

Regulation for Enforcement of the Money Lending Business Act

(Order of the Ministry of Finance No. 40 of August 10, 1983)

Pursuant to the provisions of the Act for Controls in the Money Lending Business and the Order for Enforcement of the Act for Controls in the money lending business, and in order to enforce that Act and that Order, the Regulation for Enforcement of the Act for Controls in the money lending business is established as follows.

(Loans Made to Companies that Belong to the Same Group of Companies and Loans Made to Companies whose Management is Jointly Controlled)

- Article 1 (1) The loans specified by Cabinet Office Order as those posing no risk to the common interests of all the shareholders or all the investors of the other companies, etc., as prescribed in Article 1-2, item (vi) of the Order for Enforcement of the Money Lending Business Act (Cabinet Order No. 181 of 1983; hereinafter referred to as the "Order"), are to be based on the consent of all the shareholders or all the investors of the other companies, etc. (meaning companies, partnerships and other equivalent business entities (including equivalent entities in foreign states); hereinafter the same applies in this Article) listed in sub-items (b) and (c) of the same item.
- (2) The other companies, etc. to be specified by Cabinet Office Order, as prescribed in Article 1-2, item (vi), sub-item (a) of the Order are, if a company, etc. controls decisions over the financial and business policies of other companies, etc., the relevant other companies, etc. (in cases of partnerships or any other equivalent business entities (including equivalent entities in foreign states), limited to those for which all partners or all members are corporations (including corporations established in compliance with laws and regulations of foreign states)).
- (3) "Controls decisions over the financial and business policies" as prescribed in the preceding paragraph means the cases listed below (excluding cases in which it is deemed apparent that the company, etc. does not control the financial and business policies of another company, etc. in view of the financial or business relationship) (hereinafter the same applies in this Article):
- (i) cases when the ratio of the number of voting rights held by the company, etc. itself (including its subsidiary companies, etc. (meaning, if the company, etc. controls the decisions over the financial and business policies of other companies, etc., the other companies, etc.; the same applies in the following paragraph); hereinafter the same applies in this paragraph) on its own

- account to the total number of voting rights of other companies, etc.
(meaning any of the companies, etc. listed below and excluding those which are found to have no effective parent-subsidary relationship; hereinafter the same applies in this paragraph) exceeds fifty percent:
- (a) a company, etc. subject to an order of commencement of rehabilitation proceedings pursuant to the provisions of the Civil Rehabilitation Act (Act No. 225 of 1999);
 - (b) a stock company subject to an order of commencement of reorganization proceedings pursuant to the provisions of the Corporate Reorganization Act (Act No. 154 of 2002);
 - (c) a company, etc. subject to an order of commencement of bankruptcy proceedings pursuant to the provisions of the Bankruptcy Act (Act No. 75 of 2004); or
 - (d) any other company, etc. which is equivalent to any of those listed in items (a) through (c).
- (ii) cases when the ratio of the number of voting rights held by the company, etc. on its own account to the total number of voting rights in other companies, etc. is forty percent or more (excluding cases listed in the preceding item) and when any of the following requirements are satisfied:
- (a) that the ratio of the sum of the following numbers of voting rights in the other companies, etc. to the total number of voting rights in the other companies, etc. exceeds fifty percent:
 1. the voting rights owned by the company, etc. on its own account;
 2. the voting rights held by a person that is found to exercise their voting rights in the same manner as the intent of the company, etc. due to its close ties with the company, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc.; and
 3. the voting rights held by any persons that have given their consent to exercising their voting rights in the same manner as the intent of the company, etc. itself;
 - (b) that the ratio of the number of the following persons (limited to those who are capable of influencing decisions on the financial and business policies of other companies, etc.) to the total number of members of the board of directors or any other equivalent organization of the other companies, etc. exceeds fifty percent:
 1. officers of the company, etc. (meaning the officers prescribed in Article 2, paragraph (3), item (iii) of the Regulation for Enforcement of the Companies Act (the Ministry of Justice Order No. 12 of 2006));
 2. members in charge of executing the business of the company, etc.;
 3. employees of the company, etc.; and
 4. Persons who used to fall under 1, 2 or 3 above;

- (c) that there exists a contract, etc. under which the company, etc. controls decisions over important financial and business policies of other companies, etc.;
 - (d) that the ratio of the amount financed by the company, etc. (the finance includes guarantee of debts and provisions of collateral; hereinafter the same applies in sub-item (d)) (the amount includes the amount financed by a person that has close ties with the company, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc.) to the total amount of funds procured by other companies, etc. (limited to the amount recorded in the liabilities section of the balance sheet) exceeds fifty percent; or
 - (e) that there exists any other fact from which it is assumed that the company, etc. controls decisions over the financial and business policies of the other companies, etc.
- (4) When the company, etc. and one or more of its subsidiary companies, etc., or other companies, etc. whose decisions over financial and business policies are controlled by one or more subsidiary companies, etc. of the company, etc. are deemed as subsidiary companies, etc. of the company, etc. with regard to the application of the preceding two paragraphs.
- (5) The ratio to be specified by Cabinet Office Order, as prescribed in Article 1-2, item (vi), sub-items (b) and (c) of the Order, is twenty percent.

(Electronic and Magnetic Records)

Article 1-2 The reference, in Article 2, paragraph (11) of the Money Lending Business Act (Act No. 32 of 1983; hereinafter referred to as the "Act"), to a record specified by Cabinet Office Order means a record used in computer data processing which is created in electronic form, magnetic form, or any other form that cannot be perceived by human senses.

(Electronic or Magnetic Means)

Article 1-2-2 (1) The reference, in Article 2, paragraph (12) of the Act, to a means specified by Cabinet Office Order means the means that each of the following items prescribes for the category of cases set forth in the item:

- (i) when a person assents to be provided with information by electronic or magnetic means or indicates an unwillingness to be provided with information by electronic or magnetic means; when a member money lender obtains the consent under Article 41-36, paragraph (1) or (2) of the Act; or when a member money lender obtains the consent under Article 30-15, paragraph (1) or (2): the following methods:
 - (a) recording to that effect in a file on a computer used by the person to whom the assent or unwillingness is indicated or to the person obtaining the consent;

- (b) delivering a magnetic disc, or anything else onto which a fixed set of data can be securely recorded through an equivalent means, containing a file into which a recording to that effect has been made;
 - (ii) in a case other than as set forth in the preceding item: the following means:
 - (a) using an electronic data processing system as follows:
 - 1. in such a way that the data is transmitted over a telecommunication line that connects the computer used by the sender and the computer used by the recipient, and recorded in a file on the computer used by the recipient;
 - 2. in such a way that data content recorded in a file on the computer used by the sender is provided over a telecommunications line for the recipient to inspect and recorded in a file on the computer used by the recipient;
 - (b) delivering a magnetic disc, or anything else onto which a fixed set of data can be securely recorded through an equivalent means, containing a file into which the data has been recorded.
- (2) The methods specified in the items of the preceding paragraph must conform to the following standards:
- (i) the methods specified in item (i) of the preceding paragraph (limited to cases when a person assents to be provided with information by electronic or magnetic means or indicates an unwillingness to be provided with information by electronic or magnetic means) involves the person to whom the assent or unwillingness is indicated notifying the person assenting or indicating unwillingness of the details of the person's assent to be provided with information by electronic or magnetic means or of the details of the person's unwillingness to be provided with information by electronic or magnetic means, in writing or by other appropriate means;
 - (ii) the methods specified in item (ii) of the preceding paragraph allows the recipient to create a written document by outputting what has been recorded in the file (including outputting the relevant record by sending it to another computer or by other means);
 - (iii) if the methods set forth in item (ii), sub-item (a) of the preceding paragraph uses a cell phone or PHS handset as the recipient's computer, it is subject to the sender's issuance, at the request of the recipient, of a written document giving the information that has been provided by electronic or magnetic means, during a three-month period from the day on which the information was sent or offered for inspection.
- (3) The term "electronic data processing system" as used in paragraph (1), item (ii), sub-item (a) means an electronic data processing system that uses a telecommunications line to connect the computer used by the sender and the computer used by the recipient.

(Contracts Excluded from Being Subject to Personal Credit Information)

Article 1-2-3 The reference, in Article 2, paragraph (14) of the Act, to a contract specified by Cabinet Office Order means:

- (i) a basic contract for a revolving credit loan;
- (ii) a contract for the discounting of negotiable instruments (excluding accommodation bills);
- (iii) a contract wherein the securities deposited by the customer for safe custody to the financial instruments business operator (meaning the financial instruments business operator (limited to those engaged in the Type I financial instruments business as prescribed in Article 28, paragraph (1) of Financial Instruments and Exchange Act (Act No. 25 of 1948) and the investment management business as prescribed in paragraph (4) of that Article) as prescribed in Article 2, paragraph (9) of that Act; hereinafter the same applies in this Article) are any of the securities set forth in Article 65, item (i), sub-items (a) through (h) of the Cabinet Office Order on Financial Instruments Business (Cabinet Office Order No. 52 of 2007) (including rights deemed to be the securities pursuant to Article 2, paragraph (2) of that Act, and limited to those held by the customers that deposited the securities for safe custody) and wherein, among the money loan necessary for the customer to continue to hold the securities and secured by the securities which is made by the financial instruments business operator, the amount loaned to the relevant customer is within the market value of the securities at the time of the loan (excluding the money loans specified in Article 65, item (i) of that Order);
- (iv) a contract wherein the securities deposited by the customer for safe custody to the financial instruments business operator are, among the beneficiary certificates of an investment trust, any of the securities set forth in Article 65, item (ii), sub-items (a) through (c) of the Cabinet Office Order on Financial Instruments Business (including rights deemed to be the securities pursuant to Article 2, paragraph (2) of the Financial Instruments and Exchange Act, and limited to those held by the customer that deposited the securities for safe custody), and which is related to the money loan which is made by the financial instruments business operator to the customer that requested the cancellation in regard to the securities until the money for cancellation is paid, and which is secured by the securities and the money loaned by the financial instruments business operator is equivalent to the amount of money for the cancellation (excluding the money loans specified in Article 65, item (ii) of that Order); and
- (v) a money brokerage agreement that has the money lender as the creditor.

- Article 1-2-4 (1) If a money lender is a specified non-profit finance corporation, the reference, in Article 2, paragraph (14) of the Act, to a contract specified by Cabinet Office Order means a specified loan contract, beyond what is listed in the items of the preceding Article.
- (2) The term "specified non-profit finance corporation" as used in the preceding paragraph means a money lender who, pursuant to the provisions of Article 24-6-2 of the Act, has made the notification to the effect that it comes to fall under the case listed in Article 26-25-2, paragraph (3), item (i) (the money lender excludes a person that falls under the case listed in Article 26-25-2, paragraph (3), item (ii) or (iii) on or after the day of the notification).
- (3) The term "specified loan contract" as used in paragraph (1) means a contract pertaining to a specified non-profit activity loan or impoverished person support loan.
- (4) The term "specified non-profit activity loan" as used in the preceding paragraph means a loan which is made as a specified non-profit activity (meaning a specified non-profit activity prescribed in Article 2, paragraph (1) of the Act to Promote Specified Non-profit Activities (Act No. 7 of 1998); the same applies hereinafter) and which satisfies all of the following requirements:
- (i) that the total amount of obligations (excluding guarantee obligations; hereinafter the same applies in this paragraph) owed to money lenders by a person seeking to become the counterparty to the loan contract, and other financial conditions of the person (limited to a person engaged in business), will be confirmed, in an investigation of matters pertaining to the repayment capacity of the person, by the time when the loan contract is concluded;
 - (ii) that, if a guarantee contract pertaining to the loan contract is to be concluded, the total amount of obligations owed to money lenders by a person seeking to become a guarantor of the guarantee contract (simply referred to as the "guarantor" in the following item) will be confirmed, in an investigation of matters pertaining to the repayment capacity of the person, by the time when the guarantee contract is concluded;
 - (iii) that, throughout the repayment period, the total amount of obligations owed to money lenders by the counterparty and the guarantor of the loan contract, and other financial conditions of the relevant counterparty (limited to a person engaged in business), will be periodically confirmed, in an investigation of matters pertaining to the repayment capacity of the relevant counterparty and the guarantor, and advice or guidance will be given to them as necessary;
 - (iv) that a money lender does not conclude a contract for interest (including payment regarded as interest (meaning the payment regarded as interest as prescribed in Article 12-8, paragraph (2) of the Act); the same applies in item (iv) of the following paragraph and Article 5-3-2, paragraph (1)) stipulating

an interest rate exceeding 7.5 % per annum, nor does a money lender receive interest based on the relevant interest rate or demand the payment thereof, in connection with the relevant loan;

- (v) that a document by which the fact that the loan is made as a specified non-profit activity can be confirmed, or an electronic or magnetic record in which the content of the information stated in the document is recorded, will be preserved until the final repayment due date provided in the loan contract (if the claim under the loan contract has extinguished upon performance or on any other grounds, the day on which the claim extinguished (if the loan contract is a basic contract for a revolving credit loan or a contract for a revolving credit loan, the day of cancellation of the basic contract for a revolving credit loan, or, among the final repayment due dates provided in all the contracts for revolving credit loans under the basic contract for a revolving credit loan, the latest date (if all the claims under these contracts have extinguished upon performance or on any other grounds, the day on which the claims have extinguished), whichever comes later);
- (5) The term "impoverished person support loan" as used in paragraph (3) means a loan made with the purpose of supporting an impoverished person, which satisfies all of the following requirements:
 - (i) that the obligations already owed by the person seeking to become the counterparty to the loan contract are settled as much as possible, the problems that must be solved in order to rehabilitate the economic life of the person seeking to become the counterparty to the loan contract are confirmed (hereinafter referred to as "assessment" in this paragraph) by a person with expert knowledge and experience in the consultations with regard to borrowing and repayment, and the measures to formulate a livelihood rehabilitation plan are carried out based on the result of assessment, by the time when the loan contract is concluded;
 - (ii) that, if a guarantee contract pertaining to the loan contract is to be concluded, the total amount of obligations owed to money lenders by a person seeking to become a guarantor of the guarantee contract (simply referred to as the "guarantor" in the following item) is confirmed, in an investigation of matters pertaining to the repayment capacity of the person, by the time when that guarantee contract is concluded;
 - (iii) that, throughout the repayment period, the progress of the livelihood rehabilitation plan under item (i), and the total amount of obligations owed by the counterparty and the guarantor of the loan contract (in cases of the guarantor, limited to the total amount of obligations owed to money lenders), are periodically confirmed, and advice or guidance is given to them as necessary;
 - (iv) that a money lender does not conclude a contract for interest stipulating an

interest rate exceeding 7.5 % per annum, nor does a money lender receive interest based on that interest rate or demand the payment thereof, in connection with the loan;

- (v) that a document by which the fact that the loan is made with the purpose of supporting an impoverished person can be confirmed, or an electronic or magnetic record in which the content of the information stated in the relevant document is recorded, and a document containing the contents of assessment and the livelihood rehabilitation plan under item (i), or an electronic or magnetic record in which the content of the information stated in the document is recorded, is preserved until the final repayment due date provided in the loan contract (if the claim under the loan contract has extinguished upon performance or on any other grounds, the day on which the claim extinguished (in cases when the loan contract is a basic contract for a revolving credit loan or a contract for a revolving credit loan, the day of cancellation of the basic contract for a revolving credit loan, or, among the final repayment due dates provided in all the contracts for revolving credit loans under the basic contract for a revolving credit loan, the latest date (if all the claims under these contracts have extinguished upon performance or on any other grounds, the day on which the claims have extinguished), whichever comes later);
- (6) The term "impoverished person" as used in the preceding paragraph means an individual whose income cannot cover the expenses necessary for maintaining a minimum standard of living and the expenses for repayment of obligations (limited to a person that possesses no assets to be allocated to these expenses).

(Definitions)

Article 1-3 Except as otherwise provided, the terms used in this Cabinet Office Order are being used in the same as in the Act.

(Electronic and Magnetic Means under the Order for Enforcement of the Money Lending Business Act)

Article 1-4 The types and details of the means which must be indicated pursuant to the provisions of Articles 3-2-5 through 3-5 of the Order means the following information:

- (i) the means the money lender will use among those specified in Article 1-2-2, paragraph (1), item (ii); and
- (ii) the data will be recorded into the file.

(Application of Registration)

Article 1-5 (1) A person seeking to be registered by the Commissioner of the Financial Services Agency under Article 3, paragraph (1) of the Act must

submit a written application for registration under Article 4, paragraph (1) of the Act (referred to as the "written application for registration" in the following paragraph and Article 4, paragraph (3), item (ii)) prepared using Appended Form No. 1, accompanied by one copy of the accompanying documents under paragraph (2) of that Article (referred to as the "accompanying documents" in the following paragraph) to the director-general of the local finance bureau that has jurisdiction over the location of the principal business office or office (hereinafter collectively referred to as the "business office, etc.") of the person (if that location is within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the Director-General of the Fukuoka Local Finance Branch Bureau).

- (2) A person seeking to be registered by the prefectural governor under Article 3, paragraph (1) of the Act must submit a written application for registration accompanied by the number of duplicate copies of the written application for registration and the accompanying documents specified by the relevant prefectural governor, to the prefectural governor.
- (3) The term "business office or office" as used in paragraph (1) means any facilities or equipment (including unmanned automatic contract machines, automatic cash machines (meaning mono-function automated teller machines and multi-function automated teller machines; the same applies hereinafter), and agent offices) at which the money lender or the agent thereof continuously engages in the loan operations (meaning the conclusion of the contract for a loan defined in Article 2, paragraph (1) of the Act and the delivery of money and collection of claims under the contract for a loan; the same applies hereinafter) at a certain place; provided, however, that in cases of an automatic cash machine, any facilities or equipment installed within the same site (including adjacent sites) as the business office, etc. (excluding automatic cash machines) is excluded.
- (4) The term "agent office" as used in the preceding paragraph means the facilities or equipment at which the person acting as an agent for the loan operations in whole or in part on behalf of the money lender with the entrustment of the money lender, engages in the business (excluding business offices or offices (limited to automatic cash machines) of the bank prescribed in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981), the long-term credit bank prescribed in Article 2 of the Long-Term Credit Bank Act (Act No. 187 of 1952), the cooperative-structured financial institution prescribed in Article 2, paragraph (1) of the Act on Preferred Equity Investment by Cooperative Structured Financial Institutions (Act No. 44 of 1993) and the Shoko Chukin Bank Limited).
- (5) The term "principal business office, etc." as used in paragraph (1) means the head office or office stated on the register in the case of a corporation, and the

facilities at which the entire money lending business is supervised in the case of an association or foundation without legal personality and individual.

(Method of Payment in the Case of Application for Renewal of Registration by Using an Electronic Data Processing System)

Article 1-6 When the fees are to be paid by cash pursuant to the provisions of the proviso to Article 2, paragraph (2) and Article 3-13, paragraph (2) of the Order (including the cases when it is applied mutatis mutandis following the deemed replacement of terms pursuant to Article 3-14, paragraph (2) of the Order), the payment is to be made based on the payment information acquired through the application for renewal of registration under Article 3, paragraph (2) of the Act related to the registration from the Prime Minister under paragraph (1) of that Article, which is to be made by using an electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedures (Act No. 151 of 2002) pursuant to that paragraph.

(Persons Having Control Over the Corporation Which is Equivalent to or Greater Than That of Directors)

Article 2 (1) The reference, in Article 4, paragraph (1), item (ii), Article 24-27, paragraph (1), item (iii), and Article 31, item (viii) of the Act, to persons specified by Cabinet Office Order means:

- (i) an individual that holds shares of equity (hereinafter collectively referred to as the "shares, etc.") pertaining to the voting rights exceeding 25 percent of the voting rights held by all the shareholders, etc. (meaning the voting rights (in the case of a stock company, excluding voting rights of shares which may not be exercised for all the matters which can be resolved at a shareholders' meeting, and including voting rights of shares for which the shareholders are deemed to hold the voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005)) held by all the shareholders, all the members, or all the investors; the same applies hereinafter) of the relevant corporation, under the person's own name or another person's name (including a fictitious name; hereinafter the same applies in this Article);
- (ii) an individual that holds the shares, etc. pertaining to the voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of the parent company (meaning the parent company as defined in Article 2, item (iv) of the Companies Act; the same applies hereinafter) of the relevant corporation, under the person's own name or another person's name;
- (iii) a member in charge of executing the business of the relevant corporation (including associations or foundations without legal personality having a

- representative person or administrator; hereinafter the same applies in this item, the following item, Article 4, Article 5-2, item (ii), Article 5-3-2, paragraph (1), item (iii), sub-item (b) and paragraph (2), item (i) and item (iv), sub-item (b), Article 5-4, paragraph (1), item (i), Article 5-5, paragraph (1), item (i) and paragraph (2), items (i) and (ii), Article 8, item (ii), sub-item (b), Article 26-27, item (ii), sub-item (a), Article 26-29, paragraph (3), item (i), Article 30, item (x), Article 30-2, paragraph (1), Article 30-3, paragraph (1), and Article 30-7, item (ii)), or if a person equivalent to the person is a corporation, a person to perform its duties; and
- (iv) a member in charge of executing the business, director, executive officer, representative person, or administrator of the relevant corporation or persons equivalent thereto, or if the person set forth in the preceding three items is a minor, the statutory agent thereof.
- (2) In the case referred to in item (i) or (ii) of the preceding paragraph, the voting rights held by the persons set forth in these provisions are to include voting rights in respect of shares, etc. which may not be duly asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Book –Entry Transfer of Corporate Bonds and Share (Act No. 75 of 2001) (including the cases when these provisions are applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1), and Article 276 (limited to the part pertaining to item (ii)) of that Act).

(Employees Subject to Examination Upon Registration)

Article 3 The reference, in Article 3 and Article 3-7, item (iii) of the Order, to persons specified by Cabinet Office Order means:

- (i) a manager, head office manager, branch office manager, business office manager, or office director, or irrespective of their titles, a person that supervises the business of the business office, etc.;
- (ii) in a principal business office, etc. (meaning the principal business office, etc. as prescribed in Article 1-5, paragraph (5); the same applies hereinafter), a department manager, department vice manager, section manager, or irrespective of their titles, persons holding the position equivalent to or greater than the persons, and holding the authority to conduct any non-judicial acts with regard to loans, collection and management of claims and any other business that has a material influence on the interests of the persons seeking funds, etc.;
- (iii) in a secondary business office, etc. (meaning business office, etc. other than the principal business office, etc.; the same applies hereinafter) in which the number of employees engaged in the loan operations is 50 or more, a branch vice manager, branch sub manager, sub business office director, or

irrespective of their titles, a person in a position to act as a person that supervised the business of the relevant business office, etc.

(Point of Contact Stated on the Written Application for Registration)

Article 3-2 (1) The reference, in Article 4, paragraph (1), item (vii) of the Act, to another point of contract, etc. specified by Cabinet Office Order means:

- (i) telephone numbers (limited to those for specifying the place and those related to the collect call service and integrated number service for specifying the relevant place);
- (ii) website URL (meaning the characters, numbers, marks or any other codes, or the combination thereof which are assigned for the identification, on the internet, of the part of the automatic public transmission server (meaning the automatic public transmission server as prescribed in Article 2, paragraph (1), item (ix)-5, sub-item (a) of the Copyright Act (Act No. 48 of 1970)) used, and which allow the person provided with the information to inspect the details of the relevant information by the input thereof in the computer used by the person; the same applies hereinafter); and
- (iii) E-mail address (meaning characters, numbers, marks, or any other codes assigned for the identification of the user of the e-mail; the same applies hereinafter).

(2) In cases of stating the point of contracts, etc. set forth in item (ii) or (iii) of the preceding paragraph as the matters set forth in Article 4, paragraph (1), item (vii) of the Act, in the written application for registration under that paragraph, any of those set forth in item (i) of the preceding paragraph must be stated as well.

(Accompanying Documents to the Written Application for Registration)

Article 4 (1) The document in which the applicant denies falling under any of the items of Article 6, paragraph (1) of the Act set forth in Article 4, paragraph (2), item (i) of the Act must be prepared using Appended Form No. 1-2.

(2) The reference, in Article 4, paragraph (2), items (ii) and (iii) of the Act, documents specified by Cabinet Office Order means a driver's license, etc. (meaning the driver's license referred to in Article 92, paragraph (1) of the Road Traffic Act (Act No. 105 of 1960), or the certificate of driving history referred to in Article 104-4, paragraph (5) of the same Act; the same applies in Article 30-13, paragraph (1), items (vi) and (viii)), passports (meaning the passports prescribed in Article 2, item (v) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951)), residence card (meaning the residence card as prescribed in Article 19-3 of the Immigration Control and Refugee Recognition Act; the same applies in Article 30-13, paragraph (1), item (vii)), special permanent resident certificate (meaning the

special permanent resident certificate as 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); the same applies in Article 33-13, paragraph (1), item (vii), individual number card (meaning the individual number card as 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)), or any other documents issued by a public agency or those equivalent thereto, bearing the name, address, date of birth and a picture of the possessor thereof; provided, however, that if the relevant person does not possess the documents, it means a document issued by the public agency or those equivalent thereto in which the name, address, and date of birth is stated (excluding documents set forth in item (i) of the following paragraph), and a 4 cm long, 3 cm wide photograph showing only the person in question hatless, in a front-facing pose, from the chest up, and against a solid background, taken within three months prior to the date of application with the person's name and date the photograph was taken written on the back thereof.

(3) The reference, in Article 4, paragraph (2), item (v) of the Act, to documents specified by Cabinet Office Order means the following documents (in cases of documents certified by public agencies, limited to those prepared within three months prior to the date of application):

(i) extracts of the certificates of residence of the applicant for registration (if the applicant is a corporation, the officer thereof (excluding officers set forth in Article 4, paragraph (1), item (ii) of the Act that are corporations; hereinafter the same applies in this item), and if the applicant is a minor, the statutory agent thereof (if the applicant is a corporation, an officer thereof) is included; the same applies in items (iii), (iv) and (ix)), employees specified in Article 3 of the Order (hereinafter referred to as "important employees"), and heads of money lending operations (meaning the persons prescribed in Article 12-3, paragraph (1) of the Act; the same applies hereinafter), or substitute documents therefor;

(ii) if the name of an applicant for registration, an officer (meaning the officer as prescribed in Article 4, paragraph (1), item (ii) of the Act; the same applies hereinafter except in Article 5-2, items (iii) and (iv), Article 10-6-2, paragraph (3), item (iii), Article 26-37, Article 26-39, Article 26-60, Article 26-61, Article 26-74, and Articles 30 through 30-24), or an important employee that was used before marriage is stated together with the current name of the applicant for registration, officer or important employee in a written application for registration, and the document set forth in the preceding item does not certify the name of the applicant for registration, officer or important employee used before marriage, a document certifying

- the name before marriage;
- (iii) a certificate issued by the public agency certifying that the applicant for registration, important employee or head of money lending operations does not fall under Article 6, paragraph (1), item (i) or (ii) of the Act (if the relevant applicant for registration, important employee, or head of money lending operations is a foreign national, a written pledge prepared using Appended Form No. 1-2);
 - (iv) resumes of the applicant for registration and important employee prepared using Appended Form No. 2;
 - (v) if the applicant is a corporation, and when the officer is a corporation, a certificate of registered information of the officer and the history thereof prepared using Appended Form No. 2-2;
 - (vi) if the applicant is an individual and a minor, when the statutory agent thereof is a corporation, the certificate of registered information of the relevant corporation and the history thereof prepared using Appended Form No. 2-2;
 - (vii) if the applicant is a corporation, the articles of incorporation, articles of endowment (in cases of an association or foundation without legal personality, those equivalent to articles of incorporation or articles of endowment; the same applies hereinafter), and certificate of registered information, as well as register of shareholders or members and register of shareholders or members of the parent company prepared using Appended Form No. 3, or substitute documents therefor;
 - (viii) if there is an agent office (meaning the agent office as prescribed in Article 1-5, paragraph (4); the same applies hereinafter), the written agent contract related to the relevant agent office or substitute documents therefor;
 - (ix) a document stating the name and date of birth of the applicant for registration, important employee and head of money lending operations prepared using Appended Form No. 3-2;
 - (x) if the applicant is a corporation, the balance sheet pertaining to the business year immediately preceding the business year that includes the date of application for registration; provided, however, that, in cases of a corporation established on the business year that includes the date of application for registration, the balance sheet which is to be prepared at the time of establishment of the relevant corporation, or substitute documents therefor;
 - (xi) if the applicant is any of the following corporations, a document containing the contents of the accounting audit reports or audit reports pertaining to the business year immediately preceding the business year that includes the date of application for registration specified in the following respective items:
 - (a) a company with accounting auditors as prescribed in Article 2, item (xi) of

- the Companies Act: the accounting audit report as referred to in the second sentence of Article 396, paragraph (1) of the Companies Act; and
- (b) beyond what is listed in sub-item (a), a corporation audited by a certified public accountant (including foreign certified public accountants defined in Article 16-2, paragraph (5) of the Certified Public Accountant Act (Act No. 103 of 1948); the same applies in Article 30, item (x), sub-item (b)) or auditing firm: the audit reports prepared by the relevant certified public accountant or auditing firm;
- (xii) if the applicant is an individual, a record of property prepared using Appended Form No. 4;
- (xiii) a copy of the document referred to in Article 26-53, paragraph (1) (including the cases when it is applied mutatis mutandis pursuant to Article 26-57) concerning the head of money lending operations to be assigned to each business office or office pursuant to the provisions of Article 12-3, paragraph (1) of the Act;
- (xiv) internal rules (meaning rules to be observed by the money lender, or the officer or employee thereof, and to be prepared by the money lender; the same applies hereinafter) concerning the money lending operations;
- (xv) an organization chart related to the money lending operation (including organizations implementing internal management affairs), and written business experience of each individual experienced loan servicer (meaning a person working in loan servicing for at least one year and that is assigned at each business office, etc.) for each business office, etc. (excluding business office, etc. carrying out the loan operations only by unmanned automatic contract machines or automatic cash machines; hereinafter the same applies in this item), prepared using Appended Form No. 4-2.
- (xvi) a document stating the matters that each of the following sub-items (a) and (b) prescribes for the category of cases set forth in the sub-item, which is prepared using Appended Form No. 4-2-2:
- (a) if there is a designated dispute resolution organization: the trade name or name of the designated dispute resolution organization with regard to which the money lender takes the measure to conclude the basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2-2, paragraph (1), item (i) of the Act, and that is the counterparty to the basic contract for implementation of dispute resolution procedures;
- (b) if there is no designated dispute resolution organization: the content of the complaint processing measures and dispute resolution measures prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act to be taken by the money lender; and
- (xvii) documents that state matters necessary for verifying that the matters

stated in the documents listed in the preceding items are true and correct (limited to the case when it is found necessary by the director-general of a local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau, or prefectural governor).

(Implementation of Registration)

- Article 4-2 (1) To effect a registration under Article 5, paragraph (1) of the Act, the director-general of a local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau, or prefectural governor effects is to place pages No. 2 through No. 8 of Appended Form No. 1 in the money lender register.
- (2) To give the notice under Article 5, paragraph (2) of the Act, the director-general of a local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau, or prefectural governor is to issue a written notice of completion of registration prepared using Appended Form No. 4-3.

(Notice of Refusal of Registration)

- Article 4-3 (1) To give the notice under Article 6, paragraph (2) of the Act, the director-general of a local finance bureau or Director-General of the Fukuoka Local Finance Branch Bureau is to issue a written notice of refusal of registration prepared using Appended Form No. 4-4.
- (2) To give the notice under Article 6, paragraph (2) of the Act, a prefectural governor is to issue a written notice of refusal of registration prepared using Appended Form No. 4-5.

(Time Limit for Application for Renewal of Registration)

- Article 5 If a money lender seeks a renewal of registration under Article 3, paragraph (2) of the Act, the money lender must apply for the renewal of the registration currently in effect within two months prior to the day on which the validity period for the registration expires.

(Persons Found Likely to Commit a Wrongful Act)

- Article 5-2 The reference, in Article 6, paragraph (1), item (vii) and Article 24-27, paragraph (1), item (viii) of the Act, to persons specified by Cabinet Office Order means any of the following persons:

- (i) a person making the notification under Article 10, paragraph (1), item (iv) or (v) of the Act during the period from the day on which the notice under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) related to the disposition of rescinding registration to be rendered because the person falls under any of the cases set forth in the items of Article 24-6-4, paragraph (1) or the items of Article 24-6-5, paragraph (1) of the Act until the day on which the disposition is rendered or on which a decision of not rendering the

disposition is made (excluding persons with reasonable grounds for the dissolution or abolition of the money lending business), if five years have yet to elapse from the day of the notification;

- (ii) a person that was an officer of the corporation that made the notification under Article 10, paragraph (1), item (ii), (iv) or (v) of the Act (excluding corporations with reasonable grounds for merger, dissolution or abolition of the money lending business) within the period set forth in the preceding item, and that was in the position during the period from the day 30 days prior to the day on which the notice under the preceding item has been given until the day on which the merger, dissolution or abolition of the corporation has been effected, if five years have yet to elapse from the day of the notification;
- (iii) an officer (meaning the officer as prescribed in Article 24-6-4, paragraph (2) of the Act; the same applies in the following item) that has been dismissed pursuant to the provisions of that paragraph, if five years have yet to elapse from the day on which the disposition has been rendered; and
- (iv) a person that resigned within the period from the day on which the notice under Article 15 of the Administrative Procedure Act related to the disposition ordering the dismissal of the officer for falling under the case set forth in Article 24-6-4, paragraph (2) of the Act has been made until the day on which the disposition was rendered or on which a decision not to render the disposition has been made, and that was to be dismissed under the order (excluding persons with reasonable grounds for the resignation), if five years have yet to elapse from the day of the resignation.

(Grounds Regarded Unlikely to Harm the Interests of the Persons Seeking Funds)

Article 5-3 The reference, in Article 6, paragraph (1), item (xiv) of the Act, to grounds specified by Cabinet Office Order means that the relevant person is subject to an order of commencement of rehabilitation proceedings or order of commencement of reorganization proceedings (excluding cases when the rehabilitation proceedings or reorganization proceedings related to the order are closed).

Article 5-3-2 (1) If the person that intends to obtain registration under Article 3, paragraph (1) of the Act is a non-profit corporation subject to special provisions, the grounds to be specified by Cabinet Office Order as referred to in Article 6, paragraph (1), item (xiv) are to be, beyond what is prescribed in the preceding Article, that the person's money lending operations satisfy all of the following requirements:

- (i) that the person does not conclude a contract for interest stipulating an interest rate exceeding 7.5 % per annum, nor does the person receive interest

based on the relevant interest rate or demand the payment thereof, in connection with any loan made by the person after the day on which the person received the relevant registration;

- (ii) that, if the person has interest income from loans made after the day on which the person received the relevant registration, the ratio of the amount of interest income from the loans made as a specified non-profit activity and the loans made for the purpose of supporting impoverished persons (meaning the impoverished persons prescribed in Article 1-2-4, paragraph (6); the same applies in the following paragraph) to the amount of interest income for each business year exceeding 50 percent;
 - (iii) that the documents or electronic or magnetic record listed in sub-items (a) through (c) are prepared, kept at the principal business office and offered for inspection when requested by the obligor, etc. or any other interested persons, until the day prescribed in each of sub-items (a) through (c) according to the category of document or electronic or magnetic record set forth in each of sub-items (a) through (c):
 - (a) a copy of the written application for registration containing the matters set forth in the items of Article 4, paragraph (1) of the Act (including an electronic or magnetic record in which the content of the information stated in the relevant written application for registration is recorded): the day on which the validity period of the registration expires;
 - (b) the inventory of property, balance sheet, income and expenditure statement, and any other documents related to the settlement of account of a corporation for each business year (including electronic or magnetic records in which the content of the information stated in these documents is recorded): the last day of the business year following the next business year of the relevant business year; and
 - (c) a document disclosing the content of each contract for the loan (the relevant contract is limited to one whose outstanding balance exceeds zero) existing as of the end of each business year (the relevant content includes the attributes of the counterparty, date of the contract, amount of the initial loan, amount of the outstanding balance as of the end of each business year, loan interest rate, and final repayment due date, and excludes any matters which can identify the obligor, etc. that is an individual), or an electronic or magnetic record in which the content of the information stated in the relevant document is recorded: the last day of the business year following the next business year of the relevant business year.
- (2) The term "non-profit corporation subject to special provisions" as used in the preceding paragraph means a person that satisfies all of the following requirements:

- (i) that the person is a nonprofit corporation;
- (ii) that the amount of net assets (meaning the amount specified in Article 5-5, paragraph (1), items (i) or paragraph (2), item (i) or (ii); the same applies in Article 26-25-2, paragraph (1), item (i) and Article 26-27-2, item (i)) is five million yen or more;
- (iii) that the loans made as specified non-profit activities or loans made for the purpose of supporting impoverished persons are the main purpose of the business, and the fact is provided in the articles of incorporation or articles of endowment;
- (iv) that the following matters are provided in the articles of incorporation or articles of endowment:
 - (a) that no distribution of surplus will be made, and no contribution refund (limited to one whose amount of refund exceeds the amount of contribution) will be made; and
 - (b) that the residual assets at the time of dissolution will vest in a corporation whose main purpose of business is to provide loans as specified non-profit activities or with the purpose of supporting impoverished persons, or the State or local public entities.

(Examination of Refusal of Registration)

Article 5-4 (1) If an application for registration under Article 3, paragraph (1) of the Act has been filed, to examine whether the applicant is found not to have developed infrastructure necessary for carrying out the money ending business properly as prescribed in Article 6, paragraph (1), item (xv), the director-general of the local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau, or prefectural governor is to examine whether the person making the application satisfies the following requirements:

- (i) that the contents of the articles of incorporation or act of endowments are in compliance with laws and regulations (limited to cases when the applicant is a corporation);
- (ii) that a person with three or more years' experience in loan servicing is among the officers engaged in day-to-day operations (if the applicant is an individual, that the applicant is a person with the experience of engaging in the loan service for three years or more);
- (iii) at least one person that has been in loan servicing for at least one year is employed as a full-time officer or employee at each business office, etc. (excluding business offices, etc. carrying out the loan operations only by unmanned automatic contract machines or automatic cash machines);
- (iv) that the money lender has provided internal rules sufficient to protect the interests of the persons seeking funds, etc. and to contribute to the proper management of the money lending business; and

- (v) that the money lender has taken measures necessary to take the measures prescribed in Article 12-2-2 of the Act.
- (2) The internal rules as referred to in item (iv) of the preceding paragraph must include provisions clarifying the system for the responsibility of the money lending operations.

Article 5-4-2 (1) Notwithstanding the provisions of the preceding Article, if the person that applies for registration under Article 3, paragraph (1) of the Act (excluding the renewal of registration under paragraph (2) of the same Article; the same applies in paragraph (3), Article 26-25-2, paragraph (2) and Article 26-29-2) is a non-profit corporation subject to special provisions (meaning the non-profit corporation subject to special provisions prescribed in Article 5-3-2, paragraph (2); the same applies hereinafter), when it is deemed certain that the money lending operations of the relevant person will satisfy all the requirements listed in the items of Article 5-3-2, paragraph (1), and when that person satisfies all of the following requirements, the director-general of a local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau, or prefectural governor is to carry out an examination, deeming that that person meets the criteria listed in the items of paragraph (1) of the preceding Article:

- (i) that the criteria listed in the items of paragraph (1) of the preceding Article (excluding items (ii) and (iii)) is met; and
 - (ii) that the person has developed a system allowing the person to receive on a timely basis the advice or guidance necessary for money lending operations from a person that has experience having engaged in loan servicing for three years or longer.
- (2) With regard to the application of Article 4, paragraph (3), item (xv) in the case set forth in the preceding paragraph, the phrase "and written business experience of each individual experienced loan servicer (meaning a person working in loan servicing for at least one year and that is assigned at each business office, etc.) for each business office, etc. (excluding business office, etc. carrying out the loan operations only by unmanned automatic contract machines or automatic cash machines; hereinafter the same applies in this item), prepared using Appended Form No. 4-2" is deemed to be replaced with "and the document stating the system set forth in in Article 5-4-2, paragraph (1), item (ii) and the written business experience of the person that has experience having engaged in loan servicing set forth in the same item for three years or longer."
- (3) If the director-general of a local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau, or prefectural governor rescinds the registration of the money lender who is deemed under paragraph (1) to meet

the criteria listed in the items of paragraph (1) of the preceding Article, or orders the suspension of the whole or a part of the business of the relevant money lender for a period not exceeding one year, pursuant to Article 24-6-4, paragraph (1) of the Act, the provisions of paragraph (1), items (ii) and (iii) of the preceding Article do not apply until the expiration date of the valid period of the relevant registration.

(Amount of Net Assets)

Article 5-5 (1) The reference, in Article 6, paragraph (4) of the Act, to the amount of net assets means the amount that each of the following items prescribes for the category set forth in the item:

- (i) a corporation: the amount indicated as the total amount of the net assets section in the balance sheet pertaining to the most recent business year or substitute documents therefor (if the most recent business year is not available, the balance sheet which is to be prepared at the time of establishment of the relevant corporation or substitute documents therefor);
 - (ii) an individual: the amount obtained by deducting the total amount of liabilities from the total amount of assets in the record on the individual's property pertaining to the most recent business year (the business year for an individual runs from January 1 to December 31 of the same year; the same applies hereinafter) (if the most recent business year is not available, the record of property set forth in Article 4, paragraph (3), item (xii)) which is prepared using Appended Form No. 4.
- (2) Notwithstanding the provisions of the preceding paragraph, the amount of net assets referred to in Article 6, paragraph (4) of the Act in a case set forth in one of the following items is the amount prescribed in that item:
- (i) if the corporation has prepared a balance sheet or substitute documents therefor pursuant to the provisions of laws and regulations or any other provisions equivalent thereto after the last day of the most recent business year: the amount indicated as the total amount of the net assets section in the relevant balance sheet or substitute documents therefor;
 - (ii) if the amount of net assets of the corporation has increased or decreased as a result of the payment for shares, distribution of surplus, acquisition of treasury shares, merger, company split or any other acts similar thereto effected after the last day of the most recent business year (if there is no most recent business year, the day of establishment of the corporation): the amount obtained by adding the amount of increase to or deducting the amount of decrease from, the amount specified in item (i) of the preceding paragraph (in the case listed in the preceding item, the amount specified in that item); and
 - (iii) if the amount of net assets of an individual has increased or decreased

upon inheritance (including testamentary gifts) or donation made after the last day of the most recent business year (if the most recent business year is not available, the date of application of the registration under Article 3, paragraph (1) of the Act): the amount obtained by adding the amount of increase to or deducting the amount of decrease from, the amount specified in item (ii) of the preceding paragraph.

(Application for Transfer of Registration)

Article 6 (1) If a money lender, after receiving the registration under Article 3, paragraph (1) of the Act, falls under any of the items of Article 7 of the Act but seeks to continue to engage in the money lending business, and seeks to newly receive the registration under Article 3, paragraph (1) of the Act, the money lender must file an application for registration via the director-general of the local finance bureau or Director-General of the Fukuoka Local Finance Branch Bureau who effected the money lender's current registration (hereinafter collectively referred to as the "competent director-general of the local finance bureau") or via the prefectural governor who effected the money lender's current registration.

(2) After effecting the registration to which an application under the preceding paragraph pertains, the competent director-general of the local finance bureau or prefectural governor must notify the director-general of the local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau, or prefectural governor who effected the previous registration of this without delay, using a written notice of transfer of registration prepared using Appended Form No. 4-6.

(Notification of Changes)

Article 7 (1) If a money lender that has been registered by the Commissioner of the Financial Services Agency seeks to make the notification under Article 8, paragraph (1) of the Act, the money lender must submit a written notification of changes prepared using Appended Form No. 5 (simply referred to as the "written notification of changes" in the following paragraph, and item (ii), sub-item (a) 3. and item (v), sub-item (c) of the following Article) to the competent director-general of the local finance bureau, accompanied by a copy of the accompanying documents referred to in paragraph (3) of that Article (simply referred to as the "accompanying documents" in the following paragraph) thereto.

