in paragraph (1), item (ii), or by the end of the period as prescribed in the preceding paragraph, the share of the security deposit for Repayment Services under said provisions.

4 第一項の規定に基づき政令を制定し、又は改廃する場合には、その政令で、弁済業務保証金の追加の供託及び弁済業務保証金分担金の追加納付又は弁済業務保証金の取戻し及び弁済業務保証金分担金の返還に関して、所要の経過措置（経過措置に関し監督上必要な措置を含む。）を定めることができる。

(4) If a Cabinet Order is to be enacted, revised, or abolished based on the provisions of paragraph (1), required transitional measures (including measures required for the supervision of transitional measures) concerning the depositing of additional security deposit for Repayment Services and the additional payment of a share of the security deposit for Repayment Services or the recovery of security deposit for Repayment Services and the refunding of a share of the security deposit for Repayment Services may be specified by said Cabinet Order.

（ 還付充当金の納付等）

(Payment of refund appropriation)

第六十四条の十 宅地建物取引業保証協会は、第六十四条の八第一項の権利の実行により弁済業務保証金の還付があつたときは、当該還付に係る社員又は社員であつた者に対し、当該還付額に相当する額の還付充当金を宅地建物取引業保証協会に納付すべきことを通知しなければならない。

Article 64-10 (1) If a refund of security deposit for Repayment Services has been made through the exercise of the right as provided for in Article 64-8, paragraph (1), a Real Estate Transaction Guarantee Association must provide a notification of the fact that a refund appropriation of an amount equivalent to said refund amount should be paid to the Real Estate Transaction Guarantee Association to the member or person constituting a former member pertaining to said refund.

2 前項の通知を受けた社員又は社員であつた者は、その通知を受けた日から二週間以内に、その通知された額の還付充当金を当該宅地建物取引業保証協会に納付しなければならない。

(2) A member or person constituting a former member to which a notification as provided for in the preceding paragraph has been provided, must pay a refund appropriation of the notified amount to said Real Estate Transaction Guarantee Association within two weeks of the date on which said notification was received.

3 宅地建物取引業保証協会の社員は、前項に規定する期間内に第一項の還付充当金を

納付しないときは、その地位を失う。

- (3) If a member of a Real Estate Transaction Guarantee Association fails to pay a refund appropriation as provided for in paragraph (1) by the end of the period as prescribed in the preceding paragraph, said member forfeits its status.

(弁済業務保証金の取戻し等)

(Recovery of a security deposit for Repayment Services)

第六十四条の十一 宅地建物取引業保証協会は、社員が社員の地位を失ったときは当該社員であつた者が第六十四条の九第一項及び第二項の規定により納付した弁済業務保証金分担金の額に相当する額の弁済業務保証金を、社員がその一部の事務所を廃止したため当該社員につき同条第一項及び第二項の規定により納付した弁済業務保証金分担金の額が同条第一項の政令で定める額を超えることになったときはその超過額に相当する額の弁済業務保証金を取り戻すことができる。

Article 64-11 (1) A Real Estate Transaction Guarantee Association may, if a member loses its status as a member, recover the security deposit for Repayment Services of an amount equivalent to the share of the security deposit for Repayment Services paid pursuant to the provisions of Article 64-9, paragraphs (1) and (2) by said person constituting a former member and, if the amount of the share of the security deposit for Repayment Services for a member paid pursuant to the provisions of paragraphs (1) and (2) of the same article comes to exceed the amount as specified by Cabinet Order as provided for in paragraph (1) of the same article owing to the elimination by said member of some business offices of said member, recover the security deposit for Repayment Services of an amount equivalent to said amount in excess.

2 宅地建物取引業保証協会は、前項の規定により弁済業務保証金を取りもどしたときは、当該社員であつた者又は社員に対し、その取りもどした額に相当する額の弁済業務保証金分担金を返還する。

(2) If security deposit for Repayment Services is recovered pursuant to the provisions of the preceding paragraph, a Real Estate Transaction Guarantee Association is to refund a share of the security deposit for Repayment Services of an amount equivalent to said recovered amount to said person formerly constituting a member or member.

3 前項の場合においては、当該社員が社員の地位を失ったときは次項に規定する期間が経過した後に、宅地建物取引業保証協会が当該社員であつた者又は社員に対して債権を有するときはその債権に関し弁済が完了した後に、宅地建物取引業保証協会が当該社員であつた者又は社員に関し第六十四条の八第二項の規定による認証をしたときは当該認証した額に係る前条第一項の還付充当金の債権に関し弁済が完了した後に、前項の弁済業務保証金分担金を返還する。

(3) In a case referred to in the preceding paragraph, a share of the security deposit for Repayment Services as provided for in the preceding paragraph is to be refunded, if said member forfeits its status as a member, after the

passage of the period prescribed in the following paragraph; if a Real Estate Transaction Guarantee Association holds a claim against said person formerly constituting a member or member, after repayment in connection with said claim is completed; and if certification under Article 64-8, paragraph (2), in connection with said person formerly constituting a member or member is carried out by a Real Estate Transaction Guarantee Association, after repayment in connection with a claim for refund appropriation as provided for in paragraph (1) of the preceding paragraph pertaining to said certified amount is completed.

4 宅地建物取引業保証協会は、社員が社員の地位を失ったときは、当該社員であつた者に係る宅地建物取引業に関する取引により生じた債権に関し第六十四条の八第一項の権利を有する者に対し、六月を下らない一定期間内に同条第二項の規定による認証を受けるため申し出るべき旨を公告しなければならない。

(4) If a member loses status as a member , a Real Estate Transaction Guarantee Association must provide a public notice to a person possessing a right as provided for in Article 64-8, paragraph (1), in connection with a claim arising from a transaction relating to the Real Estate Brokerage pertaining to said person formerly constituting a member of the fact that a request to receive a certification under paragraph (2) of the same article should be made within a fixed period of not less than six months.

5 宅地建物取引業保証協会は、前項に規定する期間内に申出のなかつた同項の債権に関しては、第六十四条の八第二項の規定による認証をすることができない。

(5) A Real Estate Transaction Guarantee Association may not carry out a certification under Article 64-8, paragraph (2), concerning a claim as provided for in the preceding paragraph for which no request is made within a period as prescribed in the same paragraph.

6 第三十条第三項の規定は、第一項の規定により弁済業務保証金を取りもどす場合に準用する。

(6) The provisions of Article 30, paragraph (3), apply mutatis mutandis to any case in which a security deposit for Repayment Services is recovered pursuant to the provisions of paragraph (1).

(弁済業務保証金準備金)

(Reserve for a security deposit for Repayment Services)

第六十四条の十二 宅地建物取引業保証協会は、第六十四条の八第三項の規定により弁済業務保証金を供託する場合において還付充当金の納付がなかつたときの弁済業務保証金の供託に充てるため、弁済業務保証金準備金を積み立てなければならない。

Article 64-12 (1) A Real Estate Transaction Guarantee Association must accumulate a reserve for a security deposit for Repayment Services to be allocated for the depositing of a security deposit for Repayment Services when no payment of a refund appropriation is made where a security deposit for

Repayment Services is to be deposited pursuant to the provisions of Article 64-8, paragraph (3).

2 宅地建物取引業保証協会は、弁済業務保証金（第六十四条の七第三項及び第六十四条の八第四項において準用する第二十五条第三項の規定により供託された有価証券を含む。）から生ずる利息又は配当金を弁済業務保証金準備金に繰り入れなければならない。

(2) A Real Estate Transaction Guarantee Association must transfer interest or dividends arising from a security deposit for Repayment Services (including negotiable securities deposited pursuant to the provisions of Article 25, paragraph (3), as applied mutatis mutandis pursuant to Article 64-7, paragraph (3), and Article 64-8, paragraph (4)) to a reserve for a security deposit for Repayment Services.

3 宅地建物取引業保証協会は、第六十四条の八第三項の規定により弁済業務保証金を供託する場合において、第一項の弁済業務保証金準備金をこれに充ててなお不足するときは、その不足額に充てるため、社員に対し、その者に係る第六十四条の九第一項の政令で定める弁済業務保証金分担金の額に応じ特別弁済業務保証金分担金を宅地建物取引業保証協会に納付すべきことを通知しなければならない。

(3) If a Real Estate Transaction Guarantee Association still falls short after allocating a reserve for a security deposit for Repayment Services as provided for in paragraph (1) to the depositing of a security deposit for Repayment Services pursuant to the provisions of Article 64-8, paragraph (3), the Real Estate Transaction Guarantee Association must provide a notification to each member of the fact that a special share of a security deposit for Repayment Services should be paid to the Real Estate Transaction Guarantee Association according to the amount of the share of security deposit for Repayment Services as specified by Cabinet Order as provided for in Article 64-9, paragraph (1), pertaining to said person.

4 前項の通知を受けた社員は、その通知を受けた日から一月以内に、その通知された額の特別弁済業務保証金分担金を当該宅地建物取引業保証協会に納付しなければならない。

(4) A member to which a notification as provided for in the preceding paragraph has been provided must pay a special share of the security deposit for Repayment Services of an amount as notified accordingly to said Real Estate Transaction Guarantee Association within one month of the date on which said notification was obtained.

5 第六十四条の十第三項の規定は、前項の場合に準用する。

(5) The provisions of Article 64-10, paragraph (3), apply mutatis mutandis to the preceding paragraph.

6 宅地建物取引業保証協会は、弁済業務保証金準備金を第六十四条の八第三項の規定による弁済業務保証金の供託に充てた後において、第六十四条の十第二項の規定により当該弁済業務保証金の供託に係る還付充当金の納付を受けたときは、その還付充当

金を弁済業務保証金準備金に繰り入れなければならない。

(6) If a Real Estate Transaction Guarantee Association, after allocating a reserve for security deposit for Repayment Services to the depositing of a security deposit for Repayment Services under Article 64-8, paragraph (3), receives a payment of a refund appropriation pertaining to said depositing of a security deposit for Repayment Services pursuant to the provisions of Article 64-10, paragraph (2), the Real Estate Transaction Guarantee Association must transfer said refund appropriation to the reserve for a security deposit to Repayment Services.

7 宅地建物取引業保証協会は、弁済業務保証金準備金の額が国土交通省令で定める額を超えることとなるときは、第六十四条の三第一項から第三項までに規定する業務の実施に要する費用に充て、又は宅地建物取引業の健全な発達に寄与する事業に出えんするため、国土交通大臣の承認を受けて、その超過額の弁済業務保証金準備金を取り崩すことができる。

(7) If the amount of reserve of a security deposit for Repayment Services comes to exceed the amount as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, a Real Estate Transaction Guarantee Association may, upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism, reduce the reserve for a security deposit for Repayment Services by said amount in excess for allocation to expenses incurred for operations as prescribed in Article 64-3, paragraphs (1) through (3), or for contribution to undertaking that promote the sound development of the Real Estate Brokerage.

(営業保証金の供託の免除)

(Exemption from the requirement to deposit security deposits for operations)

第六十四条の十三 宅地建物取引業保証協会の社員は、第六十四条の八第一項の規定により国土交通大臣の指定する弁済業務開始日以後においては、宅地建物取引業者が供託すべき営業保証金を供託することを要しない。

Article 64-13 A member of a Real Estate Transaction Guarantee Association, on or after the date for the commencement of Repayment Services as designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 64-8, paragraph (1), is not required to deposit a security deposit for operations to be deposited by a Real Estate Broker.

