

Regulation for Enforcement of the Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime

(Order of the Cabinet Office, the Ministry of Finance, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry, and Fisheries, and the Ministry of Economy, Trade and Industry No. 1 of June 6, 2008)

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), the Regulation for Enforcement of the Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime is hereby established as follows.

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Regulation is to provide for matters as delegated by the Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime (hereinafter referred to as "the Act").

(Definitions)

Article 2 Except as otherwise provided, the terms used in this Regulation are used in the same manner as in the Act.

(Information Required to Be Entered in Application Forms)

Article 3 A person submitting an application form, written notification, or written request to inspect a material pursuant to the provisions of the Act and this Regulation must enter the date of application, notification, or request, and

affix the name and seal or signature thereof to the document.

Chapter II Procedures for Expiry of Claims on Deposits

(Documents Required to Be Attached to a Request under Article 4, Paragraph (1) of the Act)

Article 4 The documents specified by order of the competent ministry that are provided for in Article 4, paragraph (1) of the Act are documents containing the following information:

- (i) the information set forth in Article 5, paragraph (1), items (ii) through (vi) of the Act;
- (ii) the information set forth in the items of Article 8, paragraph (1) (if it is difficult to give public notice of the relevant information, a statement to that effect and the reason therefor);
- (iii) the date on which the financial institution wants the public notice under the provisions of Article 5, paragraph (1) of the Act to be given;
- (iv) the information set forth in Article 8, paragraph (2), items (ii) through (v); and
- (v) the probable cause to suspect that the deposit account, etc. referred to in Article 4, paragraph (1) of the Act is a deposit account, etc. used for crime.

(Procedures Specified by Order of the Competent Ministry That Are Provided for in Article 4, Paragraph (2), Item (i) of the Act)

Article 5 The procedures specified by order of the competent ministry that are provided for in Article 4, paragraph (2), item (i) of the Act are any of the following procedures:

- (i) the filing of an action (excluding the filing of an action for a refund);
- (ii) the fulfillment of a security right;
- (iii) measures to collect arrears of national taxes (including measures taken based on the procedures therefor);
- (iv) procedures for provisional remedies under the provisions of the Act Concerning Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (Act No. 94 of 1991), the provisions of the Act on Punishment of Organized Crimes and Control of Crime Proceeds (Act No. 136 of 1999), and the provisions of the Act on Cooperation with the International Criminal Court (Act No. 37 of 2007); or
- (v) a judgment of confiscation becoming final and binding.

(Case in Which It Is Found to Be Inappropriate to Implement the Procedures

Prescribed in the Act)

Article 6 The case specified by order of the competent ministry that is provided for in Article 4, paragraph (2), item (ii) of the Act is a case in which an order commencing rehabilitation proceedings under the provisions of the Civil Rehabilitation Act (Act No. 225 of 1999), an order commencing reorganization proceedings under the provisions of the Corporate Reorganization Act (Act No. 154 of 2002), an order commencing bankruptcy proceedings under the provisions of the Bankruptcy Act (Act No. 75 of 2004), or an order commencing special liquidation proceedings under the provisions of the Companies Act (Act No. 86 of 2005) has been issued in connection with the registered holder of a deposit account, etc. used for crime, or any other equivalent factual circumstance has arisen.

(Information of Which Another Financial Institutions Must Be Notified)

Article 7 The information specified by order of the competent ministry that is provided for in Article 4, paragraph (3) of the Act is the following information:

- (i) the financial institution and its branch, as well as the type of deposits, etc. and the account number;
- (ii) the name of the registered holder;
- (iii) the amount of claims on deposits, etc.;
- (iv) the timing at which funds were transferred by a person who is suspected of having suffered damage due to criminal conduct by means of transfer (excluding cases in which it is difficult to notify the other financial institution of this information);
- (v) an outline of the criminal conduct by means of transfer;
- (vi) policies on the procedures for expiry of the claim on deposits, etc. and procedures for payment of damage recovery benefits;
- (vii) the branch associated with the deposit account, etc. held with the other financial institution that is suspected of having been used for the purpose of moving funds, as well as the type of deposits, etc. and the account number;
- (viii) the name of the registered holder of the deposit account, etc. held with the other financial institution that is suspected of having been used for the purpose of moving funds;
- (ix) the probable cause to suspect that the deposit account, etc. is a deposit account, etc. used for crime; and
- (x) any other necessary information.

