

# 金融商品取引法第六章の二の規定による課徴金に関する内閣府令

## Cabinet Office Ordinance on Administrative Monetary Penalty under the Provisions of Chapter VI-2 of the Financial Instruments and Exchange Act

(平成十七年三月四日内閣府令第十七号)

(Cabinet Office Ordinance No. 17 of March 4, 2005)

証券取引法（昭和二十三年法律第二十五号）第百八十五条の九及び第百八十五条の十七の規定に基づき、並びに同法を実施するため、証券取引法第六章の二第二節の規定による審判手続に関する内閣府令を次のように定める。

Pursuant to the provisions of Article 185-9 and Article 185-17 of the Securities and Exchange Act (Act No. 25 of 1948), and for the purpose of enforcing said Act, the Cabinet Office Ordinance on Trial Procedures under the Provisions of Chapter VI-2, Section 2 of the Securities and Exchange Act is established as follows.

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## 第一章 納付命令

### Chapter I Payment Order

（監査報酬額）

(Audit Certification Fee)

第一条 金融商品取引法（昭和二十三年法律第二十五号。以下「法」という。）第百七十二条の三第一項に規定する内閣府令で定める額は、その事業年度（同項に規定する事業年度をいう。次条から第一条の七までにおいて同じ。）に係る法第百九十三条の二第一項に規定する財務計算に関する書類について、当該書類を提出する者が、同項に規定する監査証明（同項第一号又は第二号に規定する監査証明に相当すると認められる証明を含む。）を受ける対価として、公認会計士（公認会計士法（昭和二十三年法律第百三十三号）第十六条の二第五項に規定する外国公認会計士を含む。）又は監査法人（公認会計士法第一条の三第七項に規定する外国監査法人等を含む。）に支払い、又は支払うべき金銭その他の財産の価額の総額とする。

Article 1 The amount specified by Cabinet Office Ordinance prescribed in Article 172-3, paragraph (1) of the Financial Instruments and Exchange Act (Act No. 25 of 1948; hereinafter referred to as the "Act") is the total amount of money or value of other property paid or payable to a certified public accountant (including foreign certified public accountant prescribed in Article 16-2, paragraph (5) of the Certified Public Accountants Act (Act No. 103 of 1948)) or an auditing firm (including foreign auditing firms, etc. prescribed in Article 1-3, paragraph (7) of the Certified Public Accountants Act) as consideration for the audit certification prescribed in Article 193-2, paragraph (1) of the Act (including certification that may be deemed equivalent to the audit certification prescribed in item (i) or item (ii) of that paragraph) for documents on finance calculation prescribed in that paragraph pertaining to the business year (meaning business year set forth in Article 172-3, paragraph (1) of the Act; hereinafter the same applies in the following Article to Article 1-7 inclusive) by the person who submits said documents.

(監査証明を受けるべき直前事業年度がない場合に準ずる場合)

(In Cases Equivalent to Cases Where There Is No Immediately Preceding Business Year for which Audit Certification is Required)

第一条の二 法第百七十二条の三第一項に規定する内閣府令で定める場合は、同項に規定する直前事業年度の日数が同項に規定する有価証券報告書に係る事業年度の日数に満たない場合で、当該直前事業年度における監査報酬額（同項に規定する監査報酬額をいう。次項において同じ。）が四百万円に満たない場合とする。

Article 1-2 (1) The cases specified by Cabinet Office Ordinance prescribed in Article 172-3, paragraph (1) of the Act are cases in which the number of days in the immediately preceding business year prescribed in that paragraph falls short of the number of days in the business year pertaining to the Annual Securities Report set forth in that paragraph, and the Audit Certification Fee (meaning Audit Certification Fee prescribed in that paragraph; the same applies in the following paragraph) for said immediately preceding business year is less than four million yen.

2 法第百七十二条の三第二項に規定する内閣府令で定める場合は、同項に規定する直前事業年度の日数が同項に規定する四半期・半期報告書に係る期間の日数に二を乗じて得た日数に満たない場合で、当該直前事業年度における監査報酬額が四百万円に満たない場合とする。

(2) The cases specified by Cabinet Office Ordinance prescribed in Article 172-3, paragraph (2) of the Act are cases in which the number of days in the immediately preceding business year prescribed in that paragraph falls short of the number of days calculated by multiplying by two the number of days in the period pertaining to the quarterly or semiannual securities report prescribed in that paragraph, and the Audit Certification Fee for said immediately preceding business year is less than four million yen.

(有価証券報告書等の虚偽記載等に係る課徴金の計算における市場価額の総額)

(Total Amount of Market Value in Calculation of Administrative Monetary Penalty for False Statement, etc. in Annual Securities Report, etc.)

第一条の三 法第百七十二条の四第一項第二号イに規定する内閣府令で定めるところにより算出される市場価額の総額は、第一号に掲げる額に第二号に掲げる数を乗じて得た額とする。

Article 1-3 The total amount of the market value calculated pursuant to the provisions of Cabinet Office Ordinance prescribed in Article 172-4, paragraph (1), item (ii), sub-item (a) of the Act is the amount obtained by multiplying the amount specified in item (i) by the number specified in item (ii):

一 イに掲げる額の合計額をロに掲げる数で除した額

(i) the amount obtained by dividing the sum total of the amounts set forth in sub-item (a) by the number specified in sub-item (b):

イ (1) から (4) までに掲げる区分に応じ、それぞれ (1) から (4) までに定める期間における法第百七十二条の四第一項第二号イに規定する算定基準有価証券（以下この条において「算定基準有価証券」という。）の毎日の最終の価格（法第六十七条の十九又は法第百三十条に規定する最終の価格のうち最も高いものをいい、同一の日において同一の有価証券報告書等（法第百七十二条の四第一項に規定する有価証券報告書等をいう。以下この条において同じ。）又は四半期・半期・臨時報告書等（法第百七十二条の四第二項に規定する四半期・半期・臨時報告書等をいう。）に係る内容の異なる数種の算定基準有価証券について異なる最終の価格があるときは、当該日における各最終の価格に対応する発行済みの種類の算定基準有価証券の数又は口数に当該最終の価格を乗じて得た額の合計額を、当該日における発行済みの算定基準有価証券の総数又は総口数（最終の価格がないものを除く。）で除した額をいう。以下この条において同じ。）

(a) the daily closing price of Index Securities for Calculation (hereinafter referred to as "Index Securities for Calculation" in this Article) prescribed in Article 172-4, paragraph (1), item (ii), sub-item (a) of the Act in the respective periods set forth in 1. to 4. inclusive corresponding to the categories listed in 1. to 4. inclusive (meaning the highest among the closing prices prescribed in Article 67-19 of the Act or Article 130 of the Act, and when there are different closing prices for multiple classes of Index Securities for Calculation that are different in content pertaining to the same Annual Securities Report, etc. (meaning Annual Securities Report, etc. prescribed in Article 172-4, paragraph (1) of the Act; hereinafter the same applies in this Article) or quarterly securities report, semiannual securities report or Extraordinary Report, etc. (meaning quarterly securities report, semiannual securities report or Extraordinary Report, etc. prescribed in Article 172-4, paragraph (2) of the Act) as of the same day, the total amount obtained by multiplying the number or the number of units of issued classes of Index Securities for Calculation corresponding to each closing price as of said day by said closing price divided by the total number or total number of units of the issued Index Securities for Calculation as of said day (excluding those without a closing price); hereinafter the same applies in this Article):

(1) 法第百七十二条の四第一項に規定するとき 当該有価証券報告書等に係る法第百八十五条の七第二十九項第一号に定める事業年度の期間

1. the instance set forth in Article 172-4, paragraph (1) of the Act: The period of the business year prescribed in Article 185-7, paragraph (29), item (i) of the Act pertaining to said Annual Securities Report, etc.;

(2) 法第百七十二条の四第二項に規定するとき（法第百八十五条の七第二十九項第二号に規定する四半期報告書又はその訂正報告書において重要な事項につき虚偽の記載があり、又は記載すべき重要な事項の記載が欠けている場合に限る。） 当該四半期報告書に係る期間

2. the instance set forth in Article 172-4, paragraph (2) of the Act (limited to when the quarterly securities report or an amendment report thereof prescribed in Article 185-7, paragraph (29), item (ii) of the Act contains any false statement on important matters or lacks a statement on important matters that must be stated therein): Period pertaining to said quarterly securities report;
    - (3) 法第百七十二条の四第二項に規定するとき（法第百八十五条の七第二十九項第三号に規定する半期報告書又はその訂正報告書において重要な事項につき虚偽の記載があり、又は記載すべき重要な事項の記載が欠けている場合に限る。） 当該半期報告書に係る期間
  3. the instance set forth in Article 172-4, paragraph (2) of the Act (limited to when the semiannual securities report or an amendment report thereof prescribed in Article 185-7, paragraph (29), item (iii) of the Act contains any false statement on important matters or lacks a statement on important matters that should be stated therein): Period pertaining to said semiannual securities report;
    - (4) 法第百七十二条の四第二項（同条第三項において準用する場合を含む。）に規定するとき（法第百八十五条の七第二十九項第四号に規定する臨時報告書又はその訂正報告書において重要な事項につき虚偽の記載があり、又は記載すべき重要な事項の記載が欠けている場合に限る。） 当該臨時報告書を提出した日（法第百七十二条の四第三項に規定する場合にあっては、臨時報告書を提出しなければならない事由が生じた日をいう。以下この号において同じ。）の属する事業年度の開始の日から当該臨時報告書を提出した日までの期間
  4. the instance set forth in Article 172-4, paragraph (2) of the Act (including when it is applied mutatis mutandis pursuant to paragraph (3) of that Article) (limited to when the Extraordinary Report or an amendment report thereof prescribed in Article 185-7, paragraph (29), item (iv) of the Act contains any false statement on important matters or lacks a statement on important matters that should be stated therein): Period from the first day of the business year to which the submission date of said Extraordinary Report belongs (in the case prescribed in Article 172-4, paragraph (3) of the Act, meaning the day on which circumstances for the submission of an Extraordinary Report have arisen; hereinafter the same applies in this item) to the submission date of said Extraordinary Report.
- ロ イ（１）から（４）までに掲げる区分に応じ、それぞれ（１）から（４）までに定める期間において最終の価格が公表された日の数
- (b) the number of days on which the closing price was publicized in the respective periods set forth in (1) to (4) inclusive of sub-item (a) corresponding to the categories listed in 1. to 4. inclusive thereof.

二 前号イ（１）から（４）までに掲げる区分に応じ、それぞれ（１）から（４）までに定める期間におけるイに掲げる数の合計をロに掲げる数で除した数

(ii) the amount obtained by dividing the sum of the numbers listed in sub-item (a) of the preceding item in the respective periods set forth in 1. to 4. inclusive of sub-item (a) of that item corresponding to the categories listed in 1. to 4. inclusive thereof by the number specified in sub-item (b):

イ 最終の価格が公表された日における発行済みの算定基準有価証券の総数又は総口数（最終の価格がないものを除く。）

(a) the total number or the total number of units of issued Index Securities for Calculation as of the day on which the closing price was publicized (excluding those without a closing price);

ロ 最終の価格が公表された日の数

(b) the number of days on which closing price was publicized.

（貸借対照表）

(Balance Sheet)

第一条の四 金融商品取引法施行令（昭和四十年政令第三百二十一号。以下「令」という。）第三十三条の五の三に規定する内閣府令で定める貸借対照表は、次の各号に掲げる区分に応じ、当該各号に定めるものとする。

Article 1-4 The balance sheet specified by Cabinet Office Ordinance prescribed in Article 33-5-3 of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965; hereinafter referred to as the "Order") is to be as prescribed in the following items corresponding to the categories set forth respectively in those items:

一 法第七十二条の四第一項に規定するとき 前条第一号イ（１）に定める事業年度に係る有価証券報告書（法第二十四条第一項（同条第五項において準用し、及びこれらの規定を法第二十七条において準用する場合を含む。）に規定する有価証券報告書をいう。次号、第一条の六及び第一条の七において同じ。）に記載されている当該事業年度に係る連結貸借対照表（連結貸借対照表が記載されていないときは、貸借対照表。以下この条から第一条の七までにおいて同じ。）

(i) the instance prescribed in Article 172-4, paragraph (1) of the Act:

Consolidated balance sheet for the business year prescribed in item (i), sub-item (a), 1. of the preceding Article contained in the Annual Securities Report (meaning Annual Securities Report prescribed in Article 24, paragraph (1) of the Act (including when it is applied mutatis mutandis pursuant to paragraph (5) of that Article and when these provisions are applied mutatis mutandis pursuant to Article 27 of the Act); hereinafter the same applies in the following item, Article 1-6 and Article 1-7) for said business year (when the Annual Securities Report does not contain a consolidated balance sheet, the balance sheet; hereinafter the same applies in this Article to Article 1-7 inclusive);

二 法第百七十二条の四第二項（同条第三項において準用する場合を含む。）に規定するとき 前条第一号イ（２）から（４）までに定める期間の属する事業年度の直前事業年度に係る有価証券報告書に記載されている当該直前事業年度に係る連結貸借対照表

(ii) the instance prescribed in Article 172-4, paragraph (2) of the Act (including when it is applied mutatis mutandis pursuant to paragraph (3) of that Article): Consolidated balance sheet for the business year immediately preceding the business year to which the period set forth in item (i), sub-item (a), 2. to 4. inclusive of the preceding Article belongs contained in the Annual Securities Report for said immediately preceding business year;

三 法第百七十二条の十一第一項に規定するとき 当該虚偽等のある発行者等情報（同項に規定する虚偽等のある発行者等情報をいう。以下この号及び第一条の八第一号において同じ。）に係る法第百八十五条の七第二十九項第五号に規定する事業年度（当該虚偽等のある発行者等情報（訂正発行者情報（法第二十七条の三十二第三項に規定する訂正発行者情報をいう。以下同じ。）である場合には、当該訂正発行者情報に係る発行者情報（法第二十七条の三十二第一項に規定する発行者情報をいう。以下同じ。））が当該事業年度の終了前に提供され、又は公表されたものである場合には、当該事業年度の直前事業年度）の末日における連結貸借対照表又はこれに準ずるもの（発行者情報に表示されたものに限る。）

(iii) the instance prescribed in Article 172-11, paragraph (1) of the Act:

Consolidated balance sheet or documents equivalent thereto (limited to those indicated in Issuer's Information) as at the last day of the business year prescribed in Article 185-7, paragraph (29), item (v) of the Act pertaining to the Issuer's Information Containing Fake Information, etc. (meaning Issuer's Information Containing Fake Information, etc. prescribed in Article 172-11, paragraph (1); hereinafter the same applies in this item and Article 1-8, (i)) (if said Issuer's Information Containing Fake Information, etc. (in the case of Amended Issuer's Information (meaning Amended Issuer's Information prescribed in Article 27-32, paragraph (3) of the Act; the same applies hereinafter), meaning Issuer's Information (meaning Issuer's Information prescribed in Article 27-32, paragraph (1) of the Act; the same applies hereinafter) on said Amended Issuer's Information) was provided or publicized before the end of said business year, the business year immediately preceding said business year).

（投資者の投資判断に重要な影響を及ぼす事項）

(Matters That May Have Material Influence on Investors' Investment Decisions)

第一条の五 法第百七十二条の四第三項に規定する内閣府令で定める事項は、次の各号に掲げる事項とする。

Article 1-5 Matters specified by Cabinet Office Ordinance prescribed in Article

172-4, paragraph (3) of the Act are the following matters:

一 企業内容等の開示に関する内閣府令（昭和四十八年大蔵省令第五号）第十九条第二項各号（同条第三項において準用する場合を含む。）に定める事項

(i) matters set forth in the items of Article 19, paragraph (2) of the Cabinet Office Ordinance concerning Disclosure of Corporate Affairs, etc. (Ordinance of the Ministry of Finance No. 5 of 1973) (including when it is applied *mutatis mutandis* pursuant to paragraph (3) of that Article);

二 企業内容等の開示に関する内閣府令第十九条の二各号に定める部分に記載すべき事項又は当該各号に定める部分に記載された内容に生じた変更の内容

(ii) matters to be stated in the sections set forth in the items of Article 19-2 of the Cabinet Office Ordinance concerning Disclosure of Corporate Affairs, etc. or the description of changes that have arisen in the matters stated in the sections set forth in said items;

三 外国債等の発行者の内容等の開示に関する内閣府令（昭和四十七年大蔵省令第二十六号）第十六条各号に掲げる事項

(iii) matters specified in the items of Article 16 of the Cabinet Office Ordinance on Disclosure of Profile, etc. of Issuers of Foreign National Government Bonds, etc. (Ordinance of the Ministry of Finance No. 26 of 1972); and

四 特定有価証券の内容等の開示に関する内閣府令（平成五年大蔵省令第二十二号）第二十九条第二項各号（同条第五項において読み替えて適用する場合を含む。）に定める事項

(iv) matters specified in the items of Article 29, paragraph (2) of the Cabinet Office Ordinance on Disclosure of Description, etc. of Regulated Securities (Ordinance of the Ministry of Finance No. 22 of 1993) (including when it is applied by replacing the terms pursuant to paragraph (5) of that Article).

（最終の価格がない場合にこれに相当するもの）

(Price Equivalent to Closing Price When Closing Price Does Not Exist)

第一条の六 法第百七十二条の六第一項第一号に規定する内閣府令で定める額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

Article 1-6 The amount specified by Cabinet Office Ordinance prescribed in Article 172-6, paragraph (1), item (i) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 株券等（法第百七十二条の五に規定する株券等をいう。以下この条において同じ。）又は上場株券等（法第百七十二条の五に規定する上場株券等をいう。以下この条において同じ。）が上場有価証券等（金融商品取引所（法第二条第十六項に規定する金融商品取引所をいう。以下同じ。）に上場されている有価証券、店頭売買有価証券（同条第八項第十号ハに規定する店頭売買有価証券をいう。以下同じ。）又は取扱有価証券（法第六十七条の十八第四号に規定する取扱有価証券をいう。以下同じ。）をいう。以下この章において同じ。）である場合 法第百七十二条の六第一項第一号に規定する公開買付開始公告を行った日前の直前に金融商品取引所又



は認可金融商品取引業協会（法第二条第十三項に規定する認可金融商品取引業協会をいう。以下同じ。）が公表した価格

- (i) when Share Certificates, etc. (meaning Share Certificates, etc. prescribed in Article 172-5 of the Act; hereinafter the same applies in this Article) or Listed Share Certificates, etc. (meaning Listed Share Certificates, etc. prescribed in Article 172-5 of the Act; hereinafter the same applies in this Article) are Listed Securities, etc. (meaning Securities listed on a Financial Instruments Exchange (meaning Financial Instruments Exchange prescribed in Article 2, paragraph (16) of the Act; the same applies hereinafter), Over-the-Counter Traded Securities (meaning Over-the-Counter Traded Securities prescribed in paragraph (8), item (x), (c) of that Article; the same applies hereinafter) or Tradable Securities (meaning Tradable Securities prescribed in Article 67-18, item (iv) of the Act; the same applies hereinafter); hereinafter the same applies in this Chapter): The latest price publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association (meaning Authorized Financial Instruments Firms Association prescribed in Article 2, paragraph (13) of the Act; the same applies hereinafter) before the day on which the Public Notice for Commencing Tender Offer prescribed in Article 172-6, paragraph (1), item (i) of the Act was given;

二 株券等又は上場株券等が上場有価証券等以外の有価証券（以下この章において「非上場有価証券」という。）である場合 イに掲げる額をロに掲げる数で除して得た額

- (ii) when Share Certificates, etc. or Listed Share Certificates, etc. are Securities other than Listed Securities, etc. (hereinafter referred to as "Unlisted Securities" in this Chapter): The amount obtained by dividing the amount specified in sub-item (a) by the number specified in sub-item (b):

イ 法第百七十二条の六第一項第一号に規定する公開買付開始公告を行った日の属する事業年度の直前事業年度に係る株券等又は上場株券等に係る有価証券報告書に記載されている当該直前事業年度に係る連結貸借対照表に計上されている資産の額の合計額から負債の額の合計額を控除して得た額

- (a) the amount obtained by deducting the total amount of liabilities from the total amount of assets accounted for in the consolidated balance sheet for the business year immediately preceding the business year in which the day on which the Public Notice for Commencing Tender Offer prescribed in Article 172-6, paragraph (1), item (i) of the Act was given belongs that is stated in the Annual Securities Report for Share Certificates, etc. or Listed Share Certificates, etc. for said immediately preceding business year;

ロ 法第百七十二条の六第一項第一号に規定する公開買付開始公告を行った日の前日における発行済みの株券等又は上場株券等の総数又は総口数

- (b) total number or total number of units of issued Share Certificates, etc. or

Listed Share Certificates, etc. as at the day before the day on which the Public Notice for Commencing Tender Offer prescribed in Article 172-6, paragraph (1), item (i) of the Act was given.

(株券に準ずる有価証券等)

(Securities, etc. Equivalent to Share Certificates)

第一条の七 法第百七十二条の七第一号及び法第百七十二条の八第一号に規定する内閣府令で定める有価証券は、次に掲げる有価証券とする。

Article 1-7 (1) Securities specified by Cabinet Office Ordinance prescribed in Article 172-7, item (i) of the Act and Article 172-8, item (i) of the Act are the following Securities:

一 外国の者の発行する証券又は証書で株券の性質を有するもの

(i) securities or certificates that have the nature of share certificates which have been issued by a foreign person; and

二 令第一条の四第一号に規定する投資証券等

(ii) investment securities, etc. prescribed in Article 1-4, item (i) of the Order.

2 法第百七十二条の七第一号及び法第百七十二条の八第一号に規定する内閣府令で定める数は、発行済投資口の総数とする。

(2) The number specified by Cabinet Office Ordinance prescribed in Article 172-7, item (i) of the Act and Article 172-8, item (i) of the Act is the total number of Issued Investment Equity.

3 法第百七十二条の七第一号に規定する内閣府令で定めるところにより算出した額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

(3) The amount calculated pursuant to the provisions of Cabinet Office Ordinance prescribed in Article 172-7, item (i) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 当該発行者が発行する株券又は第一項各号に掲げる有価証券が上場有価証券等である場合 イに掲げる額にロに掲げる数を乗じて得た額

(i) when the share certificates issued by the Issuer or the Securities specified in the items of paragraph (1) are Listed Securities, etc.: The amount obtained by multiplying the amount specified in sub-item (a) by the number specified in sub-item (b):

イ 法第百七十二条の七に規定する大量保有・変更報告書の提出期限（以下この項において「基準日」という。）の翌日後の直近に金融商品取引所又は認可金融商品取引業協会が公表した価格

(a) the latest price publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association subsequent to the day following the time limit for the Report of Possession of Large Volume or Change Report to be submitted as prescribed in Article 172-7 of the Act (hereinafter referred to as "Reference Date" in this paragraph);

ロ 基準日の翌日における当該発行者の発行済株式又は発行済投資口の総数

(b) the total number of issued shares or Issued Investment Equity of the Issuer as at the day following the Reference Date.