(供託を免除された場合の営業保証金の取りもどし)

(Recovery of security deposit for operations when exempted from deposit requirement)

第六十四条の十四 宅地建物取引業者は、前条の規定により営業保証金を供託することを要しなくなつたときは、供託した営業保証金を取りもどすことができる。

Article 64-14 (1) If a Real Estate Broker is no longer required to deposit a

security deposit for operations pursuant to the provisions of the preceding article, the Real Estate Broker may recover the security deposit for operations that it has already deposited.

2 第三十条第三項の規定は、前項の規定により営業保証金を取りもどす場合に準用する。

(2) The provisions of Article 30, paragraph (3), are to apply mutatis mutandis to any case in which a security deposit for operations is recovered pursuant to the provisions of the preceding paragraph.

(社員の地位を失った場合の営業保証金の供託)

(Depositing a security deposit for operations where the status of the membership is forfeited)

第六十四条の十五 宅地建物取引業者は、第六十四条の八第一項の規定により国土交通大臣の指定する弁済業務開始日以後に宅地建物取引業保証協会の社員の地位を失ったときは、当該地位を失った日から一週間以内に、第二十五条第一項から第三項までの規定により営業保証金を供託しなければならない。この場合においては、同条第四項の規定の適用があるものとする。

Article 64-15 If a Real Estate Broker forfeits its status as a member of a Real Estate Transaction Guarantee Association on or after the date for the commencement of Repayment Services as designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 64-8, paragraph (1), the Real Estate Broker must deposit a security deposit for operations pursuant to the provisions of Article 25, paragraphs (1) through (3), within one week of the date of said forfeiture of status. The provisions of paragraph (4) of the same article apply to such a case.

(事業計画書等)

(Business plan)

第六十四条の十六 宅地建物取引業保証協会は、毎事業年度開始前に（第六十四条の二第一項の規定による指定を受けた日の属する事業年度にあつては、その指定を受けた後すみやかに）、収支の見積りその他国土交通省令で定める事項を記載した事業計画書を作成し、国土交通大臣の承認を受けなければならない。これを変更しようとするときも同様とする。

Article 64-16 (1) A Real Estate Transaction Guarantee Association must, prior to the commencement of each business year (or, for the business year in which falls on the date which a designation under Article 64-2, paragraph (1), was obtained, promptly upon obtaining said designation), prepare a business plan in which revenue and expenditure estimates and other matters as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism are stated and have it approved by the Minister of Land, Infrastructure, Transport and Tourism. The same applies when a Real Estate Transaction

Guarantee Association intends to revise said business plan.

2 宅地建物取引業保証協会は、事業年度ごとに、国土交通省令で定める様式による事業報告書を作成し、毎事業年度経過後三月以内に、国土交通大臣に提出しなければならない。

(2) A Real Estate Transaction Guarantee Association must, for each business year, prepare a business report according to a format as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and submit it to the Minister of Land, Infrastructure, Transport and Tourism within three months after the end of each business year.

(一般保証業務)

(General Guarantee Operations)

第六十四条の十七 宅地建物取引業保証協会は、一般保証業務を行なう場合においては、あらかじめ、国土交通省令の定めるところにより、国土交通大臣の承認を受けなければならない。

Article 64-17 (1) When engaging in General Guarantee Operations, a Real Estate Transaction Guarantee Association must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism in advance.

2 宅地建物取引業保証協会は、一般保証業務を廃止したときは、その旨を国土交通大臣に届け出なければならない。

(2) If a Real Estate Transaction Guarantee Association has discontinued General Guarantee Operations, the Real Estate Transaction Guarantee Association must provide a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism.

3 第五十七条から第六十条までの規定は、一般保証業務を行なう宅地建物取引業保証協会に準用する。この場合において、第六十条中「政令」とあるのは、「国土交通省令」と読み替えるものとする。

(3) The provisions of Articles 57 through 60 apply mutatis mutandis to a Real Estate Transaction Guarantee Association that engages in General Guarantee Operations. In such a case, "Cabinet Order" as referred to in Article 60 is read as "an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism."

(手付金等保管事業)

(Earnest Money Safekeeping Business)

第六十四条の十七の二 宅地建物取引業保証協会は、手付金等保管事業を行う場合においては、あらかじめ、事業方法書を定め、国土交通省令で定めるところにより、国土交通大臣の承認を受けなければならない。

Article 64-17-2 (1) When engaging in an Earnest Money Safekeeping Business, a

Real Estate Transaction Guarantee Association must set forth a statement of business procedures and, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, have it approved by the Minister of Land, Infrastructure, Transport and Tourism in advance.

2 宅地建物取引業保証協会が手付金等保管事業について前項の承認を受けたときは、第四十一条の二第一項第一号の指定を受けたものとみなす。この場合においては、第六十三条の三及び第六十四条の規定は適用せず、第六十三条の四中「前条第二項において準用する第五十一条第三項第一号」とあるのは、「第六十四条の十七の二第一項」と読み替えて、同条の規定を適用する。

(2) If a Real Estate Transaction Guarantee Association obtains approval for an Earnest Money Safekeeping Business as provided for in the preceding paragraph, it is deemed to have obtained a designation as provided for in Article 41-2, paragraph (1), item (i). In such a case, the provisions of Articles 63-3 and 64 is not to apply, "Article 51, paragraph (3), item (i) as applied mutatis mutandis pursuant to paragraph (2) of the preceding article" as referred to in Article 63-4 is to be read as "Article 64-17-2, paragraph (1)", and the provisions of the same paragraph apply.

3 宅地建物取引業保証協会は、手付金等保管事業を廃止したときは、その旨を国土交通大臣に届け出なければならない。この場合において、届出があつたときは、第一項の承認は、その効力を失う。

(3) If a Real Estate Transaction Guarantee Association has discontinued an Earnest Money Safekeeping Business, the Real Estate Transaction Guarantee Association must provide a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism. In such a case, the approval as provided for in paragraph (1) ceases to be effective upon the provision of said notification.

(報告及び検査)

(Reports and inspections)

第六十四条の十八 第六十三条の二の規定は、宅地建物取引業保証協会について準用する。この場合において、同条第一項中「手付金等保証事業」とあるのは、「宅地建物取引業保証協会の業務」と読み替えるものとする。

Article 64-18 The provisions of Article 63-2 apply mutatis mutandis to a Real Estate Transaction Guarantee Association. In such a case, "Earnest Money Guarantee Business" as referred to in paragraph (1) of the same article is read as "the operations of a Real Estate Transaction Guarantee Association."

(役員を選任等)

(Appointment of officers)

第六十四条の十九 宅地建物取引業保証協会の役員を選任及び解任並びに解散の決議は、国土交通大臣の認可を受けなければ、その効力を生じない。

Article 64-19 No appointment or dismissal of an officer of a Real Estate Transaction Guarantee Association or resolution for the dissolution of a Real Estate Transaction Guarantee Association will take effect unless approved by the Minister of Land, Infrastructure, Transport and Tourism.

(改善命令)

(Amelioration order)

第六十四条の二十 国土交通大臣は、この章の規定を施行するため必要があると認めるときは、その必要の限度において、宅地建物取引業保証協会に対し、財産の状況又はその事業の運営を改善するため必要な措置をとるべきことを命ずることができる。

Article 64-20 If the Minister of Land, Infrastructure, Transport and Tourism deems it necessary for the enforcement of the provisions of this Chapter, said minister may order a Real Estate Transaction Guarantee Association to take measures required for the amelioration of the status of property or the operations of the business thereof to the extent of the necessity thereof.

(解任命令)

(Dismissal order)

第六十四条の二十一 国土交通大臣は、宅地建物取引業保証協会の役員が、この法律、この法律に基づく命令若しくは処分に違反したとき、又はその在任により当該宅地建物取引業保証協会が第六十四条の二第一項第四号に掲げる要件に適合しなくなるときは、当該宅地建物取引業保証協会に対し、その役員を解任すべきことを命ずることができる。

Article 64-21 If an officer of a Real Estate Transaction Guarantee Association contravenes this Act, an order or disposition based on this Act or the incumbency thereof which causes said Real Estate Transaction Guarantee Association to no longer conform to conditions as listed in Article 64-2, paragraph (1), item (iv), the Minister of Land, Infrastructure, Transport and Tourism may order said Real Estate Transaction Guarantee Association to dismiss said officer.

(指定の取消し等)

(Rescission of designation)

第六十四条の二十二 国土交通大臣は、宅地建物取引業保証協会が次の各号の一に該当するときは、当該宅地建物取引業保証協会に対して、第六十四条の二第一項の規定による指定を取り消すことができる。

Article 64-22 (1) If a Real Estate Transaction Guarantee Association falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the designation under Article 64-2, paragraph (1) of said Real Estate Transaction Guarantee Association:

一 弁済業務を適正かつ確実に実施することができないと認められるとき。

(i) when it can be deemed that the Real Estate Transaction Guarantee Association cannot properly and reliably implement Repayment Services;

二 この法律又はこの法律に基づく命令に違反したとき。

(ii) when the Real Estate Transaction Guarantee Association contravenes this Act or an order or disposition based on this Act;

三 第六十四条の二十又は前条の規定による処分に違反したとき。

(iii) when the Real Estate Transaction Guarantee Association contravenes a disposition under Article 64-20 or the preceding article.

2 国土交通大臣は、第六十四条の二第一項の規定による指定を取り消したとき、又は宅地建物取引業保証協会が解散したときは、その旨を官報で公示しなければならない。

(2) If a Minister of Land, Infrastructure, Transport and Tourism rescinds a designation under Article 64-2, paragraph (1), or a Real Estate Transaction Guarantee Association is subject to dissolution, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notification of the fact thereof through the Official Gazette.

3 第十六条の十五第三項から第五項までの規定は、第一項の規定による処分に係る聴聞について準用する。

(3) The provisions of Article 16-15, paragraphs (3) through (5), apply mutatis mutandis to any hearing that pertains to a disposition under paragraph (1).

(指定の取消し等の場合の営業保証金の供託)

(Depositing of security deposit for operations where a designation is rescinded)

第六十四条の二十三 宅地建物取引業保証協会が第六十四条の二第一項の規定による指定を取り消され、又は解散した場合には、当該宅地建物取引業保証協会の社員であつた宅地建物取引業者は、前条第二項の規定による公示の日から二週間以内に、第二十五条第一項から第三項までの規定により営業保証金を供託しなければならない。この場合においては、同条第四項の規定の適用があるものとする。

Article 64-23 If a Real Estate Transaction Guarantee Association is subject to a rescission of designation under Article 64-2, paragraph (1), or dissolution, a Real Estate Transaction Guarantee Association constituting a former member of said Real Estate Transaction Guarantee Association must deposit a security deposit for operations pursuant to the provisions of Article 25, paragraphs (1) through (3) within two weeks of the date of the public notification under paragraph (2) of the preceding article. In such a case, the provisions of paragraph (4) of the same article apply.

