

# 銀行等の株式等の保有の制限等に関する法律施行令 Order for Enforcement of the Act on Limitation on Shareholding by Banks and Other Financial Institutions

(平成十三年十二月二十一日政令第四百二十六号)  
(Cabinet Order No. 426 of December 21, 2001)

内閣は、銀行等の株式等の保有の制限等に関する法律（平成十三年法律第百三十一号）第三条第二項、第三項及び第六項、第九条第一項、第三十八条第二項及び第三項、第五十条第二項及び第七項、第五十八条第六項、第六十一条並びに附則第二条第一項及び第二項の規定に基づき、この政令を制定する。

Pursuant to the provisions of Article 3, paragraphs (2), (3) and (6), Article 9, paragraph (1), Article 38, paragraphs (2) and (3), Article 50, paragraphs (2) and (7), Article 58, paragraph (6), Article 61 of the Act on Limitation on Shareholding by Banks and Other Financial Institutions (Act No. 131 of 2001), and Article 2, paragraphs (1) and (2) of the Supplementary Provisions of the Act, the Cabinet hereby enacts this Cabinet Order.

(株式等保有限度額を超えて株式等を保有することができる理由)

(Grounds of Approval for Holding Shares at an Amount Exceeding the  
Maximum Limit of Shareholding)

第一条 銀行等の株式等の保有の制限等に関する法律（以下「法」という。）第三条第二項に規定する政令で定めるやむを得ない理由は、次に掲げる理由とする。

Article 1 The unavoidable grounds to be specified by Cabinet Order as prescribed in Article 3, paragraph (2) of the Act on Limitation on Shareholding by Banks and Other Financial Institutions (hereinafter referred to as the "Act") are the grounds set forth as follows:

一 銀行等（法第二条に規定する銀行等をいう。以下同じ。）又はその子会社等（法第三条第一項に規定する子会社等をいう。以下この条において同じ。）を全部又は一部の当事者とする合併をすること。

(i) when a bank, etc. (meaning a bank, etc. as prescribed in Article 2 of the Act; the same applies hereinafter) or its subsidiaries, etc. (meaning a subsidiaries, etc. as prescribed in Article 3, paragraph (1) of the Act; hereinafter the same applies in this Article) are all or part of the parties to a merger;

二 銀行等又はその子会社等を当事者とする会社分割をすること。

(ii) when a bank, etc. or its subsidiaries, etc. are parties to a company split;

三 銀行等又はその子会社等を当事者とする事業の全部又は一部の譲渡又は譲受けをすること。

(iii) when a bank, etc. or its subsidiaries, etc. are parties to a transfer or

acquisition of the whole or part of business activities;

四 前三号に掲げる理由に準ずるものとして主務省令（法第三条第一項に規定する主務省令をいう。）で定める理由があること。

(iv) existence of the grounds specified by order of the competent ministry (meaning the order of the competent ministry prescribed in Article 3, paragraph (1) of the Act) as being equivalent to the grounds set forth in the preceding three items;

五 株式の市場価格の上昇その他の予見し難い事由により、銀行等及びその子会社等が、法第三条第一項に定めるところにより合算して、その株式等保有限度額（同項に規定する株式等保有限度額をいう。）を超える額の株式等を保有すること。

(v) holding of shares, etc. by a bank, etc. and its subsidiaries, etc. at a total amount calculated as prescribed in Article 3, paragraph (1) of the Act, which exceeds the maximum limit of shareholding (meaning the maximum limit of shareholding prescribed in the relevant paragraph), due to the increase in market prices of shares or other unforeseeable grounds.

（外国銀行支店に関する読替え）

**(Replacement of Terms Concerning Foreign Bank Branches)**

第二条 法第三条第三項の規定による外国銀行支店（同項に規定する外国銀行支店をいう。）に対する法の規定の適用についての技術的読替えは、次の表のとおりとする。

**Article 2** When applying the provisions of the Act to foreign bank branches (meaning the foreign bank branches prescribed in Article 3, paragraph (3) of the Act) under that paragraph, the technical replacement of terms is as set forth in the following table.