二 当該発行者が発行する株券又は第一項各号に掲げる有価証券が非上場有価証券である場合 基準日の属する事業年度の直前事業年度に係る当該発行者が発行する株券等（法第百七十二条の七第一号に規定する株券等をいう。以下この条において同じ。）に係る有価証券報告書に記載されている当該直前事業年度に係る連結貸借対照表に計上されている資産の額の合計額から負債の額の合計額を控除して得た額

(ii) when the share certificates issued by the Issuer or the Securities specified in the items of paragraph (1) are Unlisted Securities, etc.: The amount obtained by deducting the total amount of liabilities from the total amount of assets accounted for in the consolidated balance sheet for the business year immediately preceding the business year in which the Reference Date belongs that is stated in the Annual Securities Report for Share Certificates, etc. (meaning Share Certificates, etc. prescribed in Article 172-7, item (i) of the Act; hereinafter the same applies in this Article) issued by said Issuer for said immediately preceding business year.

4 法第百七十二条の八第一号に規定する内閣府令で定めるところにより算出した額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

(4) The amount calculated pursuant to the provisions of Cabinet Office Ordinance prescribed in Article 172-8, item (i) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 当該発行者が発行する株券又は第一項各号に掲げる有価証券が上場有価証券等である場合 イに掲げる額にロに掲げる数を乗じて得た額

(i) when the share certificates issued by the Issuer or the Securities specified in the items of paragraph (1) are Listed Securities, etc.: The amount obtained by multiplying the amount specified in sub-item (a) by the number specified in sub-item (b):

イ 法第百七十二条の八に規定する大量保有・変更報告書等が提出された日（以下この項において「基準日」という。）の翌日後の直近に金融商品取引所又は認可金融商品取引業協会が公表した価格

(a) the latest price publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association subsequent to the day following the day on which the Report of Possession of Large Volume or Change Report, etc. prescribed in Article 172-8 of the Act was submitted (hereinafter referred to as "Reference Date" in this paragraph);

ロ 基準日の翌日における当該発行者の発行済株式又は発行済投資口の総数

(b) the total number of issued shares or Issued Investment Equity of the Issuer as at the day following the Reference Date.

二 当該発行者が発行する株券又は第一項各号に掲げる有価証券が非上場有価証券である場合 基準日の属する事業年度の直前事業年度に係る当該発行者が発行する株券等に係る有価証券報告書に記載されている当該直前事業年度に係る連結貸借対照

表に計上されている資産の額の合計額から負債の額の合計額を控除して得た額  
(ii) when the share certificates issued by the Issuer or the Securities specified in the items of paragraph (1) are Unlisted Securities, etc.: The amount obtained by deducting the total amount of liabilities from the total amount of assets accounted for in the consolidated balance sheet for the business year immediately preceding the business year in which the Reference Date belongs that is stated in the Annual Securities Report for Share Certificates, etc. issued by said Issuer for said immediately preceding business year.

(発行者等情報の虚偽等に係る課徴金の計算における市場価額の総額)

(Total Amount of Market Value in Calculation of Administrative Monetary Penalty for Fake Information, etc. Contained in Issuer's Information, etc.)

第一条の八 法第七十二条の十一第一項第一号ロ（１）に規定する内閣府令で定めるところにより算出される市場価額の総額は、第一号に掲げる額に第二号に掲げる数を乗じて得た額とする。

Article 1-8 The total amount of the market value calculated pursuant to the provisions of Cabinet Office Ordinance prescribed in Article 172-11, paragraph (1), item (i), sub-item (b), 1. of the Act is the amount obtained by multiplying the amount specified in item (i) by the number specified in item (ii):

一 イに掲げる額の合計額をロに掲げる数で除した額

(i) the amount obtained by dividing the sum total of the amount set forth in sub-item (a) by the number specified in sub-item (b):

イ 当該虚偽等のある発行者等情報に係る法第八十五条の七第二十九項第五号に規定する事業年度（当該虚偽等のある発行者等情報が当該事業年度の終了前に提供され、又は公表されたものである場合には、当該事業年度の開始の日から当該虚偽等のある発行者等情報が提供され、又は公表された日までの期間）における法第七十二条の十一第一項第一号ロ（１）に規定する算定基準有価証券（以下この条において「算定基準有価証券」という。）の毎日の最終の価格（法第六十七条の十九又は法第三十条に規定する最終の価格のうち最も高いものをいい、同一の日において同一の発行者等情報に係る内容の異なる数種の算定基準有価証券について異なる最終の価格があるときは、当該日における各最終の価格に対応する発行済みの種類の算定基準有価証券の数又は口数に当該最終の価格を乗じて得た額の合計額を、当該日における発行済みの算定基準有価証券の総数又は総口数（最終の価格がないものを除く。）で除した額をいう。以下この条において同じ。）

(a) the daily closing price of Index Securities for Calculation (hereinafter referred to as "Index Securities for Calculation" in this Article) prescribed in Article 172-11, paragraph (1), item (i), sub-item (b), 1. of the Act in the business year prescribed in Article 185-7, paragraph (29), item (v) of the Act (if the Issuer's Information Containing Fake Information, etc. was provided or publicized before the end of said business year, the period from

the first day of said business year to the day on which said Issuer's Information Containing Fake Information, etc. was provided or publicized) pertaining to the Issuer's Information Containing Fake Information, etc. (meaning the highest among the closing prices prescribed in Article 67-19 of the Act or Article 130 of the Act, and when there are different closing prices for multiple classes of Index Securities for Calculation that are different in content pertaining to the same Issuer's Information, etc. as of the same day, the amount obtained by multiplying the number or the number of units of issued classes of Index Securities for Calculation corresponding to each closing price as of said day by said closing price divided by the total number or total number of units of the issued Index Securities for Calculation as of said day (excluding those without a closing price); hereinafter the same applies in this Article);

ロ 最終の価格が公表された日の数

(b) the number of days on which closing price was publicized.

二 イに掲げる数の合計をロに掲げる数で除した数

(ii) the amount obtained by dividing the sum total of the number set forth in sub-item (a) by the number specified in sub-item (b):

イ 前号に定める期間において最終の価格が公表された日における発行済みの算定基準有価証券の総数又は総口数（最終の価格がないものを除く。）

(a) The total number or the total number of units of issued Index Securities for Calculation as of the day on which the closing price was publicized in the period set forth in the preceding item (excluding those without a closing price);

ロ 最終の価格が公表された日の数

(b) The number of days on which closing price was publicized.

(風説の流布又は偽計に係る課徴金の計算における最低の価格がない場合にこれに相当するもの等)

(Price Equivalent to the Lowest Price in Calculation of Administrative Monetary Penalty for Dissemination of Unfounded Rumors or Trading by Fraudulent Means When the Lowest Price Does Not Exist)

第一条の九 法第百七十三条第一項第一号ロに規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

Article 1-9 (1) The price specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (1), item (i), sub-item (b) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:

一 有価証券の買付け等（法第百七十三条第三項に規定する有価証券の買付け等をいう。以下この条及び次条において同じ。）が上場有価証券等の買付け又は市場デリバティブ取引（法第二条第二十一項に規定する市場デリバティブ取引をいう。以下

同じ。)である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も低い価格

- (i) when the Purchase, etc. of Securities (meaning Purchase, etc. of Securities prescribed in Article 173, paragraph (3) of the Act; hereinafter the same applies in this Article and the following Article) is the purchase of Listed Securities, etc. or Market Derivatives Transaction (meaning Market Derivatives Transaction prescribed in Article 2, paragraph (21) of the Act; the same applies hereinafter): The lowest price among indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;
- 二 有価証券の買付け等が非上場有価証券の買付け、店頭デリバティブ取引（法第二条第二十二項に規定する店頭デリバティブ取引をいう。以下同じ。）又は外国市場デリバティブ取引（同条第二十三項に規定する外国市場デリバティブ取引をいう。以下同じ。）である場合 金融商品取引所に上場されている有価証券等（法第百五十八条に規定する有価証券等をいう。以下この条及び次条において同じ。）、店頭売買有価証券又は取扱有価証券であって違反行為（法第百七十三条第一項に規定する違反行為をいう。以下この条及び次条において同じ。）に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最低の価格（法第六十七条の十九又は法第百三十条に規定する最低の価格をいい、当該価格がない場合にあっては、金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も低い価格とする。以下この章において同じ。）に基づき合理的な方法により算出した価格
- (ii) when the Purchase, etc. of Securities is the purchase of Unlisted Securities, Over-the-Counter Derivatives Transaction (meaning Over-the-Counter Derivatives Transactions prescribed in Article 2, paragraph (22) of the Act; the same applies hereinafter) or Foreign Market Derivatives Transactions (meaning Foreign Market Derivatives Transactions prescribed in paragraph (23) of that Article; the same applies hereinafter): Price calculated by a reasonable method based on the lowest price (meaning the lowest price prescribed in Article 67-19 of the Act or Article 130 of the Act, and when there is no such price, the lowest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association; hereinafter the same applies in this Chapter) of Securities, etc. listed on a Financial Instruments Exchange (meaning Securities, etc. prescribed in Article 158 of the Act; the same applies in this Article and the following Article), Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation (meaning Act of Violation prescribed in Article 173, paragraph (1) of the Act; hereinafter the same applies in this Article and the following Article).

2 法第百七十三条第一項第一号ロに規定する内閣府令で定める額は、違反行為が終了した日における最低の価格（当該違反行為が終了した後のものに限る。）とする。ただし、当該最低の価格がない場合は、金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて当該違反行為が終了した日に金融商品取引所又は認可金融商品取引業協会が公表した最低の価格（当該違反行為が終了した後のものに限る。）に基づき合理的な方法により算出した価格とする。

(2) The amount specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (1), item (i), sub-item (b) of the Act is the lowest price as at the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation); provided, however, that when there is no such lowest price, it is the price calculated by a reasonable method based on the lowest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation on the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation).

3 法第百七十三条第一項第二号イに規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

(3) The price specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (1), item (ii), sub-item (a) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:

一 有価証券の売付け等（法第百七十三条第二項に規定する有価証券の売付け等をいう。以下この条及び次条において同じ。）が上場有価証券等の売付け又は市場デリバティブ取引である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格

(i) when Sales, etc. of Securities (meaning Sales, etc. of Securities prescribed in Article 173, paragraph (2) of the Act; hereinafter the same applies in this Article and the following Article) are sales of Listed Securities, etc. or Market Derivatives Transaction: The highest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;

二 有価証券の売付け等が非上場有価証券の売付け、店頭デリバティブ取引又は外国市場デリバティブ取引である場合 金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最高の価格（法第六十七条の十九又は法第百三十条に規定する最高の価格をいい、当該価格がない場合にあっては、金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格とする。以下この章において同じ。）に基づき合理的な方法により算出した価格

(ii) when Sales, etc. of Securities are sales of Unlisted Securities, Over-the-Counter Derivatives Transaction or Foreign Market Derivatives Transactions: Price calculated by a reasonable method based on the highest price (meaning the highest price prescribed in Article 67-19 of the Act or Article 130 of the Act, and when there is no such price, the highest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association; hereinafter the same applies in this Chapter) of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation.

4 法第百七十三条第一項第二号イ及び第三号イに規定する内閣府令で定める額は、違反行為が終了した日における最高の価格（当該違反行為が終了した後のものに限る。）とする。ただし、当該最高の価格がない場合は、金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて当該違反行為が終了した日に金融商品取引所又は認可金融商品取引業協会が公表した最高の価格（当該違反行為が終了した後のものに限る。）に基づき合理的な方法により算出した価格とする。

(4) The amount specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (1), item (ii), sub-item (a) and item (iii), sub-item (a) of the Act is the highest price as at the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation); provided, however, that when there is no such highest price, it is the price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation on the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation).

5 法第百七十三条第一項第三号イに規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

(5) The price specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (1), item (iii), sub-item (a) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:

一 違反行為に係る有価証券が上場有価証券等である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格

(i) when the Securities pertaining to the Act of Violation are Listed Securities, etc.: The highest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;



二 違反行為に係る有価証券が非上場有価証券である場合 金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最高の価格に基づき合理的な方法により算出した価格

(ii) when the Securities pertaining to the Act of Violation are Unlisted Securities: Price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation.

(風説の流布又は偽計に係る課徴金の計算における手数料等の額)

(Amount of Fees, etc. in Calculation of Administrative Monetary Penalty for Dissemination of Unfounded Rumors or Trading by Fraudulent Means)

第一条の十 法第百七十三条第一項第四号に規定する内閣府令で定める額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

Article 1-10 (1) The amount specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (1), item (iv) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 違反者（法第百七十三条第一項に規定する違反者をいう。以下この条及び次条において同じ。）が、運用財産（法第三十五条第一項第十五号に規定する運用財産をいう。以下同じ。）の運用として法第百七十三条第一項第四号の有価証券の売付け等又は有価証券の買付け等をした場合 イに掲げる額にロに掲げる額を乗じた額をハに掲げる額で除して得た額

(i) if a Violator (meaning Violator prescribed in Article 173, paragraph (1) of the Act; hereinafter the same applies in this Article and the following Article) has conducted Sales, etc. of Securities or Purchase, etc. of Securities referred to in Article 173, paragraph (1), item (iv) of the Act as an investment of Investment Property (meaning Investment Property prescribed in Article 35, paragraph (1), item (xv); the same applies hereinafter): The amount obtained by multiplying the amount specified in sub-item (a) by the amount specified in sub-item (b) divided by the amount set forth in sub-item (c):

イ 当該有価証券の売付け等又は有価証券の買付け等のうち違反行為に係る有価証券等に係るもの（以下この条において「算定対象取引」という。）が行われた月について違反者に当該運用財産の運用の対価として支払われ、又は支払われるべき金銭その他の財産（当該運用が法第二条第一項第十号に規定する投資信託の受益証券に表示される権利を有する者から拠出を受けた金銭その他の財産の運用である場合にあっては、当該受益証券の募集の取扱い（法第二条第八項第九号に規定する有価証券の募集の取扱いをいう。以下同じ。）又は私募の取扱い（法第二条第八項第九号に規定する有価証券の私募の取扱いをいう。以下同じ。）を行う

金融商品取引業者等（法第三十四条に規定する金融商品取引業者等をいう。以下同じ。）に当該募集の取扱い又は私募の取扱いの対価として支払われ、又は支払われるべき金銭その他の財産を除く。以下この号において「運用報酬」という。）の価額（運用報酬の算定の基礎となる期間（以下この号において「運用報酬算定期間」という。）が一月を超える場合にあっては、当該運用報酬を当該運用報酬算定期間の月数で除す方法その他の合理的な方法により算出した額（算定対象取引が行われた月の末日のうち最も遅い日（以下この号において「基準日」という。）において運用報酬算定期間が終了していないときは、当該運用報酬算定期間が当該基準日において終了したものとみなして合理的な方法により算出した額）に、算定対象取引が行われた月数を乗じて得た額）の総額

- (a) the total amount of money or the value of other property paid or payable to the Violator as consideration for the investment of said Investment Property (when said investment is an investment of money or other property contributed from a person who holds the rights indicated in the beneficiary certificates of investment trusts prescribed in Article 2, paragraph (1), item (x) of the Act, excluding money and other property paid or payable to a Financial Instruments Business Operator, etc. (meaning Financial Instruments Business Operator, etc. prescribed in Article 34 of the Act; the same applies hereinafter) who deals in the public offering (meaning dealing in the Public Offering of Securities prescribed in Article 2, paragraph (8), item (ix) of the Act; the same applies hereinafter) or the private placement (meaning dealing in the Private Placement of Securities prescribed in Article 2, paragraph (8), item (ix) of the Act; the same applies hereinafter) of said beneficiary certificates as consideration for dealing in said public offering or private placement; hereinafter referred to as "Investment Fee" in this item) for the month in which the Sales, etc. of Securities or Purchase, etc. of Securities pertaining to the Act of Violation (hereinafter referred to as "Transaction Subject to Calculation" in this Article) was performed (if the period serving as the basis of calculation of the Investment Fee (hereinafter referred to as "Investment Fee Calculation Period" in this item) exceeds one month, the amount obtained by dividing said Investment Fee by the number of months in the Investment Fee Calculation Period or other reasonable method (when the Investment Fee Calculation Period has not yet ended as of the latest date among the last day of the month in which Transaction Subject to Calculation was performed (hereinafter referred to as "Reference Date" in this item), the amount calculated by a reasonable method by presuming that said Investment Fee Calculation Period had ended as of the Reference Date), multiplied by the number of months in which Transaction Subject to Calculation was performed);

ロ 違反行為の開始時から違反行為の終了後一月を経過するまでの間の当該運用財

産である算定対象取引の銘柄の総額のうち最も高い額

(b) the highest among the total amounts of issues of said Investment

Property in Transaction Subject to Calculation during the period between the time of the commencement of the Act of Violation and the time when one month has elapsed from the completion thereof;

ハ 基準日における当該運用財産の総額

(c) the total amount of said Investment Property as at the Reference Date.

二 前号に掲げる場合以外の場合 算定対象取引について金融商品取引行為（法第三十四条に規定する金融商品取引行為をいい、法第二十八条第四項各号に掲げる行為を除く。以下この章において同じ。）の対価として違反者に支払われ、又は支払われるべき金銭その他の財産の価額（当該価額が算定対象取引ごとに計算される場合以外の場合にあっては、当該価額に基づき、当該価額の算定の基礎となる期間における算定対象取引に係る金融商品取引契約（法第三十四条に規定する金融商品取引契約をいう。以下同じ。）に基づく金融商品取引行為に係る取引総額に占める算定対象取引の総額の割合に応じて按分する方法その他の当該金融商品取引契約に係る取引の状況に応じた合理的な方法により算出した額）の総額

(ii) in cases other than those set forth in the preceding item: The total amount of money or the value of other property paid or payable to the Violator as consideration for an Act of Financial Instruments Transaction (meaning Act of Financial Instruments Transaction prescribed in Article 34 of the Act, excluding the acts listed in the items of Article 28, paragraph (4) of the Act; hereinafter the same applies in this Chapter) for a Transaction Subject to Calculation (in cases other than those in which said value is calculated with respect to each Transaction Subject to Calculation, the amount calculated by prorating the value in proportion to the ratio of the total amount of the Transaction Subject to Calculation to the total transaction amount pertaining to the Act of Financial Instruments Transaction under the Contract for Financial Instruments Transaction (meaning Contract for Financial Instruments Transaction prescribed in Article 34 of the Act; the same applies hereinafter) for the Transaction Subject to Calculation in the period serving as the basis of calculation of said value or other reasonable method corresponding to the status of transaction pertaining to said Contract for Financial Instruments Transaction).

2 前項第一号イの月数は、暦に従って計算し、一月に満たない端数を生じたときは、これを一月とする。

(2) The number of months referred to in item (i), sub-item (a) of the preceding paragraph is calculated in accordance with the calendar, and if a fraction of less than one month occurs, such fraction is counted as one month.

(風説の流布又は偽計に係る課徴金の計算における違反者と密接な関係を有する者等)

(Persons, etc. Closely Related to Violator in Calculation of Administrative Monetary Penalty for Dissemination of Unfounded Rumors or Trading by Fraudulent Means)

第一条の十一 法第七百七十三条第五項第一号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

Article 1-11 (1) The persons specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (5), item (i) of the Act are the following persons:

一 違反者の親会社（財務諸表等の用語、様式及び作成方法に関する規則（昭和三十八年大蔵省令第五十九号）第八条第三項に規定する親会社をいう。以下同じ。）

(i) Parent Company (meaning Parent Company prescribed in Article 8, paragraph (3) of the Ordinance on Terminology, Forms, and Preparation Methods of Financial Statements (Ordinance of the Ministry of Finance No. 59 of 1963); the same applies hereinafter) of the Violator;

二 違反者の子会社（財務諸表等の用語、様式及び作成方法に関する規則第八条第三項に規定する子会社をいう。以下同じ。）

(ii) Subsidiary (meaning Subsidiary prescribed in Article 8, paragraph (3) of the Ordinance on Terminology, Forms, and Preparation Methods of Financial Statements); the same applies hereinafter) of the Violator;

三 違反者と同一の親会社をもつ会社等（財務諸表等の用語、様式及び作成方法に関する規則第八条第三項に規定する会社等をいう。以下同じ。）

(iii) Company, etc. (meaning company, etc. prescribed in Article 8, paragraph (3) of the Ordinance on Terminology, Forms, and Preparation Methods of Financial Statements; the same applies hereinafter) whose Parent Company is the same as the Violator; and

四 違反者（個人に限る。以下この号において同じ。）の同族会社（法人税法（昭和四十年法律第三十四号）第二条第十号に規定する同族会社をいい、違反者が支配していないことが明らかであると認められる会社を除く。）

(iv) Family Company (meaning Family Company prescribed in Article 2, item (x) of the Corporation Tax Act (Act No. 34 of 1965), excluding companies that are clearly found not to be controlled by the Violator) of the Violator (limited to individuals; hereinafter the same applies in this item).

2 法第七百七十三条第五項第二号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

(2) The persons specified by Cabinet Office Ordinance prescribed in Article 173, paragraph (5), item (ii) of the Act are the following persons:

一 違反者（個人に限る。）の親族

(i) relative of the Violator (limited to individuals);

二 違反者（個人に限る。）と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(ii) person who has not submitted a notification of marriage but is in a situation similar to a de-facto marriage relationship with the Violator

(limited to individuals);

三 違反者の役員、代理人、使用人その他の従業者（以下この章において「役員等」という。）

(iii) officer, agent, employee or other worker (hereinafter referred to as "Officers, etc." in this Chapter) of the Violator;

四 前三号に掲げる者以外の者で違反者（個人に限る。）から受ける金銭その他の資産によって生計を維持しているもの

(iv) person other than those listed in the preceding three paragraphs whose livelihood is supported by money or other assets received from the Violator (limited to individuals); and

五 前三号に掲げる者と生計を一にするこれらの者の親族

(v) relative who shares livelihood with the persons listed in the preceding three paragraphs.

