

# 犯罪利用預金口座等に係る資金による被害回復分配金の支払等に関する法律

## Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime

(平成十九年十二月二十一日法律第百三十三号)

(Act No. 133 of December 21, 2007)

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**第一章 総則**

**Chapter I General Provisions**

(目的)

(Purpose)

第一条 この法律は、預金口座等への振込みを利用して行われた詐欺等の犯罪行為により被害を受けた者に対する被害回復分配金の支払等のため、預金等に係る債権の消滅手続及び被害回復分配金の支払手続等を定め、もって当該犯罪行為により被害を受けた者の財産的被害の迅速な回復等に資することを目的とする。

Article 1 The purpose of this Act is to provide for procedures for expiry of claims on deposits, etc., procedures for payment of damage recovery benefits, and other matters for the payment, etc. of damage recovery benefits to persons who suffer damage from criminal conduct, including fraud committed by means of transfer to a deposit account, etc., thereby contributing to the prompt recovery, etc. from property damage of persons who suffer damage from that criminal conduct.

(定義)

(Definitions)

第二条 この法律において「金融機関」とは、次に掲げるものをいう。

Article 2 (1) The term "financial institution" as used in this Act means the following:

一 銀行

(i) a bank;

二 信用金庫

(ii) a shinkin bank;

三 信用金庫連合会

(iii) a federation of shinkin banks;

四 労働金庫

(iv) a labor bank;

五 労働金庫連合会

(v) the Rokinren Bank;

六 信用協同組合

(vi) a credit cooperative;

七 信用協同組合連合会

(vii) a federation of credit cooperatives;

八 農業協同組合

(viii) an agricultural cooperative;

九 農業協同組合連合会

(ix) a federation of agricultural cooperatives;

十 漁業協同組合

(x) a fisheries cooperative;

十一 漁業協同組合連合会

(xi) a federation of fisheries cooperatives;

十二 水産加工業協同組合

(xii) a fishery processing cooperative;

十三 水産加工業協同組合連合会

(xiii) a federation of fishery processing cooperatives;

十四 農林中央金庫

(xiv) Norinchukin Bank; and

十五 株式会社商工組合中央金庫

(xv) the Shoko Chukin Bank, Ltd.

2 この法律において「預金口座等」とは、預金口座又は貯金口座（金融機関により、預金口座又は貯金口座が犯罪行為に利用されたこと等を理由として、これらの口座に係る契約を解約しその資金を別段預金等により管理する措置がとられている場合におけるこれらの口座であったものを含む。）をいう。

(2) The term "deposit account, etc." as used in this Act means a deposit account or savings account (including a deposit account or savings account after a financial institution has cancelled the contract related to the accounts and taken measures to manage funds in the account separately in the form of deposits, etc. because the account has been used for criminal conduct).

3 この法律において「振込利用犯罪行為」とは、詐欺その他の人の財産を害する罪の犯罪行為であって、財産を得る方法としてその被害を受けた者からの預金口座等への振込みが利用されたものをいう。

(3) The term "criminal conduct by means of transfer" as used in this Act means criminal conduct constituting a crime of causing damage to another person's property, including fraud, which is committed by having money transferred to a deposit account, etc. from the person who has suffered the damage, as a means of obtaining property.

4 この法律において「犯罪利用預金口座等」とは、次に掲げる預金口座等をいう。

(4) The term "deposit account, etc. used for crime" as used in this Act means the following deposit accounts, etc.:

一 振込利用犯罪行為において、前項に規定する振込みの振込先となった預金口座等

(i) a deposit account, etc. to which the transfer prescribed in the preceding paragraph has been made through criminal conduct by means of transfer; and

二 専ら前号に掲げる預金口座等に係る資金を移転する目的で利用された預金口座等であって、当該預金口座等に係る資金が同号の振込みに係る資金と実質的に同じであると認められるもの

(ii) a deposit account, etc. used exclusively for the purpose of moving the funds in the deposit account, etc. set forth in the preceding item, where the funds held in the deposit account, etc. are found to be substantially the same as the funds involved in the transfer set forth in that item.

5 この法律において「被害回復分配金」とは、第七条の規定により消滅した預金又は貯金（以下「預金等」という。）に係る債権の額に相当する額の金銭を原資として金

融機関により支払われる金銭であって、振込利用犯罪行為により失われた財産の価額を基礎として第四章の規定によりその金額が算出されるものをいう。

- (5) The term "damage recovery benefits" as used in this Act means money to be paid by a financial institution using money worth an amount equivalent to the amount of a claim on deposits or savings (hereinafter referred to as "deposits, etc.") that has expired pursuant to the provisions of Article 7, with the amount being calculated pursuant to the provisions of Chapter IV on the basis of the value of the property lost due to criminal conduct by means of transfer.

## 第二章 預金口座等に係る取引の停止等の措置

### Chapter II Measures for Suspension of Transactions Involving Deposit Accounts

第三条 金融機関は、当該金融機関の預金口座等について、捜査機関等から当該預金口座等の不正な利用に関する情報の提供があることその他の事情を勘案して犯罪利用預金口座等である疑いがあると認めるときは、当該預金口座等に係る取引の停止等の措置を適切に講ずるものとする。

Article 3 (1) If a financial institution suspects that a deposit account, etc. held therewith is a deposit account, etc. used for crime in light of circumstances including the fact that the investigating authorities, etc. have provided information concerning the unauthorized use of the deposit account, etc., the financial institution is to take appropriate measures, including suspension of transactions involved in the deposit account, etc.

2 金融機関は、前項の場合において、同項の預金口座等に係る取引の状況その他の事情を勘案して当該預金口座等に係る資金を移転する目的で利用された疑いがある他の金融機関の預金口座等があると認めるときは、当該他の金融機関に対して必要な情報を提供するものとする。

(2) In the case referred to in the preceding paragraph, if the financial institution suspects that a deposit account, etc. held with another financial institution has been used for the purpose of moving funds in the deposit account, etc. referred to in that paragraph in light of circumstances including the status of transactions involved in the deposit account, etc., the financial institution is to provide that other financial institution with necessary information.

## 第三章 預金等に係る債権の消滅手続

### Chapter III Procedure for Expiry of Claims on Deposits

(公告の求め)

(Request for Public Notice)

第四条 金融機関は、当該金融機関の預金口座等について、次に掲げる事由その他の事情を勘案して犯罪利用預金口座等であると疑うに足りる相当な理由があると認めると

きは、速やかに、当該預金口座等について現に取引の停止等の措置が講じられていない場合においては当該措置を講ずるとともに、主務省令で定めるところにより、預金保険機構に対し、当該預金口座等に係る預金等に係る債権について、主務省令で定める書類を添えて、当該債権の消滅手続の開始に係る公告をすることを求めなければならない。

Article 4 (1) If a financial institution finds probable cause to suspect that a deposit account, etc. held therewith is a deposit account, etc. used for crime in light of circumstances including the following grounds, it must promptly take measures, including as suspension of transactions involved in the deposit account, etc., if no relevant measures have been taken yet, and submit a request asking the Deposit Insurance Corporation to give public notice concerning the commencement of the procedure for expiry of a claim on deposits, etc. held in the deposit account, etc., with documents specified by order of the competent ministry attached, pursuant to the provisions of order of the competent ministry:

一 捜査機関等から当該預金口座等の不正な利用に関する情報の提供があったこと。

(i) the fact that the investigating authorities, etc. have provided information concerning the unauthorized use of the deposit account, etc.;

二 前号の情報その他の情報に基づいて当該預金口座等に係る振込利用犯罪行為による被害の状況について行った調査の結果

(ii) the results of an investigation conducted based on information including the information referred to in the preceding item with regard to the status of damage caused by criminal conduct by means of transfer involving the deposit account, etc.;

三 金融機関が有する資料により知ることができる当該預金口座等の名義人の住所への連絡その他の方法による当該名義人の所在その他の状況について行った調査の結果

(iii) the results of an investigation conducted with regard to the status of the registered holder of the deposit account, etc. including the holder's whereabouts, by methods including contacting the holder at the holder's address that can be identified from the materials retained by the financial institution; and

四 当該預金口座等に係る取引の状況

(iv) the status of transactions involved in the deposit account, etc.

2 前項の規定は、次の各号のいずれかに該当するときは、適用しない。

(2) The provisions of the preceding paragraph do not apply if the case falls under either of the following items:

一 前項に規定する預金口座等についてこれに係る預金等の払戻しを求める訴え（以下この章において「払戻しの訴え」という。）が提起されているとき又は当該預金等に係る債権について強制執行、仮差押え若しくは仮処分の手続その他主務省令で定める手続（以下この章において「強制執行等」という。）が行われているとき。

(i) an action to seek refund of deposits, etc. held in the deposit account, etc. prescribed in the preceding Article (hereinafter referred to as an "action for refund" in this Chapter) has been filed, or a procedure for compulsory execution, provisional seizure or provisional disposition, or any other procedure specified by order of the competent ministry (hereinafter referred to as "compulsory execution, etc." in this Chapter) has been initiated;

二 振込利用犯罪行為により被害を受けたと認められる者の状況その他の事情を勘案して、この法律に規定する手続を実施することが適当でないと思えられる場合として、主務省令で定める場合に該当するとき。

(ii) the case is specified by order of the competent ministry as a case in which it is found to be inappropriate to implement the procedures prescribed in this Act in light of circumstances including the situation of the person who is found to have suffered damage from the criminal conduct by means of transfer.

3 金融機関は、第一項の預金口座等に係る取引の状況その他の事情を勘案して当該預金口座等に係る資金を移転する目的で利用されたと疑うに足りる相当な理由がある他の金融機関の預金口座等があると認めるときは、当該他の金融機関に対し、同項の預金口座等に係る主務省令で定める事項を通知しなければならない。

(3) If a financial institution finds probable cause to suspect that a deposit account, etc. held with another financial institution has been used for the purpose of moving funds in the deposit account, etc. referred to in paragraph (1) in light of circumstances including the status of transactions involved in the deposit account, etc., the financial institution is to give notice to that other financial institution of the matters specified by order of the competent ministry concerning the deposit account, etc. referred to in that paragraph.