(指定の取消し等の場合の弁済業務)

(Repayment operations where a designation is rescinded)

第六十四条の二十四 第六十四条の二第一項の規定による指定を取り消され、又は解散した宅地建物取引業保証協会（以下この条及び次条において「旧協会」という。）は、第六十四条の二十二第二項の規定による公示の日から一週間以内に、指定を取り消さ

れ、又は解散した日において社員であつた宅地建物取引業者に係る宅地建物取引業に関する取引により生じた債権に関し第六十四条の八第一項の権利を有する者に対し、六月を下らない一定期間内に同条第二項の規定による認証を受けるため申し出るべき旨を公告しなければならない。

Article 64-24 (1) A Real Estate Transaction Guarantee Association subject to a rescission of designation under Article 64-2, paragraph (1), or dissolution (hereinafter referred to in this article and the following Article as "Ex-Association") must, within one week of the date of public notification under Article 64-22, paragraph (2), provide a public notice to a person possessing a right as provided for in Article 64-8, paragraph (1), in connection with a claim arising from a transaction relating to the Real Estate Brokerage pertaining to a Real Estate Broker constituting a former member as of the date of the rescission of designation or dissolution of the fact that a request to receive a certification under paragraph (2) of the same article should be made within a fixed period of not less than six months.

2 旧協会は、前項の規定による公告をした後においては、当該公告に定める期間内に申出のあつた同項に規定する債権について、なお第六十四条の八第二項の規定による認証の事務を行なうものとする。

(2) An Ex-Association is to carry out certification processes under Article 64-8, paragraph (2), for claims as prescribed in the same paragraph for which a request was made within a period as prescribed in said public notice after providing a public notice under the preceding paragraph,

3 旧協会は、第一項の公告に定める期間内に第六十四条の八第二項の規定による認証を受けるための申出があつた場合において、同項に規定する認証に係る事務が終了したときは、その時において供託されている弁済業務保証金のうちその時までと同項の規定により認証した額で同条第一項の権利が実行されていないものの合計額を控除した額の弁済業務保証金を取りもどすことができる。

(3) If an Ex-Association receives a request to obtain a certification under Article 64-8, paragraph (2), within a period as prescribed in the public notice as provided for in paragraph (1) and completes the processes pertaining to certification as prescribed in the same paragraph, said Ex-Association may recover the security deposits for Repayment Services of an amount equivalent to the security deposits for Repayment Services that has been deposited as of that time net of the total amount certified pursuant to the provisions of the same paragraph by that time for which the right as provided for in paragraph (1) of the same article has not been exercised.

4 旧協会は、第一項の公告に定める期間内に第六十四条の八第二項の規定による認証を受けるための申出がなかつたときは、供託されている弁済業務保証金を取りもどすことができる。ただし、同項の規定により認証した額で同条第一項の権利が実行されていないものの合計額に相当する額の弁済業務保証金については、この限りでない。

(4) If an Ex-Association receives a request to obtain a certification under Article

64-8, paragraph (2), within a period as prescribed in the public notice as provided for in paragraph (1), said Ex-Association may recover a security deposit for Repayment Services that has been deposited. Provided, however, that this does not apply to security deposits for Repayment Services of an amount equivalent to the total amount certified pursuant to the provisions of the same paragraph for which the right as provided for in paragraph (1) of the same article has not been exercised.

5 旧協会は、第六十四条の八第二項の規定又は第二項の規定により認証した額で第六十四条の二十二第二項の規定による公示の日から十年を経過する日までに第六十四条の八第一項の権利が実行されていないものに係る弁済業務保証金については、これを取りもどすことができる。

(5) An Ex-Association may recover a security deposit for Repayment Services pertaining to an amount certified pursuant to the provisions of Article 64-8, paragraph (2), or the provisions of paragraph (2) for which the right as provided for in Article 64-8, paragraph (1), has not been exercised at any time between the date of the public notification under Article 64-22, paragraph (2), and the date on which ten years is to have passed thereafter.

6 第三十条第三項の規定は、第一項の規定による公告及び前三項の規定による弁済業務保証金の取りもどしについて準用する。

(6) The provisions of Article 30, paragraph (3), apply mutatis mutandis to the public notice under paragraph (1) and the recovery of a security deposit for Repayment Services under the preceding three paragraphs.

(指定の取消し等の場合の弁済業務保証金等の交付)

(Issuance of security deposit for Repayment Services where a designation is rescinded)

第六十四条の二十五 旧協会は、前条第三項から第五項までの規定により取り戻した弁済業務保証金、第六十四条の二第一項の規定による指定を取り消され、又は解散した日（以下この条において「指定取消し等の日」という。）以後において第六十四条の十第二項の規定により納付された還付充当金並びに弁済業務保証金準備金（指定取消し等の日以後において第六十四条の十二第四項の規定により納付された特別弁済業務保証金分担金を含む。）を、指定取消し等の日に社員であつた者に対し、これらの者に係る第六十四条の九第一項の政令で定める弁済業務保証金分担金の額に応じ、国土交通省令の定めるところにより、交付する。

Article 64-25 An Ex-Association is to, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, issue any security deposits for Repayment Services recovered pursuant to the provisions of paragraphs (3) through (5) of the preceding article and refund appropriation and reserve for security deposits for Repayment Services paid pursuant to the provisions of Article 64-10, paragraph (2), on or after the date on which it is subject to a rescission of designation under Article 64-2, paragraph (1), or

dissolution (hereinafter referred to in this article as the "Date of Designation Rescission") (including a special share of security deposits for Repayment Services paid pursuant to the provisions of Article 64-12, paragraph (4), on or after the Date of Designation Rescission) to persons formerly constituting members as of the Date of Designation Rescission according to the share of the security deposit for Repayment Services as specified by Cabinet Order as provided for in Article 64-9, paragraph (1) pertaining to said persons.

第六章 監督

Chapter VI Supervision

(指示及び業務の停止)

(Instructions and the suspension of operations)

第六十五条 国土交通大臣又は都道府県知事は、その免許（第五十条の二第一項の認可を含む。次項及び第七十条第二項において同じ。）を受けた宅地建物取引業者が次の各号のいずれかに該当する場合又はこの法律の規定若しくは特定住宅瑕疵担保責任の履行の確保等に関する法律（平成十九年法律第六十六号。以下この条において「履行確保法」という。）第十一条第一項若しくは第六項、第十二条第一項、第十三条、第十五条若しくは履行確保法第十六条において読み替えて準用する履行確保法第七条第一項若しくは第二項若しくは第八条第一項若しくは第二項の規定に違反した場合においては、当該宅地建物取引業者に対して、必要な指示をすることができる。

Article 65 (1) If a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor has granted a license (including approval as provided for in Article 50-2, paragraph (1); the same applies in the following paragraph and Article 70, paragraph (2)) falls under any of the following items or contravenes a provision of this Act; Article 11, paragraph (1) or (6); Article 12, paragraph (1); Article 13; or Article 15 of the Act on the Assurance of Performance of Specified Housing Defect Warranty (Act No. 66 of 2007; referred to hereinafter in this article as the "Performance Assurance Act"); or Article 7, paragraph (1) or (2) or Article 8, paragraph (1) or (2) of the Performance Assurance Act as applied mutatis mutandis by the reading of terms under Article 16 of the Performance Assurance Act, the Minister of Land, Infrastructure, Transport and Tourism or said prefectural governor may issue necessary instructions to said Real Estate Broker:

- 一 業務に関し取引の関係者に損害を与えたとき、又は損害を与えるおそれがあるとき。
- (i) when damages are caused, or there is a significant risk that damages will be caused to a person concerned with transactions in connection with operations;
- 二 業務に関し取引の公正を害する行為をしたとき、又は取引の公正を害するおそれがあるとき。

が大であるとき。

(ii) when an act impeding the fairness of transactions is committed, or there is a significant risk that the fairness of transactions will be impeded in connection with operations;

三 業務に関し他の法令（履行確保法 及びこれに基づく命令を除く。）に違反し、宅地建物取引業者として不適当であると認められるとき。

(iii) when the Real Estate Broker is deemed inappropriate as a Real Estate Broker for having contravened another law or other regulations in connection with operations (excluding the Performance Assurance Act or an order based thereon);

四 取引主任者が、第六十八条又は第六十八条の二第一項の規定による処分を受けた場合において、宅地建物取引業者の責めに帰すべき理由があるとき。

(iv) when there is a reason that is attributable to the Real Estate Broker that can account for the fact that a transaction specialist is subject to disposition under Article 68 or 68-2, paragraph (1).

2 国土交通大臣又は都道府県知事は、その免許を受けた宅地建物取引業者が次の各号のいずれかに該当する場合には、当該宅地建物取引業者に対し、一年以内の期間を定めて、その業務の全部又は一部の停止を命ずることができる。

(2) If a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor has granted a license that falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism or said prefectural governor may order said Real Estate Broker to suspend its operations in whole or in part for a prescribed period not longer than one year:

一 前項第一号又は第二号に該当するとき（認可宅地建物取引業者の行う取引一任代理等に係るものに限る。）。

(i) when the Real Estate Broker falls under item (i) or (ii) of the preceding paragraph (limited to that which pertains to Entrustment-Based Agency Services for Transactions, etc. as carried out by an Approved Real Estate Broker);

一の二 前項第三号又は第四号に該当するとき。

(i)-2 when the Real Estate Broker falls under item (iii) or (iv) of the preceding paragraph;

二 第十三条、第十五条第三項、第二十五条第五項（第二十六条第二項において準用する場合を含む。）、第二十八条第一項、第三十二条、第三十三条の二、第三十四条、第三十四条の二第一項若しくは第二項（第三十四条の三において準用する場合を含む。）、第三十五条第一項から第三項まで、第三十六条、第三十七条第一項若しくは第二項、第四十一条第一項、第四十一条の二第一項、第四十三条から第四十五条まで、第四十六条第二項、第四十七条、第四十七条の二、第四十八条第一項若しくは第三項、第六十四条の九第二項、第六十四条の十第二項、第六十四条の第十二第四項、第六十四条の十五前段若しくは第六十四条の二十三前段の規定又は履行確

保法第十一条第一項、第十三条若しくは履行確保法第十六条において読み替えて準用する履行確保法第七条第一項の規定に違反したとき。

(ii) when the Real Estate Broker contravenes the provisions of Article 13; Article 15, paragraph (3); Article 25, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 26 paragraph (2)); Article 28, paragraph (1); Article 32; Article 33-2; Article 34; Article 34-2, paragraph (1) or (2) (including cases where applied mutatis mutandis pursuant to Article 34-3); any of Article 35, paragraphs (1) through (3); Article 36; Article 37, paragraph (1) or (2); Article 41, paragraph (1); Article 41-2, paragraph (1); any of Articles 43 through 45; Article 46, paragraph (2); Article 47; Article 47-2; Article 48, paragraph (1) or (3); Article 64-9, paragraph (2); Article 64-10, paragraph (2); Article 64-12, paragraph (4); the first sentence of Article 64-15 or the first sentence of Article 64-23; Article 11, paragraph (1) or Article 13 of the Performance Assurance Act; or Article 7, paragraph (1) of the Performance Assurance Act as applied mutatis mutandis by the reading of terms under Article 16 of the Performance Assurance Act;

三 前項又は次項の規定による指示に従わないとき。

(iii) when the Real Estate Broker fails to follow instructions under the preceding paragraph or the following paragraph;