（仮装売買等による相場操縦行為に係る課徴金の計算における最低の価格がない場合にこれに相当するもの等）

(Price, etc. Equivalent to the Lowest Price in Calculation of Administrative Monetary Penalty for Market Manipulation through a Fake Purchase and Sale, etc. When the Lowest Price Does Not Exist)

第一条の十二 法第七十四条第一項第一号ロに規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

Article 1-12 (1) The price specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (1), item (i), sub-item (b) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:

一 有価証券の買付け等（法第七十四条第三項に規定する有価証券の買付け等をいう。以下この条及び次条において同じ。）が上場有価証券等の買付け又は市場デリバティブ取引である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も低い価格

(i) when the Purchase, etc. of Securities (meaning Purchase, etc. of Securities prescribed in Article 174, paragraph (3) of the Act; hereinafter the same applies in this Article and the following Article) is the purchase of Listed Securities, etc. or Market Derivatives Transaction: The lowest price among indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;

二 有価証券の買付け等が非上場有価証券の買付け又は店頭デリバティブ取引である場合 金融商品取引所に上場されている有価証券等（法第七十四条第一項第一号に規定する有価証券等をいう。以下この条から第一条の十六までにおいて同じ。）、店頭売買有価証券又は取扱有価証券であって違反行為（同項に規定する違反行為をいう。以下この条及び次条において同じ。）に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最低の価格に基づき合理的な方法により算出

した価格

- (ii) when the Purchase, etc. of Securities is the purchase of Unlisted Securities or Over-the-Counter Derivatives Transaction: Price calculated by a reasonable method based on the lowest price of Securities, etc. listed on a Financial Instruments Exchange (meaning Securities, etc. prescribed in Article 174, paragraph (1), item (i) of the Act; hereinafter the same applies in this Article to Article 1-16 inclusive), Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation (meaning Act of Violation prescribed in that paragraph; hereinafter the same applies in this Article and the following Article).
- 2 法第百七十四条第一項第一号ロに規定する内閣府令で定める額は、違反行為が終了した日における最低の価格（当該違反行為が終了した後のものに限る。）とする。ただし、当該最低の価格がない場合は、金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて当該違反行為が終了した日に金融商品取引所又は認可金融商品取引業協会が公表した最低の価格（当該違反行為が終了した後のものに限る。）に基づき合理的な方法により算出した価格とする。
- (2) The amount specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (1), item (i), sub-item (b) of the Act is the lowest price as at the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation); provided, however, that when there is no such lowest price, it is the price calculated by a reasonable method based on the lowest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation on the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation).
- 3 法第百七十四条第一項第二号イに規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。
- (3) The price specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (1), item (ii), sub-item (a) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items.
- 一 有価証券の売付け等（法第百七十四条第二項に規定する有価証券の売付け等をいう。以下この条及び次条において同じ。）が上場有価証券等の売付け又は市場デリバティブ取引である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格
- (i) when Sales, etc. of Securities (meaning Sales, etc. of Securities prescribed in Article 174, paragraph (2) of the Act; hereinafter the same applies in this Article and the following Article) are sales of Listed Securities, etc. or

- Market Derivatives Transaction: The highest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;
- 二 有価証券の売付け等が非上場有価証券の売付け又は店頭デリバティブ取引である場合 金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最高の価格に基づき合理的な方法により算出した価格
- (ii) when Sales, etc. of Securities are sales of Unlisted Securities or Over-the-Counter Derivatives Transaction: Price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation.
- 4 法第百七十四条第一項第二号イ及び第三号イに規定する内閣府令で定める額は、違反行為が終了した日における最高の価格（当該違反行為が終了した後のものに限る。）とする。ただし、当該最高の価格がない場合は、金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて当該違反行為が終了した日に金融商品取引所又は認可金融商品取引業協会が公表した最高の価格（当該違反行為が終了した後のものに限る。）に基づき合理的な方法により算出した価格とする。
- (4) The amount specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (1), item (ii), sub-item (a) and item (iii), sub-item (a) of the Act is the highest price as at the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation); provided, however, that when there is no such highest price, it is the price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation on the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation).
- 5 法第百七十四条第一項第三号イに規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。
- (5) The price specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (1), item (iii), sub-item (a) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:
- 一 違反行為に係る有価証券が上場有価証券等である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格
- (i) when the Securities pertaining to the Act of Violation are Listed Securities, etc.: The highest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments

Firms Association;

- 二 違反行為に係る有価証券が非上場有価証券である場合 金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最高の価格に基づき合理的な方法により算出した価格

(ii) when the Securities pertaining to the Act of Violation are Unlisted Securities: Price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation.

(仮装売買等による相場操縦行為に係る課徴金の計算における手数料等の額)

(Amount of Fees, etc. in Calculation of Administrative Monetary Penalty for Market Manipulation through Fake Purchase and Sale, etc.)

第一条の十三 法第百七十四条第一項第四号に規定する内閣府令で定める額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

Article 1-13 (1) The amount specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (1), item (iv) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

- 一 違反者（法第百七十四条第一項に規定する違反者をいう。以下この条及び次条において同じ。）が、運用財産の運用として同項第四号の違反行為又は有価証券の売付け等若しくは有価証券の買付け等をした場合 イに掲げる額にロに掲げる額を乗じた額をハに掲げる額で除して得た額

(i) if a Violator (meaning Violator prescribed in Article 174, paragraph (1) of the Act; hereinafter the same applies in this Article and the following Article) has conducted the Act of Violation referred to in item (iv) of that paragraph or Sales, etc. of Securities or Purchase, etc. of Securities as an investment of Investment Property: The amount obtained by multiplying the amount specified in sub-item (a) by the amount specified in sub-item (b) divided by the amount set forth in sub-item (c):

イ 当該違反行為又は有価証券の売付け等若しくは有価証券の買付け等のうち違反行為に係る有価証券等に係るもの（以下この条において「算定対象取引」という。）が行われた月について違反者に当該運用財産の運用の対価として支払われ、又は支払われるべき金銭その他の財産（当該運用が法第二条第一項第十号に規定する投資信託の受益証券に表示される権利を有する者から抛出を受けた金銭その他の財産の運用である場合にあっては、当該受益証券の募集の取扱い又は私募の取扱いを行う金融商品取引業者等に当該募集の取扱い又は私募の取扱いの対価として支払われ、又は支払われるべき金銭その他の財産を除く。以下この号において「運用報酬」という。）の価額（運用報酬の算定の基礎となる期間（以下この号において「運用報酬算定期間」という。）が一月を超える場合にあっては、当



該運用報酬を当該運用報酬算定期間の月数で除す方法その他の合理的な方法により算出した額（算定対象取引が行われた月の末日のうち最も遅い日（以下この号において「基準日」という。）において運用報酬算定期間が終了していないときは、当該運用報酬算定期間が当該基準日において終了したものとみなして合理的な方法により算出した額）に、算定対象取引が行われた月数を乗じて得た額）の総額

- (a) the total amount of money or the value of other property paid or payable to the Violator as consideration for the investment of said Investment Property (when said investment is an investment of money or other property contributed from a person who holds the rights indicated in the beneficiary certificates of investment trusts prescribed in Article 2, paragraph (1), item (x) of the Act, excluding money and other property paid or payable to a Financial Instruments Business Operator, etc. who deals in the public offering or the private placement of said beneficiary certificates as consideration for dealing in said public offering or private placement; hereinafter referred to as "Investment Fee" in this item) for the month in which the Act of Violation or the Sales, etc. of Securities or Purchase, etc. of Securities pertaining to the Act of Violation (hereinafter referred to as "Transaction Subject to Calculation" in this Article) was performed (if the period serving as the basis of calculation of the Investment Fee (hereinafter referred to as "Investment Fee Calculation Period" in this item) exceeds one month, the amount obtained by dividing said Investment Fee by the number of months in the Investment Fee Calculation Period or other reasonable method (when the Investment Fee Calculation Period has not yet ended as of the latest date among the last day of the month in which Transaction Subject to Calculation was performed (hereinafter referred to as "Reference Date" in this item), the amount calculated by a reasonable method by presuming that said Investment Fee Calculation Period had ended as of the Reference Date), multiplied by the number of months in which Transaction Subject to Calculation was performed);

ロ 違反行為の開始時から違反行為の終了後一月を経過するまでの間の当該運用財産である算定対象取引の銘柄の総額のうち最も高い額

- (b) the highest among the total amounts of issues of said Investment Property in Transaction Subject to Calculation during the period between the time of the commencement of the Act of Violation and the time when one month has elapsed from the completion thereof;

ハ 基準日における当該運用財産の総額

- (c) the total amount of said Investment Property as at the Reference Date.

二 前号に掲げる場合以外の場合 算定対象取引について金融商品取引行為の対価として違反者に支払われ、又は支払われるべき金銭その他の財産の価額（当該価額が算定対象取引ごとに計算される場合以外の場合にあっては、当該価額に基づき、当

該価額の算定の基礎となる期間における算定対象取引に係る金融商品取引契約に基づく金融商品取引行為に係る取引総額に占める算定対象取引の総額の割合に応じて按分する方法その他の当該金融商品取引契約に係る取引の状況に応じた合理的な方法により算出した額)の総額

(ii) in cases other than those set forth in the preceding item: The total amount of money or the value of other property paid or payable to the Violator as consideration for an Act of Financial Instruments Transaction for a Transaction Subject to Calculation (in cases other than those in which said value is calculated with respect to each Transaction Subject to Calculation, the amount calculated by prorating the value in proportion to the ratio of the total amount of the Transaction Subject to Calculation to the total transaction amount pertaining to the Act of Financial Instruments Transaction under the Contract for Financial Instruments Transaction for the Transaction Subject to Calculation in the period serving as the basis of calculation of said value or other reasonable method corresponding to the status of transaction pertaining to said Contract for Financial Instruments Transaction).

2 前項第一号イの月数は、暦に従って計算し、一月に満たない端数を生じたときは、これを一月とする。

(2) The number of months referred to in item (i), sub-item (a) of the preceding paragraph is calculated in accordance with the calendar, and if a fraction of less than one month occurs, such fraction is counted as one month.

(仮装売買等による相場操縦行為に係る課徴金の計算における違反者と密接な関係を有する者等)

(Persons, etc. Closely Related to Violator in Calculation of Administrative Monetary Penalty for Market Manipulation through Fake Purchase and Sale, etc.)

第一条の十四 法第百七十四条第五項第一号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

Article 1-14 (1) The persons specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (5), item (i) of the Act are the following persons:

一 違反者の親会社

(i) Parent Company of the Violator;

二 違反者の子会社

(ii) Subsidiary of the Violator;

三 違反者と同一の親会社をもつ会社等

(iii) company, etc. whose Parent Company is the same as the Violator; and

四 違反者（個人に限る。以下この号において同じ。）の同族会社（法人税法第二条第十号に規定する同族会社をいい、違反者が支配していないことが明らかであると認められる会社を除く。）

(iv) Family Company (meaning Family Company prescribed in Article 2, item (x) of the Corporation Tax Act, excluding companies that are clearly found not to be controlled by the Violator) of the Violator (limited to individuals; hereinafter the same applies in this item).

2 法第百七十四条第五項第二号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

(2) The persons specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (5), item (ii) of the Act are the following persons:

一 違反者（個人に限る。）の親族

(i) relative of the Violator (limited to individuals);

二 違反者（個人に限る。）と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(ii) person who has not submitted a notification of marriage but is in a situation similar to a de-facto marriage relationship with the Violator (limited to individuals);

三 違反者の役員等

(iii) officer, etc. of the Violator;

四 前三号に掲げる者以外の者で違反者（個人に限る。）から受ける金銭その他の資産によって生計を維持しているもの

(iv) person other than those listed in the preceding three items whose livelihood is supported by money or other assets received from the Violator (limited to individuals); and

五 前三号に掲げる者と生計を一にするこれらの者の親族

(v) relative who shares livelihood with the persons listed in the preceding three items.

（現実売買等による相場操縦行為に係る課徴金の計算における最低の価格がない場合にこれに相当するもの等）

(Price, etc. Equivalent to the Lowest Price in Calculation of Administrative Monetary Penalty for Market Manipulation through Actual Purchase and Sale, etc. When the Lowest Price Does Not Exist)

第一条の十五 法第百七十四条の二第一項第二号イ（２）に規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

Article 1-15 (1) The price specified by Cabinet Office Ordinance prescribed in Article 174-2, paragraph (1), item (ii), sub-item (a), 2. of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:

一 有価証券の買付け等（法第百七十四条の二第三項に規定する有価証券の買付け等をいう。以下この条及び次条において同じ。）が上場有価証券等の買付け又は市場デリバティブ取引である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も低い価格

(i) when the Purchase, etc. of Securities (meaning Purchase, etc. of Securities prescribed in Article 174-2, paragraph (3) of the Act; hereinafter the same applies in this Article and the following Article) is the purchase of Listed Securities, etc. or Market Derivatives Transaction: The lowest price among indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;

二 有価証券の買付け等が非上場有価証券の買付け又は店頭デリバティブ取引である場合 金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為（法第百七十四条の二第一項に規定する違反行為をいう。以下この条及び次条において同じ。）に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最低の価格に基づき合理的な方法により算出した価格

(ii) when the Purchase, etc. of Securities is the purchase of Unlisted Securities or Over-the-Counter Derivatives Transaction: Price calculated by a reasonable method based on the lowest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation (meaning Act of Violation prescribed in Article 174-2, paragraph (1) of the Act; hereinafter the same applies in this Article and the following Article).

2 法第百七十四条の二第一項第二号イ（２）に規定する内閣府令で定める額は、違反行為が終了した日における最低の価格（当該違反行為が終了した後のものに限る。）とする。ただし、当該最低の価格がない場合は、金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて当該違反行為が終了した日に金融商品取引所又は認可金融商品取引業協会が公表した最低の価格（当該違反行為が終了した後のものに限る。）に基づき合理的な方法により算出した価格とする。

(2) The amount specified by Cabinet Office Ordinance prescribed in Article 174-2, paragraph (1), item (ii), sub-item (a), 2. of the Act is the lowest price as at the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation); provided, however, that when there is no such lowest price, it is the price calculated by a reasonable method based on the lowest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation on the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation).

3 法第百七十四条第一項第二号ロ（１）に規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

- (3) The price specified by Cabinet Office Ordinance prescribed in Article 174, paragraph (1), item (ii), sub-item (b), 1. of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:
- 一 有価証券の売付け等（法第百七十四条の二第二項に規定する有価証券の売付け等をいう。以下この条及び次条において同じ。）が上場有価証券等の売付け又は市場デリバティブ取引である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格
  - (i) when Sales, etc. of Securities (meaning Sales, etc. of Securities prescribed in Article 174-2, paragraph (2) of the Act; hereinafter the same applies in this Article and the following Article) are sales of Listed Securities, etc. or Market Derivatives Transaction: The highest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;
  - 二 有価証券の売付け等が非上場有価証券の売付け又は店頭デリバティブ取引である場合 金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最高の価格に基づき合理的な方法により算出した価格
  - (ii) when Sales, etc. of Securities are sales of Unlisted Securities or Over-the-Counter Derivatives Transaction: Price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation.
- 4 法第百七十四条の二第一項第二号ロ（１）及びハ（１）に規定する内閣府令で定める額は、違反行為が終了した日における最高の価格（当該違反行為が終了した後のものに限る。）とする。ただし、当該最高の価格がない場合は、金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であって違反行為に係るものについて当該違反行為が終了した日に金融商品取引所又は認可金融商品取引業協会が公表した最高の価格（当該違反行為が終了した後のものに限る。）に基づき合理的な方法により算出した価格とする。
- (4) The amount specified by Cabinet Office Ordinance prescribed in Article 174-2, paragraph (1), item (ii), sub-item (b), 1. and (c), 1. of the Act is the highest price as at the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation); provided, however, that when there is no such highest price, it is the price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation on the day of completion of the Act of Violation (limited to those subsequent to the completion of said Act of Violation).

5 法第百七十四条の二第一項第二号ハ（１）に規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

(5) The price specified by Cabinet Office Ordinance prescribed in Article 174-2, paragraph (1), item (ii), (c), 1. of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:

一 違反行為に係る有価証券が上場有価証券等である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格

(i) when the Securities pertaining to the Act of Violation are Listed Securities, etc.: The highest price among the indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;

二 違反行為に係る有価証券が非上場有価証券である場合 金融商品取引所に上場されている有価証券等、店頭売買有価証券又は取扱有価証券であつて違反行為に係るものについて金融商品取引所又は認可金融商品取引業協会が公表した最高の価格に基づき合理的な方法により算出した価格

(ii) when the Securities pertaining to the Act of Violation are Unlisted Securities: Price calculated by a reasonable method based on the highest price of Securities, etc. listed on a Financial Instruments Exchange, Over-the-Counter Traded Securities or Tradable Securities publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association pertaining to the Act of Violation.

(現実売買等による相場操縦行為に係る課徴金の計算における手数料等の額)

(Amount of Fees, etc. in Calculation of Administrative Monetary Penalty for Market Manipulation through Actual Purchase and Sale, etc.)

第一条の十六 法第百七十四条の二第一項第二号ニに規定する内閣府令で定める額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

Article 1-16 (1) The amount specified by Cabinet Office Ordinance prescribed in Article 174-2, paragraph (1), item (ii), (d) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 違反者（法第百七十四条の二第一項に規定する違反者をいう。以下この条及び次条において同じ。）が、運用財産の運用として同項第二号ニの違反行為又は有価証券の売付け等若しくは有価証券の買付け等をした場合 イに掲げる額にロに掲げる額を乗じた額をハに掲げる額で除して得た額

(i) if a Violator (meaning Violator prescribed in Article 174-2, paragraph (1) of the Act; hereinafter the same applies in this Article and the following Article) has conducted the Act of Violation referred to in item (ii), sub-item (d) of that paragraph or Sales, etc. of Securities or Purchase, etc. of Securities as an investment of Investment Property: The amount obtained by multiplying the amount specified in sub-item (a) by the amount specified in

sub-item (b) divided by the amount set forth in sub-item (c):

イ 当該違反行為又は有価証券の売付け等若しくは有価証券の買付け等のうち違反行為に係る有価証券等に係るもの（以下この条において「算定対象取引」という。）が行われた月について違反者に当該運用財産の運用の対価として支払われ、又は支払われるべき金銭その他の財産（当該運用が法第二条第一項第十号に規定する投資信託の受益証券に表示される権利を有する者から拋出を受けた金銭その他の財産の運用である場合にあっては、当該受益証券の募集の取扱い又は私募の取扱いを行う金融商品取引業者等に当該募集の取扱い又は私募の取扱いの対価として支払われ、又は支払われるべき金銭その他の財産を除く。以下この号において「運用報酬」という。）の価額（運用報酬の算定の基礎となる期間（以下この号において「運用報酬算定期間」という。）が一月を超える場合にあっては、当該運用報酬を当該運用報酬算定期間の月数で除す方法その他の合理的な方法により算出した額（算定対象取引が行われた月の末日のうち最も遅い日（以下この号において「基準日」という。）において運用報酬算定期間が終了していないときは、当該運用報酬算定期間が当該基準日において終了したものとみなして合理的な方法により算出した額）に、算定対象取引が行われた月数を乗じて得た額）の総額

(a) the total amount of money or the value of other property paid or payable to the Violator as consideration for the investment of said Investment Property (when said investment is an investment of money or other property contributed from a person who holds the rights indicated in the beneficiary certificates of investment trusts prescribed in Article 2, paragraph (1), item (x) of the Act, excluding money and other property paid or payable to a Financial Instruments Business Operator, etc. who deals in the public offering or the private placement of said beneficiary certificates as consideration for dealing in said public offering or private placement; hereinafter referred to as "Investment Fee" in this item) for the month in which the Act of Violation or the Sales, etc. of Securities or Purchase, etc. of Securities pertaining to the Act of Violation (hereinafter referred to as "Transaction Subject to Calculation" in this Article) was performed (if the period serving as the basis of calculation of the Investment Fee (hereinafter referred to as "Investment Fee Calculation Period" in this item) exceeds one month, the amount obtained by dividing said Investment Fee by the number of months in the Investment Fee Calculation Period or other reasonable method (when the Investment Fee Calculation Period has not yet ended as of the latest date among the last day of the month in which Transaction Subject to Calculation was performed (hereinafter referred to as "Reference Date" in this item), the amount calculated by a reasonable method by presuming that said Investment Fee Calculation Period had ended as of the Reference Date), multiplied by the number of months in which Transaction Subject to Calculation was performed);

ロ 違反行為の開始時から違反行為の終了後一月を経過するまでの間の当該運用財産である算定対象取引の銘柄の総額のうち最も高い額

(b) the highest among the total amounts of issues of said Investment

Property in Transaction Subject to Calculation during the period between the time of the commencement of the Act of Violation and the time when one month has elapsed from the completion thereof;

ハ 基準日における当該運用財産の総額

(c) the total amount of said Investment Property as at the Reference Date.

二 前号に掲げる場合以外の場合 算定対象取引について金融商品取引行為の対価として違反者に支払われ、又は支払われるべき金銭その他の財産の価額（当該価額が算定対象取引ごとに計算される場合以外の場合にあつては、当該価額に基づき、当該価額の算定の基礎となる期間における算定対象取引に係る金融商品取引契約に基づく金融商品取引行為に係る取引総額に占める算定対象取引の総額の割合に応じて按分する方法その他の当該金融商品取引契約に係る取引の状況に応じた合理的な方法により算出した額）の総額

(ii) in cases other than those set forth in the preceding item: The total amount of money or the value of other property paid or payable to the Violator as consideration for an Act of Financial Instruments Transaction for a Transaction Subject to Calculation (in cases other than those in which said value is calculated with respect to each Transaction Subject to Calculation, the amount calculated by prorating the value in proportion to the ratio of the total amount of the Transaction Subject to Calculation to the total transaction amount pertaining to the Act of Financial Instruments Transaction under the Contract for Financial Instruments Transaction for the Transaction Subject to Calculation in the period serving as the basis of calculation of said value or other reasonable method corresponding to the status of transaction pertaining to said Contract for Financial Instruments Transaction).

2 前項第一号イの月数は、暦に従って計算し、一月に満たない端数を生じたときは、これを一月とする。

(2) The number of months referred to in item (i), sub-item (a) of the preceding paragraph is calculated in accordance with the calendar, and if a fraction of less than one month occurs, such fraction is counted as one month.

（現実売買等による相場操縦行為に係る課徴金の計算における違反者と密接な関係を有する者等）

(Persons, etc. Closely Related to Violator in Calculation of Administrative Monetary Penalty for Market Manipulation through Actual Purchase and Sale, etc.)

第一条の十七 法第百七十四条の二第六項第一号に規定する内閣府令で定める者は、次の各号に掲げる者とする。



Article 1-17 (1) The persons specified by Cabinet Office Ordinance prescribed in Article 174-2, paragraph (6), item (i) of the Act are the following persons:

一 違反者の親会社

(i) Parent Company of the Violator;

二 違反者の子会社

(ii) Subsidiary of the Violator;

三 違反者と同一の親会社をもつ会社等

(iii) company, etc. whose Parent Company is the same as the Violator; and

四 違反者（個人に限る。以下この号において同じ。）の同族会社（法人税法第二条第十号に規定する同族会社をいい、違反者が支配していないことが明らかであると認められる会社を除く。）

(iv) Family Company (meaning Family Company prescribed in Article 2, item (x) of the Corporation Tax Act, excluding companies that are clearly found not to be controlled by the Violator) of the Violator (limited to individuals; hereinafter the same applies in this item).