(Information That Should Serve as Reference in Connection with the Filing of an Action for Refund or Enforcing Compulsory Execution)

Article 8 (1) The matters specified by order of the competent ministry that are provided for in Article 5, paragraph (1), item (vii) of the Act are as follows:

- (i) the timing at which funds were transferred to the subject deposit account, etc. by the person who is suspected of having suffered damage due to criminal conduct by means of transfer;
 - (ii) if the subject deposit account, etc. is a deposit account, etc. as set forth in Article 2, paragraph (4), item (ii) of the Act, a statement to that effect and the information concerning 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 (excluding the information set forth in item (iv) of the following paragraph); and
 - (iii) any other information that should serve as a reference.
- (2) The information specified by order of the competent ministry that is provided for in Article 5, paragraph (1), item (ix) of the Act is the following information:
- (i) the date of the public notice under the provisions of Article 5, paragraph (1) of the Act;
 - (ii) the timing at which measures such as the suspension of transactions involved in the subject deposit account, etc. have been taken;
 - (iii) if the financial institution at which the subject deposit account, etc. is held has given notice under the provisions of Article 4, paragraph (3) of the Act to another financial institution, a statement to that effect and the information concerning the deposit account, etc. held with the other financial institution;
 - (iv) if the financial institution at which the subject deposit account, etc. is held has been given notice as under the provisions of Article 4, paragraph (3) of the Act by another financial institution, a statement to that effect and the information concerning the deposit account, etc. held with the other financial institution; and
 - (v) any other necessary information.

(Notice of Changes in Information Subject to Public Notice)

- Article 9 (1) If, after a financial institution has requested that public notice be made pursuant to the provisions of Article 4, paragraph (1) of the Act information as set forth in one of the items of Article 4 changes within the period for notification of exercise of rights, etc. set forth in Article 5, paragraph (1), item (v) of the Act, the financial institution must give notice to the Deposit Insurance Corporation of this, of information relative to the change, and of other necessary information.
- (2) If the Deposit Insurance Corporation has been given notice under the provisions of the preceding paragraph, it must give public notice, without delay, indicating that the procedures for expiry of the claim on deposits, etc. have closed due to a change in the information subject to public notice and giving other necessary information.
- (3) If a public notice has been given as under the provisions of the preceding

paragraph, the financial institution that has given notice under the provisions of paragraph (1) must request that the Deposit Insurance Corporation give public notice again with regard to the subject claim on deposits, etc., pursuant to the provisions of Article 4, paragraph (1) of the Act.

(Giving Notice of a Notification of Exercise of Rights)

- Article 10 (1) When giving the notice under the provisions of Article 6, paragraph (1) or (2) of the Act, a financial institution must submit a document containing the following information to the Deposit Insurance Corporation:
- (i) 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.;
 - (ii) the name of the registered holder of the subject deposit account, etc.;
 - (iii) the amount of the subject claim on deposits, etc.;
 - (iv) the date of the public notice under the provisions of Article 5, paragraph (1) of the Act regarding the subject claim on deposits, etc.;
 - (v) whether the reason for the closing of the procedures for expiry of the claim on deposits, etc. falls under Article 6, paragraph (1) or (2) of the Act; and
 - (vi) any other necessary information.
- (2) At the time of a public notice under the provisions of Article 6, paragraph (3) of the Act, the Deposit Insurance Corporation must also give public notice of the information set forth in the items of the preceding paragraph, based on the substance of the document prescribed in the preceding paragraph.

(Giving Notice Regarding the Expiry of Claims on Deposits)

- Article 11 (1) If there is no filing of a notification of exercise of rights, etc. within the period for notification of exercise of rights, etc. set forth in Article 5, paragraph (1), item (v) of the Act, and a financial institution does not give notice under the provisions of Article 6, paragraph (2) of the Act, it must give notice to the Deposit Insurance Corporation to that effect, with a document containing the following information attached:
- (i) 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.;
 - (ii) the name of the registered holder of the subject deposit account, etc.;
 - (iii) the amount of the subject claim on deposits, etc.;
 - (iv) the date of the public notice under the provisions of Article 5, paragraph (1) of the Act regarding the subject claim on deposits, etc.;
 - (v) the date on which the subject claim on deposits, etc. expired; and
 - (vi) any other necessary information.
- (2) At the time of a public notice under the provisions of Article 7 of the Act, the

Deposit Insurance Corporation must also give public notice of the information set forth in the items of the preceding paragraph, based on the substance of the document prescribed in the preceding paragraph.

Chapter III Procedures for Payment of Damage Recovery Benefits

Section 1 General Rules

(Notice Required When the Amount of an Expired Claim on Deposits, etc. Is Less Than 1,000 Yen)

Article 12 If the amount of an expired claim on deposits, etc. is less than 1,000 yen, a financial institution must give notice to the Deposit Insurance Corporation to that effect.