(2) When a money lender that has been registered by the prefectural governor seeks to make the notification under Article 8, paragraph (1) of the Act, the money lender must submit the written notification of changes to the relevant prefectural governor, accompanied by the number of duplicate copies of the

written notification of changes and accompanying documents specified by the prefectural governor thereto.

(Accompanying Documents for a Written Notification of Changes)

Article 8 The reference, in Article 8, paragraph (3) of the Act, to documents specified by Cabinet Office Order means the following documents if the documents are certified by public agencies, limited to those prepared within three months prior to the date of application) for each of the categories of cases listed in the following items:

- (i) if the money lender has changed its trade name or name: a certificate of registered information stating the matters related to the relevant changes;
- (ii) if there were any changes to the officers (excluding persons set forth in Article 2, paragraph (1), item (iv); hereinafter the same applies in this item) of the money lender: a document in which the money lender denies falling under the case set forth in Article 6, paragraph (1), item (ix) of the Act which is prepared using Appended Form No. 1-3, and the documents that each of the following sub-items prescribes for the category of a new officer set forth in the sub-item:
 - (a) an individual: the following documents related to the person that has newly become an officer:
 - 1. the documents set forth in Article 4, paragraph (2);
 - 2. an extract of the certificate of residence of the relevant individual, or substitute documents therefor;
 - 3. if the name used before marriage is stated together with the current name in a written notification of changes, and the document set forth in 2. does not certify the name used before marriage, a document certifying the name before marriage;
 - 4. a certificate issued by a public agency providing to the effect that the relevant individual does not fall under the case set forth in Article 6, paragraph (1), item (i) or (ii) of the Act (if the individual is a foreign national, a written pledge prepared using Appended Form No. 1-2);
 - 5. a resume prepared using Appended Form No. 2;
 - 6. a document stating the name and date of birth of the relevant individual prepared using Appended Form No. 3-2;
 - (b) a corporation: a certificate of registered information related to the person that has newly become an officer, and the history prepared using Appended Form No. 2-2;
- (iii) if there were any changes to an important employee: a document in which the relevant important employee denies falling under the case set forth in Article 6, paragraph (1), item (ix) or (x) of the Act which is prepared using Appended Form No. 1-3, and the documents set forth in sub-item (a)1.

- through 6. of the preceding item related to the person that has newly become an important employee;
- (iv) if there were any changes to the head of money lending operations: a document in which the relevant head of money lending operations denies falling under the case set forth in Article 6, paragraph (1), item (xiii) of the Act which is prepared using Appended Form No. 1-3 and the documents set forth in Article 4, paragraph (3), item (xiii) and Article 8, item (ii), sub-item (a) 2., 4., and 6. related to the person that has newly become head of money lending operations;
 - (v) if there were any changes to the statutory agent of the money lender that is a minor, or to persons set forth in Article 2, paragraph (1), item (iv) (hereinafter collectively referred to as the "statutory agent" in sub-item (b)): the following documents:
 - (a) a document in which the relevant statutory agent denies falling under the case set forth in Article 6, paragraph (1), item (viii) of the Act which is prepared using Appended Form No. 1-3;
 - (b) the documents set forth in item (ii), sub-item (a) (excluding 3.) or sub-item (b) related to the person that has newly become a statutory agent; and
 - (c) if the name of the person set forth in Article 2, paragraph (1), item (iv) that was used before marriage is stated together with the person's current name in a written notification of changes, and the document set forth in item (ii), sub-item (a) 2. does not certify the person's name used before marriage, a document certifying the name before marriage;
 - (vi) if the money lender seeks to change the location of the business office, etc.: the documents set forth in Article 4, paragraph (2), item (iv) of the Act related to the new business office, etc.;
 - (vii) if there were any changes in relation to the agent office: a written agent contract related to the relevant agent office, or substitute documents therefor; and
 - (viii) in the cases listed in the preceding items, when the competent director-general of the local finance bureau or prefectural governor finds it necessary, documents that state matters necessary for verifying that the matters stated in the documents listed in the preceding items are true and correct.

(Inspection of the Money Lenders Registry)

Article 9 (1) The competent director-general of the local finance bureau is to keep a money lender register listing the money lenders registered thereby at the Local Finance Bureau which has jurisdiction over the location of the principal business office, etc. of the money lender (if the location is within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the Fukuoka Local Finance Branch Bureau), and make it available for public

inspection.

- (2) The money lender register listing the money lenders registered by the prefectural governor is to be made available for public inspection as provided by the relevant prefectural governor.

(Notification of Discontinuance of Business)

Article 10 (1) A person seeking to make the notification under Article 10, paragraph (1) of the Act to the Commissioner of the Financial Services Agency must submit a written notification of discontinuance of business, etc. prepared using Appended Form No. 6 (simply referred to as the "written notification of discontinuance of business, etc." in the following paragraph) to the director-general of the local finance bureau or Director-General of the Fukuoka Local Finance Branch Bureau that effected the registration under paragraph (2) of that Article, accompanied by a copy of the documents specified in the following items for each of the categories of cases listed in those items:

- (i) if the money lender has died: a certificate of seal impression (limited to those prepared within three months prior to the date of notification; the same applies in item (v)), and transcript of the family register of the person seeking to make the notification (hereinafter referred to as the "notifier" in this paragraph), transcript of the register of removal from a register pertaining to the relevant money lender, and a copy of the document evidencing the selection of the person to succeed to the money lending business (if there are two or more heirs, limited to cases when a person to succeed to the money lending business is selected);
- (ii) if the corporation has extinguished as a result of a merger (in cases of an association or foundation without legal personality, acts equivalent to merger; the same applies in item (iv)): a copy of certificate of registered information of the corporation that extinguished and the written merger agreement (in cases of an association or foundation without legal personality, a copy of the documents equivalent to a written merger agreement);
- (iii) if an order for commencement of bankruptcy proceedings was made upon the money lender: a copy of the document evidencing that the court has selected the notifier as the bankruptcy trustee;
- (iv) if the corporation has dissolved on grounds other than a merger or order for commencement of bankruptcy proceedings (in cases of an association or foundation without legal personality, acts equivalent to dissolution): a certificate of registered information related to the liquidator (in cases of an association or foundation without legal personality, a document evidencing that the notifier was the representative person or administrator thereof); and
- (v) if the money lender discontinued its money lending business: the certificate of seal impression of the notifier.

(2) A person seeking to make the notification to a prefectural governor under Article 10, paragraph (1) of the Act must submit the written notification of discontinuance of business, etc. to the relevant prefectural governor, accompanied by the number of duplicate copies of the written notification of discontinuance of business, etc. specified by the relevant prefectural governor, and the documents specified in the items of the preceding paragraph for each of the categories of cases listed in those items.

(Measures for Safety Management of Information on Persons Seeking Funds that are Individuals)

Article 10-2 If the money lender entrusts the safety management of information on persons seeking funds, etc. that are individuals handled thereby, supervision of workers, and the handling of the information, the relevant money lender must take necessary and appropriate measures to prevent the leakage, loss or damage to the information, in relation to the supervision of the entrusted entity.

(Handling of Information on Repayment Capacity)

Article 10-3 A money lender must take measures to ensure that the information about individual persons seeking funds', etc. capacities to repay borrowings with which an organization handling credit information (meaning those that collect information on the repayment capacity for borrowings of the person seeking funds, etc. and provides the information to money lenders; the same applies in Article 12-2, Article 13, and Article 30-14, paragraph (1), item (i)) provides it is not used for a purpose other than to investigate the repayment capacities of persons seeking funds, etc.

(Handling of Special Non-Disclosure Information)

Article 10-4 A money lender must take measures to ensure that the information on race, creed, family origin, registered domicile, medical care, or criminal records of an individual person seeking funds, etc. or any other special non-disclosure information (meaning information which came to its knowledge in the course of business but has not been disclosed) handled thereby is not used for a purpose other than to ensure proper management of business or any other purpose found necessary.

(Measures to Ensure Appropriate Execution of Business to be Entrusted)

Article 10-5 If a money lender entrusts the money lending operation to a third party, the money lender must take the following measures according to the contents of the business:

(i) measures to entrust the relevant business to a person that has the ability to

- carry out the business in an appropriate, fair and efficient way;
- (ii) measures to implement necessary and appropriate supervision over the person entrusted with the relevant business (hereinafter referred to as the "entrusted person" in this Article), such as observing whether the entrusted person is executing the business appropriately and having the entrusted person make improvements as necessary, by confirming the status of implementation of the business by the entrusted person on a regular or as-needed basis;
 - (iii) measures necessary for the appropriate and prompt processing of the complaints from the person seeking funds, etc. related to the relevant business conducted by the entrusted person;
 - (iv) if any situations that hinders the entrusted person's appropriate execution of the business occurs, measures to prevent the occurrence of hindrance to the protection of persons seeking funds, etc. related to the business, such as the prompt entrustment of the business to another appropriate third party; and
 - (v) if it is necessary for the assurance of sound and appropriate management of the money lender's business or for the protection of persons seeking funds, etc. related to the business, measures to take necessary measures, such as the changes to or cancellation of the contract on entrustment of the business.

(Internal Rules)

Article 10-6 A money lender must, according to the content and method of business conducted thereby, provide internal rules, etc. (meaning internal rules and any other rules equivalent thereto; hereinafter the same applies in this Article) concerning the explanation of important matters to person seeking funds, etc. based on the knowledge, experience and status of property of the persons seeking funds, etc. or any other measures to ensure the sound and appropriate management of business (including the delivery of documents, explanation of the contents of the loan product or transaction by any other appropriate method, and measures to prevent crime), and develop trainings for its workers and other system sufficient for the business to be managed based on the relevant internal rules, etc.

(Complaint Processing Measures and Dispute Resolution Measures for Money Lending Operations)

Article 10-6-2 (1) The reference, in Article 12-2-2, paragraph (1), item (ii) of the Act, to measures that Cabinet Office Order specifies as constituting complaint processing measures means any of the following:

- (i) that the relevant person takes all of the following measures:
 - (a) establishing a system for business operation sufficient to execute the

- business of processing complaints related to money lending operations (meaning the complaints related to money lending operations as defined in Article 2, paragraph (20) of the Act; hereinafter the same applies in this paragraph and paragraph (3)) in a fair and appropriate manner;
- (b) establishing internal rules for the fair and appropriate execution of the business of processing complaints related to money lending operations (limited to the internal rules including the provisions clarifying the shared responsibilities in the company with regard to the business);
- (c) informing persons seeking funds, etc. (meaning persons seeking funds, etc. as prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act) of the entity with which complaints related to money lending operations are to be filed, and making public the system for business operation as provided in sub-item (a) and the internal rules provided in sub-item (b);
- (ii) that the relevant person works to process complaints related to money lending operations by the settlement of complaints carried out by the money lenders association pursuant to the provisions of Article 41-7, paragraph (1) of the Act;
- (iii) that the relevant person works to process complaints related to money lending operations through the mediation referred to in Article 19, paragraph (1) or Article 25 of the Consumer Basic Act (Act No. 78 of 1968);
- (iv) that the relevant person works to process complaints related to money lending operations through the procedures of processing complaints implemented by the person that has obtained the designation listed in the items of Article 4-2 of the Order; or
- (v) that the relevant person works to process complaints related to money lending operations through the procedures of processing complaints implemented by the corporation (meaning the corporation as prescribed in Article 41-39, paragraph (1), item (i) of the Act; the same applies in item (iv) of the following paragraph) with financial basis and personnel structure sufficient to execute the business of processing complaints related to money lending operations in a fair and appropriate manner.
- (2) The reference, in Article 12-2-2, paragraph (1), item (ii) of the Act, to measures that Cabinet Office Order specifies as constituting dispute resolution measures means any of the following:
- (i) working to resolve disputes related to money lending operations (meaning disputes related to money lending operations as prescribed in Article 2, paragraph (21) of the Act; hereinafter the same applies in this Article) through mediation by an organization provided for in the articles of association referred to in Article 33, paragraph (1) of the Attorney Act (Act No. 205 of 1949) or rules provided pursuant to the provisions of the relevant articles of association, or through the arbitration procedure by the

- organization;
- (ii) working to resolve disputes related to money lending operations through mediation provided for in Article 19, paragraph (1) or Article 25 of the Consumer Basic Act, or through a settlement through agreement as prescribed in that Article;
 - (iii) working to resolve disputes related to money lending operations through dispute resolution procedures implemented by a person that has been designated as set forth in the items of Article 4-2 of the Order; or
 - (iv) working to resolve disputes related to money lending operations through complaint processing procedures implemented by the corporation with a sufficient financial basis and personnel structure to execute the business of resolving disputes related to money lending operations in a fair and appropriate manner.
- (3) Notwithstanding the provisions of the preceding two paragraph (limited to paragraph (1), item (v), and item (iv) of the preceding paragraph), a money lender must not process a complaint related to money lending operations or to resolve a dispute related to money lending operations through procedures implemented by a corporation falling under one of the following categories:
- (i) a corporation that has been sentenced to a fine for having violated the provisions of this Act or the Attorney Act, if five years have not elapsed since the day on which execution of the sentence has been completed or the sentence has become no longer applicable;
 - (ii) a corporation whose designation under Article 41-39, paragraph (1) of the Act has been rescinded pursuant to Article 41-61, paragraph (1) of the Act, if five years have not elapsed from the day of rescission, or a corporation whose designation listed in the items of Article 4-2 of the Order has been rescinded, if five years have not elapsed from the day of rescission;
 - (iii) a corporation with a managing officer (meaning the officers as prescribed in Article 41-39, paragraph (1), item (iv) of the Act; hereinafter the same applies in this item) falling any of the following categories:
 - (a) a person that has been sentenced to imprisonment without work or a more severe punishment, or a fine for having violated the provisions of this Act or the Attorney Act, if five years have not elapsed since the day on which execution of the sentence has been completed or the sentence has become no longer applicable;
 - (b) with regard to a corporation whose designation under Article 41-39, paragraph (1) of the Act is rescinded pursuant to Article 41-61, paragraph (1) of the Act, a person that was an officer of the corporation within 30 days prior to the day of rescission if five years have not elapsed from the day of rescission, or with regard to a corporation whose designation listed in the items of Article 4-2 of the Order is rescinded, if five years have not

elapsed from the day of rescission, a person that was an officer of the corporation within 30 days prior to the day of rescission if five years have not elapsed from the day of rescission.

(Assigning Heads of Money Lending Operations)

Article 10-7 When a money lender assigns a head of money lending operations to a business office, etc. pursuant to the provisions of Article 12-3, paragraph (1) of the Act, the head of money lending operations must be a person not falling under any of the following items; provided, however, that, this does not apply to cases when the head of money lending operations is to be assigned to a business office, etc. that carries out loan operations only through unmanned automatic contract machines or automatic cash machines, or to an agent office (limited to if the relevant agent office is a money lender):

- (i) that the relevant person is not a person that regularly works at the relevant business office, etc.;
- (ii) that the relevant person is registered in the money lender register as head of money lending operations at another business office, etc., if the notification under Article 8, paragraph (1) of the Act has not been made.

(Reference, in Article 12-3, Paragraph (1) of the Act, to a Number Specified by Cabinet Office Order)

Article 10-8 The reference, in Article 12-3, paragraph (1), item (i) of the Act, to a number specified by Cabinet Office Order means the number at which the heads of money lending operations come to constitute two percent or more of the persons engaged in money lending operations at the business office, etc.

(Forms of Identification Cards)

Article 10-9 (1) The identification card referred to in Article 12-4, paragraph (1) of the Act is one that gives the matters specified in the following items for each of the categories of cases listed in those items, and that bears the photograph of the worker:

- (i) if the worker engages in the money lending operation of the money lender (excluding cases falling under the following item):
 - (a) the trade name, name, address and registration number of the money lender (entry of the registration number in parentheses may be omitted);
 - (b) the name of the worker;
 - (c) the number of the certificate;
- (ii) if the worker engages in the money lending operation under the entrustment from the money lender (including cases when acting as an agent for the money lending business under the entrustment of the money lender):
 - (a) the trade name, name, address and registration number of the money

- lender that entrusted the money lending operation (entry of the registration number in parentheses may be omitted);
 - (b) the trade name, name, and address of the person entrusted with the money lending operation from the relevant money lender, as well as the registration number if the entrusted person is a money lender (entry of the registration number in parentheses may be omitted);
 - (c) the fact that the relevant money lender has entrusted the money lending operation;
 - (d) the name of the worker; and
 - (e) the number of the certificate.
- (2) The money lending operations as referred to in Article 12-4, paragraph (1) of the Act do not include operations it carries out for advertising alone without also soliciting people's business, nor operations it carries out without meeting the person seeking funds, etc. at its business office, etc.
- (3) A worker must present the identification card prescribed in paragraph (1) to the other party when requested by the other party upon implementing the money lending operation.

(Matters to be Stated in the Roster of Employees)

Article 10-9-2 (1) The reference, in Article 12-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order, means:

- (i) the date of birth of the employee;
 - (ii) contents of the major duties of the employee;
 - (iii) whether or not the employee is a head of money lending operations;
 - (iv) if the employee is a head of money lending operations, the registration number thereof;
 - (v) the date on which the employee became the employee of the relevant business office, etc.;
 - (vi) if the employee has ceased to be the employee of the relevant business office, etc., the date thereof;
 - (vii) whether the employee has been in the loan servicing referred to in Article 5-4, paragraph (1), item (iii) for at least one year (limited to persons that are full-time officers or employees).
- (2) In terms of format, the roster of employees referred to in Article 12-4, paragraph (2) of the Act is to be based on Appended Form No. 6-2.
- (3) The money lender must preserve the roster of employees referred to in Article 12-4, paragraph (2) of the Act for 10 years from the day on which the latest statement has been made.

(Restrictions on Conclusion of Life Insurance Contracts)

Article 10-10 The reference, in Article 12-7 of the Act, to contracts specified by

Cabinet Office Order means:

- (i) loan contracts for funds necessary for building or purchasing housing (meaning buildings for residential purposes (including those with part for business purpose); hereinafter the same applies in this item) (including funds necessary for the acquisition of lands for housing or for the acquisition of land leasehold rights), or for funds necessary for the improvement of housing;
- (ii) if the loan under the preceding items are planned to be made by the money lender itself or others, loan contracts to be made as a stopgap before the relevant loan is to be made.

(Measures to Secure Obligations Which Must Not Be Established as a Condition for Concluding a Loan Contract)

Article 10-11 The reference, in Article 12-8, paragraph (5) of the Act, to measures specified by Cabinet Office Order means providing lands, buildings, or any other property as collateral to secure obligations under the loan contract.

(Preservation of Records on Confirmation of Guarantee Charges)

Article 10-12 A money lender must preserve the record referred to in Article 12-8, paragraph (7) of the Act until the final repayment due date provided in the loan contract set forth in paragraph (6) of that Article (if the claim under the loan contract has extinguished upon performance or on any other grounds, the day on which the claim extinguished (if the loan contract is a basic contract for a revolving credit loan or a contract for a revolving credit loan, the day of cancellation of the basic contract for a revolving credit loan or among the final repayment due dates provided in all the contracts for revolving credit loans under the basic contract for a revolving credit loan, the latest date (if all the claims under these contracts have extinguished upon performance or any other grounds, the day on which the claims have extinguished), whichever comes later)).

(Contracts for Guarantee Charges Which Must Not Be Established as a Condition for Concluding a Loan Contract)

Article 10-13 The reference, in Article 12-8, paragraph (8) of the Act, to a contract for guarantee charges specified by Cabinet Office Order means a contract for guarantee charges in which a guarantee business operator provides a guarantee by having the obligation under the loan contract (limited to those of which the amount of interest is not fixed (excluding cases when the interest to be paid for the principal obligation is decided by the interest rate which may fluctuate after the conclusion of the contract for interest)) as the principal obligation.

(Contract for a Revolving Guarantee Which Must Not Be Concluded With a Guarantee Business Operator)

Article 10-14 The reference, in Article 12-8, paragraph (9) of the Act, to a contract for a revolving guarantee specified by Cabinet Office Order means one of the following:

- (i) a contract for a revolving guarantee providing the maximum principal (meaning the maximum amount of principal of the principal obligation which the guarantor is to assume the responsibility of performance) exceeding the total of the amount of principal of the principal obligation actually in existence at the time of conclusion of the relevant contract for a revolving guarantee and the amount of principal of the obligation related to the loan contract which is expected to arise after the conclusion of the relevant contract for a revolving guarantee (limited to the amount of principal which is within the scope found to be reasonable in light of the status of the borrowing of funds of the principal obligor by the time of concluding the relevant contract for a revolving guarantee or the assets held by the principal obligor at the time of concluding the relevant contract for a revolving guarantee);
- (ii) a contract for a revolving guarantee fixing a day after the day on which three years have elapsed from the date of conclusion of the contract for a revolving guarantee as the principal determination date, or a contract for a revolving guarantee with no provisions on principal determination date.

(Juridical Act Found Not to Accompany Additional Services for Intermediary)

Article 10-15 The reference in Article 12-8, paragraph (10) of the Act, to juridical acts specified by Cabinet Office Order means any of the following:

- (i) a refinancing (limited to those made between the same money lender and obligor) made after the conclusion of a loan contract (limited to those concluded through money brokerage; the same applies in the following item) which is found not to accompany any additional services; and
- (ii) conclusion of a new loan contract (limited to those made between the same money lender and obligor) made after the termination of the loan contract, which is found not to accompany any additional services.

(Exceptions to Obligations to Use Credit Information Held by a Designated Credit Bureau)

Article 10-16 The reference, in Article 13, paragraph (2) of the Act, to a contract for a loan specified by Cabinet Office Order means:

- (i) a contract for a revolving credit loan; and
- (ii) the contracts set forth in Article 1-2-3, items (ii) through (v).

Article 10-16-2 If a money lender is a specified non-profit finance corporation (meaning the specified non-profit finance corporation prescribed in Article 1-2-4, paragraph (2); the same applies hereinafter), the reference, in Article 13, paragraph (2) of the Act, to a contract for a loan specified by Cabinet Office Order means a specified loan contract (meaning the specified loan contract prescribed in Article 1-2-4, paragraph (3); the same applies hereinafter) and a guarantee contract pertaining to the relevant specified loan contract, beyond what is listed in the items of the preceding Article.

(Documents Containing the Matters That Disclose Financial Resources)

Article 10-17 (1) The reference, in the main clause and proviso to Article 13, paragraph (3) of the Act (including if these provisions are applied mutatis mutandis pursuant to paragraph (5) of that Article) and the main clause of Article 13-3, paragraph (3) of the Act, to documents or electronic or magnetic records specified by Cabinet Office Order means the following documents or copies thereof (if the documents are prepared in the form of an electronic or magnetic record in lieu of a written document, including the electronic or magnetic record; hereinafter collectively referred to as the "documents, etc." in this paragraph); provided, however, that, if there were changes to the place of work of the individual customer (meaning the individual customer as defined in Article 13, paragraph (3) of the Act; the same applies hereinafter), or to the financial resources of the relevant individual customer which are to be disclosed by the document, etc., limited to documents, etc. that disclose the financial resources after the change:

- (i) withholding records (meaning the withholding records as prescribed in Article 13, paragraph (3) of the Act);
- (ii) payment record;
- (iii) salary payment description;
- (iv) final returns;
- (v) financial statement for blue return;
- (vi) statement of earnings and expenditures;
- (vii) notification of tax;
- (vii)-2 certificate of tax payment;
- (viii) income certificate;
- (ix) pension certificate;
- (x) pension notice;
- (xi) the documents set forth in the preceding items related to the spouse of the individual customer (including a person involved with the individual customer is the same as a marital relationship for all practical purposes, even if no marriage has been registered; the same applies hereinafter)

(limited to cases when the individual customer seeks to conclude the contract set forth in Article 10-23, paragraph (1), item (iii), or has concluded the contract set forth in that item (limited to a basic contract for a revolving credit loan), or when the spouse of the individual customer has concluded the contract set forth in that item).

- (2) The documents listed in the items of the preceding paragraph (excluding the document listed in item (ix) of the same paragraph and the document listed in item (xi) of the same paragraph (limited only to one pertaining to item (ix) of the same paragraph)) must satisfy the requirements set forth in the following items for each of the categories of documents listed in those items:
- (i) the documents listed in items (i), (ii) and (x) of the preceding paragraph and the document listed in item (xi) of the same paragraph (limited to one pertaining to items (i), (ii) and (x) of the same paragraph): that these documents pertain to the most recent period at which these documents are to be issued in general;
 - (ii) the document listed in item (iii) of the preceding paragraph and the document listed in item (xi) of the same paragraph (limited to one pertaining to item (iii) of the same paragraph): that these documents are from the latest two months or longer (if the latest amount of the annual salary is calculated by the method listed in Article 10-22, paragraph (2), item (iii), the latest ones);
 - (iii) the documents listed in items (iv) through (vi) of the preceding paragraph and the document listed in (xi) of the same paragraph (limited to one pertaining to items (iv) through (vi) of the same paragraph): that these documents pertain to the most recent period at which these documents are normally submitted (if the base amount (meaning the base amount prescribed in Article 13-2, paragraph (2) of the Act; the same applies in the following item) is calculated using the amount of business income (meaning the amount of business income prescribed in Article 27, paragraph (2) of the Income Tax Act (Act No. 33 of 1965); the same applies in the following item and Article 10-22, paragraph (1), item (iv)) in a continuous period containing the relevant most recent period); and
 - (iv) the documents listed in items (vii) through (viii) of the preceding paragraph and the document listed in (xi) of the same paragraph (limited to one pertaining to items (vii) through (viii) of the same paragraph): that these documents pertain to the most recent period at which these documents are to be issued in general (if the base amount is calculated using the amount of business income in a continuous period containing the relevant most recent period, the relevant continuous period containing the relevant most recent period).
- (3) Notwithstanding the provisions of the proviso to paragraph (1), if the relevant

individual customer (in cases when related to the documents set forth in item (xi) of that paragraph, the spouse of the individual customer) satisfies all of the following requirements, the customer may use the documents, etc. prescribed in the main clause of that paragraph:

- (i) that the work of place after the change is confirmed; and
- (ii) that the individual customer has not been paid salary for two months or more from the work of place after the change.

(Preparation of Records on the Investigation on the Repayment Capacity in the Case of a Conclusion of a Contract for a Loan)

Article 10-18 (1) Pursuant to the provisions of Article 13, paragraph (4) of the Act, a money lender must prepare a record of the following matters for each customer, etc.:

- (i) the date of contract;
- (ii) the date on which the money lender was submitted or provided with the documents, etc. prescribed in paragraph (1) of the preceding Article from the customer, etc.;
- (iii) the result of the investigation on the financial resources of the customer, etc.;
- (iv) the results of the investigation on the situation of borrowings of the customer, etc. (including the results of the investigation made by using the credit information held by a designated credit bureau, pursuant to the provisions of Article 13, paragraph (2) of the Act); and
- (v) other documents used for the investigation under Article 13, paragraph (1) of the Act or the copy thereof (if the documents are made in the form of an electronic or magnetic record in lieu of the preparation of the documents, including the electronic or magnetic record; the same applies hereinafter).

(2) A money lender must preserve the record prescribed in the preceding paragraph (if the money lender has been submitted or provided with the documents, etc. prescribed in paragraph (1) of the preceding Article pursuant to the provisions of Article 13, paragraph (3) of the Act, the documents, etc. or electronic or magnetic records in which the content of the information stated in the relevant documents, etc. (limited to documents or the copy thereof) is recorded are included) until the day that each of the following items prescribes for the category of contract for a loan set forth in the item:

- (i) a loan contract: the final repayment due date provided in the relevant loan contract (if the claim under the relevant loan contract has extinguished upon performance or on any other grounds, the day on which the claim has extinguished (if the relevant loan contract is a basic contract for a revolving credit loan or a contract or revolving credit loan, the day of cancellation of the basic contract for a revolving credit loan, or, among the final repayment

due dates provided in all the contracts for revolving credit loans under the basic contract for a revolving credit loan, the latest date (if all the claims under these contracts have extinguished upon performance or on any other grounds, the day on which the claims have extinguished), whichever comes later)).

- (ii) a guarantee contract for a loan contract: the day specified in the preceding item, or the day on which the obligation under the relevant guarantee contract has extinguished, whichever comes earlier.

(Cases When the Protection of the Interests of the Counterparty to the Basic Contract of a Revolving Credit Loan Are Not Hindered)

Article 10-19 The reference, in Article 13, paragraph (5) of the Act, to a case specified by Cabinet Office Order means if it has become possible for the maximum amount (if the money lender has made available to the counterparty to the basic contract for a revolving credit loan an amount smaller than the maximum amount as an upper limit on outstanding balance of principal of the revolving credit loan under the basic contract for a revolving credit loan, that smaller amount; hereinafter the same applies in this Article, paragraph (1), item (i) of the following Article, Article 10-23, paragraph (1), item (ii)-2, sub-item (b) 1 and 2, Article 10-28, paragraph (4), item (i) and Article 10-29, item (i)) which has been temporarily decreased because it was not possible to contact the counterparty to the basic contract for a revolving credit loan (excluding cases when the decrease has been made due to the decline in the repayment capacity of the relevant counterparty), to be increased to the amount that it was before the decrease thereof because it became possible to contact the counterparty.

(Preparation of Records on the Investigation on the Repayment Capacity if the Maximum Amount Under the Basic Contract for a Revolving Credit Loan is Increased)

Article 10-20 (1) Pursuant to the provisions of Article 13, paragraph (4) of the Act as applied mutatis mutandis pursuant to paragraph (5) of that Article, a money lender must prepare a record on the following matters for each obligor:

- (i) the date on which the maximum amount was increased;
- (ii) the date on which the documents, etc. prescribed in Article 10-17, paragraph (1) from the relevant obligor is submitted or provided to the Money Lender;
- (iii) the results of the investigation on the financial resource of the relevant obligor;
- (iv) the results of the investigation on the situation of borrowings of the relevant obligor (including the results of the investigation made by using the

- credit information held by a designated credit bureau, pursuant to the provisions of Article 13, paragraph (2) of the Act as applied mutatis mutandis pursuant to paragraph (5) of that Article); and
- (v) other documents used for the investigation under Article 13, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (5) of that Article, or the copy thereof.
- (2) A money lender must preserve the record prescribed in the preceding paragraph (if the documents, etc. prescribed in Article 10-17, paragraph (1) pursuant to the provisions of Article 13, paragraph (3) of the Act as applied mutatis mutandis pursuant to paragraph (5) of that Article is submitted or provided to the money lender, the documents, etc. or electronic or magnetic records in which the content of the information stated in the documents, etc. (limited to documents or the copy thereof) is recorded are included) by the day of cancellation of the basic contract for a revolving credit loan, or, among the final repayment due dates provided in all the contracts for revolving credit loans under the basic contract for a revolving credit loan, the latest date (if all the claims under these contracts have extinguished upon performance or on any other grounds, the day on which the claims have extinguished), whichever comes later.

(Contracts Excluded from the Category of Excessive Loan Contract for an Individual Customer)

- Article 10-21 (1) The reference, in Article 13-2, paragraph (2) of the Act, to contracts specified by Cabinet Office Order means:
- (i) loan contracts for funds necessary for building or purchasing real property (including funds necessary for the acquisition of land leasehold rights) or funds necessary for the improvement of real property;
- (ii) loan contracts to be made as a stopgap until the loan related to the contract set forth in the preceding item is made by the money lender themselves or others;
- (iii) among the loan contracts of funds necessary for the purchase of a vehicle, those in which the ownership of the relevant vehicle is acquired by the money lender or the relevant vehicle is the subject matter of the collateral upon the transfer thereof;
- (iv) loan contracts of funds necessary for the payment of any of the following medical care benefit for the individual customer or the relatives of the relevant individual customer that share the same livelihood with the individual customer:
- (a) the high cost medical care benefit as referred to in Article 115, paragraph (1) and Article 147 of the Health Insurance Act (Act No. 70 of 1922);
- (b) the high cost medical care benefit as referred to in Article 31-6,

- paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939);
- (c) the high cost medical care benefit as referred to in Article 60-2, paragraph (1) of the National Public Officers Mutual Aid Association Act (Act No. 128 of 1958) (including the cases when it is applied mutatis mutandis pursuant to Article 25 of the Private School Personnel Mutual Aid Association Act (Act No. 245 of 1953));
 - (d) the high cost medical care benefit as referred to in Article 57-2, paragraph (1) of the National Health Insurance Act (Act No. 192 of 1958);
 - (e) the high cost medical care benefit as referred to in Article 62-2, paragraph (1) of the Local Public Officer Mutual Aid Association Act (Act No. 152 of 1962); and
 - (f) the high cost medical care benefit as referred to in Article 84, paragraph (1) of the Act on Assurance of Medical Care for Elderly (Act No. 80 of 1982); and
- (v) loan contracts secured on the securities prescribed in Article 2, paragraph (1) of the Financial Instruments and Exchange Act (including rights deemed to be securities pursuant to paragraph (2) of that Article) which are listed in the following sub-items (including loan contracts of funds necessary for purchasing the securities for collateral, and limited to those of which the amount of loan is within the scope of market value of the relevant securities at the time of conclusion of the loan contract):
- (a) the securities set forth in Article 2, paragraph (1), items (i) through (iii), (x) or (xi) of the Financial Instruments and Exchange Act; or
 - (b) the securities set forth in the items of Article 27-2 of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965) (excluding the securities listed in Article 2, paragraph (1), item (xi) of the Financial Instruments and Exchange Act and those pertaining to the relevant securities);
- (vi) loan contracts secured on real property (including land leasehold rights and excluding the residence, lands for the purpose of residence or land leasehold rights of the individual customer or persons that provide the collateral, or those indispensable for maintaining the livelihood of the relevant individual customer or persons that provide collateral), and which are found not to exceed the repayment capacity of the individual customer (limited to the loan contracts for which the amount of loan is within the scope of the price of the real property (meaning appraised and estimated value, posted price, road ratings, assessed value of fixed assets tax (meaning the price registered in the land tax ledger or supplemental land tax ledger pursuant to the provisions of Article 381, paragraph (1) or (2) of the Local Tax Act (Act No. 226 of 1950)) or amounts calculated in a reasonable manner based on any other materials; hereinafter the same applies in this paragraph

- and the following paragraph));
- (vii) loan contracts for which the performance will be made by the proceeds of the sale of the individual customer's real property (including land leasehold rights) planned for sale, which are found not to exceed the repayment capacity of the relevant individual customer (limited to loan contracts for which the amount of loan is within the scope of the price of the real property at the time of conclusion of the relevant loan contract, and excluding those found to impair the living of the individual customer after the sales of the real property); and
 - (viii) the contracts set forth in Article 1-2-3, items (ii) through (v).
- (2) If a money lender has concluded the loan contracts set forth in items (i) through (vii) of the preceding paragraph, the money lender must preserve the documents specified in the following items for each of the categories of loan contracts listed in those items, or the copy thereof, or electronic or magnetic records in which the content of the information stated in the relevant documents is recorded, until the final repayment due date provided in the relevant loan contract (if the claim under the loan contract has extinguished upon performance or on any other grounds, the day on which the claim extinguished (if the loan contract is a basic contract for a revolving credit loan or a contract for a revolving credit loan, the day of cancellation of the basic contract for a revolving credit loan, or, among the final repayment due dates provided in all the contracts for revolving credit loans under the basic contract for a revolving credit loan, the latest date (if all the claims under these contracts have extinguished upon performance or on any other grounds, the day on which the claims have extinguished), whichever comes later)):
- (i) the loan contracts set forth in item (i) or (ii) of the preceding paragraph: the written sales contract of the real property (including land leasehold rights) or the written contract for construction work or any other documents evidencing that the concluded contracts fall under the contracts set forth in item (i) or (ii) of the preceding paragraph respectively;
 - (ii) the loan contracts set forth in item (iii) of the preceding paragraph: the following documents:
 - (a) the written sales contract of the relevant vehicle; and
 - (b) the vehicle registration card of the relevant vehicle; and
 - (iii) the loan contracts set forth in item (iv) of the preceding paragraph: a bill or written estimate of the medical care benefit from a medical institution.
 - (iv) the loan contracts set forth in item (v) of the preceding paragraph: documents stating the class, issue, volume and value of the securities which are the collateral;
 - (v) the loan contracts set forth in item (vi) of the preceding paragraph: the following documents:

- (a) a document stating the grounds for calculation of the price of the relevant real property;
- (b) the certificate of registered information of the relevant real property; and
- (c) a written consent of the relevant individual customer or person that provides the collateral for the possibility of the sales of the relevant real property if the security interest is exercised;
- (vi) the loan contracts set forth in item (vii) of the preceding paragraph: the following documents:
 - (a) a document stating the grounds for calculation of the price of the relevant real property; and
 - (b) a written sales contract of the relevant real property or written intermediary contract for the sales thereof;

Article 10-21-2 If a money lender is a specified non-profit finance corporation, the reference, in Article 13-2, paragraph (2) of the Act, to a contract specified by Cabinet Office Order means a specified loan contract, beyond the contracts listed in the items of paragraph (1) of the preceding Article.

(Amount of Regular Incomes Similar to Annual Salary)

Article 10-22 (1) The reference, in Article 13-2, paragraph (2) of the Act, to an amount that Cabinet Office Order specifies as constituting an amount of regular income that is similar to an annual salary, means:

- (i) the annual amount of pension;
- (ii) the annual amount of public officers pensions;
- (iii) the annual amount of the lease revenue (excluding cases when conducted as business) for real property to be received in the course of trade;
- (iv) the annual amount of business income (limited to one that is considered stable in light of the status of past business income);
- (2) The amount of annual salary and regular income similar thereto which are referred to in Article 13-2, paragraph (2) of the Act are calculated in one of the following ways:
 - (i) by using the documents, etc. prescribed in Article 10-17, paragraph (1) of the Act (excluding those related to the document set forth in items (iii) and (xi) of that paragraph);
 - (ii) by multiplying the average amount per month of the amount of salary (excluding bonuses) for the latest two months or more which is stated in the documents, etc. prescribed in Article 10-17, paragraph (1) (limited to those related to the document set forth in item (iii) of that paragraph; hereinafter the same applies in this Article), by 12; or
 - (iii) by calculating these in a reasonable manner based on the amount of local tax stated in the documents, etc. prescribed in Article 10-17, paragraph (1).

- (3) If the amount of annual salary is calculated by the method set forth in item (ii) of the preceding paragraph, and when the amount of bonus within the past one year is confirmed by the documents, etc. prescribed in Article 10-17, paragraph (1), the amount of bonus is included in the amount of annual salary.

(Contracts Which Will Not Hinder the Protection of the Interests of Individual Customers)

Article 10-23 (1) The reference, in Article 13-2, paragraph (2) of the Act, to contracts that Cabinet Office Order specifies as not hindering the protection of the individual customer's interests, means:

- (i) loan contracts of funds necessary for the individual customer that already bear obligations to make the performance of the obligations, which satisfy all of the following requirements:
- (a) that the monthly burden under the relevant loan contract does not exceed the monthly burden under the relevant obligation;
 - (b) that the total of the total repayment amount to be paid in the future under the relevant loan contract and the total amount of money other than the principal and interest to be borne by the relevant individual customer in relation to the conclusion of the loan contract does not exceed the total repayment amount to be paid in the future under the relevant obligation;
 - (c) that the relevant individual customer is not required to provide physical collateral beyond the physical collateral provided for the relevant obligation;
 - (d) that, when requiring the provision of physical collateral for claims under the relevant loan contract, the condition of the relevant physical collateral is not disadvantageous to the person that provides the physical collateral compared to the conditions of the physical collateral which had been provided for the relevant obligation;
 - (e) that no person other than the guarantor of the guarantee contract for the relevant obligation is made the guarantor of the guarantee contract for the relevant loan contract;
 - (f) that, when a guarantee contract is to be concluded for the relevant loan contract, the conditions of the relevant guarantee contract are not disadvantageous to the guarantor compared to the conditions of the guarantee contract for the relevant obligation;
- (i)-2 loan contracts of funds necessary for the individual customer that already bear obligations to make the performance of the obligations, which satisfy all of the following requirements:
- (a) that all the obligations to be repaid by the individual customer are the obligations owed under the loan contract concluded between the individual customer and a money lender, and that the creditor of the relevant

- obligations is a money lender or person deemed to be a money lender under Article 43 of the Act (the creditor is referred to as a "deemed money lender" in item (i)-2, sub-item (b) of the following paragraph);
- (b) that the loan interest rate under the loan contract does not exceed the loan interest rate under the loan contract for the obligations to be repaid by the individual customer (if there are two or more loan contracts for the obligations to be repaid by the individual customer, the loan interest rate weight-averaged by the outstanding balance of the loan (in cases of a revolving credit loan under a basic contract for a revolving credit loan, the total amount of outstanding balance of the revolving credit loan under the relevant basic contract for a revolving credit loan; the same applies in sub-item (c)) as of the time of repayment);
 - (c) that the outstanding balance of the loan is expected to decrease in a gradual manner, through the periodical repayments under the loan contract; and
 - (d) that all the requirements listed in sub-item (a) and sub-items (c) through (f) of the preceding item are satisfied;
- (ii) loan contracts of funds necessary for the payment of medical expenses (meaning the medical expenses as prescribed in Article 73, paragraph (2) of the Income Tax Act; the same applies in the following paragraph) found to be in urgent necessity for the individual customer or the relative of the individual customer that share the same livelihood with the relevant individual customer (excluding contracts set forth in Article 10-21, paragraph (1), item (iv)), which are found not to exceed the repayment capacity of the relevant individual customer (limited to cases when the individual customer has not actually concluded the relevant loan contract);
 - (ii)-2 contracts concluded between the individual customer and a money lender as a loan contract for funds necessary for the individual customer to pay specified expenses, which satisfy all of the following requirements (hereinafter referred to as "specified urgent loan contract"):
- (a) that the contract is found to be a loan contract not to exceed the repayment capacity of the individual customer;
 - (b) that the total of the following amounts (the total is referred to as "total urgent borrowings of an individual customer" in Article 10-28, paragraph (1), item (i), sub-item (b)) does not exceed 100,000 yen:
 1. the amount of loan under the specified urgent loan contract (in cases of a basic contract for a revolving credit loan, the maximum amount);
 2. if any specified urgent loan contracts other than the relevant specified urgent loan contract are concluded with the individual customer, the total amount of the outstanding balance of the loans (in cases of a basic contract for a revolving credit loan, the maximum amount); and

3. the total amount of the outstanding balance of the loans made under specified urgent loan contracts by money lenders other than the relevant money lender to the individual customer, which were found based on the credit information provided by a designated credit bureau;
- (c) that the repayment period (in cases of a basic contract for a revolving credit loan, the repayment period of the revolving credit loan under the relevant basic contract for a revolving credit loan) does not exceed three months;
 - (iii) loan contracts to be concluded with an individual customer in which the total of the total borrowings of an individual customer (meaning the total borrowings of an individual customer defined in Article 13-2, paragraph (2) of the Act; hereinafter the same applies in this Article) pertaining to the relevant individual customer and the total borrowings of an individual customer pertaining to the spouse of the individual customer does not exceed the total of the base amount for the individual customer (meaning the base amount for the individual customer as prescribed in Article 13-2, paragraph (2) of the Act; hereinafter the same applies in this Article and Article 10-28) and the base amount for the spouse of the individual customer (meaning the base amount for the individual customer as prescribed in Article 13-2, paragraph (2) of the Act if that paragraph is applied by deeming the spouse of the individual customer as the individual customer; hereinafter the same applies in this Article and Article 10-28) (limited to cases when the consent of the spouse of the individual customer is obtained for the conclusion of the relevant contract);
 - (iv) loan contracts made to an individual customer engaged in business, which satisfy all of the following requirements:
 - (a) that the actual conditions of the relevant business are confirmed by an on-the-spot investigation, confirmation on the relevant individual customer's latest final returns or by any other method; and
 - (b) that the loan contract is found to be one which does not exceed the repayment capacity of the relevant individual customer in light of the business plan, earnings and expenditure plan, and financial plan of the relevant individual customer (if the amount of loan under the contract prescribed in this item does not exceed 1,000,000 yen, the business status, status of income and expenditure, and status of cash flow of the individual customer; the same applies hereinafter).
 - (v) loan contracts of funds necessary for an individual customer that is not currently engaged in business to newly conduct business, which satisfy all of the following requirements:
 - (a) that the loan contract is found to be the loan of funds surely to be used for

the relevant business from the business plan, earnings and expenditure plan and financial plans;

(b) that the loan contract is found to be one which does not exceed the repayment capacity of the relevant individual customer in light of the business plan, earnings and expenditure plan, and financial plan of the relevant individual customer.