(公告等)

(Public Notice)

第五条 預金保険機構は、前条第一項の規定による求めがあったときは、遅滞なく、当該求めに係る書面又は同項に規定する主務省令で定める書類の内容に基づき、次に掲げる事項を公告しなければならない。

Article 5 (1) The Deposit Insurance Corporation must give public notice of the following information without delay, upon the request pursuant to the provisions of paragraph (1) of the preceding Article, based on the content of the document pertaining to the request or documents specified by order of the competent ministry prescribed in that paragraph:

一 前条第一項の規定による求めに係る預金口座等（以下この章において「対象預金口座等」という。）に係る預金等に係る債権（以下この章において「対象預金等債権」という。）についてこの章の規定に基づく消滅手続が開始された旨

(i) the fact that the procedure for expiry of a claim based on the provisions of this Chapter has commenced with regard to the claim on deposits, etc. held

in the deposit account, etc. subject to the request pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter the deposit account, etc. is referred to as the "subject deposit account, etc." and the claim on the deposits, etc. is referred to as the "subject claim on deposits, etc." in this Chapter);

二 対象預金口座等に係る金融機関及びその店舗並びに預金等の種別及び口座番号  
(ii) the information of the financial institution and its branch at which the subject deposit account, etc. is held, as well as the type of deposits, etc. and the account number of the subject deposit account, etc.;

三 対象預金口座等の名義人の氏名又は名称  
(iii) the name of the registered holder of the subject deposit account, etc.;

四 対象預金等債権の額  
(iv) the amount of the subject claim on deposits, etc.;

五 対象預金口座等に係る名義人その他の対象預金等債権に係る債権者による当該対象預金等債権についての金融機関への権利行使の届出又は払戻しの訴えの提起若しくは強制執行等（以下「権利行使の届出等」という。）に係る期間

(v) the period during which creditors of the subject claim on deposits, etc. including the registered holder of the subject deposit account, etc. are required to notify the financial institution of their exercise of rights, file an action for refund or enforce compulsory execution, etc. (hereinafter referred to as "notification of exercise of rights, etc.") with regard to the subject claim on deposits, etc.;

六 前号の権利行使の届出の方法

(vi) the method of giving notification of exercise of rights referred to in the preceding item;

七 払戻しの訴えの提起又は強制執行等に関し参考となるべき事項として主務省令で定めるもの（当該事項を公告することが困難である旨の金融機関の通知がある事項を除く。）

(vii) matters specified by order of the competent ministry as information that should serve as a reference in filing an action for refund or enforcing compulsory execution, etc. (excluding information with regard to which the financial institution has given notice to the effect that it is difficult to give public notice of);

八 第五号に掲げる期間内に権利行使の届出等がないときは、対象預金等債権が消滅する旨

(viii) a statement to the effect that the subject claim on deposits, etc. will expire if the notification of exercise of rights, etc. is not made within the period set forth in item (v); and

九 その他主務省令で定める事項

(ix) other information specified by order of the competent ministry.

2 前項第五号に掲げる期間は、同項の規定による公告があった日の翌日から起算して

六十日以上でなければならない。

(2) The period set forth in item (v) of the preceding paragraph must be not less than 60 days from the day following the day on which the public notice pursuant to the provisions of that paragraph has been given.

3 預金保険機構は、前条第一項の規定による求めに係る書面又は同項に規定する主務省令で定める書類に形式上の不備があると認めるときは、金融機関に対し、相当の期間を定めて、その補正を求めることができる。

(3) If the Deposit Insurance Corporation finds any deficiency in formalities in the document pertaining to a request pursuant to the provisions of paragraph (1) of the preceding Article or documents specified by order of the competent ministry prescribed in that paragraph, it may request the financial institution to correct the deficiency, specifying a reasonable period of time.

4 金融機関は、第一項第五号に掲げる期間内に対象預金口座等に係る振込利用犯罪行為により被害を受けた旨の申出をした者があるときは、その者に対し、被害回復分配金の支払の申請に関し利便を図るための措置を適切に講ずるものとする。

(4) If a financial institution receives a report of damage from criminal conduct by means of transfer involving a subject deposit account, etc. within the period set forth in paragraph (1), item (v), it is to take appropriate measures to ensure that it is convenient for the person who makes the report to apply for payment of damage recovery benefits.

5 第一項から第三項までに規定するもののほか、第一項の規定による公告に関し必要な事項は、主務省令で定める。

(5) Beyond what is provided for in paragraphs (1) to (3), necessary matters concerning public notice pursuant to the provisions of paragraph (1) are prescribed by order of the competent ministry.

(権利行使の届出等の通知等)

(Notice of Notification of Exercise of Rights)

第六条 金融機関は、前条第一項第五号に掲げる期間内に権利行使の届出等があったときは、その旨を預金保険機構に通知しなければならない。

Article 6 (1) If a financial institution receives a notification of exercise of rights, etc. within the period set forth in paragraph (1), item (v) of the preceding Article, it must give notice to the Deposit Insurance Corporation to that effect.

2 金融機関は、前条第一項第五号に掲げる期間内に対象預金口座等が犯罪利用預金口座等でないことが明らかになったときは、その旨を預金保険機構に通知しなければならない。

(2) If it becomes clear within the period set forth in paragraph (1), item (v) of the preceding Article that the subject deposit account, etc. is not a deposit account, etc. used for crime, the financial institution must give notice to the Deposit Insurance Corporation to that effect.

3 預金保険機構は、前二項の規定による通知を受けたときは、預金等に係る債権の消

滅手続が終了した旨を公告しなければならない。

(3) If the Deposit Insurance Corporation receives the notice pursuant to the provisions of the preceding two paragraphs, it must give public notice of the termination of the procedure for expiry of the claim on deposits, etc.

(預金等に係る債権の消滅)

(Expiry of Claims on Deposits)

第七条 対象預金等債権について、第五条第一項第五号に掲げる期間内に権利行使の届出等がなく、かつ、前条第二項の規定による通知がないときは、当該対象預金等債権は、消滅する。この場合において、預金保険機構は、その旨を公告しなければならない。

Article 7 If, with regard to a subject claim on deposits, etc., no notification of exercise of rights, etc. is made within the period set forth in Article 5, paragraph (1), item (v) and no notice is given pursuant to the provisions of paragraph (2) of the preceding Article, the subject claim on deposits, etc. expires. In this case, the Deposit Insurance Corporation must give public notice to that effect.

#### 第四章 被害回復分配金の支払手続

#### Chapter IV Procedure for Payment of Damage Recovery Benefits

##### 第一節 通則

##### Section 1 General Rules

(被害回復分配金の支払)

(Payment of Damage Recovery Benefits)

第八条 金融機関は、前条の規定により消滅した預金等に係る債権（以下この章及び第三十七条第二項において「消滅預金等債権」という。）の額に相当する額の金銭を原資として、この章の定めるところにより、消滅預金等債権に係る預金口座等（以下この章において「対象預金口座等」という。）に係る振込利用犯罪行為（対象預金口座等が第二条第四項第二号に掲げる預金口座等である場合にあっては、当該預金口座等に係る資金の移転元となった同項第一号に掲げる預金口座等に係る振込利用犯罪行為。以下この章において「対象犯罪行為」という。）により被害を受けた者（法人でない団体で代表者又は管理人の定めのあるものを含む。）であってこれにより財産を失ったもの（以下この章において「対象被害者」という。）に対し、被害回復分配金を支払わなければならない。

Article 8 (1) A financial institution must pay damage recovery benefits using money worth an amount equivalent to the amount of a claim on deposits, etc. that has expired pursuant to the provisions of the preceding Article (hereinafter referred to as an "expired claim on deposits, etc." in this Chapter and Article 37, paragraph (2)), pursuant to the provisions of this Chapter, to a person (including an organization without legal personality for which a

representative or administrator is appointed) who has suffered damage from criminal conduct by means of transfer involving a deposit account, etc. pertaining to the expired claim on deposits, etc. (hereinafter referred to as the "subject deposit account, etc." in this Chapter) (if the subject deposit account, etc. is a deposit account, etc. set forth in Article 2, paragraph (4), item (ii), the criminal conduct by means of transfer refers to criminal conduct by means of transfer involving a deposit account, etc. set forth in item (i) of that paragraph from which the funds in the relevant deposit account, etc. have been moved; hereinafter referred to as the "subject criminal conduct" in this Chapter) and who has lost property due to the criminal conduct (hereinafter referred to as the "subject victim" in this Chapter).

2 金融機関は、対象被害者について相続その他の一般承継があったときは、この章の定めるところにより、その相続人その他の一般承継人に対し、被害回復分配金を支払わなければならない。

(2) If general succession, including inheritance, takes place with regard to the subject victim, a financial institution must pay damage recovery benefits to the subject victim's general successors, including heirs, pursuant to the provisions of this Chapter.

3 前二項の規定は、消滅預金等債権の額が千円未満である場合は、適用しない。この場合において、預金保険機構は、その旨を公告しなければならない。

(3) The provisions of the preceding two paragraphs do not apply if the amount of an expired claim on deposits, etc. is less than 1,000 yen. In this case, the Deposit Insurance Corporation must give public notice to that effect.

(被害回復分配金の支払を受けることができない者)

(Person Ineligible to Receive Payment of Damage Recovery Benefits)

第九条 前条の規定にかかわらず、次の各号のいずれかに該当する者は、被害回復分配金の支払を受けることができない。

Article 9 Notwithstanding the provisions of the preceding Article, a person who falls under any of the following items may not receive payment of damage recovery benefits:

一 対象犯罪行為により失われた財産の価額に相当する損害の全部について、そのてん補又は賠償がされた場合（当該対象犯罪行為により当該財産を失った対象被害者又はその一般承継人以外の者により当該てん補又は賠償がされた場合に限る。）における当該対象犯罪行為により当該財産を失った対象被害者又はその一般承継人

(i) if all the damage equivalent to the value of the property lost due to the subject criminal conduct is covered or compensated for (limited to cases where the damage is covered or compensated for by a person other than the subject victim who has lost the property or the general successor thereof): the subject victim who has lost the property or the general successor thereof; or

二 対象犯罪行為を実行した者若しくはこれに共犯として加功した者、当該対象犯罪

行為に関連して不正な利益を得た者、当該対象犯罪行為により財産を失ったことについて自己に不法な原因がある者その他被害回復分配金の支払を受けることが社会通念上適切でない者又は対象被害者がこれらの者のいずれかに該当する場合におけるその一般承継人

- (ii) a person who has committed the subject criminal conduct or a person who has assisted the former as an accomplice, a person who has gained an unlawful benefit in relation to the subject criminal conduct, a person who has lost property due to the subject criminal conduct for an illegal cause attributable to the person, or any other person who is not appropriate in light of socially accepted conventions to receive payment of damage recovery benefits, or the subject victim's general successor in cases where the subject victim falls within any of these categories of persons.