Section 2 Commencement of Procedures

(Documents Required to Be Attached to a Request under Article 10, Paragraph (1) of the Act)

Article 13 The documents specified by order of the competent ministry that are provided for in Article 10, paragraph (1) of the Act are documents containing the following information:

- (i) the information set forth in Article 11, paragraph (1), items (ii) through (vi) of the Act;
- (ii) the information set forth in the items of paragraph (1) of the following Article (if it is difficult to give public notice of that information, a statement to that effect and the reason therefor);
- (iii) the date on which the financial institution wants the public notice under the provisions of Article 11, paragraph (1) of the Act to be given; and
- (iv) the information set forth in paragraph (2), items (ii) through (vi) of the following Article.

(Information That Should Serve as Reference in Applying for Payment of Damage Recovery Benefits)

Article 14 (1) The matters specified by order of the competent ministry that are provided for in Article 11, paragraph (1), item (vii) of the Act are as follows:

- (i) the timing at which funds were transferred to the subject deposit account, etc. (this includes a deposit account, etc. as set forth in Article 2, paragraph (4), item (i) of the Act from which the funds in the subject deposit account, etc. have been moved, if the subject deposit account, etc. is a deposit account, etc. as set forth in item (ii) of that paragraph; the same applies in item (iii) of the following paragraph) by the person who is suspected of having suffered damage due to criminal conduct by means of transfer;

- (ii) if the subject deposit account, etc. is a deposit account, etc. as set forth in Article 2, paragraph (4), item (ii) of the Act, a statement to that effect and the information concerning 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 (excluding information as set forth in Article 11, paragraph (1), items (ii) and (iii) of the Act and in item (v) of the following paragraph); and
 - (iii) any other information that should serve as a reference.
- (2) The information specified by order of the competent ministry that is provided for in Article 11, paragraph (1), item (viii) of the Act is the following information:
- (i) the date of the public notice under the provisions of Article 11, paragraph (1) of the Act;
 - (ii) the date of the public notice under the provisions of Article 7 of the Act regarding the expired claim on deposits, etc.;
 - (iii) an outline of the criminal conduct by means of transfer committed using the subject deposit account, etc.;
 - (iv) if the financial institution at which the subject deposit account, etc. is held has given notice under the provisions of Article 4, paragraph (3) of the Act to another financial institution, a statement to that effect and information concerning the deposit account, etc. held with the other financial institution;
 - (v) if the financial institution at which the subject deposit account, etc. is held has been given notice under the provisions of Article 4, paragraph (3) of the Act by another financial institution, a statement to that effect and the information concerning the deposit account, etc. held with the other financial institution; and
 - (vi) any other necessary information.

(Request for Information to Be Provided by a Financial Institution to Which a Request for Transfer Has Been Submitted)

Article 15 A financial institution may request another financial institution to which a request for transfer as prescribed in Article 2, paragraph (3) associated with subject criminal conduct has been submitted to provide information concerning the person who is suspected of having suffered damage due to the subject criminal conduct, to the extent necessary to allow it to provide the relevant persons with the necessary information as prescribed in Article 11, paragraph (4) of the Act or take other appropriate measures.

(Giving Notice of Changes in Information Subject to Public Notice)

Article 16 (1) If, after a financial institution has requested that public notice be made pursuant to the provisions of Article 11, paragraph (1) of the Act, information as set forth in one of the items of Article 13 changes within the

period for application for payment set forth in Article 11, paragraph (1), item (v) of the Act, the financial institution must give notice to the Deposit Insurance Corporation of this, of the information relative to the change, and of other necessary information.

- (2) If the Deposit Insurance Corporation has been given notice under the provisions of the preceding paragraph, it must give public notice, without delay, indicating that the procedures for payment of damage recovery benefits have closed due to a change in the information subject to public notice and giving other necessary information.
- (3) If a public notice has been given as under the provisions of the preceding paragraph, the financial institution that has given notice under the provisions of paragraph (1) must request that the Deposit Insurance Corporation give public notice again with regard to the expired claim on deposits, etc., pursuant to the provisions of Article 11, paragraph (1) of the Act.