四 この法律の規定に基づく国土交通大臣又は都道府県知事の処分に違反したとき。

(iv) when the Real Estate Broker contravenes a disposition of the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor based on the provisions of this Act;

五 前三号に規定する場合のほか、宅地建物取引業に関し不正又は著しく不当な行為をしたとき。

(v) in addition to cases as prescribed in the preceding three items, when the Real Estate Broker commits a wrongful or significantly unjustifiable act in connection with the Real Estate Brokerage;

六 営業に関し成年者と同一の行為能力を有しない未成年者である場合において、その法定代理人（法定代理人が法人である場合においては、その役員を含む。）が業務の停止をしようとするとき以前五年以内に宅地建物取引業に関し不正又は著しく不当な行為をしたとき。

(vi) when, in a case in which the Real Estate Broker is a minor lacking the same capacity to act as an adult person in connection with a business, the legal agent thereof (including an officer of a legal agent where said legal agent constitutes a corporation) has committed a wrongful or significantly unjustifiable act in connection with the Real Estate Brokerage within five years prior to the intended time at which operations are to be suspended;

七 法人である場合において、その役員又は政令で定める使用人のうちに業務の停止をしようとするとき以前五年以内に宅地建物取引業に関し不正又は著しく不当な行為をした者があるに至ったとき。

(vii) when, in a case in which the Real Estate Broker is a corporation, an officer thereof or an employee thereof as specified by Cabinet Order constituting a person who has committed a wrongful or significantly unjustifiable act in connection with the Real Estate Brokerage within five years prior to the intended time at which operations are to be suspended has come to belong thereto;

八 個人である場合において、政令で定める使用人のうちに業務の停止をしようとするとき以前五年以内に宅地建物取引業に関し不正又は著しく不当な行為をした者があるに至ったとき。

(viii) when, in a case in which the Real Estate Broker is an individual, an employee thereof as specified by Cabinet Order constituting a person who has committed a wrongful or significantly unjustifiable act in connection with the Real Estate Brokerage within five years prior to the intended time at which operations are to be suspended has come to belong thereto.

3 都道府県知事は、国土交通大臣又は他の都道府県知事の免許を受けた宅地建物取引業者で当該都道府県の区域内において業務を行うものが、当該都道府県の区域内における業務に関し、第一項各号のいずれかに該当する場合又はこの法律の規定若しくは履行確保法第十一条第一項 若しくは第六項 、第十二条第一項、第十三条、第十五条若しくは履行確保法第十六条 において読み替えて準用する履行確保法第七条第一項 若しくは第二項 若しくは第八条第一項 若しくは第二項 の規定に違反した場合においては、当該宅地建物取引業者に対して、必要な指示をすることができる。

(3) A prefectural governor may, if a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or another prefectural governor has granted a license and who engages in operations within a zone of said prefecture, in connection with operations within a zone of said prefecture, falls under any of the items of paragraph (1) or contravenes a provision of this Act; Article 11, paragraph (1) or (6); Article 12, paragraph (1); Article 13; or Article 15 of the Performance Assurance Act; or Article 7, paragraph (1) or (2) or Article 8, paragraph (1) or (2) of the Performance Assurance Act as applied mutatis mutandis by the reading of terms under Article 16 of the Performance Assurance Act; and then issue necessary instructions to said Real Estate Broker.

4 都道府県知事は、国土交通大臣又は他の都道府県知事の免許を受けた宅地建物取引業者で当該都道府県の区域内において業務を行うものが、当該都道府県の区域内における業務に関し、次の各号のいずれかに該当する場合には、当該宅地建物取引業者に対し、一年以内の期間を定めて、その業務の全部又は一部の停止を命ずることができる。

(4) A prefectural governor may, if a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or another prefectural governor has granted a license and who engages in operations within a zone of said prefecture, in connection with operations within a zone of said prefecture, falls

under any of the following items, order said Real Estate Broker to suspend its operations in whole or in part for a prescribed period not longer than one year:

一 第一項第三号又は第四号に該当するとき。

(i) when the Real Estate Broker falls under paragraph (1), item (iii) or (iv);

二 第十三条、第十五条第三項（事務所に係る部分を除く。）、第三十二条、第三十三条の二、第三十四条、第三十四条の二第一項若しくは第二項（第三十四条の三において準用する場合を含む。）、第三十五条第一項から第三項まで、第三十六条、第三十七条第一項若しくは第二項、第四十一条第一項、第四十一条の二第一項、第四十三条から第四十五条まで、第四十六条第二項、第四十七条、第四十七条の二又は第四十八条第一項若しくは第三項の規定に違反したとき。

(ii) when the Real Estate Broker contravenes a provision of Article 13; Article 15, paragraph (3) (excluding parts pertaining to a business office); Article 32; Article 33-2; Article 34; Article 34-2, paragraph (1) or (2) (including cases where applied mutatis mutandis pursuant to Article 34-3); any of Article 35, paragraphs (1) through (3); Article 36; Article 37, paragraph (1) or (2); Article 41, paragraph (1); Article 41-2, paragraph (1); any of Articles 43 through 45; Article 46, paragraph (2); Article 47; Article 47-2; or Article 48, paragraph (1) or (3);

三 第一項又は前項の規定による指示に従わないとき。

(iii) when the Real Estate Broker fails to follow instructions under paragraph (1) or the preceding paragraph;

四 この法律の規定に基づく国土交通大臣又は都道府県知事の処分に違反したとき。

(iv) when the Real Estate Broker contravenes a disposition of the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor based on the provisions of this Act;

五 前三号に規定する場合のほか、不正又は著しく不当な行為をしたとき。

(v) in addition to cases as prescribed in the preceding three items, when the Real Estate Broker commits a wrongful or significantly unjustifiable act.

(免許の取消し)

(Rescission of license)

第六十六条 国土交通大臣又は都道府県知事は、その免許を受けた宅地建物取引業者が次の各号のいずれかに該当する場合には、当該免許を取り消さなければならない。

Article 66 (1) If a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor has granted a license that falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism or said prefectural governor must rescind said license:

一 第五条第一項第一号、第三号又は第三号の二に該当するに至ったとき。

(i) when the Real Estate Broker comes to fall under Article 5, paragraph (1),

- item (i), (iii), or (iii)-2;
- 二 営業に関し成年者と同一の行為能力を有しない未成年者である場合において、その法定代理人（法定代理人が法人である場合においては、その役員を含む。）が第五条第一項第一号から第三号の二までのいずれかに該当するに至ったとき。
- (ii) when, in a case in which the Real Estate Broker is a minor lacking the same capacity to act as an adult person in connection with business, the legal agent thereof (including an officer of a legal agent where said legal agent constitutes a corporation) comes to fall under any of Article 5, paragraph (1), items (i) through (iii)-2;
- 三 法人である場合において、その役員又は政令で定める使用人のうちに第五条第一項第一号から第三号の二までのいずれかに該当する者があるに至ったとき。
- (iii) when, in a case in which the Real Estate Broker is a corporation, an officer thereof or an employee thereof as specified by Cabinet Order constituting a person who falls under any of Article 5, paragraphs (1), items (i) through (iii)-2, has come to belong thereto;
- 四 個人である場合において、政令で定める使用人のうちに第五条第一項第一号から第三号の二までのいずれかに該当する者があるに至ったとき。
- (iv) when, in a case in which the Real Estate Broker is an individual, an employee thereof as specified by Cabinet Order constituting a person who falls under any of Article 5, paragraph (1), items (i) through (iii)-2, has come to belong thereto;
- 五 第七条第一項各号のいずれかに該当する場合において第三条第一項の免許を受けていないことが判明したとき。
- (v) when, in a case falling under any of the items of Article 7, paragraph (1), it is determined that the Real Estate Broker has not obtained a license as provided for in Article 3, paragraph (1);
- 六 免許を受けてから一年以内に事業を開始せず、又は引き続いて一年以上事業を休止したとき。
- (vi) when the Real Estate Broker has not commenced a business within one year of obtaining a license, or when business has been suspended continuously for one year or longer;
- 七 第十一条第一項の規定による届出がなく同項第三号から第五号までのいずれかに該当する事実が判明したとき。
- (vii) when no notification under Article 11, paragraph (1), has been provided and it is determined that the Real Estate Broker falls under any of items (iii) through (v) of the same paragraph;
- 八 不正の手段により第三条第一項の免許を受けたとき。
- (viii) when the Real Estate Broker obtains a license as provided for in Article 3, paragraph (1), by unlawful means;
- 九 前条第二項各号のいずれかに該当し情状が特に重いとき、又は同条第二項若しくは第四項の規定による業務の停止の処分に違反したとき。

(ix) when the Real Estate Broker falls under any of the items of paragraph (2) of the preceding article under particularly serious circumstances or when the Real Estate Broker contravenes a disposition consisting of the suspension of operations under paragraph (2) or (4) of the same article.

2 国土交通大臣又は都道府県知事は、その免許を受けた宅地建物取引業者が第三条の二第一項の規定により付された条件に違反したときは、当該宅地建物取引業者の免許を取り消すことができる。

(2) If a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor has granted a license which breaches a condition imposed pursuant to the provisions of Article 3-2, paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism or said prefectural governor may rescind the license of said Real Estate Broker.

第六十七条 国土交通大臣又は都道府県知事は、その免許を受けた宅地建物取引業者の事務所の所在地を確知できないとき、又はその免許を受けた宅地建物取引業者の所在（法人である場合においては、その役員の内所在をいう。）を確知できないときは、官報又は当該都道府県の公報でその事実を公告し、その公告の日から三十日を経過しても当該宅地建物取引業者から申出がないときは、当該宅地建物取引業者の免許を取り消すことができる。

Article 67 (1) If the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor is unable to ascertain the location of a business office of a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or said prefectural governor has granted a license or the location of a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism or said prefectural governor has granted a license (if the Real Estate Broker is a corporation, the location of an officer thereof); the Minister of Land, Infrastructure, Transport and Tourism or said prefectural governor may, if no communications is received from said Real Estate Broker even after the passage of thirty days from the date of the public notice of said fact through the Official Gazette or a bulletin of said prefecture, rescind the license of said Real Estate Broker.

2 前項の規定による処分については、行政手続法第三章の規定は、適用しない。

(2) The provisions of Chapter III of the Administrative Procedures Act do not apply to a disposition under the preceding paragraph.

(認可の取消し等)

(Rescission of approval)

第六十七条の二 国土交通大臣は、認可宅地建物取引業者が次の各号のいずれかに該当する場合においては、当該認可を取り消すことができる。

Article 67-2 (1) If an Approved Real Estate Broker falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism

may rescind the approval thereof:

一 認可を受けてから一年以内に第五十条の二第一項各号のいずれかに該当する契約を締結せず、又は引き続いて一年以上同項各号のいずれかに該当する契約を締結していないとき。

(i) when the Approved Real Estate Broker fails to conclude an agreement falling under any of the items of Article 50-2, paragraph (1), within one year after obtaining said approval or fails to conclude an agreement falling under any of the items of the same paragraph over a continuous period of one year or longer;

二 不正の手段により第五十条の二第一項の認可を受けたとき。

(ii) when the Approved Real Estate Broker obtains an approval as provided for in Article 50-2, paragraph (1), by unlawful means;

三 第六十五条第二項各号のいずれかに該当し情状が特に重いとき、又は同項の規定による業務の停止の処分に違反したとき。

(iii) when the Approved Real Estate Broker falls under any of the items of Article 65, paragraph (2), under particularly serious circumstances or when the Approved Real Estate Broker contravenes a disposition consisting of the suspension of operations under the same paragraph.