(vi) loan contracts (excluding a basic contract for a revolving credit loan) to be made as a stopgap until the loan is made by a financial institution (meaning the financial institution prescribed in Article 2, paragraph (1) of the Deposit Insurance Act (Act No. 34 of 1971)) (the relevant loan is referred to as a "regular loan" in sub-item (a) and item (vi) of the following paragraph), which satisfy all of the following requirements:

(a) that it is found to be certain that a regular loan will be made; and

(b) that the repayment period does not exceed one month.

(2) If a money lender has concluded the loan contracts set forth in the items of the preceding paragraph, the money lender must preserve the documents specified in the following items for each of the categories of loan contracts listed in those items, or the copy thereof, or electronic or magnetic records in which the content of the information stated in the relevant documents is recorded, until the final repayment due date provided in the relevant loan contract (if the claim under the loan contract has extinguished upon performance or on any other grounds, the day on which the claim extinguished (if the loan contract is a basic contract for a revolving credit loan, the day of cancellation of the basic contract for a revolving credit loan, or, among the final repayment due dates provided in all the contracts for revolving credit loans under the basic contract for a revolving credit loan, the latest date (if all the claims under these contracts have extinguished upon performance or on any other grounds, the day on which the claims have extinguished), whichever comes later)):

(i) the loan contract set forth in item (i) of the preceding paragraph: the document stating the following matters:

(a) the total repayment amount to be paid in the future under the relevant loan contract;

(b) the outstanding balance of the obligations already borne by the relevant individual customer, each repayment amount under the obligation, and the total repayment amount to be paid in the future;

(c) if requiring the provision of physical collateral for the claims under the relevant loan contract, the details of the physical collateral which has been provided for the obligation already borne by the relevant individual customer; and

(d) if a guarantee contract is to be concluded for the relevant loan contract,

- the contents of the guarantee contract for the obligation already borne by the relevant individual customer;
- (i)-2 the loan contracts set forth in item (i)-2 of the preceding paragraph: the document stating the following matters:
 - (a) the loan interest rate for the loan contract;
 - (b) the outstanding balance of the obligations to be repaid by the individual customer, loan interest rate, trade name or name of the creditor, and whether the creditor is a money lender or deemed money lender;
 - (c) the date, methods and results of the investigation with regard to the existence of obligations to be repaid;
 - (d) the repayment period and the number of repayment installments under the loan contract;
 - (e) an amount allocated to the repayment of the principal, among the amount of each repayment installment under the loan contract;
 - (f) if requiring the provision of physical collateral for the claims under the relevant loan contract, the details of the physical collateral which has been provided for the obligation already borne by the relevant individual customer;
 - (g) if a guarantee contract is to be concluded for the relevant loan contract, the contents of the guarantee contract for the obligation already borne by the relevant individual customer;
 - (ii) the loan contracts set forth in item (ii) of the preceding paragraph: a bill or written estimate of the medical care benefit from a medical institution;
 - (ii)-2 specified urgent loan contracts: the following documents:
 - (a) a document stating the content of the credit information which was provided by a designated credit bureau and used to verify the amount prescribed in item (ii)-2, sub-item (b) 3;
 - (b) the document set forth in 1 or 2 below, according to the categories of expenses listed in each of 1 and 2 below:
 1. the expenses set forth in paragraph (4), item (i): the document which makes prima facie showing of the fact that the delivery of the money under the relevant specified urgent loan contract was made in a foreign state; or
 2. the expenses set forth in paragraph (4), item (ii): the receipt for the payment of the relevant expenses and other documents by which the purpose of use of the funds can be confirmed;
 - (iii) the loan contracts set forth in item (iii) of the preceding paragraph: the following documents:
 - (a) the certificate from the mayor of municipality (including the head of the special ward, and in cases of designated cities defined in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), the head of

- the ward or administratively consolidated ward) certifying the family relationship between the relevant individual customer and the spouse thereof; or an extract of the family register or a document evidencing that the relevant individual customer and the spouse thereof have not yet registered their marriage, but whose involvement is the same as a marital relationship for all practical purposes; and
- (b) a written consent of the spouse of the individual customer for the conclusion of the relevant contract;
- (iv) the loan contracts set forth in item (iv) of the preceding paragraph: the following documents:
- (a) the final return set forth in Article 10-17, paragraph (1), item (iv), financial statement for blue return set forth in item (v) of that paragraph, statement of earnings and expenses set forth in item (vi) of that paragraph, notification of tax set forth in item (vii) of that paragraph, or any other documents evidencing the confirmation of the actual condition of the business performed by the relevant individual customer;
 - (b) the business plan, earnings and expenditure plan, and financial plan of the relevant individual customer and other documents stating the reasons for finding the relevant loan contract to be a loan that does not exceed the repayment capacity of the relevant individual customer;
- (v) the loan contracts set forth in item (v) of the preceding paragraph: the business plan, earnings and expenditure plan, and financial plan of the relevant individual customer and a document stating the reasons for finding the relevant loan contract to be a loan that does not exceed the repayment capacity of the relevant individual customer;
- (vi) the loan contracts set forth in item (vi) of the preceding paragraph: any one of the following documents:
- (a) a document by which the fact that it is certain that a regular loan will be made can be confirmed (limited to one issued by the person that will make the regular loan); or
 - (b) a document stating the result of the inquiry made by a money lender to the person that will make the regular loan with regard to the fact that it is certain that the regular loan will be made.
- (3) A money lender must not conclude a loan contract (excluding the contracts set forth in the items of Article 10-21, paragraph (1) and a contract for a revolving credit loan) made to the spouse of the individual customer with whom the money lender has concluded the contract set forth in paragraph (1), item (iii), in which the total of the total borrowings of an individual customer pertaining to the spouse of the individual customer and the amount obtained by deducting the base amount for the relevant individual customer from the total borrowings of an individual customer pertaining to the relevant individual customer (if the

amount is less than zero, it is deemed to be zero) exceeds the base amount for the spouse of the individual customer (excluding the loan contracts set forth in the items of paragraph (1)).

(4) The term "specified expenses" as used in paragraph (1), item (ii)-2, the following paragraph and Article 10-28, paragraph (1), item (i) means the following expenses:

- (i) expenses that become urgently necessary in a foreign state; and
- (ii) expenses that are found to be urgently necessary in light of socially accepted conventions, beyond what is listed in the preceding item.

(5) If the specified expenses under a specified urgent loan contract are the expenses listed in item (i) of the preceding paragraph, the delivery of the money under the relevant specified urgent loan contract must take place in a foreign state.

(Requirements for the Investigation concerning the Basic Contract for a Revolving Credit Loan Exceeding the Base Amount)

Article 10-24 (1) The reference, in Article 13-3, paragraph (1) of the Act, to the requirement specified by Cabinet Office Order means that any of the following criteria have been met:

- (i) that, if the contract period of the basic contract for a revolving credit loan (excluding contracts of money loan set forth in Article 1-2-3, item (iii) or (iv) or money brokerage agreements as set forth in item (v) of that Article, or loan contracts set forth in Article 10-21, paragraph (1), items (v) through (vii)) is divided into a period from the day of conclusion of the relevant basic contract for a revolving credit loan until a certain date which is within one month after that day of conclusion, and one month periods from the day following the relevant certain date, the total amount of revolving credit loan made under the basic contract for a revolving credit loan (including the amount of revolving credit loan under a basic contract for a revolving credit loan other than the first-mentioned basic contract for a revolving credit loan, which is concluded with the individual customer that is the counterparty to the first-mentioned basic contract for a revolving credit loan) within the period which exceeds 50,000 yen (if the relevant basic contract for a revolving credit loan is a specified urgent loan contract, it is deemed to be zero), and the total amount of outstanding balance of the revolving credit loan under the relevant basic contract for a revolving credit loan (including the outstanding balance of revolving credit loan under a basic contract for a revolving credit loan other than the first-mentioned basic contract for a revolving credit loan, which is concluded with the individual customer that is the counterparty to the first-mentioned basic contract for a revolving credit loan) as of the last day of the period which exceeds 100,000 yen (if the

relevant basic contract for a revolving credit loan is a specified urgent loan contract, it is deemed to be zero); or

(ii) that the measures set forth in Article 10-25, paragraph (3), item (iii), or Article 10-28, paragraph (4), item (ii) or Article 10-29, item (ii) are to be cancelled.

(2) If the requirement set forth in item (i) of the preceding paragraph has been satisfied, a money lender must request a designated credit bureau to provide personal credit information by the day on which three weeks have elapsed from the last day of the period set forth in that item.

Article 10-24-2 With regard to the application of paragraph (1), item (i) of the preceding Article when a money lender is a specified non-profit finance corporation, the phrase "contracts of money loan set forth in Article 1-2-3, item (iii) or (iv) or money brokerage agreements as set forth in item (v) of that Article, or loan contracts set forth in Article 10-21, paragraph (1), items (v) through (vii) " is deemed to be replaced with the phrase "contracts of money loan set forth in Article 1-2-3, item (iii) or (iv) or money brokerage agreements as set forth in item (v) of that Article, loan contracts set forth in Article 10-21, paragraph (1), items (v) through (vii), or specified loan contracts."

(Regular Investigation on Basic Contract for a Revolving Credit Loan)

Article 10-25 (1) The reference, in Article 13-3, paragraph (2) of the Act, to the period specified by Cabinet Office Order means within three months.

(2) A money lender must request a designated credit bureau to provide personal credit information by the day on which three weeks have elapsed from the last day of the period prescribed in the preceding paragraph.

(3) The reference, in the proviso to Article 13-3, paragraph (2) of the Act, to cases specified by Cabinet Office Order means:

(i) cases when the total outstanding balance of the revolving credit loan under the relevant basic contract for a revolving credit loan (including the outstanding balance of the revolving credit loan under a basic contract for a revolving credit loan other than the first-mentioned basic contract for a revolving credit loan, which is concluded with the individual customer that is the counterparty to the first-mentioned basic contract for a revolving credit loan) as of the last day of the period set forth in paragraph (1) is 100,000 yen or less;

(ii) cases when the measures set forth in Article 10-28, paragraph (4), item (ii) or Article 10-29, item (ii) have been taken for the relevant basic contract for a revolving credit loan as of the last day of the period set forth in paragraph (1);

(iii) cases when the measures to suspend new revolving credit loans under the

relevant basic contract for a revolving credit loan have been taken on any of the following grounds as of the last day of the period set forth in paragraph (1):

- (a) delay in payment of principal or interest; or
- (b) any reasonable grounds other than those listed in sub-item (a) (limited to cases when the fact that the measures have been taken, date thereof, and the relevant grounds are stated in the books prescribed in Article 19 of the Act as the matters listed in Article 16, paragraph (1), item (vii)); and
- (iv) cases when the basic contract for a revolving credit loan is a contract for a money loan as set forth in Article 1-2-3, item (iii) or (iv) or a money brokerage agreement as set forth in item (v) of that Article, or a loan contract set forth in Article 10-21, paragraph (1), items (v) through (vii).

Article 10-25-2 With regard to the application of paragraph (3), item (iv) of the preceding Article when a money lender is a specified non-profit finance corporation, the phrase "a contract for a money loan as set forth in Article 1-2-3, item (iii) or (iv) or a money brokerage agreement as set forth in item (v) of that Article, or a loan contract set forth in Article 10-21, paragraph (1), items (v) through (vii) " is deemed to be replaced with the phrase "a contract of money loan set forth in Article 1-2-3, item (iii) or (iv) or a money brokerage agreement as set forth in item (v) of that Article, a loan contract set forth in Article 10-21, paragraph (1), items (v) through (vii), or specified loan contracts."

(Documents Stating the Matters That Disclose the Financial Resources In
Regard to the Regular Investigation on the Basic Contract for a Revolving
Credit Loan)

- Article 10-26 (1) Pursuant to the main clause of Article 13-3, paragraph (3) of the Act, if the documents, etc. were submitted or provided to the money lender set forth in Article 10-17, paragraph (1) by an individual customer in regard to the investigation under Article 13-3, paragraph (1) or (2) of the Act, the relevant documents, etc. must be submitted or provided to the money lender within one month from the day on which it came to know that the total borrowings of an individual customer under a revolving credit loan prescribed in Article 13-3, paragraph (5) of the Act pertaining to the relevant individual customer will exceed one million yen.
- (2) The reference, in the proviso to Article 13-3, paragraph (3) of the Act, to documents or electronic or magnetic records as specified by Cabinet Office Order means the documents set forth in the items of Article 10-17, paragraph (1) (with regard to the documents set forth in items (i) through (viii) and item (x) of that paragraph and the documents set forth in item (xi) of that

paragraph (limited to those pertaining to items (i) through (viii) and (x) of that paragraph), limited to those issued (if the documents set forth in items (iv) through (vi) of that paragraph and the documents set forth in item (xi) of that paragraph (limited to those pertaining to items (iv) through (vi) of that paragraph) were submitted within the period prescribed in laws and regulations, those submitted; hereinafter the same applies in this paragraph) within the past three years (if the money lender has confirmed what there were no changes to the work of place of the relevant individual customer (in cases of documents related to the documents set forth in item (xi) of that paragraph, the work of place of the spouse of the individual customer) within one year after the day on which two years have elapsed from the day when the relevant documents or copies were issued, the documents issued within the past five years)) or the copy thereof (if an electronic or magnetic record is prepared in lieu of such a document, such an electronic or magnetic record is included; hereinafter collectively referred to as "documents or copies" in this paragraph); provided, however, that, if there were changes to the place of work of the individual customer, or to the financial resources of the relevant individual customer which are disclosed by the documents or copies within the relevant period, limited to documents or copies disclosing the financial resources after the change.

- (3) Notwithstanding the provisions of the proviso to the preceding paragraph, if the relevant individual customer (in cases of those related to the documents set forth in Article 10-17, paragraph (1), item (xi), the spouse of the individual customer) satisfy all of the following requirements, the documents, etc. prescribed in the main clause of that paragraph may be used:
- (i) that the work of place after the change is confirmed; and
 - (ii) that the individual customer has not been paid salary for two months or more from the work of place after the change.

(Preparation of Records of the Investigation on the Repayment Capacity In
Regard to the Regular Investigation on the Basic Contract for a Revolving
Credit Loan)

Article 10-27 (1) Pursuant to the provisions of Article 13-3, paragraph (4) of the Act, a money lender must prepare a record on the following matters for each individual customer:

- (i) the date on which the investigation under Article 13-3, paragraphs (1) and (2) of the Act has been made;
- (ii) the date on which the documents, etc. prescribed in Article 10-17, paragraph (1), or paragraph (2) of the preceding Article were submitted or provided to the money lender from the relevant individual customer;
- (iii) the results of the investigation on the relevant individual customer's

- financial resource;
- (iv) the results of the investigation on the situation of borrowings of the relevant individual customer (including the results of the investigation made by using the credit information held by a designated credit bureau, pursuant to the provisions of Article 13-3, paragraphs (1) and (2) of the Act); and
 - (v) any other documents used for the investigation under Article 13-3, paragraphs (1) and (2) of the Act or the copy thereof.
- (2) A money lender must preserve the record set forth in the preceding paragraph (if the documents, etc. prescribed in paragraph (1) of the preceding Article pursuant to the provisions of Article 13-3, paragraph (3) of the Act has been submitted or provided to the money lender, the documents, etc. or electronic or magnetic records in which the content of the information stated in the documents, etc. (limited to documents or the copy thereof) is recorded are included) for three years after the preparation thereof.
- (3) Notwithstanding the provisions of the preceding paragraph, when a money lender uses the documents, etc. prescribed in paragraph (1) of the preceding Article over a period of three years after the issuance thereof, pursuant to the provisions of paragraph (2) of that Article, the money lender must preserve the documents, etc. or electronic or magnetic records in which the content of the information stated in the relevant documents, etc. (limited to documents or the copy thereof) is recorded for five years after the issuance thereof.

(Basic Contract for a Revolving Credit Loan that will Not Hinder the Protection of the Individual Customer's Interest)

Article 10-28 (1) The reference, in Article 13-3, paragraph (5) of the Act, to a basic contract for a revolving credit loan specified by Cabinet Office Order means:

- (i) a basic contract for a revolving credit loan (limited to a specified urgent loan contract) for the loan of funds necessary for an individual customer to pay specified expenses, which satisfy all of the following requirements:
 - (a) that the relevant basic contract for a revolving credit loan is found not to exceed the repayment capacity of the relevant individual customer;
 - (b) that the total urgent borrowings of an individual customer does not exceed 100,000 yen; and
 - (c) that the repayment period of the revolving credit loan under the relevant basic contract for a revolving credit loan does not exceed three months.
- (ii) a basic contract for a revolving credit loan made to an individual customer, in which the total of the total borrowings of an individual customer (meaning the total borrowings of an individual customer as prescribed in Article 13-3, paragraph (5) of the Act; hereinafter the same applies in this Article) pertaining to the relevant individual customer and the total borrowings of an

- individual customer pertaining to the spouse of the individual customer does not exceed the total of the base amount for the individual customer and the base amount for the spouse of the individual customer (limited to cases when the consent of the spouse of the individual customer is obtained for the conclusion of the relevant contract);
- (iii) a basic contract for a revolving credit loan made to an individual customer engaged in business, which satisfies all of the following requirements:
 - (a) that the actual conditions of the relevant business are confirmed by an on-the-spot investigation, confirmation on the relevant individual customer's latest final returns or by any other method;
 - (b) that the loan contract is found to be one which does not exceed the repayment capacity of the relevant individual customer in light of the business plan, earnings and expenditure plan, and financial plan of the relevant individual customer;
 - (iv) a basic contract for a revolving credit loan for the loan of funds necessary for an individual customer that is not currently engaged in business to newly conduct business, which satisfy all of the following requirements:
 - (a) that the basic contract for a revolving credit loan is found to be one for the loan of funds surely to be used for the relevant business, by confirming the business plan, earnings and expenditure plan and financial plans or by any other methods;
 - (b) that the basic contract for a revolving credit loan is found to be one which does not exceed the repayment capacity of the relevant individual customer in light of the business plan, earnings and expenditure plan, and financial plan of the relevant individual customer.
- (2) If a money lender has concluded a basic contract for a revolving credit loan with the spouse of the individual customer with whom the money lender has concluded the basic contract for a revolving credit loan set forth in item (ii) of the preceding paragraph, and when the money lender is to conduct the investigation under Article 13-3, paragraph (1) or (2) of the Act for the relevant basic contract for a revolving credit loan, the money lender must investigate whether the relevant basic contract for a revolving credit loan falls under the category of basic contract for a revolving credit loan exceeding the total base amount for the spouse of the individual customer as well.
- (3) The term "basic contract for a revolving credit loan exceeding the total base amount for the spouse of the individual customer" means a basic contract for a revolving credit loan concluded with the spouse of the individual customer with whom the money lender has concluded the basic contract for a revolving credit loan set forth in paragraph (1), item (ii), in which the total of the total borrowings of an individual customer under a revolving credit loan pertaining to the spouse of the individual customer and the amount obtained by deducting

the base amount for the individual customer from the total borrowings of an individual customer under a revolving credit loan pertaining to the relevant individual customer (if the amount is less than zero, it is deemed to be zero) exceeds the case amount for the spouse of the individual customer (excluding the basic contracts for revolving credit loans set forth in the items of paragraph (1)).

- (4) If a money lender has concluded a basic contract for a revolving credit loan with the spouse of the individual customer with whom the money lender has concluded the basic contract for a revolving credit loan set forth in paragraph (1), item (ii), and when the relevant basic contract for a revolving credit loan is found to fall under the category of basic contract for a revolving credit loan exceeding the total base amount for the spouse of the individual customer prescribed in the preceding paragraph from the investigation pursuant to paragraph (2), the money lender must take the following measures:
- (i) the decrease of the maximum amount under the relevant basic contract for a revolving credit loan which is necessary to have the relevant basic contract for a revolving credit loan not fall under the category of basic contract for a revolving credit loan exceeding the total base amount for the spouse of the individual customer; and
 - (ii) the suspension of a new revolving credit loan under the relevant basic contract for a revolving credit loan.

(Measures Necessary to Restrain Revolving Credit Loans)

Article 10-29 The reference, in Article 13-4 of the Act, to measures specified by Cabinet Office Order means:

- (i) the decrease of the maximum amount under the relevant basic contract for a revolving credit loan which is necessary to have the relevant basic contract for a revolving credit loan not fall under the category of basic contract for a revolving credit loan exceeding the total base amount for the spouse of the individual customer; and
- (ii) the suspension of a new revolving credit loan under the relevant basic contract for a revolving credit loan.

(Posting of Conditions of Loans)

Article 11 (1) The reference, in Article 14, item (i) of the Act, to methods specified by Cabinet Office Order means the method that each of the following items prescribes for the category of loan set forth in the item:

- (i) money loans (excluding those set forth in the following item): formula No. 1 in the Appended Table;
- (ii) discount of negotiable instruments and the intermediary therefor: formula No. 1 or formula No. 2 in the Appended Table, whichever (in cases using

- formula No. 2., it is to be clearly indicated that the amount obtained by the formula is the discount rate).
- (2) The reference, in Article 14, item (i) of the Act, to a rate that Cabinet Office Order specifies as being equivalent to the loan interest rate means, if the loan interest rate is calculated from the amount of interest obtained by adding a certain interest rate to the market rate of interest, the name of the market rate of interest used as the basis therefor and interest rate to be added thereto.
- (3) The reference, in Article 14, item (v) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of loan set forth in the item:
- (i) money loan: the following matters:
 - (a) if any agreement for liquidated damages (including penalties; the same applies hereinafter) are to be provided, the ratio of the relevant liquidated damages to the principal (limited to those indicating the annual rate thereof in percentages, to at least the first decimal place);
 - (b) if it is necessary to provide a collateral, the matters related to the collateral;
 - (c) major example of repayment;
 - (ii) money brokerage: the way of calculating brokerage fees (meaning the money that the person acting as the money broker receives for acting as the money broker, irrespective of the name to be given to it; the same applies hereinafter) (including the brokerage rate (meaning the ratio of brokerage fees to the total amount of money lent and borrowed through the broker (limited to those indicating the amount in percentages, to at least the first decimal place); the same applies hereinafter)).
- (4) A money lender, when posting the loan interest rate pursuant to the provisions of Article 14 of the Act, is to make the posting by indicating the annual rate obtained from the amount of principal calculated by formula No. 1 or formula No. 2 in the Appended Table or by the method designated by the Commissioner of the Financial Services Agency, in percentages, to at least the first decimal place.
- (5) The posting under the provisions of Article 14 of the Act must be made by the posting in a place accessible to the customer for each kind of loans made at the relevant business office, etc.; provided, however, that if the relevant business office, etc. is an automatic cash machine, and the automatic cash machine are those that only deliver or collect money under the contract to make loans in a continuous manner under the pre-determined conditions (hereinafter referred to as the "package contract"), the posting is not required.

(Advertising of Conditions of Loans)

Article 12 (1) The reference, in Article 15, paragraph (1), item (iii) of the Act, to

matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category set forth in that item:

- (i) money loan (excluding the discount of negotiable instruments and collateral by sale): the following matters:
 - (a) the method of repayment as well as the repayment period and the number of repayment installments;
 - (b) the matters set forth in paragraph (3), item (i), sub-items (a) and (b) of the preceding Article;
 - (ii) money brokerage: way of calculating the brokerage fees; and
 - (iii) when the website URL or e-mail address registered in the money lender register is to be indicated or explained: the telephone number registered in the money lender register.
- (2) The provisions of paragraph (4) of the preceding Article applies mutatis mutandis to cases when the money lender makes the indication or explanation under the provisions of Article 15, paragraph (1) of the Act. In this case, when the kind of the loan is to be clearly indicated the interest rate other than the loan interest rate may be stated as well.
- (3) When a money lender advertises the conditions of loans or indicates or explains the conditions of loans for soliciting for the conclusion of a contract for a loan, the money lender must clearly and accurately indicate the matters set forth in Article 15, paragraph (1) of the Act.
- (4) The reference, in Article 15, paragraph (2) of the Act, to solicitation that Cabinet Office Order specifies as being equivalent to advertising, means solicitation made to many persons with the same content.
- (5) The reference, in Article 15, paragraph (2) of the Act, to a point of contact, etc. defined by Cabinet Office Order means:
 - (i) a telephone number;
 - (ii) a website URL; and
 - (iii) an E-mail address.
- (6) When a money lender advertises the conditions of loans, the money lender must not advertise in violation of the Prefectural Order based on the Act against the Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962) and Article 3, paragraph (1) of the Outdoor Advertisement Act (Act No. 189 of 1949) or other laws and regulations.

(Delivery of Documents Prior to Concluding a Contract)

Article 12-2 (1) The reference, in Article 16-2, paragraph (1), item (vii) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribe for the category of loan contract set forth in the item:

- (i) a contract of money loan (excluding the contracts set forth in the following

- item and item (iii)): the following matters:
- (a) the registration number of the money lender;
 - (b) the matters concerning the money other than the principal or interest, to be borne by the obligor;
 - (c) in cases of registering the information on the repayment capacity for borrowings of the counterparty to the contract to the organization handling credit information, the fact and the details thereof;
 - (d) the method of calculation of the interest;
 - (e) the method of repayment and the place to receive the repayment;
 - (f) the method of establishment of each repayment due date and repayment amount;
 - (g) information as to whether repayment before the repayment due date is possible or not under the contract, and if possible, the details thereof;
 - (h) if there are provisions acceleration, the fact and the details thereof;
 - (i) the total repayment amount to be paid in the future (if the repayment amount to be paid in the future is not fixed at the time of concluding the loan contract, the total amount based on an assumption that the obligor pays the minimum repayment amount at each repayment due date or any other necessary assumption, and the assumption);
 - (j) the matters that each of the following clauses prescribes for the category of cases set forth in the clause:
 1. if there is a designated dispute resolution organization: the trade name or name of the designated dispute resolution organization with regard to whom the money lender takes the measure to conclude a basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2-2, paragraph (1), item (i) of the Act, and that is the counterparty to the basic contract for implementation of dispute resolution procedures; and
 2. if there is no designated dispute resolution organization: the content of the complaint processing measures and dispute resolution measures prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act to be taken by the money lender.
 - (ii) a contract on the discount of negotiable instruments: the following matters:
 - (a) the matters set forth in sub-item (a), (d), (g), (h), and (j) of the preceding item; and
 - (b) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money;
 - (iii) a contract on collateral by sale: the following matters:
 - (a) the matters set forth in item (i), sub-items (a), (b), (d), and (f) through (j); and
 - (b) the matters related to redemption;

- (iv) a money brokerage agreement: the matters set forth in item (i), sub-item (a), (f) through (h), and (j), as well as the way of calculating the brokerage fees and the amount thereof.
- (2) The reference, in Article 16-2, paragraph (2), item (vi) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of a loan contract set forth in the item:
 - (i) a contract of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) the registration number of the money lender;
 - (b) the matters concerning the money other than the principal or interest, to be borne by the obligor;
 - (c) in cases of registering the information on the repayment capacity for borrowings of the counterparty to the contract to the organization handling credit information, the fact and the details thereof;
 - (d) the method of calculation of the interest;
 - (e) the method of repayment and the place to receive the repayment;
 - (f) the method of establishment of each repayment due date and repayment amount;
 - (g) information as to whether repayment before the repayment due date is possible or not under the contract, and if possible, the details thereof;
 - (h) if there are provisions acceleration, the fact and the details thereof;
 - (i) the total repayment amount to be paid in the future based on the assumption that the money lender loans the maximum amount specified in the basic contract for a revolving credit loan (if the money lender makes available to the counterparty to the basic contract for a revolving credit loan an amount smaller than the maximum amount as an upper limit on outstanding balance of principal of the revolving credit loan under the basic contract for a revolving credit loan, the smaller amount) on at least one occasion or for making any other necessary assumptions, the repayment period and number of repayment installments as well as the relevant assumptions made;
 - (j) the matters that each of the following clauses prescribes for the category of cases set forth in the clause:
 - 1. if there is a designated dispute resolution organization: the trade name or name of the designated dispute resolution organization with regard to whom the money lender takes the measure to conclude a basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2-2, paragraph (1), item (i) of the Act, and that is the counterparty to the basic contract for implementation of dispute resolution procedures; and
 - 2. if there is no designated dispute resolution organization: the content of

the complaint processing measures and dispute resolution measures prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act to be taken by the money lender.

- (ii) a contract on the discount of negotiable instruments: the following matters:
 - (a) the matters set forth in sub-item (a), (d), (g), (h), and (j) of the preceding item; and
 - (b) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money;
 - (iii) a contract on collateral by sale: the following matters:
 - (a) the matters set forth in item (i), sub-items (a), (b), (d), and (f) through (j); and
 - (b) the matters related to redemption;
 - (iv) a money brokerage agreement: the matters set forth in item (i), sub-items (a), (f) through (h), and (j), as well as the way of calculating brokerage fees and the amount thereof.
- (3) The reference, in Article 16-2, paragraph (3), item (iv) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of a loan contract, as set forth in the item, which the guarantee is to cover:
- (i) contracts of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) kind and effect of the guarantee contract (including the explanation of the maximum amount);
 - (b) the total outstanding balance of the obligation under the loan contract;
 - (c) the maximum amount of the guarantee obligation (in cases of concluding a guarantee contract for the loan contract by specifying the maximum amount of the principal of the loan contract, including the statement to that effect; the same applies hereinafter) and the scope of obligations to be borne by the guarantor;
 - (d) the date of loan contract;
 - (e) the amount of Loan under the loan contract;
 - (f) the loan interest rate under the loan contract;
 - (g) the method of repayment of obligations under the loan contract;
 - (h) the repayment period and number of repayment installments under the loan contract (in cases of a contract for a revolving guarantee, the statements thereof may be omitted);
 - (i) if any agreement for liquidated damages is provided, the details thereof;
 - (j) the matters concerning the money other than the principal or interest, to be borne by the principal obligor;
 - (k) the method of calculation of the interest under the loan contract;
 - (l) each repayment due date and repayment amount of the obligation under

- the loan contract (in cases of a contract for a revolving guarantee, the method of establishment of each repayment due date and repayment amount of the obligation under the loan contract);
- (m) information as to whether repayment of the obligations under the loan contract before the repayment due date is possible or not under the loan contract, and if possible, the details thereof;
- (n) if there are provisions acceleration under the loan contract, the fact and the details thereof (including the statement to the effect that the provisions are effective only within the scope not exceeding the interest rate provided in Article 1, paragraph (1) of the Interest Rate Restriction Act (Act No. 100 of 1954) prior to the revision (hereinafter referred to as the "Former Interest Rate Restriction Act") under Article 5 of the Act Partially Amending the Act for Controls in the Money Lending Business (Act No. 115 of 2006; hereinafter referred to as the "Amendment Act"));
- (o) the outstanding balance of the obligations under the loan contract and the breakdown (meaning the information on composition of the outstanding balance, such as the principal, interest and damages for the default under the relevant loan contract) thereof;
- (p) if the guarantee period set forth in Article 16-2, paragraph (3), item (ii) of the Act is not provided, the fact;
- (ii) a contract on the discount of negotiable instruments: the following matters:
- (a) the matters set forth in sub-items (a) and (b) of the preceding item;
 - (b) the matters set forth in sub-item (c) of the preceding item;
 - (c) the matters set forth in sub-item (d) through (i), (k), and (m) through (p) of the preceding item;
 - (d) the negotiable instrument number of the discounted negotiable instrument, and the amount and maturity of the relevant negotiable instrument;
 - (e) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money;
- (iii) a contract on collateral by sale: the following matters:
- (a) the matters set forth in item (i), sub-items (a) and (b);
 - (b) the matters set forth in item (i), sub-item (c);
 - (c) the matters set forth in item (i), sub-items (d) through (p);
 - (d) the matters related to redemption;
 - (e) the details of the subject matter of the collateral by sale;
- (iv) a money brokerage agreement: the following matters:
- (a) the matters set forth in item (i), sub-items (a) and (b);
 - (b) the matters set forth in item (i), sub-item (c);
 - (c) the matters set forth in item (i), sub-items (d) through (i), and (l) through (p);

- (d) the way of calculating the brokerage fees, and the amount thereof.
- (4) The reference, in Article 16-2, paragraph (3), item (v) of the Act, to matters specified by Cabinet Office Order means the details of the provisions of Article 454 of the Civil Code (Act No. 89 of 1896).
- (5) The reference, in Article 16-2, paragraph (3), item (vi) of the Act, to matters specified by Cabinet Office Order means:
- (i) the method of performance of obligations under the guarantee contract;
 - (ii) if any agreement for liquidated damages is provided, the details thereof;
 - (iii) the registration number of the money lender;
 - (iv) the trade name, name and address of the principal obligor and guarantor;
 - (v) the contents of the documents to be received by the money lender in relation to the contract for a loan;
 - (vi) the matters concerning the money other than the guarantee obligation to be borne by the guarantor;
 - (vii) the method of performance of obligations under the guarantee contract and the place to receive the performance thereof;
 - (viii) if there are provisions acceleration, the fact and the details thereof (including the statement to the effect that the provision is effective only within the scope not exceeding the interest rate provided in Article 1, paragraph (1) of Former Interest Rate Restriction Act);
 - (ix) if requiring the provision of physical collateral for the claim under the contract for a loan, the details of the collateral;
 - (x) if part of the claim under the loan contract has extinguished upon performance or on any other grounds, the grounds, the amount and the date of the extinguishment of the claim;
 - (xi) if the guarantor can cancel the guarantee contract under the relevant guarantee contract, the grounds for cancellation, and if not, the fact;
 - (xii) if the loan interest rate under the loan contract (excluding a contract on discount of negotiable instrument and a contract on collateral by sale) exceeds the interest rate provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, a statement to the effect that the obligor does not have the obligation to pay the amount corresponding to the part exceeding the relevant interest rate;
 - (xiii) if a daily installment money lender (meaning the daily installment money lender as prescribed in Article 14, item (v) of the Money Lending Business Act prior to the revision under Article 4 of the Amendment Act (hereinafter referred to as the "No. 3 New Money Lending Business Act")); the same applies hereinafter), the matters set forth in that item.
 - (xiv) the matters that each of the following sub-items (a) and (b) prescribes for the category of cases set forth in the sub-item:
 - (a) if there is a designated dispute resolution organization: the trade name or

- name of the designated dispute resolution organization with regard to whom the money lender takes the measure to conclude a basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2-2, paragraph (1), item (i) of the Act, and that is the counterparty to the basic contract for implementation of dispute resolution procedures; and
- (b) if there is no designated dispute resolution organization: the content of the complaint processing measures and dispute resolution measures prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act to be taken by the money lender.
- (6) When a person delivers documents explaining the details of a guarantee contract to a person seeking to become a guarantor pursuant to the provisions of Article 16-2, paragraph (3) of the Act, that person must deliver two kinds of documents detailing the matters that each of the following items prescribes for the category of document set forth in the item at the same time:
- (i) the document containing the outline of the relevant guarantee contract: the matters set forth in Article 16-2, paragraph (3), items (i) through (iii) of the Act, and the matters set forth in paragraph (3), item (i), sub-items (a) through (c), item (ii), sub-items (a) and (b), item (iii), sub-items (a) and (b), item (iv), sub-items (a) and (b), as well as those set forth in items (iii), (iv) and (xiii) of the preceding paragraph;
- (ii) the document containing the details of the relevant guarantee contract (if there are two or more loan contracts to be covered by the guarantee, statements must be made for each contract): the matters set forth in Article 16-2, paragraph (3), items (i) through (iii), and (v) of the Act, as well as the matters set forth in paragraph (3), item (i) (excluding sub-items (a) and (b)), item (ii) (excluding sub-item (a)), item (iii) (excluding sub-item (a)), and item (iv) (excluding sub-item (a)), and the items (excluding item (xiii)) of the preceding paragraph.
- (7) The provisions of Article 11, paragraph (4) applies mutatis mutandis to the cases when the money lender prepares the documents to be delivered pursuant to the provisions Article 16-2, paragraphs (1) through (3) of the Act.
- (8) The matters to be disclosed pursuant to Article 16-2, paragraphs (1) through (3) of the Act must be stated clearly and accurately by using characters, letters and numbers greater than or equal to 8-point as provided in Japanese Industrial Standard Z8305 in the documents prescribed in that paragraph.

(Delivery of Documents Prior to Obtaining Consent on Life Insurance Contract)
 Article 12-3 (1) The reference, in Article 16-3, paragraph (1), item (ii) of the Act, to matters specified by Cabinet Office Order means:

- (i) if the insurance claim to be paid to the money lender will be applied to the performance of obligations of the counterparty to the contract for a loan, the

- fact;
 - (ii) the grounds for payment of insurance claim, other than the death;
 - (iii) the grounds on which the insurance claim will not be paid;
 - (iv) the matters concerning the insurance claim to be paid to the money lender;
and
 - (v) the matters related to the period during which the guarantee continues.
- (2) The matters set forth in the items of Article 16-3, paragraph (1) of the Act must be stated clearly and accurately using characters, letters, and numbers greater than or equal to 8-point as provided in Japanese Industrial Standard Z8305 in the documents prescribed in that paragraph.