読み替える法の規定 Provisions of the Act whose terms and phrases are to be replaced	読み替えられる字句 Original terms and phrases	読み替える字句 Terms and phrases to replace the original ones
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<p>第三条第一項 Article 3, paragraph (1)</p>	<p>銀行等及びその子会社等（子会社その他の当該銀行等と主務省令（前条第一号、第二号及び第四号に掲げる者については内閣府令、同条第三号に掲げる者については内閣府令・農林水産省令。以下この項及び次条において同じ。）で定める特殊の関係のある会社をいう。以下この項及び次項において同じ。）</p> <p>Banks, etc. and their subsidiaries, etc. (meaning subsidiaries and other companies that have a special relationship with those Banks, etc. as specified by order of the competent ministry (for those set forth in items (i), (ii) and (iv) of the preceding Article, as specified by Cabinet Office Order, and for Norinchukin Bank set forth in item (iii) of that Article, as specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries; hereinafter the same applies in this paragraph and the following Article); hereinafter the same applies in this paragraph and the following paragraph)</p>	<p>外国銀行支店 Foreign bank branches</p>
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	<p>(主務省令で定めるものを除く。) その他これに準ずるものとして主務省令で定めるもの(以下この項及び次項において「株式等」という。) については、主務省令で定めるところにより合算して</p> <p>shares (excluding those specified by order of the competent ministry) and others specified by order of the competent ministry as being equivalent thereto (hereinafter referred to as "shares, etc." in this paragraph and the following paragraph) at the amount that is totaled as specified by order of the competent ministry</p>	<p>(主務省令(内閣府令をいう。以下同じ。) で定めるものを除く。) その他これに準ずるものとして主務省令で定めるもの(以下この項及び次項において「株式等」という。) については</p> <p>shares (excluding those specified by order of the competent ministry) and others specified by order of the competent ministry as being equivalent thereto (hereinafter referred to as "shares, etc." in this paragraph and the following paragraph) at the specified amount</p>
	<p>当該銀行等及びその子会社等 of those Banks, etc. and their subsidiaries, etc.</p>	<p>当該外国銀行支店 of those foreign bank branches</p>
<p>第三条第二項 Article 3, paragraph (2)</p>	<p>銀行等及びその子会社等 Banks, etc. and their subsidiaries, etc.</p> <p>(前条第一号、第二号及び第四号に掲げる者については内閣総理大臣、同条第三号に掲げる者については農林水産大臣及び内閣総理大臣。 (for those set forth in items (i), (ii) and (iv) of the preceding Article, advance approval of the Prime Minister, and for Norinchukin Bank set forth in item (iii) of that Article, advance approval of the Minister of Agriculture, Forestry and Fisheries and the Prime Minister</p>	<p>外国銀行支店 foreign bank branches</p> <p>(内閣総理大臣をいう。 (meaning the Prime Minister</p>

(銀行持株会社及び長期信用銀行持株会社に関する読替え)

(Replacement of Terms Concerning Bank Holding Companies and Long-Term Credit Bank Holding Companies)

第三条 法第三条第六項の規定による同条第一項、第二項、第四項及び第五項の規定の準用についての技術的読替えは、次の表のとおりとする。

Article 3 The technical replacement of terms with regard to mutatis mutandis application of the provisions of Article 3, paragraphs (1), (2), (4) and (5) of the Act under paragraph (6) of that Article is as set forth in the following table.

読み替える法の規定 Provisions of the Act whose terms and phrases are to be replaced	読み替えられる字句 Original terms and phrases	読み替える字句 Terms and phrases to replace the original ones
第三条第一項 Article 3, paragraph (1)	主務省令（前条第一号、第二号及び第四号に掲げる者については内閣府令、同条第三号に掲げる者については内閣府令・農林水産省令。 order of the competent ministry (for those set forth in items (i), (ii) and (iv) of the preceding Article, as specified by Cabinet Office Order, and for Norinchukin Bank set forth in item (iii) of that Article, as specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries	主務省令（内閣府令をいう。 order of the competent ministry (meaning Cabinet Office Order
第三条第二項 Article 3, paragraph (2)	（前条第一号、第二号及び第四号に掲げる者については内閣総理大臣、同条第三号に掲げる者については農林水産大臣及び内閣総理大臣。 (for those set forth in items (i), (ii) and (iv) of the preceding Article, advance approval of the Prime Minister, and for Norinchukin Bank set forth in item (iii) of that Article, advance approval of the Minister of Agriculture, Forestry and Fisheries and the Prime Minister	（内閣総理大臣をいう。 (meaning the Prime Minister

(特別株式買取り以外の株式の買取り)

(Purchase of Shares Other than Special Share Purchase)

第四条 法第三十八条第二項に規定する政令で定める株式の買取りは、次に掲げる要件のすべてを満たすものとする。

Article 4 The purchase of shares specified by Cabinet Order as prescribed in Article 38, paragraph (2) of the Act is the purchase satisfying both of the following requirements:

一 銀行等保有株式取得機構（以下「機構」という。）から株式（法第十九条第二項第二号に規定する株式をいう。以下この条及び次条において同じ。）の買取りを行おうとする者（次号及び次条において「株式買取希望者」という。）の申込みに応じて、機構が会員に対して当該株式の売却の申込みをすることを勧誘すること。

(i) the Banks' Shareholdings Purchase Corporation (hereinafter referred to as the "BSPC") solicits its members to apply for the sale of shares (meaning the shares prescribed in Article 19, paragraph (2), item (ii) of the Act; hereinafter the same applies in this Article and the following Article) in response to an application filed by a person (referred to as an "applicant for purchase of shares" in the following item and the following Article) that intends to purchase those shares from the BSPC;

二 機構が前号の勧誘を受けて株式の売却の申込みをした会員から買い取る当該株式を株式買取希望者に対して直ちに処分することが予定されていること。

(ii) the BSPC is scheduled to immediately dispose to an applicant for purchase of shares of those shares which it purchases from its members that have applied for the sale of the shares in response to the solicitation set forth in the preceding item.

(発行会社株式買取り以外の株式の買取り)

(Purchase of Shares Other than Purchase of Shares from the Issuing Company)

第四条の二 法第三十八条の二第二項に規定する政令で定める株式の買取りは、次に掲げる要件のすべてを満たすものとする。

Article 4-2 The purchase of shares specified by Cabinet Order as prescribed in Article 38-2, paragraph (2) of the Act is the purchase satisfying both of the following requirements:

一 株式買取希望者の申込みに応じて、機構が発行会社（法第三十四条第一項第三号に規定する発行会社をいう。次号において同じ。）に対して株式の売却の申込みをすることを勧誘すること。

(i) the BSPC solicits the issuing company (meaning the issuing company prescribed in Article 34, paragraph (1), item (iii) of the Act; the same applies in the following item) to apply for the sale of shares in response to an application filed by an applicant for purchase of shares;

二 機構が前号の勧誘を受けて株式の売却の申込みをした発行会社から買い取る当該株式を株式買取希望者に対して直ちに処分することが予定されていること。

(ii) the BSPC is scheduled to immediately dispose to an applicant for purchase of shares of those shares which it purchases from an issuing company that has applied for the sale of the shares in response to the solicitation set forth in the preceding item.

(店頭売買有価証券)

(Over-the-Counter Traded Securities)

第五条 法第三十八条第三項第一号（法第三十八条の四第四項において準用する場合を含む。）及び第三十八条の二第三項第一号（法第三十八条の三第四項において準用する場合を含む。）に規定する政令で定める株式は、金融商品取引法（昭和二十三年法律第二十五号）第六十七条の十一第一項に規定する店頭売買有価証券登録原簿に登録されている株式とする。

Article 5 The shares specified by Cabinet Order as prescribed in Article 38, paragraph (3), item (i) of the Act (including the cases as applied mutatis mutandis pursuant to Article 38-4, paragraph (4) of the Act) and in Article 38-2, paragraph (3), item (i) (including the cases as applied mutatis mutandis pursuant to Article 38-3, paragraph (4) of the Act) are the shares registered in the registry of over-the-counter traded securities prescribed in Article 67-11, paragraph (1) of the Financial Instruments and Exchange Act (Act No. 25 of 1948).

(借入金及び銀行等保有株式取得機構債の発行の限度額)

(Maximum Amount for Borrowings and Issuance of Banks' Shareholdings Purchase Corporation Bonds)

第六条 法第五十条第二項に規定する政令で定める金額は、二十兆円とする。

Article 6 The amount specified by Cabinet Order as prescribed in Article 50, paragraph (2) of the Act is to be 20 trillion yen.

(銀行等保有株式取得機構債の債券)

(Certificates of Banks' Shareholdings Purchase Corporation Bonds)

第七条 法第五十条第一項に規定する銀行等保有株式取得機構債（以下「機構債」という。）を発行するときは、当該機構債につき社債、株式等の振替に関する法律（平成十三年法律第七十五号。第十条第一項第六号及び第二項第三号において「社債等振替法」という。）の規定の適用がある場合を除き、機構債の債券を発行しなければならない。

Article 7 (1) When the BSPC issues Banks' Shareholdings Purchase Corporation bonds (hereinafter referred to as the "BSPC bonds") prescribed in Article 50, paragraph (1) of the Act, it must issue certificates of the BSPC Bonds except for the cases where the provisions of the Act on Book Entry of Corporate Bonds and Shares (Act No. 75 of 2001; referred to as the "Company Bonds, etc. Transfer Act" in Article 10, paragraph (1), item (vi) and paragraph (2), item

(iii) apply to the BSPC bonds.