Section 3 Application for and Determination of Payment

(Information Required to Be Entered in an Application Form)

Article 17 (1) The information specified by order of the competent ministry that is provided for in Article 12, paragraph (1), item (iv) of the Act is the following information:

- (i) if the applicant is a natural person, the applicant's name, date of birth, and address of the applicant;
- (ii) if the applicant is a corporation or an organization without legal personality for which a representative or administrator is appointed (hereinafter referred to as a "corporation, etc."), the applicant's name and address, and the name, date of birth, and address of its representative or administrator;
- (iii) if the applicant is the general successor of the subject victim, the reason for and date of the general succession, and the applicant's relationship to the subject victim;
- (iv) if the application is filed by an agent, the agent's name and date of birth or organizational name and address (if the agent has an office, the name of the agent and the name and locality of the agent's office; and if the agent is a corporation, the name and locality of the corporation, and the name of the person in charge of its business; the same applies in Article 27, paragraph (2), item (iii) and Article 29, paragraph (1), item (iv));
- (v) the postal code and telephone number (including a facsimile number; the same applies hereinafter) of the applicant or the agent, and any other information that is needed in order for these persons to be given notice or sent documents under the provisions of the Act and this Regulation;

- (vi) if there is any amount subject to deduction, the date on which the relevant damage has been covered or compensated for, the name of the person that has covered or compensated for the relevant damage and that person's relationship to the person who is suspected of having engaged in criminal conduct by means of transfer involving the subject deposit account, etc., the name of the person that has received the payment to cover or compensate for the relevant damage and that person's relationship to the subject victim or general successor thereof, and the breakdown of the amount covered or compensated for;
 - (vii) if there is an agreement between the applicant and another applicant or person that is eligible to be an applicant (hereinafter referred to as "another applicant, etc.") regarding the ratio of the amount of damage recovery benefits to be received by each of them, the name, address, postal code, and telephone number of that other applicant, etc., and the details of the agreement; and
 - (viii) the name of the financial institution and the account number to be used to receive damage recovery benefits, and any other information that is needed in order for the applicant to receive the benefits.
- (2) The application form prescribed in Article 12, paragraphs (1) and (2) of the Act is to be prepared based on Appended Form No. 1.

(Materials Required to Be Attached to Application Form)

Article 18 The materials required to be attached to an application form are as follows:

- (i) copies of a driver's license, etc. (meaning a driver's license, residence card prescribed in Article 19-3 of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951), special permanent resident certificate prescribed in Article 7, paragraph (1) of the Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan (Act No. 71 of 1991), or individual number card prescribed in Article 2, paragraph (7) of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013); the same applies hereinafter) that is valid as of the date of the request, giving the same name, date of birth, and address as the name, date of birth, and address of the applicant (or of its representative or administrator, if the applicant is a corporation, etc.) and of the applicant's agent (other than an attorney or legal professional corporation, a judicial scrivener as prescribed in Article 3, paragraph (2) of the Judicial Scriveners Act (Act No. 197 of 1950), or a judicial scrivener corporation formed for the purpose of providing the summary court legal representation services, etc. prescribed in that paragraph) that are written

- in the application form, and which are valid as of the date of application, or any other documents sufficient for use in verifying their identities (hereinafter referred to as an "identity verification document associated with a natural person");
- (ii) if the applicant is a corporation, etc., a certificate of registered information or certificate of seal registration, prepared within six months prior to the date of application, giving the same name and address and representative or administrator name as the name and address of the corporation, etc. and the name of its representative or administrator that is written on the application form, or any other documents sufficient for use in verifying its identity (hereinafter referred to as an "identity verification document associated with a corporation, etc.");
 - (iii) materials that make a prima facie showing of the facts fundamental to show that the applicant (or the predecessor thereof, if the applicant is the general successor of the subject victim) is the subject victim, such as a copy of the transfer statement prepared by the financial institution;
 - (iv) if the applicant is the general successor of the subject victim, a certified copy or extract of the family register or certificate of registered information of the corporation that shows the reason for and date of the general succession and the applicant's relationship to the subject victim and that has been prepared within six months prior to the date of application, and any other materials that make a prima facie showing of the facts fundamental to show that the applicant is the general successor;
 - (v) if the application is filed by an agent, materials evidencing the authority to represent;
 - (vi) materials that make a prima facie showing of the information set forth in Article 12, paragraph (1), item (ii) of the Act;
 - (vii) if there is any amount subject to deduction, materials that show the information set forth in paragraph (1), item (vi) of the preceding Article; and
 - (viii) if there is an agreement between the applicant and another applicant, etc. on the ratio of the amount of damage recovery benefits to be received by each of them, materials that show the information set forth in paragraph (1), item (vii) of the preceding Article.

(Omission of Information)

Article 19 If there are found to be compelling grounds to do so, an applicant may omit information that is required to be entered in an application form, and may omit materials that are required to be attached to an application form or attach substitute materials.

(Filing a Notification If Information Given in an Application Changes)

Article 20 If, after an application form is submitted, a piece of information that is required to be entered in the application form changes, the applicant must promptly submit a written notification that contains information concerning the change to the financial institution at which the subject deposit account, etc. is held, with materials that show the relevant information (limited to those set forth in the items of Article 18) attached.