(Delivery of Documents Upon Concluding a Contract)

Article 13 (1) The reference, in Article 17, paragraph (1), item (viii) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of loan contract set forth in the item:

- (i) a contract of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) the registration number of the money lender (in cases of concluding a contract for a revolving credit loan of which the amount of interest rate agreed therein does not exceed the restrictions on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, statements may be omitted);
 - (b) the trade name or name and address of the counterparty to the contract (in cases of a contract for a revolving credit loan, the information may be substituted by the contract number of the relevant contract and other information);
 - (c) the contents of the documents to be received by the money lender in relation to the loan (in cases of a contract for a revolving credit loan, limited to the documents to be received by the money lender in relation to the relevant revolving credit loan and excluding the documents to be received by the money lender in relation to the basic contract for a revolving credit loan);
 - (d) the matters concerning the money other than the principal or interest, to be borne by the obligor;
 - (e) in cases of registering the information on the repayment capacity for borrowings of the counterparty to the contract, to the organization handling credit information, the fact and the details thereof (in cases of concluding a contract for a revolving credit loan of which the amount of interest rate agreed therein does not exceed the restrictions on amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate

- Restriction Act, statements of the information may be omitted);
- (f) the method of calculation of the interest (in cases of concluding a contract for a revolving credit loan of which the amount of interest rate agreed therein does not exceed the restrictions on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, and when the method is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act or the method is more favorable to the counterparty to the contract than the one stated therein, the statements of the relevant method may be omitted);
 - (g) the method of repayment and the place to receive the repayment (in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restrictions on amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, and when the method and place is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, the statements of the relevant method and place may be omitted);
 - (h) each repayment due date and repayment amount (in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restrictions on the amount of interest provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, the next repayment due date and repayment amount may be stated in lieu thereof) (if an obligation under the contract for a revolving credit loan other than the relevant contract but based on the same basic contract for a revolving credit loan and having the same conditions of repayment as the relevant contract remains, in lieu of the statement of each repayment due date and repayment amount under the concluded contract for a revolving credit loan, each repayment due date and repayment amount in the future for the obligations including the remaining obligations may be stated; and in lieu of the statement of the next repayment date and repayment amount under the relevant contract, the next repayment date and repayment amount for the obligations including the remaining obligations may be stated);
 - (i) information as to whether repayment before the repayment due date is possible or not under the contract, and if possible, the details thereof (if concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restriction on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, and when the information is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, or the information is more favorable to the counterparty to the contract than the one stated therein, the statement of the information may be omitted);

- (j) if there are provisions acceleration, the fact and the details thereof (including the statement to the effect that the provisions are effective only within the scope not exceeding the interest rate provided in Article 1, paragraph (1) of Former Interest Rate Restriction Act) (if concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restriction on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, and when the information is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, or the information is more favorable to the counterparty to the contract than the one stated therein, the statement of the information may be omitted);
- (k) if requiring the provision of physical collateral for the claim under the loan contract, the details of the collateral (if concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restriction on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, the statement of the physical collateral stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act may be omitted, and in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein exceeds the restriction on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, with regard to the physical collateral stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, the fact of provision of physical collateral may be stated in lieu of the statement);
- (l) in cases of concluding a guarantee contract for the relevant contract, the trade name, name and address of the guarantor (if concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restriction on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, the statement of the guarantor stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act may be omitted, and in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein exceeds the restriction on the amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, with regard to the guarantor stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, the fact that a guarantor is furnished may be stated in lieu of the statement);
- (m) if the relevant contract is a contract for finance secured by telephone subscription right as provided in paragraph (14) of the supplementary provisions of the Act Partially Amending the Act Regulating the Receipt of Contributions, Receipt of Deposits and Interest Rates (Act No. 33 of 1983)

prior to the revision under Article 8 of the Amendment Act (hereinafter simply referred to as the "finance secured by telephone subscription right"), the fact and the receipt number (meaning the receipt number as referred to in Article 13 of the Regulation for Enforcement of the Act on Temporary Special Provisions concerning Pledges Created on Telephone Subscription Right (Order of the Ministry of Posts and Telecommunications No. 18 of 1958); the same applies in paragraph (3)) for the registration of the pledge created in regard to the relevant finance secured by telephone subscription right (in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restrictions on amount of interest as provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, the statements of the information may be omitted);

- (n) if the relevant contract is a loan contract which has the outstanding balance of the obligation under the previous contract for a loan as the loan amount thereof, the breakdown (meaning the information on composition of the outstanding balance, such as the principal, interest and damages for the default under the relevant contract for a loan) of the outstanding balance of the obligation under the previous contract for a loan, and the matters which enables to specify the relevant contract for a loan (in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restriction on the amount of interest provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, and when the contract is a loan contract which has, as the loan amount, the outstanding balance of the obligation under the previous contract for a revolving credit loan based on the same basic contract for a revolving credit loan as the relevant contract, the statement of the information may be omitted, and in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein exceeds the restriction on the amount of interest provided in Article 1, paragraph (1) of the Interest Rate Restriction Act, and when the contract loan contact which has, as the loan amount, the outstanding balance of the obligation under the previous contract for a revolving credit loan based on the same basic contract for a revolving credit loan as the relevant contract, the fact and characters or letters indicating the fact may be stated in lieu of the statement of the information);
- (o) a statement to the effect that if the loan interest rate under the loan contract exceeds the interest rate provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, the obligor does not have the obligation to pay the amount corresponding to the part exceeding the interest rate;

- (p) the total repayment amount to be paid in the future (if the obligation under the contract for a revolving credit loan other than the relevant contract for a revolving credit loan but based on the same basic contract for a revolving credit loan and having the conditions of repayment as the relevant contract remains, in lieu of the statement of the total repayment amount to be paid in the future under the concluded contract for a revolving credit loan, the total repayment to be paid in the future under the obligation including the remaining obligation may be stated) (if the repayment amount to be paid in the future is not fixed at the time of concluding the loan contract, the total amount based on an assumption that the obligor pays the minimum repayment amount at each repayment due date or any other necessary assumption, as well as the assumption);
- (q) in cases of a daily installment money lender, the matters set forth in Article 14, item (v) of the Item 3 New Money Lending Business Act;
- (r) the matters that each of the following clauses prescribes for the category of cases set forth in the clause:
 1. if there is a designated dispute resolution organization: the trade name or name of the designated dispute resolution organization with regard to whom the money lender takes the measure to conclude a basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2-2, paragraph (1), item (i) of the Act, and that is the counterparty to the basic contract for implementation of dispute resolution procedures; and
 2. if there is no designated dispute resolution organization: the content of the complaint processing measures and dispute resolution measures prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act to be taken by the money lender.
- (ii) a contract on the discount of negotiable instruments: the following matters:
 - (a) the matters set forth in sub-items (a) through (c), (f), (i) through (l), (q) and (r) of the preceding item; and
 - (b) the negotiable instrument number of the discounted negotiable instrument, and the amount and maturity of the negotiable instrument;
 - (c) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money;
- (iii) a contract on collateral by sale: the following matters:
 - (a) the matters set forth in item (i), sub-items (a) through (d), (f), (h) through (l), and (p) through (r); and
 - (b) the matters related to redemption (in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restriction on the amount of interest provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, and when the

- information is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, or is more favorable to the counterparty to the contract than the one stated therein, the statement of the information may be omitted);
- (c) the details of the subject matter of the collateral by sale (in cases of a contract for a revolving credit loan, the statement of the subject matter of the collateral by sale stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act may be omitted);
 - (iv) a money brokerage agreement: the matters set forth in item (i), sub-items (a) through (c), (h) through (l), (o), (q) and (r), as well as the way of calculating the brokerage fees (in cases of concluding a contract for a revolving credit loan of which the amount of interest agreed therein does not exceed the restriction on the amount of interest provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, and when the information is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, or is more favorable to the counterparty to the contract than the one stated therein, the way of calculating the brokerage fees may be omitted).
- (2) The reference, in the second sentence of Article 17, paragraph (1) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of loan contract set forth in the item (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of paragraph (2) of that Article, the matters are excluded):
- (i) a contract of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) the matters set forth in Article 17, paragraph (1), item (iv) or (vii) of the Act, or the matters set forth in item (i), sub-item (d), (f), (i), or (j) of the preceding paragraph (if the loan interest rate is reduced in relation to these matters or other cases when making changes that are advantageous to the counterparty to the contract, the matters are excluded);
 - (b) the matters set forth in Article 17, paragraph (1), item (v) of the Act, or the matters set forth in the preceding paragraph, item (i), sub-item (g), (h) (in cases of sub-item (h), excluding the cases of a contract for a revolving credit loan), (k), or (l) (in cases of sub-item (l), limited to cases of newly concluding a guarantee contract);
 - (ii) a contract on the discount of negotiable instruments: the following matters:
 - (a) the matters set forth in the preceding item (excluding the matters set forth in item (i), sub-items (d), (g), and (h) of the preceding paragraph); and
 - (b) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money (in cases of making

- changes that are advantageous to the counterparty to the contract, the matters are excluded);
- (iii) a contract on collateral by sale: the following matters:
 - (a) the matters set forth in item (i) (excluding the matters set forth in item (i), sub-item (g) of the preceding paragraph); and
 - (b) the matters related to redemption (in cases of making changes that are advantageous to the counterparty to the contract, the matters are excluded);
 - (c) the details of the subject matter of the collateral by sale;
 - (iv) a money brokerage agreement: the following matters:
 - (a) the matters specified in item (i) (excluding the matters set forth in item (i), sub-items (d), (f), and (g) of the preceding paragraph); and
 - (b) the way of calculating the brokerage fees (in cases of making changes that are advantageous to the counterparty to the contract, excluding the method of calculation of brokerage fees).
- (3) The reference, in Article 17, paragraph (2), item (vii) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of loan contract set forth in the item:
- (i) a contract of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) the registration number of the money lender;
 - (b) the trade name or name and address of the counterparty to the contract;
 - (c) the contents of the documents to be received by the money lender in relation to the basic contract for a revolving credit loan;
 - (d) the matters concerning the money other than the principal or interest, to be borne by the obligor;
 - (e) in cases of registering the information on the repayment capacity for borrowings of the counterparty to the contract to the organization handling credit information, the fact and the details thereof;
 - (f) the method of calculation of the interest;
 - (g) the method of repayment and the place to receive the repayment;
 - (h) the method of establishment of each repayment due date and repayment amount;
 - (i) information as to whether repayment before the repayment due date is possible or not under the contract, and if possible, the details thereof;
 - (j) if there are provisions acceleration, the fact and the details thereof (including the statement to the effect that the provisions are effective only within the scope not exceeding the interest rate provided in Article 1, paragraph (1) of Former Interest Rate Restriction Act);
 - (k) if requiring the provision of physical collateral for the claim under the relevant contract, the details of the collateral;

- (l) if a guarantee contract is to be concluded for the relevant contract, the trade name, name and address of the guarantor;
- (m) if the relevant contract is a contract for finance secured by telephone subscription right, the fact and the receipt number of registration of the pledge created in regard to the relevant finance secured by telephone subscription right;
- (n) if the loan interest rate under the loan contract exceeds the interest rate provided in Article 1, paragraph (1) of the Former Interest Rate Restriction Act, a statement to the effect that the obligor does not have the obligation to pay the amount corresponding to the part exceeding the interest rate;
- (o) the total repayment amount to be paid in the future based on the assumption by the money lender such as the loaning of the maximum amount specified in the basic contract for a revolving credit loan (if the money lender makes available to the counterparty to the basic contract for a revolving credit loan an amount smaller than the maximum amount as an upper limit on the outstanding balance of principal of the revolving credit loan under the basic contract for a revolving credit loan, the smaller amount) for once or any other assumption, the repayment period and number of repayment installments as well as the relevant assumption;
- (p) if the repayment period, number of repayment installments, repayment due date or repayment amount stated in the documents to be delivered pursuant to Article 17, paragraph (1) of the Act (in cases of delivering the documents to the guarantor pursuant to paragraph (5) of that Article, the documents to be delivered pursuant to paragraph (4) of that Article), or the documents specified by Cabinet Office Order which are referred to in paragraph (6) of that Article, may change due to the loan to be made after the loan stated in the relevant documents or any other grounds, the fact;
- (q) if a daily installment money lender, the matters set forth in Article 14, item (v) of the Item 3 New Money Lending Business Act;
- (r) the matters that each of the following clauses prescribes for the category of cases set forth in the clause:
 - 1. if there is a designated dispute resolution organization: the trade name or name of the designated dispute resolution organization with regard to whom the money lender takes the measure to conclude a basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2-2, paragraph (1), item (i) of the Act, and that is the counterparty to the basic contract for implementation of dispute resolution procedures; and
 - 2. if there is no designated dispute resolution organization: the content of the complaint processing measures and dispute resolution measures prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act to be

taken by the money lender.

- (ii) a contract on the discount of negotiable instruments: the following matters:
 - (a) the matters set forth in sub-items (a) through (c), (f), (i) through (l), (q), and (r) of the preceding item; and
 - (b) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money;
 - (c) if the repayment period or number of repayment installments stated in the documents to be delivered pursuant to Article 17, paragraph (1) of the Act (in cases of delivering the documents to the guarantor pursuant to paragraph (5) of that Article, the documents to be delivered pursuant to paragraph (4) of that Article), or the documents specified by Cabinet Office Order which are referred to in paragraph (6) of that Article, may change due to the loan to be made after the loan stated in the relevant documents or any other grounds, the fact;
 - (iii) a contract on collateral by sale: the following matters:
 - (a) the matters set forth in item (i), sub-items (a) through (d), (f), (h) through (m), and (o) through (r); and
 - (b) the matters related to redemption;
 - (iv) a money brokerage agreement: the matters set forth in item (i), sub-items (a) through (c), (h) through (l), (n), and (p) through (r), as well as the method of calculation of brokerage fees and the amount thereof.
- (4) The reference, in the second sentence of Article 17, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of loan contracts set forth in the item:
- (i) a contract of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) the matters set forth in Article 17, paragraph (2), item (iv) or (vi) of the Act, or the matters set forth in item (i), sub-item (d), (f), (i), or (j) of the preceding paragraph (if reducing the loan interest rate in relation to these matters, or cases when making changes that are advantageous to the counterparty to the contract, the matters are excluded);
 - (b) the matters set forth in Article 17, paragraph (2), item (iii) or (v) of the Act, or the matters set forth in the preceding paragraph, item (i), sub-item (g), (h), (k), or (l) (in cases of sub-item (l), limited to cases when newly concluding a guarantee contract);
 - (ii) a contract on the discount of negotiable instruments: the following matters:
 - (a) the matters set forth in the preceding item (excluding the matters set forth in item (i), sub-items (d), (g), and (h) of the preceding paragraph); and
 - (b) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money (in cases of making

- changes that are advantageous to the counterparty to the contract, the matter is excluded);
- (iii) a contract on collateral by sale: the following matters:
 - (a) the matters set forth in item (i) (excluding the matters set forth in item (i), sub-item (g) of the preceding paragraph); and
 - (b) the matters related to redemption (in cases of making changes that are advantageous to the counterparty to the contract, the matter is excluded);
 - (iv) a money brokerage agreement: the following matters:
 - (a) the matters specified in item (i) (excluding the matters set forth in item (i), sub-items (d), (f), and (g) of the preceding paragraph);
 - (b) the way of calculating the brokerage fees (in cases of making changes that are advantageous to the counterparty to the contract, that matter is excluded);
 - (5) The reference, in the second sentence of Article 17, paragraph (2) of the Act, to a case specified by Cabinet Office Order means:
 - (i) when the maximum amount is decreased (if the money lender makes available to the counterparty to the basic contract for a revolving credit loan an amount smaller than the maximum amount as an upper limit on outstanding balance of principal of the revolving credit loan under the basic contract for a revolving credit loan, the smaller amount); or
 - (ii) when the maximum amount (if the money lender makes available to the counterparty to the basic contract for a revolving credit loan an amount smaller than the maximum amount as an upper limit on outstanding balance of principal of the revolving credit loan under the basic contract for a revolving credit loan, the smaller amount) is increased to an amount not exceeding the original amount after the decrease.
 - (6) The reference, in Article 17, paragraph (3) of the Act, to matters specified by Cabinet Office Order means:
 - (i) the matters set forth in the items of Article 16-2, paragraph (3) of the Act; and
 - (ii) the date of guarantee contract.
 - (7) The reference, in the second sentence of Article 17, paragraph (3) of the Act, to matters specified by Cabinet Office Order means the matters that each of the following items prescribes for the category of a loan contract, as set forth in the item, which the guarantee is to cover:
 - (i) a contract of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) the matters set forth in Article 16-2, paragraph (3), item (ii), (iii) or (v) of the Act, or the matters set forth in Article 12-2, paragraph (3), item (i), sub-item (c) or (p), or paragraph (5), item (ii), (vi), (viii), or (xi) (in cases of making changes that are advantageous to the counterparty to the contract

- with regard to these matters, the matters are excluded);
- (b) the matters set forth in Article 12-2, paragraph (5), item (i), (vii), or (ix) (in cases of item (ix), limited to cases when requiring the provision of physical collateral for the claim under the guarantee contract);
 - (ii) a contract on the discount of negotiable instruments: the matters specified in the preceding item;
 - (iii) a contract on collateral by sale: the matters specified in item (i); and
 - (iv) a money brokerage agreement: the matters set forth in item (i).
- (8) If a money lender, pursuant to the first sentence of Article 17, paragraph (4) of the Act, delivers to the guarantor a document disclosing the contents of the relevant loan contract in regard to the matters set forth in the items of Article 17, paragraph (1) of the Act, and when there are two or more loan contracts to be covered by guarantee, the money lender must state the matters set forth in the respective items for each loan contract.
- (9) If a money lender, pursuant to the first sentence of Article 17, paragraph (4) of the Act, delivers to the guarantor a document disclosing the contents of the relevant loan contract in regard to the matters set forth in the items of Article 17, paragraph (1) of the Act, the money lender must deliver the documents each time it concludes a loan contract to be covered by guarantee, without delay.
- (10) The reference, in the second sentence of Article 17, paragraph (4) of the Act, to matters specified by Cabinet Office Order means the matters specified in paragraph (2) (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of paragraph (5) of that Article, the relevant matters are excluded).
- (11) If a money lender, pursuant to the first sentence of Article 17, paragraph (5) of the Act, delivers to the guarantor a document disclosing the contents of the relevant basic contract for a revolving credit loan in regard to the matters set forth in the items of Article 17, paragraph (2) of the Act, and when there are two or more basic contracts of revolving credit loans to be covered by guarantee, the relevant money lender must state the matters set forth in that items for each basic contract for a revolving credit loan.
- (12) The reference, in the second sentence of Article 17, paragraph (5) of the Act, to matters specified by Cabinet Office Order means the matters specified in paragraph (4).
- (13) The reference, in the second sentence of Article 17, paragraph (5) of the Act, to cases specified by Cabinet Office Order means the cases specified in paragraph (5).
- (14) The provisions of Article 11, paragraph (4) apply mutatis mutandis to the cases when the money lender prepares the documents to be delivered pursuant to Article 17, paragraphs (1) through (5) of the Act.

- (15) The matters prescribed in Article 17, paragraphs (1) through (5) of the Act must be stated clearly and accurately using characters, letters and numbers greater than or equal to 8-point as provided in Japanese Industrial Standard Z8305 in the documents prescribed in that paragraphs.
- (16) The reference, in Article 17, paragraph (6) of the Act, to documents specified by Cabinet Office Order means documents in which the matters that each of the following items prescribes are stated clearly and accurately using characters, letters and numbers greater than or equal to 8-point as provided in the Japanese Industrial Standard Z8305, with regard to the loan, performance and any other situation of transaction made within a fixed period specified by the money lender of within one month for the categories of loan contracts set forth in the following items (excluding, if a loan contract is not concluded within a certain period, the matters set forth in item (i), sub-items (c) through (i) and (k) through (u), the matters set forth in item (ii), sub-item (a) (limited to the matters set forth in item (i), sub-items (c) through (i), (k), (m) and (p) through (s)), the matters set forth in item (ii), sub-items (b) and (c), the matters set forth in item (iii), sub-item (a) (limited to the matters set forth in item (i), sub-items (c) through (i), (k) through (m), (o) through (s) and (u)), the matters set forth in item (iii), sub-items (b) and (c), the matters set forth in item (iv), sub-item (a) (limited to the matters set forth in item (i), sub-items (c) through (i), (k) and (o) through (s)), and the matters set forth in item (iv), sub-item (b), and if the performance is not received, the matters set forth in item (i), sub-items (v) through (y), the matters set forth in item (ii), sub-item (a) (limited to the matters set forth in item (i), sub-items (v) through (y)), the matters set forth in item (iii), sub-item (a) (limited to the matters set forth in item (i), sub-items (v) through (y)), and the matters set forth in item (iv), sub-item (a) (limited to the matters set forth in item (i), sub-items (v) through (x))):
- (i) a contract of money loan (excluding the contracts set forth in the following item and item (iii)): the following matters:
 - (a) the trade name, name and address of the money lender;
 - (b) the date of basic contract for a revolving credit loan;
 - (c) the maximum amount under the basic contract for a revolving credit loan (if the money lender has made available to the counterparty to the basic contract for a revolving credit loan an amount smaller than the maximum amount as an upper limit on outstanding balance of principal of the revolving credit loan under the basic contract for a revolving credit loan, the smaller amount);
 - (d) the date of contract for each contract for a revolving credit loan concluded within a certain period;
 - (e) the amount of loan for each contract for a revolving credit loan concluded within a certain period (in cases of a guarantee contract, the amount of

- loan related to guarantee);
- (f) loan interest rate;
- (g) the method of repayment;
- (h) the repayment period and number of repayment installments for each contract for a revolving credit loan concluded within a certain period (in lieu of the statement of repayment period and number of repayment installments for each contract for a revolving credit loan, the future repayment period and number of repayment installments under the remaining obligation under the same basic contract for a revolving credit loan (if two or more obligations under the contract for a revolving credit loan based on the same basic contract for a revolving credit loan and having the same conditions remain, the combined obligation) as of the last day of the certain period may be stated);
- (i) if any agreement for liquidated damages is provided, the details thereof;
- (j) the trade name or name and address of the counterparty to the contract (the information may be substituted by the contract number of the relevant contract and any other information);
- (k) the contents of the documents to be received by the money lender in relation to the revolving credit loan (excluding documents to be received by the money lender in relation to the basic contract for a revolving credit loan);
- (l) the matters concerning the money other than the principal or interest, to be borne by the obligor;
- (m) the method of calculation of the interest (if the method is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, or when the method is more favorable to the counterparty to the contract than the one stated therein, the statement of the method may be omitted);
- (n) the method of repayment and the place to receive the repayment (if the information is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, the statement of the information may be omitted);
- (o) each repayment date and repayment amount or the next repayment due date and repayment amount for each contract for a revolving credit loan concluded within a certain period (if the obligation under the contract for a revolving credit loan based on the same basic contract for a revolving credit loan and having the same conditions of repayment as the relevant contract, the each repayment due date and repayment amount in the future under the obligations including the remaining obligation may be stated in lieu of the statement of each repayment due date and repayment amount under the concluded contract for a revolving credit loan, and the next repayment due date and repayment amount under the obligations

including the remaining obligation that may be stated in lieu of the statement of the next repayment due date and repayment amount under the relevant contract) (in lieu of the statement of each repayment due date and repayment amount or next repayment due date and repayment amount for each contract for a revolving credit loan, each repayment due date and repayment amount or next repayment due date and repayment amount in the future under the remaining obligation (if two or more obligations under the contract for a revolving credit loan based on the same basic contract for a revolving credit loan and having the same conditions of repayment remain, the combined obligation) as of the last day of the certain period may be stated);

- (p) information as to whether repayment before the repayment due date is possible or not under the contract, and if possible, the details thereof (if the information is stated in the documents to be delivered pursuant Article 17, paragraph (2) of the Act, or when the information is more favorable to the counterparty to the contract than the one stated therein, the statement of the information may be omitted);
- (q) if there are provisions acceleration, the fact and the details thereof (if the information is stated in the documents to be delivered pursuant Article 17, paragraph (2) of the Act, or when the information is more favorable to the counterparty to the contract than the one stated therein, the statement of the information may be omitted);
- (r) if requiring the provision of physical collateral for the claim under the relevant contract, the details of the collateral (statements of the physical collateral stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act may be omitted);
- (s) if a guarantee contract is to be concluded for the relevant contract, the trade name, name and address of the guarantor (statements of the guarantor stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act may be omitted);
- (t) if each contract for a revolving credit loan concluded within a certain period is a loan contract which has the outstanding balance of the obligation under the previous contract for a loan as the loan amount thereof, the breakdown (meaning the information on composition of the outstanding balance, such as the principal, interest and damages for the default under the relevant contract for a loan) of the outstanding balance of the obligation under the previous contract for a loan, and the matters which enables to specify the relevant contract for a loan (in cases of concluding a contract for a revolving credit loan, and if the contract for a revolving credit loan is a loan contract which has the outstanding balance of the obligation under the previous contract for a revolving credit loan

based on the same basic contract for a revolving credit loan as the relevant contract as the loan amount, the statement of the information may be omitted);

- (u) the total repayment amount to be paid in the future under each contract for a revolving credit loan concluded within a certain period (if an obligation under the contract for a revolving credit loan other than the relevant contract for a revolving credit loan but based on the same basic contract of revolving credit loan thereof and having the conditions of repayment as the relevant contract remains, in lieu of the statement of the total repayment amount to be paid in the future, the total repayment amount to be paid in the future under the obligation including the remaining obligation may be stated) (in lieu of the statement of total repayment amount to be paid in the future for each contract for a revolving credit loan, the total repayment amount to be paid in the future under the remaining obligation (if two or more obligations under the contract of revolving credit loan based on the same basic contract of revolving credit loan and having the same conditions of repayment remain, the combined obligation) as of the last day of the certain period may be stated) (if the repayment amount to be paid in the future is not fixed at the time of concluding the loan contract, the total amount based on an assumption that the obligor pays the minimum repayment amount at the repayment date for each repayment installment or any other necessary assumption, and the assumption);
- (v) amount of loan for each performance received within a certain period (in cases of a guarantee contract, the amount of loan related to guarantee) (if there are two or more loans related to the relevant performance, in lieu of the amount of loan related to performance, the total of the amount of loan under the last loan and the obligation under a revolving credit loan based on the same basic contract for a revolving credit loan and having other conditions of repayment same as the relevant loan that remains as of that time may be stated);
- (w) the amount received (if a person other than the one that receives the delivery of the relevant documents has made the performance of obligation, the amount received thereof and the fact) and the interest, amount of damages based on the agreement for liquidated damages or the amount applied to the principal for each performance received within a certain period;
- (x) the date of receipt for each performance received within a certain period;
- (y) the amount of remaining obligation after the performance for each performance received within a certain period (if an obligation under the contract for a revolving credit loan other than the relevant contract for a

revolving credit loan related to the performance but based on the same basic contract for a revolving credit loan and having other conditions of repayment same as the relevant contract remains, in lieu of the statement of the amount of remaining obligations after the performance, the amount of obligations including the remaining obligation may be stated) (in lieu of the statement of the amount of remaining obligations after the performance for each performance, the amount of remaining obligations based on the same basic contract of revolving credit loan (if two or more obligations under the contract for a revolving credit loan based on the same basic contract for a revolving credit loan and having the same conditions of repayment remain, the combined obligations) as of the last day of the certain period may be stated);

- (z) the matters that each of the following clauses prescribes for the category of cases set forth in that clause:
 - 1. if there is a designated dispute resolution organization: the trade name or name of the designated dispute resolution organization with regard to whom the money lender takes the measure to conclude a basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2-2, paragraph (1), item (i) of the Act, and that is the counterparty to the basic contract for implementation of dispute resolution procedures; and
 - 2. if there is no designated dispute resolution organization: the content of the complaint processing measures and dispute resolution measures prescribed in Article 12-2-2, paragraph (1), item (ii) of the Act to be taken by the money lender.
- (ii) a contract on the discount of negotiable instruments: the following matters:
 - (a) the matters specified in the preceding item (excluding the matters set forth in sub-items (l), (n), (o), (t), and (u) of that item);
 - (b) the negotiable instrument number of the discounted negotiable instrument, and the amount and maturity of the relevant negotiable instrument;
 - (c) the discount fees to be received by the money lender in relation to the discount, and any other matters related to money;
- (iii) a contract on collateral by sale: the following matters:
 - (a) the matters set forth in item (i) (excluding the matters set forth in sub-items (n) and (t) of that item); and
 - (b) the matters related to redemption (if the information is stated in the documents to be delivered pursuant Article 17, paragraph (2) of the Act, or when the information is more favorable to the counterparty to the contract than the one stated therein, the statement of the information may be omitted);

- (c) the details of the subject matter of the collateral by sale (statements of the subject matter of the collateral by sale stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act may be omitted);
 - (iv) a money brokerage agreement: the following matters.
 - (a) the matters specified in item (i) (excluding the matters set forth in sub-items (l) through (n), (t), (u) and (y) of that item);
 - (b) the method of calculation of brokerage fees (if the information is stated in the documents to be delivered pursuant to Article 17, paragraph (2) of the Act, or when the information is more favorable to the counterparty to the contract than the one stated therein, the statement of the information may be omitted), and the amount thereof.
- (17) If a loan contract is concluded or a payment is received within a certain period, the documents referred to in the preceding paragraph which relate to that certain period must be delivered (or, sent, offered for inspection or delivered, if the document is provided by electronic or magnetic means) within one month from the last day of the certain period.
- (18) The provisions of Article 11, paragraph (4) apply mutatis mutandis to the case when the money lender prepares the documents set forth in paragraph (16).

Article 14 Deleted

(Delivery of Receipt)

- Article 15 (1) The reference, in Article 18, paragraph (1), item (vi) of the Act, to matters specified by Cabinet Office Order means the following matters (in cases of receiving brokerage fees for money brokerage, excluding the matters set forth in item (v)):
- (i) characters or letters indicating to the receipt of performance;
 - (ii) the registration number of the money lender;
 - (iii) the trade name or name of the obligor;
 - (iv) if persons other than the obligor (if a guarantee contract has been concluded for the loan contract, the principal obligor) has made the performance of obligations, the trade name or name of the person; and
 - (v) the amount of remaining obligations after the relevant performance.
- (2) With regard to the matters set forth in items (ii) and (iii) of the preceding paragraph, the statement of the matters may be substituted by the clear indication of the contract number of the contract for a loan related to the claim for which performance was made and other matters.
- (3) The matters prescribed in the items of Article 18, paragraph (1) of the Act must be stated clearly and accurately using characters, letters and numbers greater than or equal to 8-point as provided in Japanese Industrial Standard

Z8305 in the documents prescribed in that paragraph.

- (4) The reference, in Article 18, paragraph (3) of the Act, to documents specified by Cabinet Office Order means documents in which the matters that the items of Article 13, paragraph (16) prescribes are stated clearly and accurately in characters, letters and numbers greater than or equal to 8-point as provided in Japanese Industrial Standard Z8305, with regard to the loan, performance and any other situation of transaction made within the fixed period specified by the money lender within one month, for the categories of loan contracts set forth in the performance-related items of that paragraph (beyond excluding the matters set forth in item (i), sub-item (z) of that paragraph, excluding, if a loan contract is not concluded within a certain period, the matters set forth in, sub-items (c) through (i) and (k) through (u) of that item, the matters set forth in item (ii), sub-item (a) of that paragraph (limited to the matters set forth in item (i), sub-items (c) through (i), (k), (m) and (p) through (s) of that paragraph), the matters set forth in item (ii), sub-items (b) and (c) of that paragraph, the matters set forth in item (iii), sub-item (a) of that paragraph (limited to the matters set forth in item (i), sub-items (c) through (i), (k) through (m), (o) through (s) and (u) of that paragraph), the matters set forth in item (iii), sub-items (b) and (c) of that paragraph, the matters set forth in item (iv), sub-item (a) of that paragraph (limited to the matters set forth in item (i), sub-items (c) through (i), (k) and (o) through (s) of that paragraph), and the matters set forth in item (iv), sub-item (b) of that paragraph, and if the performance is not received, the matters set forth in item (i), sub-items (v) through (y) of that paragraph, the matters set forth in item (ii), sub-item (a) of that paragraph (limited to the matters set forth in item (i), sub-items (v) through (y) of that paragraph), the matters set forth in item (iii), sub-item (a) of that paragraph (limited to the matters set forth in item (i), sub-items (v) through (y) of that paragraph), and the matters set forth in item (iv), sub-item (a) of that paragraph (limited to the matters set forth in item (i), sub-items (v) through (x) of that paragraph)):
- (5) If a loan contract is concluded or a payment is received within a certain period, the documents under the preceding paragraph which relate to that certain period must be delivered (or, sent, offered for inspection or delivered, if the documents are provided by electronic or magnetic means) within one month from the last day of the relevant certain period.
- (6) The provisions of Article 11, paragraph (4) apply mutatis mutandis to the case when the money lender prepares the documents set forth in paragraph (3).

(Keeping of Books)

Article 16 (1) The reference, in Article 19 of the Act, to matters specified by Cabinet Office Order means:

- (i) the matters set forth in Article 17, paragraph (1), items (iv) through (viii) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (a), (e), (g), (o) through (r) (limited to, in cases of a discount of negotiable instrument, sub-items (a), (q) and (r); in cases of collateral by sale, sub-items (a), and (p) through (r); and in cases of money brokerage, sub-items (a), (o), (q) and (r)), and in cases of a contract for a revolving credit loan, excluding the matters of the same content as those set forth in the following item);
 - (ii) the matters set forth in Article 17, paragraph (2), items (ii) through (vii) of the Act (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-items (a), (e), and (n) through (r) (limited to, in cases of a discount of a negotiable instrument, sub-items (a), (q) and (r); in cases of collateral by sale, sub-items (a) and (o) through (q); and in cases of money brokerage, sub-items (a), (n), and (p) through (r)), and item (ii), sub-item (c));
 - (iii) if a guarantee contract is concluded for the loan contract, the matters set forth in Article 17, paragraph (3) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (vii), and (xii) through (xiv));
 - (iv) if the money lender has received performance of all or part of the claim under the contract for a loan, the matters set forth in Article 18, paragraph (1), items (iv) and (v) of the Act and paragraph (1), item (v) of the preceding Article (in cases of money brokerage, limited to Article 18, paragraph (1), item (v) of the Act);
 - (v) if all or part of the claim under the contract for a loan has extinguished on grounds other than performance, the grounds, the date, and the amount of remaining claim;
 - (vi) if assigning the claim under the contract for a loan to others, the trade name or name, and address of the person to whom the claim was assigned, as well as the date of assignment and amount of the claim;
 - (vii) a record on the course of negotiation with the obligor, etc. or any other person with regard to the claim under the contract for a loan;
 - (viii) in cases of a daily installment money lender, the following matters:
 - (a) the type of business in which the other party to the loan mainly engages;
 - (b) the number of workers regularly used by the other party to the loan; and
 - (c) the date on which the money lender visited the business office or address of the other party to the loan for the collection of repayments by the money lender itself.
- (2) The provisions of Article 11, paragraph (4) of the Act apply *mutatis mutandis* to the case when the money lender prepares the books referred to in Article 19 of the Act.
- (3) When a money lender prepares the books referred to in Article 19 of the Act, the statement of the matters specified in the following items may be substituted

by the preservation of the copy of the documents set forth in the following items for each business office, etc. which is to preserve the books:

- (i) the documents to be delivered pursuant to Article 17, paragraph (1) of the Act: the matters set forth in paragraph (1), item (i);
- (ii) the documents to be delivered pursuant to Article 17, paragraph (2) of the Act: the matters set forth in paragraph (1), item (ii);
- (iii) the documents to be delivered pursuant to Article 17, paragraph (3) of the Act: the matters set forth in paragraph (1), item (iii);
- (iv) the documents specified by Cabinet Office Order which are referred to in Article 17, paragraph (6) of the Act: the matters set forth in paragraph (1), item (i) (limited to the part pertaining to the contract for a revolving credit loan concluded within a certain period which is stated in the relevant document); and
- (v) the documents of assignment agreement of the claim under the contract for a loan (limited to those stating the matters set forth in paragraph (1), item (vi)): the matters set forth in paragraph (1), item (vi).

Article 17 (1) A money lender must preserve the books referred to in Article 19 of the Act for each contract for a loan for at least 10 years from the final repayment due date provided in the relevant contract (if the claim under the relevant contract has extinguished upon performance or on any other grounds, the day on which the claim extinguished); provided, however, that if the money lender has concluded a basic contract for a revolving credit loan, the money lender must preserve the books for the relevant basic contract for a revolving credit loan and for all the contracts for revolving credit loans based on the relevant basic contract for a revolving credit loan for at least 10 years from the day of cancellation of the relevant basic contract for a revolving credit loan, or among the final repayment due dates specified in these contracts, the latest date (if all of the claims under these contracts have extinguished upon performance or on any other grounds, the day on which the claims have extinguished), whichever comes later.

(2) If the business office, etc. of the money lender is an automatic cash machine, the money lender is not required to keep books.

(Person Entitled to Request the Inspection of Books)

Article 17-2 The reference, in Article 19-2 of the Act, to persons specified by Cabinet Office Order means:

- (i) a statutory agent, supervisor of guardian, curator, supervisor of curator, assistant, or supervisor of assistant of the obligor, etc. or a person that was formerly an obligor, etc.;
- (ii) the heir of the obligor, etc. or a person that was formerly an obligor, etc.;

- (iii) a person that made the performance on behalf or in lieu of the obligor, etc. or a person that was formerly an obligor, etc.;
- (iv) a person that has been empowered the right of representation for the request under Article 19-2 of the Act from an obligor, etc. or a person that was formerly an obligor, etc. or the persons set forth in the preceding items.

(Method of Inspection of Books)

Article 17-3 A money lender must keep the books referred to in Article 19 of the Act based on the provisions of that Article, and except in the cases provided in Article 19-2 of the Act, must allow a person requesting to inspect or copy them to do so during its business hours.

(Matters to be Explained In Regard to the Preparation of Specified Notarized Deeds)

Article 18 (1) The reference, in Article 20, paragraph (3), item (ii) of the Act, to matters specified by Cabinet Office Order means, in cases of failure to perform the obligations stated in the specified notarized deeds, a statement to the effect that a money lender may carry out a compulsory execution against the assets of the obligor, etc. pursuant to the specified notarized deeds without the filing of a lawsuit.

(2) The matters set forth in the items of Article 20, paragraph (3) of the Act must be stated clearly and accurately using characters, letters and numbers greater than or equal to 8-point as provided in Japanese Industrialized Standard Z8305 in the documents prescribed in that paragraph.

(Restrictions on Acts of Collection)

Article 19 (1) The reference, in Article 21, paragraph (1), item (i) of the Act (including if it is applied mutatis mutandis pursuant to Article 24, paragraph (2), Article 24-2, paragraph (2), Article 24-3, paragraph (2), Article 24-4, paragraph (2), Article 24-5, paragraph (2) and Article 24-6 of the Act), to hours specified by Cabinet Office Order means the hours between 9 p.m. and 8 a.m.

(2) When sending documents demanding payment or electronic or magnetic records in lieu thereof to the obligor, etc. pursuant to the provisions of Article 21, paragraph (2) of the Act (including the cases when it is applied mutatis mutandis pursuant to Article 24, paragraph (2), Article 24-2, paragraph (2), Article 24-3, paragraph (2), Article 24-4, paragraph (2), Article 24-5, paragraph (2) and Article 24-6 of the Act), a person in the money lending business or a person entrusted by a person in the money lending business or any other person with collecting on claims under a contract for a loan made by a person in the money lending business must put the documents in an envelope, send an E-mail to an E-mail address that is clearly used only by the obligor, etc., or

otherwise send the demand in a such a way that the facts of borrowings of the obligor will not be disclosed to persons other than the obligor, etc.

(3) The reference, in Article 21, paragraph (2), item (viii) of the Act (including the cases when it is applied *mutatis mutandis* pursuant to Article 24, paragraph (2), Article 24-2, paragraph (2), Article 24-3, paragraph (2), Article 24-4, paragraph (2), Article 24-5, paragraph (2) and Article 24-6 of the Act), to matters specified by Cabinet Office Order means:

(i) the amount of remaining obligations related to the relevant demand at the time of demand of payment;

(ii) the breakdown (meaning the information on composition of the outstanding balance, such as the principal, interest and damages for the default under the relevant loan contract) of the amount that the person is being demanded to pay;

(iii) in cases of sending documents or electronic or magnetic records in lieu thereof to the guarantor, the date of the guarantee contract, maximum amount of the guarantee obligation, and the scope of obligation to be borne by the guarantor.

(4) The matters set forth in the items of Article 21, paragraph (2) of the Act (including the cases when that paragraph is applied *mutatis mutandis* pursuant to Article 24, paragraph (2), Article 24-2, paragraph (2), Article 24-3, paragraph (2), Article 24-4, paragraph (2), Article 24-5, paragraph (2) and Article 24-6 of the Act; hereinafter the same applies in this paragraph) must be stated clearly and accurately by using characters, letters and numbers greater than or equal to 8-point as provided in Japanese Industrial Standard Z8305 in the documents prescribed in that paragraph.

(5) The reference, in Article 21, paragraph (3) of the Act, to matters specified by Cabinet Office Order means:

(i) facts to be the basis of the right to receive performance of the person conducting collection;

(ii) the matters set forth in the items (excluding item (i)) of Article 17, paragraph (1) of the Act related to the claim to be collected (if the claim to be collected is not a claim under the contract for a loan made by a money lender, excluding the matters set forth in Article 13, paragraph (1), item (i), sub-item (r), and in cases when the claim to be collected is one under a contract for a revolving credit loan, excluding the matters same as those set forth in the following item);

(iii) if the claim to be collected is one under a contract for a revolving credit loan, the matters set forth in the items (excluding item (i)) of Article 17, paragraph (2) of the Act related to the basic contract for a revolving credit loan which forms the basis for the relevant contract (if the claim to be collected is not a claim under the contract for a loan made by a money lender,

- excluding the matters set forth in Article 13, paragraph (3), item (i), sub-item (r));
- (iv) in cases of collecting claims from the obligor, etc., the following matters:
 - (a) the matters set forth in Article 21, paragraph (2), items (vi) and (vii) of the Act; and
 - (b) the matters set forth in paragraph (3), items (i) and (ii);
 - (v) in cases of collecting claims from the guarantor, the matters set forth in Article 17, paragraph (3) of the Act (if the claim to be collected is not a claim under the contract for a loan made by a money lender, excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).
- (6) The reference, in Article 21, paragraph (3) of the Act (including if it is applied mutatis mutandis pursuant to Article 24, paragraph (2), Article 24-2, paragraph (2), Article 24-3, paragraph (2), Article 24-4, paragraph (2), Article 24-5, paragraph (2) and Article 24-6 of the Act), to methods specified by Cabinet Office Order means the method of delivering or sending the documents in which the matters set forth in the items of the preceding paragraph are stated clearly and accurately by using characters, letters and numbers greater than or equal to 8-point as provided in Japanese Industrial Standard Z8305; provided, however, that if a worker of the money lender or persons that have been entrusted by a money lender or any other person with the collection of claims under the contract for a loan made by the money lender receives a request from the counterparty to disclose the trade name or name of the relevant money lender or the name of the worker, the disclosure may be made by the presentation of identification cards provided in Article 12-4 of the Act.

(Form of the Sign to be Posted)

Article 20 The reference, in Article 23 of the Act, to a form specified by Cabinet Office Order means as provided in Appended Form No. 7.

(Notice to the Assignee of the Claim)

Article 21 (1) The reference, in Article 24, paragraph (1) of the Act, to matters specified by Cabinet Office Order means:

- (i) the matters set forth in the items of Article 17, paragraph (1) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (e), (g), (p), and (r) (in cases of a collateral by sale, limited to sub-items (p) and (r)), and in cases of a claim under a contract for a revolving credit loan, excluding the matters of the same content as those set forth in the following item);
- (ii) in cases of a claim under the contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act (excluding the matters set forth in items (ii) and (iii) of that paragraph and

- the matters set forth in Article 13, paragraph (3), item (i), sub-items (e), (g), (o), (p), and (r) (limited to, in cases of a collateral by sale, sub-items (o), (p), and (r), and in cases of money brokerage, sub-items (p) and (r)), and item (ii), sub-item (c));
- (iii) if a guarantee contract is concluded for the relevant claim, the matters set forth in Article 17, paragraph (3) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (vii) and (xiv)); and
- (iv) the date of assignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the assignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act (Act No. 15 of 1931).
- (3) A written document must be used to give the notice under Article 24, paragraph (1) of the Act.
- (4) With the assent of the assignee of the claim, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24, paragraph (1) of the Act, a money lender may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee with the information of which it is to notify it pursuant to paragraph (1) of that Article. In such a case, a money lender is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of a claim with the information of which the assignee must be notified pursuant to Article 24, paragraph (1) of the Act, the money lender must indicate to the assignee the type and details of the electronic or magnetic means it will use and have the assignee assent to this in a written document or by electronic or magnetic means.
- (6) If a money lender that has obtained the assent under the preceding paragraph from the assignee of a claim is informed thereby, in a written document or by electronic or magnetic means, that the assignee is unwilling to accept information by electronic or magnetic means, the money lender must not use electronic or magnetic means to provide the assignee with the information of which notice must be given pursuant to Article 24, paragraph (1) of the Act; provided, however, that this does not apply if the assignee of the claim reaffirms the assent under the preceding paragraph.

(Restrictions on Conclusion of Life Insurance Contract With Regard to Assigned Claim)

Article 21-2 The reference, in Article 12-7 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to contracts specified by Cabinet Office Order means contracts set forth in the items of Article 10-10.

(Delivery of Documents Prior to Concluding a Guarantee Contract Related to the Assigned Claim)

- Article 21-3 (1) The reference, in Article 16-2, paragraph (3), item (iv) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contracts set forth in that item.
- (2) The reference, in Article 16-2, paragraph (3), item (v) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in Article 12-2, paragraph (4).
- (3) The reference, in Article 16-2, paragraph (3), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 12-2, paragraph (5) (excluding the matters set forth in item (xiv) of that paragraph).
- (4) The provisions of Article 11, paragraph (4), Article 12-2, paragraphs (6) and (8), and Article 13, paragraphs (8) and (11) apply mutatis mutandis to the case when the assignee of the claim prepares the documents to be delivered pursuant to Article 16-2, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act.

(Delivery of Documents Prior to Obtaining Consent on Life Insurance Contract With Regard to the Assigned Claim)

- Article 21-4 (1) The reference, in Article 16-3, paragraph (1), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 12-3, paragraph (1).
- (2) The provisions of Article 12-3, paragraph (2) apply mutatis mutandis to the case when the assignee of the claim prepares the documents to be delivered pursuant to Article 16-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act.

(Delivery of Documents With Regard to the Assigned Claim)

- Article 22 (1) The reference, in Article 17, paragraph (1), item (viii) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contracts set forth in the item (excluding the matters set forth in item (i), sub-items (e), (p), and (r) of that paragraph).

- (2) The reference, in the second sentence of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contracts set forth in the item (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, the matters are excluded).
- (3) The reference, in Article 17, paragraph (2), item (vii) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contracts set forth in the item (excluding the matters set forth in item (i), sub-items (e), (o), (p), and (r) of that paragraph (in cases of money brokerage, limited to sub-items (p) and (r))).
- (4) The reference, in the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of loan contracts set forth in the item.
- (5) The reference, in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (6) (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).
- (6) The reference, in the second sentence of Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (7).
- (7) The reference, in the second sentence of Article 17, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of a loan contract, as set forth in the item, which the guarantee is to cover (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, the matters are excluded).
- (8) The reference, in the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to

matters specified by Cabinet Office Order means the matters specified in each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) for the category of loan contract, as set forth in the item, which the guarantee is to cover.

- (9) The provisions of Article 11, paragraph (4), and Article 13, paragraphs (8), (11) and (15) apply mutatis mutandis to the case when the assignee of the claim prepares the documents to be delivered pursuant to Article 17 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act.

(Delivery of Receipt After the Assignment of Claim)

Article 23 (1) The reference, in Article 18, paragraph (1), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 15, paragraph (1).

- (2) The provisions of Article 15, paragraph (3) apply mutatis mutandis to the case when the assignee of the claim prepares the documents to be delivered pursuant to Article 18, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act.

- (3) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to documents specified by Cabinet Office Order means documents specified in Article 15, paragraph (4).

- (4) The provisions of Article 11, paragraph (4), and Article 15, paragraph (5) apply mutatis mutandis to the case when the assignee of the claim prepares the documents prescribed in the preceding paragraph.

- (5) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the assignee of a claim notifies the counterparty to the contract for a loan connected with that claim and any other person paying all or part of a claim under the contract of the following matters, and that no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):

(i) that the assignee will issue the document specified by Cabinet Office Order which is referred to in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act;

(ii) that, pursuant to Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, the assignee will issue a document giving the information set forth in the items of Article 18, paragraph (3) of the Act in lieu of issuing the document under Article 18, paragraph (1) of the Act; and

(iii) that any objection to a matter set forth in the preceding two items must be

stated within a fixed period.

- (6) The reference, in Article 18, paragraph (4) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the assignee of the claim notifies the counterparty to the contract for a loan connected with that claim and any other person paying all or part of a claim under the contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):
- (i) that, pursuant to Article 18, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, the assignee will use electronic or magnetic means to provide the information prescribed in Article 18, paragraph (1) or (3) of the Act or the information required to be stated in the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article, in lieu of issuing a document as prescribed in paragraph (1) of that Article; in lieu of issuing the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article; or in lieu of issuing, pursuant to that paragraph, the document that is to be issued in lieu of the document prescribed in paragraph (1) of that Article;
 - (ii) the following information as to the type and details of the electronic or magnetic means the assignee will use:
 - (a) the means the assignee of the claim will use among those specified in Article 1-2-2, paragraph (1), item (ii); and
 - (b) the format in which the data will be recorded into the file; and
 - (iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.
- (7) The period referred to in paragraph (5), item (iii) and item (iii) of the preceding paragraph must not be less than one month.