## 第二節 手続の開始等

### Section 2 Commencement of Procedure

(公告の求め)

(Request for Public Notice)

第十条 金融機関は、第七条の規定により預金等に係る債権が消滅したとき（第八条第三項に規定する場合を除く。）は、速やかに、主務省令で定めるところにより、預金保険機構に対し、その消滅に係る消滅預金等債権について、主務省令で定める書類を添えて、被害回復分配金の支払手続の開始に係る公告をすることを求めなければならない。

Article 10 (1) If a claim on deposits, etc. expires pursuant to the provisions of Article 7 (excluding the case prescribed in Article 8, paragraph (3)), the financial institution must promptly request the Deposit Insurance Corporation to issue a public notice concerning the commencement of the procedure for payment of damage recovery benefits for the claim on deposits, etc. that has expired, with documents specified by order of the competent ministry attached, pursuant to the provisions of order of the competent ministry.

2 前項の規定は、対象預金口座等に係るすべての対象被害者又はその一般承継人が明らかであり、かつ、これらの対象被害者又はその一般承継人のすべてから被害回復分配金の支払を求める旨の申出があるときは、適用しない。この場合において、金融機関は、預金保険機構にその旨を通知しなければならない。

(2) The provisions of the preceding paragraph do not apply if all subject victims related to the subject deposit account, etc. or their general successors have been identified, and all of these subject victims or their general successors apply for payment of damage recovery benefits. In this case, the financial institution must give notice to the Deposit Insurance Corporation to that effect.

(公告等)

(Public Notice)

第十一条 預金保険機構は、前条第一項の規定による求めがあったときは、遅滞なく、当該求めに係る書面又は同項に規定する主務省令で定める書類の内容に基づき、次に掲げる事項を公告しなければならない。

Article 11 (1) The Deposit Insurance Corporation must give public notice of the following information without delay, upon the request pursuant to the provisions of paragraph (1) of the preceding Article, based on the content of the document pertaining to the request or documents specified by order of the competent ministry prescribed in that paragraph:

一 前条第一項の規定による求めに係る消滅預金等債権についてこの章の規定に基づく被害回復分配金の支払手続が開始された旨

(i) the fact that the procedure for payment of damage recovery benefits based on the provisions of this Chapter has commenced with regard to the expired claim on deposits, etc. subject to the request pursuant to the provisions of paragraph (1) of the preceding Article;

二 対象預金口座等（対象預金口座等が第二条第四項第二号に掲げる預金口座等である場合における当該対象預金口座等に係る資金の移転元となった同項第一号に掲げる預金口座等を含む。次号において同じ。）に係る金融機関及びその店舗並びに預金等の種別及び口座番号

(ii) the information of the financial institution and its branch at which the subject deposit account, etc. (if the subject deposit account, etc. is a deposit account, etc. set forth in Article 2, paragraph (4), item (ii), including the deposit account, etc. set forth in item (i) of that paragraph from which the funds in the subject deposit account, etc. have been moved; the same applies in the following item) is held, as well as the type of deposits, etc. and the account number of the subject deposit account, etc.;

三 対象預金口座等の名義人の氏名又は名称

(iii) the name of the registered holder of the subject deposit account, etc.;

四 消滅預金等債権の額

(iv) the amount of the expired claim on deposits, etc.;

五 支払申請期間

(v) the period for application for payment;

六 被害回復分配金の支払の申請方法

(vi) the method of applying for payment of damage recovery benefits;

七 被害回復分配金の支払の申請に関し参考となるべき事項として主務省令で定めるもの（当該事項を公告することが困難である旨の金融機関の通知がある事項を除く。）

(vii) matters specified by order of the competent ministry as information that should serve as a reference in applying for payment of damage recovery benefits (excluding information with regard to which the financial institution has given notice to the effect that it is difficult to give public notice of); and

八 その他主務省令で定める事項

(viii) other information specified by order of the competent ministry.

2 前項第五号に掲げる支払申請期間（以下この章において単に「支払申請期間」という。）は、同項の規定による公告があった日の翌日から起算して三十日以上でなければならない。

(2) The period for application for payment set forth in item (v) of the preceding paragraph (hereinafter referred to as the "period for application for payment" in this Chapter) must be not less than 30 days from the day following the day on which the public notice pursuant to the provisions of that paragraph has been given.

3 預金保険機構は、前条第一項の規定による求めに係る書面又は同項に規定する主務省令で定める書類に形式上の不備があると認めるときは、金融機関に対し、相当の期間を定めて、その補正を求めることができる。

(3) If the Deposit Insurance Corporation finds any deficiency in formalities in the document pertaining to the request pursuant to the provisions of paragraph (1) of the preceding Article or documents specified by order of the competent ministry prescribed in that paragraph, it may request the financial institution to correct the deficiency, specifying a reasonable period of time.

4 金融機関は、対象犯罪行為による被害を受けたことが疑われる者に対し被害回復分配金の支払手続の実施等について周知するため、必要な情報の提供その他の措置を適切に講ずるものとする。

(4) A financial institution is to take appropriate measures including provision of necessary information in order to make the implementation, etc. of the procedure for payment of damage recovery benefits known to persons who are suspected of having suffered damage caused by the subject criminal conduct.

5 第一項から第三項までに規定するもののほか、第一項の規定による公告に関し必要な事項は、主務省令で定める。

(5) Beyond what is provided for in paragraphs (1) to (3), necessary matters concerning public notice pursuant to the provisions of paragraph (1) are prescribed by order of the competent ministry.

### 第三節 支払の申請及び決定等

#### Section 3 Application for and Determination of Payment

(支払の申請)

(Application for Payment)

第十二条 被害回復分配金の支払を受けようとする者は、支払申請期間（第十条第二項の規定による通知があった場合においては、金融機関が定める相当の期間。以下同じ。）内に、主務省令で定めるところにより、次に掲げる事項を記載した申請書に第一号及び第二号に掲げる事項を疎明するに足りる資料を添付して、対象預金口座等に係る金融機関に申請をしなければならない。

Article 12 (1) A person who intends to receive payment of damage recovery benefits must file an application with the financial institution at which the subject deposit account, etc. is held, attaching materials that make a prima facie showing of the information set forth in items (i) and (ii) to an application form containing the following information within the period of application for payment (if notice pursuant to the provisions of Article 10, paragraph (2) is given, within a reasonable period of time specified by the financial institution; the same applies hereinafter), pursuant to the provisions of order of the competent ministry:

一 申請人が対象被害者又はその一般承継人であることの基礎となる事実

(i) facts fundamental to show that the applicant is the subject victim or general successor thereof;

二 対象犯罪行為により失われた財産の価額

(ii) the value of the property lost due to the subject criminal conduct;

三 控除対象額（対象犯罪行為により失われた財産の価額に相当する損害について、そのてん補又は賠償がされた場合（当該対象犯罪行為により当該財産を失った対象被害者又はその一般承継人以外の者により当該てん補又は賠償がされた場合に限る。）における当該てん補額及び賠償額を合算した額をいう。以下同じ。）

(iii) the amount subject to deduction (meaning the total amount of coverage or compensation in cases where damage equivalent to the value of the property lost due to the subject criminal conduct has been covered or compensated for (limited to when the damage has been covered or compensated for by a person other than the subject victim who lost the property or the general successor thereof); the same applies hereinafter); and

四 その他主務省令で定める事項

(iv) other information specified by order of the competent ministry.

2 前項の規定による申請をした対象被害者又はその一般承継人（以下この項において「対象被害者等」という。）について、当該申請に対する次条の規定による決定が行われるまでの間に一般承継があったときは、当該対象被害者等の一般承継人は、支払申請期間が経過した後であっても、当該一般承継があった日から六十日以内に限り、被害回復分配金の支払の申請をすることができる。この場合において、当該一般承継人は、主務省令で定めるところにより、前項に規定する申請書に同項第一号及び第二号に掲げる事項を疎明するに足りる資料を添付して、これを対象預金口座等に係る金融機関に提出しなければならない。

(2) If, with regard to the subject victim or general successor of the subject victim (hereinafter referred to as the "subject victim, etc." in this paragraph) who has filed an application pursuant to the provisions of the preceding paragraph, general succession takes place before a determination is made pursuant to the provisions of the following Article in response to the application, the general successor of the subject victim, etc. may file an application for damage recovery benefits even after the expiration of the period of application for payment, only

within 60 days from the day on which the general succession took place. In this case, the general successor must submit the application form prescribed in the preceding paragraph to the financial institution at which the subject deposit account, etc. is held, attaching thereto materials that make a prima facie showing of the information set forth in items (i) and (ii) of that paragraph, pursuant to the provisions of order of the competent ministry.

3 前二項の規定による申請は、対象犯罪行為に係る第二条第三項に規定する振込みの依頼をした金融機関を経由して、行うことができる。

(3) An application pursuant to the provisions of the preceding two paragraphs may be filed via the financial institution to which a request for the transfer prescribed in Article 2, paragraph (3) involved in the subject criminal conduct has been submitted.

(支払の決定)

(Determination of Payment)

第十三条 金融機関は、前条第一項の規定による申請があった場合において、支払申請期間が経過したときは、遅滞なく、同条第一項又は第二項に規定する申請書及び資料等に基づき、その申請人が被害回復分配金の支払を受けることができる者に該当するか否かの決定をしなければならない。同条第二項の規定による申請があった場合において、当該申請に係る一般承継があった日から六十日が経過したときも、同様とする。

Article 13 (1) If an application is filed pursuant to the provisions of paragraph (1) of the preceding Article, and the period for application for payment expires, the financial institution must determine, without delay, whether or not the applicant is a person eligible to receive payment of damage recovery benefits, based on the application form and materials prescribed in paragraph (1) or paragraph (2) of that Article and other materials. The same applies if an application is filed pursuant to the provisions of paragraph (2) of that Article and 60 days have passed since the day on which general succession in relation to the application took place.

2 金融機関は、被害回復分配金の支払を受けることができる者に該当する旨の決定（以下「支払該当者決定」という。）をするに当たっては、その犯罪被害額（対象犯罪行為により失われた財産の価額から控除対象額を控除した額をいう。以下同じ。）を定めなければならない。この場合において、支払該当者決定を受ける者で同一の対象被害者の一般承継人であるものが二人以上ある場合におけるその者に係る犯罪被害額は、当該対象被害者に係る対象犯罪行為により失われた財産の価額から控除対象額を控除した額を当該一般承継人の数で除して得た額とする。

(2) When a financial institution determines that a person is eligible to receive payment of damage recovery benefits (hereinafter referred to as a "determination of eligible recipient"), it must determine the amount of crime damages (meaning the amount that remains after deducting the amount subject to deduction from the value of the property lost due to the subject

criminal conduct; the same applies hereinafter). In this case, if there are two or more persons who are to receive a determination of eligible recipient and who are general successors of the same subject victim, the amount of crime damages pertaining to each person is to be the amount obtained by deducting the amount subject to deduction from the value of the property lost due to the subject criminal conduct involving the subject victim, and then dividing the result by the number of the general successors.