(Method of Determining the Amount of Criminal Damages)

Article 21 When determining the amount of criminal damages, a financial institution is to consider the amount transferred to the deposit account, etc. used for crime and other circumstances, based on the application form and materials, etc. as prescribed in Article 12, paragraph (1) or (2) of the Act.

(Information Required to Be Entered in a Written Determination)

Article 22 (1) The following information is to be entered in the document prescribed in Article 14, paragraph (1) of the Act (hereinafter referred to as a "written determination"):

- (i) the name and address of the applicant;
- (ii) if the applicant is a corporation, etc., the name and address of its representative or administrator;
- (iii) if the applicant has an agent, the agent's name and address (if the agent has an office, the name of the agent and the name and locality of the agent's office; if the agent is a corporation, the name and locality of the corporation and the name of the person in charge of its business);
- (iv) the date of the determination under the provisions of Article 13 of the Act; and
- (v) the result of and reason for the determination under the provisions of Article 13 of the Act.

(2) A written determination is to be prepared based on Appended Form No. 2.

(Recording the Sending of a Written Determination)

Article 23 Having sent a written determination, a financial institution must prepare a record sufficient for confirming the name of the person to whom or which it was sent, the address, the means by which it was sent, and the date on which it was sent.

(Measures Taken in Lieu of Sending a Written Determination)

Article 24 (1) The measures specified by order of the competent ministry that are provided for in Article 14, paragraph (2) of the Act are public notice indicating that the financial institution is to deliver the written determination to the applicant at any time.

- (2) If a public notice as referred to in the preceding paragraph is given, the written determination is deemed to have reached the applicant on the day that marks two weeks' time since the date of the public notice.
- (3) If a financial institution requests a public notice as referred to in paragraph (1), it must give notice to the Deposit Insurance Corporation indicating that it is unable to send a written determination to the applicant, with a document containing the following information attached:
- (i) the information set forth in Article 11, paragraph (1), items (ii) through (iv) of the Act;
 - (ii) an indication that the financial institution has retained the written determination at its head office, principal business office, or principal office (or at the principal foreign bank branch prescribed in Article 47, paragraph (1) of the Banking Act (Act No. 59 of 1981), in the case of a foreign bank prescribed in Article 10, paragraph (2), item (viii) of that Act; hereinafter referred to as the "head office, etc.") and will deliver it to the applicant at any time; and
 - (iii) any other necessary information.
- (4) If the Deposit Insurance Corporation receives a notice under the provisions of the preceding paragraph, it must give public notice of the following information without delay:
- (i) that the financial institution is unable to send the written determination to the applicant;
 - (ii) the information set forth in Article 11, paragraph (1), items (ii) through (iv);
 - (iii) that the financial institution has retained the written determination at its head office, etc. and will deliver it to the applicant at any time;
 - (iv) that the written determination is deemed to have arrived at the applicant as of the day that marks two weeks' time since the date of the public notice; and
 - (v) any other necessary information.

(Keeping of Determination Tables)

Article 25 The place specified by order of the competent ministry that is provided for in Article 15 of the Act is the head office, etc. of the financial institution that has made the determination under the provisions of Article 13 of the Act.

(Information Required to Be Entered in Determination Tables)

Article 26 (1) The information specified by order of the competent ministry that is provided for in Article 15, item (ii) of the Act is the following information:

- (i) the date of the determination of eligible recipient (if no person is subject to a

- determination of eligible recipient, the date of the determination under the provisions of Article 13 of the Act); and
- (ii) the amount of damage recovery benefits that each person subject to a determination of eligible recipient is to be paid.
- (2) A determination table is to be prepared based on Appended Form No. 3.

(Inspection of Determination Table)

- Article 27 (1) An applicant or the agent thereof may request to inspect the determination table associated with the applicant.
- (2) A person seeking to inspect a determination table must submit a written request to inspect it containing the following information to the financial institution:
- (i) if the applicant is a natural person and that applicant is the person making the request, the name, date of birth, and address of the applicant;
 - (ii) if the applicant is a corporation, etc. and that applicant is the person making the request, the name and address of the applicant and the name, date of birth, and address of its representative or administrator;
 - (iii) if the request is made by the applicant's agent, the name and address of the applicant and the name and date of birth or organizational name and address of the agent;
 - (iv) the information that the person is requesting to inspect;
 - (v) the purpose of inspecting it;
 - (vi) the date and time that the person wishes to inspect it; and
 - (vii) the place at which the person wishes to inspect it.
- (3) A written request to inspect a material is to be prepared based on Appended Form No. 4.
- (4) A person seeking to inspect a determination table (excluding an attorney or a judicial scrivener as prescribed in Article 3, paragraph (2) of the Judicial Scriveners Act) must present to the financial institution a driver's license, etc. that is valid as of the date of the request, giving the same name, date of birth, and address as the name, date of birth, and address of that person that are written in the written request to inspect the determination table, or any other document sufficient for use in verifying the person's identity.
- (5) A financial institution may designate the date and time, place, and means for a person to inspect a determination table and give notice of these things to the person seeking to inspect the determination table.
- (6) If a financial institution designates a place other than its head office, etc. as the place for a person to inspect a determination table, it may have the person inspect a copy of the determination table available in lieu of inspecting the determination table itself.
- (7) If a financial institution finds that it is necessary to do so in order to prevent