2 法第百七十四条の二第六項第二号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

(2) The persons specified by Cabinet Office Ordinance prescribed in Article 174-2, paragraph (6), item (ii) of the Act are the following persons:

一 違反者（個人に限る。）の親族

(i) relative of the Violator (limited to individuals);

二 違反者（個人に限る。）と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(ii) person who has not submitted a notification of marriage but is in a situation similar to a de-facto marriage relationship with the Violator (limited to individuals);

三 違反者の役員等

(iii) officer, etc. of the Violator;

四 前三号に掲げる者以外の者で違反者（個人に限る。）から受ける金銭その他の資産によって生計を維持しているもの

(iv) person other than those listed in the preceding three items whose livelihood is supported by money or other assets received from the Violator (limited to individuals); and

五 前三号に掲げる者と生計を一にするこれらの者の親族

(v) relative who shares livelihood with the persons listed in the preceding three items.

（違反行為後の価格等）

(Price after Act of Violation, etc.)

第一条の十八 法第百七十四条の三第一項第二号イ（１）に規定する内閣府令で定めるところにより算出される額は、違反行為（同項に規定する違反行為をいう。以下この

条及び次条において同じ。)が終了してから一月を経過するまでの間の各日において金融商品取引所又は認可金融商品取引業協会が公表した最終の価格(法第六十七条の十九又は法第百三十条に規定する最終の価格のうち最も高いものをいい、当該違反行為が終了する以前のものを除く。以下この項において同じ。)の合計額を当該最終の価格が公表された日の数で除して得た額とする。ただし、違反行為が終了してから一月を経過するまでの間の各日のいずれにおいても当該最終の価格がない場合には、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

Article 1-18 (1) The amount calculated pursuant to the provisions of Cabinet Office Ordinance prescribed in Article 174-3, paragraph (1), item (ii), sub-item (a), 1. of the Act is the amount obtained by dividing the sum of the closing price (meaning the highest price among the closing prices prescribed in Article 67-19 of the Act or Article 130 of the Act, excluding those before the completion of said Act of Violation; hereinafter the same applies in this paragraph) publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association on each day until one month has elapsed from the time of completion of the Act of Violation (meaning Act of Violation prescribed in Article 174-3, paragraph (1); hereinafter the same applies in this Article and the following Article) by the number of days on which said closing prices were publicized; provided, however, that if there is no such closing price on any of the days until one month has elapsed from the time of completion of the Act of Violation, it is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 有価証券の売付け等(法第百七十四条の三第二項に規定する有価証券の売付け等をいう。以下この条及び次条において同じ。)若しくは有価証券の買付け等(法第百七十四条の三第三項に規定する有価証券の買付け等をいう。以下この条及び次条において同じ。)が上場有価証券等の売買若しくは市場デリバティブ取引である場合又は違反行為に係る有価証券が上場有価証券等である場合(法第百七十四条の三第一項第二号ハに掲げる場合に限る。)違反行為の終了から一月を経過した後の直近に金融商品取引所又は認可金融商品取引業協会が公表した価格

(i) when Sales, etc. of Securities (meaning Sales, etc. of Securities prescribed in Article 174-3, paragraph (2) of the Act; hereinafter the same applies in this Article and the following Article) or Purchase, etc. of Securities (meaning Purchase, etc. of Securities prescribed in Article 174-3, paragraph (3) of the Act; hereinafter the same applies in this Article and the following Article) is purchase and sale of Listed Securities, etc. or Market Derivatives Transaction, or when Securities pertaining to the Act of Violation are Listed Securities, etc. (limited to cases set forth in Article 174-3, paragraph (1), item (ii), sub-item (c) of the Act): The latest price publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association after one month has elapsed since the completion of the Act of Violation;

二 有価証券の売付け等若しくは有価証券の買付け等が非上場有価証券の売買若しくは店頭デリバティブ取引である場合又は違反行為に係る有価証券が非上場有価証券である場合（法第百七十四条の三第一項第二号ハに掲げる場合に限る。） 違反行為に係る上場金融商品等（同号イに規定する上場金融商品等をいう。以下この条及び次条において同じ。）又は店頭売買有価証券について違反行為が終了してから一月を経過するまでの間の各日において金融商品取引所又は認可金融商品取引業協会が公表した最終の価格（当該各日のいずれにおいても当該最終の価格がない場合には、違反行為の終了から一月を経過した後の直近に金融商品取引所又は認可金融商品取引業協会が公表した価格とする。）に基づき合理的な方法により算出した価格の平均額

(ii) when Sales, etc. of Securities or Purchase, etc. of Securities is purchase and sale of Unlisted Securities or Over-the-Counter Derivatives Transaction, or when Securities pertaining to the Act of Violation are Unlisted Securities (limited to cases set forth in Article 174-3, paragraph (1), item (ii), sub-item (c) of the Act): Average amount of price calculated by a reasonable method based on the closing price of Listed Financial Instruments, etc. (meaning Listed Financial Instruments, etc. prescribed in sub-item (a) of that item; hereinafter the same applies in this Article and the following Article) or Over-the-Counter Traded Securities pertaining to the Act of Violation publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association on each day until one month has elapsed from the time of completion of the Act of Violation (if there is no such closing price on any of said days, it is the latest price publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association after one month has elapsed from the time of completion of the Act of Violation).

2 法第百七十四条の三第一項第二号イ（２）に規定する内閣府令で定めるところにより算出される額は、違反行為の開始時から終了時までの間の各日において金融商品取引所又は認可金融商品取引業協会が公表した最終の価格（法第六十七条の十九又は法第百三十条に規定する最終の価格のうち最も高いものをいい、当該違反行為を開始する以前のもの及び当該違反行為が終了した後のものを除く。以下この項において同じ。）の合計額を当該最終の価格が公表された日の数で除して得た額とする。ただし、違反行為の開始時から終了時までの間の各日のいずれにおいても当該最終の価格がない場合には、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

(2) The amount calculated pursuant to the provisions of Cabinet Office Ordinance prescribed in Article 174-3, paragraph (1), item (ii), sub-item (a), 2. of the Act is the amount obtained by dividing the sum of the closing price (meaning the highest price among the closing prices prescribed in Article 67-19 of the Act or Article 130 of the Act, excluding those before the commencement of said Act of Violation and those after the completion of said Act of Violation; hereinafter the same applies in this paragraph) publicized by a Financial Instruments

Exchange or an Authorized Financial Instruments Firms Association on each day during the period between the time of the commencement of the Act of Violation and the completion thereof by the number of days on which said closing prices were publicized; provided, however, that if there is no such closing price on any of the days during the period between the time of the commencement of the Act of Violation and the completion thereof, it is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 有価証券の売付け等若しくは有価証券の買付け等が上場有価証券等の売買若しくは市場デリバティブ取引である場合又は違反行為に係る有価証券が上場有価証券等である場合（法第百七十四条の三第一項第二号ハに掲げる場合に限る。） 違反行為の直近に金融商品取引所又は認可金融商品取引業協会が公表した価格

(i) when Sales, etc. of Securities or Purchase, etc. of Securities is purchase and sale of Listed Securities, etc. or Market Derivatives Transaction, or when Securities pertaining to the Act of Violation are Listed Securities, etc. (limited to cases set forth in Article 174-3, paragraph (1), item (ii), sub-item (c) of the Act): The latest price publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association since the Act of Violation;

二 有価証券の売付け等若しくは有価証券の買付け等が非上場有価証券の売買若しくは店頭デリバティブ取引である場合又は違反行為に係る有価証券が非上場有価証券である場合（法第百七十四条の三第一項第二号ハに掲げる場合に限る。） 違反行為に係る上場金融商品等又は店頭売買有価証券について違反行為の開始時から終了時までの間の各日において金融商品取引所又は認可金融商品取引業協会が公表した最終の価格（当該各日のいずれにおいても当該最終の価格がない場合には、違反行為の直近に金融商品取引所又は認可金融商品取引業協会が公表した価格とする。）に基づき合理的な方法により算出した価格の平均額

(ii) when Sales, etc. of Securities or Purchase, etc. of Securities is purchase and sale of Unlisted Securities or Over-the-Counter Derivatives Transaction, or when Securities pertaining to the Act of Violation are Unlisted Securities (limited to cases set forth in Article 174-3, paragraph (1), item (ii), sub-item (c) of the Act): Average amount of price calculated by a reasonable method based on the closing price of Listed Financial Instruments, etc. or Over-the-Counter Traded Securities pertaining to the Act of Violation publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association on each day during the period between the time of the commencement of the Act of Violation and the completion thereof (if there is no such closing price on any of said days, it is the latest price publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association since the Act of Violation).

(安定操作取引等に係る課徴金の計算における手数料等の額)

(Amount of Fees, etc. in Calculation of Administrative Monetary Penalty for Stabilizing Transactions, etc.)

第一条の十九 法第百七十四条の三第一項第二号ニに規定する内閣府令で定める額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

Article 1-19 (1) The amount specified by Cabinet Office Ordinance prescribed in Article 174-3, paragraph (1), item (ii), sub-item (d) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 違反者（法第百七十四条の三第一項に規定する違反者をいう。以下この条及び次条において同じ。）が、運用財産の運用として同項第二号ニの違反行為又は有価証券の売付け等若しくは有価証券の買付け等をした場合 イに掲げる額にロに掲げる額を乗じた額をハに掲げる額で除して得た額

(i) if a Violator (meaning Violator prescribed in Article 174-3, paragraph (1) of the Act; hereinafter the same applies in this Article and the following Article) has conducted the Act of Violation referred to in item (ii), sub-item (d) of that paragraph or Sales, etc. of Securities or Purchase, etc. of Securities as an investment of Investment Property: The amount obtained by multiplying the amount specified in sub-item (a) by the amount specified in sub-item (b) divided by the amount set forth in sub-item (c):

イ 当該違反行為又は有価証券の売付け等若しくは有価証券の買付け等のうち違反行為に係る上場金融商品等若しくは店頭売買有価証券に係るもの（以下この条において「算定対象取引」という。）が行われた月について違反者に当該運用財産の運用の対価として支払われ、又は支払われるべき金銭その他の財産（当該運用が法第二条第一項第十号に規定する投資信託の受益証券に表示される権利を有する者から拠出を受けた金銭その他の財産の運用である場合にあっては、当該受益証券の募集の取扱い又は私募の取扱いを行う金融商品取引業者等に当該募集の取扱い又は私募の取扱いの対価として支払われ、又は支払われるべき金銭その他の財産を除く。以下この号において「運用報酬」という。）の価額（運用報酬の算定の基礎となる期間（以下この号において「運用報酬算定期間」という。）が一月を超える場合にあっては、当該運用報酬を当該運用報酬算定期間の月数で除す方法その他の合理的な方法により算出した額（算定対象取引が行われた月の末日のうち最も遅い日（以下この号において「基準日」という。）において運用報酬算定期間が終了していないときは、当該運用報酬算定期間が当該基準日において終了したものとみなして合理的な方法により算出した額）に、算定対象取引が行われた月数を乗じて得た額）の総額

(a) the total amount of money or the value of other property paid or payable to the Violator as consideration for the investment of said Investment Property (when said investment is an investment of money or other property contributed from a person who holds the rights indicated in the beneficiary certificates of investment trusts prescribed in Article 2,

paragraph (1), item (x) of the Act, excluding money and other property paid or payable to a Financial Instruments Business Operator, etc. who deals in the public offering or the private placement of said beneficiary certificates as consideration for dealing in said public offering or private placement; hereinafter referred to as "Investment Fee" in this item) for the month in which the Act of Violation or the Sales, etc. of Securities or Purchase, etc. of Securities involving Listed Financial Instruments, etc. or Over-the-Counter Traded Securities pertaining to the Act of Violation (hereinafter referred to as "Transaction Subject to Calculation" in this Article) was performed (if the period serving as the basis of calculation of the Investment Fee (hereinafter referred to as "Investment Fee Calculation Period" in this item) exceeds one month, the amount obtained by dividing said Investment Fee by the number of months in the Investment Fee Calculation Period or other reasonable method (when the Investment Fee Calculation Period has not yet ended as of the latest date among the last day of the month in which Transaction Subject to Calculation was performed (hereinafter referred to as "Reference Date" in this item), the amount calculated by a reasonable method by presuming that said Investment Fee Calculation Period had ended as of the Reference Date), multiplied by the number of months in which Transaction Subject to Calculation was performed);

ロ 違反行為の開始時から違反行為の終了後一月を経過するまでの間の当該運用財産である算定対象取引の銘柄の総額のうち最も高い額

(b) the highest among the total amounts of issues of said Investment Property in Transaction Subject to Calculation during the period between the time of the commencement of the Act of Violation and the time when one month has elapsed from the completion thereof;

ハ 基準日における当該運用財産の総額

(c) the total amount of said Investment Property as at the Reference Date.

二 前号に掲げる場合以外の場合 算定対象取引について金融商品取引行為の対価として違反者に支払われ、又は支払われるべき金銭その他の財産の価額（当該価額が算定対象取引ごとに計算される場合以外の場合にあつては、当該価額に基づき、当該価額の算定の基礎となる期間における算定対象取引に係る金融商品取引契約に基づく金融商品取引行為に係る取引総額に占める算定対象取引の総額の割合に応じて按分する方法その他の当該金融商品取引契約に係る取引の状況に応じた合理的な方法により算出した額）の総額

(ii) in cases other than those set forth in the preceding item: The total amount of money or the value of other property paid or payable to the Violator as consideration for an Act of Financial Instruments Transaction for a Transaction Subject to Calculation (in cases other than those in which said value is calculated with respect to each Transaction Subject to Calculation,

the amount calculated by prorating the value in proportion to the ratio of the total amount of the Transaction Subject to Calculation to the total transaction amount pertaining to the Act of Financial Instruments Transaction under the Contract for Financial Instruments Transaction for the Transaction Subject to Calculation in the period serving as the basis of calculation of said value or other reasonable method corresponding to the status of transaction pertaining to said Contract for Financial Instruments Transaction).

2 前項第一号イの月数は、暦に従って計算し、一月に満たない端数を生じたときは、これを一月とする。

(2) The number of months referred to in item (i), sub-item (a) of the preceding paragraph is calculated in accordance with the calendar, and if a fraction of less than one month occurs, such fraction is counted as one month.

(安定操作取引等に係る課徴金の計算における違反者と密接な関係を有する者等)  
(Persons, etc. Closely Related to Violator in Calculation of Administrative Monetary Penalty for Stabilizing Transactions, etc.)

第一条の二十 法第百七十四条の三第七項第一号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

Article 1-20 (1) The persons specified by Cabinet Office Ordinance prescribed in Article 174-3, paragraph (7), item (i) of the Act are the following persons:

一 違反者の親会社

(i) Parent Company of the Violator;

二 違反者の子会社

(ii) Subsidiary of the Violator;

三 違反者と同一の親会社をもつ会社等

(iii) company, etc. whose Parent Company is the same as the Violator; and

四 違反者（個人に限る。以下この号において同じ。）の同族会社（法人税法第二条第十号に規定する同族会社をいい、違反者が支配していないことが明らかであると認められる会社を除く。）

(iv) Family Company (meaning Family Company prescribed in Article 2, item (x) of the Corporation Tax Act, excluding companies that are clearly found not to be controlled by the Violator) of the Violator (limited to individuals; hereinafter the same applies in this item).

2 法第百七十四条の三第七項第二号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

(2) The persons specified by Cabinet Office Ordinance prescribed in Article 174-3, paragraph (7), item (ii) of the Act are the following persons:

一 違反者（個人に限る。）の親族

(i) relative of the Violator (limited to individuals);

二 違反者（個人に限る。）と婚姻の届出をしていないが事実上婚姻関係と同様の事

情にある者

- (ii) person who has not submitted a notification of marriage but is in a situation similar to a de-facto marriage relationship with the Violator (limited to individuals);

三 違反者の役員等

- (iii) officer, etc. of the Violator;

四 前三号に掲げる者以外の者で違反者（個人に限る。）から受ける金銭その他の資産によって生計を維持しているもの

- (iv) person other than those listed in the preceding three items whose livelihood is supported by money or other assets received from the Violator (limited to individuals); and

五 前三号に掲げる者と生計を一にするこれらの者の親族

- (v) relative who shares livelihood with the persons listed in the preceding three items.

（重要事実を知った会社関係者の取引等に係る課徴金の計算における手数料等の額）  
(Amount of Fees, etc. in Calculation of Administrative Monetary Penalty for Transactions, etc. with Company Insiders Who Have Come to Know Material Facts)

第一条の二十一 法第百七十五条第一項第三号に規定する内閣府令で定める額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

Article 1-21 (1) The amount specified by Cabinet Office Ordinance prescribed in Article 175, paragraph (1), item (iii) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 法第百七十五条第一項第三号に規定する売買等をした者（以下この項において「違反者」という。）が、運用財産の運用として当該売買等をした場合 イに掲げる額にロに掲げる額を乗じた額をハに掲げる額で除して得た額

- (i) if a person who has conducted the purchase and sale, etc. prescribed in Article 175, paragraph (1), item (iii) of the Act (hereinafter referred to as "Violator" in this paragraph) has conducted the purchase and sale, etc. as an investment of Investment Property: The amount obtained by multiplying the amount specified in sub-item (a) by the amount specified in sub-item (b) divided by the amount set forth in sub-item (c):

イ 当該売買等（以下この項において「算定対象取引」という。）が行われた月（当該算定対象取引の前に同一の法第百六十六条第一項に規定する業務等に関する重要事実について他に同一の銘柄の法第百七十五条第一項第三号に規定する売買等が行われた月を除く。）について違反者に当該運用財産の運用の対価として支払われ、又は支払われるべき金銭その他の財産（当該運用が法第二条第一項第十号に規定する投資信託の受益証券に表示される権利を有する者から拋出を受けた金銭その他の財産の運用である場合にあっては、当該受益証券の募集の取扱い又は私募の取扱いを行う金融商品取引業者等に当該募集の取扱い又は私募の取扱



いの対価として支払われ、又は支払われるべき金銭その他の財産を除く。以下この号において「運用報酬」という。）の価額（運用報酬の算定の基礎となる期間（以下この号において「運用報酬算定期間」という。）が一月を超える場合にあっては、当該運用報酬を当該運用報酬算定期間の月数で除す方法その他の合理的な方法により算出した額（算定対象取引が行われた月の末日（以下この号において「基準日」という。）において運用報酬算定期間が終了していないときは、当該運用報酬算定期間が当該基準日において終了したものとみなして合理的な方法により算出した額））の総額

(a) the total amount of money or the value of other property paid or payable to the Violator as consideration for the investment of said Investment Property (when said investment is an investment of money or other property contributed from a person who holds the rights indicated in the beneficiary certificates of investment trusts prescribed in Article 2, paragraph (1), item (x) of the Act, excluding money and other property paid or payable to a Financial Instruments Business Operator, etc. who deals in the public offering or the private placement of said beneficiary certificates as consideration for dealing in said public offering or private placement; hereinafter referred to as "Investment Fee" in this item) for the month (excluding the month in which the purchase and sale, etc. prescribed in Article 175, paragraph (1), item (iii) of the Act for the same issues regarding the same Material Fact Pertaining to Business or Other Matters prescribed in Article 166, paragraph (1) of the Act before said Transaction Subject to Calculation was conducted) in which the purchase and sale, etc. (hereinafter referred to as "Transaction Subject to Calculation" in this Article) was performed (if the period serving as the basis of calculation of the Investment Fee (hereinafter referred to as "Investment Fee Calculation Period" in this item) exceeds one month, the amount obtained by dividing said Investment Fee by the number of months in the Investment Fee Calculation Period or other reasonable method (when the Investment Fee Calculation Period has not yet ended as of the last day of the month in which Transaction Subject to Calculation was performed (hereinafter referred to as "Reference Date" in this item), the amount calculated by a reasonable method by presuming that said Investment Fee Calculation Period had ended as of the Reference Date));

ロ 算定対象取引が行われた日から基準日までの間の当該運用財産である算定対象取引の銘柄の総額のうち最も高い額

(b) the highest among the total amounts of issues of said Investment Property in Transaction Subject to Calculation during the period between the day on which the Transaction Subject to Calculation was performed and the Reference Date;

ハ 基準日における当該運用財産の総額

(c) the total amount of said Investment Property as at the Reference Date.

二 前号に掲げる場合以外の場合 算定対象取引について金融商品取引行為の対価として違反者に支払われ、又は支払われるべき金銭その他の財産の価額（当該価額が算定対象取引ごとに計算される場合以外の場合にあつては、当該価額に基づき、当該価額の算定の基礎となる期間における算定対象取引に係る金融商品取引契約に基づく金融商品取引行為に係る取引総額に占める算定対象取引の総額の割合に応じて按分する方法その他の当該金融商品取引契約に係る取引の状況に応じた合理的な方法により算出した額）の総額

(ii) in cases other than those set forth in the preceding item: The total amount of money or the value of other property paid or payable to the Violator as consideration for an Act of Financial Instruments Transaction for a Transaction Subject to Calculation (in cases other than those in which said value is calculated with respect to each Transaction Subject to Calculation, the amount calculated by prorating the value in proportion to the ratio of the total amount of the Transaction Subject to Calculation to the total transaction amount pertaining to the Act of Financial Instruments Transaction under the Contract for Financial Instruments Transaction for the Transaction Subject to Calculation in the period serving as the basis of calculation of said value or other reasonable method corresponding to the status of transaction pertaining to said Contract for Financial Instruments Transaction).