2 前項の機構債の債券は、無記名式で利札付きのものとする。

(2) The certificates of the BSPC bonds set forth in the preceding paragraph are to be issued in bearer form and with coupons.

(機構債の発行の方法)

(Method of Issuing BSPC Bonds)

第八条 機構債の発行は、募集の方法による。

Article 8 The BSPC Bonds are issued by way of offering for subscription.

(募集機構債に関する事項の決定)

(Decision on the Matters Concerning Corporation Bonds for Subscription)

第九条 機構は、その発行する機構債を引き受ける者の募集をしようとするときは、その都度、募集機構債（当該募集に応じて当該機構債の引受けの申込みをした者に対して割り当てる機構債をいう。以下同じ。）について次に掲げる事項を定めなければならない。

Article 9 When the BSPC intends to solicit persons for subscription of the BSPC bonds, it must decide, on each occasion, the following matters concerning the BSPC bonds for subscription (meaning BSPC bonds to be allotted to persons that apply for the subscription of the BSPC bonds in response to the offering; the same applies hereinafter):

一 募集機構債の総額

(i) the total value of the BSPC bonds for subscription;

二 各募集機構債の金額

(ii) the value of each of the BSPC bonds for subscription;

三 募集機構債の利率

(iii) the interest rate of the BSPC bonds for subscription;

四 募集機構債の償還の方法及び期限

(iv) the method and due date of redemption of the BSPC bonds for subscription;

五 利息支払の方法及び期限

(v) the method and due date of payment of interest;

六 機構債の債券を発行するときは、その旨

(vi) when the BSPC issues certificates of the BSPC bonds, that fact;

七 各募集機構債の払込金額（各募集機構債と引換えに払い込む金銭の額をいう。第十五条第二項第三号において同じ。）

(vii) the amount to be paid in for each of the BSPC bonds for subscription

(meaning the amount of money to be paid in exchange for each of the BSPC bonds for subscription; the same applies in Article 15, paragraph (2), item (iii));

八 募集機構債と引換えにする金銭の払込みの期日

(viii) the due date for payment of money in exchange for the BSPC bonds for

subscription;

九 一定の日までに募集機構債の総額について割当てを受ける者を定めていない場合において、募集機構債の全部を発行しないこととするときは、その旨及びその一定の日

(ix) when it is determined that the BSPC bonds for subscription will not be issued in their entirety, that fact and its certain date;

十 前各号に掲げるもののほか、内閣府令・財務省令で定める事項

(x) beyond what is set forth in the preceding items, other matters specified by Cabinet Office Order and Ministry of Finance Order.

(募集機構債の申込み)

(Application for Corporation Bonds for Subscription)

第十条 機構は、前条の募集に応じて募集機構債の引受けの申込みをしようとする者に対し、次に掲げる事項を通知しなければならない。

Article 10 (1) The BSPC must notify persons that intend to apply for the subscription of the BSPC bonds for subscription in response to the offering set forth in the preceding Article, of the following matters:

一 募集機構債の名称

(i) the name of the BSPC bonds for subscription;

二 当該募集に係る前条各号に掲げる事項

(ii) the matters pertaining to the offering set forth in the items of the preceding Article;

三 機構債の債券を発行するときは、無記名式である旨

(iii) when the BSPC issues certificates of the BSPC bonds, the fact that the certificates are in bearer form;

四 引受けの申込みがあった募集機構債の額が募集機構債の総額を超える場合の措置  
(iv) measures to be taken if the value of applications for the subscription for the BSPC bonds for subscription exceeds the total value of the BSPC bonds for subscription;

五 募集又は管理の委託を受けた者があるときは、その商号又は名称

(v) trade name or name of a person entrusted with offering or management, if any;

六 社債等振替法の規定の適用があるときは、その旨及び振替機関（社債等振替法第二条第二項に規定する振替機関をいう。）の商号

(vi) when the Company Bonds, etc. Transfer Act is applicable, that fact and the trade name of the book-entry institution (meaning the book-entry institution prescribed in Article 2, paragraph (2) of the Company Bonds, etc. Transfer Act);

七 その他内閣府令・財務省令で定める事項

(vii) other matters specified by Cabinet Office Order and Ministry of Finance Order.