the destruction or photographing of, or any other unlawful act involving a determination table or a copy thereof, it must have its employees be present when a person inspects it or take other appropriate measures.

- (8) After filing a notification with the financial institution, a person's agent may have an employee thereof or any other person inspect a determination table or a copy thereof.

Section 4 Implementation of Payment

(Giving Notice of the Entry of the Amount of Damage Recovery Benefits in a Determination Table)

- Article 28 (1) When giving the notice under the provisions of Article 16, paragraph (3) of the Act, a financial institution must submit a document containing the following information to the Deposit Insurance Corporation:
- (i) 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.;
 - (ii) the name of the registered holder of the subject deposit account, etc.;
 - (iii) the amount of the expired claim on deposits, etc.;
 - (iv) the date of the public notice under the provisions of Article 7 of the Act regarding the expired claim on deposits, etc.; and
 - (v) any other necessary information.
- (2) At the time of a public notice under the provisions of Article 16, paragraph (4) of the Act, the Deposit Insurance Corporation must also give public notice of the information set forth in the items of the preceding paragraph, based on the substance of the document prescribed in the preceding paragraph.

(Notifications by General Successors After Determination of Eligible Recipient)

Article 29 (1) The written notification provided for in Article 17, paragraph (1) of the Act must contain the following information:

- (i) if the notifier is a natural person, the name, date of birth, and address of the notifier;
- (ii) if the notifier is a corporation, etc., the name and address of the notifier, and the name, date of birth, and address of its representative or administrator;
- (iii) the reason for and date of general succession, and the notifier's relationship to the person subject to the determination of eligible recipient;
- (iv) if the notification is made by an agent, the agent's name and date of birth or organizational name and address;
- (v) the postal code and telephone number of the notifier or the agent, and any other information that is needed in order for these persons to be given notice

- or sent documents under the provisions of the Act and this Regulation;
- (vi) if there is an agreement between the notifier and another notifier or person eligible to be a notifier (hereinafter referred to as the "other notifier, etc.") on the ratio of the amount of damage recovery benefits to be received by each of them, the name, address, postal code, and telephone number of that other notifier, etc., and the details of the agreement; and
 - (vii) the name of the financial institution and the account number to be used to receive damage recovery benefits and any other information that is needed in order for the notifier to receive the benefits.
- (2) The written notification prescribed in the preceding paragraph is to be prepared based on Appended Form No. 5.
- (3) The following materials must be attached to the written notification prescribed in paragraph (1):
- (i) identity verification documents associated with a natural person giving the same names, dates of birth, and addresses as the names, dates of birth, and addresses of the notifier (or its representative or administrator, if the notifier is a corporation, etc.) and the notifier's agent (excluding an attorney or legal professional corporation, a judicial scrivener as prescribed in Article 3, paragraph (2) of the Judicial Scriveners Act, or a judicial scrivener corporation formed for the purpose of providing summary court legal representation services, etc. as prescribed in that paragraph) that are written in the written notification;
 - (ii) if the notifier is a corporation, etc., an identity verification document associated with a corporation, etc. giving the same name and address and representative or administrator name as the name and address of the corporation, etc. and the name of its representative or administrator that is written in the written notification;
 - (iii) a certified copy or extract of the family register or certificate of registered information of the corporation, prepared within six months prior to the date of notification, showing the reason for and date of the general succession and the notifier's relationship to the person subject to the determination of eligible recipient, or other materials sufficient to make a prima facie showing of factual circumstances fundamental to establish that the notifier is a general successor;
 - (iv) if the notification is made by an agent, materials evidencing the authority to represent; and
 - (v) if there is an agreement between the notifier and another notifier, etc. on the ratio of the amount of damage recovery benefits to be received by each of them, materials that show the information set forth in paragraph (1), item (vi).
- (4) The provisions of Article 19 apply mutatis mutandis to a notification under

the provisions of Article 17, paragraph (1) of the Act.