2 法第百七十五条第二項第三号に規定する内閣府令で定める額は、次の各号に掲げる場合の区分に応じ、当該各号に定める額とする。

(2) The amount specified by Cabinet Office Ordinance prescribed in Article 175, paragraph (2), item (iii) of the Act is the amount specified in the following items for the categories of cases set forth respectively in those items:

一 法第百七十五条第二項第三号に規定する買付け等又は売付け等をした者（以下この項において「違反者」という。）が、運用財産の運用として当該買付け等又は売付け等をした場合 イに掲げる額にロに掲げる額を乗じた額をハに掲げる額で除して得た額

(i) if the person who has conducted the Purchase, etc. or Sales, etc. prescribed in Article 175, paragraph (2), item (iii) of the Act (hereinafter referred to as "Violator" in this paragraph) has conducted said Purchase, etc. or Sales, etc. as an investment of Investment Property: The amount obtained by multiplying the amount specified in sub-item (a) by the amount specified in sub-item (b) divided by the amount set forth in sub-item (c):

イ 当該買付け等又は売付け等（以下この項において「算定対象取引」という。）が行われた月（当該算定対象取引の前に同一の法第百六十七条第一項に規定する公開買付け等の実施に関する事実又は公開買付け等の中止に関する事実について他に同一の銘柄の法第百七十五条第二項第三号に規定する買付け等又は売付け等が行われた月を除く。）について違反者に当該運用財産の運用の対価として支払

われ、又は支払われるべき金銭その他の財産（当該運用が法第二条第一項第十号に規定する投資信託の受益証券に表示される権利を有する者から抛出を受けた金銭その他の財産の運用である場合にあっては、当該受益証券の募集の取扱い又は私募の取扱いを行う金融商品取引業者等に当該募集の取扱い又は私募の取扱いの対価として支払われ、又は支払われるべき金銭その他の財産を除く。以下この号において「運用報酬」という。）の価額（運用報酬の算定の基礎となる期間（以下この号において「運用報酬算定期間」という。）が一月を超える場合にあっては、当該運用報酬を当該運用報酬算定期間の月数で除す方法その他の合理的な方法により算出した額（算定対象取引が行われた月の末日（以下この号において「基準日」という。）において運用報酬算定期間が終了していないときは、当該運用報酬算定期間が当該基準日において終了したものとみなして合理的な方法により算出した額））の総額

- (a) The total amount of money or the value of other property paid or payable to the Violator as consideration for the investment of said Investment Property (when said investment is an investment of money or other property contributed from a person who holds the rights indicated in the beneficiary certificates of investment trusts prescribed in Article 2, paragraph (1), item (x) of the Act, excluding money and other property paid or payable to a Financial Instruments Business Operator, etc. who deals in the public offering or the private placement of said beneficiary certificates as consideration for dealing in said public offering or private placement; hereinafter referred to as "Investment Fee" in this item) for the month (excluding the month in which the Purchase, etc. or Sales, etc. prescribed in Article 175, paragraph (2), item (iii) of the Act for the same issues regarding the same Fact Concerning Launch of a Tender Offer, etc. or Fact Concerning Suspension of Tender Offer, etc. prescribed in Article 167, paragraph (1) of the Act before said Transaction Subject to Calculation was conducted) in which said Purchase, etc. or Sales, etc. (hereinafter referred to as "Transaction Subject to Calculation" in this Article) was performed (if the period serving as the basis of calculation of the Investment Fee (hereinafter referred to as "Investment Fee Calculation Period" in this item) exceeds one month, the amount obtained by dividing said Investment Fee by the number of months in the Investment Fee Calculation Period or other reasonable method (when the Investment Fee Calculation Period has not yet ended as of the last day of the month in which Transaction Subject to Calculation was performed (hereinafter referred to as "Reference Date" in this item), the amount calculated by a reasonable method by presuming that said Investment Fee Calculation Period had ended as of the Reference Date));

- ロ 算定対象取引が行われた日から基準日までの間の当該運用財産である算定対象取引の銘柄の総額のうち最も高い額

(b) the highest among the total amounts of issues of said Investment Property in Transaction Subject to Calculation during the period between the day on which the Transaction Subject to Calculation was performed and the Reference Date;

ハ 基準日における当該運用財産の総額

(c) the total amount of said Investment Property as at the Reference Date.

二 前号に掲げる場合以外の場合 算定対象取引について金融商品取引行為の対価として違反者に支払われ、又は支払われるべき金銭その他の財産の価額（当該価額が算定対象取引ごとに計算される場合以外の場合にあつては、当該価額に基づき、当該価額の算定の基礎となる期間における算定対象取引に係る金融商品取引契約に基づく金融商品取引行為に係る取引総額に占める算定対象取引の総額の割合に応じて按分する方法その他の当該金融商品取引契約に係る取引の状況に応じた合理的な方法により算出した額）の総額

(ii) in cases other than those set forth in the preceding item: The total amount of money or the value of other property paid or payable to the Violator as consideration for an Act of Financial Instruments Transaction for a Transaction Subject to Calculation (in cases other than those in which said value is calculated with respect to each Transaction Subject to Calculation, the amount calculated by prorating the value in proportion to the ratio of the total amount of the Transaction Subject to Calculation to the total transaction amount pertaining to the Act of Financial Instruments Transaction under the Contract for Financial Instruments Transaction for the Transaction Subject to Calculation in the period serving as the basis of calculation of said value or other reasonable method corresponding to the status of transaction pertaining to said Contract for Financial Instruments Transaction).

3 第一項第一号イ及び前項第一号イの月数は、暦に従って計算し、一月に満たない端数を生じたときは、これを一月とする。

(3) The number of months referred to in paragraph (1), item (i), sub-item (a), and item (i), sub-item (a) of the preceding paragraph is calculated in accordance with the calendar, and if a fraction of less than one month occurs, such fraction is counted as one month.

（重要事実を知った会社関係者の取引等に係る課徴金の計算における最低の価格がない場合にこれに相当するもの等）

(Price, etc. Equivalent to the Lowest Price in Calculation of Administrative Monetary Penalty for Transactions, etc. with Company Insiders Who Have Come to Know Material Facts When the Lowest Price Does Not Exist)

第一条の二十二 法第百七十五条第五項及び第七項に規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

Article 1-22 (1) The price specified by Cabinet Office Ordinance prescribed in

Article 175, paragraphs (5) and (7) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:

一 有価証券の売付け等（法第百七十五条第三項に規定する有価証券の売付け等をいう。以下この条において同じ。）が上場有価証券等の売付けその他の有償の譲渡又は市場デリバティブ取引である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も低い価格

(i) when the Sales, etc. of Securities (meaning Sales, etc. of Securities prescribed in Article 175, paragraph (3) of the Act; hereinafter the same applies in this Article) is the sales or other type of transfer for value of Listed Securities, etc. or Market Derivatives Transaction: The lowest price among indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;

二 有価証券の売付け等が非上場有価証券の売付けその他の有償の譲渡、店頭デリバティブ取引又は外国市場デリバティブ取引である場合 特定有価証券等（法第百六十三条第一項に規定する特定有価証券等をいう。以下この条において同じ。）又は株券等（法第百六十七条第一項に規定する株券等をいう。以下この条において同じ。）であって上場有価証券等に該当するものについて金融商品取引所又は認可金融商品取引業協会が公表した最低の価格に基づき合理的な方法により算出した価格

(ii) when the Sales, etc. of Securities is the sales or other type of transfer for value of Unlisted Securities, Over-the-Counter Derivatives Transaction or Foreign Market Derivatives Transactions: Price calculated by a reasonable method based on the lowest price of Specified Securities, etc. (meaning Specified Securities, etc. prescribed in Article 163, paragraph (1) of the Act; hereinafter the same applies in this Article) or Share Certificates, etc. (meaning Share Certificates, etc. prescribed in Article 167, paragraph (1) of the Act; hereinafter the same applies in this Article) which correspond to Listed Securities, etc. publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association.

2 法第百七十五条第五項及び第七項に規定する内閣府令で定める額は、法第百六十六条第一項に規定する業務等に関する重要事実の公表がされた日又は法第百六十七条第一項に規定する公開買付け等の実施に関する事実若しくは公開買付け等の中止に関する事実の公表がされた日における最低の価格（当該公表がされた後のものに限る。）とする。ただし、当該最低の価格がない場合は、特定有価証券等又は株券等であって上場有価証券等に該当するものについて当該公表がされた日に金融商品取引所又は認可金融商品取引業協会が公表した最低の価格（当該公表がされた後のものに限る。）に基づき合理的な方法により算出した価格とする。

(2) The amount specified by Cabinet Office Ordinance prescribed in Article 175, paragraphs (5) and (7) of the Act is the lowest price on the day on which a Material Fact Pertaining to Business or Other Matters prescribed in Article 166, paragraph (1) of the Act was publicized or the day on which a Fact Concerning Launch of a Tender Offer, etc. or a Fact Concerning Suspension of

Tender Offer, etc. prescribed in Article 167, paragraph (1) of the Act was publicized (limited to those after said Fact is publicized); provided, however, that when there is no such lowest price, it is the price calculated by a reasonable method based on the lowest price of Specified Securities, etc. or Share Certificates, etc. which correspond to Listed Securities, etc. publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association on the day on which said Fact was publicized (limited to those after said Fact is publicized).

3 法第百七十五条第六項及び第八項に規定する内閣府令で定める価格は、次の各号に掲げる場合の区分に応じ、当該各号に定める価格とする。

- (3) The price specified by Cabinet Office Ordinance prescribed in Article 175, paragraphs (6) and paragraph (8) of the Act is the price specified in the following items for the categories of cases set forth respectively in those items:
- 一 有価証券の買付け等（法第百七十五条第四項に規定する有価証券の買付け等をいう。以下この条において同じ。）が上場有価証券等の買付けその他の有償の譲受け又は市場デリバティブ取引である場合 金融商品取引所又は認可金融商品取引業協会が公表した気配相場の価格のうち最も高い価格
  - (i) when the Purchase, etc. of Securities (meaning Purchase, etc. of Securities prescribed in Article 175, paragraph (4) of the Act; hereinafter the same applies in this Article) is the purchase or other type of acceptance of transfer for value of Listed Securities, etc. or Market Derivatives Transaction: The highest price among indicative price quotations publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association;
  - 二 有価証券の買付け等が非上場有価証券の買付けその他の有償の譲受け、店頭デリバティブ取引又は外国市場デリバティブ取引である場合 特定有価証券等又は株券等であって上場有価証券等に該当するものについて金融商品取引所又は認可金融商品取引業協会が公表した最高の価格に基づき合理的な方法により算出した価格
  - (ii) when the Purchase, etc. of Securities is the purchase or other type of acceptance of transfer for value of Unlisted Securities, Over-the-Counter Derivatives Transaction or Foreign Market Derivatives Transactions: Price calculated by a reasonable method based on the highest price of Specified Securities, etc. or Share Certificates, etc. which correspond to Listed Securities, etc. publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association.

4 法第百七十五条第六項及び第八項に規定する内閣府令で定める額は、法第百六十六条第一項に規定する業務等に関する重要事実の公表がされた日又は法第百六十七条第一項に規定する公開買付け等の実施に関する事実若しくは公開買付け等の中止に関する事実の公表がされた日における最高の価格（当該公表がされた後のものに限る。）とする。ただし、当該最高の価格がない場合は、特定有価証券等又は株券等であって上場有価証券等に該当するものについて当該公表がされた日に金融商品取引所又は認

可金融商品取引業協会が公表した最高の価格（当該公表がされた後のものに限る。）に基づき合理的な方法により算出した価格とする。

- (4) The amount specified by Cabinet Office Ordinance prescribed in Article 175, paragraphs (6) and (8) of the Act is the highest price on the day on which a Material Fact Pertaining to Business or Other Matters prescribed in Article 166, paragraph (1) of the Act was publicized or the day on which a Fact Concerning Launch of a Tender Offer, etc. or a Fact Concerning Suspension of Tender Offer, etc. prescribed in Article 167, paragraph (1) of the Act was publicized (limited to those after said Fact was publicized); provided, however, that when there is no such highest price, it is the price calculated by a reasonable method based on the highest price of Specified Securities, etc. or Share Certificates, etc. which correspond to Listed Securities, etc. publicized by a Financial Instruments Exchange or an Authorized Financial Instruments Firms Association on the day on which said Fact was publicized (limited to those after said Fact was publicized).

（重要事実を知った会社関係者の取引等に係る課徴金の計算における売買等をした者と密接な関係を有する者等）

(Persons, etc. Closely Related to Persons Who Conducted the Purchase and Sale, etc. in Calculation of Administrative Monetary Penalty for Transactions, etc. with Company Insiders Who Have Come to Know Material Facts)

第一条の二十三 法第百七十五条第十項第一号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

Article 1-23 (1) The persons specified by Cabinet Office Ordinance prescribed in Article 175, paragraph (10), item (i) of the Act are the following persons:

一 当該売買等をした者の親会社

(i) Parent Company of the person who conducted the purchase and sale, etc.;

二 当該売買等をした者の子会社

(ii) Subsidiary of the person who conducted the purchase and sale, etc.;

三 当該売買等をした者と同一の親会社をもつ会社等

(iii) company, etc. whose Parent Company is the same as the person who conducted the purchase and sale, etc.; and

四 当該売買等をした者（個人に限る。以下この号において同じ。）の同族会社（法人税法第二条第十号に規定する同族会社をいい、当該売買等をした者が支配していないことが明らかであると認められる会社を除く。）

(iv) Family Company (meaning a Family Company prescribed in Article 2, item (x) of the Corporation Tax Act, excluding companies that are clearly found not to be controlled by the person who conducted the purchase and sale, etc.) of the person who conducted the purchase and sale, etc. (limited to individuals; hereinafter the same applies in this item).

2 法第七百七十五条第十項第二号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

(2) The persons specified by Cabinet Office Ordinance prescribed in Article 175, paragraph (10), item (ii) are the following persons:

一 当該売買等をした者（個人に限る。）の親族

(i) relative of the person who conducted the purchase and sale, etc. (limited to individuals);

二 当該売買等をした者（個人に限る。）と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(ii) person who has not submitted a notification of marriage but is in a situation similar to a de-facto marriage relationship with the person who conducted the purchase and sale, etc. (limited to individuals);

三 当該売買等をした者の役員等

(iii) officer, etc. of the person who conducted the purchase and sale, etc.;

四 前三号に掲げる者以外の者で当該売買等をした者（個人に限る。）から受ける金銭その他の資産によって生計を維持しているもの

(iv) person other than those listed in the preceding three items whose livelihood is supported by money or other assets received from the person who conducted the purchase and sale, etc. (limited to individuals); and

五 前三号に掲げる者と生計を一にするこれらの者の親族

(v) relative who shares livelihood with the persons listed in the preceding three items.

3 法第七百七十五条第十一項第一号に規定する内閣府令で定める者は、次の各号に掲げる者とする。

(3) The persons specified by Cabinet Office Ordinance prescribed in Article 175, paragraph (11), item (i) of the Act are the following persons:

一 当該買付け等又は売付け等をした者の親会社

(i) Parent Company of the person who conducted the Purchase, etc. or Sales, etc.;

二 当該買付け等又は売付け等をした者の子会社

(ii) Subsidiary of the person who conducted the Purchase, etc. or Sales, etc.;

三 当該買付け等又は売付け等をした者と同一の親会社をもつ会社等

(iii) company, etc. whose Parent Company is the same as the person who conducted the Purchase, etc. or Sales, etc.; and

四 当該買付け等又は売付け等をした者（個人に限る。以下この号において同じ。）の同族会社（法人税法第二条第十号に規定する同族会社をいい、当該買付け等又は売付け等をした者が支配していないことが明らかであると認められる会社を除く。）

(iv) Family Company (meaning Family Company prescribed in Article 2, item (x) of the Corporation Tax Act, excluding companies that are clearly found not to be controlled by the person who conducted the Purchase, etc. or Sales,



- etc.) of the person who conducted the Purchase, etc. or Sales, etc. (limited to individuals; hereinafter the same applies in this item).
- 4 法第七十五条第十一項第二号に規定する内閣府令で定める者は、次の各号に掲げる者とする。
- (4) The persons specified by Cabinet Office Ordinance prescribed in Article 175, paragraph (11), item (ii) of the Act are the following persons:
- 一 当該買付け等又は売付け等をした者（個人に限る。）の親族
  - (i) relative of the person who conducted the Purchase, etc. or Sales, etc. (limited to individuals);
  - 二 当該買付け等又は売付け等をした者（個人に限る。）と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者
  - (ii) person who has not submitted a notification of marriage but is in a situation similar to a de-facto marriage relationship with the person who conducted the Purchase, etc. or Sales, etc. (limited to individuals);
  - 三 当該買付け等又は売付け等をした者の役員等
  - (iii) officer, etc. of the person who conducted the Purchase, etc. or Sales, etc.;
  - 四 前三号に掲げる者以外の者で当該買付け等又は売付け等をした者（個人に限る。）から受ける金銭その他の資産によって生計を維持しているもの
  - (iv) person other than those listed in the preceding three items whose livelihood is supported by money or other assets received from the person who conducted the Purchase, etc. or Sales, etc. (limited to individuals); and
  - 五 前三号に掲げる者と生計を一にするこれらの者の親族
  - (v) relative who shares livelihood with the persons listed in the preceding three items.

## 第二章 審判手続

### Chapter II Trial Procedures

#### 第一節 総則

#### Section 1 General Provisions

(趣旨)

(Purpose)

第一条の二十四 法第六章の二第二節の規定による審判手続については、同節に定めるもののほか、この章の定めるところによる。

Article 1-24 The trial procedures prescribed in Chapter VI-2, Section 2 of the Act are governed by the provisions of this Chapter, beyond the provisions of that Section.

(審判手続において提出する書面の記載事項)

(Matters to Be Stated in Documents Submitted in Trial Procedures)

第二条 答弁書、準備書面その他の被審人（法第七十九条第三項に規定する被審人を

いう。以下同じ。)又はその代理人が審判手続において提出する書面には、次に掲げる事項を記載し、被審人又はその代理人が記名押印するものとする。

Article 2 (1) A written answer, brief or any other document to be submitted by the Respondent (meaning Respondent prescribed in Article 179, paragraph (3) of the Act; the same applies hereinafter) or its counsel in trial procedures is to contain the following matters, and the Respondent or its counsel is to affix the respective name and seal thereto:

一 被審人の氏名又は名称及び住所並びに代理人の氏名及び住所

(i) the name and address of the Respondent and the name and address of its counsel;

二 事件の表示

(ii) indication of the case;

三 附属書類の表示

(iii) indication of any annexed documents; and

四 年月日

(iv) date.

2 前項の規定にかかわらず、被審人又はその代理人からその住所を記載した同項の書面が提出されているときは、以後審判手続において提出する同項の書面については、同項第一号に掲げる事項のうち被審人及びその代理人の住所を記載することを要しない。

(2) Notwithstanding the provisions of the preceding paragraph, if the Respondent or its counsel has submitted the document set forth in said paragraph containing a statement of the address, the Respondent or its counsel is not required to state, among the matters specified in item (i) of that paragraph, the address of the Respondent or its counsel in any document set forth in said paragraph to be subsequently submitted in the trial procedures.

3 準備書面その他の指定職員（法第百八十一条第二項に規定する指定職員をいう。以下同じ。）が審判手続において提出する書面には、被審人の氏名又は名称及び第一項第二号から第四号までに掲げる事項を記載し、指定職員が記名押印するものとする。

(3) The briefs and other documents submitted in the trial procedures by a Designated Official (meaning Designated Official prescribed in Article 181, paragraph (2) of the Act; the same applies hereinafter) are to state the name of the Respondent and the matters listed in paragraph (1), items (ii) to (iv) inclusive, with the name and seal of the Designated Official affixed thereon.

（書面のファクシミリによる提出）

(Submission of Documents by Facsimile)

第三条 審判手続において提出する書面は、次に掲げるものを除き、ファクシミリを利用して送信することにより提出することができる。

Article 3 (1) A document submitted in the trial procedures, excluding any of the following, may be submitted by transmitting it by facsimile:

一 法第百八十三条第二項に規定する答弁書

(i) a written answer prescribed in Article 183, paragraph (2) of the Act; and

二 法定代理権又は法第百八十一条第一項の代理人の権限を証明する書面その他の審判手続上重要な事項を証明する書面

(ii) a document for proving the authority of statutory representation or the powers of a counsel referred to in Article 181, paragraph (1) of the Act, or any other document for proving important matters in the trial procedures.

2 ファクシミリを利用して書面が提出された場合は、審判官が受信した時に、当該書面が審判官に提出されたものとみなす。

(2) When a document has been submitted by facsimile, said document is deemed to have been submitted to the trial examiner at the time when the trial examiner received it.

3 審判官は、前項に規定する場合において、必要があると認めるときは、提出者に対し、送信に使用した書面を提出させることができる。

(3) The trial examiner may, if the trial examiner finds it to be necessary in the case prescribed in the preceding paragraph, have the submitter submit the document used for the transmission.

(通知)

(Notice)

第四条 第七条第二項に規定する審判手続の事務を行う職員は、この章の規定により通知をしたときは、その旨及び通知の方法を事件記録上明らかにしなければならない。

Article 4 (1) If an official carrying out clerical work relating to trial procedures prescribed in Article 7, paragraph (2) has given a notice pursuant to the provisions of this Chapter, then such official must clarify in the case record to that effect as well as the method of the notice.

2 この章の規定による通知（第十二条第三項、第二十二條第四項並びに第六十二條第一項及び第三項の規定による通知を除く。）は、これを受けるべき者の所在が明らかでないとき、又はその者が外国に在るときは、することを要しない。この場合においては、第七条第二項に規定する審判手続の事務を行う職員は、その事由を事件記録上明らかにしなければならない。

(2) No notice is required under the provisions of this Chapter (excluding a notice under the provisions of Article 12, paragraph (3), Article 22, paragraph (4) and Article 62, paragraphs (1) and (3)), when the whereabouts of the person who is to receive the notice is unknown or when such person is located in a foreign state. In this case, the official carrying out clerical work relating to trial procedures prescribed in Article 7, paragraph (2) must clarify the reasons therefor in the case record.

(審判官の合議)

(Decision Making by a Panel of Trial Examiners)

第五条 合議体が審判手続を行う場合においては、審判官の合議は、過半数で決する。  
Article 5 When the trial procedures are carried out by a panel, the decision of the trial examiners is determined by a majority.

(職務の執行)

(Execution of Duties)

第六条 審判官は、その職務を公正迅速に、かつ、独立して行わなければならない。

Article 6 (1) The trial examiner must execute its duties in a fair, prompt and independent manner.

2 法第百八十条第二項の規定により、同条第一項本文の合議体を構成する審判官又は同項ただし書の一人の審判官として指定を受けることができる者には、検察官、弁護士又は弁護士となる資格を有する者を加えるものとする。

(2) Pursuant to the provisions of Article 180, paragraph (2) of the Act, a public prosecutor, attorney-at-law or a person qualified to become an attorney-at-law are to be added to the persons eligible to be designated as trial examiners that make up the panel referred to in the main clause of paragraph (1) of that Article or a sole trial examiner referred to in the proviso of that paragraph.

(審判手続の事務を行う職員)

(Official Carrying out Clerical Work Relating to Trial Procedures)

第七条 金融庁長官は、その職員に審判手続に関する事務を行わせる。

Article 7 (1) The Commissioner of the Financial Services Agency has its official carry out clerical work related to trial procedures.