2 国土交通大臣は、認可宅地建物取引業者が第五十条の二の二第一項の規定により付された条件に違反したときは、当該認可宅地建物取引業者に係る認可を取り消すことができる。

(2) If an Approved Real Estate Broker breaches a condition imposed pursuant to the provisions of Article 50-2-2, paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism may rescind the approval pertaining to said Approved Real Estate Broker.

3 第三条第二項の有効期間が満了した場合において免許の更新がなされなかつたとき、第十一条第二項の規定により免許が効力を失ったとき、又は認可宅地建物取引業者が同条第一項第二号に該当したとき、若しくは第二十五条第七項、第六十六条若しくは第六十七条第一項の規定により免許を取り消されたときは、当該認可宅地建物取引業者に係る認可は、その効力を失う。

(3) If a license is not renewed upon the expiration of the period of validity as provided for in Article 3, paragraph (2), a license ceases to be effective pursuant to the provisions of Article 11, paragraph (2), or an Approved Real Estate Broker falls under paragraph (1), item (ii) of the same article or is subject to a license rescission pursuant to the provisions of Article 25, paragraph (7); Article 66; or Article 67, paragraph (1); the approval pertaining to said Approved Real Estate Broker ceases to be effective.

(取引主任者としてすべき事務の禁止等)

(Prohibition of processes to be carried out as a transaction specialist)

第六十八条 都道府県知事は、その登録を受けている取引主任者が次の各号の一に該当

する場合においては、当該取引主任者に対し、必要な指示をすることができる。

Article 68 (1) If a transaction specialist who has obtained the registration of a prefectural governor falls under any of the following items, said prefectural governor may issue necessary instructions to said transaction specialist:

一 宅地建物取引業者に自己が専任の取引主任者として従事している事務所以外の事務所の専任の取引主任者である旨の表示をすることを許し、当該宅地建物取引業者がその旨の表示をしたとき。

(i) when the transaction specialist permits a Real Estate Broker to indicate the fact that the transaction specialist is an exclusive transaction specialist at a business office other than the business office at which the transaction specialist is engaged in duties, as an exclusive transaction specialist and said Real Estate Broker indicates the fact thereof;

二 他人に自己の名義の使用を許し、当該他人がその名義を使用して取引主任者である旨の表示をしたとき。

(ii) when the transaction specialist permits another person to use their name and said other person indicates this by using same name;

三 取引主任者として行う事務に関し不正又は著しく不当な行為をしたとき。

(iii) when the transaction specialist commits a wrongful or significantly unjustifiable act in connection with processes that said transaction specialist is to carry out as a transaction specialist.

2 都道府県知事は、その登録を受けている取引主任者が前項各号の一に該当する場合又は同項若しくは次項の規定による指示に従わない場合においては、当該取引主任者に対し、一年以内の期間を定めて、取引主任者としてすべき事務を行うことを禁止することができる。

(2) A prefectural governor may, if a transaction specialist who has obtained the registration of said prefectural governor falls under any of the items of the preceding paragraph or fails to follow instructions under the same paragraph or the following paragraph, prohibit said transaction specialist from engaging in processes that said transaction specialist is to carry out as a transaction specialist for a prescribed period not longer than one year.

3 都道府県知事は、当該都道府県の区域内において、他の都道府県知事の登録を受けている取引主任者が第一項各号の一に該当する場合においては、当該取引主任者に対し、必要な指示をすることができる。

(3) A prefectural governor may, if a transaction specialist who has obtained the registration of another prefectural governor falls under any of the items of paragraph (1) within a zone of said prefecture, issue the necessary instructions to said transaction specialist.

4 都道府県知事は、当該都道府県の区域内において、他の都道府県知事の登録を受けている取引主任者が第一項各号の一に該当する場合又は同項若しくは前項の規定による指示に従わない場合においては、当該取引主任者に対し、一年以内の期間を定めて、取引主任者としてすべき事務を行うことを禁止することができる。

(4) A prefectural governor may, if a transaction specialist who has obtained the registration of another prefectural governor falls under any of the items of paragraph (1) or fails to follow instructions under the same paragraph or the preceding paragraph within a zone of said prefecture, prohibit said transaction specialist from engaging in processes that said transaction specialist are to carry out as a transaction specialist for a prescribed period not longer than one year.

(登録の消除)

(Cancellation of registration)

第六十八条の二 都道府県知事は、その登録を受けている取引主任者が次の各号の一に該当する場合には、当該登録を消除しなければならない。

Article 68-2 (1) A prefectural governor must, if a transaction specialist who has obtained the registration of said prefectural governor falls under any of the following items, cancel said registration:

一 第十八条第一項第一号から第五号の二までの一に該当するに至ったとき。

(i) when the transaction specialist comes to fall under any of Article 18, paragraph (1), items (i) through (v)-2;

二 不正の手段により第十八条第一項の登録を受けたとき。

(ii) when the transaction specialist obtains a registration as provided for in Article 18, paragraph (1), by unlawful means;

三 不正の手段により取引主任者証の交付を受けたとき。

(iii) when the transaction specialist is issued a Transaction Specialist Identification Card by unlawful means;

四 前条第一項各号の一に該当し情状が特に重いとき、又は同条第二項若しくは第四項の規定による事務の禁止の処分に違反したとき。

(iv) when the transaction specialist falls under any of the items of paragraph (1) of the preceding article under particularly serious circumstances or when the transaction specialist contravenes a disposition consisting of the prohibition of duties under paragraph (2) or (4) of the same article.

2 第十八条第一項の登録を受けている者で取引主任者証の交付を受けていないものが次の各号の一に該当する場合には、当該登録をしている都道府県知事は、当該登録を消除しなければならない。

(2) If a person who has obtained a registration as provided for in Article 18, paragraph (1), and who has not been issued a Transaction Specialist Identification Card falls under any of the following items, the prefectural governor who carried out said registration must delete said registration:

一 第十八条第一項第一号から第五号の二までの一に該当するに至ったとき。

(i) when the person comes to fall under any of items (i) through (v)-2 in Article 18, paragraph (1);

二 不正の手段により第十八条第一項の登録を受けたとき。

(ii) when the person obtains a registration as provided for in Article 18, paragraph (1), by unlawful means;

三 取引主任者としてすべき事務を行い、情状が特に重いとき。

(iii) when the person engages, under particularly serious circumstances, in processes that said person is to carry out as a transaction specialist.

(聴聞の特例)

(Special provisions on hearings)

第六十九条 国土交通大臣又は都道府県知事は、第六十五条又は第六十八条の規定による処分をしようとするときは、行政手続法第十三条第一項の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

Article 69 (1) If the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor intends to carry out a disposition under Article 65 or 68, said minister or prefectural governor must hold a hearing irrespective of the classification of procedures for stating opinions under Article 13, paragraph (1) of the Administrative Procedures Act.

2 第十六条の十五第三項から第五項までの規定は、第六十五条、第六十六条、第六十七条の二第一項若しくは第二項、第六十八条又は前条の規定による処分に係る聴聞について準用する。

(2) The provisions of Article 16-15, paragraphs (3) through (5), apply mutatis mutandis to any hearing that pertains to a disposition under Article 65; Article 66; Article 67-2, paragraph (1) or (2); Article 68; or the preceding article.

(監督処分の公告等)

(Public notice of supervisory disposition)

第七十条 国土交通大臣又は都道府県知事は、第六十五条第二項若しくは第四項、第六十六条又は第六十七条の二第一項若しくは第二項の規定による処分をしたときは、国土交通省令の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 70 (1) If the Minister of Land, Infrastructure, Transport and Tourism carries out a disposition under Article 65, paragraph (2) or (4), Article 66, or Article 67-2, paragraph (1) or (2), said minister must, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, provide a public notice of the fact thereof.

2 国土交通大臣は、第六十五条第二項の規定による処分（第五十条の二第一項の認可に係る処分に限る。）又は第六十七条の二第一項若しくは第二項の規定による処分をした場合であつて、当該認可宅地建物取引業者が都道府県知事の免許を受けたものであるときは、遅滞なく、その旨を当該都道府県知事に通知しなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism carries out a disposition under Article 65, paragraph (2) (limited to a disposition pertaining to approval as provided for in Article 50-2, paragraph (1)) or a disposition under Article 67-2, paragraph (1) or (2), and said Approved Real Estate Broker

has obtained a license from a prefectural governor, the Minister of Land, Infrastructure, Transport and Tourism must, without delay, provide a notification of the fact thereof to said prefectural governor.

3 都道府県知事は、第六十五条第三項又は第四項の規定による処分をしたときは、遅滞なく、その旨を、当該宅地建物取引業者が国土交通大臣の免許を受けたものであるときは国土交通大臣に報告し、当該宅地建物取引業者が他の都道府県知事の免許を受けたものであるときは当該他の都道府県知事に通知しなければならない。

(3) If a prefectural governor carries out a disposition under Article 65, paragraph (3) or (4), said governor must, if said Real Estate Broker has obtained a license from the Minister of Land, Infrastructure, Transport and Tourism, report the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism without delay or, if said Real Estate Broker has obtained a license from another prefectural governor, provide a notification of the fact thereof to said other prefectural governor without delay.

4 都道府県知事は、第六十八条第三項又は第四項の規定による処分をしたときは、遅滞なく、その旨を当該取引主任者の登録をしている都道府県知事に通知しなければならない。

(4) If a prefectural governor carries out a disposition under Article 68, paragraph (3) or (4), said governor must, without delay, provide a notification of the fact thereof to the prefectural governor who carried out the registration of said transaction specialist.

(指導等)

(Guidance)

第七十一条 国土交通大臣はすべての宅地建物取引業者に対して、都道府県知事は当該都道府県の区域内で宅地建物取引業を営む宅地建物取引業者に対して、宅地建物取引業の適正な運営を確保し、又は宅地建物取引業の健全な発達を図るため必要な指導、助言及び勧告をすることができる。

Article 71 Guidance, advice, and recommendations required to secure the proper operations of the Real Estate Brokerage and promote the sound development of the Real Estate Brokerage may be provided by the Minister of Land, Infrastructure, Transport and Tourism to all Real Estate Brokers and by a prefectural governor to any Real Estate Broker engaged in the Real Estate Brokerage within a zone of said prefecture.