3 前項後段に規定する場合において、当該支払該当者決定を受ける者のうちに各人が支払を受けるべき被害回復分配金の額の割合について合意をした者があるときは、同項後段の規定にかかわらず、当該合意をした者に係る犯罪被害額は、同項後段の規定により算出された額のうちこれらの者に係るものを合算した額に当該合意において定められた各人が支払を受けるべき被害回復分配金の額の割合を乗じて得た額とする。

(3) In the case prescribed in the second sentence of the preceding paragraph, if some of the persons who are to receive a determination of eligible recipient have reached an agreement on the ratio of the amount of damage recovery benefits to be received by each of them, the amount of crime damages pertaining to the persons who have reached the agreement is to be the amount obtained by totaling the amounts calculated pursuant to the provisions of the second sentence of that paragraph which are related to those persons, and then multiplying the total by the ratio of the amount of damage recovery benefits to be received by each of them as specified in the agreement, notwithstanding the provisions of the second sentence of that paragraph.

4 前二項に定めるもののほか、犯罪被害額の認定の方法については、主務省令で定める。

(4) Beyond what is provided for in the preceding two paragraphs, the method of determining the amount of criminal damages is prescribed by order of the competent ministry.

(書面の送付等)

(Sending of Documents)

第十四条 金融機関は、前条の規定による決定を行ったときは、速やかに、その内容を記載した書面を申請人に送付しなければならない。

Article 14 (1) If a financial institution makes a determination pursuant to the provisions of the preceding Article, it must promptly send a document describing the details of the determination to the applicant.

2 前項の規定にかかわらず、申請人の所在が知れないときその他同項の書面を送付することができないときは、金融機関において当該書面を保管し、いつでも申請人に交付すべき旨を明らかにする措置として主務省令で定める措置をとることをもって同項の規定による送付に代えることができる。

(2) Notwithstanding the provisions of the preceding paragraph, if the applicant's whereabouts is unknown or it is impossible to send the document referred to in

that paragraph to the applicant for another reason, the relevant financial institution may retain the document and take measures specified by order of the competent ministry as measures to make it clear that the document is to be delivered to the applicant at any time, in lieu of sending it pursuant to the provisions of that paragraph.

(決定表の作成等)

#### (Preparation of Determination Table)

第十五条 金融機関は、第十三条の規定による決定を行ったときは、次に掲げる事項を記載した決定表を作成し、申請人の閲覧に供するため、これを主務省令で定める場所に備え置かなければならない。

Article 15 If a financial institution makes a determination pursuant to the provisions of Article 13, it must prepare a determination table containing the following information and keep it at a place specified by order of the competent ministry to make it available for inspection by the applicant:

一 支払該当者決定を受けた者の氏名又は名称及び当該支払該当者決定において定められた犯罪被害額（支払該当者決定を受けた者がいないときは、その旨）

(i) the name of the person who has received the determination of eligible recipient and the amount of criminal damages specified by the determination of eligible recipient (if no person receives a determination of eligible recipient, a statement to that effect); and

二 その他主務省令で定める事項

(ii) other information specified by order of the competent ministry.

#### 第四節 支払の実施等

#### Section 4 Implementation of Payment

(支払の実施等)

#### (Implementation of Payment)

第十六条 金融機関は、すべての申請に対する第十三条の規定による決定を行ったときは、遅滞なく、支払該当者決定を受けた者に対し、被害回復分配金を支払わなければならない。

Article 16 (1) If a financial institution makes a determination pursuant to the provisions of Article 13 in response to all applications, it must, without delay, pay damage recovery benefits to the persons who have received a determination of eligible recipient.

2 前項の規定により支払う被害回復分配金の額は、支払該当者決定により定めた犯罪被害額の総額（以下この項において「総被害額」という。）が消滅預金等債権の額を超えるときは、この額に当該支払該当者決定を受けた者に係る犯罪被害額の総被害額に対する割合を乗じて得た額（その額に一円未満の端数があるときは、これを切り捨てた額）とし、その他のときは、当該犯罪被害額とする。

- (2) If the total amount of criminal damages specified by a determination of eligible recipient (hereinafter referred to as the "total amount of damages" in this paragraph) exceeds the amount of the relevant expired claim on deposits, etc., the amount of damage recovery benefits to be paid pursuant to the provisions of the preceding paragraph is to be the amount obtained by multiplying the amount of the expired claim on deposits, etc. by the ratio of the amount of criminal damages pertaining to each person who has received the determination of eligible recipient to the total amount of damages (if the amount thus obtained includes a fraction of less than 1 yen, that fraction is dropped), or, in other cases, it is to be the amount of criminal damages.
- 3 金融機関は、第一項の規定により支払う被害回復分配金の額を決定表に記載し、その旨を預金保険機構に通知しなければならない。
- (3) A financial institution must enter the amount of damage recovery benefits that it is to pay pursuant to the provisions of paragraph (1) in the determination table and give notice to the Deposit Insurance Corporation to that effect.
- 4 預金保険機構は、前項の規定による通知を受けたときは、第一項の規定により支払う被害回復分配金の額を金融機関が決定表に記載した旨を公告しなければならない。
- (4) If the Deposit Insurance Corporation receives notice pursuant to the provisions of the preceding paragraph, it must give public notice to the effect that the financial institution has entered the amount of damage recovery benefits that it is to pay pursuant to the provisions of paragraph (1) in the determination table.

(支払該当者決定後の一般承継人に対する被害回復分配金の支払)

**(Payment of Damage Recovery Benefits to General Successors after Determination of Eligible Recipient)**

第十七条 金融機関は、支払該当者決定が行われた者について一般承継があった場合において、その者に支払うべき被害回復分配金でまだ支払っていないものがあるときは、その者の一般承継人であって当該一般承継があった日から六十日以内に届出をしたものに対し、未払の被害回復分配金を支払わなければならない。この場合において、当該一般承継人は、主務省令で定めるところにより、届出書を金融機関に提出しなければならない。

Article 17 (1) If general succession takes place with regard to a person who has received a determination of eligible recipient and any amount of the damage recovery benefits payable to that person has not yet been paid, the financial institution must pay the unpaid amount of damage recovery benefits to the person's general successor who has made notification within 60 days from the day on which the general succession took place. In this case, the general successor must submit a written notification to the financial institution pursuant to the provisions of order of the competent ministry.

2 前項の規定により届出をした一般承継人が二人以上ある場合における当該一般承継人に支払う被害回復分配金の額は、同項に規定する未払の被害回復分配金の額を当該一般承継人の数で除して得た額（その額に一円未満の端数があるときは、これを切り捨てた額）とする。ただし、当該一般承継人のうちに各人が支払を受けるべき被害回復分配金の額の割合について合意をした者があるときは、当該合意をした者に支払う被害回復分配金の額は、この項本文の規定により算出された額のうちこれらの者に係るものを合算した額に当該合意において定められた各人が支払を受けるべき被害回復分配金の額の割合を乗じて得た額（その額に一円未満の端数があるときは、これを切り捨てた額）とする。

(2) If there are two or more general successors who have made notification pursuant to the provisions of the preceding paragraph, the amount of damage recovery benefits to be paid to the general successors is to be the amount obtained by dividing the unpaid amount of damage recovery benefits prescribed in that paragraph by the number of the general successors (if the amount thus obtained includes a fraction of less than 1 yen, that fraction is dropped); provided, however, that if some of the general successors have reached an agreement on the ratio of the amount of damage recovery benefits to be received by each of them, the amount of damage recovery benefits to be paid to the persons who have reached that agreement is to be the amount obtained by totaling the amounts calculated pursuant to the provisions of the main clause of this paragraph which pertain to those persons, and then multiplying the total by the ratio of the amount of damage recovery benefits to be received by each of them as specified in the agreement (if the amount thus obtained includes a fraction of less than 1 yen, that fraction is dropped).

## 第五節 手続の終了等

### Section 5 Termination of Procedure

(公告)

(Public Notice)

第十八条 金融機関は、次の各号のいずれかに該当するときは、速やかに、預金保険機構に対し、被害回復分配金の支払手続の終了に係る公告をすることを求めなければならない。

Article 18 (1) If any of the following items applies, a financial institution must promptly request the Deposit Insurance Corporation to give public notice concerning the termination of the procedure for payment of damage recovery benefits:

一 第十二条第一項又は第二項の規定による申請がないとき。

(i) no application pursuant to the provisions of Article 12, paragraph (1) or paragraph (2) is filed;

二 第十二条第一項又は第二項の規定による申請のすべてについて第十三条の規定に

よる決定があった場合において、支払該当者決定を受けた者がいないとき。

(ii) a determination pursuant to the provisions of Article 13 is made with regard to all applications pursuant to the provisions of Article 12, paragraph (1) or paragraph (2), and no person receives a determination of eligible recipient;

三 前節又は第二十二條第二項の規定により支払うべき被害回復分配金のすべてについて、同節の規定によりこれを支払い、又は同項に規定する措置をとったとき。

(iii) the financial institution pays in full, pursuant to the provisions of the preceding Section, the damage recovery benefits payable pursuant to the provisions of that Section or Article 22, paragraph (2), or takes the measures prescribed in that paragraph; or

四 対象預金口座等が犯罪利用預金口座等でないことが明らかになったとき。

(iv) it has become clear that the subject deposit account, etc. is not a deposit account, etc. used for crime.

2 預金保険機構は、前項の規定による求めがあったときは、遅滞なく、被害回復分配金の支払手続が終了した旨を公告しなければならない。

(2) The Deposit Insurance Corporation must, upon a request pursuant to the provisions of the preceding paragraph, give public notice of the termination of the procedure for payment of damage recovery benefits without delay.