(Filing a Notification If Information Given in a Notification Changes)

Article 30 If, after the notifier has submitted a written notification as prescribed in paragraph (1) of the preceding Article, a piece of information that is required to be entered in the written notification changes, the notifier must promptly submit to the financial institution a written notification that contains information concerning the change, with materials that show the relevant information (limited to those set forth in the items of paragraph (3) of that Article) attached.

Section 5 Closing of Procedures

(Documents Required to Be Attached to Requests under Article 18, Paragraph (1) of the Act)

Article 31 (1) When making a request under the provisions of Article 18, paragraph (1) of the Act, a financial institution must attach a document containing the following information to the request:

- (i) which one of the items of Article 18, paragraph (1) of the Act applies;
- (ii) the amount of the expired claim on deposits, etc. (excluding a case falling under Article 18, paragraph (1), item (iv) of the Act);
- (iii) the total amount to be paid to the person subject to the determination of eligible recipient (limited to a case falling under Article 18, paragraph (1), item (iii) of the Act);
- (iv) the scheduled amount of payment to the Deposit Insurance Corporation under the provisions of Article 19 of the Act; and
- (v) any other necessary information.

(2) At the time of a public notice under the provisions of Article 18, paragraph (2) of the Act, the Deposit Insurance Corporation must also give public notice of the information set forth in the items of the preceding paragraph, based on the substance of the document prescribed in the preceding paragraph.

(Payment of Money under Article 19 of the Act)

Article 32 Before paying money pursuant to the provisions of Article 19 of the Act (including a case that is to be governed by the provisions of that Article pursuant to the provisions of Article 24, paragraph (3) of the Act), a financial institution must give notice to the Deposit Insurance Corporation of the scheduled amount and date of payment.

(Financial Institutions' Filing of Requests with the Deposit Insurance Corporation)

Article 33 (1) When making a request under the provisions of Article 25, paragraph (4) of the Act, a financial institution must submit the following documents to the Deposit Insurance Corporation:

- (i) a document describing the details of an investigation conducted by the financial institution in connection with the procedure for expiry of the claim on deposits, etc. (including materials used as the basis for the assessment referred to in the following item);
 - (ii) a document describing the probable cause to suspect that the deposit account, etc. for which the procedure for expiry of the claim on deposits, etc. has been implemented is a deposit account, etc. used for crime;
 - (iii) a document describing the details of the procedure implemented by the financial institution in connection with the procedure for payment of damage recovery benefits;
 - (iv) a document describing the details of and reason for a determination of eligible recipient and a determination of the amount of criminal damages and the amount of damage recovery benefits;
 - (v) a document describing the details of an investigation conducted by the financial institution with regard to making a payment to the registered holder, etc. under the provisions of Article 25, paragraph (1) or (2) of the Act (including materials used as the basis for the assessment referred to in the following item);
 - (vi) a document describing its reason for judging that the registered holder, etc. is eligible to request payment under the provisions of Article 25, paragraph (1) or (2) of the Act;
 - (vii) a document describing its reason for judging that the requirements set forth in the items of the following paragraph are satisfied; and
 - (viii) a document containing any other information that should serve as a reference.
- (2) At the time of a request under the provisions of Article 25, paragraph (4) of the Act, a financial institution is to assess whether adequate grounds are found to believe that there was no negligence in relation to the implementation of the procedure prescribed in Chapter III of the Act, including the application of the provisions of Article 4, paragraph (1) of the Act, and to assess whether there was no negligence in relation to the implementation of the procedure prescribed in Chapter IV of the Act, on the basis of whether it meets the following requirements:
- (i) it is found that the financial institution has implemented the relevant procedures based on laws and regulations, etc.; and
 - (ii) it is found that, in spite of the financial institution having exercised reasonable care, it was not possible for it to know that the deposit account, etc. for which it implemented the procedures for expiry of the claim on

deposits, etc. was not a deposit account, etc. used for crime, and that the applicant was not a person eligible to receive payment of damage recovery benefits.

- (3) If the Deposit Insurance Corporation finds a deficiency in a document as set forth in the items of paragraph (1) or inadequacy in the detailing of information that is required to be entered in such a document, it may request the financial institution that has submitted the document to provide an explanation or order it to correct the document.