(内閣総理大臣との協議等)

(Consultations with the Prime Minister)

第七十一条の二 国土交通大臣は、その免許を受けた宅地建物取引業者が第三十一条第一項、第三十二条から第三十四条まで、第三十四条の二第一項（第三十四条の三において準用する場合を含む。次項において同じ。）、第三十五条（第三項を除き、同条第四項及び第五項にあつては、同条第一項及び第二項に係る部分に限る。次項におい

て同じ。) 、第三十五条の二から第四十五条まで、第四十七条又は第四十七条の二の規定に違反した場合(当該宅地建物取引業者が、第三十五条第一項第十四号イに規定する宅地建物取引業者の相手方等と契約を締結する場合に限る。) において、第六十五条第一項(第二号から第四号までを除く。) 若しくは第二項(第一号及び第一号の二を除く。) 又は第六十六条第一項(第一号から第八号までを除く。) の規定による処分をしようとするときは、あらかじめ、内閣総理大臣に協議しなければならない。

Article 71-2 (1) If, in a case in which a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism has granted a license contravenes the provisions of Article 31, paragraph (1); any of Articles 32 through 34; Article 34-2, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 34-3; the same applies in the following paragraph); Article 35 (excluding paragraph (3); for paragraphs (4) and (5) of the same article, limited to parts pertaining to paragraphs (1) and (2) of the same article; the same applies in the following paragraph); any of Articles 35-2 through 45; Article 47; or Article 47-2 (limited to where said Real Estate Broker concludes an agreement with a Real Estate Brokerage Operation Counterparty as prescribed in Article 35, paragraph (1), item (xiv)(a)), the Minister of Land, Infrastructure, Transport and Tourism intends to carry out a disposition under Article 65, paragraph (1) (excluding items (ii) through (iv)) or (2) (excluding items (i) and (i)-2) or Article 66, paragraph (1) (excluding items (i) through (viii)), said minister must consult with the Prime Minister in advance.

2 内閣総理大臣は、国土交通大臣の免許を受けた宅地建物取引業者の第三十五条第一項第十四号イに規定する宅地建物取引業者の相手方等の利益の保護を図るため必要があると認めるときは、国土交通大臣に対し、前項に規定する処分(当該宅地建物取引業者が第三十一条第一項、第三十二条から第三十四条まで、第三十四条の二第一項、第三十五条から第四十五条まで、第四十七条又は第四十七条の二の規定に違反した場合(当該宅地建物取引業者が同号イに規定する宅地建物取引業者の相手方等と契約を締結する場合に限る。) におけるものに限る。) に関し、必要な意見を述べることができる。

(2) If the Prime Minister deems it necessary for efforts to protect the interests of a Real Estate Brokerage Operation Counterparty as prescribed in Article 35 paragraph (1) item (xiv)(a) of a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism has granted a license, said minister may state necessary opinions in connection with a disposition as prescribed in the preceding paragraph to the Minister of Land, Infrastructure, Transport and Tourism (limited to a case in which said Real Estate Broker contravenes a provision of Article 31 paragraph (1); any of Articles 32 through 34; Article 34-2 paragraph (1); any of Articles 35 through 45; Article 47; or Article 47-2 (limited to a case in which said Real Estate Broker concludes an agreement with a Real Estate Brokerage Operation Counterparty as prescribed

in (a) of the same item)).

(報告及び検査)

(Reports and inspections)

第七十二条 国土交通大臣は、宅地建物取引業を営むすべての者に対して、都道府県知事は、当該都道府県の区域内で宅地建物取引業を営む者に対して、宅地建物取引業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、その業務について必要な報告を求め、又はその職員に事務所その他その業務を行なう場所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 72 (1) If the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor deems it necessary to secure the proper operations of the Real Estate Brokerage, the Minister of Land, Infrastructure, Transport and Tourism may issue a request to any person engaged in the Real Estate Brokerage to have a required report on the operations thereof submitted or have said minister's officials enter the business office thereof or other location where the operations thereof are carried out and inspect the books, documents, and other materials and objects relating to operations or said prefectural governor may issue a request to any person engaged in the Real Estate Brokerage within a zone of said prefecture to have a required report on the operations thereof submitted or have said minister's officials enter the business office thereof or other location where the operations thereof are carried out and inspect the books, documents, and other materials and objects relating to operations.

2 内閣総理大臣は、前条第二項の規定による意見を述べるため特に必要があると認めるときは、同項に規定する宅地建物取引業者に対して、その業務について必要な報告を求め、又はその職員に事務所その他その業務を行う場所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

(2) If the Prime Minister deems it to be particularly necessary to state an opinion under paragraph (2) of the preceding article, said Prime Minister may issue a request to a Real Estate Broker as prescribed in the same paragraph to have a required report on the operations thereof submitted or have said Prime Ministers officials enter the business office thereof or other location where the operations thereof are carried out and to inspect the books, documents, and other materials and objects relating to operations.

3 国土交通大臣は、すべての取引主任者に対して、都道府県知事は、その登録を受けている取引主任者及び当該都道府県の区域内でその事務を行う取引主任者に対して、取引主任者の事務の適正な遂行を確保するため必要があると認めるときは、その事務について必要な報告を求めることができる。

(3) If the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor deems it necessary to secure the proper execution of the processes of a transaction specialist, the Minister of Land, Infrastructure,

Transport and Tourism may issue a request to any transaction specialist to have a required report on the processes thereof submitted or, said prefectural governor may issue a request to any transaction specialist who has obtained the registration of said prefectural governor or transaction specialist engaged in the processes thereof within a zone of said prefecture to have a required report on the processes thereof submitted.

4 第一項及び第二項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(4) An official conducting an on-site inspection pursuant to the provisions of paragraph (1) or (2) must carry personal identification and present said identification if requested to do so by a concerned person.

5 第一項及び第二項の規定による立入検査の権限は、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 an on-site inspection under paragraph (1) or (2) must not be interpreted as having been accorded for the purpose of a criminal investigation.

6 内閣総理大臣は、第二項の規定による報告を求め、又は立入検査をしようとするときは、あらかじめ、国土交通大臣に協議しなければならない。

(6) If the Prime Minister intends to issue a request or conduct an on-site inspection under paragraph (2), said Prime Minister must consult with the Minister of Land, Infrastructure, Transport and Tourism in advance.

第七章 雑則

Chapter VII Miscellaneous Provisions

(宅地建物取引業審議会)

(Real Estate Brokerage advisory panel)

第七十三条 都道府県は、都道府県知事の諮問に応じて宅地建物取引業に関する重要事項を調査審議させるため、地方自治法第百三十八条の四第三項の規定により、宅地建物取引業審議会を置くことができるものとする。

Article 73 In order to have important matters concerning the Real Estate Brokerage studied and deliberated on in response to requests for advice made by prefectural governors, a prefecture, pursuant to the provisions of Article 138-4, paragraph (3) of the Local Autonomy Act, may set up a Real Estate Brokerage advisory panel.

(宅地建物取引業協会及び宅地建物取引業協会連合会)

(real estate brokerage association and federation of real estate brokerage associations)

第七十四条 その名称中に宅地建物取引業協会という文字を用いる一般社団法人（次項に規定するものを除く。）は、宅地建物取引業の適正な運営を確保するとともに宅地

建物取引業の健全な発達を図るため、社員の指導及び連絡に関する事務を行うことを目的とし、かつ、一の都道府県の区域内において事業を行う旨及び宅地建物取引業者を社員とする旨の定款の定めがあるものでなければならない。

Article 74 (1) In order to secure the proper operations of the Real Estate Brokerage and promote the sound development of the Real Estate Brokerage, a general incorporated association using "real estate brokerage association" in its name (excluding that which is as prescribed in the following paragraph) must aim to engage in processes relating to the provision of guidance to and communications with members and have set forth articles of association to the effect that business are to be carried out within zones of a given prefecture and to the effect that its members are to consist of Real Estate Brokers.

2 その名称中に宅地建物取引業協会連合会という文字を用いる一般社団法人は、宅地建物取引業の適正な運営を確保するとともに宅地建物取引業の健全な発達を図るため、社員の指導及び連絡に関する事務を行うことを目的とし、かつ、全国において事業を行う旨及び前項に規定する一般社団法人（以下「宅地建物取引業協会」という。）を社員とする旨の定款の定めがあるものでなければならない。

(2) In order to secure the proper operations of the Real Estate Brokerage and promote the sound development of the Real Estate Brokerage, a general incorporated association using "federation of real estate brokerage associations" in its name must aim to engage in processes relating to the provision of guidance to and communications with members and have set forth articles of association to the effect that business is to be carried out nationwide and to the effect that its members are to consist of general incorporated associations (hereinafter referred to as "Real Estate Brokerage Associations").

3 前二項に規定する定款の定めは、これを変更することができない。

(3) The provisions of the articles of association as prescribed in the preceding two paragraphs may not be revised.

4 宅地建物取引業協会及び第二項に規定する一般社団法人（以下「宅地建物取引業協会連合会」という。）は、成立したときは、成立の日から二週間以内に、登記事項証明書及び定款の写しを添えて、その旨を、宅地建物取引業協会にあつては都道府県知事に、宅地建物取引業協会連合会にあつては国土交通大臣に届け出なければならない。

(4) Upon its formation, a Real Estate Brokerage Association or a general incorporated association as prescribed in paragraph (2) (hereinafter referred to as "Federation of Real Estate Brokerage Associations") must, within two weeks of the date of its formation, provide a notification of the fact thereof to which a certificate of registered matters and copy of its articles of association are attached to a prefectural governor if it constitutes a Real Estate Brokerage Association or the Minister of Land, Infrastructure, Transport and Tourism if it constitutes a Federation of Real Estate Brokerage Associations.

5 国土交通大臣は、宅地建物取引業協会連合会に対して、都道府県知事は、宅地建物取引業協会に対して、宅地建物取引業の適正な運営を確保し、又は宅地建物取引業の

健全な発達を図るため、必要な事項に関して報告を求め、又は必要な指導、助言及び勧告をすることができる。

- (5) In order to secure the proper operations of the Real Estate Brokerage or promote the sound development of the Real Estate Brokerage, the Minister of Land, Infrastructure, Transport and Tourism may issue a request to have a report on necessary matters submitted or provide necessary guidance, advice, or recommendations to a Federation of Real Estate Brokerage Associations and a prefectural governor may issue a request to have a report concerning necessary matters submitted or provide necessary guidance, advice, or recommendations to a Real Estate Brokerage Association.

(名称の使用制限)

(Restrictions on use of name)

第七十五条 宅地建物取引業協会及び宅地建物取引業協会連合会でない者は、宅地建物取引業協会又は宅地建物取引業協会連合会という文字をその名称中に用いてはならない。

Article 75 A person who does not belong to either a Real Estate Brokerage Association nor a Federation of Real Estate Brokerage Associations is to use a "Real Estate Brokerage Association" or "Federation of Real Estate Brokerage Associations" in the name thereof.

(宅地建物取引業者の使用人等の秘密を守る義務)

(Obligation to protect the confidential information of the employees of a Real Estate Broker)

第七十五条の二 宅地建物取引業者の使用人その他の従業者は、正当な理由がある場合でなければ、宅地建物取引業の業務を補助したことについて知り得た秘密を他に漏らしてはならない。宅地建物取引業者の使用人その他の従業者でなくなった後であっても、また同様とする。

Article 75-2 An employee or other worker belonging to a Real Estate Broker is not to divulge any confidential information learned in the course of assisting in the Real Estate Brokerage to another party unless there are justifiable grounds for doing so. The same applies even after a person is no longer an employee or other worker belonging to a Real Estate Broker.