(預金保険機構への納付)

(Payment to Deposit Insurance Corporation)

第十九條 金融機関は、第八條第三項又は前條第二項の規定による公告があった場合において、次の各号のいずれかに該当するときは、当該各号に定める額に相当する額の金銭を、預金保険機構に納付しなければならない。

Article 19 If public notice is given pursuant to the provisions of Article 8, paragraph (3) or paragraph (2) of the preceding Article and falls under any of the following items, the financial institution must pay an amount of money equivalent to the amount specified respectively in these items to the Deposit Insurance Corporation:

一 第八條第三項の規定による公告があったとき又は前條第二項の規定による公告があった場合において被害回復分配金の支払を行わなかったとき。 消滅預金等債権の額

(i) public notice is given pursuant to the provisions of Article 8, paragraph (3) or the provisions of paragraph (2) of the preceding Article, and the financial institution does not pay damage recovery benefits: the amount of the expired claim on deposits, etc.; or

二 前條第二項の規定による公告があった場合において、当該公告に係る対象預金口座等について支払った被害回復分配金の額の合計額が消滅預金等債権の額に満たないとき。 消滅預金等債権の額から当該被害回復分配金の額の合計額を控除した額

(ii) public notice pursuant to the provisions of paragraph (2) of the preceding

Article is given, and the total amount of damage recovery benefits paid in relation to the subject deposit account, etc. to which the public notice pertains is less than the amount of the expired claim on deposits, etc.: the amount that remains after deducting the total amount of damage recovery benefits from the amount of the expired claim on deposits, etc.

(犯罪被害者等の支援の充実等)

(Enhancement of Support for Crime Victims)

第二十条 預金保険機構は、前条（第二十四条第三項の規定によりその例によることとされる場合を含む。）の規定により金銭の納付を受けたときは、当該納付を受けた金銭の額から当該金銭の額に第二十五条第四項の規定による支払に要する費用の額を考慮して主務省令で定める割合を乗じて得た額を控除した額の金銭を、主務省令で定めるところにより、犯罪被害者等の支援の充実のために支出するものとする。

Article 20 (1) If the Deposit Insurance Corporation receives payment of money pursuant to the provisions of the preceding Article (including cases to be governed by that Article pursuant to the provisions of Article 24, paragraph (3)), it is to spend the amount of money that remains after deducting, from the amount of money paid thereto, the amount obtained by multiplying that amount of money by the ratio specified by order of the competent ministry in consideration of the amount of expenses required for payment pursuant to the provisions of Article 25, paragraph (4), in order to enhance support for crime victims, pursuant to the provisions of order of the competent ministry.

2 預金保険機構は、前項の主務省令で定める割合を乗じて得た額の金銭について、その全部又は一部が第二十五条第四項の規定による支払のため必要がなくなったときは、前項の主務省令で定めるところにより、これを犯罪被害者等の支援の充実のために支出するものとする。

(2) If the amount of money obtained by multiplying the ratio specified by order of the competent ministry as referred to in the preceding paragraph is in whole or in part no longer necessary for payment pursuant to the provisions of Article 25, paragraph (4), the Deposit Insurance Corporation is to spend that amount of money in order to enhance support for crime victims, pursuant to the provisions of order of the competent ministry referred to in the preceding paragraph.

(損害賠償請求権等との関係)

(Relationship with Claim for Damages)

第二十一条 被害回復分配金を支払ったときは、その支払を受けた者が有する当該被害回復分配金に係る対象犯罪行為に係る損害賠償請求権その他の請求権は、その支払を受けた額の限度において消滅する。

Article 21 (1) If damage recovery benefits are paid, the claim for damages related to the subject criminal conduct to which the damage recovery benefits

pertain and other claims held by the person who has received the payment expire up to the amount of payment received.

- 2 金融機関が第二十五条第一項又は第二項の規定による支払を行った場合において、その支払を受けた者が第四条第一項の規定の適用その他の前章又はこの章に規定する手続の実施に関し損害賠償請求権その他の請求権を有するときは、当該請求権は、その支払を受けた額の限度において消滅する。

(2) If a financial institution makes payment pursuant to the provisions of Article 25, paragraph (1) or paragraph (2), and the person who receives the payment holds a claim for damages in relation to the implementation of the procedures prescribed in the preceding Chapter or this Chapter, including the application of the provisions of Article 4, paragraph (1), or another claim, the claim expires up to the amount of payment received.

(被害回復分配金の支払を受ける権利の消滅等)

(Expiry of Right to Receive Payment of Damage Recovery Benefits)

第二十二条 被害回復分配金の支払手続において、被害回復分配金の支払を受ける権利は、第十六条第四項（次項又は第二十四条第二項の規定によりその例によることとされる場合を含む。）の規定による公告があった時から六月間行使しないときは、消滅する。

Article 22 (1) In the procedure for payment of damage recovery benefits, the right to receive payment of damage recovery benefits expires if it is not exercised within six months from the time when public notice was given pursuant to the provisions of Article 16, paragraph (4) (including cases to be governed by that paragraph pursuant to the provisions of the following paragraph or Article 24, paragraph (2)).

- 2 金融機関は、前項の規定により被害回復分配金の支払を受ける権利が消滅した場合において、同一の対象預金口座等に係る被害回復分配金の支払について他に支払該当者決定を受けた者（被害回復分配金の支払を受ける権利が消滅した者を除く。以下「他の支払該当者」という。）があり、かつ、他の支払該当者について既に支払った被害回復分配金の額が犯罪被害額に満たないときは、遅滞なく、同項の規定により消滅した権利に係る被害回復分配金の額に相当する額の金銭を原資として、前節の規定の例により、他の支払該当者又はその一般承継人に対し、被害回復分配金の支払をしなければならない。ただし、同項の規定により消滅した権利に係る被害回復分配金の額が千円未満である場合は、この限りでない。

(2) If the right to receive payment of damage recovery benefits expires pursuant to the provisions of the preceding paragraph, there is another person who has received a determination of eligible recipient with regard to the payment of damage recovery benefits pertaining to the same subject deposit account, etc. (excluding a person whose right to receive damage recovery benefits has become expired; hereinafter referred to as the "other eligible recipient"), and the amount of damage recovery benefits already paid to the other eligible

recipient is less than the amount of crime damages, the financial institution must pay damage recovery benefits to the other eligible recipient or general successor thereof pursuant to the provisions of the preceding Section without delay, using an amount of money equivalent to the amount of damage recovery benefits for which the right has expired pursuant to the provisions of that paragraph; provided, however, that this does not apply if the amount of damage recovery benefits for which the right has expired pursuant to the provisions of that paragraph is less than 1,000 yen.

(被害回復分配金の支払を受ける権利の保護)

**(Protection of Right to Receive Damage Recovery Benefits)**

第二十三条 被害回復分配金の支払を受ける権利は、譲り渡し、担保に供し、又は差し押さえることができない。ただし、国税滞納処分（その例による処分を含む。）により差し押さえる場合は、この限りでない。

**Article 23** The right to receive damage recovery benefits may not be transferred, provided as collateral or seized; provided, however, that this does not apply if it is seized based on a disposition of national tax delinquency (including dispositions made pursuant to the procedure thereof).

(不正の手段により支払を受けた場合の返還等)

**(Return in Case of Payment Received by Wrongful Means)**

第二十四条 金融機関は、偽りその他不正の手段により被害回復分配金の支払を受けた者があるときは、その者からの被害回復分配金の返還に係る措置を適切に講ずるものとする。

**Article 24 (1)** If a person receives payment of damage recovery benefits by deception or other wrongful means, the relevant financial institution is to take appropriate measures to have the person return the damage recovery benefits.

2 金融機関は、前項に規定する者から被害回復分配金の返還を受けた場合において、他の支払該当者があり、かつ、他の支払該当者について既に支払った被害回復分配金の額が犯罪被害額に満たないときは、遅滞なく、返還を受けた額に相当する額の金銭を原資として、前節の規定の例により、他の支払該当者又はその一般承継人に対し、被害回復分配金の支払をしなければならない。ただし、同項に規定する者から返還を受けた額が千円未満である場合は、この限りでない。

**(2)** If a financial institution receives damage recovery benefits returned by the person prescribed in the preceding paragraph and there is any other eligible recipient to whom the amount of damage recovery benefits already paid is less than the amount of crime damage, the financial institution must pay damage recovery benefits to that other eligible recipient or the general successor of that other eligible recipient in pursuant to the provisions of the preceding Section without delay, using an amount of money equivalent to the amount returned; provided, however, that this does not apply if the amount returned by the

person prescribed in that paragraph is less than 1,000 yen.

3 第一項に規定する者から返還を受けた金銭の預金保険機構への納付については、第十九条の規定の例による。

(3) The payment to the Deposit Insurance Corporation of money returned by the person prescribed in paragraph (1) is governed by the provisions of Article 19.

(犯罪利用預金口座等でないことについて相当な理由があると認められる場合における支払の請求等)

**(Request for Payment When Adequate Grounds Are Found to Believe That a Subject Deposit Account Is Not a Deposit Account Used for Crime)**

第二十五条 対象預金口座等に係る名義人その他の消滅預金等債権に係る債権者（以下この条において「名義人等」という。）は、第八条第三項又は第十八条第二項の規定による公告があった後において、対象預金口座等に係る金融機関に対し第五条第一項第五号に掲げる期間内に同号の権利行使の届出を行わなかったことについてのやむを得ない事情その他の事情、当該対象預金口座等の利用の状況及び当該対象預金口座等への主要な入金の原因について必要な説明が行われたこと等により、当該対象預金口座等が犯罪利用預金口座等でないことについて相当な理由があると認められる場合には、当該金融機関に対し、消滅預金等債権の額に相当する額の支払を請求することができる。

Article 25 (1) A creditor of an expired claim on deposits, etc. including the registered holder of a subject deposit account, etc. (hereinafter referred to as the "registered holder, etc." in this Article) may request the financial institution at which the subject deposit account, etc. is held to pay an amount equivalent to the amount of the expired claim on deposits, etc. if, after public notice was given pursuant to the provisions of Article 8, paragraph (3) or Article 18, paragraph (2), adequate grounds are found to believe that the subject deposit account, etc. is not a deposit account, etc. used for crime because the registered holder, etc. has given a necessary explanation with regard to circumstances including unavoidable circumstances due to which the registered holder, etc. failed to make notification of exercise of rights, etc. referred to Article 5, paragraph (1), item (v) to the financial institution within the period set forth in that item, the status of use of the deposit account, etc., and the origin of the money of major payments into the deposit account, etc.