2 前項の職員（以下「審判手続の事務を行う職員」という。）は、金融庁長官又は審判官の命を受けて、審判手続における調書その他の書類の作成、保管、送達及び送付に関する事務並びにこの章の規定による通知に関する事務を行う。

(2) The official referred to in the preceding paragraph (hereinafter referred to as an "Official Carrying out Clerical Work Relating to Trial Procedures") receives the order of the Commissioner of the Financial Services Agency or trial examiner and carries out clerical work related to preparing, storing, serving and sending of records and other documents in the trial procedures as well as clerical work relating to the notice under the provisions of this Chapter.

(未成年者及び成年被後見人の審判手続上の行為をする能力等)

(Capacity, etc. of Minors and Adult Wards to Conduct Acts in Trial Procedures)

第八条 未成年者及び成年被後見人は、法定代理人によらなければ、審判手続上の行為をすることができない。ただし、未成年者が独立して法律行為をすることができる場合は、この限りでない。

Article 8 (1) Minors and adult wards may not conduct acts in trial procedures without a statutory representative; provided, however, that this does not apply when a minor may conduct a juristic act independently.

2 法定代理権は、書面で証明しなければならない。

(2) Authority of statutory representation must be proven in writing.

(代理人)

(Counsel)

第九条 弁護士又は弁護士法人である代理人の権限は、書面で証明しなければならない。

Article 9 (1) The powers of the counsel that is an attorney-at-law or a legal professional corporation must be proven in writing.

2 被審人は、法第百八十一条第一項の承認を求めようとするときは、代理人としようとする者の氏名、住所及び職業を記載し、かつ、当該者と被審人との関係その他当該者が代理人として適当であるかどうかを知るに足りる事項を記載した書面を、金融庁長官に提出しなければならない。

(2) When the Respondent intends to seek approval set forth in Article 181, paragraph (1) of the Act, the Respondent must submit to the Commissioner of the Financial Services Agency a document stating the name, address and occupation of the person whom Respondent intends to appoint as counsel, the relationship between said person and the Respondent and other matters that would sufficiently show whether said person is appropriate as counsel.

3 前項の書面には、代理人の権限及びその範囲を明確に表示した書面を添付しなければならない。

(3) A document clearly indicating the powers of the counsel and the scope thereof must be attached to the document referred to in the preceding paragraph.

4 金融庁長官は、第二項の書面の提出を受けた場合において、法第百八十一条第一項の承認をしたとき、又は承認をしないこととしたときは、その旨を被審人に通知しなければならない。

(4) If the Commissioner of the Financial Services Agency has received the document under paragraph (2), and made a decision on approval or disapproval under Article 181, paragraph (1) of the Act, the Commissioner must notify the Respondent to that effect.

5 被審人が代理人を解任したときは、遅滞なく、書面でその旨を審判官に届け出なければならない。

(5) When the Respondent has dismissed its counsel then the Respondent must notify the trial examiner to that effect in writing without delay.

(事件記録の謄本の様式)

(Form of Transcripts of Case Records)

第十条 法第六章の二第二節又はこの章の規定により作成すべき謄本には、当該謄本を作成した審判手続の事務を行う職員が、その記載に接続して当該謄本が原本と相違ない旨を付記し、かつ、これに記名押印して、毎葉に契印又はこれに準ずる措置をしなければならない。

Article 10 An Official Carrying out Clerical Work Relating to Trial Procedures

who prepared transcripts to be prepared under the provisions of Chapter VI-2, Section 2 of the Act or this Chapter must state, subsequent to its contents, a note to the effect that the transcripts are no different from the original and affix the official's name and seal, and affix a seal to confirm page continuation or take other equivalent measures.

(期間の計算)

(Computation of Period of Time)

第十一条 期間の計算については、民法（明治二十九年法律第八十九号）の期間に関する規定に従う。

Article 11 (1) Computation of period of time is in accordance with the provisions of the Civil Code (Act No. 89 of 1896) concerning the period of time.

2 期間の末日が行政機関の休日に関する法律（昭和六十三年法律第九十一号）第一条第一項各号に掲げる日に当たるときは、期間は、その翌日に満了する。

(2) When the last day of the period falls on any day listed in the items of Article 1, paragraph (1) of the Act on Holidays of Administrative Organs (Act No. 91 of 1988), the period ends on the following day.

(送達場所等の届出)

(Notification of Place of Service, etc.)

第十一条の二 送達を受けるべき場所の届出及び送達受取人の届出は、書面でしなければならない。

Article 11-2 (1) Notification of the place where service is to be received and notification of a designated service recipient must be made in writing.

2 前項の届出は、できる限り、答弁書に記載してしなければならない。

(2) Notification set forth in the preceding paragraph must, insofar as possible, be made through statements in a written answer.

3 送達を受けるべき場所を届け出る書面には、届出場所が就業場所であることその他の被審人又はその代理人と届出場所との関係を明らかにする事項を記載しなければならない。

(3) A document notifying the place where service is to be received must contain statements of the fact that the notified place is a workplace or any other matter that clarifies the relationship between the Respondent or its counsel and the notified place.

4 被審人又はその代理人は、送達を受けるべき場所として届け出た場所又は送達受取人として届け出た者を変更する届出をすることができる。

(4) The Respondent or its counsel may make a notification of a change in the place notified as the place where service is to be received or in the person notified as the designated service recipient.

5 第一項及び第三項の規定は、前項に規定する変更の届出について準用する。

(5) The provisions of paragraph (1) and paragraph (3) apply mutatis mutandis to

the notification of change prescribed in the preceding paragraph.

(送達)

(Service)

第十二条 法第百八十五条の十において準用する民事訴訟法（平成八年法律第百九号）

第百六条第二項の規定による補充送達がされたときは、審判手続の事務を行う職員は、その旨を送達を受けた者に通知しなければならない。

Article 12 (1) When a substituted service under the provisions of Article 106, paragraph (2) of the Code of Civil Procedure (Act No. 109 of 1996) applied mutatis mutandis pursuant to Article 185-10 of the Act has been made, the Official Carrying out Clerical Work Relating to Trial Procedures must notify the person who received the service to that effect.

2 法第百八十五条の十において準用する民事訴訟法第百七条第一項又は第二項の規定による書留郵便に付する送達をしたときは、審判手続の事務を行う職員は、その旨及び当該書類について書留郵便に付して発送した時に送達があったものとみなされることを送達を受けた者に通知しなければならない。

(2) When service by registered mail under the provisions of Article 107, paragraph (1) or paragraph (2) of the Code of Civil Procedure applied mutatis mutandis pursuant to Article 185-10 of the Act has been made, the Official Carrying out Clerical Work Relating to Trial Procedures must notify the person who received the service to that effect and the fact that the relevant document is deemed to have been served at the time when the document was sent by registered mail.

3 金融庁長官又は審判官は、公示送達があったことを官報又は新聞紙に掲載することができる。外国においてすべき送達については、金融庁長官又は審判官は、官報又は新聞紙への掲載に代えて、公示送達があったことを通知することができる。

(3) The Commissioner of the Financial Services Agency or the trial examiner may publish, in an official gazette or a newspaper, the fact that service by publication has been made. With regard to service that is to be made in a foreign state, the Commissioner of the Financial Services Agency or the trial examiner may, in lieu of publication in an official gazette or a newspaper, give a notice of the fact that service by publication has been made.

(用語)

(Terminology)

第十三条 審判手続においては、日本語を用いる。

Article 13 (1) In the trial procedures, Japanese language is used.

2 審判手続に関与する者が日本語に通じないときは、通訳人を立ち会わせる。

(2) When a person involved in the trial procedures does not understand Japanese, an interpreter is present.

## 第二節 審判手続の開始

### Section 2 Commencement of Trial Procedures

(審判手続開始の決定)

(Decision on Commencement of Trial Procedures)

第十四条 法第百七十八条第一項の規定による審判手続開始の決定は、次に掲げる事項を記載した書面（以下「審判手続開始決定書」という。）の謄本を送達して行うものとする。

Article 14 (1) The decision on commencement of trial procedures under the provisions of Article 178, paragraph (1) of the Act is to be issued by serving a transcript of a document stating the following matters (hereinafter referred to as "Written Decision on Commencement of Trial Procedures"):

一 納付すべき課徴金の額

(i) the amount of the administrative monetary penalty to be paid;

二 課徴金に係る法第百七十八条第一項各号に掲げる事実

(ii) the facts pertaining to the administrative monetary penalty listed in the items of Article 178, paragraph (1) of the Act;

三 法令の適用

(iii) application of laws and regulations;

四 課徴金の計算の基礎

(iv) the basis for computation of administrative monetary penalty; and

五 第一回の審判の期日及び場所

(v) the date and place of the first session of the trial.

2 審判手続開始決定書を送達する場合には、次に掲げる事項を記載した通知書を添付するものとする。

(2) When a Written Decision on Commencement of Trial Procedures is served, a written notice stating the following matters is to be attached thereto:

一 被審人又はその代理人が審判の期日に出頭すべき旨

(i) a statement that the Respondent or its counsel should appear on the trial date; and

二 答弁書を提出すべき期限

(ii) deadline for submission of written answer.

(第一回の審判の期日の変更等)

(Change, etc. in Date of First Session of Trial)

第十五条 審判官は、正当な理由があると認めた場合には、申立てにより又は職権で、第一回の審判の期日若しくは場所を変更し、又は答弁書を提出すべき期限を延長することができる。

Article 15 The trial examiner may change the date or place of the first session of the trial or extend the deadline for the submission of a written answer, upon petition or by the trial examiner's own authority, if the trial examiner has



found justifiable grounds to do so.

(答弁書の記載事項)

(Matters to Be Stated in Written Answer)

第十六条 答弁書には、次に掲げる事項を記載しなければならない。

Article 16 (1) The following matters must be stated in a written answer:

一 納付すべき課徴金の額に対する答弁

(i) answer to the amount of the administrative monetary penalty to be paid;

二 第十四条第一項第二号に掲げる事項に対する認否

(ii) admission or denial of matters specified in Article 14, paragraph (1), item (ii);

三 第十四条第一項第三号及び第四号に掲げる事項に関する主張

(iii) allegation concerning matters specified in Article 14, paragraph (1), items (iii) and (iv); and

四 被審人の主張（前号に掲げるものを除く。）

(iv) the Respondent's allegation (excluding those set forth in the preceding item).

2 答弁書には、前項各号に掲げる事項のほか、被審人又はその代理人の郵便番号及び電話番号（ファクシミリの番号を含む。）を記載しなければならない。

(2) A written answer must contain statements of the postal code and telephone number (including the facsimile number) of the Respondent or its counsel, in addition to the matters prescribed in the items of the preceding paragraph.

(審判官の指定)

(Designation of Trial Examiner)

第十七条 金融庁長官は、法第百八十条第二項の規定により審判事件を担当する審判官を指定したときは、その氏名を被審人又はその代理人に通知しなければならない。

Article 17 (1) When the Commissioner of the Financial Services Agency has designated trial examiners in charge of the trial case pursuant to the provisions of Article 180, paragraph (2), the Commissioner must notify the Respondent or its counsel of the names of such trial examiners.

2 金融庁長官は、法第百八十条第三項の規定により審判長を指定したときは、その氏名を被審人又はその代理人に通知しなければならない。

(2) When the Commissioner of the Financial Services Agency has designated a chief trial examiner pursuant to the provisions of Article 180, paragraph (3), the Commissioner must notify the Respondent or its counsel of the name of such chief trial examiner.

### 第三節 審判における主張等及びその準備

### Section 3 Allegations, etc. in and Preparations for Trials

(審判廷)

(Tribunal)

第十八条 審判は、金融庁の審判廷で行う。ただし、審判官は、必要があると認めるときは、審判に適当な場所を審判廷に定めることができる。

Article 18 A trial is held at a tribunal of the Financial Services Agency; provided, however, that the trial examiner may specify an appropriate place for trial as the tribunal when the trial examiner finds it necessary to do so.

(非公開の申出)

(Request for Closed Trial)

第十九条 審判の非公開の申出は、非公開とすべき範囲、理由及び期間を明らかにして行わなければならない。

Article 19 (1) A request for closed trial must be made by clarifying the scope, reason and period of the trial to be closed to the public.

2 審判官は、審判を非公開とするときは、その旨及び理由を述べなければならない。

(2) When the trial examiner intends to hold a closed trial, the trial examiner must make a statement to that effect and the reason for holding a closed trial.

(審判の期日の指定及び変更並びに期日の呼出し)

(Designation and Change of Trial Date and Summon to Appear on Trial Date)

第二十条 第二回以後の審判の期日は、審判長が指定する。

Article 20 (1) The date of second and subsequent sessions of the trial is specified by the chief trial examiner.

2 前項の審判の期日は、やむを得ない事由がある場合でなければ、変更することができない。

(2) The trial date referred to in the preceding paragraph may not be changed unless there are unavoidable grounds for such change.

3 第一項の審判の期日の呼出しは、呼出状の送達、当該事件について出頭した者に対する期日の告知その他相当と認める方法によってする。

(3) The summon to appear on the trial date referred to in paragraph (1) is conducted by serving a writ of summons, notifying the date to the person making an appearance on the case and other methods that are found to be reasonable.

(審判の指揮及び秩序維持)

(Control over Trial and Maintenance of Order)

第二十一条 審判は、審判長が指揮する。

Article 21 (1) The chief trial examiner presides over a trial.

2 審判長は、発言を許し、又はその命令に従わない者の発言を禁ずることができる。

(2) The chief trial examiner may permit persons to take the floor or prohibit persons who do not comply with the chief trial examiner's order from taking

the floor.

- 3 審判長は、審判廷の秩序を維持するために必要な事項を命じ、又は処置をとることができる。

(3) The chief trial examiner may order necessary matters or take measures to maintain order in the tribunal.

(釈明権等)

(Authority to Ask for Explanation, etc.)

第二十二條 審判長は、審判の期日又は期日外において、事件関係を明瞭にするため、事実上及び法律上の事項に関し、指定職員又は被審人若しくはその代理人に対して問いを發し、又は必要な行為を求めることができる。

Article 22 (1) The chief trial examiner may ask questions or request necessary acts related to factual or legal matters to clarify relationships in the case to the Designated Official or the Respondent or its counsel on the trial date or on any day other than the trial date.

- 2 審判長以外の審判官は、審判長に告げて、前項に規定する処置をすることができる。

(2) A trial examiner other than the chief trial examiner may take the measures prescribed in the preceding paragraph by informing the chief trial examiner.

- 3 指定職員又は被審人若しくはその代理人は、審判の期日又は期日外において、審判長に対して必要な発問を求めることができる。

(3) The Designated Official or the Respondent or its counsel may request the chief trial examiner to ask necessary questions on the trial date or on any day other than the trial date.

- 4 審判長又は審判長以外の審判官が、審判の期日外において、主張又は立証に重要な変更を生じ得る事項について第一項又は第二項の規定による処置をしたときは、その内容を相手方に通知しなければならない。

(4) When the chief trial examiner or a trial examiner other than the chief trial examiner has taken measures under the provisions of paragraph (1) or (2) on matters that may cause material changes in the allegation or proof on any day other than the trial date, said examiner must notify the description of such measures to the opponent.

(審判手続の併合等)

(Consolidation, etc. of Trial Procedures)

第二十三條 審判官は、審判手続における主張若しくは証拠の申出の制限若しくは審判手続の分離若しくは併合を命じ、又はその命令を取り消すことができる。

Article 23 (1) The trial examiner may order the restriction of allegations or offers of evidence in trial procedures or the separation or consolidation of trial procedures, or revoke such orders.

- 2 審判官は、終結した審判手続の再開を命ずることができる。

(2) The trial examiner may order the resumption of trial procedures that had

been concluded.

(主張の提出又は証拠の申出の時期)

(Timing of Submission of Allegations and Offer of Evidence)

第二十四条 主張の提出又は証拠の申出は、審判の進行状況に応じ適切な時期に行わなければならない。

Article 24 Submission of allegation and offer of evidence must be done at an appropriate time corresponding to the progress of the trial.

(審判調書の形式的記載事項)

(Formal Matters to Be Stated in Trial Records)

第二十五条 審判手続の事務を行う職員は、審判の期日ごとに調書を作成しなければならない。調書には、次に掲げる事項を記載しなければならない。

Article 25 (1) The Official Carrying out Clerical Work Relating to Trial

Procedures must prepare a record on each trial date. The following matters must be stated in the record:

一 事件の表示

(i) indication of the case;

二 審判官及び審判手続の事務を行う職員の氏名

(ii) names of the trial examiner and the Official Carrying out Clerical Work Relating to Trial Procedures;

三 指定職員の氏名

(iii) name of the Designated Official;

四 出頭した被審人、代理人及び通訳人の氏名

(iv) names of the Respondent, its counsel, and interpreter who appeared at the trial;

五 審判の日時及び場所

(v) date, time and place of the trial; and

六 審判を公開したこと又は公開しなかったときはその旨及びその理由

(vi) the fact that the trial was held in public or, if it was not held in public, a statement to that effect and the reason therefor.

2 前項の調書には、審判手続の事務を行う職員が記名押印し、審判長が認印しなければならない。

(2) The Official Carrying out Clerical Work Relating to Trial Procedures must affix the official's name and seal to the record set forth in the preceding paragraph and the chief trial examiner must affix a seal of approval thereto.

3 前項の場合において、審判長に支障があるときは、審判長以外の審判官がその事由を付記して認印しなければならない。審判官に支障があるときは、審判手続の事務を行う職員がその旨を記載すれば足りる。

(3) In the cases set forth in the preceding paragraph, if the chief trial examiner has difficulty affixing a seal of approval, a trial examiner other than the chief

trial examiner must affix the seal of approval while appending a supplementary note about the grounds therefor. If any other trial examiners have difficulty affixing a seal of approval, it is sufficient for the Official Carrying out Clerical Work Relating to Trial Procedures to include a statement to that effect in the record.

(審判調書の実質的記載事項)

(Substantial Matters to Be Stated in Trial Records)

第二十六条 審判の調書には、主張、証拠の申出及び証拠調べの要領を記載し、特に、次に掲げる事項を明確にしなければならない。

Article 26 Trial records must state a summary of the allegations, offer of evidence and examination of evidence, while clarifying, in particular, the following matters:

一 参考人、被審人及び鑑定人の陳述

(i) statements by a witness, the Respondent and expert witnesses;

二 参考人及び鑑定人の宣誓の有無並びに参考人及び鑑定人に宣誓をさせなかった理由

(ii) whether or not witnesses and expert witnesses swore under oath, and reasons for not having witnesses and expert witnesses swear under oath;

三 立入検査の結果

(iii) results of on-site inspection; and

四 審判長が記載を命じた事項及び指定職員又は被審人若しくはその代理人の請求により記載を許した事項

(iv) matters that were directed by the chief trial examiner to be stated and matters that were allowed to be stated on request by the Designated Official or the Respondent or its counsel.

(調書への引用)

(Citation of Record)

第二十七条 審判の調書には、書面、写真その他審判官が適当と認めるものを引用し、事件記録に添付して調書の一部とすることができる。

Article 27 In a trial record, a document, photograph or any other object that is found to be appropriate by the trial examiner may be cited and attached to the case record as part of said trial record.

(準備書面)

(Brief)

第二十八条 審判手続における主張は、書面で準備しなければならない。

Article 28 (1) An allegation in the trial procedures must be prepared in writing.

2 準備書面は、これに記載した事項について相手方が準備をするのに必要な期間において、審判官に提出しなければならない。

- (2) A brief must be submitted to the trial examiner while allowing a period required by the opponent to make preparations on matters stated therein.
- 3 前項の準備書面は、二通（当該書面を送付すべき相手方の数が二以上であるときは、その数に一を加えた通数）を提出しなければならない。
- (3) Two copies of the brief referred to in the preceding paragraph must be submitted (or, when there are two or more opponents to whom said document should be sent, the number of copies must be the number of such opponents plus one).
- 4 準備書面に引用した資料は、準備書面の各通に附属書類として添付しなければならない。
- (4) Materials cited in the brief must be attached to each copy of the brief as annexed documents.
- 5 審判手続の事務を行う職員は、審判官に提出された準備書面を、準備書面を提出した者の相手方に送付しなければならない。
- (5) The Official Carrying out Clerical Work Relating to Trial Procedures must send a brief that has been submitted to the trial examiner to the opponent of the person who submitted the brief.

（準備書面等の提出期間）

(Period of Submission of Brief, etc.)

第二十九条 審判長は、準備書面の提出又は証拠の申出をすることができる期間を定めることができる。

Article 29 (1) The chief trial examiner may specify the period during which a brief may be submitted or evidence may be offered.

2 前項の期間を経過したときは、指定職員又は被審人若しくはその代理人は、新たな主張の提出をし、又は新たな証拠の申出をすることができない。ただし、審判長が相当と認める場合は、この限りでない。

(2) When the period referred to in the preceding paragraph has elapsed, the Designated Official or the Respondent or its counsel may not submit a new allegation or offer new evidence; provided, however, that this does not apply when it is found to be reasonable by the chief trial examiner.

（準備手続）

(Preparatory Proceedings)

第三十条 審判官は、争点及び証拠の整理を行うため必要があると認めるときは、指定職員及び被審人又はその代理人の意見を聴いて、準備手続をすることができる。

Article 30 (1) The trial examiner may, when the trial examiner finds it necessary to arrange issues and evidence, hear the opinion of the Designated Official and the Respondent or its counsel and conduct preparatory proceedings.

2 審判官は、指定職員又は被審人若しくはその代理人に準備書面の提出を求めることができる。

- (2) The trial examiner may request the Designated Official or the Respondent or its counsel to submit a brief.
- 3 第二十条の規定は準備手続の期日について、第二十一条第一項及び第二項並びに第二十二条から第二十七条までの規定は準備手続について、それぞれ準用する。
- (3) The provisions of Article 20 apply *mutatis mutandis* to the date of preparatory proceedings, and the provisions of Article 21, paragraphs (1) and (2) and Article 22 to Article 27 inclusive apply *mutatis mutandis* to preparatory proceedings.
- 4 審判官は、第一回の審判の期日前に、被審人又はその代理人の申立てにより、当該被審人又はその代理人に第十四条第一項第二号及び第四号に掲げる事項を証する資料の全部又は一部の閲覧又は謄写をさせることを指定職員に求めることができる。ただし、第三者の利益を害するおそれがあるときその他正当な理由があるときは、この限りでない。
- (4) The trial examiner may, upon the filing of a petition by the Respondent or its counsel, request the Designated Official to have said Respondent or its counsel inspect or copy all or part of the materials that prove the matters specified in Article 14, paragraph (1), items (ii) and (iv) before the date of the first session of the trial; provided, however, that this does not apply when there is a risk of harming any third party's interest or when there is any other justifiable ground.