2 前条の募集に応じて募集機構債の引受けの申込みをする者は、次に掲げる事項を記載した書面を機構に交付しなければならない。

(2) A person that applies for the subscription of the BSPC bonds for subscription in response to the offering set forth in the preceding Article must deliver a document stating the following to the BSPC:

一 申込みをする者の氏名又は名称及び住所

(i) the name and address of the person filing the application;

二 引き受けようとする募集機構債の金額及び金額ごとの数

(ii) the values of the BSPC bonds for subscription for which the person intends to subscribe and the number of bonds at each value;

三 社債等振替法の規定の適用がある機構債（第十二条第二項において「振替機構債」という。）の募集に応じようとする者については、自己のために開設された当該機構債の振替を行うための口座

(iii) for a person that intends to respond to an offering of BSPC bonds to which the provisions of the Company Bonds, etc. Transfer Act apply (referred to as the "book-entry BSPC bonds" in Article 12, paragraph (2)), the account for the book-entry transfer of the Corporation Bonds that has been opened for the person.

3 前項の申込みをする者は、同項の書面の交付に代えて、内閣府令・財務省令で定めるところにより、機構の承諾を得て、同項の書面に記載すべき事項を電磁的方法（電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて内閣府令・財務省令で定めるものをいう。）により提供することができる。この場合において、当該申込みをした者は、同項の書面を交付したものとみなす。

(3) A person that files an application set forth in the preceding paragraph may, instead of delivering the document set forth in that paragraph, provide the BSPC with the matters to be stated in the document set forth in the relevant paragraph by electronic or magnetic means (meaning the means using an electronic data processing system or any other means using information and communications technology that are specified by Cabinet Office Order and Ministry of Finance Order) with the approval of the BSPC, pursuant to the provisions of Cabinet Office Order and Ministry of Finance Order. In this case, the person that files an application is deemed to have delivered the document set forth in the relevant paragraph.

4 機構は、第一項各号に掲げる事項について変更があつたときは、直ちに、その旨及び変更があつた事項を第二項の申込みをした者（以下「申込者」という。）に通知しなければならない。

(4) When there is any change to the matters set forth in the items of paragraph (1), the BSPC must immediately notify a person that has filed an application set forth in paragraph (2) (hereinafter referred to as an "applicant") of that fact and the matters that have been changed.

5 機構が申込者に対してする通知又は催告は、第二項第一号の住所（当該申込者が別

に通知又は催告を受ける場所又は連絡先を機構に通知した場合にあっては、その場所又は連絡先) にあてて発すれば足りる。

(5) It is sufficient for the BSPC to send a notice or demand letter to an applicant to the address set forth in paragraph (2), item (i) (or, if the applicant has notified the BSPC of a different place or contact address for the receipt of notices or demand letters, to that place or contact address).

6 前項の通知又は催告は、その通知又は催告が通常到達すべきであった時に、到達したものとみなす。

(6) The notice or demand letter set forth in the preceding paragraph is deemed to arrive at the time when the notice or demand letter would normally arrive.

(募集機構債の割当て)

(Allotment of BSPC Bonds for Subscription)

第十一条 機構は、申込者の中から募集機構債の割当てを受ける者を定め、かつ、その者に割り当てる募集機構債の金額及び金額ごとの数を定めなければならない。この場合において、機構は、当該申込者に割り当てる募集機構債の金額ごとの数を、前条第二項第二号の数よりも減少することができる。

Article 11 (1) The BSPC must select from among the applicants the persons to which the BSPC bonds for subscription will be allotted and determine the values of the BSPC bonds for subscription to be allotted to those persons and the number of bonds allotted thereto at each value. In this case, the BSPC may reduce the number of the BSPC bonds for subscription to be allotted to these applicants at each value from the number prescribed in paragraph (2), item (ii) of the preceding Article.

2 機構は、第九条第八号の期日の前日までに、申込者に対し、当該申込者に割り当てる募集機構債の金額及び金額ごとの数を通知しなければならない。

(2) The BSPC must notify an applicant, no later than the day immediately preceding the due date set forth in Article 9, item (viii), of the values of the BSPC bonds for subscription to be allotted to the applicant and the number of bonds allotted thereto at each value.

(募集機構債の引受け)

(Subscription for BSPC Bonds for Subscription)

第十二条 前二条の規定は、地方公共団体が募集機構債を引き受ける場合又は募集機構債の募集の委託を受けた者が自ら募集機構債を引き受ける場合においては、その引き受ける部分については、適用しない。

Article 12 (1) When a local public entity subscribes for the BSPC bonds for subscription or a person entrusted with the offering for the BSPC bonds for subscription personally subscribes for the BSPC bonds for subscription, the provisions of the preceding two Articles do not apply to the portion of the bonds thus subscribed.