(Keeping of Books After the Assignment of Claim)

Article 23-2 The provisions of Article 16 apply mutatis mutandis to the case when the assignee of the claim prepares the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act. In this case, the term "items (ii) through" in Article 16, paragraph (1), item (ii) is deemed to be replaced with "items (iv) through", and the phrase "is concluded" in item (iii) of that paragraph is deemed to be replaced with "has been concluded or is concluded."

Article 23-3 (1) An assignee of the claim under the loan contract made by a money lender must preserve the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act for

each contract for a loan related to the assigned claim, for at least ten years from the final repayment due date specified in the relevant contract (if the claim under the relevant contract has extinguished upon performance or on any other grounds, the day on which the claim extinguished); provided, however, that, if the relevant claim is one under a contract for a revolving credit loan, the money lender must preserve the relevant books for ten years from, among the final repayment due dates specified in the relevant contracts related to the assigned claims under the contract for a revolving credit loan based on the basic contract for a revolving credit loan related to the relevant claim (if all of these claims have extinguished upon performance or on any other grounds, the day on which the claims extinguished), the latest date.

(2) If the business office, etc. of the assignee of the claim under the loan contract made by a money lender is an automatic cash machine, the assignee is not required to keep books.

(Method of Inspection of Books After the Assignment of Claims)

Article 23-4 The assignee of a claim under a loan contract made by a money lender must keep the books referred to in Article 19 of the Act at each business office, etc. thereof (or at the domicile or residence of a person with no business office, etc.), based on the provisions of Article 19 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, and except in cases provided in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, must allow a person requesting to do so to inspect or copy them during its business hours.

(Person Entitled to Request the Inspection of Books After the Assignment of Claim)

Article 23-5 The reference, in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to persons specified by Cabinet Office Order means:

- (i) a statutory agent, supervisor of guardian, curator, supervisor of curator, assistant, or supervisor of assistant of the obligor, etc. prescribed in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act (hereinafter simply referred to as the "obligor, etc." in this Article) or a person that was formerly an obligor, etc.;
- (ii) the heir of the obligor, etc. or a person that was formerly an obligor, etc.;
- (iii) a person that made the performance on behalf or in lieu of the obligor, etc. or the person that was formerly an obligor, etc.;
- (iv) a person that has been empowered the right of representation for the request under Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act from an obligor, etc., a person that was

formerly an obligor, etc. or the persons set forth in the preceding items.

(Matters to be Explained in Regard to the Preparation of Specified Notarized Deeds After the Assignment of Claims)

- Article 24 (1) The reference, in Article 20, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means, in cases of failure to perform the obligations stated in the specified notarized deeds, a statement to the effect that the assignee of the claim under the loan contract made by a money lender may carry out a compulsory execution against the assets of the obligor, etc. pursuant to the specified notarized deeds without the filing of a lawsuit.
- (2) The provisions of Article 18, paragraph (2) of the Act apply mutatis mutandis to the cases when the assignee of the claim prepares the documents to be delivered pursuant to Article 20, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act.

(Matters to be Disclosed upon the Collection After the Assignment of the Claim)

- Article 25 The reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act, to matters specified by Cabinet Office Order means:
- (i) facts to be the basis of the right to receive performance of the person conducting collection;
 - (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act related to the claim to be collected (excluding the trade name or name of the assignee of the relevant claim and the matters set forth in Article 13, paragraph (1), item (i), sub-item (r));
 - (iii) if the claim to be collected is one under a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act related to the basic contract for a revolving credit loan which forms the basis for the relevant contract (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-item (r)); and
 - (iv) in cases of collecting claims from the guarantee business operator, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).

(Notice to the Assignee of the Reassigned Claim)

- Article 26 (1) The reference, in Article 24, paragraph (1) of the Act as applied

mutatis mutandis pursuant to paragraph (2) of that Article, to matters specified by Cabinet Office Order means:

- (i) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (e), (g), (p), and (r) (in cases of a collateral by sale, limited to sub-items (p) and (r)), and in cases of a claim under a contract for a revolving credit loan, excluding the matters of the same content as those set forth in the following items);
 - (ii) in cases of a claim under the contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act (excluding the matters set forth in items (ii) and (iii) of Article 17, paragraph (2) of the Act and the matters set forth in Article 13, paragraph (3), item (i), sub-items (e), (g), (o), (p), and (r) (limited to, in cases of a collateral by sale, sub-items (o), (p), and (r), and in cases of money brokerage, sub-items (p) and (r)), and item (ii), sub-item (c));
 - (iii) if a guarantee contract is concluded for the relevant claim, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (vii) and (xiv)); and
 - (iv) the date of reassignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the reassignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
 - (3) A document in writing must be used to give the notice under Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article.
 - (4) With the assent of the assignee of the reassigned claim, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, the assignee of the claim may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the reassigned claim with the information of which it is to notify it pursuant to paragraph (1) of that Article. In such a case, the assignee of the claim is deemed to have used a written document to give the notice.
 - (5) Before seeking to apply the preceding paragraph so as to provide the assignee of a reassigned claim with the information of which that assignee must be notified pursuant to Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, the assignee of the claim must indicate to the assignee on reassignment the type and details of the

electronic or magnetic means it will use and have that assignee assent to this in a written document or by electronic or magnetic means.

- (6) If the original assignee of a claim that has obtained the assent under the preceding paragraph from the assignee of the reassigned claim is informed thereby, in a written document or by electronic or magnetic means, that the assignee on reassignment is unwilling to be accept information by electronic or magnetic means, the original assignee must not use electronic or magnetic means to provide the assignee on reassignment with the information of which notice must be given pursuant to Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article; provided, however, that this does not apply if the assignee of the reassigned claim reaffirms the assent under the preceding paragraph.

(Notice to Guarantee Business Operators)

Article 26-2 (1) A written document must be used to give the notice under Article 24-2, paragraph (1) of the Act.

- (2) With the assent of the guarantee business operator, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24-2, paragraph (1) of the Act, a money lender may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the operator with the information of which it is to notify it pursuant to paragraph (1) of that Article. In such a case, the money lender is deemed to have used a written document to give the notice.

- (3) Before seeking to apply the preceding paragraph so as to provide a guarantee business operator with the information of which it must be notified pursuant to Article 24-2, paragraph (1) of the Act, a money lender must indicate to the operator the type and details of the electronic or magnetic means it will use and have the operator assent to this in a written document or by electronic or magnetic means.

- (4) If a money lender that has obtained the assent under the preceding paragraph from a guarantee business operator is informed thereby, by a written document or by electronic or magnetic means, that the operator is unwilling to accept information by electronic or magnetic means, the money lender must not use electronic or magnetic means to provide the operator with the information of which notice must be given pursuant to Article 24-2, paragraph (1) of the Act; provided, however, that this does not apply if the guarantee business operator reaffirms the assent under the preceding paragraph.

(Restrictions on Conclusion of Life Insurance Contract With Regard to Right to Reimbursement Pertaining to Guarantee)

Article 26-2-2 The reference, in Article 12-7 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to contracts specified by Cabinet Office Order means contracts set forth in the items of Article 10-10.

(Delivery of Documents Prior to Concluding a Guarantee Contract Related to the Right to Reimbursement Pertaining to Guarantee)

Article 26-2-3 (1) The reference, in Article 16-2, paragraph (3), item (iv) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item.

(2) The reference, in Article 16-2, paragraph (3), item (v) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in Article 12-2, paragraph (4).

(3) The reference, in Article 16-2, paragraph (3), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 12-2, paragraph (5) (excluding the matters set forth in item (xiv) of that paragraph).

(4) The provisions of Article 11, paragraph (4), Article 12-2, paragraphs (6) and (8), and Article 13, paragraphs (8) and (11) apply mutatis mutandis to the case when the guarantee business operator prepares the documents to be delivered pursuant to Article 16-2, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act.

(Delivery of Documents Prior to Obtaining Consent on Life Insurance Contract Related to the Right to Reimbursement Pertaining to Guarantee)

Article 26-2-4 (1) The reference, in Article 16-3, paragraph (1), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 12-3, paragraph (1).

(2) The provisions of Article 12-3, paragraph (2) apply mutatis mutandis to the case when the guarantee business operator prepares the documents to be delivered pursuant to Article 16-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act.

(Delivery of Documents With Regard to the Right to Reimbursement Pertaining to Guarantee)

Article 26-3 (1) The reference, in Article 17, paragraph (1), item (viii) of the Act

as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e) and (p) of that paragraph).

- (2) The reference, in the second sentence of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, the matters are excluded).
- (3) The reference, in Article 17, paragraph (2), item (vii) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e), (o), (p), and (r) of that paragraph (in cases of money brokerage, limited to sub-items (p) and (r))).
- (4) The reference, in the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item.
- (5) The reference, in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (6) (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).
- (6) The reference, in the second sentence of Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (7).
- (7) The reference, in the second sentence of Article 17, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contract, as set forth in the item, which the guarantee is to cover (if the contents of the changes to the relevant matters are stated in the

documents to be delivered pursuant to the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, the matters are excluded).

- (8) The reference, in the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of loan contract, as set forth in the item, which the guarantee is to cover.
- (9) The provisions of Article 11, paragraph (4), and Article 13, paragraphs (8), (11) and (15) apply mutatis mutandis to the case when the guarantee business operator prepares the documents to be delivered pursuant to Article 17 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act.

(Delivery of Receipt After the Acquisition of Right to Reimbursement
Pertaining to Guarantee)

- Article 26-4 (1) The reference, in Article 18, paragraph (1), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 15, paragraph (1).
- (2) The provisions of Article 15, paragraph (3) applies mutatis mutandis to the case when the guarantee business operator prepares the documents to be delivered pursuant to Article 18, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act.
- (3) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to documents specified by Cabinet Office Order means documents specified in Article 15, paragraph (4).
- (4) The provisions of Article 11, paragraph (4), and Article 15, paragraph (5) apply mutatis mutandis to the case when the guarantee business operator prepares the documents prescribed in the preceding paragraph.
- (5) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-2, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the guarantee business operator notifies the counterparty to the contract for a loan related to the right to reimbursement, etc. pertaining to guarantee, etc. and any other person paying all or part of a claim under the relevant contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):

- (i) that the operator will issue the document specified by Cabinet Office Order which is referred to in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act;
 - (ii) that, pursuant to Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, the operator will issue a document giving the information set forth in the items of Article 18, paragraph (3) of the Act in lieu of issuing the document under Article 18, paragraph (1) of the Act; and
 - (iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.
- (6) The reference, in Article 18, paragraph (4) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-2, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the guarantee business operator notifies the counterparty to the contract for a loan connected with the right to reimbursement, etc. pertaining to guarantee, etc. and any other person paying all or part of a claim under the contract, and that no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):
- (i) that, pursuant to Article 18, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, the guarantee business operator will use electronic or magnetic means to provide the information prescribed in Article 18, paragraph (1) or (3) of the Act or the information required to be stated in the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article, in lieu of issuing a document as prescribed in paragraph (1) of that Article; in lieu of issuing the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article; or in lieu of issuing, pursuant to that paragraph, the document that is to be issued in lieu of the document prescribed in paragraph (1) of that Article;
 - (ii) the following information for the type and details of the electronic or magnetic means that will be used:
 - (a) the means the guarantee business operator will use among those specified in Article 1-2, paragraph (1), item (ii); and
 - (b) the format in which the data will be recorded into the file; and
 - (iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.
- (7) The period referred to in paragraph (5), item (iii) and item (iii) of the preceding paragraph must not be less than one month.

(Keeping of Books After the Acquisition of Right to Reimbursement Pertaining

to Guarantee)

Article 26-4-2 The provisions of Article 16 apply mutatis mutandis to the case when the guarantee business operator prepares the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act. In this case, the term "items (ii) through" in Article 16, paragraph (1), item (ii) is deemed to be replaced with "items (iv) through", and the phrase "is concluded" in item (iii) of that paragraph is deemed to be replaced with "has been concluded or is concluded."

Article 26-4-3 (1) A guarantee business operator must preserve the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act for each right to reimbursement, etc. pertaining to guarantee, etc. acquired thereby, for at least ten years from the final repayment due date of the relevant right to reimbursement, etc. (if the relevant right to reimbursement, etc. has extinguished upon performance or on any other grounds, the day on which the right to reimbursement, etc. extinguished); provided, however, that, if the relevant right to reimbursement, etc. is one under a contract for a revolving credit loan, the guarantee business operator must preserve the relevant books for ten years from, among the final repayment due dates of the acquired rights to obtain reimbursement, etc. pertaining to guarantee, etc. under the contract for a revolving credit loan based on the basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. (if all of these rights to reimbursement, etc. have extinguished upon performance or on any other grounds, the day on which the rights to reimbursement, etc. extinguished), the latest date.

(2) If the business office, etc. of the guarantee business operator is an automatic cash machine, the guarantee business operator is not required to keep books.

(Method of Inspection of Books After the Acquisition of Right to Reimbursement Pertaining to Guarantee)

Article 26-4-4 A guarantee business operator must keep the books referred to in Article 19 of the Act at each business office, etc. thereof (or at the domicile or residence of a person with no business office, etc.) based on the provisions of Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, and except in cases provided in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, must allow a person requesting to inspect or copy them to do so during its business hours.

(Person Entitled to Request the Inspection of Books After the Acquisition of Right to Reimbursement Pertaining to Guarantee)

Article 26-4-5 The reference, in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to persons specified by Cabinet Office Order means:

- (i) a statutory agent, supervisor of guardian, curator, supervisor of curator, assistant, or supervisor of assistant of the obligor, etc. prescribed in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act (hereinafter simply referred to as the "obligor, etc." in this Article) or the person that was formerly an obligor, etc.;
- (ii) the heir of the obligor, etc. or the person that was formerly an obligor, etc.;
- (iii) a person that made the performance on behalf or in lieu of the obligor, etc. or the person that was formerly an obligor, etc.;
- (iv) a person that has been empowered the right of representation for the request under Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act from an obligor, etc. or a person that was formerly an obligor, etc. or the persons set forth in the preceding items.

(Matters to be Explained in Regard to the Preparation of Specified Notarized Deeds After the Acquisition of Right to Reimbursement Pertaining to Guarantee)

Article 26-5 (1) The reference, in Article 20, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means, in cases of failure to perform the obligations stated in the specified notarized deeds, a statement to the effect that the guarantee business operator may carry out a compulsory execution against the assets of the obligor, etc. pursuant to the specified notarized deeds without filing a lawsuit.

(2) The provisions of Article 18, paragraph (2) of the Act apply mutatis mutandis to the case when the guarantee business operator prepares the documents to be delivered pursuant to Article 20, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act.

(Matters to be Disclosed upon the Collection After the Acquisition of the Right to Reimbursement Pertaining to Guarantee)

Article 26-6 The reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act related to the claim to be collected (excluding the trade name or name of the

- relevant guarantee business operator and the matters set forth in Article 13, paragraph (1), item (i), sub-item (r));
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act related to the basic contract for a revolving credit loan which forms the basis for the relevant contract (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-item (r)); and
- (iv) in cases of collecting claims from the guarantor, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).

(Notice to Persons Entrusted With Performance)

- Article 26-7 (1) A written document must be used to give the notice under Article 24-3, paragraph (1) of the Act.
- (2) With the assent of the person entrusted with performance, in lieu of notice under Article 24-3, paragraph (1) of the Act being given in a written document as under the preceding paragraph, the money lender may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the person entrusted with performance with the information of which it is to notify it pursuant to paragraph (1) of that Article. In such a case, the money lender is deemed to have used a written document to give the notice.
- (3) Before seeking to apply the preceding paragraph so as to provide a person entrusted with performance with the information of which that person must be notified pursuant to Article 24-3, paragraph (1) of the Act, a money lender must indicate to that person the type and details of the electronic or magnetic means that it will use and have the person assent to this in a written document or by electronic or magnetic means.
- (4) If a money lender that has obtained the assent under the preceding paragraph from the person entrusted with performance is informed thereby, in a written document or by electronic or magnetic means, that the person is unwilling to accept information by electronic or magnetic means, the money lender must not use electronic or magnetic means to provide the person with the information of which notice must be given pursuant to Article 24-3, paragraph (1) of the Act; provided, however, that this does not apply if the person entrusted with performance reaffirms the assent under the preceding paragraph.

(Restrictions on Conclusion of Life Insurance Contract With Regard to Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-7-2 The reference, in Article 12-7 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to contracts specified by Cabinet Office Order means contracts set forth in the items of Article 10-10.

(Delivery of Documents Prior to Concluding a Guarantee Contract Related to the Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-7-3 (1) The reference, in Article 16-2, paragraph (3), item (iv) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item.

(2) The reference, in Article 16-2, paragraph (3), item (v) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in Article 12-2, paragraph (4).

(3) The reference, in Article 16-2, paragraph (3), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 12-2, paragraph (5) (excluding the matters set forth in item (xiv) of that paragraph).

(4) The provisions of Article 11, paragraph (4), Article 12-2, paragraphs (6) and (8), and Article 13, paragraphs (8) and (11) apply mutatis mutandis to the case when the person entrusted with performance prepares the documents to be delivered pursuant to Article 16-2, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act.

(Delivery of Documents Prior to Obtaining Consent on Life Insurance Contract Related to the Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-7-4 (1) The reference, in Article 16-3, paragraph (1), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 12-3, paragraph (1).

(2) The provisions of Article 12-3, paragraph (2) apply mutatis mutandis to the case when the person entrusted with performance prepares the documents to be delivered pursuant to Article 16-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act.

(Delivery of Documents With Regard to the Right to Reimbursement Pertaining to Performance under Entrustment)

- Article 26-8 (1) The reference, in Article 17, paragraph (1), item (viii) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each of the items of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e), (p) and (r) of that paragraph).
- (2) The reference, in the second sentence of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of a loan contract set forth in the item (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, these matters are excluded).
- (3) The reference, in Article 17, paragraph (2), item (vii) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e), (o), (p), and (r) of that paragraph (in cases of money brokerage, limited to sub-items (p) and (r))).
- (4) The reference, in the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in that item.
- (5) The reference, in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (6) (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).
- (6) The reference, in the second sentence of Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (7).
- (7) The reference, in the second sentence of Article 17, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contract, as set forth in the item, which the guarantee is to

cover (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, these matters are excluded).

- (8) The reference, in the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of a loan contract, as set forth in the item, which the guarantee is to cover.
- (9) The provisions of Article 11, paragraph (4), and Article 13, paragraphs (8), (11) and (15) apply mutatis mutandis to the case when the person entrusted with performance prepares the documents to be delivered pursuant to Article 17 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act.

(Delivery of Receipt After the Acquisition of Right to Reimbursement
Pertaining to Performance under Entrustment)

- Article 26-9 (1) The reference, in Article 18, paragraph (1), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 15, paragraph (1).
- (2) The provisions of Article 15, paragraph (3) apply mutatis mutandis to the case when the person entrusted with performance prepares the documents to be delivered pursuant to Article 18, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act.
- (3) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to documents specified by Cabinet Office Order means documents specified in Article 15, paragraph (4).
- (4) The provisions of Article 11, paragraph (4), and Article 15, paragraph (5) apply mutatis mutandis to the case when the person entrusted with performance prepares the documents prescribed in the preceding paragraph.
- (5) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-3, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the person entrusted with performance notifies the counterparty to the contract for a loan connected to the right to reimbursement, etc. pertaining to performance under entrustment and any other person paying all or part of a claim under the contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii)

- within the fixed period referred to in item (iii):
- (i) that the person will issue the document specified by Cabinet Office Order which is referred to in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act;
 - (ii) that, pursuant to Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, the person will issue a document stating the information set forth in the items of Article 18, paragraph (3) of the Act in lieu of issuing the document under Article 18, paragraph (1) of the Act; and
 - (iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.
- (6) The reference, in Article 18, paragraph (4) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-3, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the person entrusted with performance notifies the counterparty to the contract for a loan connected with the right to reimbursement, etc. pertaining to performance under entrustment and any other person paying all or part of a claim under the contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):
- (i) that, pursuant to Article 18, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, the person entrusted with performance will use electronic or magnetic means to provide the information prescribed in Article 18, paragraph (1) or (3) of the Act or the information required to be stated in the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article, in lieu of issuing a document as prescribed paragraph (1) of that Article; in lieu of issuing the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article; or in lieu of issuing, pursuant to that paragraph, the document that is to be issued in lieu of the document prescribed in paragraph (1) of that Article;
 - (ii) the following information as to the type and details of the electronic or magnetic means that will be used:
 - (a) the means the person entrusted with repayment will use among those specified in Article 1-2, paragraph (1), item (ii); and
 - (b) the format in which the data will be recorded into the file; and
 - (iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.
- (7) The period referred to in paragraph (5), item (iii) and item (iii) of the preceding paragraph must not be less than one month.

(Keeping of Books After the Acquisition of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-9-2 The provisions of Article 16 apply mutatis mutandis to the case when the person entrusted with performance prepares the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act. In this case, the term "items (ii) through" in Article 16, paragraph (1), item (ii) is deemed to be replaced with "items (iv) through", and the phrase "is concluded" in item (iii) of that paragraph is deemed to be replaced with "has been concluded or is concluded."

Article 26-9-3 (1) A person entrusted with performance must preserve the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act for each right to reimbursement, etc. pertaining to performance under entrustment acquired thereby, for at least ten years from the final repayment due date of the relevant right to reimbursement, etc. (if the relevant right to reimbursement, etc. has extinguished upon performance or on any other grounds, the day on which the right to reimbursement, etc. extinguished); provided, however, that, if the relevant right to reimbursement, etc. is one under a contract for a revolving credit loan, the person entrusted with repayment must preserve the relevant books for ten years from, among the final repayment due dates of the acquired rights to reimbursement, etc. pertaining to performance under entrustment under the contract for a revolving credit loan based on the basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. (if all of these rights to reimbursement, etc. have extinguished upon performance or on any other grounds, the day on which the rights to reimbursement, etc. extinguished), the latest date.

(2) If the business office, etc. of the person entrusted with performance is an automatic cash machine, the person entrusted with performance is not required to keep books.

(Method of Inspection of Books After the Acquisition of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-9-4 A person entrusted with performance must keep the books referred to in Article 19 of the Act at each business office, etc. thereof (or at the domicile or residence of a person with no business office, etc.) based on the provisions of Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, and except in cases provided in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, must allow a person requesting to inspect or copy them to do so during its business hours.

(Person Entitled to Request the Inspection of Books After the Acquisition of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-9-5 The reference, in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to persons specified by Cabinet Office Order means:

- (i) a statutory agent, supervisor of the guardian, curator, supervisor of curator, assistant, or supervisor of assistant of the obligor, etc. prescribed in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act (hereinafter simply referred to as the "obligor, etc." in this Article) or a person that was formerly an obligor, etc.;
- (ii) the heir of the obligor, etc. or a person that was formerly an obligor, etc.;
- (iii) a person that made the performance on behalf or in lieu of the obligor, etc. or the person that was formerly an obligor, etc.;
- (iv) a person that has been empowered the right of representation for the request under Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act from an obligor, etc., a person that was formerly an obligor, etc. or the persons set forth in the preceding items.

(Matters to be Explained in Regard to the Preparation of Specified Notarized Deeds After the Acquisition of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-10 (1) The reference, in Article 20, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means, in cases of failure to perform the obligations stated in the specified notarized deeds, a statement to the effect that the person entrusted with performance may carry out a compulsory execution against the assets of the obligor, etc. pursuant to the specified notarized deeds without the filing of lawsuit.

- (2) The provisions of Article 18, paragraph (2) of the Act apply mutatis mutandis to the case when the person entrusted with performance prepares the documents to be delivered pursuant to Article 20, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act.

(Matters to be Disclosed upon the Collection After the Acquisition of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-11 The reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;

- (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act related to the claim to be collected (excluding the trade name or name of the relevant person entrusted with performance and the matters set forth in Article 13, paragraph (1), item (i), sub-item (r));
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act related to the basic contract for a revolving credit loan which forms the basis for the relevant contract (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-item (r));
- (iv) in cases of collecting claims from the guarantor, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).

(Notice to the Assignee of the Right to Reimbursement Pertaining to Guarantee)

Article 26-12 (1) The reference, in Article 24-4, paragraph (1) of the Act, to matters specified by Cabinet Office Order means:

- (i) that the relevant right to reimbursement, etc. pertaining to guarantee, etc. has accrued from the guarantee pertaining to the loan contract made by the money lender;
 - (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (e), (g), (p), and (r) (in cases of a collateral by sale, limited to sub-items (p) and (r)));
 - (iii) in cases of the right to reimbursement, etc. pertaining to guarantee, etc. related to a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-items (e), (g), (o), (p), and (r) (limited to, in cases of a collateral by sale, sub-items (o), (p), and (r), and in cases of money brokerage, sub-items (p) and (r)), and item (ii), sub-item (c));
 - (iv) if a guarantee contract is concluded for the relevant claim, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (vii) and (xiv)); and
 - (v) the date of assignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the assignment of

the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.

- (3) A written document must be used to give the notice under Article 24-4, paragraph (1) of the Act.
- (4) With the assent of the assignee of the right to reimbursement, etc. pertaining to a guarantee, etc., in lieu of using a written document as under the preceding paragraph to give a notice under Article 24-4, paragraph (1) of the Act, the guarantee business operator may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee with the information of which it is to notify it pursuant to paragraph (1) of that Article. In such a case, the guarantee business operator is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of the right to reimbursement, etc. pertaining to a guarantee, etc. with the information of which that assignee must be notified pursuant to Article 24-4, paragraph (1) of the Act, a guarantee business operator must indicate to the assignee the type and details of the electronic or magnetic means it will use and have the assignee assent to this in a written document or by electronic or magnetic means.
- (6) If a guarantee business operator that has obtained the assent under the preceding paragraph from the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. is informed thereby, in a written document or by electronic or magnetic means, that the assignee is unwilling to be provided with information by electronic or magnetic means, the guarantee business operator must not use electronic or magnetic means to provide the assignee with the information of which notice must be given pursuant to Article 24-4, paragraph (1) of the Act; provided, however, that this does not apply if the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. reaffirms the assent under the preceding paragraph.

(Restrictions on Conclusion of a Life Insurance Contract With Regard to the Assigned Right to Reimbursement Pertaining to Guarantee)

Article 26-12-2 The reference, in Article 12-7 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to contracts specified by Cabinet Office Order means contracts set forth in the items of Article 10-10.

(Delivery of Documents Prior to Concluding a Guarantee Contract Related to the Assigned Right to Reimbursement Pertaining to Guarantee)

Article 26-12-3 (1) The reference, in Article 16-2, paragraph (3), item (iv) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the

Act, to matters specified by Cabinet Office Order means the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item.

- (2) The reference, in Article 16-2, paragraph (3), item (v) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in Article 12-2, paragraph (4).
- (3) The reference, in Article 16-2, paragraph (3), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 12-2, paragraph (5) (excluding the matters set forth in item (xiv) of that paragraph).
- (4) The provisions of Article 11, paragraph (4), Article 12-2, paragraphs (6) and (8), and Article 13, paragraphs (8) and (11) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. prepares the documents to be delivered pursuant to Article 16-2, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act.

(Delivery of Documents Prior to Obtaining Consent on Life Insurance Contract Related to the Assigned Right to Reimbursement Pertaining to Guarantee)

Article 26-12-4 (1) The reference, in Article 16-3, paragraph (1), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 12-3, paragraph (1):

- (2) The provisions of Article 12-3, paragraph (2) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. prepares the documents to be delivered pursuant to Article 16-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act.

(Delivery of Documents With Regard to the Assigned Right to Reimbursement Pertaining to Guarantee)

Article 26-13 (1) The reference, in Article 17, paragraph (1), item (viii) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e), (p), and (r) of that paragraph).

- (2) The reference, in the second sentence of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to

matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, the matters are excluded).

- (3) The reference, in Article 17, paragraph (2), item (vii) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e), (o), (p), and (r) of that paragraph (in cases of money brokerage, limited to sub-items (p) and (r))).
- (4) The reference, in the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item.
- (5) The reference, in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (6) (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).
- (6) The reference, in the second sentence of Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (7).
- (7) The reference, in the second sentence of Article 17, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contract, as set forth in the item, which the guarantee is to cover (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, the matters are excluded).
- (8) The reference, in the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the

category of loan contract, as set forth in the item, which the guarantee is to cover.

- (9) The provisions of Article 11, paragraph (4), and Article 13, paragraphs (8), (11) and (15) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. prepares the documents to be delivered pursuant to Article 17 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act.

(Delivery of Receipt After the Assignment of Right to Reimbursement
Pertaining to Guarantee)

Article 26-14 (1) The reference, in Article 18, paragraph (1), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 15, paragraph (1).

- (2) The provisions of Article 15, paragraph (3) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. prepares the documents to be delivered pursuant to Article 18, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act.

(3) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to documents specified by Cabinet Office Order means documents specified in Article 15, paragraph (4).

(4) The provisions of Article 11, paragraph (4), and Article 15, paragraph (5) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. prepares the documents prescribed in the preceding paragraph.

(5) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-4, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. notifies the counterparty to the contract for a loan connected with the right to reimbursement, etc. pertaining to guarantee, etc. and any other person paying all or part of a claim under the contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):

- (i) that the assignee will issue the document specified by Cabinet Office Order which is referred to in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act;
- (ii) that, pursuant to Article 18, paragraph (3) of the Act as applied mutatis

mutandis pursuant to Article 24-4, paragraph (2) of the Act, the assignee will issue a document giving the information set forth in the items of Article 18, paragraph (3) of the Act in lieu of issuing a document under paragraph (1) of that Article; and

(iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.

(6) The reference, in Article 18, paragraph (4) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-4, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. notifies the counterparty to the contract for a loan connected with the right to reimbursement, etc. pertaining to guarantee, etc. and any other person paying all or part of a claim under the contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):

(i) that, pursuant to Article 18, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, the assignee will use electronic or magnetic means to provide the information prescribed in Article 18, paragraph (1) or (3) of the Act or the information required to be stated in the document specified by Cabinet Office Order which is referred to in paragraph (3), in lieu of issuing a document as prescribed in paragraph (1) of that Article; in lieu of issuing the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article; or in lieu of issuing, pursuant to that paragraph, the document that is to be issued in lieu of the document prescribed in paragraph (1) of that Article;

(ii) the following information as to the type and details of the electronic or magnetic means that will be used:

(a) the means the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. will use among those specified in Article 1-2, paragraph (1), item (ii); and

(b) the format in which the data will be recorded into the file;

(iii) that any objections to a matter set forth in the preceding two items must be stated within a fixed period.

(7) The period referred to in paragraph (5), item (iii) and item (iii) of the preceding paragraph must not be less than one month.

(Keeping of Books After the Assignment of Right to Reimbursement Pertaining to Guarantee)

Article 26-14-2 The provisions of Article 16 apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee,

etc. prepares the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act. In this case, the term "items (ii) through" in Article 16, paragraph (1), item (ii) is deemed to be replaced with "items (iv) through", and the phrase "is concluded" in item (iii) of that paragraph is deemed to be replaced with "has been concluded or is concluded."

- Article 26-14-3 (1) An assignee of the right to reimbursement, etc. pertaining to guarantee, etc. must preserve the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act for each assigned right to reimbursement, etc. pertaining to guarantee, etc., for at least ten years from the final repayment due date of the relevant right to reimbursement, etc. (if the relevant right to reimbursement, etc. has extinguished upon performance or on any other grounds, the day on which the right to reimbursement, etc. extinguished); provided, however, that, if the relevant right to reimbursement, etc. is one under a contract for a revolving credit loan, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. must preserve the relevant books for ten years from, among the final repayment due dates of the assigned rights to reimbursement, etc. pertaining to guarantee, etc. under the contract for a revolving credit loan based on the basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. (if all of these rights to reimbursement, etc. have extinguished upon performance or on any other grounds, the day on which the rights to reimbursement, etc. extinguished), the latest date.
- (2) If the business office, etc. of the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. is an automatic cash machine, the assignee is not required to keep books.

(Method of Inspection of Books After the Assignment of Right to Reimbursement Pertaining to Guarantee)

Article 26-14-4 An assignee of the right to reimbursement, etc. pertaining to guarantee, etc. must keep the books referred to in Article 19 of the Act at each business office, etc. thereof (or at the domicile or residence of a person with no business office, etc.) based on the provisions of Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, and except in cases provided in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, must allow a person requesting to inspect or copy them to do so during its business hours.

(Person Entitled to Request the Inspection of Books After the Assignment of Right to Reimbursement Pertaining to Guarantee)

Article 26-14-5 The reference, in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to persons specified by Cabinet Office Order means:

- (i) a statutory agent, supervisor of guardian, curator, supervisor of curator, assistant, or supervisor of assistant of the obligor, etc. prescribed in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act (hereinafter simply referred to as the "obligor, etc." in this Article) or the person that was formerly an obligor, etc.;
- (ii) the heir of the obligor, etc. or the person that was formerly an obligor, etc.;
- (iii) a person that made the performance on behalf or in lieu of the obligor, etc. or the person that was formerly an obligor, etc.; and
- (iv) a person that has been empowered the right of representation for the request under Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act from an obligor, etc., a person that was formerly an obligor, etc. or the persons set forth in the preceding items.

(Matters to be Explained in Regard to the Preparation of Specified Notarized Deeds After the Assignment of Right to Reimbursement Pertaining to Guarantee)

Article 26-15 (1) The reference, in Article 20, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means, in cases of failure to perform the obligations stated in the specified notarized deeds, a statement to the effect that the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. may carry out a compulsory execution against the assets of the obligor, etc. pursuant to the specified notarized deeds without the filing of lawsuit.

(2) The provisions of Article 18, paragraph (2) of the Act apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. prepares the documents to be delivered pursuant to Article 20, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act.

(Matters to be Disclosed upon the Collection After the Assignment of the Right to Reimbursement Pertaining to Guarantee)

Article 26-16 The reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as

applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act related to the claim to be collected (excluding the trade name or name of the relevant assignee of the right to reimbursement, etc. pertaining to guarantee, etc. and the matters set forth in Article 13, paragraph (1), item (i), sub-item (r));

- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act related to the basic contract for a revolving credit loan which forms the basis for the relevant contract (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-item (r)); and
- (iv) in cases of collecting claims from the guarantor, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).

(Notice to the Assignee of the Reassigned Right to Reimbursement Pertaining to Guarantee)

Article 26-17 (1) The reference, in Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, to matters specified by Cabinet Office Order means:

- (i) that the relevant right to reimbursement, etc. pertaining to guarantee, etc. has accrued from the guarantee pertaining to the loan contract made by the money lender;
- (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (e), (g), (p), and (r) (in cases of a collateral by sale, limited to sub-items (p) and (r)));
- (iii) in cases of the right to reimbursement, etc. pertaining to guarantee, etc. related to a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-items (e), (g), (o), (p), and (r) (limited to, in cases of a collateral by sale, sub-items (o), (p), and (r), and in cases of money brokerage, sub-items (p) and (r)), and item (ii), sub-item (c));
- (iv) if a guarantee contract is concluded for the relevant claim, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-4, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (vii) and (xiv)); and
- (v) the date of reassignment and the amount of the relevant claim.

- (2) The provisions of the preceding paragraph do not apply to the reassignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used to give the notice under Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article.
- (4) With the assent of the assignee of the reassigned right to reimbursement, etc. pertaining to a guarantee, etc., in lieu of using a written document as under the preceding paragraph to give a notice under Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the reassigned right to reimbursement, etc. pertaining to guarantee, etc. with the information of which it is to notify it pursuant to paragraph (1) of that Article as applied mutatis mutandis pursuant to paragraph (2) of that Article. In such a case, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of the reassigned right to reimbursement, etc. pertaining to a guarantee, etc. with the information of which that assignee must be notified pursuant to Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. must indicate to the assignee on reassignment the type and details of the electronic or magnetic means it will use and have the assignee on reassignment assent to this in a written document or by electronic or magnetic means.
- (6) If the original assignee of a right to reimbursement, etc. pertaining to guarantee, etc. that has obtained the assent under the preceding paragraph from the assignee of the reassigned right to reimbursement, etc. pertaining to guarantee, etc. is informed thereby, in a written document or by electronic or magnetic means, that the assignee on reassignment is unwilling to be provided with information by electronic or magnetic means, the original assignee must not use electronic or magnetic means to provide the assignee on reassignment with the information of which notice must be given pursuant to Article 24-4, paragraph (1) of the Act; provided, however, that this does not apply if the assignee of the reassigned right to reimbursement, etc. pertaining to guarantee, etc. reaffirms the assent under the preceding paragraph.

(Notice to the Assignee of the Right to Reimbursement Pertaining to Performance under Entrustment)

- Article 26-18 (1) The reference, in Article 24-5, paragraph (1) of the Act, to matters specified by Cabinet Office Order means:
- (i) that the relevant right to reimbursement, etc. pertaining to performance under entrustment has accrued from the performance of the obligation under the contract for a loan made by the money lender;
 - (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (e), (g), (p), and (r) (in cases of a collateral by sale, limited to sub-items (p) and (r)));
 - (iii) in cases of the right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-items (e), (g), (o), (p), and (r) (limited to, in cases of a collateral by sale, sub-items (o), (p), and (r), and in cases of money brokerage, sub-items (p) and (r)), and item (ii), sub-item (c));
 - (iv) if a guarantee contract is concluded for the relevant claim, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-3, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (vii) and (xiv)); and
 - (v) the date of assignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the assignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used to give the notice under Article 24-5, paragraph (1) of the Act.
- (4) With the assent of the assignee of the right to reimbursement, etc. pertaining to performance under entrustment, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24-5, paragraph (1) of the Act the person entrusted with performance may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the right to reimbursement, etc. pertaining to performance under entrustment with the information of which it is to notify it pursuant to paragraph (1) of that Article. In such a case, the person entrusted with performance is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of the right to reimbursement, etc. pertaining to performance under entrustment with the information of which the assignee must be notified pursuant to Article 24-5, paragraph (1) of the Act, the person entrusted with

performance must indicate to the assignee the type and details of the electronic or magnetic means it will use and have the assignee assent to this in a written document or by electronic or magnetic means.

- (6) If a person entrusted with performance that has obtained the assent under the preceding paragraph from the assignee of a right to reimbursement, etc. pertaining to performance under entrustment is informed thereby, in a written document or by electronic or magnetic means, that the assignee is unwilling to accept information by electronic or magnetic means, the person entrusted with performance must not use electronic or magnetic means to provide the assignee with the information of which notice must be given pursuant to Article 24-5, paragraph (1) of the Act; provided, however, that this does not apply if the assignee of the right to reimbursement, etc. pertaining to performance under entrustment reaffirms the assent under the preceding paragraph.

(Restrictions on Conclusion of Life Insurance Contract With Regard to the Assigned Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-18-2 The reference, in Article 12-7 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to contracts specified by Cabinet Office Order means contracts set forth in the items of Article 10-10.

(Delivery of Documents Prior to Concluding a Guarantee Contract Related to the Assigned Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-18-3 (1) The reference, in Article 16-2, paragraph (3), item (iv) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of a loan contract set forth in the item.

(2) The reference, in Article 16-2, paragraph (3), item (v) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in Article 12-2, paragraph (4).

(3) The reference, in Article 16-2, paragraph (3), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 12-2, paragraph (5) (excluding the matters set forth in item (xiv) of that paragraph).

(4) The provisions of Article 11, paragraph (4), Article 12-2, paragraphs (6) and (8), and Article 13, paragraphs (8) and (11) apply mutatis mutandis to the case

when the assignee of the right to reimbursement, etc. pertaining to performance under entrustment prepares the documents to be delivered pursuant to Article 16-2, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act.

(Delivery of Documents Prior to Obtaining Consent on Life Insurance Contract related to the Assigned Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-18-4 (1) The reference, in Article 16-3, paragraph (1), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the items of Article 12-3, paragraph (1):

(2) The provisions of Article 12-3, paragraph (2) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. prepares the documents to be delivered pursuant to Article 16-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act.

(Delivery of Documents With Regard to the Assigned Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-19 (1) The reference, in Article 17, paragraph (1), item (viii) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e), (p), and (r) of that paragraph).

(2) The reference, in the second sentence of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, these matters are excluded).

(3) The reference, in Article 17, paragraph (2), item (vii) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (e), (o), (p), and (r) of that paragraph (in cases of money brokerage,

limited to sub-items (p) and (r))).

- (4) The reference, in the second sentence of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item.
- (5) The reference, in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (6) (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).
- (6) The reference, in the second sentence of Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters specified in the items of Article 13, paragraph (7).
- (7) The reference, in the second sentence of Article 17, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (2) (excluding items (ii) and (iii)) prescribes for the category of loan contract, as set forth in the item, which the guarantee is to cover (if the contents of the changes to the relevant matters are stated in the documents to be delivered pursuant to the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, these matters are excluded).
- (8) The reference, in the second sentence of Article 17, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters that each item of Article 13, paragraph (4) (excluding items (ii) and (iii)) prescribes for the category of loan contract, as set forth in the item, which the guarantee is to cover.
- (9) The provisions of Article 11, paragraph (4), and Article 13, paragraphs (8), (11) and (15) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to performance under entrustment prepares the documents to be delivered pursuant to Article 17 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act.

(Delivery of Receipt After the Assignment of Right to Reimbursement
Pertaining to Performance under Entrustment)

- Article 26-20 (1) The reference, in Article 18, paragraph (1), item (vi) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means the matters set forth in the

- items of Article 15, paragraph (1).
- (2) The provisions of Article 15, paragraph (3) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to performance under entrustment prepares the documents to be delivered pursuant to Article 18, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act.
- (3) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to documents specified by Cabinet Office Order means documents specified in Article 15, paragraph (4).
- (4) The provisions of Article 11, paragraph (4), and Article 15, paragraph (5) apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to performance under entrustment prepares the documents prescribed in the preceding paragraph.
- (5) The reference, in Article 18, paragraph (3) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-5, paragraph (2) of the Act, to procedure specified by Cabinet Office Order means that the assignee of the right to reimbursement, etc. pertaining to performance under entrustment notifies the counterparty to the contract for a loan connected with the right to reimbursement, etc. pertaining to performance under entrustment and any other person paying all or part of a claim under the contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):
- (i) that the assignee will issue the document specified by Cabinet Office Order which is referred to in Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act;
 - (ii) that, pursuant to Article 18, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, the assignee will issue a document giving the information set forth in the items of Article 18, paragraph (3) of the Act in lieu of issuing a document under Article 18, paragraph (1) of the Act; and
 - (iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.
- (6) The reference, in Article 18, paragraph (4) of the Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 24-5, paragraph (2) of the Act, to a procedure specified by Cabinet Office Order means that the assignee of the right to reimbursement, etc. pertaining to performance under entrustment notifies the counterparty to the contract for a loan connected with the right to reimbursement, etc. pertaining to performance under entrustment and any other person paying all or part of a claim under the

contract of the following matters, and no person paying on such a claim states an objection to the matters set forth in items (i) and (ii) within the fixed period referred to in item (iii):

- (i) that, pursuant to Article 18, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, the assignee will use electronic or magnetic means to provide the information prescribed in Article 18, paragraph (1) or (3) of the Act or the information required to be stated in the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article, in lieu of issuing a document as prescribed in paragraph (1) of that Article; in lieu of issuing the document specified by Cabinet Office Order which is referred to in paragraph (3) of that Article; or in lieu of issuing, pursuant to that paragraph, the document that is to be issued in lieu of the document prescribed in paragraph (1) of that Article;
 - (ii) the following information as to the type and details of the electronic or magnetic means that will be used:
 - (a) the means the assignee of the right to reimbursement, etc. pertaining to performance under entrustment will use among those specified in Article 1-2-2, paragraph (1), item (ii) the assignee of the right to reimbursement, etc. pertaining to performance under entrustment will use; and
 - (b) the format in which the data will be recorded into the file;
 - (iii) that any objection to a matter set forth in the preceding two items must be stated within a fixed period.
- (7) The periods referred to in paragraph (5), item (iii) and item (iii) of the preceding paragraph must not be shorter than one month.