(内閣総理大臣への資料提供等)

(Provision of materials to the Prime Minister)

第七十五条の三 内閣総理大臣は、国土交通大臣の免許を受けた宅地建物取引業者の第三十五条第一項第十四号イに規定する宅地建物取引業者の相手方等の利益の保護を図るため必要があると認めるときは、国土交通大臣に対し、資料の提供、説明その他必要な協力を求めることができる。

Article 75-3 If the Prime Minister deems it necessary for efforts to protect the

interests of a Real Estate Brokerage Operation Counterparty as prescribed in Article 35, paragraph (1), item (xiv)(a) of a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism has granted a license, said Prime Minister may issue a request to the Minister of Land, Infrastructure, Transport and Tourism for the provision of materials, a briefing, and any other required form of cooperation.

(免許の取消し等に伴う取引の結了)

(Completion of transactions in line with a license rescission)

第七十六条 第三条第二項の有効期間が満了したとき、第十一条第二項の規定により免許が効力を失ったとき、又は宅地建物取引業者が第十一条第一項第一号若しくは第二号に該当したとき、若しくは第二十五条第七項、第六十六条若しくは第六十七条第一項の規定により免許を取り消されたときは、当該宅地建物取引業者であつた者又はその一般承継人は、当該宅地建物取引業者が締結した契約に基づく取引を結了する目的の範囲内においては、なお宅地建物取引業者とみなす。

Article 76 If the period of validity as provided for in Article 3, paragraph (2), expires; a license ceases to be effective pursuant to the provisions of Article 11, paragraph (2); or a Real Estate Broker falls under Article 11, paragraph (1), item (i) or (ii), or is subject to a license rescission pursuant to the provisions of Article 25, paragraph (7); Article 66; or Article 67, paragraph (1); a person formerly constituting said Real Estate Broker or a general successor thereto is still to be regarded as a Real Estate Broker to the extent required to complete transactions based on an agreement concluded by said Real Estate Broker.

(信託会社等に関する特例)

(Special provisions concerning trust companies)

第七十七条 第三条から第七条まで、第十二条、第二十五条第七項、第六十六条及び第六十七条第一項の規定は、信託業法（平成十六年法律第百五十四号）第三条又は第五十三条第一項の免許を受けた信託会社（政令で定めるものを除く。次項及び第三項において同じ。）には、適用しない。

Article 77 (1) The provisions of Articles 3 through 7; Article 12; Article 25, paragraph (7); Article 66; and Article 67, paragraph (1); is not to apply to a trust company that has obtained a license as provided for in Article 3 or Article 53, paragraph (1) of the Trust Business Act (Act No. 154 of 2004) (excluding that which is as specified by Cabinet Order; the same is not to apply in the following paragraph and paragraph (3)).

2 宅地建物取引業を営む信託会社については、前項に掲げる規定を除き、国土交通大臣の免許を受けた宅地建物取引業者とみなしてこの法律の規定を適用する。

(2) A trust company engaging in the Real Estate Brokerage, with the exception of provisions as listed in the preceding paragraph, is deemed a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism

has granted a license and is subject to the provisions of this Act, accordingly.

3 信託会社は、宅地建物取引業を営もうとするときは、国土交通省令の定めるところにより、その旨を国土交通大臣に届け出なければならない。

(3) If a trust company intends to engage in the Real Estate Brokerage, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, it must submit a notification of the fact thereof to the Minister of Land, Infrastructure, Transport and Tourism.

4 信託業務を兼営する金融機関及び第一項の政令で定める信託会社に対するこの法律の規定の適用に関し必要な事項は、政令で定める。

(4) Required matters in connection with the application of the provisions of this Act to financial institutions concurrently engaged in trust operations and trust companies as specified by Cabinet Order as provided for in paragraph (1) is to be as specified by Cabinet Order.

第七十七条の二 第三条から第七条まで、第十二条、第二十五条第七項、第六十六条及び第六十七条第一項の規定は、認可宅地建物取引業者がその資産の運用を行う登録投資法人（投資信託及び投資法人に関する法律第二条第十三項 に規定する登録投資法人をいう。）には、適用しない。

Article 77-2 (1) The provisions of Articles 3 through 7; Article 12; Article 25, paragraph (7); Article 66; and Article 67, paragraph (1); is not to apply to a registered investment corporation through which an Approved Real Estate Broker is to invest the assets thereof (registered investment corporation as prescribed in Article 2, paragraph (13), of the Act on Investment Trusts and Investment Corporations).

2 前項の登録投資法人については、前項に掲げる規定並びに第十五条、第三十五条、第三十五条の二、第三十七条及び第四十八条から第五十条までの規定を除き、国土交通大臣の免許を受けた宅地建物取引業者とみなしてこの法律の規定を適用する。

(2) A registered investment corporation as provided for in the preceding paragraph is deemed a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism has granted a license and accordingly subject to the provisions of this Act with the exception of the provisions as listed in the preceding paragraph and the provisions of Article 15, Article 35, Article 35-2, Article 37, and Articles 48 through 50.

(適用の除外)

(Exemption from application)

第七十八条 この法律の規定は、国及び地方公共団体には、適用しない。

Article 78 (1) The provisions of this Act are not to apply to the national government or a local government.

2 第三十三条の二及び第三十七条の二から第四十三条までの規定は、宅地建物取引業者相互間の取引については、適用しない。

(2) The provisions of Article 33-2 and Articles 37-2 through 43 are not to apply to any transaction carried out by and between Real Estate Brokers.

(権限の委任)

(Delegation of authority)

第七十八条の二 この法律に規定する国土交通大臣の権限は、国土交通省令で定めるところにより、その一部を地方整備局長又は北海道開発局長に委任することができる。

Article 78-2 (1) A part of the authority of the Minister of Land, Infrastructure, Transport and Tourism as prescribed in this Act may, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, be delegated to the Regional Development Bureau Director General or the Hokkaido Development Bureau Director General.

2 この法律に規定する内閣総理大臣の権限（政令で定めるものを除く。）は、消費者庁長官に委任する。

(2) The authority of the Prime Minister as prescribed in this Act (excluding that which is as specified by Cabinet Order) is delegated to the Director-General of the Consumer Affairs Agency.

(申請書等の経由)

(Routing of application forms and other documents)

第七十八条の三 第四条第一項、第九条及び第十一条第一項の規定により国土交通大臣に提出すべき申請書その他の書類は、その主たる事務所（同項の規定の場合にあつては、同項各号の一に該当することとなつた者の主たる事務所）の所在地を管轄する都道府県知事を経由しなければならない。

Article 78-3 (1) All application forms and other documents submitted to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 4, paragraph (1); Article 9; and Article 11, paragraph (1); must be routed through the prefectural governor with jurisdiction over the location of the principal business office of the submitting party (or, in a case in which the provisions of the same paragraph apply, the principal business office of the person who has come to fall under any of the items of the same paragraph).

2 第五十条第二項の規定により国土交通大臣に提出すべき届出書は、その届出に係る業務を行う場所の所在地を管轄する都道府県知事を経由しなければならない。

(2) Notification forms that should be submitted to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 50, paragraph (2), must be routed through the prefectural governor with jurisdiction over the location of the site where operations pertaining to said notification are carried out.

(事務の区分)

(Classification of processes)

第七十八条の四 第八条、第十条、第十四条及び前条の規定により都道府県が処理することとされている事務（第八条、第十条及び第十四条の規定により処理することとされているものについては、国土交通大臣の免許を受けた宅地建物取引業者に係る宅地建物取引業者名簿の備付け、登載、閲覧、訂正及び消除に関するものに限る。）は、地方自治法第二条第九項第一号 に規定する第一号 法定受託事務とする。

Article 78-4 The Processes to be processed by a prefecture pursuant to the provisions of Article 8, Article 10, Article 14, or the preceding article (for affairs to be processed pursuant to the provisions of Article 8, Article 10, and Article 14, limited to those relating to the maintenance of, registration of matters to, inspection of, correction of, and deletion of items from a roster of Real Estate Brokers pertaining to a Real Estate Broker to whom the Minister of Land, Infrastructure, Transport and Tourism has granted a license) is to constitute item (i) statutory entrusted processes as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

第八章 罰則

Chapter VIII Penal Provisions

第七十九条 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 79 A person falling under any of the following items is liable to imprisonment with required labor of three years or less or a fine of three million yen or less or both:

一 不正の手段によつて第三条第一項の免許を受けた者

(i) a person who obtains a license as provided for in Article 3, paragraph (1), by unlawful means;

二 第十二条第一項の規定に違反した者

(ii) a person who contravenes a provision of Article 12, paragraph (1);

三 第十三条第一項の規定に違反して他人に宅地建物取引業を営ませた者

(iii) a person who has another person engages in the Real Estate Brokerage in contravention of the provisions of Article 13, paragraph (1);

四 第六十五条第二項又は第四項の規定による業務の停止の命令に違反して業務を営んだ者

(iv) a person who engages in operations in contravention of an order for the suspension of operations made under Article 65, paragraph (2) or (4).

第七十九条の二 第四十七条の規定に違反して同条第一号に掲げる行為をした者は、二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 79-2 A person who engages in conduct as listed in item (i) of Article 47 in contravention of the provisions of the same article is liable to imprisonment

with required labor of two years or less or a fine of three million yen or less, or both.

第八十条 第四十七条の規定に違反して同条第二号に掲げる行為をした者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 80 A person who engages in conduct as listed in item (ii) of Article 47 in contravention of the provisions of the same article is liable to imprisonment with required labor of one year or less or a fine of one million yen or less, or both.

第八十条の二 第十六条の八第一項の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

Article 80-2 A person who contravenes the provisions of Article 16-8 paragraph (1) is liable to imprisonment with required labor of one year or less or a fine of one million yen or less.

第八十条の三 第十六条の十五第二項又は第十七条の十四の規定による試験事務又は講習業務の停止の命令に違反したときは、その違反行為をした指定試験機関の役員若しくは職員又は登録講習機関（その者が法人である場合にあつては、その役員）若しくはその職員（第八十三条の二において「指定試験機関等の役員等」という。）は、一年以下の懲役又は百万円以下の罰金に処する。

Article 80-3 If an order for the suspension of Examination Processes or Training Course Operations made under Article 16-15, paragraph (2), or Article 17-14 is contravened, an officer or employee of the Designated Examination Body that engaged in said contravening conduct or the Registered Training Agency that engaged in said contravening conduct (or, if said Registered Training Agency is a corporation, an officer thereof) or an employee thereof (referred to in Article 83-2 as "Officer, etc., of a Designated Examination Body, etc.") is liable to imprisonment with required labor of one year or less, or a fine of one million yen or less.

第八十一条 次の各号のいずれかに該当する者は、六月以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 81 A person falling under either of the following items is liable to imprisonment with required labor of six months or less or a fine of one million yen or less or both:

一 第二十五条第五項（第二十六条第二項において準用する場合を含む。）、第三十二条又は第四十四条の規定に違反した者

(i) a person who contravenes the provisions of Article 25, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 26, paragraph (2)), Article 32, or Article 44;

- 二 第四十七条の規定に違反して同条第三号に掲げる行為をした者
(ii) a person who engages in conduct as listed in item (iii) of Article 47 in contravention of the provisions of the same article.