2 前項の場合において、振替機構債を引き受ける地方公共団体又は振替機構債の募集の委託を受けた者は、その引受けの際に、第十条第二項第三号に掲げる事項を機構に示さなければならない。

(2) In the case referred to in the preceding paragraph, the local public entity that subscribes for the book-entry BSPC bonds or the person entrusted with offering for subscription for the book-entry BSPC bonds must indicate the matters set forth in Article 10, paragraph (2), item (iii) to the BSPC at the time of the subscription.

(募集機構債の権利者)

(Holder of Rights in BSPC Bonds for Subscription)

第十三条 次の各号に掲げる者は、当該各号に定める募集機構債の権利者となる。

Article 13 The persons set forth in the following items are holders of rights in the BSPC bonds for subscription prescribed therein:

一 申込者 機構の割り当てた募集機構債

(i) an applicant: the BSPC bonds for subscription allotted thereto by the BSPC;

二 募集機構債を引き受けた地方公共団体 当該地方公共団体が引き受けた募集機構債

(ii) a local public entity that has subscribed for the BSPC bonds for subscription: the BSPC bonds for subscription for which the local public entity has subscribed;

三 募集機構債の募集の委託を受けた者で自ら募集機構債を引き受けたもの その者が引き受けた募集機構債

(iii) a person entrusted with the offering for subscription of the BSPC bonds for subscription that has personally subscribed for the BSPC bonds for subscription: the BSPC bonds for subscription for which the person has subscribed.

(機構債の債券の発行)

(Issuance of Certificates of BSPC Bonds)

第十四条 機構は、機構債の債券を発行する旨の定めがある機構債を発行した日以後遅滞なく、当該機構債の債券を発行しなければならない。

Article 14 (1) When having issued the BSPC bonds for which it is prescribed that certificates thereof are to be issued, the BSPC must issue certificates of those BSPC bonds without delay after the day of the issuance thereof.

2 機構債の各債券には、第九条第二号から第五号まで並びに第十条第一項第一号、第三号及び第五号に掲げる事項並びに番号を記載し、機構の理事長がこれに記名押印しなければならない。

(2) Each of the certificates of the BSPC bonds must contain the matters set forth in Article 9, items (ii) to (v), and Article 10, paragraph (1), items (i), (iii) and (v) and a serial number, and the name and seal of the president of the BSPC

must be affixed thereto.

(銀行等保有株式取得機構債原簿)

(Registry of Banks' Shareholdings Purchase Corporation Bonds)

第十五条 機構は、主たる事務所に銀行等保有株式取得機構債原簿を備えて置かなければならない。

Article 15 (1) The BSPC must keep a registry of the Banks' Shareholdings Purchase Corporation bonds at its principal office.

2 銀行等保有株式取得機構債原簿には、次の事項を記載し、又は記録しなければならない。

(2) The following information must be stated or recorded in the registry of the Banks' Shareholdings Purchase Corporation bonds:

一 第九条第三号から第六号までに掲げる事項その他の機構債の内容を特定するものとして内閣府令・財務省令で定める事項（次号において「種類」という。）

(i) the matters set forth in Article 9, items (iii) to (vi) and other matters specified by Cabinet Office Order and Ministry of Finance Order as the matters that specify the details of the BSPC bonds (referred to as the "type" in the following item);

二 種類ごとの機構債の総額及び各機構債の金額

(ii) the total value of each type of the BSPC bonds and the value of each BSPC bond;

三 各機構債の払込金額及び払込みの日

(iii) the amount to be paid in for each BSPC bond and the date of payment;

四 機構債の債券を発行したときは、機構債の債券の番号、発行の日及び機構債の債券の数

(iv) when the BSPC has issued certificates of the BSPC bonds, the serial numbers, dates of issuance, and the number of certificates of the BSPC bonds;

五 第十条第一項第一号、第五号及び第六号に掲げる事項

(v) the matters set forth in Article 10, paragraph (1), items (i), (v) and (vi);

六 元利金の支払に関する事項

(vi) the matters concerning the payment of the principal and interest;

七 前各号に掲げるもののほか、内閣府令・財務省令で定める事項

(vii) beyond what is set forth in the preceding items, other matters specified by Cabinet Office Order and Ministry of Finance Order.

(機構債の債券を発行する場合の機構債の譲渡)

(Transfer of BSPC Bonds When Certificates of the BSPC Bonds Are Issued)

第十六条 機構債の債券を発行する旨の定めがある機構債の譲渡は、当該機構債に係る債券を交付しなければ、その効力を生じない。

Article 16 The transfer of a BSPC bond for which it is prescribed that a

certificate thereof is to be issued does not become effective unless the certificate representing that BSPC bond is delivered.