(Keeping of Books After the Assignment of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-20-2 The provisions of Article 16 apply mutatis mutandis to the case when the assignee of the right to reimbursement, etc. pertaining to performance under entrustment prepares the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act. In this case, the term "items (ii) through" in Article 16, paragraph (1), item (ii) is deemed to be replaced with "items (iv) through", and the phrase "is concluded" in item (iii) of that paragraph is deemed to be replaced with "has been concluded or is concluded."

Article 26-20-3 (1) An assignee of the right to reimbursement, etc. pertaining to performance under entrustment must preserve the books prescribed in Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act for each assigned right to reimbursement, etc. pertaining to performance under entrustment, for at least ten years from the final

repayment due date of the relevant right to reimbursement, etc. (if the relevant right to reimbursement, etc. has extinguished upon performance or on any other grounds, the day on which the right to reimbursement, etc. extinguished); provided, however, that, if the relevant right to reimbursement, etc. is one under a contract for a revolving credit loan, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. must preserve the relevant books for ten years from, among the final repayment due dates of the assigned rights to obtain reimbursement, etc. pertaining to performance under entrustment under the contract for a revolving credit loan based on the basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. (if all of these rights to obtain reimbursement, etc. have extinguished upon performance or on any other grounds, the day on which the rights to obtain reimbursement, etc. extinguished), the latest date.

- (2) If the business office, etc. of the assignee of the right to reimbursement, etc. pertaining to performance under entrustment is an automatic cash machine, the assignee is not required to keep books.

(Method of Inspection of Books After the Assignment of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-20-4 An assignee of the right to reimbursement, etc. pertaining to performance under entrustment must keep the books referred to in Article 19 of the Act at each business office, etc. thereof (or at the domicile or residence of a person with no business office, etc.) based on the provisions of Article 19 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, and except in cases provided in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, must allow a person requesting to inspect or copy them to do so during its business hours.

(Person Entitled to Request the Inspection of Books After the Assignment of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-20-5 The reference, in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to persons specified by Cabinet Office Order means:

- (i) a statutory agent, supervisor of the guardian, curator, supervisor of curator, assistant, or supervisor of assistant of the obligor, etc. prescribed in Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act (hereinafter simply referred to as the "obligor, etc." in this Article) or a person that was formerly an obligor, etc.;
- (ii) the heir of the obligor, etc. or the person that was formerly an obligor, etc.;
- (iii) a person that made the performance on behalf or in lieu of the obligor, etc.

- or the person that was formerly an obligor, etc.; and
- (iv) a person that has been empowered the right of representation for the request under Article 19-2 of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act from an obligor, etc., a person that was formerly an obligor, etc. or the persons set forth in the preceding items.

(Matters to be Explained in Regard to the Preparation of Specifies Notarized Deeds After the Assignment of Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-21 (1) The reference, in Article 20, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means, in cases of failure to perform the obligations stated in the specified notarized deeds, a statement to the effect that the assignee of the right to reimbursement, etc. pertaining to performance under entrustment may carry out a compulsory execution against the assets of the obligor, etc. pursuant to the specified notarized deeds without the filing of a lawsuit.

(2) The provisions of Article 18, paragraph (2) of the Act apply mutatis mutandis if the assignee of the right to reimbursement, etc. pertaining to guarantee prepares the documents to be delivered pursuant to Article 20, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act.

(Matters to be Disclosed upon the Collection After the Assignment of the Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-22 The reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act related to the claim to be collected (excluding the trade name or name of the relevant assignee of the right to reimbursement, etc. pertaining to performance under entrustment and the matters set forth in Article 13, paragraph (1), item (i), sub-item (r));
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act related to the basic contract for a revolving credit loan which forms the basis for the relevant contract (excluding the matters set forth in Article 13,

- paragraph (3), item (i), sub-item (r)); and
- (iv) in cases of collecting claims from the guarantor, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), item (xiv)).

(Notice to the Assignee of the Reassigned Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-23 (1) The reference, in Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, to matters specified by Cabinet Office Order means:

- (i) that the relevant right to reimbursement, etc. pertaining to performance under entrustment has accrued from the performance of the obligation under the contract for a loan made by the money lender;
 - (ii) the matters set forth in the items of Article 17, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (e), (g), (p), and (r) (in cases of a collateral by sale, limited to sub-items (p) and (r)));
 - (iii) in cases of the right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, the matters set forth in the items of Article 17, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-items (e), (g), (o), (p), and (r) (limited to, in cases of a collateral by sale, sub-items (o), (p), and (r), and in cases of money brokerage, sub-items (p) and (r)), and item (ii), sub-item (c));
 - (iv) if a guarantee contract is concluded for the relevant claim, the matters set forth in Article 17, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-5, paragraph (2) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (vii) and (xiv)); and
 - (v) the date of reassignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the reassignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used to give the notice under Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article.
- (4) With the assent of the assignee of the reassigned right to reimbursement, etc. pertaining to performance under entrustment, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24-5,

paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, the assignee of the right to reimbursement, etc. pertaining to performance under entrustment may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the reassigned right to reimbursement, etc. pertaining to performance under entrustment with the information of which it is to notify it pursuant to paragraph (1) of that Article. In such a case, the assignee of the right to reimbursement, etc. pertaining to performance under entrustment is deemed to have used a written document to give the notice.

- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of a reassigned right to reimbursement, etc. pertaining to performance under entrustment with the information of which that assignee must be notified pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, the assignee of the right to reimbursement, etc. pertaining to performance under entrustment must indicate to the assignee on reassignment the type and details of the electronic or magnetic means it will use and have that assignee assent to this in a written document or by electronic or magnetic means.
- (6) If the original assignee of a right to reimbursement, etc. pertaining to performance under entrustment that has obtained the assent under the preceding paragraph from the assignee of the reassigned right to reimbursement, etc. pertaining to performance under entrustment is informed thereby, in a written document or by electronic or magnetic means, that the assignee on reassignment is unwilling to be provided with information by electronic or magnetic means, the original assignee must not use electronic or magnetic means to provide the assignee on reassignment with the information of which notice must be given pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article; provided, however, that this does not apply if the assignee of the reassigned right to reimbursement, etc. pertaining to performance under entrustment reaffirms the assent under the preceding paragraph.

(Notice to the Assignee of the Claim)

Article 26-23-2 (1) With regard to the cases when the person in the money lending business (excluding money lenders; hereinafter the same applies in this Article through Article 26-23-19) assigns the claim under a loan contract to others, the reference, in Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) the trade name, name and address of the person in the money lending business that concluded the loan contract related to the relevant claim (if the

- relevant claim is a claim under a contract for a revolving credit loan, statement of the above information may be omitted);
- (ii) the date of the loan contract related to the relevant claim;
 - (iii) the matters set forth in Article 17, paragraph (1), items (iii) through (viii) of the Act (excluding the matters set forth in Article 13, paragraph (1), item (i), sub-items (a), (e), (g), (m), and (p) through (r) (limited to, in cases of a discount of negotiable instrument and money brokerage, sub-items (a), (q), and (r), and in cases of a collateral by sale, sub-items (a) and (p) through (r)), and if the relevant claim is a claim under a contract for a revolving credit loan, excluding the matters of the same content as those set forth in the following items). In this case, the term "the money lender" in Article 13, paragraph (1), item (i), sub-item (c) is deemed to be replaced with "the person in the money lending business."
 - (iv) if the relevant claim is a claim under a contract for a revolving credit loan, the trade name or name and address of the person in the money lending business that concluded the basic contract for a revolving credit loan related to the relevant claim, as well as the matters set forth in Article 17, paragraph (2), items (iv) through (vii) of the Act (excluding the matters set forth in Article 13, paragraph (3), item (i), sub-items (a), (e), (g), (m), and (o) through (r) (limited to, in cases of a discount of negotiable instrument, sub-items (a), (q), and (r), in cases of a collateral by sale, sub-items (a) and (o) through (r), and in cases of money brokerage, sub-items (a) and (p) through (r)), and item (ii), sub-item (c)). In this case the term "the money lender" in Article 13, paragraph (3), item (i), sub-item (c) is deemed to be replaced with "the person in the money lending business."
 - (v) if a guarantee contract is concluded for the relevant claim, the following matters:
 - (a) the trade name, name and address of the person in the money lending business;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii) through (vi) of the Act (excluding the matters set forth in Article 12-2, paragraph (5), items (iii), (vii), (xiii), and (xiv)). In this case, the term "the money lender" in Article 12-2, paragraph (5), item (v) is deemed to be replaced with "the person in the money lending business"; and
 - (c) the date of the guarantee contract;
 - (vi) the date of assignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the assignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used to give the notice under Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6

of the Act.

- (4) With the assent of the assignee of the claim, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, the person in the money lending business may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the claim with the information of which it is to notify it pursuant to Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the person in the money lending business is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of a claim with the information of which that assignee must be notified pursuant to Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, a person in the money lending business must indicate to the assignee the type and details of the electronic or magnetic means it will use and have the assignee assent to this in a written document or by electronic or magnetic means.
- (6) If a person in the money lending business that has obtained the assent under the preceding paragraph from the assignee of the claim is informed thereby, in a written document or by electronic or magnetic means, that the assignee is unwilling to accept information by electronic or magnetic means, the person in the money lending business must not use electronic or magnetic means to provide the assignee with the information of which notice must be given pursuant to Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the assignee of the claim reaffirms the assent under the preceding paragraph.

Article 26-23-3 Deleted

(Matters to be Disclosed upon the Collection After the Assignment of the Claim)

Article 26-23-4 With regard to the cases when the claim under the loan contract made by a person in the money lending business has been assigned, the reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the following matters related to the claim to be collected (if the claim to be collected is one under a contract for a revolving credit loan, excluding the matters same as those set forth in the following item):

- (a) the trade name, name and address of the person in the money lending business that concluded a loan contract related to the relevant claim;
 - (b) the date of the acceptance of the assignment of the claim and the date of the loan contract related to the relevant claim;
 - (c) the amount of loan and the amount of the assigned claim;
 - (d) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act;
 - (e) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matter set forth in item (i), sub-items (a), (e), (m), and (p) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the following matters related to the basic contract for a revolving credit loan which forms the basis for the relevant contract:
- (a) the trade name, name and address of the person in the money lending business that concluded the basic contract for a revolving credit loan related to the relevant claim;
 - (b) the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
 - (c) the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (iv) in cases of collecting claims from the guarantor, the following matters:
- (a) the trade name, name and address of the assignee of the claim and the person in the money lending business that concluded a loan contract related to the relevant claim;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii) and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is

deemed to be replaced with "the person in the money lending business";
and
(e) the date of the guarantee contract.

(Notice to the Assignee of the Reassigned Claim)

Article 26-23-5 (1) With regard to the assignee of the claim under the loan contract made by a person in the money lending business, the reference, in Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) the trade name, name and address of the assignee of the claim and the person in the money lending business that concluded a loan contract related to the relevant claim (in cases of a claim under the contract for a revolving credit loan, statement of the trade name, name and address of the person in the money lending business that concluded a loan contract related to the relevant claim may be omitted);
- (ii) the date of acceptance of the assignment of the claim and the date of the loan contract related to the relevant claim;
- (iii) the amount of loan and the amount of assigned claim;
- (iv) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act (if the relevant claim is a claim under a contract for a revolving credit loan, excluding the matters of the same content as those set forth in the item (vi));
- (v) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r)), and if the relevant claim is a claim under a contract for a revolving credit loan, excluding the matters of the same content as those set forth in the item (vii)). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business."
- (vi) if the relevant claim is a claim under a contract for a revolving credit loan, the trade name or name and address of the person in the money lending business and with whom the basic contract for a revolving credit loan related to the relevant claim has been concluded, as well as the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
- (vii) if the relevant claim is a claim under a contract for a revolving credit loan, the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-

- items (a), (q), and (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business."
- (viii) if a guarantee contract is concluded for the relevant claim, the following matters:
- (a) the trade name, name and address of the assignee of the claim and the person in the money lending business that concluded a loan contract related to the relevant claim;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii) and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (vii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
 - (e) the date of the guarantee contract; and
- (ix) the date of reassignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the reassignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used for the notice under Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which is to be given by the assignee of a claim under a loan contract with a person in the money lending business.
- (4) With the assent of the assignee of the reassigned claim, in lieu of using a written document as under the preceding paragraph to give the notice under Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which must be given by the assignee of a claim under a loan contract with a person in the money lending business, the assignee of the claim may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the reassigned claim with the information of which it is to notify it pursuant to Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the person in the money lending business is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of a reassigned claim with the information of which that assignee must be notified pursuant to Article 24, paragraph (1) of the Act as applied mutatis

mutandis pursuant to Article 24-6 of the Act, the assignee of the claim under a loan contract with a person in the money lending business must indicate to the assignee on reassignment the type and details of the electronic or magnetic means it will use and have that assignee assent to this in a written document or by electronic or magnetic means.

- (6) If the original assignee of a claim under a loan contract with a person in the money lending business that has obtained the assent under the preceding paragraph from the assignee of the reassigned claim is informed thereby, in a written document or by electronic or magnetic means, that the assignee on reassignment is unwilling to accept information by electronic or magnetic means, the original assignee must not use electronic or magnetic means to provide the assignee on reassignment with the information of which notice must be given pursuant to Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the assignee of the reassigned claim reaffirms the assent under the preceding paragraph.

(Notice to Guarantee Business Operators)

Article 26-23-6 (1) A written document must be used to give the notice under Article 24-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act.

- (2) With the assent of the guarantee business operator, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, a person in the money lending business may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the guarantee business operator with the information of which it is to notify it pursuant to Article 24-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the person in the money lending business is deemed to have used a written document to give the notice.
- (3) Before seeking to apply the preceding paragraph so as to provide a guarantee business operator with the information which must be notified pursuant to Article 24-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, a person in the money lending business must indicate to the operator the type and details of the electronic or magnetic means it will use and have the operator assent to this in a written document or by electronic or magnetic means.
- (4) If a money lender that has obtained the assent under the preceding paragraph from a guarantee business operator is informed thereby, in a written document or by electronic or magnetic means, that the operator is unwilling to accept information by electronic or magnetic means, the money

lender must not use electronic or magnetic means to provide the operator with the information of the notice which must be given pursuant to Article 24-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the guarantee business operator reaffirms the assent under the preceding paragraph.

Article 26-23-7 Deleted

(Matters to be Disclosed upon the Collection After the Acquisition of the Right to Reimbursement Pertaining to Guarantee)

Article 26-23-8 With regard to if a guarantee business operator has acquired the right to reimbursement, etc. pertaining to guarantee, etc., the reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the following matters related to the claim to be collected (if the claim to be collected is one under a contract for a revolving credit loan, excluding the matters same as those set forth in the following item):
 - (a) the trade name, name and address of the assignee of the claim and the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
 - (b) the date of acquisition of the right to reimbursement, etc. pertaining to guarantee, etc. and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
 - (c) the amount of the right to reimbursement, etc. pertaining to guarantee, etc. and the amount of loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
 - (d) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act;
 - (e) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business."
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the following matters related to the basic contract for a revolving credit loan which forms the basis for the relevant contract:

- (a) the trade name, name and address of the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (b) the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
- (c) the matters that each item Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m) and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
- (iv) in cases of collecting claims from the guarantor, the following matters:
 - (a) the trade name, name and address of the guarantee business operator and the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii) and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of a loan contract set forth in the item;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
 - (e) the date of the guarantee contract.

(Notice to Persons Entrusted With Performance)

Article 26-23-9 (1) A written document must be used to give the notice under Article 24-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act.

(2) With the assent of the person entrusted with performance, in lieu of using a written document as under the preceding paragraph to give a notice under Article 24-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, a person in the money lending business may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the person entrusted with performance with the information of which it is to notify it pursuant to Article 24-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the

person in the money lending business is deemed to have used a written document to give the notice.

- (3) Before seeking to apply the preceding paragraph so as to provide a person entrusted with performance with the information of which it must be notified pursuant to Article 24-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, a person in the money lending business must indicate to the person entrusted with performance the type and details of the electronic or magnetic means it will use and have that person assent to this in a written document or by electronic or magnetic means.
- (4) If a money lender that has obtained the assent under the preceding paragraph from a person entrusted with performance is informed thereby, in a written document or by electronic or magnetic means, that the person is unwilling to be provided with information by electronic or magnetic means, the money lender must not use electronic or magnetic means to provide the person with the information of which notice must be given pursuant to Article 24-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the person entrusted with performance reaffirms the assent under the preceding paragraph.

Article 26-23-10 Deleted

(Matters to be Disclosed upon the Collection After the Acquisition of the Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-23-11 With regard to the cases when the person that makes performance of the obligation under the contract for a loan made by a person in the money lending business with the entrustment of the relevant person in the money lending business has acquired the right to reimbursement, etc. pertaining to performance under entrustment, the reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the following matters related to the claim to be collected (if the claim to be collected is one under a contract for a revolving credit loan, excluding the same matters as those set forth in the following item):
 - (a) the trade name, name and address of the person in the money lending business that entrusted the performance to the relevant person entrusted with performance;
 - (b) the date of acquisition of the right to reimbursement, etc. pertaining to performance under entrustment, and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to performance

- under entrustment;
- (c) the amount of the right to reimbursement, etc. pertaining to performance under entrustment, and the amount of loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
- (d) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act;
- (e) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m), and (p) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q) and (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the following matters related to the basic contract for a revolving credit loan which forms the basis for the relevant contract:
 - (a) the trade name, name and address of the guarantee business operator and the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
 - (b) the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act; and
 - (c) the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of a loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
- (iv) in cases of collecting claims from the guarantor, the following matters:
 - (a) the trade name, name and address of the person entrusted with performance and the guarantee business operator and the person in the money lending business that entrusted the performance to the relevant person entrusted with performance;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii) and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding

the matters set forth in items (iii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business"; and

(e) the date of the guarantee contract.

(Notice to the Assignee of the Right to Reimbursement Pertaining to Guarantee)

Article 26-23-12 (1) With regard to the cases when a guarantee business operator assigns the right to reimbursement, etc. pertaining to guarantee, etc. to others, the reference, in Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) that the relevant right to reimbursement, etc. pertaining to guarantee, etc. has accrued from the guarantee pertaining to the loan contract made by a person in the money lending business;
- (ii) the trade name, name and address of the guarantee business operator and the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc. (in cases of a right to reimbursement, etc. pertaining to guarantee, etc. related to a contract for a revolving credit loan, statements of the trade name, name and address of the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc. may be omitted);
- (iii) the date of acquisition of the right to reimbursement, etc. pertaining to guarantee, etc. and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (iv) the amount of the right to reimbursement, etc. pertaining to guarantee, etc. and the amount of the loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (v) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act (in cases of a right to reimbursement, etc. pertaining to guarantee related to a contract for a revolving credit loan, excluding the matters of the same content as those set forth in item (vii));
- (vi) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (p) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q) and (r)), and in cases of a right to reimbursement, etc. pertaining to guarantee, etc. related to a contract for a revolving credit loan, excluding the matters of the same content as those set forth in item (viii)). In

- this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (vii) in cases of a right to reimbursement, etc. pertaining to guarantee, etc. related to the contract for a revolving credit loan, the trade name, name and address of the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to guarantee, etc., and the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
 - (viii) in cases of a right to reimbursement, etc. pertaining to guarantee, etc., the matters specified in the items that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
 - (ix) if a guarantee contract is concluded for the relevant claim, the following matters:
 - (a) the trade name, name and address of the guarantee business operator and the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii) and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (vii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business";
 - (e) the date of the guarantee contract; and
 - (x) the date of assignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the assignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used for the notice under Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which is to be given by a guarantee business operator.
- (4) With the assent of the assignee of the right to reimbursement, etc. pertaining

to guarantee, etc., in lieu of using a written document as under the preceding paragraph to give the notice under Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which must be given by a guarantee business operator, the guarantee business operator may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. with the information of which it is to notify it pursuant to Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the guarantee business operator is deemed to have used a written document to give the notice.

- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. with the information of which it must be notified pursuant to Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, a guarantee business operator must indicate to the assignee the type and details of the electronic or magnetic means it will use and have the assignee assent to this in a written document or by electronic or magnetic means.
- (6) If a guarantee business operator that has obtained the assent under the preceding paragraph from the assignee of a right to reimbursement, etc. pertaining to guarantee, etc. is informed thereby, in a written document or by electronic or magnetic means, that the assignee is unwilling to accept information by electronic or magnetic means, the guarantee business operator must not use electronic or magnetic means to provide the assignee with the information of which notice must be given pursuant to Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. reaffirms the assent under the preceding paragraph.

Article 26-23-13 Deleted

(Matters to be Disclosed upon the Collection After the Assignment of the Right to Reimbursement Pertaining to Guarantee)

Article 26-23-14 With regard to a case when the right to reimbursement, etc. pertaining to guarantee, etc. has been assigned, the reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the following matters related to the claim to be collected (if the claim to be collected is one under a contract for a revolving credit loan, excluding the

matters same as those set forth in the following item):

- (a) the trade name, name and address of the guarantee business operator that acquired the relevant right to reimbursement, etc. pertaining to guarantee, etc. and the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (b) the date of acceptance of the assignment of the right to reimbursement, etc. pertaining to guarantee, etc., the date of acquisition of the relevant right to reimbursement, etc. pertaining to guarantee, and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (c) the amount of the right to reimbursement, etc. pertaining to guarantee, etc. and the amount of the loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (d) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act;
- (e) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m), and (p) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the following matters related to the basic contract for a revolving credit loan which forms the basis for the relevant contract:
 - (a) the trade name, name and address of the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
 - (b) the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
 - (c) the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m) and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p), through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
- (iv) in cases of collecting claims from the guarantor, the following matters:
 - (a) the trade name, name and address of the assignee of the right to reimbursement, etc. pertaining to guarantee, etc., of the guarantee

business operator that acquired the relevant right to reimbursement, etc. pertaining to guarantee, etc., and of the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;

- (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii), and (v) of the Act;
- (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item;
- (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
- (e) the date of the guarantee contract.

(Notice to the Assignee of the Reassigned Right to Reimbursement Pertaining to Guarantee)

Article 26-23-15 (1) With regard to the cases when the right to reimbursement, etc. pertaining to guarantee, etc. has been assigned, the reference, in Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) that the relevant right to reimbursement, etc. pertaining to guarantee, etc. has accrued from the guarantee pertaining to the loan contract made by a person in the money lending business;
- (ii) the trade name, name and address of the assignee of the right to reimbursement, etc. pertaining to guarantee, etc., of the guarantee business operator that acquired the relevant right to reimbursement, etc. pertaining to guarantee, etc., and of the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc. (in cases of a right to reimbursement, etc. pertaining to guarantee, etc. related to the contract for a revolving credit loan, statements of the trade name, name and address of the person in the money lending business that concluded a loan contract related to that right to reimbursement, etc. pertaining to guarantee, etc. may be omitted);
- (iii) the date of acceptance of the assignment of the right to reimbursement, etc. pertaining to guarantee, etc., the date of acquisition of the relevant right to reimbursement, etc. pertaining to guarantee, etc., and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (iv) the amount of the right to reimbursement, etc. pertaining to guarantee, etc.

- and the amount of the loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
- (v) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act (in cases of a right to reimbursement, etc. pertaining to guarantee, etc., excluding the matters of the same content as those set forth in item (vii));
 - (vi) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of a loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r)), and in cases when the relevant claim is a claim under a contract for a revolving credit loan, excluding the matters of the same content as those set forth in the item (viii)). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
 - (vii) in cases of a right to reimbursement, etc. pertaining to guarantee, etc. related to the contract for a revolving credit loan, the trade name, name and address of the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement pertaining to guarantee, etc., or the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
 - (viii) in cases of a right to reimbursement, etc. pertaining to guarantee, etc. related to a contract for a revolving credit loan, the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
 - (ix) if a guarantee contract is concluded for the relevant claim, the following matters:
 - (a) the trade name, name and address of the assignee of the right to reimbursement, etc. pertaining to guarantee, etc., of the guarantee business operator that acquired the relevant right to reimbursement, etc. pertaining to guarantee, etc., and of the person in the money lending business that concluded a loan contract related to the relevant right to reimbursement, etc. pertaining to guarantee, etc.;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii) and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items

- (ii) and (iii)) prescribes for the category of a loan contract set forth in the item;
- (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (vii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
- (e) the date of the guarantee contract; and
- (x) the date of reassignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the reassignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used for the notice under Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which is to be given by the assignee of a right to reimbursement, etc. pertaining to guarantee, etc.
- (4) With the assent of the assignee of a reassigned right to reimbursement, etc. pertaining to guarantee, etc., in lieu of using a written document as under the preceding paragraph to give the notice under Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which is to be given by the assignee of the right to reimbursement, etc. pertaining to guarantee, etc., the assignee may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the reassigned right to reimbursement, etc. pertaining to guarantee, etc. with the information of which it is to notify it pursuant to Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of a reassigned right to reimbursement, etc. pertaining to guarantee, etc. with the information of which that assignee must be notified pursuant to Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. must indicate to the assignee on reassignment the type and details of the electronic or magnetic means it will use and have that assignee assent to this in a written document or by electronic or magnetic means.
- (6) If the original assignee of a right to reimbursement, etc. pertaining to guarantee, etc. that has obtained the assent under the preceding paragraph from the assignee of the reassigned right to reimbursement, etc. pertaining to guarantee, etc. is informed thereby, in a written document or by electronic or magnetic means, that the assignee on reassignment is unwilling to accept

information by electronic or magnetic means, the original assignee must not use electronic or magnetic means to provide the assignee on reassignment with the information of which notice must be given pursuant to Article 24-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the assignee of the reassigned right to reimbursement, etc. pertaining to guarantee, etc. reaffirms the assent under the preceding paragraph.

(Notice to the Assignee of the Right to Reimbursement. Pertaining to Performance under Entrustment)

Article 26-23-16 (1) With regard to the cases when a person making the performance of obligation under the contract for a loan made by a person in the money lending business with the entrustment of the person in the money lending business assigns the right to reimbursement, etc. pertaining to guarantee, etc. to others, the reference, in Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) that the relevant right to reimbursement, etc. pertaining to performance under entrustment has accrued from the performance of the obligation under the contract for a loan made by a person in the money lending business;
- (ii) the trade name, name and address of the person entrusted with performance and of the person in the money lending business that entrusted the performance to the relevant person entrusted with performance (in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to the contract for a revolving credit loan, statements of the trade name, name and address of the person in the money lending business may be omitted);
- (iii) the date of acquisition of the right to reimbursement, etc. pertaining to performance under entrustment, and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
- (iv) the amount of the right to reimbursement, etc. pertaining to performance under entrustment, and the amount of the loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
- (v) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act (in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, excluding the matters of the same content as those set forth in item (vii));
- (vi) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item

- (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (p) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r)), and in cases of a right to reimbursement, etc. pertaining to performance under entrustment, excluding the matters of the same content as those set forth in item (viii)). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (vii) in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to the contract for a revolving credit loan, the trade name, name and address of the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to performance under entrustment, or the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
- (viii) in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (ix) if a guarantee contract is concluded for the relevant claim, the following matters:
- (a) the trade name, name and address of the person entrusted with performance and of the person in the money lending business that entrusted the performance to the relevant person entrusted with performance;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii) and (v) of the Act;
 - (c) the matters specified in the items (excluding items (ii) and (iii)) of Article 12-2, paragraph (3) according to the category of loan contracts set forth in the respective items;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (vii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
 - (e) the date of the guarantee contract; and
- (x) the date of assignment and the amount of the relevant claim.

- (2) The provisions of the preceding paragraph do not apply to the assignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used for the notice under Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which is to be given by the person entrusted with performance.
- (4) With the assent of the assignee of a right to reimbursement, etc. pertaining to performance under entrustment, in lieu of using a written document as under the preceding paragraph to give the notice under Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which must be given by a person entrusted with performance, the person entrusted with performance may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the right to reimbursement, etc. pertaining to performance under entrustment with the information of which it is to notify it pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the person entrusted with performance is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee of a right to reimbursement, etc. pertaining to performance under entrustment with the information of which that assignee must be notified pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, a person entrusted with performance must indicate to the assignee the type and details of the electronic or magnetic means it will use and have the assignee assent to this in a written document or by electronic or magnetic means.
- (6) If a person entrusted with performance that has obtained the assent under the preceding paragraph from the assignee of a right to reimbursement, etc. pertaining to performance under entrustment is informed thereby, in a written document or by electronic or magnetic means, that the assignee is unwilling to accept information by electronic or magnetic means, the person entrusted with performance must not use electronic or magnetic means to provide the assignee with the information of which notice must be given pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the assignee of the Right to reimbursement, etc. pertaining to performance under entrustment reaffirms the assent under the preceding paragraph.

Article 26-23-17 Deleted

(Matters to be Disclosed upon the Collection After the Assignment of the Right

to Reimbursement Pertaining to Performance under Entrustment)

Article 26-23-18 With regard to the cases when the right to reimbursement, etc. pertaining to performance under entrustment has been assigned, the reference, in Article 21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) facts to be the basis of the right to receive performance of the person conducting collection;
- (ii) the following matters related to the claim to be collected (if the claim to be collected is one under a contract for a revolving credit loan, excluding the matters same as those set forth in the following item):
 - (a) the trade name, name and address of the person entrusted with performance and of the person in the money lending business that entrusted the performance to the relevant person entrusted with performance;
 - (b) the date of acceptance of the assignment of the right to reimbursement, etc. pertaining to performance under entrustment, the date of acquisition of the right to reimbursement, etc. pertaining to performance under entrustment, and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
 - (c) the amount of the right to reimbursement, etc. pertaining to performance under entrustment, and the amount of the loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
 - (d) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act;
 - (e) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m), and (p) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (iii) if the claim to be collected is one under a contract for a revolving credit loan, the following matters related to the basic contract for a revolving credit loan which forms the basis for the relevant contract:
 - (a) the trade name, name and address of the person in the money lending business that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
 - (b) the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;

- (c) the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (m) and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business";
- (iv) in cases of collecting claims from the guarantor, the following matters:
 - (a) the trade name, name and address of the assignee of the right to reimbursement, etc. pertaining to performance under entrustment, of the person entrusted with performance and of the person in the money lending business that entrusted the performance to the relevant person entrusted with performance;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii), and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business"; and
 - (e) the date of the guarantee contract.

(Notice to the Assignee of the Reassigned Right to Reimbursement Pertaining to Performance under Entrustment)

Article 26-23-19 (1) With regard to the cases when the right to reimbursement, etc. pertaining to performance under entrustment has been assigned, the reference, in Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, to matters specified by Cabinet Office Order means:

- (i) that the relevant right to reimbursement, etc. pertaining to performance under entrustment has accrued from the performance of the obligation under the contract for a loan made by a person in the money lending business;
- (ii) the trade name, name and address of the assignee of the right to reimbursement, etc. pertaining to performance under entrustment, of the person entrusted with performance, and of the person in the money lending business that entrusted the performance to the relevant person entrusted with performance (in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit

- loan, statements of the trade name, name and address of the person in the money lending business that entrusted the performance to the person entrusted with performance may be omitted);
- (iii) the date of acceptance of the assignment of the right to reimbursement, etc. pertaining to performance under entrustment, the date of acquisition of the right to reimbursement, etc. pertaining to performance under entrustment, and the date of the loan contract related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
 - (iv) the amount of the right to reimbursement, etc. pertaining to performance under entrustment, and the amount of the loan under the loan contract related to the relevant right to reimbursement, etc. pertaining to performance under entrustment;
 - (v) the matters set forth in Article 17, paragraph (1), items (iv) through (vii) of the Act (in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, excluding the matters of the same content as those set forth in item (vii));
 - (vi) the matters that each item of Article 13, paragraph (1) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (p) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), (q), and (r)), and in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, excluding the matters of the same content as those set forth in item (viii)). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in the money lending business;"
 - (vii) in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, the trade name, name and address of the person in the money lending business that that concluded a basic contract for a revolving credit loan related to the relevant right to reimbursement, etc. pertaining to performance under entrustment, or the matters set forth in Article 17, paragraph (2), items (iv) through (vi) of the Act;
 - (viii) in cases of a right to reimbursement, etc. pertaining to performance under entrustment related to a contract for a revolving credit loan, the matters that each item of Article 13, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of a loan contract set forth in the item (excluding the matters set forth in item (i), sub-items (a), (e), (g), (m), and (o) through (r) of that paragraph (in cases of money brokerage, limited to sub-items (a), and (p) through (r))). In this case, the term "the money lender" in item (i), sub-item (c) of that paragraph is deemed to be replaced with "the person in

- the money lending business;"
- (ix) if a guarantee contract is concluded for the relevant claim, the following matters:
- (a) the trade name, name and address of the assignee of the right to reimbursement, etc. pertaining to performance under entrustment, of the person entrusted with performance, and of the person in the money lending business that entrusted the performance to the relevant person entrusted with performance;
 - (b) the matters set forth in Article 16-2, paragraph (3), items (ii), (iii), and (v) of the Act;
 - (c) the matters that each item of Article 12-2, paragraph (3) (excluding items (ii) and (iii)) prescribes for the category of loan contract set forth in the item;
 - (d) the matters set forth in the items of Article 12-2, paragraph (5) (excluding the matters set forth in items (iii), (vii), (xiii), and (xiv) of that paragraph). In this case, the term "the money lender" in item (v) of that paragraph is deemed to be replaced with "the person in the money lending business;" and
 - (e) the date of the guarantee contract; and
 - (x) the date of reassignment and the amount of the relevant claim.
- (2) The provisions of the preceding paragraph do not apply to the reassignment of the claim stated on the mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act.
- (3) A written document must be used for the notice under Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which is to be given by the assignee of a right to reimbursement, etc. pertaining to performance under entrustment.
- (4) With the assent of the assignee of a reassigned right to reimbursement, etc. pertaining to performance under entrustment, in lieu of using a written document as under the preceding paragraph to give the notice under Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act which is to be given by the assignee of the right to reimbursement, etc. pertaining to performance under entrustment, the assignee may give notice by using electronic or magnetic means, pursuant to the following paragraph, to provide the assignee of the reassigned right to reimbursement, etc. pertaining to performance under entrustment with the information of which it is to notify pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act. In such a case, the assignee of the right to reimbursement, etc. pertaining to guarantee, etc. is deemed to have used a written document to give the notice.
- (5) Before seeking to apply the preceding paragraph so as to provide the assignee

of a reassigned right to reimbursement, etc. pertaining to performance under entrustment with the information of which that assignee must be notified pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act, the assignee of the right to reimbursement, etc. pertaining to performance under entrustment must indicate to the assignee on reassignment the type and details of the electronic or magnetic means it will use and have that assignee assent to this in a written document or by electronic or magnetic means.

- (6) If the original assignee of a right to reimbursement, etc. pertaining to performance under entrustment that has obtained the assent under the preceding paragraph from the assignee of a reassigned right to reimbursement, etc. pertaining to performance under entrustment is informed thereby, in a written document or by electronic or magnetic means, that the assignee on reassignment is unwilling to accept the information by electronic or magnetic means, the original assignee must not use electronic or magnetic means to provide the assignee on reassignment with the information of which notice must be given pursuant to Article 24-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 24-6 of the Act; provided, however, that this does not apply if the assignee of the reassigned right to reimbursement, etc. pertaining to performance under entrustment reaffirms the assent under the preceding paragraph.

(Close Relationship with Money Lenders)

Article 26-24 (1) The reference, in Article 3-7, item (iv) of the Order, to requirements specified by Cabinet Office Order means any of the following requirements:

- (i) that the total voting rights in respect of shares, etc. in the money lender held by the following persons in its own name or another person's name (including a fictitious name; hereinafter the same applies in this Article) exceeds 50 percent of the voting rights held by all the shareholders, etc. of the relevant money lender:
- (a) if the claim under the loan contract made by a money lender has been assigned, the assignee of the claim, as provided in Article 24, paragraph (2) of the Act, and if the right to reimbursement, etc. pertaining to guarantee, etc. has been acquired, the guarantee business operator that has acquired the relevant right to reimbursement, etc. pertaining to guarantee, etc., as provided in Article 24-2, paragraph (2) of the Act, or the person entrusted with performance provided in Article 24-3, paragraph (2) of the Act;
- (b) if the person set forth in sub-item (a) above is a corporation (including associations and foundations that is not a corporation), the officers (meaning, if the relevant corporation is a stock company, the director,

accounting advisor (including, if the accounting advisor is a corporation, the member that is to perform its duties), auditor, and executive officer; if the relevant corporation is a general incorporated association or general incorporated foundation, the director and auditor thereof; and if the relevant corporation is an association or foundation that is not a corporation, the representative person, administrator or the member in charge of executing business thereof; hereinafter the same applies in this Article) and the major shareholders (meaning persons holding shares, etc. related to voting rights 10 percent or more of the voting rights held by all the shareholders, etc. of the corporation (including an association or foundation that is not a corporation; hereinafter the same applies in this Article) in their own names or another person's name; hereinafter the same applies in this Article) of the relevant corporation;

- (c) if the person set forth in sub-item (a) or (b) is an individual, the relatives thereof;
- (d) if the major shareholder set forth in sub-item (b) is a corporation, the officers thereof, the affiliated parent corporation (meaning, if a single corporation or the relevant corporation and the affiliated subsidiary corporation (meaning, if a corporation holds shares, etc. pertaining to voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of another corporation in its own name or another person's name, that other corporation; hereinafter the same applies in this Article) thereof holds share, etc. pertaining to voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of another corporation in their own name or another person's name, the first-mentioned corporation; hereinafter the same applies in this Article), and semi-affiliated parent corporation (meaning, if a single corporation or the relevant corporation and the affiliated subsidiary corporation thereof holds shares, etc. pertaining to voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of the affiliated parent corporation in their own name or another person's name, the relevant corporation; hereinafter the same applies in this Article) thereof, as well as the officers of the affiliated corporations;
- (e) if the persons set forth in sub-items (a) through (d) holds shares, etc. pertaining to voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of a corporation in its own name or another person's name, the relevant corporation and the officers thereof;
- (f) the affiliated subsidiary corporation and semi-affiliated subsidiary corporation (meaning, if an affiliated subsidiary corporation or the affiliated subsidiary corporation and the affiliated subsidiary corporation thereof holds shares, etc. pertaining to voting rights exceeding 50 percent

- of the voting rights held by all the shareholders, etc. of another corporation in its their own name or another person's name, that other corporation; hereinafter the same applies in this Article) of the corporation set forth in sub-item (e) as well as the officers thereof;
- (g) the relatives of the officers set forth in sub-items (d) through (f) ;
- (ii) that the person that was formerly an officer or the employee of the persons set forth in sub-item (a) of the preceding item, and persons set forth in sub-items (a) through (g) of the preceding item consists the majority of the officers of the relevant money lender, or are the officers with the right of representation of the money lender.
- (2) The reference, in Article 3-7, item (v) of the Order, to requirements specified by Cabinet Office Order means any of the following requirements:
- (i) that the total voting rights in respect of the shares, etc. of the person set forth in item (i), sub-item (a) of the preceding paragraph held by the following persons in their own names or another person's name exceeds 50 percent of the voting rights held by all the shareholders, etc. of the relevant person set forth in item (i), sub-item (a) of the preceding paragraph:
- (a) the relevant money lender;
- (b) if the relevant money lender is a corporation, the officers and major shareholders thereof;
- (c) if the person set forth in sub-item (a) or (b) is an individual, the relatives thereof;
- (d) if the major shareholder set forth in sub-item (b) is a corporation, the officers thereof, the affiliated parent corporation and semi-affiliated parent corporation of the relevant major shareholder as well as the officers of the affiliated parent corporations;
- (e) if the persons set forth in sub-items (a) through (d) hold shares, etc. pertaining to voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of a corporation in their own name or another person' name, the relevant corporation and the officers thereof;
- (f) the affiliated subsidiary corporation, semi-affiliated subsidiary corporation of the corporation set forth in sub-item (e) and the officers thereof; and
- (g) the relatives of the Officers set forth in sub-items (d) through (f) ; or
- (ii) that the person that was formerly the officers and the employee of the relevant money lender and the persons set forth in sub-items (a) through (g) of the preceding item consists the majority of the officers of the person set forth in item (i), sub-item (a) of the preceding paragraph, or are the officers with the right of representation of the money lender.

(Notification of Commencement)

Article 26-25 (1) The reference, in Article 24-6-2, item (iv) of the Act, to cases specified by Cabinet Office Order means:

- (i) if the money lender has come to fall under Article 6, paragraph (1), item (i), (iv) through (vii) or (xiii) of the Act;
 - (ii) if the money lender is a minor that does not have the legal capacity same as an adult with regard to business, and when the money lender has come to know the fact that the statutory agent of the money lender (if the statutory agent is a corporation, including an officer thereof; simply referred to as the "statutory agent" in Article 26-27, item (iii)), or the officers or important employee thereof has come to fall under Article 6, paragraph (1), item (i) or (iv) through (vii) of the Act;
 - (iii) if the money lender has assigned the claim under the loan contract to other persons (excluding cases where the provisions of Article 24 of the Act are not applied pursuant to the provisions of laws and regulations);
 - (iv) if the money lender comes to know that the officers or employees thereof has conducted acts in violations of laws and regulations in relation to the money lending business or acts impairing the proper management of the money lending business;
 - (v) if the money lender has made the conclusion of a guarantee contract with a specific guarantee business operator as the ordinary condition for concluding a loan contract;
 - (vi) if the money lender has entrusted the money lending business to a third party or when the money lender has terminated the entrustment of the money lending business; and
 - (vii) if the money lender has joined or withdrew from the money lenders association.
- (2) When a money lender has come to fall under any of the items of Article 24-6-2 of the Act, the money lender must notify the competent director-general of the local finance bureau or prefectural governor to that effect within two weeks from the relevant day.

Article 26-25-2 (1) If it is found, pursuant to Article 5-3-2, paragraph (1), that any of the grounds to be specified by Cabinet Office Order as set forth in Article 6, paragraph (1), item (xiv) of the Act exists for a money lender who is a non-profit corporation subject to special provisions, the cases to be specified by Cabinet Office Order as set forth in Article 24-6-2, item (iv) of the Act are the following cases, beyond the cases listed in the items of paragraph (1) of the preceding Article:

- (i) if the money lender whose amount of net assets is less than the amount specified in Article 3-2 of the Order continues to engage in the money lending business; and

- (ii) if a money lender which submitted the notification after it fell under the preceding item ceases to be a non-profit corporation subject to special provisions, or when the money lending business of the money lender has come to no longer satisfy any of the requirements listed in the items of Article 5-3-2, paragraph (1).
- (2) If a money lender who is a non-profit corporation subject to special provisions is deemed to meet the criteria listed in the items of Article 5-4, paragraph (1) and receives the registration pursuant to Article 5-4-2, paragraph (1), the cases to be specified by Cabinet Office Order as set forth in Article 24-6-2, item (iv) of the Act are the following cases, beyond the cases listed in the items of paragraph (1) of the preceding Article:
- (i) cases when the relevant money lender ceases to be a non-profit corporation subject to special provisions or the money lending business of the relevant money lender has come to no longer satisfy any of the requirements listed in the items of Article 5-3-2, paragraph (1);
 - (ii) cases when the relevant money lender comes to meet the criteria listed in Article 5-4, paragraph (1), items (ii) and (iii) prior to the expiration of the valid period of the relevant registration; and
 - (iii) cases when the relevant money lender has come to no longer satisfy any of the requirements listed in the items of Article 5-4-2, paragraph (1).
- (3) In cases when the money lending business of a money lender who is a non-profit corporation subject to special provisions is conducted by satisfying all of the requirements listed in the items of Article 5-3-2, paragraph (1), the cases to be specified by Cabinet Office Order as set forth in Article 24-6-2, item (iv) of the Act are the following cases, beyond the cases listed in the items of paragraph (1) of the preceding Article:
- (i) cases when the money lender has made a decision to the effect that it will conclude specified loan contracts on a regular basis;
 - (ii) cases when a specified non-profit finance corporation has made a decision to the effect that it will cease to conclude specified loan contracts on a regular basis; and
 - (iii) cases when a specified non-profit finance corporation ceases to be a non-profit corporation subject to special provisions, or when the money lending business of the money lender has come to no longer satisfy any of the requirements listed in the items of Article 5-3-2, paragraph (1).