#### **第四節 証拠**

#### **Section 4 Evidence**

##### **第一款 総則**

##### **Subsection 1 General Provisions**

(証拠の申出)

(Offer of Evidence)

第三十一条 指定職員又は被審人若しくはその代理人は、証拠の申出をすることができる。

Article 31 (1) The Designated Official or the Respondent or its counsel may offer evidence.

2 証拠の申出は、証明すべき事実を特定し、証明すべき事実と証拠との関係を具体的に明示してしなければならない。

(2) Evidence must be offered by identifying the facts to be proven and by clearly indicating the relationship between such fact and the evidence.

3 証拠の申出は、期日前においてもすることができる。

(3) Evidence may be offered even before the date.

4 第二十八条第二項、第三項及び第五項の規定は、証拠の申出を記載した書面について準用する。

(4) The provisions of Article 28, paragraphs (2), (3) and (5) apply *mutatis*

mutandis to the documents stating the offer of evidence.

(職権証拠調べ)

(Examination of Evidence by Examiner's Own Authority)

第三十二条 審判官は、職権で証拠調べをすることができる。

Article 32 The trial examiner may conduct examination of evidence by such examiner's own authority.

(証拠調べを要しない場合)

(When Examination of Evidence Is Not Required)

第三十三条 審判官は、指定職員又は被審人若しくはその代理人が申し出た証拠で必要でないと認めるものは、取り調べることを要しない。

Article 33 The trial examiner is not required to examine evidence offered by the Designated Official or the Respondent or its counsel if the examiner finds it unnecessary.

(受命審判官による証拠調べ)

(Examination of Evidence by Authorized Trial Examiner)

第三十四条 審判官は、証拠調べをする場合には、合議体の構成員に命じて証拠調べをさせることができる。

Article 34 (1) When the trial examiner examines evidence, the trial examiner may order a member of the panel to examine the evidence.

2 前項の規定により合議体の構成員に証拠調べをさせる場合においては、審判長がその審判官を指定する。

(2) When a member of the panel is ordered to examine the evidence pursuant to the provisions of the preceding paragraph, the chief trial examiner designates the trial examiner.

(書類その他の物件の提出時期)

(Period of Submission of Documents and Other Articles)

第三十五条 参考人、鑑定人又は被審人の審問において使用する予定の書類その他の物件は、参考人、鑑定人又は被審人の陳述の信用性を争うための証拠として使用するものを除き、その参考人、鑑定人又は被審人の審問を開始する時の相当期間前までに提出しなければならない。ただし、当該書類その他の物件を提出することができないときは、その写しを提出すれば足りる。

Article 35 Documents and other articles that are planned to be used in the hearing of a witness, an expert witness or the Respondent must be submitted by allowing a reasonable period before the time of the commencement of said hearing of the witness, expert witness or Respondent, except for those that are to be used as evidence for contesting the credibility of statements made by the witness, expert witness or the Respondent; provided, however, that, when it is



not possible to submit such documents and other articles, it is sufficient to submit a copy thereof.

## 第二款 参考人審問

### Subsection 2 Hearing of Witness

(参考人審問の申出)

(Request for Hearing of Witness)

第三十六条 参考人審問の申出は、参考人を指定し、かつ、審問に要する見込みの時間を明らかにしてしなければならない。

Article 36 A request for the hearing of a witness must be made by designating the witness and clarifying the expected time required for the hearing.

(審問事項書)

(Description of Matters Subject to Hearing)

第三十七条 参考人審問の申出をするときは、同時に、審問事項書（審問事項を記載した書面をいう。以下同じ。）三通（当該書面を送付すべき相手方の数が二以上であるときは、その数に二を加えた通数）を提出しなければならない。ただし、やむを得ない事由があるときは、審判長の定める期間内に提出すれば足りる。

Article 37 (1) When requesting the hearing of a witness, three copies of a statement of matters for hearing (meaning a document stating the matters for hearing; the same applies hereinafter) must be submitted at the same time (or, when there are two or more opponents to whom said document should be sent, the number of copies must be equal to the number of such opponents plus two); provided, however, that it is sufficient to submit such copies within a period specified by the chief trial examiner, if there are unavoidable grounds therefor.

2 審問事項書は、できる限り、個別的かつ具体的に記載しなければならない。

(2) A statement of matters for hearing must be stated individually and specifically insofar as possible.

3 審判手続の事務を行う職員は、審問事項書を第一項の申出をした者の相手方に送付しなければならない。

(3) The Official Carrying out Clerical Work Relating to Trial Procedures must send a statement of matters for hearing to the opponent of the person who filed the application referred to in paragraph (1).

(呼出状の記載事項等)

(Matters to Be Stated, etc. in Writ of Summons)

第三十八条 参考人の呼出状には、次に掲げる事項を記載し、審問事項書を添付しなければならない。

Article 38 A writ of summons for a witness must contain statements of the following matters and must have attached a statement of matters for hearing:

一 被審人の表示

(i) indication of the Respondent;

二 出頭すべき日時及び場所

(ii) date, time and place for appearance; and

三 出頭しない場合における法律上の制裁

(iii) legal sanction against failure to appear.

(参考人の出頭の確保)

(Ensuring Appearance of Witness)

第三十九条 参考人を審問する旨の決定があったときは、審問の申出をした指定職員又は被審人若しくはその代理人は、参考人を期日に出頭させるように努めなければならない。

Article 39 When a decision to conduct a hearing of a witness has been made, the Designated Official or the Respondent or its counsel who has requested the hearing must endeavor to have the witness appear on the appearance date.

(不出頭の届出)

(Notification of Non-Appearance)

第四十条 参考人は、期日に出頭することができない事由が生じたときは、直ちに、その事由を明らかにして届け出なければならない。

Article 40 A witness must, when circumstances that prevent the witness from appearing on the appearance date have arisen, notify such fact immediately while clarifying the circumstances.

(宣誓)

(Oath)

第四十一条 参考人の宣誓は、審問の前にさせなければならない。

Article 41 (1) The tribunal must have a witness swear under oath before the hearing.

2 宣誓は、起立して厳粛に行わなければならない。

(2) The swearing under oath must be conducted solemnly while standing.

3 審判長は、参考人に宣誓書を朗読させ、かつ、これに署名押印させなければならない。参考人が宣誓書を朗読することができないときは、審判長は、審判手続の事務を行う職員にこれを朗読させなければならない。

(3) The chief trial examiner must have the witness read aloud the written oath and have the witness sign and seal it. When the witness is unable to read the written oath aloud, the chief trial examiner must have the Official Carrying out Clerical Work Relating to Trial Procedures read it aloud.

4 前項の宣誓書には、良心に従って真実を述べ、何事も隠さず、また、何事も付け加えないことを誓う旨を記載しなければならない。

(4) The written oath set forth in the preceding paragraph must contain a

statement to the effect that the person swears to tell the truth according to the dictates of conscience, without hiding anything or adding anything.

5 審判長は、宣誓の前に、宣誓の趣旨を説明し、かつ、虚偽陳述の罰を告げなければならない。

(5) The chief trial examiner must, before the swearing under oath, explain the purpose of swearing under oath and notify the punishment against any perjury.

(審問の順序)

(Order of Hearing)

第四十二条 参考人の審問は、その審問の申出をした者、相手方、審判長の順序です。

Article 42 (1) Hearing of a witness is conducted in the order of: the person who requested the hearing; the opponent; and the chief trial examiner

2 審判長は、適当と認めるときは、指定職員及び被審人又はその代理人の意見を聴いて、前項の順序を変更することができる。

(2) The chief trial examiner may, when the examiner finds it appropriate, change the order referred to in the preceding paragraph by asking the opinion of the Designated Official and the Respondent or its counsel.

3 指定職員又は被審人若しくはその代理人による参考人の審問は、次の順序による。

(3) Hearing of a witness by the Designated Official or the Respondent or its counsel is conducted in the following order:

一 審問の申出をした者の審問（主審問）

(i) hearing by the person who has requested the hearing (direct hearing);

二 相手方の審問（反対審問）

(ii) hearing by the opponent (cross-hearing);

三 審問の申出をした者の再度の審問（再主審問）

(iii) further examination by the party who has requested the hearing (redirect hearing).

4 指定職員又は被審人若しくはその代理人は、審判長の許可を得て、さらに審問をすることができる。

(4) The Designated Official or the Respondent or its counsel may conduct further hearing with the permission of the chief trial examiner.

5 審判長は、第一項及び第二項の規定によるほか、必要があると認めるときは、いつでも、自ら参考人を審問し、又は指定職員又は被審人若しくはその代理人の審問を許すことができる。

(5) The chief trial examiner may personally conduct hearing of a witness or allow hearing by the Designated Official or the Respondent or its counsel not only under the provisions of paragraph (1) and paragraph (2), but whenever the chief trial examiner finds it to be necessary.

6 審判長以外の審判官は、審判長に告げて、参考人を審問することができる。

(6) A trial examiner other than the chief trial examiner may conduct a hearing of a witness, after notifying the chief trial examiner.

(質問の制限)

(Limitation of Question)

第四十三条 次の各号に掲げる審問は、それぞれ当該各号に定める事項について行うものとする。

Article 43 (1) The hearing listed in the following items is to be conducted for the matters respectively specified in those items:

一 主審問 立証すべき事項及びこれに関連する事項

(i) direct hearing - Matters to be proved and any matters related thereto;

二 反対審問 主審問に現れた事項及びこれに関連する事項並びに陳述の信用性に関する事項

(ii) cross-hearing - Matters mentioned in the direct hearing and any matters related thereto, and matters concerning credibility of statements made;

三 再主審問 反対審問に現れた事項及びこれに関連する事項

(iii) redirect hearing - Matters mentioned in the cross-hearing and any matters related thereto.

2 審判長は、前項各号に掲げる審問における質問が同項各号に定める事項以外の事項に関するものであって相当でないと認めるときは、申立てにより又は職権で、これを制限することができる。

(2) The chief trial examiner may, upon petition or by the chief trial examiner's own authority, limit a question asked in any of the hearings listed in the items of the preceding paragraph, if the chief trial examiner finds that said question relates to a matter other than the matters specified in the items of said paragraph and is inappropriate.

第四十四条 質問は、できる限り、個別的かつ具体的にしなければならない。

Article 44 (1) Questions must be asked individually and specifically insofar as possible.

2 指定職員並びに被審人及びその代理人は、次に掲げる質問をしてはならない。ただし、第二号から第五号までに掲げる質問については、正当な理由がある場合には、この限りでない。

(2) The Designated Official and the Respondent and its counsel must not ask the following questions; provided, however, that this does not apply to the questions listed in items (ii) to (v) inclusive when justifiable grounds exist:

一 参考人を侮辱し、又は困惑させる質問

(i) question that insults or confuses the witness;

二 誘導質問

(ii) leading question;

三 既にした質問と重複する質問

(iii) question that overlaps with any previous question;

四 争点に関係ない質問

(iv) question unrelated to the issues; or

五 意見の陳述を求める質問

(v) question seeking statement of opinion.

3 審判長は、質問が前項の規定に違反するものであると認めるときは、申立てにより又は職権で、これを制限することができる。

(3) The chief trial examiner may, upon petition or by the chief trial examiner's own authority, limit a question if the chief trial examiner finds it to be in violation of the provisions of the preceding paragraph.

(文書等の質問への利用)

(Use of Document, etc. in Questions)

第四十五条 指定職員又は被審人若しくはその代理人は、審判長の許可を得て、文書、図面、写真、模型、装置その他の適当な物件（以下この条において「文書等」という。）を利用して参考人に質問することができる。

Article 45 (1) The Designated Official or the Respondent or its counsel may, with the permission of the chief trial examiner, ask questions of a witness while using a document, drawing, photograph, model, equipment or any other appropriate object (hereinafter referred to as a "document, etc." in this Article).

2 前項の場合において、文書等が証拠調べをしていないものであるときは、当該質問の前に、相手方にこれを閲覧する機会を与えなければならない。ただし、相手方に異議がないときは、この限りでない。

(2) In the case set forth in the preceding paragraph, if the document, etc. has not been subject to an examination of evidence, the opponent must be given an opportunity to inspect it before the asking of said questions; provided, however, that this does not apply if the opponent has no objection.

3 審判長は、調書への添付その他必要があると認めるときは、指定職員又は被審人若しくはその代理人に対し、文書等の写しの提出を求めることができる。

(3) The chief trial examiner may request the Designated Official or the Respondent or its counsel to submit a copy of a document, etc., if the chief trial examiner finds it necessary for attaching such copy to the record or for any other purpose.

(書類に基づく陳述の禁止)

(Prohibition of Statements Made Based on Documents)

第四十六条 参考人は、書類に基づいて陳述することができない。ただし、審判長の許可を受けたときは、この限りでない。

Article 46 A witness may not make a statement based on documents; provided, however, that this does not apply when the witness has been permitted by the chief trial examiner.

(対質)

(Simultaneous Examination)

第四十七条 審判長は、必要があると認めるときは、参考人と他の参考人との対質を命ずることができる。

Article 47 (1) The chief trial examiner may, if the chief trial examiner finds it to be necessary, direct a simultaneous examination of a witness and another witness.

2 前項の規定により対質を命じたときは、その旨を調書に記載させなければならない。

(2) When having directed a simultaneous examination pursuant to the provisions of the preceding paragraph, the chief trial examiner must have a statement to that effect included in the record.

3 対質を行うときは、審判長がまず参考人を審問することができる。

(3) When carrying out a simultaneous examination, the chief trial examiner may examine the witnesses first.

(受命審判官の権限)

(Powers of Authorized Trial Examiner)

第四十八条 受命審判官が参考人審問を行う場合には、審判長の職務は、その受命審判官が行う。

Article 48 Where an authorized trial examiner conducts a hearing of a witness, said authorized trial examiner performs the duties of the chief trial examiner.

**第三款 被審人審問**

**Subsection 3 Hearing of Respondent**

第四十九条 参考人及び被審人の審問を行うときは、まず参考人の審問をする。ただし、適当と認めるときは、指定職員及び被審人又はその代理人の意見を聴いて、まず被審人の審問をすることができる。

Article 49 (1) When conducting a hearing of a witness and the Respondent, hearing of the witness is conducted first; provided, however, that when it is found to be appropriate, hearing of the Respondent may be conducted first after hearing the opinion of the Designated Official and the Respondent or its counsel.

2 審判長は、必要があると認めるときは、被審人と、他の被審人又は参考人との対質を命ずることができる。

(2) The chief trial examiner may, if the chief trial examiner finds it to be necessary, direct a simultaneous examination of the Respondent and another Respondent or witness.

3 前款（第四十一条及び第四十七条第一項を除く。）の規定は、被審人の審問について準用する。

(3) The provisions of the preceding Subsection (excluding Article 41 and Article 47, paragraph (1)) apply mutatis mutandis to the hearing of the Respondent.

#### 第四款 証拠書類及び証拠物の取調べ

#### Subsection 4 Examination of Documentary Evidence and Articles of Evidence

(証拠書類又は証拠物の提出等)

(Submission, etc. of Documentary Evidence or Articles of Evidence)

第五十条 証拠書類を提出するときは、提出の時までに、その写し二通（当該文書を送付すべき相手方の数が二以上であるときは、その数に一を加えた通数）を提出するとともに、証拠書類の記載から明らかな場合を除き、証拠書類の標目、作成者及び立証趣旨を明らかにした証拠説明書二通（当該書面を送付すべき相手方の数が二以上であるときは、その数に一を加えた通数）を提出しなければならない。ただし、やむを得ない事由があるときは、審判長の定める期間内に提出すれば足りる。

Article 50 (1) When submitting documentary evidence, two copies of the documentary evidence (or, when there are two or more opponents to whom said document should be sent, the number of copies must be the number of such opponents plus one) must be submitted and, unless it is clear from the statements in the documentary evidence, two copies of the description of evidence clarifying the title of the documentary evidence, the person who prepared the documentary evidence and the facts to be proved (or, when there are two or more opponents to whom said document should be sent, the number of copies must be the number of such opponents plus one) must be submitted by the time of submission; provided, however, that it is sufficient to submit such copies within a period specified by the chief trial examiner, if there are unavoidable grounds therefor.

2 証拠物を提出するときは、証拠物の標目及び立証趣旨を明らかにした証拠説明書二通（当該書面を送付すべき相手方の数が二以上であるときは、その数に一を加えた通数）を提出しなければならない。ただし、やむを得ない事由があるときは、審判長の定める期間内に提出すれば足りる。

(2) When submitting articles of evidence, two copies of the description of evidence clarifying the title of the articles of evidence and the facts to be proved (or, when there are two or more opponents to whom said document should be sent, the number of copies must be the number of such opponents plus one) must be submitted; provided, however, that it is sufficient to submit such copies within a period specified by the chief trial examiner, if there are unavoidable grounds therefor.

3 審判手続の事務を行う職員は、第一項の証拠書類の写し及びその証拠書類に係る証拠説明書又は前項の証拠物に係る証拠説明書を当該文書又は当該書面を送付すべき相手方に送付しなければならない。

(3) The Official Carrying out Clerical Work Relating to Trial Procedures must send copies of documentary evidence referred to in paragraph (1) and the

description of evidence pertaining to said documentary evidence or the description of evidence pertaining to articles of evidence referred to in the preceding paragraph to the opponent to whom said documentary evidence or description should be sent.

(訳文の添付等)

(Attaching of Translation, etc.)

第五十一条 外国語で作成された証拠書類を提出するときは、取調べを求める部分についてその証拠書類の訳文を添付しなければならない。この場合において、審判手続の事務を行う職員は、前条第三項の規定により送付するときは、同時に、その訳文についても送付しなければならない。

Article 51 (1) When submitting documentary evidence prepared in a foreign language, a translation of the part of the documentary evidence for which examination is sought must be attached thereto. In this case, if the Official Carrying out Clerical Work Relating to Trial Procedures sends the documentary evidence under the provisions of paragraph (3) of the preceding Article, the official must also send such translation at the same time.

2 相手方は、前項の訳文の正確性について意見があるときは、意見を記載した書面を審判官に提出しなければならない。

(2) If the opponent wishes to state an opinion on the accuracy of the translation set forth in the preceding paragraph, the opponent must submit a document stating such opinion to the trial examiner.

(書類等の提出命令の申立て)

(Filing Petition for Order to Submit Documents, etc.)

第五十二条 書類その他の物件（以下この条において「書類等」という。）の提出命令の申立ては、次に掲げる事項を明らかにして、書面でなければならない。

Article 52 (1) A petition for an order to submit documents and other articles (hereinafter referred to as "documents, etc." in this Article) must be filed in writing by clarifying the following matters:

一 書類等の表示

(i) indication of the documents, etc.;

二 書類等の趣旨

(ii) purpose of the documents, etc.;

三 書類等の所持者

(iii) holder of the documents, etc.; and

四 証明すべき事実

(iv) facts to be proven.

2 相手方は、前項の申立てについて意見があるときは、意見を記載した書面を審判官に提出しなければならない。

(2) If the opponent wishes to state an opinion on the petition set forth in the



preceding paragraph, the opponent must submit a document stating such opinion to the trial examiner.

3 審判官は、書類等の提出命令の申立てを理由があると認めるときは、書類等の所持者に対し、その提出を命ずる。

(3) The trial examiner orders the holder of the documents, etc. to submit said documents, etc. when the trial examiner finds that there are grounds for filing a petition for order to submit the documents, etc.

4 審判官は、第三者に対して書類等の提出を命じようとする場合には、その第三者の意見を聴かなければならない。

(4) When the trial examiner intends to order a third party to submit documents, etc., the trial examiner must hear the opinion of said third party.

(証拠書類の提出の方法)

(Method of Submission of Documentary Evidence)

第五十三条 証拠書類の提出は、原本、正本又は認証のある謄本でなければならない。

Article 53 (1) In submission of documentary evidence, the original, an authenticated copy or a certified transcript of the documentary evidence must be submitted.

2 審判官は、前項の規定にかかわらず、原本の提出を命ずることができる。

(2) Notwithstanding the provisions of the preceding paragraph, the trial examiner may order the submission of the original.

## 第五款 鑑定

### Subsection 5 Expert Testimony

(鑑定事項)

(Matters for Expert Testimony)

第五十四条 鑑定の申出をするときは、同時に、鑑定を求める事項を記載した書面二通（当該書面を送付すべき相手方の数が二以上であるときは、その数に一を加えた通数）を提出しなければならない。ただし、やむを得ない事由があるときは、審判長の定める期間内に提出すれば足りる。

Article 54 (1) When requesting expert testimony, two copies of a document stating the matters for which expert testimony is sought must be submitted at the same time (or, when there are two or more opponents to whom said document should be sent, the number of copies must be the number of such opponents plus one); provided, however, that it is sufficient to submit such document within a period specified by the chief trial examiner, if there are unavoidable grounds therefor.

2 審判手続の事務を行う職員は、前項の書面について同項の申出をする者の相手方に送付しなければならない。

(2) The Official Carrying out Clerical Work Relating to Trial Procedures must

send the document referred to in the preceding paragraph to the opponent of the person making the request set forth in said paragraph.

3 相手方は、第一項の書面について意見があるときは、意見を記載した書面を審判官に提出しなければならない。

(3) If the opponent wishes to state an opinion on the document set forth in paragraph (1), the opponent must submit a document stating such opinion to the trial examiner.

4 審判官は、第一項の書面に基づき、前項の意見も考慮して、鑑定事項を定める。この場合においては、鑑定事項を記載した書面を鑑定人に送付しなければならない。

(4) The trial examiner specifies the matters for expert testimony based on the document set forth in paragraph (1) while also giving consideration to the opinion set forth in the preceding paragraph. In this case, a document stating the matters for expert testimony must be sent to the expert witness.

(宣誓の方式)

(Method of Swearing under Oath)

第五十五条 宣誓書には、良心に従って誠実に鑑定をすることを誓う旨を記載しなければならない。

Article 55 (1) A written oath must contain a statement to the effect that the person swears to give expert testimony sincerely according to the dictates of conscience.

2 鑑定人の宣誓は、宣誓書を審判官に提出する方式によってもさせることができる。この場合における審判長による宣誓の趣旨の説明及び虚偽鑑定の罰の告知は、これらの事項を記載した書面を鑑定人に送付する方法によって行う。

(2) It is also possible to have an expert witness swear under oath by the method of submitting a written oath to the trial examiner. In this case, the chief trial examiner explains the purpose of swearing under oath and notify the punishment against any false expert testimony by the method of sending a document stating such matters to the expert witness.

(鑑定人の陳述の方式等)

(Method for Making Statements for Expert Witness, etc.)

第五十六条 審判長は、鑑定人に、書面又は口頭で、意見を述べさせることができる。

Article 56 (1) The chief trial examiner may have an expert witness state the expert witness' opinion in writing or orally.