(権利の推定等)

(Presumption of Rights)

第十七条 機構債の債券の占有者は、当該債券に係る機構債についての権利を適法に有するものと推定する。

Article 17 (1) A person that has a certificate of a BSPC bond is presumed to be the lawful owner of the rights in the BSPC bond represented by the certificate.

2 機構債の債券の交付を受けた者は、当該債券に係る機構債についての権利を取得する。ただし、その者に悪意又は重大な過失があるときは、この限りでない。

(2) A person that has received the delivery of a certificate of a BSPC bond acquires the rights in the BSPC bond represented by the certificate; provided, however, that this does not apply if the person has acted in bad faith or with gross negligence.

(機構債の債券を発行する場合の機構債の質入れ)

(Pledge of BSPC Bonds When Certificates of BSPC Bonds Are Issued)

第十八条 機構債の債券を発行する旨の定めがある機構債の質入れは、当該機構債に係る債券を交付しなければ、その効力を生じない。

Article 18 The pledge of a BSPC bond for which it is prescribed that a certificate thereof is to be issued does not become effective unless the certificate representing the BSPC bond is delivered.

(機構債の質入れの対抗要件)

(Requirement for the Pledge of BSPC Bonds to Duly Assert against Third Parties)

第十九条 機構債の債券を発行する旨の定めがある機構債の質権者は、継続して当該機構債に係る債券を占有しなければ、その質権をもって機構その他の第三者に対抗することができない。

Article 19 The pledgee of a BSPC bond for which it is prescribed that a certificate thereof is to be issued may not assert that pledge against any third party unless the pledgee is in continuous possession of the certificate representing the BSPC bond.

(機構債の債券の喪失)

(Loss of Certificates of BSPC Bonds)

第二十条 機構債の債券は、非訟事件手続法（平成二十三年法律第五十一号）第百条に規定する公示催告手続によって無効とすることができる。

Article 20 (1) Certificates of the BSPC bonds may be invalidated through the public notification proceedings prescribed in Article 100 of the Non-

Contentious Case Procedures Act (Act No. 51 of 2011).

2 機構債の債券を喪失した者は、非訟事件手続法第百六条第一項に規定する除権決定を得た後でなければ、その再発行を請求することができない。

(2) A person that has lost a certificate of a BSPC bond may not request the reissuance thereof until after that person obtains the order of nullification of the right prescribed in Article 106, paragraph (1) of the Non-Contentious Case Procedures Act.

(利札が欠けている場合における機構債の償還)

(Redemption of BSPC Bonds with Missing Coupons)

第二十一条 機構は、債券が発行されている機構債をその償還の期限前に償還する場合において、これに付された利札が欠けているときは、当該利札に表示される機構債の利息の請求権の額を償還額から控除しなければならない。ただし、当該請求権が弁済期にある場合は、この限りでない。

Article 21 (1) If the BSPC redeems a BSPC bond, for which it has issued the certificates, before the BSPC bond matures but the coupon attached thereto is missing, the BSPC must deduct the amount of the claim for interest on the BSPC bond that is indicated on the coupon from the redemption value; provided, however, that this does not apply if the claim has fallen due.

2 前項の利札の所持人は、いつでも、機構に対し、これと引換えに同項の規定により控除しなければならない額の支払を請求することができる。

(2) The person in possession of the coupon set forth in the preceding paragraph may demand at any time that the BSPC pay the amount that is required to be deducted pursuant to the provisions of that paragraph in exchange for the coupon.

(機構債の償還請求権等の消滅時効)

(Extinctive Prescription of Right to Claim Redemption of BSPC Bonds)

第二十二条 機構債の償還請求権は、十年間行使しないときは、時効によって消滅する。

Article 22 (1) The right to claim redemption of a BSPC bond is extinguished by prescription if not exercised for ten years.

2 機構債の利息の請求権及び前条第二項の規定による請求権は、五年間行使しないときは、時効によって消滅する。

(2) The right to claim interest on a BSPC bond and the right to make a demand under the provisions of paragraph (2) of the preceding Article is extinguished by prescription if not exercised for five years.