(Matters to be Stated on the Written Notification)

Article 26-26 A money lender seeking to make the notification under Article 24-6-2 of the Act must submit to the competent director-general of the local finance bureau or prefectural governor the written notification stating the matters that each of the following items prescribes for the category of cases set

forth in the item:

- (i) cases when the money lender falls under the case set forth in Article 24-6-2, item (i) of the Act: the date of commencement, the period of suspension or the date of resumption and the reasons for the suspension or resumption;
- (ii) cases when the money lender falls under the case set forth in Article 24-6-2, item (ii) of the Act: the following matters:
 - (a) the date of conclusion or termination of the credit information contract (meaning the credit information contract as prescribed in Article 41-20, paragraph (1), item (i) of the Act; the same applies hereinafter); and
 - (b) the trade name or name and address of the counterparty to the credit information contract;
- (iii) if the money lender falls under the case set forth in Article 24-6-2, item (iii) of the Act: the date on which the amount of net assets of the money lender has come to be less than the amount specified in Article 3-2 of the Order and the reasons therefor;
- (iv) if the money lender falls under the case set forth in Article 26-25, paragraph (1), item (i) or (ii): the following matters:
 - (a) the name of the person that has come to fall under the relevant case;
 - (b) if the relevant person has come to fall under Article 6, paragraph (1), item (i) of the Act, the date on which the relevant person has become subject to a ruling for commencement of guardianship or ruling for commencement of curatorship;
 - (c) if the relevant person has come to fall under Article 6, paragraph (1), item (iv) of the Act, the date on which the punishment has become final and binding and the type of the punishment;
 - (d) if the relevant person has come to fall under Article 6, paragraph (1), item (v) of the Act, the following matters:
 - 1. the provisions of the laws and regulations that the relevant person has violated; and
 - 2. the date on which the punishment became final and binding and the amount of the fine;
 - (e) if the relevant person has come to fall under Article 6, paragraph (1), item (vi) of the Act, the date on which the relevant person came to fall under Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991);
 - (f) if the relevant person has come to fall under Article 6, paragraph (1), item (vii) of the Act, the following matters:
 - 1. the date on which the notice under Article 15 of the Administrative Procedure Act has been made as well as the content of the notice;
 - 2. the reasons for receiving the notice under Article 15 of the Administrative Procedure Act;

3. the date of notification of discontinuance of business, order of dismissal, or resignation;
- (g) if the relevant person has come to fall under Article 6, paragraph (1), item (xiii) of the Act, the following matters:
1. the name of the business office or office at which the assignment of the head of money lending operations has come to no longer satisfy the requirements set forth in Article 12-3 of the Act;
 2. the date on which the assignment of a head of money lending operations has come to no longer satisfy the requirements set forth in Article 12-3 of the Act; and
 3. the reasons why the assignment of a head of money lending operations has come to no longer satisfy the requirements set forth in Article 12-3;
- (v) cases when the money lender falls under the case set forth in Article 26-25, paragraph (1), item (iii): the following matters:
- (a) the trade name, name and address of the assignee;
 - (b) the date of assignment; and
 - (c) the amount of principal of the assigned claim under the loan contract;
- (vi) cases when the money lender falls under the case set forth in Article 26-25, paragraph (1), item (iv): the following matters:
- (a) the name of the business office or office at which the relevant act has occurred;
 - (b) the name and title of the officer or employee that conducted the relevant act; and
 - (c) the outline of the relevant act;
- (vii) cases when the money lender falls under the case set forth in Article 26-25, paragraph (1), item (v): the following matters:
- (a) the date on which the conclusion of the guarantee contract has become the ordinary conditions; and
 - (b) the trade name, name and address of the guarantee business operator;
- (viii) cases when the money lender falls under the case set forth in Article 26-25, paragraph (1), item (vi): the following matters:
- (a) the date on which the business was entrusted or the entrustment of business terminated;
 - (b) the trade name or name and address of the other party to the entrustment of business; and
 - (c) the content of the business which was entrusted or which has terminated to be entrusted; and
- (ix) cases when the money lender falls under the case set forth in Article 26-25, paragraph (1), item (vii): the date of joining or withdrawing from the money lenders association.

Article 26-26-2 The money lender making a notification under Article 24-6-2 of the Act when it falls under any of the cases listed in the items of Article 26-25-2, paragraph (1), (2), or (3) must submit to the competent director-general of the local finance bureau or prefectural governor a written notification stating the matters set forth in the following items according to the respective categories of cases set forth in those items:

- (i) if the money lender falls under the case set forth in Article 26-25-2, paragraph (1), item (i): the date on which the money lender has become a non-profit corporation subject to special provisions and the future business plan for loans;
- (ii) if the money lender falls under the case set forth in Article 26-25-2, paragraph (1), item (ii), paragraph (2), item (i), or paragraph (3), item (iii): the date on which the money lender ceases to be a non-profit corporation subject to special provisions or the date on which the money lending business has come to no longer satisfy any of the requirements listed in the items of Article 5-3-2, paragraph (1) and the grounds therefor;
- (iii) if the money lender falls under the case set forth in Article 26-25-2, paragraph (2), item (ii): the date on which the money lender comes to meet the criteria listed in Article 5-4, paragraph (1), item (ii) or (iii) and the grounds therefor;
- (iv) if the money lender falls under the case set forth in Article 26-25-2, paragraph (2), item (iii); the date on which the money lender has come to no longer satisfy any of the requirements listed in the items of Article 5-4-2, paragraph (1) and the grounds therefor;
- (v) if the money lender falls under the case set forth in Article 26-25-2, paragraph (3), item (i); the date on which the decision referred to in the same item has been made and the future business plan for loans; and
- (vi) if the money lender falls under the case set forth in Article 26-25-2, paragraph (3), item (ii); the date on which the decision referred to in the same item has been made.

(Accompanying Documents for a Written Notification)

Article 26-27 A money lender making a notification pursuant to Article 24-6-2 of the Act must include the documents specified in the following items according to the respective categories of cases set forth in those items, in the written notification stating the matters prescribed in Article 26-26:

- (i) if the money lender falls under the case set forth in Article 24-6-2, item (ii) of the Act: if the money lender has concluded a credit information contract, a copy of the contract;
- (ii) if the money lender falls under the case set forth in Article 24-6-2, item (iii) of the Act: the following documents:

- (a) in cases of a corporation, the balance sheet pertaining to the most recent business year as referred to in Article 5-5, paragraph (1), item (i) or substitute documents therefor (in the cases set forth in paragraph (2), item (i) or (ii) of that Article, a document stating the amount of net assets and the grounds of calculation thereof);
- (b) in cases of an individual, a record of property for the most recent business year prepared using Appended Form No. 4 as referred to in Article 5-5, paragraph (1), item (ii) (in the cases set forth in Article 5, paragraph (2), item (iii), a document stating the amount of net assets and the grounds of calculation thereof);
- (iii) if the money lender falls under the cases set forth in Article 26-25, paragraph (1), item (i) or (ii): the following documents:
 - (a) if the money lender, statutory agent, officer or important employee has come to fall under the cases set forth in Article 6, paragraph (1), item (i) of the Act, a copy of the record on the ruling for commencement of guardianship or ruling for commencement of curatorship or a document stating the contents of the ruling for commencement of guardianship or ruling for commencement of curatorship; and
 - (b) if the money lender, statutory agent, officer or important employee has come to fall under the cases set forth in Article 6, paragraph (1), item (iv) or (v) of the Act, a copy of the final and binding judgment document or a document stating the contents of the final and binding judgment;
- (iv) if the money lender falls under the case set forth in Article 26-25, paragraph (1), item (iii): a copy of the contract on assignment of claims;
- (v) if the money lender falls under the case set forth in Article 26-25, paragraph (1), item (v): a document stating the capital relationship, personnel relationship and business relationship between the money lender and the guarantee business operator;
- (vi) if the money lender falls under the case set forth in Article 26-25, paragraph (1), item (vi): if the money lender has concluded a contract on entrustment of business, a copy of the contract; and
- (vii) if the money lender falls under the case set forth in Article 26-25, paragraph (1), item (vii): a copy of the document by which the fact that the money lender has joined or withdrew from the money lenders association.

Article 26-27-2 A money lender making a notification pursuant to Article 24-6-2 of the Act when it falls under any of the cases listed in the items of Article 26-25-2, paragraph (1), (2), or (3) must include the documents specified in the following items according to the respective categories of cases set forth in those items, in the written notification stating the matters prescribed in Article 26-26-2:

- (i) if the money lender falls under the case set forth in Article 26-25-2, paragraph (1), item (i): the articles of incorporation or articles of endowment, the balance sheet pertaining to the most recent business as referred to in Article 5-5, paragraph (1), item (i) or substitute documents therefor (in the cases set forth in paragraph (2), item (i) or (ii) of that Article, a document stating the amount of net assets and the grounds of calculation thereof);
- (ii) if the money lender falls under the case set forth in Article 26-25-2, paragraph (1), item (ii), paragraph (2), item (i) or paragraph (3), item (iii): the following documents:
 - (a) the documents set forth in the preceding item; and
 - (b) a document by which the fact that the money lender ceases to be a non-profit corporation subject to special provisions can be confirmed, or a document by which the fact that the money lending business has come to no longer satisfy any of the requirements listed in the items of Article 5-3-2, paragraph (1);
- (iii) if the money lender falls under the case set forth in Article 26-25-2, paragraph (2), item (ii): a document by which the fact that the money lender has come to meet the criteria listed in Article 5-4, paragraph (1), items (ii) and (iii);
- (iv) if the money lender falls under the case set forth in Article 26-25-2, paragraph (2), item (iii): a document by which the fact that the money lender has come to no longer satisfy any of the requirements listed in the items of Article 5-4-2, paragraph (1);
- (v) if the money lender falls under the case set forth in Article 26-25-2, paragraph (3), item (i): a document evidencing that the decision under the same item has been made; and
- (vi) if the money lender falls under the case set forth in Article 26-25-2, paragraph (3), item (ii): a document evidencing that the decision under the same item has been made.

(Method of Public Notice)

Article 26-28 The public notice of missing money lenders as prescribed in Article 24-6-6, paragraph (1) of the Act and the public notice of the supervisory disposition under Article 24-6-8 of the Act is to be made, in cases of a money lender that has obtained the registration from the Commissioner of the Financial Services Agency, in the official gazette, and in cases of a money lender that has obtained the registration from the prefectural governor, by publication in a prefectural bulletin, via the internet, or by other appropriate means.

(Form of Business Reports)

Article 26-29 (1) The business reports under Article 24-6-9 of the Act must be prepared using Appended Form No. 8.

(2) If the money lender seeks to submit the business reports under the preceding paragraph, the money lender must submit the business reports to the competent director-general of a local finance bureau accompanied by one duplicate copy of the business reports if the money lender has obtained the registration from the Commissioner of the Financial Services Agency, and to the prefectural governor, accompanied by the number of duplicate copies of the business reports specified by the relevant prefectural governor if the money lender has obtained the registration from the prefectural governor.

(3) Two copies of the following reference documents, in the cases of a money lender that has obtained the registration from the Commissioner of the Financial Services Agency, and the number of copies of the following documents specified by the prefectural governor, in the case of a money lender that has obtained the registration from the prefectural governor, must accompany the business reports prescribed in paragraph (1):

(i) in the case of a corporation, the following documents:

(a) the balance sheet pertaining to the most recent business year (including the relative notes) or substitute documents therefor;

(b) the profit and loss statement pertaining to the most recent business year (including the relative notes) or substitute documents therefor;

(c) the statement of changes in shareholders' equity (including relative notes) or statement of changes in members' equity (including relative notes) pertaining to the most recent business year, or substitute documents therefor;

(ii) in cases of an individual, a record of property for the most recent business year prepared using Appended Form No. 4.

Article 26-29-2 Notwithstanding paragraph (1) of the preceding Article, the business report to be submitted by a money lender under Article 24-6-9 of the Act must be prepared using Appended Form No. 8-2 in if the relevant money lender is a specified non-profit finance corporation, or must be prepared using Appended Form No. 8-3 if the relevant money lender has received the registration under Article 3, paragraph (1) of the Act when any of the grounds to be specified by Cabinet Office Order as set forth in Article 6, paragraph (1), item (xiv) of the Act has been deemed to exist for the relevant money lender under Article 5-3-2, paragraph (1), or when the relevant money lender has received the registration when the relevant money lender has been deemed under Article 5-4-2, paragraph (1) to meet the criteria listed in the items of Article 5-4, paragraph (1) (excluding cases when the relevant money lender is a specified non-profit finance corporation).

(Standard for Qualifying Examinations)

Article 26-30 The qualifying examination for heads of money lending operations under Article 24-7, paragraph (1) of the Act (hereinafter referred to as the "qualifying examination") is to set in place criteria for determining whether a person has practical knowledge of the money lending business.

(Contents of the Qualifying Examination)

Article 26-31 The topics with regard to which a person is to be examined using the criteria set forth in the preceding Article are, by and large:

- (i) those related to the Act and applicable laws and regulations;
- (ii) those related to the laws and regulations and business practice concerning the loan or transactions incidental to loans;
- (iii) those related to the protection of persons seeking funds, etc.; and
- (iv) those related to finance and accounting.

(Procedures for Taking Examination)

Article 26-32 A person seeking to take the qualifying examination must submit a written application for taking the qualifying examination for heads of money lending operations which is prepared using Appended Form No. 9 to the Commissioner of the Financial Services Agency (if the entity that has been designated under Article 24-8, paragraph (1) of the Act (hereinafter referred to as the "designated examining agency") seeks to administer the affairs for implementing the qualifying examination (hereinafter referred to as the "examination affairs"), the designated examining agency).

(Means of Holding the Qualifying Examination)

Article 26-33 The qualifying examination is held in the form of a written examination.

(Public Notice of a Qualifying Examination and Qualifying Examination Dates)

Article 26-34 (1) A qualifying examination is held at least once every year.
(2) The Commissioner of the Financial Services Agency must give advance public notice of the date and place of the qualifying examination as well as the matters necessary for holding the examination in the official gazette.
(3) With regard to the application of the preceding paragraph in cases when a designated examining agency administers the examination affairs, the terms "The Commissioner of the Financial Services Agency" and "in the official gazette" in that paragraph is deemed to be replaced with "The designated examining agency" and "by the method specified in the operational rules for examination affairs as prescribed in Article 24-13, paragraph (1) of the Act,"

respectively.

(Public Notice of Passing and Delivery of Certificate of Passing)

Article 26-35 (1) The Commissioner of the Financial Services Agency must give public notice of the name and examinee number of the persons that have passed the qualifying examination held thereby (hereinafter referred to as a "successful examinee"), and issue passing certificates to the successful examinees.

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the case prescribed in the preceding paragraph.

(Register of Successful Examinees)

Article 26-36 (1) The Commissioner of the Financial Services Agency must prepare a register of the successful examinees and preserve it.

(2) If a designated examining agency administers the examination affairs, the Commissioner of the Financial Services Agency may use the list of the successful examinees as referred to in Article 26-46, paragraph (2) as a substitute for the register under the preceding paragraph.

(Application for Designation)

Article 26-37 (1) A person seeking to make an application pursuant to Article 24-8, paragraph (2) of the Act must submit a written application stating the following matters to the Commissioner of the Financial Services Agency:

- (i) the name and address;
- (ii) the name and location of the office at which the examination affairs are planned to be carried out;
- (iii) the name of the officer;
- (iv) the outline of the business actually carried out; and
- (v) the date on which the relevant person seeks the designation.

(2) The following documents must accompany the written application under the preceding paragraph:

- (i) the articles of incorporation, articles of endowment, and certificate of registered information;
- (ii) the operational rules for examination affairs (meaning the operational rules for examination affairs as referred to in Article 24-13, paragraph (1) of the Act; the same applies hereinafter);
- (iii) a document stating the outline of and development plan for the facilities for examination of each office at which the examination affairs are planned to be carried out;
- (iv) a document stating the plan concerning the method of implementation of the examination affairs;

- (v) the inventory of property and balance sheet as of the business year immediately preceding the business year that includes the date of application (in cases of a corporation established on the business year that includes the date of application, the inventory of property as of the time of establishment thereof);
- (vi) the business plans and income and expenditure budgets for the business year that includes the date of application and the following business year thereof;
- (vii) a document evidencing the decision making on the application;
- (viii) a document stating the major points of career of the officer;
- (ix) a written pledge of the officer prescribed in Article 24-8, paragraph (5), item (iv), sub-item (a) or (b) of the Act;
- (x) a document stating the matters related to the assignment of officers and employees, as well as the organization and division of the affairs; and
- (xi) other documents stating the matters that may serve as a reference.

(Notification of Changes of Name)

Article 26-38 (1) Before changing its name or the location of its principal office, a designated examining agency must submit a written notification containing the following information to the Commissioner of the Financial Services Agency:

- (i) the name and location of the principal office of the designated examining agency after the change;
- (ii) the date on which the changes are planned; and
- (iii) the reasons for the change.

(2) Before establishing or closing an office at which it carries out examination affairs, a designated examining agency must submit a written notification containing the following information to the Commissioner of the Financial Services Agency:

- (i) the name and location of the office planned to be established or abolished;
- (ii) the date on which the examination affairs are planned to be commenced or abolished at the office planned to be established or abolished; and
- (iii) the reasons for the establishment or abolition.

(Application for Authorization of the Appointment or Dismissal of Officers)

Article 26-39 (1) If a designated examining agency seeks authorization pursuant to Article 24-10, paragraph (1) of the Act, it must submit a document containing the following information to the Commissioner of the Financial Services Agency:

- (i) the name of the person planned to be appointed as an officer or the officer planned to be dismissed;
- (ii) the reasons for the appointment or dismissal; and

(iii) in the case of an appointment, the major points of career of the relevant person.

- (2) In the case referred to in the preceding paragraph, if the designated examining agency seeks to make an application for the authorization of appointment, it must include the following documents with the written notification:
- (i) the written document in which the person appointed agrees to assume office;
 - (ii) an extract of the certificate of residence of the person appointed or substitute documents therefor; and
 - (iii) a written pledge of the officer prescribed in Article 24-8, paragraph (5), item (iv), sub-item (a) or (b) of the Act.

(Requirements for Examiners)

Article 26-40 The reference, in Article 24-11, paragraph (1) of the Act, to the requirement specified by Cabinet Office Order means that the relevant person is:

- (i) a professor or associate professor that specializes in Civil Law or Administrative Law in a university accredited under the School Education Act (Act No. 26 of 1947) or a person that was formerly in the position, or a person that has knowledge and experience equivalent to or greater than the afore-mentioned persons; or
- (ii) a member of the State or local government or a person that was formerly in the position, that has an expert knowledge on the matters set forth in the items of Article 26-31.

(Notification of Appointment or Dismissal of Examiners)

Article 26-41 (1) If a designated examining agency seeks to make the notification under Article 24-11, paragraph (2) of the Act, it must submit a document containing the following information to the Commissioner of the Financial Services Agency:

- (i) the name of the examiner (meaning the examiner defined in Article 24-11, paragraph (1) of the Act; the same applies in the following paragraph and item (v) of the following Article);
 - (ii) the reasons for appointment or dismissal; and
 - (iii) in cases of an appointment, the major points of career of the relevant person.
- (2) In the case referred to in the preceding paragraph, if the designated examining agency seeks to make the notification of appointment, it must include a copy of the document proving that the appointed examiner meets the requirements prescribed in the preceding Article to the written notification under the preceding paragraph.

(Matters to be Stated in the Operational Rules for Examination Affairs)

Article 26-42 The reference, in Article 24-13, paragraph (1) of the Act, to matters concerning the implementation of examination affairs that are specified by Cabinet Office means:

- (i) the matters concerning the organization and operation;
- (ii) the matters concerning the hours during which the examination affairs are to be carried out as well as the holidays therefor;
- (iii) the matters concerning the office at which the examination affairs are to be carried out and the place at which examinations are to be held;
- (iv) the matters concerning the method of receiving examination fees (meaning the examination fees referred to in Article 24-22, paragraph (1) of the Act);
- (v) the matters concerning the appointment of the examination commissioner;
- (vi) the matters concerning the retention of confidential information related to examination affairs;
- (vii) the matters concerning the entrustment of the handling of examination affairs in part to a third party;
- (viii) the matters concerning the administration of books and documents related to examination affairs;
- (ix) the matters concerning the method of public notice on the implementation of the qualifying examination; and
- (x) other matters necessary for the implementation of examination affairs.

(Application for Authorization of Operational Rules for Examination Affairs)

Article 26-43 (1) If a designated examining agency seeks the authorization pursuant to the first sentence of Article 24-13, paragraph (1) of the Act, it must submit a written application stating to that effect and accompanied by the operational rules for examination affairs subject to the authorization to the Commissioner of the Financial Services Agency.

(2) If the designated examining agency seeks the authorization pursuant to the second sentence of Article 24-13, paragraph (1) of the Act, it must submit a written application containing the following information to the Commissioner of the Financial Services Agency:

- (i) the matters to be changed;
- (ii) the date on which the changes are planned; and
- (iii) the reasons for the change.

(Application for Authorization of Business Plans)

Article 26-44 (1) If a designated examining agency seeks the authorization pursuant to the first sentence of Article 24-14, paragraph (1) of the Act, it must submit a written application stating to that effect accompanied by the business

plan and income and expenditure budgets related to the relevant authorization to the Commissioner of the Financial Services Agency.

- (2) If a designated examining agency seeks authorization pursuant to the second sentence of Article 24-14, paragraph (1) of the Act, it must submit a written application containing the following information to the Commissioner of the Financial Services Agency:
- (i) the matters to be changed;
 - (ii) the date on which the changes are planned; and
 - (iii) the reasons for the change.

(Keeping of Books)

Article 26-45 (1) The reference, in Article 24-15 of the Act to matters specified by Cabinet Office Order means:

- (i) the date of the examination;
 - (ii) the place for the examination;
 - (iii) the examinee's examinee number, name, and date of birth, as well as whether or not the examinee has passed; and
 - (iv) the date of passing the qualifying examination (meaning the date on which public notice of the successful examinees' examinee numbers is given; the same applies in paragraph (1), item (vi) of the following Article and Article 26-51, paragraph (1), item (ii)) the qualifying examination.
- (2) A designated examining agency must preserve the books referred to in Article 24-15 of the Act until it abolishes the examination affairs.
- (3) A designated examining agency must preserve the examination questions used for the qualifying examination for three years from the day on which the relevant qualifying examination was implemented.

(Reports of the Results of Examination)

Article 26-46 (1) When a designated examining agency has implemented examination affairs, it must submit a report containing the following information to the Commissioner of the Financial Services Agency without delay:

- (i) the date of examination;
 - (ii) the place of examination;
 - (iii) the number of applicant for taking the examination;
 - (iv) the number of applicants that took the examination;
 - (v) the number of successful examinees; and
 - (vi) the date of passing the relevant qualifying examination.
- (2) A list of the successful examinees containing the examinee number, name, date of birth and address of the successful examinees must accompany the report prescribed in the preceding paragraph.

(Permission of Suspension or Abolition of Examination Affairs)

Article 26-47 If a designated examining agency seeks permission pursuant to Article 24-18, paragraph (1) of the Act, it must submit a written application containing the following information to the Commissioner of the Financial Services Agency:

- (i) the scope of the examination affairs planned to be suspended or abolished;
- (ii) the date on which the suspension or abolition is planned, and in cases of a suspension, the period thereof; and
- (iii) the reasons for the suspension or abolition.

(Transfer of Examination Affairs)

Article 26-48 In the case referred to in Article 24-21, paragraph (2) of the Act, the designated examining agency must:

- (i) transfer the examination affairs to the Commissioner of the Financial Services Agency;
- (ii) transfer the books and documents related to the examination affairs to the Commissioner of the Financial Services Agency; and
- (iii) do anything else that the Commissioner of the Financial Services Agency finds necessary.

(Reports of the Rescission of Passing)

Article 26-49 If a designated examining agency has disqualified a person related to the wrongful act concerning the qualifying examination from taking the examination, has invalidated the qualifying examination or has rescinded the decision of passing thereof pursuant to the provisions of Article 24-23, paragraph (1) of the Act as applied by replacing certain terms pursuant to paragraph (3) of that Article, or has prohibited that person from taking the qualifying examination for a fixed period of time pursuant to the provisions of paragraph (2) of that Article as applied by replacing certain terms pursuant to paragraph (3) of that Article, it must submit a report containing the following information to the Commissioner of the Financial Services Agency without delay:

- (i) the name, date of birth and address of the person that has received the disposition;
- (ii) the content of the disposition as well as the date on which the disposition was made; and
- (iii) the details of the wrongful act.

(Registered Training)

Article 26-50 The training courses as referred to in Article 24-25, paragraph (2)

of the Act (hereinafter referred to as the "registered training") must satisfy all of the following requirements:

- (i) that the relevant training course is one which does not restrict the participation without justifiable grounds;
- (ii) that the relevant training course is one in which the subjects set forth in the left column of the table prescribed in Article 24-38, paragraph (1) of the Act are lectured by the instructors set forth in the right column of that table respectively;
- (iii) that the relevant training course complies to the requirements set forth in the items of Article 26-63; and
- (iv) that the relevant training course is carried out based on the operational rules for training affairs (meaning the operational rules for training affairs defined in Article 24-42, paragraph (1) of the Act; the same applies hereinafter).

(Matters Required to Be Stated in the Registry of Heads of Money Lending Operations)

Article 26-51 (1) The reference, in Article 24-25, paragraph (4) of the Act, to matters specified by Cabinet Office Order means:

- (i) the registered domicile (in cases of a person that does not have Japanese nationality, the nationality held by the person) and sex;
 - (ii) the date of passing the qualifying examination and the number of the passing certificate;
 - (iii) in cases of a person that engages in the operations of a money lender, the trade name or name and registration number of the relevant money lender; and
 - (iv) the registration number and date of registration.
- (2) The form of the register of head of money lending operations is to be based on Appended Form No. 10.

(Application for Registration as Head of Operations)

Article 26-52 (1) If a person qualified to be registered as a head of money lending operations as referred to in Article 24-25, paragraph (1) of the Act (hereinafter referred to as "registration as head of operations") seeks that registration, the person must submit a written application for registration as a head of money lending operations prepared using Appended Form No. 11.

- (2) A 3 cm long, 2.4 cm wide photograph showing the applicant hatless, in a front-facing pose, from the waist up, and against a solid background, taken within six months prior to the date of application for registration must accompany the written application for registration prescribed in the preceding paragraph.

- (3) The following documents must accompany the written application for registration prescribed in paragraph (1); provided, however, that, among the documents set forth in item (i), the certificate of registered information on guardianship, etc. stating to the effect that the relevant person does not fall under the category of an adult ward may be substituted by a certificate from the head of the municipality certifying to that effect:
- (i) a certificate of registered information on guardianship, etc. stating to the effect that the relevant person does not fall under the category of an adult ward or person under curatorship as provided in Article 24-27, paragraph (1), item (i) of the Act;
 - (ii) a certificate from the head of the municipality stating to the effect that the relevant person does not fall under the category of person deemed as an adult ward or person under curatorship as provided in Article 24-27, paragraph (1), item (i) of the Act pursuant to the provisions of Article 3, paragraphs (1) and (2) of the supplementary provisions of the Act Partially Amending the Civil Code (Act No. 149 of 1999), as well as a certificate from the head of the municipality stating to the effect that the relevant person does not fall under the category of an undischarged bankrupt, item (ii) of that paragraph;
 - (iii) a document in which the relevant person denies falling under the category of person set forth in Article 24-27, paragraph (1), items (iii) through (viii) of the Act;
 - (iv) a copy of the certificate of completion provided in Article 26-63, item (v) for the registered training implemented within six months prior to the date of application for registration as head of operations (excluding the case when the relevant person applies for registration as head of operations within one year from the day on which the person passes the qualifying examination).
- (4) With regard to the personal identification information (meaning the personal identification information as prescribed in Article 30-6, paragraph (1) of the Residential Basic Book Act, except for the individual number prescribed in Article 7, item (viii)-2 of that Act) of the person seeking registration as head of operations, if the Commissioner of the Financial Services Agency cannot receive the provision of the information under Article 30-9 of that Act, the commissioner may have the person submit an extract of the certificate of residence, or substitute documents therefor.
- (5) The form of the documents prescribed in paragraph (3), item (iii) is to be based on Appended Form No. 12.

(Notice of Registration as Head of Operations)

Article 26-53 (1) Upon registering a head of operations, the Commissioner of the Financial Services Agency must notify the person registered as head of

operations to that effect in writing without delay.

- (2) If a person seeking registration as head of operations falls under a category of persons set forth in the items of Article 24-27, paragraph (1) of the Act, the Commissioner of the Financial Services Agency must refuse the person registration as head of operations and notify the person to that effect, indicating the reasons therefore, without delay.

(Change of Registration as Head of Operations)

Article 26-54 (1) A person seeking to apply for a change to a registration as head of operations under Article 24-28 of the Act must submit a written application for a change of registration prepared using Appended Form No. 13 to the Commissioner of the Financial Services Agency.

- (2) If the written application for a change of registration prescribed in the preceding paragraph has been submitted, the Commissioner of the Financial Services Agency must change the registration of the head of operations and notify the person filing the application for the change of registration as head of operations to that effect, without delay.

(Form of Notification of Death)

Article 26-55 To file for a registration as under Article 24-29 of the Act, a person must file a written notification of death, etc. prepared using Appended Form No. 14.

(Cancellation of Registration as Head of Operations)

Article 26-56 Upon cancelling a person's registration as head of operations pursuant to the provisions of Article 24-31 of the Act, the Commissioner of the Financial Services Agency must notify the person whose registration as head of operations has been canceled or the heir, guardian, or curator thereof, indicating the reasons therefor.

(Renewal of Registration as Head of Operations)

Article 26-57 The provisions of Articles 26-50 through 26-53 apply mutatis mutandis to the renewal of the registration of a head of operations under Article 24-32, paragraph (1) of the Act.

(Registration Affairs of the Money Lenders Association)

Article 26-58 The Commissioner of the Financial Services Agency is to have the money lenders association administer all or part of the following affairs for the registration of heads of operations pursuant to the provisions of Article 24-33, paragraph (1) of the Act:

- (i) registration of head of operations;

- (ii) the acceptance of the written application for registration under Article 24-26, paragraph (1) of the Act (including if it is applied mutatis mutandis pursuant to Article 24-32, paragraph (2) of the Act);
- (iii) the notice under the provisions of Article 24-26, paragraph (4) and Article 24-27, paragraph (2) of the Act (including the cases when these provisions are applied mutatis mutandis pursuant to Article 24-32, paragraph (2) of the Act);
- (iv) the refusal of a registration as head of operations under Article 24-27, paragraph (1) of the Act (including the cases when it is applied mutatis mutandis pursuant to Article 24-32, paragraph (2) of the Act);
- (v) the acceptance of application for a change to a registration as head of operations under Article 24-28 of the Act;
- (vi) the acceptance of notification of death, etc. under Article 24-29 of the Act;
- (vii) the rescission of a registration as head of operations under Article 24-30 of the Act; and
- (viii) the cancellation of a registration as head of operations under Article 24-31 of the Act.

(Notification to the Commissioner of the Financial Services Agency)

Article 26-59 When a money lenders association seeks to make the notification under Article 24-33, paragraph (4) of the Act, it must submit a written notification containing the following information:

- (i) the name and date of birth of the head of money lending operations whose registration as head of operations has been processed;
- (ii) the content of the affairs in connection with the processed registration as head of operations and the date of processing; and
- (iii) if the content of affairs set forth in the preceding item is a cancellation of registration as head of operations, the reasons therefor.

(Application for Registration of Registered Training Agency)

Article 26-60 A person seeking registration under Article 24-36, paragraph (1) of the Act, or the renewal of registration under Article 24-39, paragraph (1) of the Act (hereinafter collectively referred to as the "registration, etc." in this Article) must submit a written application prepared using Appended Form No. 15 (simply referred to as the "written application" in Article 26-62) to the Commissioner of the Financial Services Agency, accompanied by the following documents:

- (i) if the relevant person is a corporation, the following documents:
 - (a) the articles of incorporation and articles of endowment, as well as the certificate of registered information;
 - (b) a document evidencing the decision making on the application; and

- (c) a document stating the trade name or name and major points of career of the officer;
- (ii) if the relevant person is an individual, a document stating the major points of the career of the person seeking registration, etc. and the extract of the certificate of residence thereof, or substitute documents therefor;
- (iii) a document evidencing that the registered training, with regard to the subjects set forth in the left column of the Appended Table of Article 24-38, paragraph (1) of the Act (hereinafter referred to as the "registered training subjects"), are lectured by the respective instructors set forth in the right column of that table (referred to as the "registered training instructors" in Article 26-63, item (iv) and Article 26-69, paragraph (1), item (iii));
- (iv) if the relevant person seeks to carry out business other than the affairs related to the implementation of registered training (hereinafter referred to as the "registered training affairs"), a document stating the type and outline of the business;
- (v) a document in which the person seeking registration, etc. denies falling under any category of persons set forth in the items of Article 24-37 of the Act (including if it is applied mutatis mutandis pursuant to Article 24-39, paragraph (2) of the Act); and
- (vi) other documents stating matters that will serve as a reference.

(Matters to be Stated in the Registry of Registered Training Agencies)

Article 26-61 The reference, in Article 24-38, paragraph (2), item (iv) of the Act (including if it is applied mutatis mutandis pursuant to Article 24-39, paragraph (2) of the Act), to the information specified by Cabinet Office Order means, in cases when the registered training agency defined in the main clause of Article 24-25, paragraph (2) of the Act (hereinafter simply referred to as the "registered training agency") is a corporation, the trade name or name of the officer of the registered training agency.

(Application Period for Renewal of Registration of Registered Training Agency)

Article 26-62 A person seeking to have its registration renewed as referred to in Article 24-39, paragraph (1) of the Act must submit a written application within the period from the day 90 days prior to the expiration date of the validity period of registration until the day 30 days prior to the expiration date.

(Requirements for Implementation of Registered Training Affairs)

Article 26-63 The reference, in Article 24-40 of the Act, to the requirements specified by Cabinet Office Order means:

- (i) that the registered training is implemented for once or more every year;
- (ii) that the registered training is implemented in the form of lectures, with

approximately six total hours of lecture time and with the lecture time for each registered training subject as specified by the Commissioner of the Financial Services Agency;

- (iii) that teaching and training materials with appropriate contents including the matters specified by the Commissioner of the Financial Services Agency for each registered training subject (hereinafter simply referred to as "registered training materials") are used;
- (iv) that the registered training instructor appropriately answers the questions on the contents of the lecture made by the participant during the registered training;
- (v) that a certificate of completion prepared using Appended Form No. 16 is issued to a person completing the course of registered training (hereinafter referred to as the "person completing registered training");
- (vi) that measures necessary for preventing unauthorized participation to the lecture are taken;
- (vii) that public notice of the date and place of the registered training and other matters necessary to implement the registered training as well as the statement to the effect that the relevant training is a registered training is to be issued by the method specified in the operational rules for training affairs; and
- (viii) that, if a registered training agency conducts business other than registered training affairs, the registered training agency does not indicate or otherwise act in such a way that is likely to mislead people to misunderstand that the relevant business is a registered training affairs.

(Notification of Changes to the Registered Matters of the Registered Training Agency)

Article 26-64 If a registered training agency seeks to make the notification under Article 24-41 of the Act, it must submit a written notification containing the following information to the Commissioner of the Financial Services Agency:

- (i) the matters planned to be changed;
- (ii) the date on which the changes are planned; and
- (iii) the reasons for the changes.

(Matters to be Stated in the Operational Rules for Training Affairs)

Article 26-65 The reference, in Article 24-42, paragraph (2) of the Act, to the matters specified by Cabinet Office Order means:

- (i) the matters concerning the hours during which the registered training affairs carries out as well as the holidays therefor;
- (ii) the matters concerning the office at which the registered training affairs

- are carried out as well as the place for carrying out the registered training;
- (iii) the matters concerning the method of public notice on the implementation of registered training;
- (iv) the matters concerning the application for taking the registered training;
- (v) the matters concerning the method of implementation of registered trainings;
- (vi) the matters related to the amount of the fee for the registered training as well as the method of storage of the amount;
- (vii) the matters concerning the content and hours of the registered training;
- (viii) the matters concerning the registered training materials to be used for the registered training;
- (ix) the matters concerning the delivery of certificate of completion;
- (x) the matters concerning the management of books (meaning the books referred to in Article 24-47 of the Act; the same applies in Article 26-69, paragraph (2) and Article 26-73, item (ii)) and other documents related to the registered training affairs;
- (xi) the matters concerning the disposition of the unauthorized participant of the registered training; and
- (xii) other matters necessary for the implementation of registered training affairs.

(Notification of Suspension or Abolition of Registered Training Affairs)

Article 26-66 When a registered training agency seeks to suspend or abolish all or part of the registered training affairs pursuant to Article 24-43 of the Act, it must submit a written notification containing the following information to the Commissioner of the Financial Services Agency:

- (i) the scope of registered training affairs planned to be suspended or abolished;
- (ii) the date on which the suspension or abolition is planned;
- (iii) in cases of a suspension, the period thereof; and
- (iv) the reasons for the suspension or abolition.

(Means of Showing the Information Recorded in an Electronic or Magnetic Record)

Article 26-67 The reference, in Article 24-44, paragraph (2), item (iii) of the Act, to a means specified by Cabinet Office Order means one that causes the information to appear on the screen of a computer at the office of the registered training agency.

(Means of Providing a Person with the Information Recorded in an Electronic or Magnetic Record)

Article 26-68 (1) The reference, in Article 24-44, paragraph (2), item (iv) of the Act, to a means specified by Cabinet Office Order means whichever of the following means is specified the registered training agency:

- (i) using an electronic data processing system as set forth in sub-item (a) or (b):
 - (a) in such a way that data is transmitted over a telecommunications line connecting the computer used by the registered training agency and computers used by the person registered as head of operations and other interested persons, and recorded in files on the computers used by the person registered as head of operations and other interested persons;
 - (b) in such a way that data content recorded in a file on the computer used by the registered training agency is provided over a telecommunications line for the person registered as head of operations and other interested persons to inspect and recorded in files on the computers used by the person registered as head of operations and other interested persons;
 - (ii) delivering a magnetic disc, or anything else onto which a fixed set of data can be securely recorded through an equivalent means, containing a file into which a recording to that effect has been made.
- (2) The means set forth in the items of the preceding paragraph must allow the person registered as head of operations and other interested persons to create a written document by outputting what has been recorded in the file.
- (3) The term "electronic data processing system" as used in paragraph (1), item (i) means an electronic data processing system that uses a telecommunications line to connect the computer used by the registered training agency and the computers used by the person registered as head of operations and other interested persons.

(Keeping of Books)

Article 26-69 (1) The reference, in Article 24-47 of the Act, to the matters specified by Cabinet Office Order means:

- (i) the date of implementation of the registered training;
 - (ii) the place of implementation of the registered training;
 - (iii) the name of the registered training instructor that gave the lecture and the registered training subject in which the instructor lectured, as well as the hours thereof;
 - (iv) the name, date of birth and address of the participant (if the applicant is a head of money lending operations, including the registration number); and
 - (v) in cases of a person completing registered training, beyond the matters set forth in the preceding item, the date of delivery of the certificate of completion and the completion number.
- (2) A registered training agency must preserve the books until it abolishes all of the registered training affairs.

(3) A registered training agency must preserve the registered training materials used for the registered training for three years from the day on which the relevant registered training was implemented.

(Report on the Results of the Implementation of Registered Training Affairs)

Article 26-70 (1) When a registered training agency has implemented registered training affairs, it must submit a report containing the following information to the Commissioner of the Financial Services Agency without delay:

- (i) the date of implementation of the registered training;
- (ii) the place of implementation of the registered training;
- (iii) the number of applicants for the registered training;
- (iv) the number of participants; and
- (v) the number of Persons Completing Registered Training.

(2) A list of the persons completing registered training stating the names, dates of birth, and addresses thereof, the registration numbers of the head of money lending operations and the dates of completion of the registration training thereof, the date of issuance of the certificate of completion and the completion number, and the registered training materials used for the registered training must accompany the report under the preceding paragraph.

(Procedures for Participation in the Training Given by the Commissioner of the Financial Services Agency)

Article 26-71 A person seeking to participate in the training given by the Commissioner of the Financial Services Agency pursuant to Article 24-48, paragraph (1) of the Act must submit a written application for the participation in the training for heads of money lending operations prepared using Appended Form No. 17 to the Commissioner of the Financial Services Agency.

(Completion of the Training Given by the Commissioner of the Financial Services Agency)

Article 26-72 The Commissioner of the Financial Services Agency must deliver a document evidencing the completion of the whole course of the training to the person that has completed the whole course of the training prescribed in the preceding Article.

(Transfer of Registered Training Affairs)

Article 26-73 In the cases set forth in Article 24-48, paragraph (2) of the Act, a registered training agency must carry out the following matters:

- (i) to transfer the Registered Training Affairs to the Commissioner of the Financial Services Agency;

- (ii) to transfer books and other documents related to the registered training affairs to the Commissioner of the Financial Services Agency; and
- (iii) other matters found necessary by the Commissioner of the Financial Services Agency.

(Accompanying Documents to the Written Application for Authorization for Establishment of the Association)

Article 26-74 The reference, in Article 27, paragraph (2) of the Act, to documents specified by Cabinet Office Order means the following documents:

- (i) resumes of the officers;
- (ii) extracts of the certificates of residence of the officers or substitute documents therefor;
- (iii) if the name of an officer that was used before marriage is stated together with the officer's current name in a written application for authorization prescribed in Article 27, paragraph (1) of the Act, and the document set forth in the preceding item does not certify the officer's name used before marriage, a document certifying the name before marriage; and
- (iv) documents pledging that the officers do not fall under any of the persons set forth in Article 6, paragraph (1), items (i) through (vi) of the Act.

(Calculation of Percentage)

Article 26-75 (1) The calculation of the percentage prescribed in Article 4 of the Order is to be done by dividing the latest total number of all money lenders made public by the Commissioner of the Financial Services Agency by the number of money lenders that are the members of the money lenders association as of the day on which the calculation of the percentage is to be done.

(2) The Commissioner of the Financial Services Agency must survey and aggregate the number of all money lender as of the last day of each month and make public the results of the aggregation as promptly as possible.

(Cooperation by the Money Lenders Association with the Commissioner of the Financial Services Agency)

Article 27 The Commissioner of the Financial Services Agency, director-general of the local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau or prefectural governor may have the money lenders association cooperate with part of the affairs related to the following matters:

- (i) the application for registration under Article 4, paragraph (1) of the Act, the notification under the provisions of Article 8, paragraph (1), Article 10, paragraph (1) or Article 24-6-2 of the Act, and the submission of business reports under Article 24-6-9 of the Act; and

- (ii) the submission of reports or materials under Article 24-6-10, paragraph (1) of the Act.

(Amount of Credit Information)

Article 28 (1) The reference, in Article 41-13, paragraph (1), item (v) of the Act, to the amount specified by Cabinet Office Order means the number of member money lenders (meaning the member money lender defined in Article 41-20, paragraph (1), item (vii) of the Act; except in Article 30-22, Article 30-25, paragraph (1), Article 30-27, paragraph (1) and Article 30-29, paragraph (2), item (ix), the same applies hereinafter) and the total amount of outstanding balance of the loans related to the personal credit information held thereby.