Chapter IV Miscellaneous Provisions

(Handling If a Public Notice Is Disrupted)

Article 34 (1) If a public notice is disrupted (meaning that information that had been put in a form that allowed an unspecified and large number of persons to be provided with it is no longer available in that form, or that it has been altered after being put into that form; hereinafter the same applies in this Article) during any of the following periods, the Deposit Insurance Corporation, promptly after learning that the public notice has been disrupted, must give public notice of this, indicating the time when the public notice disruption occurred, the details of the disruption of the public notice, and any other necessary information:

- (i) the period for notification of exercise of rights, etc. set forth in Article 5, paragraph (1), item (v) of the Act (referred to as the "period of public notice under Article 5, paragraph (1) of the Act" in item (i) of the following paragraph);
 - (ii) the period for application for payment set forth in Article 11, paragraph (1), item (v) of the Act (referred to as the "period of public notice under Article 11, paragraph (1) of the Act" in item (ii) of the following paragraph); and
 - (iii) the period from the date of public notice under Article 24, paragraph (1) to the day that marks two weeks' time since that date (referred to as the "period of public notice under Article 24, paragraph (1)" in item (iii) of the following paragraph).
- (2) If the total of the periods during which the public notice disruption continues in a case as prescribed in the preceding paragraph exceeds one-tenth of the period set forth in the items of that paragraph, the Deposit Insurance Corporation must give public notice of the information specified in the relevant of the following items for the category of public notice period set forth in that item, indicating that it will give public notice again for the relevant period of public notice, and indicating any other necessary information:
- (i) the public notice period associated with Article 5, paragraph (1) of the Act: that the procedures for expiry of the claim on deposits, etc. have closed, and

- the information set forth in Article 5, paragraph (1), items (ii) through (iv) of the Act;
- (ii) the public notice period associated with Article 11, paragraph (1) of the Act: that the procedures for payment of damage recovery benefits have closed, and the information set forth in Article 11, paragraph (1), items (ii) through (iv) of the Act; and
 - (iii) the public notice period associated with Article 24, paragraph (1): that the public notice referred to in Article 24, paragraph (1) is invalid, and the information set forth in paragraph (3), item (i) of that Article.
- (3) Having given public notice under the provisions of the preceding paragraph, the Deposit Insurance Corporation must give the public notice specified in the relevant of the following items for the category of public notice set forth in that item:
- (i) public notice associated with a public notice period set forth in item (i) of the preceding paragraph: public notice under the provisions of Article 5, paragraph (1) of the Act;
 - (ii) public notice associated with a public notice period set forth in item (ii) of the preceding paragraph: public notice under the provisions of Article 11, paragraph (1) of the Act; and
 - (iii) public notice associated with a public notice period set forth in item (iii) of the preceding paragraph: public notice as referred to in Article 24, paragraph (1).
- (4) If the total of the periods during which the disruption of the public notice continues in a case as prescribed in paragraph (1) does not exceed one-tenth of the period set forth in the items of that paragraph, and the circumstances fall under both of the following items, the disruption of the public notice does not alter the effect of that public notice:
- (i) the Deposit Insurance Corporation has acted in good faith and without gross negligence with regard to the disruption of the public notice, or there are legitimate grounds therefor; and
 - (ii) the Deposit Insurance Corporation has given public notice under the provisions of paragraph (1).

(Bearing of Expenses)

Article 35 Financial institutions are to bear expenses for taking measures such as suspending transactions involving deposit accounts, etc., and for implementing procedures for expiry of claims on deposits, etc. and procedures for payment of damage recovery benefits.

(Electronic and Magnetic Records; Electronic and Magnetic Means)

Article 36 (1) The 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, as provided in Article 34 of the Act, are information that has been recorded in a file on a magnetic disk or any other object with an equivalent means of reliably storing a fixed set of data.

- (2) The method of using information and communication technology, including an electronic data processing system, which is specified by order of the competent ministry, as provided in Article 34 of the Act, is any of the following means:
 - (i) a means that causes information to be transmitted via a telecommunications line that connects the computer used by the sender and the computer used by the recipient and to be recorded in a file that has been prepared on the computer used by the recipient; or
 - (ii) a means that involves delivering the information that has been recorded in a file on a magnetic disk or any other object with an equivalent means of reliably storing a fixed set of data.
- (3) The means set forth in the items of the preceding paragraph must make it possible for the recipient to create a document by outputting the information that has been recorded in the file.

(Notice; Public Notice)

- Article 37 (1) It is permissible for a person to give notice (this includes the submission of documents) under the provisions of this Regulation by submitting electronic or magnetic records as prescribed in Article 34 of the Act or by an electronic or magnetic means as prescribed in that Article.
- (2) If the Deposit Insurance Corporation finds any formal deficiency in a document used in a notice under the provisions of this Regulation, it may request the financial institution to correct the deficiency, specifying a reasonable period of time.
 - (3) The public notice under the provisions of this Regulation is governed by the provisions of Article 27 of the Act.