第八十二条 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 82 A person falling under any of the following items is liable to a fine of one million yen or less:

- 一 第四条第一項の免許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 submits a license application form as provided for in Article 4, paragraph (1), or a document as provided for in paragraph (2) of the same article after making a false statement therein;
- 二 第十二条第二項、第十三条第二項、第十五条第三項又は第四十六条第二項の規定に違反した者
(ii) a person who contravenes a provision of Article 12, paragraph (2); Article 13, paragraph (2); Article 15, paragraph (3); or Article 46 paragraph (2);
- 三 不正の手段によつて第四十一条第一項第一号又は第四十一条の二第一項第一号の指定を受けた者
(iii) a person who obtains a designation as provided for in Article 41, paragraph (1), item (i), or Article 41-2, paragraph (1), item (i), by unlawful means;
- 四 第五十六条第一項の規定に違反して手付金等保証事業以外の事業を営んだ者
(iv) a person who engages in business other than an Earnest Money Guarantee Business in contravention of the provisions of Article 56, paragraph (1);
- 五 第六十条（第六十四条の十七第三項において準用する場合を含む。）の規定に違反して保証委託契約を締結した者
(v) a person who concludes an Indemnity Agreement in contravention of the provisions of Article 60 (including cases where applied mutatis mutandis pursuant to Article 64-17, paragraph (3));
- 六 第六十一条（第六十三条の三第二項において準用する場合を含む。）又は第六十四条の二十の規定による命令に違反した者
(vi) a person who contravenes an order under Article 61 (including cases where applied mutatis mutandis pursuant to Article 63-3, paragraph (2)) or Article 64-20;
- 七 第六十三条の三第二項において準用する第五十六条第一項の規定に違反して手付金等保管事業以外の事業を営んだ者
(vii) a person who engages in business other than an Earnest Money Safekeeping Business in contravention of the provisions of Article 56, paragraph (1), as applied mutatis mutandis pursuant to Article 63-3, paragraph (2);
- 八 第六十三条の三第二項において準用する第五十一条第三項第一号の事業方法書によらないで手付金等保管事業を営んだ者
(viii) a person who engages in an Earnest Money Safekeeping Business without

complying with a statement of business procedures as provided for in Article 51, paragraph (3), item (i), as applied mutatis mutandis pursuant to Article 63-3, paragraph (2).

第八十三条 次の各号のいずれかに該当する者は、五十万円以下の罰金に処する。

Article 83 (1) A person falling under any of the following items is liable to a fine of five hundred thousand yen or less:

一 第九条、第五十条第二項、第五十三条（第六十三条の三第二項において準用する場合を含む。）、第六十三条第二項（第六十三条の三第二項において準用する場合を含む。）又は第七十七条第三項の規定による届出をせず、又は虚偽の届出をした者

(i) a person who fails to provide a notification under Article 9; Article 50, paragraph (2); Article 53 (including cases where applied mutatis mutandis pursuant to Article 63-3, paragraph (2)); Article 63, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 63-3, paragraph (2)); or Article 77, paragraph (3), or provides a false notification;

二 第三十七条、第四十六条第四項、第四十八条第一項又は第五十条第一項の規定に違反した者

(ii) a person who contravenes a provision of Article 37; Article 46, paragraph (4); Article 48, paragraph (1); or Article 50, paragraph (1);

三 第四十五条又は第七十五条の二の規定に違反した者

(iii) a person who contravenes a provision of Article 45 or Article 75-2;

三の二 第四十八条第三項の規定に違反して従業者名簿を備えず、又はこれに同項に規定する事項を記載せず、若しくは虚偽の記載をした者

(iii)-2 a person who fails to prepare a roster of employees in contravention of the provisions of Article 48, paragraph (3), fails to state therein matters as prescribed in the same paragraph, or makes a false statement therein;

四 第四十九条の規定による帳簿を備え付けず、又はこれに同条に規定する事項を記載せず、若しくは虚偽の記載をした者

(iv) a person who fails to maintain a book under Article 49, fails to state therein matters as prescribed in the same article, or makes a false statement therein;

五 第五十条の十二第一項、第六十三条第一項若しくは第三項（これらの規定を第六十三条の三第二項において準用する場合を含む。）、第六十三条の二第一項（第六十三条の三第二項及び第六十四条の十八において準用する場合を含む。）又は第七十二条第一項から第三項までの規定による報告をせず、若しくは事業計画書、事業報告書若しくは資料の提出をせず、又は虚偽の報告をし、若しくは虚偽の記載をした事業計画書、事業報告書若しくは虚偽の資料を提出した者

(v) a person who fails to submit a report under Article 50-12, paragraph (1); Article 63, paragraph (1) or (3) (including cases where these provisions are applied mutatis mutandis pursuant to Article 63-3, paragraph (2)); Article

63-2, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 63-3, paragraph (2), and Article 64-18); or any of Article 72, paragraphs (1) through (3); fails to submit a business plan, business report, or materials; submits a false report; or submits a business plan or business report in which false statements have been made or false materials;

六 第五十条の十二第一項、第六十三条の二第一項（第六十三条の三第二項及び第六十四条の十八において準用する場合を含む。）又は第七十二条第一項若しくは第二項の規定による検査を拒み、妨げ、又は忌避した者

(vi) a person who refuses, impedes, or evades an inspection under Article 50-12, paragraph (1); Article 63-2, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 63-3, paragraph (2), and Article 64-18), or Article 72, paragraph (1) or (2);

七 第六十三条の五の規定に違反して寄託金保管簿を備えず、これに同条に規定する事項を記載せず、若しくは虚偽の記載をし、又は寄託金保管簿を保存しなかつた者

(vii) a person who fails to prepare a trust money safekeeping book in contravention of the provisions of Article 63-5, fails to state therein matters as prescribed in the same paragraph, makes a false statement therein, or fails to retain a trust money safekeeping book.

2 前項第三号の罪は、告訴がなければ公訴を提起することができない。

(2) No prosecution can be brought forth for an offense as provided for in item (iii) of the preceding paragraph unless a complaint has been filed.

第八十三条の二 次の各号のいずれかに該当するときは、その違反行為をした指定試験機関等の役員等は、五十万円以下の罰金に処する。

Article 83-2 An Officer, etc., of a Designated Examination Body, etc., who has engaged in contravening conduct to fall under any of the following items, is liable to a fine of five hundred thousand yen, or less:

一 第十六条の十一又は第十七条の十五の規定に違反して帳簿を備えず、帳簿に記載せず、若しくは帳簿に虚偽の記載をし、又は帳簿を保存しなかつたとき。

(i) when the Officer, etc., of a Designated Examination Body, etc., in contravention of the provisions of Article 16-11 or Article 17-15, fails to prepare a book, fails to state matters therein, makes a false statement therein, or fails to retain said book;

二 第十六条の十三第一項若しくは第二項又は第十七条の十六の規定による報告を求められて、報告をせず、若しくは虚偽の報告をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避したとき。

(ii) when the Officer, etc., of a Designated Examination Body, etc., having been requested to submit a report under Article 16-13, paragraph (1) or (2) or Article 17-16, fails to submit a report, submits a false report, or refuses, impedes, or evades an inspection under said provisions;

三 第十六条の十四第一項の規定による許可を受けなくて試験事務の全部を廃止し、

又は第十七条の十の規定による届出をしないで講習業務の全部を廃止したとき。
(iii) when the Officer, etc., of a Designated Examination Body, etc.,
discontinues Examination Processes in whole without obtaining permission
under Article 16-14, paragraph (1), or discontinues Training Course
Operations in whole without providing a notification under Article 17-10.

第八十四条 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 84 In addition to the imposition of punishment on the offender, if a representative of a corporation or an agent, employee, or other worker of a corporation or individual engages in contravening conduct as provided for in provisions as listed in the following items in connection with the operations of said corporation or individual, said corporation is liable to a fine as prescribed in the relevant item and said individual is liable to a fine as provided for in the relevant article:

一 第七十九条又は第七十九条の二 一億円以下の罰金刑

(i) Article 79 or Article 79-2: fine of one hundred million yen or less;

二 第八十条又は第八十一条から第八十三条まで（同条第一項第三号を除く。） 各本条の罰金刑

(ii) Article 80 or Articles 81 through 83 (excluding paragraph (1), item (iii) of the same article): fine as provided for in the relevant article.

第八十五条 第五十条の十一の規定による命令に違反した者は、三十万円以下の過料に処する。

Article 85 A person contravening an order under Article 50-11 is liable to a non-penal fine of three hundred thousand yen or less.

第八十五条の二 第十七条の十一第一項の規定に違反して財務諸表等を備えて置かず、財務諸表等に記載すべき事項を記載せず、若しくは虚偽の記載をし、又は正当な理由がないのに同条第二項各号の規定による請求を拒んだ者は、二十万円以下の過料に処する。

Article 85-2 A person who fails to prepare Financial Statements in contravention of the provisions of Article 17-11, paragraph (1), fails to state matters that should be stated in Financial Statements, makes false statements therein, or refuses a request under any of the items of paragraph (2) of the same article without a valid reason is liable to a non-penal fine of two hundred thousand yen or less.

第八十六条 第二十二條の二第六項若しくは第七項、第三十五条第四項又は第七十五条

の規定に違反した者は、十万円以下の過料に処する。

Article 86 A person contravening the provisions of Article 22-2, paragraph (6) or (7); Article 35, paragraph (4); or Article 75 is liable to a non-penal fine of one hundred thousand yen or less.

科目 Course	講師 Instructor
<p>一 この法律その他関係法令に関する科目 (i) Course relating to this Act and other relevant laws and regulations</p> <p>二 宅地及び建物の取引に係る紛争の防止に関する科目 (ii) Course relating to the prevention of disputes pertaining to transactions involving Building Lot or building</p>	<p>一 弁護士 (i) Attorney;</p> <p>二 取引主任者であつて、取引主任者として宅地建物取引業に従事した経験を有する者 (ii) Transaction Specialist with experience being engaged in the Real Estate Brokerage as a Transaction Specialist;</p> <p>三 前号に掲げる者と同等以上の知識及び経験を有する者 (iii) Person with knowledge and experience at a level that is at least equal to that of a person as listed in the preceding item.</p>
<p>三 土地の形質、地積、地目及び種別並びに建物の形質、構造及び種別に関する科目 (iii) Course relating to land characteristics, acreage, category, and type and building characteristics, structure, and type</p> <p>四 宅地及び建物の需給に関する科目 (iv) Course relating to demand and supply for Building Lot or building</p> <p>五 宅地及び建物の調査に関する科目 (v) Course relating to investigations of Building Lot or building</p>	<p>一 不動産鑑定士 (i) Real estate appraiser;</p> <p>二 取引主任者であつて、取引主任者として宅地建物取引業に従事した経験を有する者 (ii) Transaction Specialist with experience being engaged in the Real Estate Brokerage as a Transaction Specialist;</p> <p>三 前号に掲げる者と同等以上の知識及び経験を有する者 (iii) Person with knowledge and experience at a level that is at least equal to that of a person as listed in the preceding item.</p>

<p>六 宅地及び建物の取引に係る税務に関する科目 (vi) Course relating to taxation pertaining to transactions involving Building Lot or building</p>	<p>一 税理士 (i) Licensed tax accountant;</p> <p>二 取引主任者であつて、取引主任者として宅地建物取引業に従事した経験を有する者 (ii) Transaction Sspecialist with experience being engaged in the Real Estate Brokerage as a Transaction Specialist;</p> <p>三 前号に掲げる者と同等以上の知識及び経験を有する者 (iii) Person with knowledge and experience at a level that is at least equal to that of a person as listed in the preceding item.</p>
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