(機構債の発行の認可)

(Authorization to Issue BSPC Bonds)

第二十三条 機構は、法第五十条第一項の規定により機構債の発行の認可を受けようとするときは、機構債の募集の日の二十日前までに次に掲げる事項を記載した申請書を

金融庁長官及び財務大臣に提出しなければならない。

Article 23 (1) When the BSPC intends to obtain authorization to issue BSPC bonds pursuant to the provisions of Article 50, paragraph (1) of the Act, the BSPC must submit a written application stating the following matters to the Commissioner of the Financial Services Agency and the Minister of Finance no later than twenty days prior to the day of soliciting subscription for the BSPC bonds:

一 機構債の発行を必要とする理由

(i) the reasons necessitating the issuance of the BSPC bonds;

二 第九条第一号から第五号まで及び第七号並びに第十条第一項第一号、第五号及び第六号に掲げる事項

(ii) the matters set forth in Article 9, items (i) to (v) and (vii) and Article 10, paragraph (1), items (i), (v), and (vi);

三 機構債の募集の方法

(iii) the method of offering subscription for the BSPC bonds;

四 機構債の発行に要する費用の概算額

(iv) the estimated amount of costs needed to issue the BSPC bonds;

五 前各号に掲げるもののほか、機構債の債券に記載しようとする事項

(v) beyond what is set forth in the preceding items, other matters that the BSPC intends to indicate on certificates of the BSPC bonds.

2 前項の申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must be attached to the written application set forth in the preceding paragraph:

一 第十条第一項各号に掲げる事項を記載した書面

(i) a document stating the matters set forth in the items of Article 10, paragraph (1);

二 機構債の発行により調達する資金の用途を記載した書面

(ii) a document stating the purpose of use of the funds raised through the issuance of the BSPC bonds;

三 機構債の引受けの見込みを記載した書面

(iii) a document stating the prospects of subscription for the BSPC bonds.

(内閣府令・財務省令への委任)

(Delegation to Cabinet Office Order and Ministry of Finance Order)

第二十四条 第七条から前条までに定めるもののほか、機構債に関し必要な事項は、内閣府令・財務省令で定める。

Article 24 Beyond what is provided for in Article 7 to the preceding Article, other necessary matters concerning the BSPC bonds are specified by Cabinet Office Order and Ministry of Finance Order.

(課税の特例)

(Special Provisions on Taxation)

第二十五条 法第四十一条第一項及び第三項の規定により機構の会員が機構に納付する同条第一項の当初拠出金及び同条第三項の売却時拠出金は、機構の会員が機構に払い込む出資として、法人税、法人の道府県民税、法人の事業税及び法人の市町村民税に関する法令の規定を適用する。

Article 25 (1) Regarding the initial contributions set forth in Article 41, paragraph (1) of the Act and the contributions upon sale set forth in paragraph (3) of the relevant Article that the members of the BSPC pay to the BSPC pursuant to the provisions of Article 41, paragraphs (1) and (3) of the Act, the provisions of laws and regulations pertaining to corporation tax, prefectural inhabitants tax for juridical persons, business tax for juridical persons, and municipal inhabitants tax for juridical persons are applied by considering those contributions as capital contributions paid in to the BSPC by its members.

2 機構に対する地方税法施行令（昭和二十五年政令第二百四十五号）第二十一条第一項の規定の適用については、同項中「九年以内に開始した事業年度」とあるのは「に開始した事業年度」と、「同法第五十七条第一項本文（）」とあるのは「銀行等の株式等の保有の制限等に関する法律（平成十三年法律第百三十一号）第五十八条第一項の規定により読み替えて適用される法人税法第五十七条第一項本文（）」とする。

(2) With regard to the application of the provisions of Article 21, paragraph (1) of the Order for Enforcement of the Local Tax Act (Cabinet Order No. 245 of 1950), the term "a business year starting within nine years" in that paragraph is deemed to be replaced by "a business year starting", and the term "the provisions of the main clause of Article 57, paragraph (1) of the relevant Act (" is deemed to be replaced with "the provisions of the main clause of Article 57, paragraph (1) of the Corporation Tax Act as applied following the deemed replacement of terms pursuant to the provisions of Article 58, paragraph (1) of the Act on Limitation on Shareholding by Banks and Other Financial Institutions (Act No. 131 of 2001) (".

(金融庁長官へ委任される権限から除かれる権限)

(Authority Excluded from the Scope of Authority Delegated to the Commissioner of Financial Services Agency)

第二十六条 法第六十一条に規定する政令で定める権限は、法第十六条第二項の規定による設立の認可及び法第五十六条の規定による法第十六条第二項の設立の認可の取消しとする。

Article 26 The authority specified by Cabinet Order as prescribed in Article 61 of the Act is the authority to grant authorization for establishment under Article 16, paragraph (2) of the Act and the authority to rescind the authorization for establishment set forth in Article 16, paragraph (2) of the Act under Article 56 of the Act.