2 名義人等は、対象預金口座等について、当該対象預金口座等に係る金融機関に対し第五条第一項第五号に掲げる期間内に同号の権利行使の届出を行わなかったことについてのやむを得ない事情その他の事情について必要な説明を行った場合において、対象犯罪行為による被害に係る財産以外の財産をもって当該対象預金口座等への振込みその他の方法による入金が行われているときは、第八条第三項又は第十八条第二項の規定による公告があった後において、当該対象預金口座等に係る金融機関に対し、消滅預金等債権の額から当該入金以外の当該対象預金口座等へのすべての入金の合計額を控除した額の支払を請求することができる。ただし、当該消滅預金等債権の額が当

該合計額以下であるときは、この限りでない。

(2) If the registered holder, etc. gives a necessary explanation with regard to circumstances concerning the subject deposit account, etc. including unavoidable circumstances due to which the registered holder, etc. failed to make notification of exercise of rights, etc. referred to Article 5, paragraph (1), item (v) to the financial institution at which the subject deposit account, etc. is held within the period set forth in that item, and any payment is made into the subject deposit account, etc. by a method including a transfer using property other than the property involved in the damage caused by the subject criminal conduct, the registered holder, etc. may request the financial institution at which the subject deposit account, etc. is held to pay an amount equivalent to the amount that remains after deducting the total amount paid into the subject deposit account, etc., excluding the payment, from the amount of the expired claim on deposits, etc., after the public notice was given pursuant to the provisions of Article 8, paragraph (3) or Article 18, paragraph (2); provided, however, that this does not apply if the amount of the expired claim on deposits, etc. is less than that total amount.

3 金融機関は、前二項の規定による支払を行おうとする場合において、第四条第一項の規定の適用その他の前章に規定する手続の実施に関し過失がないと思料するときは、その旨を預金保険機構に通知しなければならない。

(3) If a financial institution intends to make payment pursuant to the provisions of the preceding two paragraphs, and considers that there was no negligence in relation to the implementation of the procedures prescribed in the preceding Chapter, including the application of the provisions of Article 4, paragraph (1), it must give notice to the Deposit Insurance Corporation to that effect.

4 第一項又は第二項の規定による支払を行った金融機関は、主務省令で定めるところにより、第四条第一項の規定の適用その他の前章に規定する手続の実施に関し過失がないことについて相当な理由があると認められるときは、預金保険機構に対し、第一項又は第二項の規定により支払った額に相当する額の支払を請求することができる。ただし、当該支払に係る預金口座等について被害回復分配金が支払われている場合において、この章に規定する手続の実施に関し金融機関に過失があるときは、その請求することができる額は、第一項又は第二項の規定により支払った額から金融機関の過失により支払った被害回復分配金の額の合計額を控除した額とする。

(4) A financial institution that has made payment pursuant to the provisions of paragraph (1) or paragraph (2) may request the Deposit Insurance Corporation to pay an amount equivalent to the amount paid pursuant to the provisions of paragraph (1) or paragraph (2), pursuant to the provisions of order of the competent ministry, if adequate grounds are found to believe that there was no negligence in relation to the implementation of the procedures prescribed in the preceding Chapter, including the application of the provisions of Article 4, paragraph (1); provided, however, that if damage recovery benefits were paid

with regard to the deposit account, etc. to which the payment made by the financial institution pertains, and the financial institution has been negligent in relation to the implementation of the procedures prescribed in this Chapter, the amount that it may request is to be the amount that remains after deducting the total amount of damage recovery benefits that the financial institution paid in negligence from the amount that it paid pursuant to the provisions of paragraph (1) or paragraph (2).

5 金融機関は、第一項又は第二項の規定による支払に係る預金口座等が犯罪利用預金口座等その他不正に利用された預金口座等である疑いがあると認めるときは、当該支払を停止する措置を講ずることができる。

(5) If a financial institution suspects that the deposit account, etc. to which payment pursuant to the provisions of paragraph (1) or paragraph (2) pertains is a deposit account, etc. used for crime or any other deposit account, etc. used unlawfully, it may take measures to suspend the payment.

#### 第五章 預金保険機構の業務の特例等

#### Chapter V Special Provisions for Operations of Deposit Insurance Corporation

(預金保険機構の業務の特例)

(Special Provisions for Operations of Deposit Insurance Corporation)

第二十六条 預金保険機構（以下「機構」という。）は、預金保険法（昭和四十六年法律第三十四号）第三十四条に規定する業務のほか、第一条の目的を達成するため、次の業務を行う。

Article 26 In order to achieve the purpose referred to in paragraph (1), the Deposit Insurance Corporation (hereinafter referred to as the "corporation") conducts the following operations beyond the operations prescribed in Article 34 of the Deposit Insurance Act (Act No. 34 of 1971):

一 預金等に係る債権の消滅手続の開始に係る公告その他第三章の規定による業務  
(i) giving public notice of the commencement of the procedure for expiry of claims on deposits, etc. and other operations pursuant to the provisions of Chapter III;

二 被害回復分配金の支払手続の開始に係る公告その他前章の規定による業務（次号及び第四号に掲げる業務を除く。）

(ii) giving public notice of the commencement of the procedure for payment of damage recovery benefits and other operations pursuant to the provisions of the preceding Chapter (excluding the operations set forth in the following item and item (iv));

三 第十九条（第二十四条第三項の規定によりその例によることとされる場合を含む。）の規定による金銭の収納及び第二十条の規定による金銭の支出その他の管理  
(iii) receiving payment of money pursuant to the provisions of Article 19

(including cases to be governed by that Article pursuant to the provisions of Article 24, paragraph (3)), and spending and otherwise managing money pursuant to the provisions of Article 20;

四 前条第四項の規定による金銭の支払

(iv) paying money pursuant to the provisions of paragraph (4) of the preceding Article;

五 第三十条の規定による手数料の収納

(v) receiving payment of fees pursuant to the provisions of Article 30; and

六 前各号の業務に附帯する業務

(vi) operations incidental to the operations referred to in the preceding items.

(公告の方法)

(Method of Public Notice)

第二十七条 この法律の規定による公告は、インターネットを利用して公衆の閲覧に供する方法でなければならない。

Article 27 Public notice pursuant to the provisions of this Act must be given by posting the relevant information on the Internet for public inspection.

(区分経理)

(Separate Accounting)

第二十八条 機構は、第二十六条の規定による業務（以下「被害回復分配金支払業務」という。）に係る経理については、その他の経理と区分し、特別の勘定を設けて整理しなければならない。

Article 28 The corporation must separate the accounting for the operations pursuant to the provisions of Article 26 (hereinafter referred to as the "damage recovery benefits payment operations") from the accounting for other operations and manage it in a special account.

(借入金)

(Borrowings)

第二十九条 機構は、被害回復分配金支払業務を行うため必要があると認めるときは、内閣総理大臣及び財務大臣の認可を受けて、金融機関その他の者から資金の借入れ（借換えを含む。）をすることができる。

Article 29 (1) If the corporation finds it necessary in order to conduct damage recovery benefits payment operations, it may borrow funds (including refinancing) from a financial institution or any other person with the authorization of the Prime Minister and the Minister of Finance.

2 前項の規定による借入金の現在額は、政令で定める金額を超えることとなつてはならない。

(2) The outstanding amount of borrowings pursuant to the provisions of the preceding paragraph must not exceed the amount specified by Cabinet Order.

(手数料)

(Fees)

第三十条 機構は、第四条第一項又は第十条第一項の規定による求めを行う金融機関から、被害回復分配金支払業務に係る事務に要する費用を勘案して機構が運営委員会（預金保険法第十四条に規定する運営委員会をいう。）の議決を経て定める額の手数料を徴収することができる。

Article 30 (1) The corporation may collect an amount of fees set by the corporation in accordance with a resolution reached by the Policy Board (meaning the Policy Board prescribed in Article 14 of the Deposit Insurance Act) in consideration of the expenses required for the administration of damage recovery benefits payment operations, from a financial institution that makes a request pursuant to the provisions of Article 4, paragraph (1) or Article 10, paragraph (1).

2 機構は、前項に規定する手数料の額を定め、又はこれを変更しようとするときは、内閣総理大臣及び財務大臣の認可を受けなければならない。

(2) If the corporation intends to set or revise the amount of fees prescribed in the preceding paragraph, it must obtain authorization from the Prime Minister and the Minister of Finance.

## 第六章 雑則

### Chapter VI Miscellaneous Provisions

(預金保険法の適用)

(Application of Deposit Insurance Act)

第三十一条 この法律により機構の業務が行われる場合には、この法律の規定によるほか、預金保険法を適用する。この場合において、同法第十五条第五号中「事項」とあるのは「事項（犯罪利用預金口座等に係る資金による被害回復分配金の支払等に関する法律（平成十九年法律第百三十三号。以下「被害回復分配金支払法」という。）の規定による機構の業務に係るものを除く。）」と、同法第三十七条第一項中「次の各号に掲げる業務」とあるのは「次の各号に掲げる業務（被害回復分配金支払法の規定による業務を行う場合にあつては、当該業務）」と、「各号に定める者」とあるのは「各号に定める者（被害回復分配金支払法の規定による業務を行う場合にあつては、被害回復分配金支払法第二条第一項に規定する金融機関）」と、同条第二項中「特定持株会社等」とあるのは「特定持株会社等（被害回復分配金支払法の規定による業務を行う場合にあつては、被害回復分配金支払法第二条第一項に規定する金融機関）」と、同法第四十四条、第四十五条第二項及び第四十六条第一項中「この法律」とあるのは「この法律又は被害回復分配金支払法」と、同法第五十一条第二項中「業務（第四十条の二第二号に掲げる業務を除く。）」とあるのは「業務（第四十条の二第二号に掲げる業務及び被害回復分配金支払法第二十八条に規定する被害回復分配金支払業務を除く。）」と、同法第五十二条第一号中「この法律」とあるのは「この法律又

は被害回復分配金支払法」と、同条第三号中「第三十四条に規定する業務」とあるのは「第三十四条に規定する業務及び被害回復分配金支払法の規定による業務」とする。

Article 31 If the corporation conducts its operations pursuant to this Act, the provisions of the Deposit Insurance Act are applied in addition to the provisions of this Act. In this case: the term "matters" in Article 15, item (v) of that Act is deemed to be replaced with "matters (excluding those relating to the corporation's operations pursuant to the provisions of the Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime (Act No. 133 of 2007; hereinafter referred to as the "Damage Recovery Benefits Payment Act")"; in Article 37, paragraph (1) of that Act, the phrase "operations set forth in the following items" is deemed to be replaced with "operations set forth in the following items (in the case of conducting operations pursuant to the provisions of the Damage Recovery Benefits Payment Act, those operations)", and the phrase "persons specified respectively in those items" is deemed to be replaced with "persons specified respectively in those items (in the case of conducting operations pursuant to the provisions of the Damage Recovery Benefits Payment Act, the financial institution prescribed in Article 2, paragraph (1) of the that Act)"; the term "specified holding company, etc." in Article 37, paragraph (2) of the Deposit Insurance Act is deemed to be replaced with "specified holding company, etc. (in the case of conducting operations pursuant to the provisions of the Damage Recovery Benefits Payment Act, the financial institution prescribed in Article 2, paragraph (1) of that Act)"; the term "this Act" in Article 44, Article 45, paragraph (2), and Article 46, paragraph (1) of the Deposit Insurance Act is deemed to be replaced with "this Act or the Damage Recovery Benefits Payment Act"; the phrase "operations (excluding the operations set forth in Article 40-2, item (ii))" in Article 51, paragraph (2) of the Deposit Insurance Act is deemed to be replaced with "operations (excluding those set forth in Article 40-2, item (ii) and the damage recovery benefits payment operations prescribed in Article 28 of the Damage Recovery Benefits Payment Act)"; the term "this Act" in Article 152, item (i) of the Deposit Insurance Act is deemed to be replaced with "this Act or the Damage Recovery Benefits Payment Act"; and the phrase "operations prescribed in Article 34" in item (iii) of that Article is deemed to be replaced with "operations prescribed in Article 34 and the operations pursuant to the provisions of the Damage Recovery Benefits Payment Act."