2 審判官は、鑑定人に意見を述べさせた場合において、当該意見の内容を明瞭にし、又はその根拠を確認するため必要があると認めるときは、申立てにより又は職権で、鑑定人に更に意見を述べさせることができる。

(2) The trial examiner may, in cases of having an expert witness state the expert witness' opinion, make the expert witness state additional opinions upon petition or by the trial examiner's own authority, when it is found necessary for

clarifying the contents of such opinion or for confirming the grounds therefor.

(鑑定人質問)

(Asking Questions to Expert Witness)

第五十七条 審判官は、鑑定人に口頭で意見を述べさせる場合には、鑑定人が意見の陳述をした後に、鑑定人に対し質問をすることができる。

Article 57 (1) The trial examiner may, when the trial examiner makes an expert witness state the expert witness' opinion orally, ask questions to the expert witness after the expert witness has stated such opinion.

2 前項の質問は、審判長、その鑑定の申出をした者、相手方の順序です。

(2) Questions referred to in the preceding paragraph are asked in the order of: the chief trial examiner; the person who has requested the expert testimony; and the opponent.

3 審判長は、適当と認めるときは、指定職員及び被審人又はその代理人の意見を聴いて、前項の順序を変更することができる。

(3) When the chief trial examiner finds it appropriate, the chief trial examiner may change the order referred to in the preceding paragraph by asking the opinion of the Designated Official and the Respondent or its counsel.

(参考人審問の規定の準用)

(Mutatis Mutandis Application of Provisions Concerning Hearing of Witness)

第五十八条 第三十八条の規定は鑑定人の呼出状について、第四十条の規定は鑑定人に期日に出頭することができない事由が生じた場合について、第四十一条第二項、第三項及び第五項の規定は鑑定人に宣誓をさせる場合について、第四十二条第四項から第六項まで、第四十五条及び第四十七条の規定は鑑定人に口頭で意見を述べさせる場合について、第四十八条の規定は受命審判官が鑑定人に意見を述べさせる場合について、それぞれ準用する。

Article 58 The provisions of Article 38 apply mutatis mutandis to a writ of summons issued to an expert witness, the provisions of Article 40 apply mutatis mutandis to cases where circumstances that prevent an expert witness from appearing on the appearance date have arisen, the provisions of Article 41, paragraph (2), paragraph (3) and paragraph (5) apply mutatis mutandis to cases of having an expert witness swear under oath, and the provisions of Article 42, paragraph (4) to paragraph (6), Article 45, and Article 47 apply mutatis mutandis to cases of having an expert witness state the expert witness' opinion orally, and the provisions of Article 48 apply mutatis mutandis to cases where an authorized trial examiner has an expert witness state the expert witness' opinion.

## 第六款 立入検査

### Subsection 6 On-Site Inspection

(立入検査の申出の方式)

(Method for Requesting On-Site Inspection)

第五十九条 立入検査の申出は、立入検査の目的及び場所を表示してしなければならない。

Article 59 An On-Site Inspection must be requested by indicating the subject matter and the place of the On-Site Inspection.

## 第五節 決定

### Section 5 Decision

(審判手続の終結)

(Conclusion of Trial Procedures)

第六十条 審判官は、金融庁長官が法第百八十五条の七第一項、第二項、第四項から第八項まで及び第十項から第十六項までの決定をするに足りる主張及び証拠の提出がされたと認めるときは、審判手続を終結する。

Article 60 (1) The trial examiner concludes the trial procedures when the Commissioner of the Financial Services Agency finds that sufficient allegations and evidence have been submitted to issue a decision referred to in Article 185-7, paragraphs (1) and (2), paragraph (4) to paragraph (8) inclusive and paragraphs (10) to (16) inclusive of the Act .

2 審判官は、被審人が審判の期日に出頭せず、又は主張若しくは証拠の申出をしないで退席した場合において、審理の現状並びに指定職員及び被審人の審判手続追行の状況を考慮して相当と認めるときは、審判手続を終結することができる。

(2) When the Respondent fails to appear on the trial date or leaves without making an allegation or offering evidence, the trial examiner may conclude the trial procedures when it is found to be reasonable in consideration of the current status and prosecution of the trial procedures by the Designated Official and the Respondent.

3 審判官は、被審人が連続して二回、審判の期日に出頭せず、又は主張若しくは証拠の申出をしないで退席したときは、審判手続を終結する。ただし、審判官が相当と認める場合は、この限りでない。

(3) The trial examiner concludes the trial procedures when the Respondent fails to appear on a trial date or leaves without making an allegation or offering evidence on two occasions consecutively; provided, however, that this does not apply when the trial examiner finds it appropriate.

(決定の記載事項)

(Matters to Be Stated in Decision)

第六十一条 法第百八十五条の七第一項、第二項、第四項から第八項まで及び第十項から第十五項までの決定には、次に掲げる事項を記載しなければならない。

Article 61 (1) The following matters must be stated in the decision referred to in Article 185-7, paragraphs (1) and (2), paragraphs (4) to (8) inclusive and paragraphs (10) to (15) inclusive of the Act:

一 主文

(i) main text;

二 事実及び理由

(ii) facts and reasons; and

三 被審人及びその代理人

(iii) the Respondent and its counsel.

2 前項第一号に掲げる事項には、納付すべき課徴金の額及び納付期限を記載しなければならない。

(2) The matters specified in item (i) of the preceding paragraph must state the amount of the administrative monetary penalty to be paid and the deadline for the payment thereof.

3 第一項第二号に掲げる事項には、課徴金に係る法第百七十八条第一項各号に掲げる事実、法令の適用及び課徴金の計算の基礎を記載しなければならない。この場合においては、審判手続開始決定書を引用することができる。

(3) The matters specified in paragraph (1), item (ii) must state the facts listed in the items of Article 178, paragraph (1) of the Act pertaining to administrative monetary penalty, the application of laws and regulations and the basis for computation of administrative monetary penalty. In this case, the Written Decision on Commencement of Trial Procedures may be cited.

4 法第百八十五条の七第十六項の決定には、次の各号のいずれかに該当する旨及びその理由を記載しなければならない。

(4) The decision referred to in Article 185-7, paragraph (16) of the Act must contain a statement to the effect that the decision falls under any of the following items and the reasons therefor:

一 法第百七十八条第一項各号に掲げる事実がないこと。

(i) there is no fact listed in any of the items of Article 178, paragraph (1) of the Act; or

二 法第百八十五条の七第三項、第五項ただし書、第七項ただし書、第九項、第十一項ただし書、第十四項ただし書又は第十五項ただし書に該当すること。

(ii) the decision falls under Article 185-7, paragraph (3), the proviso to paragraph (5), the proviso to paragraph (7), paragraph (9), the proviso to paragraph (11), the proviso to paragraph (14), or the proviso to paragraph (15) of the Act.

(継続開示書類を提出しない発行者について既決定がある場合の按分額)

(Prorated Amount When There Is a Prior Decision for Issuer Who Does Not Submit Ongoing Disclosure Documents)

第六十一条の二 法第百八十五条の七第五項に規定する内閣府令で定めるところにより

それぞれの新決定に係る事実について個別決定ごとの算出額に応じて按分して得た額は、同項第一号に掲げる額から同項第二号に掲げる額を控除した額に、同条第四項に規定する個別決定ごとの算出額を合計した額に占める当該個別決定ごとの算出額の割合を乗じて得た額とする。

**Article 61-2** The prorated amount in proportion to the Amount Calculated for Respective Decisions with regard to the facts pertaining to the respective New Decisions specified by Cabinet Office Ordinance prescribed in Article 185-7, paragraph (5) of the Act is equal to the amount obtained by deducting the amount specified in item (ii) of that paragraph from the amount specified in item (i) of that paragraph, and multiplying by the ratio of the Amount Calculated for Respective Decisions to the sum of the Amounts Calculated for Respective Decisions prescribed in paragraph (4) of that Article.

(虚偽記載のある継続開示書類等を提出した発行者等について二以上の決定をする場合の按分額)

**(Prorated Amount When Two or More Decisions Are to Be Issued for Issuer, etc. Who Submitted Ongoing Disclosure Documents containing False Statement)**

第六十一条の三 法第百八十五条の七第六項に規定する内閣府令で定めるところにより当該個別決定ごとの算出額に応じて按分して得た額は、同項各号に掲げる額のいずれか高い額に、同項に規定する個別決定ごとの算出額を合計した額に占める当該個別決定ごとの算出額の割合を乗じて得た額とする。

**Article 61-3** The prorated amount in proportion to the Amount Calculated for Respective Decisions specified by Cabinet Office Ordinance prescribed in Article 185-7, paragraph (6) of the Act is equal to the amount obtained by multiplying the highest amount among the amounts listed in the items of that paragraph by the ratio of the Amount Calculated for Respective Decisions to the sum of the Amounts Calculated for Respective Decisions prescribed in that paragraph.

(虚偽記載のある継続開示書類等を提出した発行者等について既決定がある場合の按分額)

**(Prorated Amount When There Is a Prior Decision for Issuer, etc. Who Submitted Ongoing Disclosure Documents Containing False Statement)**

第六十一条の四 法第百八十五条の七第七項に規定する内閣府令で定めるところによりそれぞれの新決定に係る事実について個別決定ごとの算出額に応じて按分して得た額は、同項第一号に掲げる額から同項第二号に掲げる額を控除した額に、同条第六項に規定する個別決定ごとの算出額を合計した額に占める当該個別決定ごとの算出額の割合を乗じて得た額とする。

**Article 61-4** The prorated amount in proportion to the Amount Calculated for Respective Decisions with regard to the facts pertaining to the respective New Decisions specified by Cabinet Office Ordinance prescribed in Article 185-7,

paragraph (7) of the Act is equal to the amount obtained by deducting the amount specified in item (ii) of that paragraph from the amount specified in item (i) of that paragraph, and multiplying by the ratio of the Amount Calculated for Respective Decisions to the sum of the Amounts Calculated for Respective Decisions prescribed in paragraph (6) of that Article.

(虚偽等のある発行者等情報の提供又は公表をした発行者等について二以上の決定をする場合の按分額)

(Prorated Amount When Two or More Decisions Are to Be Issued for Issuer, etc. Who Provided or Publicized Issuer's Information Containing Fake Information, etc.)

第六十一条の五 法第百八十五条の七第十項に規定する内閣府令で定めるところにより当該個別決定ごとの算出額に応じて按分して得た額は、同項に規定する個別決定ごとの算出額のうち最も高い額に、同項に規定する個別決定ごとの算出額を合計した額に占める当該個別決定ごとの算出額の割合を乗じて得た額とする。

Article 61-5 The prorated amount in proportion to the Amount Calculated for Respective Decisions specified by Cabinet Office Ordinance prescribed in Article 185-7, paragraph (10) of the Act is equal to the amount obtained by multiplying the highest amount among the Amounts Calculated for Respective Decisions prescribed in that paragraph by the ratio of the Amount Calculated for Respective Decisions to the sum of the Amounts Calculated for Respective Decisions prescribed in that paragraph.

(虚偽等のある発行者等情報の提供又は公表をした発行者等について既決定がある場合の按分額)

(Prorated Amount When There Is a Prior Decision for Issuer, etc. Who Provided or Publicized Issuer's Information Containing Fake Information, etc.)

第六十一条の六 法第百八十五条の七第十一項に規定する内閣府令で定めるところによりそれぞれの新決定に係る事実について個別決定ごとの算出額に応じて按分して得た額は、同項第一号に掲げる額から同項第二号に掲げる額を控除した額に、同条第十項に規定する個別決定ごとの算出額を合計した額に占める当該個別決定ごとの算出額の割合を乗じて得た額とする。

Article 61-6 The prorated amount in proportion to the Amount Calculated for Respective Decisions with regard to the facts pertaining to the respective New Decisions specified by Cabinet Office Ordinance prescribed in Article 185-7, paragraph (11) of the Act is equal to the amount obtained by deducting the amount specified in item (ii) of that paragraph from the amount specified in item (i) of that paragraph, and multiplying by the ratio of the Amount Calculated for Respective Decisions to the sum of the Amounts Calculated for Respective Decisions prescribed in paragraph (10) of that Article.

(法第百七十二条の二第一項に該当する事実等の報告)

(Report of Facts, etc. Falling under Article 172-2, Paragraph (1) of the Act)

第六十一条の七 法第百八十五条の七第十二項の規定による報告を行おうとする者は、別紙様式による報告書を、次に掲げるいずれかの方法により、証券取引等監視委員会に提出しなければならない。

Article 61-7 (1) A person who intends to make a report under the provisions of Article 185-7, paragraph (12) of the Act must submit the report by using the appended form to the Securities and Exchange Surveillance Commission by one of the following methods:

一 直接持参する方法

(i) bring the report in person;

二 書留郵便、民間事業者による信書の送達に関する法律（平成十四年法律第九十九号。次項において「信書便法」という。）第二条第六項に規定する一般信書便事業者若しくは同条第九項に規定する特定信書便事業者による同条第二項に規定する信書便の役務であつて当該一般信書便事業者若しくは当該特定信書便事業者において引受け及び配達の記録を行うもの又はこれらに準ずる方法により送付する方法

(ii) send the report by registered mail or services of correspondence delivery prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002; referred to as "Correspondence Delivery Act" in the following paragraph) that are provided by a general correspondence delivery operator prescribed in paragraph (6) of said Article or a specified correspondence delivery operator prescribed in paragraph (9) of said Article in which acceptance and delivery are recorded by said general correspondence delivery operator or specified correspondence delivery operator or a method equivalent thereto; or

三 ファクシミリを利用して送信する方法

(iii) transmit the report by using facsimile.

2 前項第二号に掲げる方法により同項に規定する報告書が提出された場合は、その発送の時（当該報告書を郵便事業株式会社の営業所であつて郵便窓口業務の委託等に関する法律（昭和二十四年法律第二百十三号）第二条に規定する郵便窓口業務を行うもの（同法第三条第一項若しくは第三項の規定による委託又は同法第四条の規定による再委託を受けた者の営業所を含む。）に差し出した日時を郵便物の受領証により証明したときはその日時、その郵便物又は信書便法第二条第三項に規定する信書便物（以下この項において「信書便物」という。）の通信日付印により表示された日時が明瞭であるときはその日時、その郵便物又は信書便物の通信日付印により表示された日時のうち日のみが明瞭であつて時刻が明瞭でないときは表示された日の午後十二時）に、当該報告書が証券取引等監視委員会に提出されたものとみなす。

(2) If the report prescribed in the preceding paragraph has been submitted by the method specified in item (ii) of that paragraph, the report is deemed to have been submitted to the Securities and Exchange Surveillance Commission at the



time of dispatch thereof (or, the date and time at which the report was handed over to a business office of Japan Post Holdings Co., Ltd. which conducts services rendered at post office counters prescribed in Article 2 of the Act on Entrustment of Services Rendered at Post Office Counters (Act No. 213 of 1949) (including the business office of a contractor under the provisions of Article 3, paragraph (1) or paragraph (3) of said Act or a subcontractor under the provisions of Article 4 of said Act) when such date and time is proven by receipt of the postal item, or the date and time indicated by the date stamp on the postal item or correspondence mail prescribed in Article 2, paragraph (3) of the Correspondence Delivery Act (hereinafter referred to as "correspondence mail" in this paragraph) when such date and time are clearly legible, or at noon on the day of the date stamp of the postal mail or correspondence mail when only the day, but not the time, of the date stamp is clearly legible).

3 第一項第三号の方法により同項に規定する報告書が提出された場合は、証券取引等監視委員会が受信した時に、当該報告書が証券取引等監視委員会に提出されたものとみなす。

(3) If the report prescribed in paragraph (1) has been submitted by the method referred to in item (iii) of that paragraph, the report is deemed to have been submitted to the Securities and Exchange Surveillance Commission at the time when the report was received by the Securities and Exchange Surveillance Commission.

4 第一項第三号の方法により同項に規定する報告書の提出を行った者は、遅滞なく、当該報告書の原本を証券取引等監視委員会に提出しなければならない。

(4) A person who submitted a report prescribed in paragraph (1) by the method referred to in item (iii) of that paragraph must submit the original of the report to the Securities and Exchange Surveillance Commission without delay.

5 第一項に規定する報告書は、日本語で作成するものとする。

(5) The report prescribed in paragraph (1) is to be prepared in Japanese language.

(罰金の確定裁判がある場合の按分額)

(Prorated Amount When There Is a Final and Binding Court Decision on Imposing a Fine)

第六十一条の八 法第百八十五条の七第十四項に規定する内閣府令で定めるところにより当該一以上の決定に係る事実について個別決定ごとの算出額に応じて按分して得た額は、同項第一号に掲げる額から同項第二号に掲げる額を控除した額に、同条第六項に規定する個別決定ごとの算出額を合計した額に占める当該個別決定ごとの算出額の割合を乗じて得た額とする。

Article 61-8 The prorated amount in proportion to the Amount Calculated for Respective Decisions with regard to the facts pertaining to one or more decisions specified by Cabinet Office Ordinance prescribed in Article 185-7, paragraph (14) of the Act is equal to the amount obtained by deducting the

amount specified in item (ii) of that paragraph from the amount specified in item (i) of that paragraph , and multiplying by the ratio of the Amount Calculated for Respective Decisions to the sum of the Amounts Calculated for Respective Decisions prescribed in paragraph (6) of that Article.

(罰金の確定裁判があった場合の按分額)

**(Prorated Amount If There Has Been a Final and Binding Court Decision on Imposing a Fine)**

第六十一条の九 法第百八十五条の八第六項に規定する内閣府令で定めるところにより当該決定に係る課徴金の額に応じて按分して得た額は、同項第一号に掲げる額から同項第二号に掲げる額を控除した額に、法第百八十五条の七第一項（法第百七十八条第一項第四号又は第十一号に掲げる事実があると認める場合に限る。）、第六項、第七項、第十項、第十一項、第十二項（法第百七十八条第一項第四号又は第十一号に掲げる事実があると認める場合に限る。）又は第十三項（法第百七十八条第一項第四号又は第十一号に掲げる事実があると認める場合に限る。）の規定による決定に係る課徴金を合計した額に占める当該決定に係る課徴金の額の割合を乗じて得た額とする。

**Article 61-9** The prorated amount in proportion to the amount of the administrative monetary penalty pertaining to said decision specified by Cabinet Office Ordinance prescribed in Article 185-8, paragraph (6) of the Act is equal to the amount obtained by deducting the amount specified in item (ii) of that paragraph from the amount specified in item (i) of that paragraph, and multiplying by the ratio of the amount of the administrative monetary penalty pertaining to said decision to the sum of the administrative monetary penalties pertaining to the decision under the provisions of Article 185-7, paragraph (1) (limited to if any fact specified in Article 178, paragraph (1), item (iv) or (xi) of the Act has been found), paragraph (6), paragraph (7), paragraph (10), paragraph (11), paragraph (12) (limited to if any fact specified in Article 178, paragraph (1), item (iv) or (xi) of the Act has been found) or paragraph (13) (limited to if any fact specified in Article 178, paragraph (1), item (iv) or (xi) of the Act has been found) of the Act.

## **第六節 雑則**

### **Section 6 Miscellaneous Provisions**

(決定後の罰金、没収等との調整)

**(Adjustment with Fine, Confiscation, etc. after Decision)**

第六十二条 金融庁長官は、法第百八十五条の八第一項から第三項までの規定により法第百八十五条の七第一項（法第百七十八条第一項第四号又は第十一号から第十六号までに掲げる事実があると認める場合に限る。以下この条において同じ。）、第六項、第七項、第十項、第十一項、第十二項（法第百七十八条第一項第四号、第十一号又は第十六号に掲げる事実があると認める場合に限る。以下この条において同じ。）又は

第十三項（法第百七十八条第一項第四号又は第十一号から第十六号までに掲げる事実があると認める場合に限る。以下この条において同じ。）の決定の効力を停止したときは、その旨を被審人又はその代理人に通知しなければならない。

Article 62 (1) If the Commissioner of the Financial Services Agency has suspended the effect of the decision under Article 185-7, paragraph (1) (limited to if any fact specified in Article 178, paragraph (1), item (iv) or items (xi) to (xvi) inclusive has been found; hereinafter the same applies in this Article), paragraphs (6), (7), (10), (11), (12) (limited to if any fact specified in Article 178, paragraph (1), item (iv) , or item (xi) or (xvi) has been found; hereinafter the same applies in this Article) or (13) (limited to if any fact specified in Article 178, paragraph (1), item (iv) or items (xi) to (xvi) inclusive has been found; hereinafter the same applies in this Article) of the Act pursuant to the provisions of Article 185-8, paragraphs (1) to (3) inclusive, the Commissioner must notify the Respondent or its counsel to that effect.

2 法第百八十五条の八第六項又は第七項の規定による変更の処分に係る文書には、変更後の課徴金の額、変更の理由及び変更後の課徴金の納付期限を記載しなければならない。

(2) The documents pertaining to the disposition of change under the provisions of Article 185-8, paragraph (6) or (7) of the Act must contain a statement of the amount of administrative monetary penalty after the change, the reason for such change and the deadline for payment of the administrative monetary penalty after such change.

3 金融庁長官は、法第百八十五条の八第八項の規定により法第百八十五条の七第一項、第六項、第七項又は第十項から第十三項までの決定を取り消したときは、その旨を被審人又はその代理人に通知しなければならない。

(3) When the Commissioner of the Financial Services Agency has rescinded any decision under Article 185-7, paragraph (1), (6) or (7) or paragraphs (10) to (13) inclusive of the Act, pursuant to the provisions of Article 185-8, paragraph (8) of the Act, the Commissioner must notify the Respondent or its counsel to that effect.

4 金融庁長官は、法第百八十五条の八第六項又は第七項の規定による変更の処分をした場合であって、当該変更の処分をした後の法第百八十五条の七第一項、第六項、第七項又は第十項から第十三項までの決定に係る課徴金の額を超える額の課徴金が既に納付されているときは、速やかに、当該超える額を被審人に還付する手続をとらなければならない。法第百八十五条の八第八項の規定による取消しの処分をした場合であって、法第百八十五条の七第一項、第六項、第七項又は第十項から第十三項までの決定に係る課徴金が既に納付されているときも、同様とする。

(4) If the Commissioner of the Financial Services Agency has conducted a disposition of change under the provisions of Article 185-8, paragraph (6) or (7) of the Act and an amount of administrative monetary penalty exceeding the amount of administrative monetary penalty pertaining to any decision under

Article 185-7, paragraph (1), (6) or (7) or paragraphs (10) to (13) inclusive of the Act after said disposition of change has already been paid, the Commissioner must promptly arrange to refund said excess amount to the Respondent. The same applies when there is a disposition of rescission under the provisions of Article 185-8, paragraph (8) of the Act, and an administrative monetary penalty pertaining to any decision under Article 185-7, paragraphs (1), (6) or (7) or paragraphs (10) to (13) inclusive of the Act has already been paid.