(関係行政機関等に対する協力の要請)

(Request for Cooperation from Relevant Administrative Organs)

第三十二条 金融機関は、この法律に規定する手続の実施に関し、関係行政機関等に対し必要な協力を求めることができる。

Article 32 A financial institution may request necessary cooperation from

relevant administrative organs for the implementation of the procedures prescribed in this Act.

(分別管理)

(Separated Management)

第三十三条 金融機関は、被害回復分配金の支払の原資となる金銭を、自己の固有財産その他の財産と分別して管理しなければならない。

Article 33 A financial institution must manage money to be used for payment of damage recovery benefits separately from its own property or other property.

(電磁的記録又は電磁的方法による求め等)

(Request by Electronic or Magnetic Records or by Electronic or Magnetic Means)

第三十四条 第四条第一項の規定による求め（同項の主務省令で定める書類の提出を含む。）、第五条第一項第七号の規定による通知、第六条第一項又は第二項の規定による通知、第十条第一項の規定による求め（同項の主務省令で定める書類の提出を含む。）、同条第二項の規定による通知、第十一条第一項第七号の規定による通知、第十六条第三項の規定による通知、第十八条第一項の規定による求め及び第二十五条第三項の規定による通知は、電磁的記録（電子的方式、磁気的方式その他の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものとして主務省令で定めるものをいう。）の提出又は電磁的方法（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って主務省令で定めるものをいう。）をもって行うことができる。

Article 34 A request pursuant to the provisions of Article 4, paragraph (1) (including the submission of documents specified by order of the competent ministry referred to in that paragraph), notice pursuant to the provisions of Article 5, paragraph (1), item (vii), notice pursuant to the provisions of Article 6, paragraph (1) or paragraph (2), request pursuant to the provisions of Article 10, paragraph (1) (including the submission of documents specified by order of the competent ministry referred to in that paragraph), notice pursuant to the provisions of paragraph (2) of that Article, notice pursuant to the provisions of Article 11, paragraph (1), item (vii), notice pursuant to the provisions of Article 16, paragraph (3), request pursuant to the provisions of Article 18, paragraph (1), and notice pursuant to the provisions of Article 25, paragraph (3) may be made or given by submitting electronic or magnetic records (meaning records specified by order of the competent ministry as those used in computerized information processing which are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses) or using electronic or magnetic means (meaning a method of using information and communication technology, including an electronic data processing system, which is specified by order of the competent ministry).

(報告又は資料の提出)

**(Submission of Reports and Materials)**

第三十五条 行政庁は、この法律の円滑な実施を確保するため必要があると認めるときは、金融機関（金融機関代理業者（銀行法（昭和五十六年法律第五十九号）第二条第十五項に規定する銀行代理業者、長期信用銀行法（昭和二十七年法律第百八十七号）第十六条の五第三項に規定する長期信用銀行代理業者、信用金庫法（昭和二十六年法律第二百三十八号）第八十五条の二第三項に規定する信用金庫代理業者、協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条の三第三項に規定する信用協同組合代理業者、労働金庫法（昭和二十八年法律第二百二十七号）第八十九条の三第三項に規定する労働金庫代理業者、農業協同組合法（昭和二十二年法律第百三十二号）第九十二条の二第三項に規定する特定信用事業代理業者、水産業協同組合法（昭和二十三年法律第二百四十二号）第二百十一条の二第三項に規定する特定信用事業代理業者、農林中央金庫法（平成十三年法律第九十三号）第九十五条の二第三項に規定する農林中央金庫代理業者及び株式会社商工組合中央金庫法（平成十九年法律第七十四号）第二条第四項に規定する代理又は媒介に係る契約の相手方をいう。以下この条及び次条において同じ。）を含む。）又は銀行持株会社等（銀行法第二条第十三項に規定する銀行持株会社又は長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社をいう。以下この条及び次条において同じ。）に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 35 (1) If an administrative agency finds it necessary in order to ensure the smooth implementation of this Act, it may require a financial institution (including a financial institution agent (meaning a bank agent prescribed in Article 2, paragraph (15) of the Banking Act (Act No. 59 of 1981), a long-term credit bank agent prescribed in Article 16-5, paragraph (3) of the Long-term Credit Bank Act (Act No. 187 of 1952), a shinkin bank agent prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act (Act No. 238 of 1951), a credit cooperative agent prescribed in Article 6-3, paragraph (3) of the Act on Financial Businesses by Cooperative (Act No. 183 of 1949), a labor bank agent prescribed in Article 89-3, paragraph (3) of the Labor Bank Act (Act No. 227 of 1953), a specified credit business agent prescribed in Article 92-2, paragraph (3) of the Agricultural Cooperatives Act (Act No. 132 of 1947), a specified credit business agent prescribed in Article 121-2, paragraph (3) of the Fishery Cooperatives Act (Act No. 242 of 1948), a Norinchukin Bank agent prescribed in Article 95-2, paragraph (3) of the Norinchukin Bank Act (Act No. 93 of 2001), and the other party to a contract pertaining to an agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank, Ltd. Act (Act No. 74 of 2007); hereinafter the same applies in this Article and the following Article)) or a bank holding company, etc. (meaning a bank holding company prescribed in Article 2, paragraph (13) of the Banking Act or a long-term credit bank holding company prescribed in Article 16-4, paragraph (1) of the Long-

term Credit Bank Act; hereinafter the same applies in this Article and the following Article) to submit reports or materials concerning the status of its business or property.

2 行政庁は、この法律の円滑な実施を確保するため特に必要があると認めるときは、その必要の限度において、金融機関若しくは銀行持株会社等（以下この条及び次条において「金融機関等」という。）の子会社（当該金融機関等が銀行法第二条第一項に規定する銀行又は同条第十三項に規定する銀行持株会社である場合には同条第八項に、長期信用銀行法第二条に規定する長期信用銀行又は同法第十六条の四第一項に規定する長期信用銀行持株会社である場合には同法第十三条の二第二項に、信用金庫又は信用金庫連合会である場合には信用金庫法第三十二条第六項に、信用協同組合又は信用協同組合連合会である場合には協同組合による金融事業に関する法律第四条第一項に、労働金庫又は労働金庫連合会である場合には労働金庫法第三十二条第五項に、農業協同組合又は農業協同組合連合会である場合には農業協同組合法第十一条の二第二項に、漁業協同組合若しくは漁業協同組合連合会又は水産加工業協同組合若しくは水産加工業協同組合連合会である場合には水産業協同組合法第十一条の六第二項に、農林中央金庫である場合には農林中央金庫法第二十四条第四項に、株式会社商工組合中央金庫である場合には株式会社商工組合中央金庫法第二十三条第二項に、それぞれ規定する子会社（子会社とみなされる会社を含む。）をいう。次項及び次条において同じ。）又は当該金融機関等から業務の委託を受けた者（金融機関代理業者を除く。次項並びに次条第二項及び第五項において同じ。）に対し、当該金融機関等の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) If an administrative agency finds it particularly necessary in order to ensure the smooth implementation of this Act, it may, to the necessary extent, require a subsidiary company of a financial institution or bank holding company, etc. (hereinafter referred to as a "financial institution, etc." in this Article and the following Article) ("subsidiary company" means: the subsidiary company prescribed in Article 2, paragraph (8) of the Banking Act if the relevant financial institution, etc. is a bank prescribed in paragraph (1) of that Article or a bank holding company prescribed in paragraph (13) of that Article; the subsidiary company prescribed in Article 13-2, paragraph (2) of the Long-term Credit Bank Act if the relevant financial institution, etc. is a long-term credit bank prescribed in Article 2 of that Act or a long-term credit bank holding company prescribed in Article 16-4, paragraph (1) of that Act; the subsidiary company prescribed in Article 32, paragraph (6) of the Shinkin Bank Act if the relevant financial institution, etc. is a shinkin bank or federation of shinkin banks; the subsidiary company prescribed in Article 4, paragraph (1) of the Act on Financial Businesses by Cooperative if the relevant financial institution, etc. is a credit cooperative or federation of credit cooperatives; the subsidiary company prescribed in Article 32, paragraph (5) of the Labor Bank Act if the relevant financial institution, etc. is a labor bank or federation of labor banks; the subsidiary company prescribed in Article 11-2, paragraph (2) if the relevant

financial institution, etc. is an agricultural cooperative or federation of agricultural cooperatives; the subsidiary company prescribed in Article 11-6, paragraph (2) of the Fishery Cooperatives Act if the relevant financial institution, etc. is a fisheries cooperative or federation of fisheries cooperatives, or a fishery processing cooperative or federation of fishery processing cooperatives; the subsidiary company prescribed in Article 24, paragraph (4) of the Norinchukin Bank Act if the relevant financial institution, etc. is the Norinchukin Bank; or the subsidiary company prescribed in Article 23, paragraph (2) of the Shoko Chukin Bank, Ltd. Act if the relevant financial institution, etc. is Shoko Chukin Bank, Ltd. (including companies that are deemed to be subsidiary companies); the same applies in the following paragraph and the following Article) or a person who has undertaken business entrusted by the financial institution, etc. (excluding financial institution agents; the same applies in the following paragraph and paragraphs (2) and (5) of the following Article) to submit reports or materials that would serve as reference information concerning the status of the business or property of the financial institution, etc.

3 金融機関等の子会社又は金融機関等から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A subsidiary company of a financial institution, etc. or person who has undertaken business entrusted by a financial institution, etc. may refuse to submit reports or materials pursuant to the provisions of the preceding paragraph if the subsidiary company or person has reasonable grounds for refusing to do so.

(立入検査)

(On-site Inspection)

第三十六条 行政庁は、この法律の円滑な実施を確保するため必要があると認めるときは、当該職員に金融機関等（金融機関代理業者を含む。）の営業所若しくは事務所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 36 (1) If an administrative agency finds it necessary in order to ensure the smooth implementation of this Act, it may have its officials enter facilities including business offices and offices of a financial institution, etc. (including financial institution agents), ask questions concerning the status of the business and property of the financial institution. etc., or inspect its items including books and documents.

2 行政庁は、前項の規定による立入り、質問又は検査を行う場合において特に必要があると認めるときは、その必要の限度において、当該職員に当該金融機関等の子会社若しくは当該金融機関等から業務の委託を受けた者の施設に立ち入らせ、当該金融機関等に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の

物件を検査させることができる。

(2) If an administrative agency finds it particularly necessary when conducting the entry, questioning or inspection pursuant to the provisions of the preceding paragraph, it may, to the necessary extent, have its officials enter facilities of a subsidiary company of the relevant financial institution, etc. or person who has undertaken business entrusted by the relevant financial institution, etc., ask questions concerning matters, or inspect items including books and documents as necessary for the questioning or inspection of the relevant financial institution, etc.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In the cases referred to in the preceding two paragraphs, the officials must carry their identification cards and present them when requested by persons concerned.

4 第一項及び第二項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(4) The authority pursuant to the provisions of paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

5 前条第三項の規定は、第二項の規定による金融機関等の子会社又は金融機関等から業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the questioning and inspection, pursuant to the provisions of paragraph (2), of a subsidiary company of a financial institution, etc. or person who has undertaken business entrusted by a financial institution, etc. .

6 行政庁は、必要があると認めるときは、機構に、第一項又は第二項の規定による立入り、質問又は検査（第三章及び第四章の規定による手続が適正に行われていることを調査するために行うものに限る。）を行わせることができる。この場合において、機構は、その職員に当該立入り、質問又は検査を行わせるものとする。

(6) If an administrative agency finds it necessary, it may have the corporation conduct the entry, questioning or inspection pursuant to the provisions of paragraph (1) or paragraph (2) (limited to those to be conducted to investigate the appropriate implementation of the procedures pursuant to the provisions of Chapters III and IV). In this case, the corporation is to have its staff conduct the entry, questioning or inspection.

7 第三項から第五項までの規定は、前項の規定による立入り、質問又は検査について準用する。

(7) The provisions of paragraphs (3) through (5) apply mutatis mutandis to the entry, questioning or inspection pursuant to the provisions of the preceding paragraph.

(政府による周知等)

(Raising Public Awareness by the Government)

第三十七条 政府は、この法律の円滑な実施を図るため、振込利用犯罪行為により被害を受けた者の財産的被害の迅速な回復等に資するとのこの法律の趣旨及び被害回復分配金の支払手続等に関する事項その他この法律の内容について、広報活動等を通じて国民に周知を図り、その理解を得るよう努めるものとする。

Article 37 (1) In order to ensure the smooth implementation of this Act, the government is to endeavor to raise awareness through publicity activities, etc. and gain understanding among the public with regard to the purpose of this Act, which is to contribute to the prompt recovery, etc. of property damage of persons who have suffered damage from criminal conduct by means of transfer, and with regard to matters concerning the procedure for payment of damage recovery benefits, and other matters in this Act.

2 機構は、毎年少なくとも一回、消滅預金等債権に関する事項、被害回復分配金の支払の実施の状況その他のこの法律の実施の状況に関する事項を公表するものとする。

(2) The corporation is to publish information concerning expired claims on deposits, etc. and the status of implementation of this Act, including the implementation of payment of damage recovery benefits, at least once every year.

(主務省令への委任)

(Delegation to Order of Competent Ministry)

第三十八条 この法律に規定するもののほか、この法律の実施のため必要な事項は、主務省令で定める。

Article 38 Beyond what is provided for in this Act, matters necessary for the implementation of this Act are prescribed by order of the competent ministry.

(行政庁)

(Administrative Agencies)

第三十九条 この法律における行政庁は、次の各号に掲げる区分に応じ、当該各号に定める者とする。

Article 39 Administrative agencies under this Act are the persons specified in each of the following items according to the categories set forth respectively in those items:

一 第二条第一項第一号から第三号まで、第六号及び第七号に掲げる金融機関 内閣総理大臣

(i) financial institutions set forth in Article 2, paragraph (1), items (i) through (iii), item (vi), and item (vii): the Prime Minister;

二 第二条第一項第四号及び第五号に掲げる金融機関 内閣総理大臣及び厚生労働大臣

(ii) financial institutions set forth in Article 2, paragraph (1), items (iv) and (v): the Prime Minister and the Minister of Health, Labour and Welfare;

三 第二条第一項第八号及び第九号に掲げる金融機関 農業協同組合法第九十八条第一項に規定する行政庁

(iii) financial institutions set forth in Article 2, paragraph (1), items (viii) and (ix): the administrative agency prescribed in Article 98, paragraph (1) of the Agricultural Cooperatives Act;

四 第二条第一項第十号から第十三号までに掲げる金融機関 水産業協同組合法第二百二十七条第一項に規定する行政庁

(iv) financial institutions set forth in Article 2, paragraph (1), items (x) through (xiii): the administrative agency prescribed in Article 127, paragraph (1) of the Fishery Cooperatives Act;

五 第二条第一項第十四号に掲げる金融機関 農林水産大臣及び内閣総理大臣

(v) financial institutions set forth in Article 2, paragraph (1), item (xiv): the Ministry of Agriculture, Forestry and Fisheries and the Prime Minister; and

六 第二条第一項第十五号に掲げる金融機関 株式会社商工組合中央金庫法第五十六条第二項に規定する主務大臣

(vi) financial institutions set forth in Article 2, paragraph (1), item (xv): the competent minister prescribed in Article 56, paragraph (2) of the Shoko Chukin Bank, Ltd. Act.

(主務省令)

(Order of Competent Ministry)

第四十条 この法律における主務省令は、内閣府令・財務省令・厚生労働省令・農林水産省令・経済産業省令とする。ただし、第二十条第一項に規定する主務省令は、内閣府令・財務省令とする。

Article 40 The order of the competent ministry under this Act includes Cabinet Office Order, Ministry of Finance Order, Order of the Ministry of Health, Labour and Welfare, Order of the Ministry of Agriculture, Forestry and Fisheries, and Order of the Ministry of Economy, Trade and Industry; provided, however, that the order of the competent ministry prescribed in Article 20, paragraph (1) includes only Cabinet Office Order and Ministry of Finance Order.

(権限の委任)

(Delegation of Authority)

第四十一条 内閣総理大臣は、この法律による権限を金融庁長官に委任する。

Article 41 (1) The Prime Minister delegates the authority under this Act to the Commissioner of the Financial Services Agency.

2 この法律に規定する行政庁の権限に属する事務（この法律の規定により都道府県知事の権限に属することとされている事務を除く。）の一部は、政令で定めるところにより、都道府県知事が行うこととすることができる。

(2) Affairs under the authority of administrative agencies prescribed in this Act

(excluding affairs placed under the authority of prefectural governors pursuant to the provisions of this Act) may be partially assigned to prefectural governors, pursuant to the provisions of Cabinet Order.

3 前二項に規定するもののほか、この法律の規定による行政庁の権限の行使に関して必要な事項は、政令で定める。

(3) Beyond what is provided for in the preceding two paragraphs, necessary matters concerning the exercise of authority by administrative agencies pursuant to the provisions of this Act are prescribed by Cabinet Order.

(事務の区分)

(Classification of Affairs)

第四十二条 この法律の規定により都道府県が処理することとされている事務は、地方自治法（昭和二十二年法律第六十七号）第二条第九項第一号に規定する第一号法定受託事務とする。

Article 42 Affairs to be handled by prefectures pursuant to the provisions of this Act are item (i) statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

## 第七章 罰則

### Chapter VII Penal Provisions

第四十三条 第三十五条第一項又は第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者は、一年以下の懲役又は三百万円以下の罰金に処する。

Article 43 (1) A person who does not submit a report or material pursuant to the provisions of Article 35, paragraph (1) or paragraph (2) or submits a false report or material is subject to imprisonment for not more than one year or a fine of not more than three million yen.

2 第三十六条第一項、第二項又は第六項の規定による当該職員又は機構の職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避した者も、前項と同様とする。

(2) The provisions of the preceding paragraph apply to a person who does not give an answer or gives a false answer to questioning by the relevant administrative agency's officials or the corporation's staff pursuant to the provisions of Article 36, paragraph (1), paragraph (2) or paragraph (6), or has refused, obstructed or evaded an inspection pursuant to these provisions.

第四十四条 次の各号のいずれかに該当する者は、五十万円以下の罰金に処する。

Article 44 A person who falls under any of the following items is subject to a fine of not more than 500,000 yen:

一 第十二条第一項又は第二項に規定する申請書又は資料に虚偽の記載をして提出し

た者

- (i) a person who submits an application form or materials prescribed in Article 12, paragraph (1) or paragraph (2) that contain a false statement; or
- 二 第十七条第一項（第二十二條第二項又は第二十四條第二項の規定によりその例によることとされる場合を含む。）に規定する届出書に虚偽の記載をして提出した者
- (ii) a person who submits a written notification prescribed in Article 17, paragraph (1) (including cases to be governed by that paragraph pursuant to the provisions of Article 22, paragraph (2) or Article 24, paragraph (2)) that contains a false statement.

第四十五条 法人（法人でない団体で代表者又は管理人の定めがあるものを含む。以下この項において同じ。）の代表者若しくは管理人又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関し、次の各号に掲げる規定の違反行為をしたときは、行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 45 (1) If the representative or administrator of a corporation (including an organization without legal personality for which a representative or administrator is appointed; hereinafter the same applies in this paragraph), or the agent, employee or any other worker of a corporation or an individual has commits a violation set forth in the following items in connection with the business of the corporation or individual, beyond the offender being subject to punishment, the corporation is subject to the fine specified in the relevant item and the individual is subject to the fine referred to in the relevant Article:

一 第四十三条 二億円以下の罰金刑

(i) Article 43: a fine of not more than 200 million yen; or

二 前条 同条の罰金刑

(ii) the preceding Article: the fine referred to in that Article.

2 法人でない団体について前項の規定の適用がある場合には、その代表者又は管理人が、その訴訟行為につき当該法人でない団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(2) When the provisions of the preceding paragraph apply to an organization without legal personality, its representative or administrator represents the organization in connection with its procedural acts, and the provisions of laws concerning criminal procedure of cases in which a corporation is the accused or a suspect apply mutatis mutandis.