(2) The reference, in Article 41-13, paragraph (1), item (v) of the Act, to the standards specified by Cabinet Office Order means:

- (i) that the number of member money lenders are 100 or more; and
- (ii) that the total amount of outstanding balance of the loans related to the personal credit information held by the relevant person (limited to the outstanding balance related to the loans of which the creditor is a member money lender) is five trillion yen or more.

(Financial Basis)

Article 29 The reference, in Article 41-13, paragraph (1), item (vi) of the Act, to the financial basis specified by Cabinet Office Order means that the amount obtained by deducting the total amount of liabilities from the total amount of assets recorded in the balance sheet referred to in Article 41-14, paragraph (2), item (iv) of the Act is 500 million yen or more.

(Accompanying Documents for the Application for Designation)

Article 30 The reference, in Article 41-14, paragraph (2), item (v) of the Act, to documents specified by Cabinet Office Order means:

- (i) a document stating the trade name or name, and registration number of the member money lender;
- (ii) a document stating the name or trade name and address or location of the shareholders, members or equity investors that hold voting rights five percent or more of the voting rights held by all the shareholders, etc. of the person seeking the designation under Article 41-13, paragraph (1) of the Act (referred to as the "applicant" in the following item and item (ix)), as well as the number of voting rights held thereby;
- (iii) a document stating the outline of the parent company and subsidiary corporation (meaning a corporation or other organization of which the majority of voting rights held by all the shareholders, etc. are held by the applicant) of the Applicant;

- (iv) extracts of the certificates of residence of the officers (meaning members in charge of executing business (if the member in charge of executing business is a corporation, a person that is to perform its duties), directors, executive officers, accounting advisors (including, if the accounting advisor is a corporation, a member that is to perform its duties), auditor, representative person or administrator, or persons equivalent thereto; hereinafter the same applies in this Article through Article 30-10) (if the member in charge of executing business or accounting advisor is a corporation, the certificate of registered information of the relevant member in charge of executing business or accounting advisor, or substitute documents therefor);
- (v) if the name of an officer that was used before marriage is stated together with the officer's current name in a written application for designation prescribed in Article 41-14, paragraph (1) of the Act, and the document set forth in the preceding item does not certify the officer's name used before marriage, a document certifying the name before marriage;
- (vi) a certificate issued by a public agency stating to the effect that the officer does not fall under the category of persons set forth in Article 41-13, paragraph (1), item (iv), sub-items (a) and (c) of the Act (if the relevant officer is a foreign national, a written pledge prepared using Appended Form No. 18);
- (vii) the resumes of the officers prepared using appended Form No. 19 (if the officer is a corporation, the certificate of registered information of the relevant officer and a history prepared using Appended Form No. 20);
- (viii) a document stating the status of securing employees that have knowledge and experience concerning credit information service, and the status of assignment of the employees;
- (ix) a document stating the organization and division of affairs of the applicant;
- (x) if the relevant person is any of the following corporations, a document stating the contents of the accounting audit report or audit report pertaining to the business year immediately preceding the business year that includes the date of application for designation specified respectively in the following sub-items:
 - (a) a company with accounting auditors as prescribed in Article 2, item (xi) of the Companies Act: the accounting audit reports referred to in the second sentence of Article 396, paragraph (1) of that Act; and
 - (b) beyond what is listed in sub-item (a), a corporation audited by a certified public accountant or auditing firm: the audit reports prepared by the relevant certified public accountant or auditing firm; and
- (xi) other documents stating the matters that will serve as a reference.

(Restriction on Concurrent Holding of Positions by Officers)

Article 30-2 (1) The reference, in Article 41-15 of the Act, to a corporation specified by Cabinet Office Order means:

- (i) the corporation in the money lending business;
- (ii) a corporation in the business of delivering or granting a card or other item, or numbers, symbols or other codes (hereinafter collectively referred to as the "card or number" in this Article) which enables the purchase of goods or rights or provision of service from a specific seller or service provider in exchange of the relevant card or number, or by presenting or notifying it, to the person seeking to purchase goods or rights or person seeking to receive the provision of service using the card or number (hereinafter collectively referred to as the "user" in this Article), and if the user has purchased goods or rights or received a service from a specific seller or service provider in exchange of the card or number or by presenting or notifying it, the business of receiving the purchase money for the relevant goods or relevant rights or amount equivalent to the consideration for the relevant service from the relevant user and delivering the amount to the relevant seller or relevant service provider;
- (iii) a corporation in the business of, under the condition that the user purchases goods or rights or receives a service from a specific seller or service provider without using the card or number, delivering the purchase money for the relevant goods or relevant rights or amount equivalent to the consideration for the relevant service to the relevant seller or relevant service provider, and receiving the amount from the relevant user;
- (iv) a claim collecting company as prescribed in Article 2, paragraph (3) of the Act on Special Measures Concerning Business of Management and Collection of Claims (Act No. 126 of 1998);
- (v) a corporation that guarantees obligations on a regular basis; or
- (vi) a corporation that is in the business of allowing people to use machinery or any other goods or articles (referred to as the "leasing business" in item (vi) of the following paragraph).

(2) The reference, in Article 41-15 of the Act, to business specified by Cabinet Office Order means:

- (i) money lending business;
- (ii) a business of delivering or granting a card or number to users, and if the user purchases goods or rights or receives a service from a specific seller or service provider in exchange for the card or number or by presenting it or notifying the seller or service provider of it, receiving the purchase money for the relevant goods or relevant rights or amount equivalent to the consideration for the relevant service from the relevant user and delivering the amount to the relevant seller or relevant service provider;
- (iii) under the condition that the user purchases goods or rights or receives a

service from a specific seller or service provider without using the card or number, a business of delivering the purchase money for the relevant goods or relevant rights or amount equivalent to the consideration for the relevant service to the relevant seller or service provider, and receiving the amount from the relevant user;

- (iv) the business of management and collection of claims as prescribed in Article 2, paragraph (2) of the Act on Special Measures Concerning Business of Management and Collection of Claims;
- (v) guarantee of obligations; and
- (vi) leasing business.

(Application for Authorization of Concurrent Holding of Positions by the Officers of the Designated Credit Bureau)

Article 30-3 (1) Before seeking to become the representative person of a corporation set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "another corporation" in this Article) or to become engaged in day-to-day operations thereof pursuant to the provisions of Article 41-15 of the Act, or when seeking authorization to engage in the business set forth in the items of paragraph (2) of the preceding Article, the representative person of a designated credit bureau or an officer engaged in the day-to-day operations thereof must submit a written application for authorization accompanied by the following documents thereto to the Commissioner of the Financial Services Agency via the relevant designated credit bureau:

- (i) written reason;
- (ii) resume;
- (iii) a document stating the method of handling the day-to-day operations and working status at the designated credit bureau;
- (iv) if the relevant person seeks to engage in the day-to-day operations at another corporation, a document stating the method of handling the day-to-day operations at that other corporation, and the transactions and relationship with the relevant other corporation, as well as the articles of incorporation of that other corporation, a document stating the contents of the latest operation reports or business reports, balance sheet (including relative notes; the same applies hereinafter), profit and loss statement (including relative notes, the same applies hereinafter), statements on appropriation of surplus, statements on appropriation of loss, statement of changes in shareholders' equity (including relative notes; the same applies hereinafter), or any other documents which discloses the most recent status of operations, property and profit and loss;
- (v) if the relevant person seeks to continue to engage in the business set forth in the items of paragraph (2) of the preceding Article in which it is engaged

- at the time, a document stating the type and method of the business, most recent status of the operations, property and profit and loss of the business and the estimate of the transactions and earnings and expenditures during the one-year period from the day of application;
- (vi) if the relevant person seeks to newly engage in the business set forth in the items of paragraph (2) of the preceding Article, a document stating the type and method of the business and the estimate of transactions and earnings and expenditures during the one-year period after the commencement of the business; and
 - (vii) other documents stating the matters found necessary by the Commissioner of the Financial Services Agency.
- (2) If an application for authorization under the preceding paragraph has been filed, the Commissioner of the Financial Services Agency is to examine whether representation or engagement in day-to-day operations at the other corporation to which the application pertains by the representative person or the officer engaging in the day-to-day operations of the designated credit bureau to whom the application pertains is likely to hinder the representative person or officer from representing the designated credit bureau or engaging in the day-to-day operations of the designated credit bureau.

(Application for Approval of Concurrent Business)

- Article 30-4 (1) If a designated credit bureau seeks approval pursuant to the proviso to Article 41-18, paragraph (1) of the Act, it must submit a written application for approval containing the following information to the Commissioner of the Financial Services Agency:
- (i) the business for which the designated credit bureau seeks approval for concurrent business (hereinafter referred to as "concurrent business" in this Article); and
 - (ii) date of commencement of the concurrent business.
- (2) The following documents must accompany the written application for approval under the preceding paragraph:
- (i) a document stating the content and method of the concurrent business;
 - (ii) a document stating the organization having jurisdiction over the concurrent business and the assignment of personnel;
 - (iii) rules concerning the operations of the concurrent business; and
 - (iv) a document stating the expectations on earnings and expenditures of the concurrent business for the three-year period after the commencement of the concurrent business.

(Notification of Discontinuation of Concurrent Business)

Article 30-5 If a designated credit bureau seeks to make a notification of having

discontinued the business for which it obtained the approval under the proviso to Article 41-18, paragraph (1) of the Act pursuant to paragraph (2) of that Article, it must submit a document containing the following information to the Commissioner of the Financial Services Agency:

- (i) the content of the discontinued business;
- (ii) the date of discontinuation; and
- (iii) the reasons for the discontinuation.

(Application for Approval of Partial Entrustment of Service)

Article 30-6 (1) If a designated credit bureau seeks approval pursuant to Article 41-19, paragraph (1) of the Act, it must submit a written application for approval containing the following information to the Commissioner of the Financial Services Agency:

- (i) the trade name or name and address or location of the other person entrusted with the service (hereinafter referred to as the "entrusted person");
- (ii) the content and scope of service to be entrusted; and
- (iii) the period of entrustment.

(2) The following documents must accompany the written application for approval under the preceding paragraph:

- (i) a written reason;
- (ii) a document containing the content of the entrustment contract of service;
- (iii) a document in it is sworn that the entrusted person satisfies the requirement equivalent to that set forth in Article 41-13, paragraph (1), item (iii) of the Act;
- (iv) a document in which it is sworn that the officer of the entrusted person satisfies the requirement equivalent to that set forth in Article 41-13, paragraph (1), item (iv) of the Act;
- (v) the certificate of registered information of the entrusted person;
- (vi) the articles of incorporation or articles of endowment of the entrusted person;
- (vii) a document stating the method of implementation of the service to be entrusted;
- (viii) the business report, balance sheet and profit and loss statement of the entrusted person for each year during the most recent three years, or substitute documents therefor;
- (ix) a document stating the name or trade name of the officer of the entrusted person;
- (x) an extract of the certificate of residence of the officer of the entrusted person (if the officer is a corporation, the certificate of registered information of the relevant officer), or substitute documents therefor;
- (xi) a resume of the officer of the entrusted person (if the officer is a

- corporation, a document stating the history of the relevant officer);
- (xii) a document stating the duties of the director of the entrusted person (including members in charge of executing business, director or any other persons equivalent thereto, and in cases of a company with nominating committees, etc., the executive officer); and
- (xiii) other documents stating the matters that will serve as a reference.

(Requirement for Approval of Partial Entrustment of Service)

Article 30-7 If the Commissioner of the Financial Services Agency has accepted the written application for approval under paragraph (1) of the preceding Article, and when the application is found to have conformed to the following requirements, the commissioner is to approve the application:

- (i) that the entrustment of service contributes to the efficiency of the relevant service;
- (ii) that the entrusted person is a corporation with social credibility and, with regard to the entrusted service, has an appropriate plan and is able to carry out the service in a reliable manner;
- (iii) that the entrusted person satisfies the requirement equivalent to that set forth in Article 41-13, paragraph (1), item (iii) of the Act;
- (iv) that the officer of the entrusted person satisfies the requirement equivalent to that set forth in Article 41-13, paragraph (1), item (iv) of the Act.

(Matters to be Stated on Operational Rules)

Article 30-8 The reference, in Article 41-20, paragraph (1), item (x) of the Act, to matters specified by Cabinet Office Order means:

- (i) the matters concerning the hours during which the credit information service is to be carried out as well as the holidays therefor;
- (ii) the matters concerning the supervision system for the workers;
- (iii) the matters concerning the preparation of records in credit information service;
- (iv) the matters concerning the basic terms and conditions for the contract on credit information service;
- (v) the matters concerning the consent of the persons seeking funds, etc. for the credit information to be handled under the credit information service;
- (vi) the matters concerning measures necessary not to have the facilities to be used for the credit information service easily damaged by power failure, earthquakes, fires, flood damages or any other disasters;
- (vii) the matters concerning measures for the requests for disclosure and others defined in Article 29, paragraph (1) of the Act on the Protection of Personal Information (Act No. 57 of 2003); and

(viii) other matters necessary for the credit information service.

(Matters to be Recorded in the Record on Credit Information Service)

Article 30-9 (1) Pursuant to the provisions of Article 41-22 of the Act, a designated credit bureau must prepare a record on the following matters with regard to its credit information service:

- (i) the trade name or name of the member money lender that requested the provision of personal credit information or codes sufficient to specify the member money lender (if a designated credit bureau has received the request of provision of personal credit information from another designated credit bureau based on the request of the member money lender of that other designated credit bureau, the trade name or name of that other designated credit bureau, the name or trade name of the member money lender of the relevant designated credit bureau from which the request of provision has been made, or codes sufficient to specify the relevant member money lender);
 - (ii) the name of the individual of which the personal credit information has been requested to be provided;
 - (iii) the date on which the request of provision of personal credit information was made; and
 - (iv) the contents of the provided personal credit information.
- (2) The record prescribed in the preceding paragraph is to be preserved for three years after the preparation thereof.

(Notification Matters)

Article 30-10 (1) If a designated credit bureau seeks to make the notification under Article 41-28 of the Act, it must submit the written notification, accompanied by a written reason and other documents stating the matters that will serve as a reference (in the case set forth in the following items, including the matters specified in the respective items) to the Commissioner of the Financial Services Agency:

- (i) the case set forth in Article 41-28, item (i) of the Act: the day on which the credit information contract was concluded or terminated, and the name or trade name of the money lender;
- (ii) the case set forth in item (vi) of the following paragraph: the following matters:
 - (a) a summary of the accident; and
 - (b) remedial measures;
- (iii) the case set forth in item (vii) or (viii) of the following paragraph: the following matters:
 - (a) the name of the business office or office at which the acts took place;
 - (b) the name or trade name and title of the office or employee (collectively

- referred to as the "officer, etc." in items (vii) and (viii) of the following paragraph) that conducted the acts;
- (c) a summary of the act; and
 - (d) remedial measures.
- (2) The reference, in Article 41-28, item (iii) of the Act, to cases specified by Cabinet Office Order means:
- (i) cases when the relevant designated credit bureau has changed its articles of incorporation or provisions equivalent thereto;
 - (ii) cases when the parent company or subsidiary corporation of the relevant designated credit bureau (the subsidiary corporation means a corporation or other organization of which the majority of the voting rights held by all the shareholders, etc. are held by the designated credit bureau; the same applies in item (iv)) has changed its name, location of the principal business office or office, or contents of the business;
 - (iii) cases when the parent company of the relevant designated credit bureau has ceased to be the parent company thereof;
 - (iv) cases when the subsidiary corporation of the relevant designated credit bureau has ceased to be the subsidiary corporation thereof, or when the designated credit bureau has acquired or held the voting rights of its subsidiary corporation ;
 - (v) cases when voting rights exceeding five percent of the voting rights held by all the shareholders, etc. of the relevant designated credit bureau has come to be acquired or held by a single shareholder, member or equity investor;
 - (vi) cases when an accident has occurred in which all or part of the credit information service is to be suspended, due to the breakdown of an electronic data processing system or other accidental circumstances;
 - (vii) cases when the designated credit bureau or the officer, etc. of the party to which the business of the relevant designated credit bureau has been partially entrusted, has come to know the occurrence of an act against laws and regulations or operational rules of the relevant designated credit bureau upon executing the credit information service (in cases of the party to which the business is partially entrusted, limited to those related to the business which the relevant designated credit bureau seeks to entrust);
 - (viii) cases when the relevant designated credit bureau has come to know that the member money lender or the officer, etc. thereof has conducted an act against the provisions of Article 41-35, Article 41-36, or Article 41-38 of the Act or the operational rules of the designated credit bureau.
- (3) The notification to be made if the relevant designated credit bureau falls under the case set forth in item (vii) or (viii) of the preceding paragraph, must be made within 30 days from the day on which the designated credit bureau has come to know the facts prescribed in those provisions.

(4) The provisions of Article 2, paragraph (2) apply mutatis mutandis to the voting rights held by the designated credit bureau in the case set forth in paragraph (2), item (ii) or (v), or to the voting rights that have come to be acquired or held by a single shareholder, member or equity investor.

(Submission of Reports on Business and Property)

Article 30-11 (1) The reports on business and property to be prepared by the designated credit bureau under Article 41-29, paragraph (1) of the Act must be prepared using Appended Form No. 21, and submitted to the Commissioner of the Financial Services Agency within three months after the end of the business year.

(2) The financial statements prescribed in Article 435, paragraph (2) of the Companies Act pertaining to the most recent business year (if the relevant designated credit bureau is not a company, substitute documents therefor) must accompany the report referred to in the preceding paragraph.

(3) If the designated credit bureau is not able to submit the report under paragraph (1) within the period provided in that paragraph for any compelling reason, it may postpone the submission by obtaining the approval from the Commissioner of the Financial Services Agency in advance.

(4) If a designated credit bureau seeks the approval under the preceding paragraph, it must submit a written application for approval accompanied by a written reason to the Commissioner of the Financial Services Agency.

(5) When the application for approval under the preceding paragraph has been filed, the Commissioner of the Financial Services Agency is to examine whether a compelling reason for the designated credit bureau that made the relevant application to postpone the submission under paragraph (3) may be found.

(Contract Not Requiring the Provision of Personal Credit Information)

Article 30-12 The reference, in Article 41-35, paragraph (1) of the Act, to a basic contract for a revolving credit loan and other contracts specified by Cabinet Office Order means contracts set forth in the items of Article 1-2-3.

Article 30-12-2 If a money lender is a specified non-profit finance corporation, the reference, in Article 41-35, paragraph (1) of the Act, to a basic contract for a revolving credit loan and other contracts specified by Cabinet Office Order means a specified loan contract, beyond what is listed in the preceding Article.

(Matters Included in Personal Credit Information)

Article 30-13 (1) The reference, in Article 41-35, paragraph (1), item (i) of the Act, to matters specified by Cabinet Office Order means the following information about an individual customer:

- (i) name (with phonetic transcriptions in kana);
 - (ii) address;
 - (iii) date of birth;
 - (iv) telephone number;
 - (v) the trade name or name of the place of work;
 - (vi) the number, etc. of the driver's license (limited to cases when the relevant individual customer has received the delivery of driver's license, etc.);
 - (vii) if the member money lender has conducted the identity confirmation (meaning the confirmation of the identification matters defined in Article 4, paragraph (1), item (i) of the Act on Prevention of Transfer of Criminal Proceeds (Act No. 22 of 2007)) by the method of presentation of documents for identity confirmation (meaning passports, etc. prescribed in Article 6, paragraph (1), item (ii) of the Order for Enforcement of the Act on Prevention of Transfer of Criminal Proceeds (Order of the Cabinet Office, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Finance Japan, Ministry of Health, Labor and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of Land, Infrastructure, Transport and Tourism No. 1 of 2008), residence card, special permanent resident certificate, or, among the documents set forth in Article 7, item (i), sub-item (c) of that Order, an insurance card of national health insurance, health insurance, mariners' insurance, medical care insurance for seniors over 75 or long-term care insurance, a specifically-insured day laborers' health insurance card, a membership card for a national public servants' mutual aid association or a municipal public servants' mutual aid association, or a membership card for a mutual aid (limited to those on which the relevant natural person's name, residence and data of birth are indicated); hereinafter the same applies in this paragraph), marks and number sufficient to identify the relevant person which are stated in the relevant documents for identity confirmation; and
 - (viii) if the relevant individual customer has concluded the contracts set forth in Article 10-23, paragraph (1), item (iii), the matters set forth in items (i) through (vi) related to the spouse of the relevant individual customer (with regard to the matter set forth in item (vi), limited to cases when the spouse has received the delivery of driver's license, etc.) and the marks and number sufficient to specify the relevant spouse which are stated on the documents for identity confirmation related to the relevant spouse (limited to cases when the documents for identity confirmation is provided).
- (2) The reference, in Article 41-35, paragraph (1), item (iv) of the Act, to matters specified by Cabinet Office Order means:
- (i) the outstanding balance of the loan (in cases of a revolving credit loan under a basic contract for a revolving credit loan, the total amount of outstanding

- balance of the revolving credit loan under the relevant basic contract for a revolving credit loan);
- (ii) information as to whether the payment of principal or interest has been delayed or not; and
 - (iii) if the relevant contract falls under the category of loan contracts set forth in Article 10-21, paragraph (1), items (i) through (vii) and the items of Article 10-23, paragraph (1), a statement to the effect.

(Cases when Consent for Provision of Credit Information is Unnecessary)

Article 30-14 (1) The reference, in Article 41-36, paragraph (1) of the Act, to cases specified by Cabinet Office Order means the case when the consent is necessary for the administration of the claim under the loan contract concluded before the time set forth in the following items and the contract for a revolving credit loan under a basic contract for a revolving credit loan, which has been concluded before that time (including cases when the investigation under Article 13-3, paragraph (1) or (2) of the Act is to be made with regard to the relevant basic contract for a revolving credit loan):

- (i) when the organization handling credit information that has concluded a credit information contract with a money lender has received the designation under Article 41-13, paragraph (1) of the Act;
 - (ii) when a money lender has concluded a credit information contract with a designated credit bureau.
- (2) The reference, in Article 41-36, paragraph (2) of the Act, to contracts specified by Cabinet Office Order means contracts set forth in the items of Article 1-2-3.

Article 30-14-2 If a money lender is a specified non-profit finance corporation, the reference, in Article 41-36, paragraph (2) of the Act, to a contract specified by Cabinet Office Order means a specified loan contract, beyond what is listed in paragraph (2) of the preceding Article.

(Obtaining Consent of the Spouse for Provision of Credit Information)

Article 30-15 (1) If a member money lender requests a member designated credit bureau (meaning the member designated credit bureau as defined in Article 41-35, paragraph (2) of the Act; the same applies in the following paragraph) to provide the credit information pertaining to the spouse of the person seeking funds, etc. (including the request of provision of personal credit information pertaining to the relevant spouse held by another designated credit bureau), except in the following cases, the member money lender, in advance, must obtain the consent of the spouse in a written document or by electronic or magnetic means:

- (i) the case set forth in Article 30-14, paragraph (1);

- (ii) cases when the relevant spouse has concluded the contract set forth in Article 10-23, paragraph (1), item (iii) (limited to the case when the member money lender seeks to conclude a contract for a loan with the relevant person seeking funds, etc. or cases when the consent is necessary for the administration of the claim under the loan contract concluded with the person seeking funds, etc. (including cases when the investigation under Article 13-3, paragraph (1) or (2) of the Act is to be implemented with regard to the basic contract for a revolving credit loan concluded with the relevant person seeking funds, etc.)).
- (2) Before seeking to conclude the contract set forth in Article 10-23, paragraph (1), item (iii) with an individual customer, a member money lender must obtain consent to the following from the spouse of the individual customer in a written document or by electronic or magnetic means; provided, however, that, this does not apply if the contract is a contract for a revolving credit loan concluded prior to the relevant credit information contract (meaning the contract for a revolving credit loan concluded prior to the relevant credit information contract as prescribed in Article 41-36, paragraph (2) of the Act) concluded with the individual customer:
 - (i) consent to the information set forth in Article 30-13, paragraph (1), item (viii) being provided to the member designated credit bureau;
 - (ii) consent to the member designated credit bureau providing the information set forth in Article 30-13, paragraph (1), item (viii) to another member money lender of the member designated credit bureau; and
 - (iii) consent to member money lender providing the information set forth in Article 30-13, paragraph (1), item (viii) to the member money lender of another designated credit bureau upon a request under Article 41-24, paragraph (1) of the Act.
- (3) When a member money lender has obtained the consent referred to in the preceding two paragraphs, it must prepare a record of that consent and keep it on file as provided in the following Article.

(Preparation of Record on the Consent for Provision of Credit Information)

Article 30-16 A member money lender must preserve the record on the consent provided in Article 41-36, paragraph (3) or paragraph (3) of the preceding Article as long as the designated credit bureau holds the credit information based on the consent.

(Calculation of Ratio in Relation to the Number of Money Lenders that Raised Objections)

Article 30-17 The calculation of the ratio referred to in Article 41-39, paragraph (1), item (viii) of the Act is to be done by dividing the number of the money

lenders that raised objections (limited to those with reasonable grounds) to the matters related to the cancellation of the basic contact for implementation of dispute resolution procedures, other contents of the basic contact for implementation of dispute resolution procedures (excluding the matters set forth in the items of Article 41-44, paragraph (2) of the Act) and any other contents of the operational rules (meaning the operational rules as prescribed in Article 41-39, paragraph (1), item (vii) of the Act; hereinafter the same applies in this Article, paragraph (1) of the following Article, and Article 30-29, paragraph (2)) (excluding the matters which are to be included in the operational rules pursuant to Article 41-44, paragraph (3) of the Act and the matters necessary to satisfy the requirements set forth in the items of paragraph (4) of that Article and paragraph (5), item (i) of that Article) by submitting a document stating as to whether the relevant money lender has any objections to the contents of the operational rules and, if the money lender has objections, the contents and the reasons therefore (the document is referred to as a "written opinion" in the following Article) to the person seeking to file the application under Article 41-39, paragraph (1) of the Act, by the number of the money lenders made public by the Commissioner of the Financial Services Agency as of the day when the person seeking to file the application has delivered or sent the operational rules, etc. set forth in paragraph (1), item (ii) of the following Article (if the relevant person has delivered or sent the operational rules, etc. over two or more days, the latest day; the same applies in Article 30-19) (the money lenders are referred to as "all money lenders" in the following Article and Article 30-20, paragraph (2)).

(Hearing of Opinions from Money Lenders)

Article 30-18 (1) A person seeking to file the application under Article 41-39, paragraph (1) of the Act must, pursuant to paragraph (2) of that Article, explain the contents of the operational rules to the money lenders, and if hearing opinions as to whether the money lenders have any objections to it (if the money lender has any objections, including the reasons therefor), hold an explanatory meeting as provided as follows:

(i) the date and place of the explanatory meeting is decided in consideration of gathering all money lenders;

(ii) the person seeking to file the application delivers or sends to all money lenders a document stating the following matters and the operational rules, etc. (collectively referred to as the "operational rules, etc." in the following Article and Article 30-20, paragraph (2)) two weeks prior to the date of the explanatory meeting (in cases of holding two or more explanatory meetings, the date of the first explanatory meeting):

(a) the trade name or name, location of the principal business office or office,

- telephone number and other point of contact of the person seeking to file the application;
 - (b) the date and time, and place of the explanatory meeting; and
 - (c) a statement to the effect that the money lender must submit a written opinion to the relevant person seeking to file the application within a fixed period counting from the date of the explanatory meeting (in cases of holding two or more explanatory meetings, the date of the first explanatory meeting); and
 - (iii) the fixed period referred to in sub-item (c) of the preceding item must not be shorter than two weeks.
- (2) All of the following matters must be stated in the document stating the results prescribed in Article 41-39, paragraph (2) of the Act:
- (i) date and time and place of all of the explanatory meetings;
 - (ii) information on the attendance of all money lenders to the explanatory meeting;
 - (iii) information on the submission of written opinion by all money lenders;
 - (iv) information on as to whether objections are stated in the submitted written opinions; and
 - (v) if there are statements of objections which do not fall under the objection prescribed in Article 41-39, paragraph (1), item (viii) of the Act in the submitted written opinion, the fact and the reasons under which the relevant objection was judged not to fall under the objection prescribed in that item.
- (3) The document prescribed in the preceding paragraph is to accompany all of the written opinions submitted by the money lenders.

(Submission of Written Application for Designation)

Article 30-19 The written application for designation under Article 41-40, paragraph (1) of the Act must be submitted within three months from the day on which the operational rules, etc. were delivered or sent.

(Documents to be Attached to the Written Application for Designation)

Article 30-20 (1) The reference, in Article 41-40, paragraph (2), item (v) of the Act, to documents specified by Cabinet Office Order means:

- (i) the balance sheet, and income and expenditure statement or profit and loss statement of the business year immediately preceding the business year that includes the day of application prescribed in Article 41-39, paragraph (1) of the Act, and the inventory of property of the relevant business year or documents equivalent thereto (if the person seeking the designation under that paragraph (referred to as the "applicant" in paragraph (3)) is a corporation (meaning a corporation as prescribed in Article 41-39, paragraph (1), item (i) of the Act; the same applies in Article 30-26, paragraph (3), item

- (iii) established in the business year that includes the day of application, the inventory of property at the time of establishment thereof or documents equivalent thereto); and
 - (ii) a document stating the expected income and expenditure after the designation under Article 41-39, paragraph (1) of the Act.
- (2) The reference, in Article 41-40, paragraph (2), item (vi) of the Act, to documents specified by Cabinet Office Order means:
- (i) the operational rules, etc. delivered or sent to all money lenders pursuant to Article 30-18, paragraph (1), item (ii);
 - (ii) a document evidencing the date when and method by which the operational rules, etc. were delivered or sent to all money lenders;
 - (iii) if the applicant has sent the operational rules, etc. to money lenders, a document evidencing the matters that each of the following sub-items (a) and (b) prescribes for the category of cases set forth in the sub-item, as the information on as to whether the operational rules, etc. have arrived at the money lenders and the facts related to the arrival:
 - (a) if the operational rules, etc. have arrived: the date of arrival;
 - (b) if the operational rules, etc. have not arrived: the cause of the failure of the arrival by the ordinary method of sending.
- (3) The reference, in Article 41-40, paragraph (2), item (vii) of the Act, to documents specified by Cabinet Office Order means:
- (i) a document stating the trade name or name and location of the principal office or office of the person holding the voting rights five percent or more of the voting rights held by all the shareholders, etc. (meaning the voting rights held by all the shareholders, workers, members, partnerships or investors; the same applies in the following item and Article 30-29, paragraph (2)) of the applicant, as well as the number of voting rights held thereby;
 - (ii) a document stating the trade name or name, location of the principal business office or office and the contents of the business of the parent corporation (meaning a corporation or any other organization that holds the majority of the voting rights held by all the shareholders, etc. of the applicant) and subsidiary corporation (meaning the corporation or any other organization of which the majority of the voting rights held by all the shareholders, etc. are held by the applicant) of the applicant;
 - (iii) an extract of the certificate of residence of the officer (meaning the officer as prescribed in Article 41-39, paragraph (1), item (iv) of the Act; hereinafter the same applies in this paragraph, Article 30-23 and Article 30-24) (if the relevant officer is a corporation, a certificate of registered information of the relevant officer), or substitute documents therefor;
 - (iv) if the name of an officer that was used before marriage is stated together with the officer's current name in a written application for designation

- prescribed in Article 41-40, paragraph (1) of the Act, and the document set forth in the preceding item does not certify the officer's name used before marriage, a document certifying the name before marriage;
- (v) a certificate issued by a public agency stating to the effect that the relevant officer does not fall under the category set forth in Article 41-39, paragraph (1), item (iv), sub-items (a) and (b) (if the relevant officer does not have Japanese nationality, a document in which the officer denies falling under the category of person set forth in sub-item (a) or (b) of that item);
 - (vi) the resume of the officer (if the relevant officer is a corporation, a document stating the history of the relevant officer);
 - (vii) a document stating the status of securing the candidates for dispute resolution mediator (meaning the dispute resolution mediator as defined in Article 41-41, paragraph (1) of the Act; the same applies in Article 30-27, paragraph (2), item (iii)), officers and employee (hereinafter collectively referred to as the "officer, etc." in this item, the following item and Article 30-29) that have knowledge and experience on business of dispute resolution, etc. and the status of assignment of the relevant officer, etc.;
 - (viii) a document in which the officer, etc. denies being an organized crime group member, etc. (meaning the organized crime group member, etc. as prescribed in Article 6, paragraph (1), item (vi) of the Act; the same applies in Article 30-29, paragraph (1), item (ii)); and
 - (ix) other documents stating matters that will serve as a reference.

(Matters to be Specified in the Operational Rules)

Article 30-21 The reference, in Article 41-44, paragraph (1), item (viii) of the Act, to matters specified by Cabinet Office Order means:

- (i) the matters related to the hours during which the business of dispute resolution, etc. is to be carried out as well as the holidays therefor;
- (ii) the name and location of the business office or office as well as the matters related to the area in which the business office or office is to carry out the business of dispute resolution, etc.;
- (iii) the matters related to the system for supervision of the employee carrying out the business of dispute resolution, etc.;
- (iv) in cases of entrusting the business of complaint processing procedures or dispute resolution procedures, the matters related to the entrustment; and
- (v) other matters necessary for the business of dispute resolution, etc.

(Contents of the Basic Contact for Implementation of Dispute Resolution Procedures)

Article 30-22 The reference, in Article 41-44, paragraph (2), item (xi) of the Act, to matters specified by Cabinet Office Order means, if the person seeking funds,

etc. (meaning the person seeking funds, etc. as prescribed in Article 41-42, paragraph (2) of the Act; the same applies in Article 30-25, paragraph (1), Article 30-26, paragraph (3), item (iii), and Article 30-27, paragraph (1)) related to the member money lender (meaning the member money lender as prescribed in Article 41-42, paragraph (2) of the Act; hereinafter the same applies in this Article, Article 30-25, paragraph (1), Article 30-27, paragraph (1) and Article 30-29, paragraph (2), item (ix)) that is the party has made a request, the designated dispute resolution organization may investigate the status of performance of the obligations specified in the settlement through the dispute resolution procedure, and recommend the relevant member money lender to perform the obligations.

(Substantial Controller)

Article 30-23 The person that Article 41-44, paragraph (4), item (3) of the Act prescribes as being specified by Cabinet Office Order as one that is related to a designated dispute resolution organization in such a way as to substantially control its business or exert a material influence on its business due to its holding of shares in the designated dispute resolution organization, its financing of the designated dispute resolution organization, or any other circumstance, is a person as follows that is not clearly found to be incapable of controlling decisions as to the business policies of the designated dispute resolution organization, or of exerting a material influence on its business, in light of their business relationship:

- (i) if the voting rights held by a specific person on its own account and the voting rights held by any persons found to exercise their voting rights in the same manner as the intent of the specific person due to their close ties with that specific person in terms of contribution, personnel affairs, funds, technology, transactions, etc. and those held by any persons that have given their consent to exercising their voting rights in the same manner as the intent of the specific person, when combined, constitute one-third or more of the voting rights of the designated dispute resolution organization (including cases when that specific person does not personally hold voting rights), the specific person;
- (ii) an officer of the designated dispute resolution organization or a person that was formerly an officer thereof;
- (iii) the relatives within the third degree of kinship to the officer of the designated dispute resolution organization;
- (iv) an entity that has the persons set forth in the preceding two items as its representative person (including the representative person or administrator of the organization without legal personality having a representative person or administrator; the same applies in item (iv) of the following Article);

- (v) an entity of which the officers or employees consists or consisted of one-third or more of the officers of the designated dispute resolution organization;
- (vi) an entity that has concluded with a designated dispute resolution organization a contract for controlling the decision of the business policy of the designated dispute resolution organization;
- (vii) if a specific person finances (including guarantee of debts and provision of collateral; hereinafter the same applies in this item and item (vii) of the following Article) not less than one-third of the total amount of the procured funds (limited to those recorded in the liabilities section of the balance sheet; hereinafter the same applies in this item and item (vii) of that Article) of the designated dispute resolution organization (including cases when the amount financed by the specific person and the amount financed by any persons that have close ties with that specific person in terms of contribution, personnel affairs, funds, technology, transactions, etc., when combined, constitute one third or more of the total amount of the procured funds), the specific person;
- (viii) beyond the persons set forth in the preceding items, persons whose circumstance suggest that such person has control on the decision of the business policy of the designated dispute resolution organization;
- (ix) if a specific person whose relationship with the persons set forth in the preceding items is the same as the relationship of the person set forth in the preceding items (excluding items (ii) through (iv); hereinafter the same applies in this item) with the designated dispute resolution organization as prescribed in the preceding items, such specific person;
- (x) if the relationship of the persons set forth in the preceding items with a specific person is the same as the relationship of the designated dispute resolution organization set forth in item (i) or (v) through (viii) of the following Article with the persons set forth in item (i) or (v) through (viii) of that Article, such specific person.

(Subsidiary Company)

Article 30-24 The person that Article 41-44, paragraph (4), item (3) prescribes as being specified by Cabinet Office Order as one to which a designated dispute resolution organization is related in such a way as to substantially control its business due to its shareholdings or any other circumstance, is a person as follows whose business policies it is not clearly found to be impossible for the designated dispute resolution organization to control decisions about, in light of their business relationship:

- (i) if the voting rights held by the designated dispute resolution organization on its own account and the voting rights held by any persons that are found to exercise their voting rights in the same manner as the intent of the

- designated dispute resolution organization due to their close ties with the designated dispute resolution organization in terms of contribution, personnel affairs, funds, technology, transactions, etc. and those held by any persons that have given their consent to exercising their voting rights in the same manner as the intent of that designated dispute resolution organization, when combined, constitute one-third or more of the voting rights of another corporation or organizations without legal personality having a representative person or administrator (hereinafter collectively referred to as the "corporation, etc." in this item and item (v)) (including cases when the designated dispute resolution organization does not hold the voting rights in its own account), that other corporation, etc.;
- (ii) an officer of the designated dispute resolution organization or an employee of the designated dispute resolution organization, or a person that was formerly in the position;
 - (iii) the relatives within the third degree of kinship to the officer of the designated dispute resolution organization;
 - (iv) an entity that has the persons set forth in the preceding two items as its representative person;
 - (v) if the persons set forth in item (ii) consist of one-third or more of another corporation, etc., that other corporation, etc.;
 - (vi) if a designated dispute resolution organization has concluded with a specific person a contract for controlling the decision of the business policy of the specific person, that specific person;
 - (vii) if a specific person finances not less than one-third of the total amount of the procured funds of the designated dispute resolution organization (including cases when the amount financed by the specific person and the amount financed by any persons that have close ties with the specific person in terms of contribution, personnel affairs, funds, technology, transactions, etc., when combined, constitute one third or more of the total amount of the procured funds), the specific person;
 - (viii) beyond the persons set forth in the preceding items, if the designated dispute resolution organization's circumstance suggests that the designated dispute resolution organization has control on the decision of the business policy of a specific person, the specific person; and
 - (ix) if the relationship of the persons set forth in the preceding items with a specific person is the same as the relationship of the designated dispute resolution organization set forth in the preceding items (excluding items (ii) through (iv) ; hereinafter the same applies in this item) with the person set forth in the preceding items, the specific person.

(Matters to be Stated on the Records on the Complaint Processing Procedures)

Article 30-25 (1) Pursuant to the provisions of Article 41-48 of the Act, a designated dispute resolution organization, in relation to the complaint processing procedures implemented thereby, must prepare a record stating the following matters:

- (i) the date on which the person seeking funds, etc. related to the member money lender has filed an application for the settlement of the complaints related to money lending operations (meaning the complaints related to money lending operations as defined in Article 2, paragraph (20) of the Act; the same applies in paragraph (3), item (iii) of the following Article) as well as the contents thereof;
 - (ii) the name or trade name of the person seeking funds, etc. related to the member money lender that filed the application under the preceding item, and of the agent thereof, as well as the trade name or name of the relevant member money lender;
 - (iii) the particulars of the complaint processing procedures;
 - (iv) the results of the complaint processing procedures (including the reasons for the termination of the complaint processing procedures and the date thereof).
- (2) The designated dispute resolution organization must preserve the record stating the matters set forth in the preceding paragraph for at least five years from the day on which the complaint processing procedures implemented thereby have been completed.

(Interests of the Dispute Resolution Mediators)

Article 30-26 (1) The reference, in Article 41-50, paragraph (3) of the Act, to a person affiliated to the party set forth in Article 41-44, paragraph (1), item (v) of the Act (hereinafter simply referred to as the "party" in this paragraph) to which the application under Article 41-50, paragraph (1) of the Act pertains in such a way as to make the person an interested party, means one of the following:

- (i) the spouse of the party or a person that was formerly the spouse of the party;
- (ii) the relative by blood within the fourth degree of kinship, affinity within the third degree of kinship, or other cohabiting relative of the party, or a person that was formerly in the position;
- (iii) the guardian, supervisor of guardian, curator, supervisor of curator, assistant or supervisor of assistant of the party;
- (iv) an agent or assistant of the party with regard to the dispute related to money lending operations (meaning the dispute related to money lending operations as defined in Article 2, paragraph (21) of the Act; the same applies in the following Article), or a person that was formerly in the

- position; and
- (v) a person that earns an income by the provision of service from the party or a person for whom three years have yet to elapse from the day on which the person has ceased to earn the income.
- (2) The reference, in Article 41-50, paragraph (3), item (iii) of the Act, to a person specified by Cabinet Office Order means a person with any of the following qualifications and that has engaged in the business of responding to consumer affairs consultation (meaning the consumer affairs consultation as defined in Article 13, paragraph (3), item (v), sub-item (a) of the Consumer Contract Act (Act No. 61 of 2000)) for five years or more in total:
- (i) the qualification as the consumer affairs expert counselor granted by the National Consumer Affairs Center of Japan;
 - (ii) the qualification as the consumer affairs advisor granted by the Japan Industrial Association; or
 - (iii) the qualification as the consumer affairs consultant granted by the Japan Consumers' Association.
- (3) The reference, in Article 41-50, paragraph (3), item (v) of the Act, to persons specified by Cabinet Office Order means:
- (i) a person that has held one or more of the following positions for five years or more in total:
 - (a) a judge;
 - (b) an assistant judge;
 - (c) a prosecutor;
 - (d) an attorney at law;
 - (e) a professor or associate professor that specializes in the subjects included in the laws of faculties or special courses of a university, or graduate schools accredited under the School Education Act;
 - (ii) a person that has held one or more of the following positions for five years or more in total:
 - (a) a certified public accountant;
 - (b) a tax accountant;
 - (c) a professor or associate professor that specializes in the subjects included in the economics or commercial science of faculties or special courses in a university, or graduate schools accredited under the School Education Act;
 - (iii) a person that has engaged in the business of processing complaints related to money lending operations, or investigation, guidance, recommendation, enactment of rules or other business necessary for the protection of person seeking funds, etc. at the corporation conducting the business of processing complaints related to money lending operations for 10 years or more in total;
or
 - (iv) persons found to have the knowledge and experience equivalent to or

greater than the persons that fall under any of the person set forth in the preceding three items.

(Explanation to the Person Seeking Funds Related to the Member Money Lender that is the Party to the Dispute Related to Money Lending Operations)

Article 30-27 (1) When a designated dispute resolution organization has received a request for the delivery of the documents from the person seeking funds, etc. related to the member money lender that is the party to the dispute related to money lending operations upon making the explanation prescribed in Article 41-50, paragraph (8) of the Act, the designated dispute resolution organization must make the explanation by delivering the documents.

(2) The reference, in Article 41-50, paragraph (8), item (iii) of the Act, to matters specified by Cabinet Office Order means:

- (i) the method of handling the confidential information of the party to the dispute related to money lending operations and a third party which is included in the opinions to be stated or materials to be submitted or presented at the dispute resolution procedure, or which is contained in the dispute resolution procedures record set forth in Article 41-50, paragraph (9) of the Act (referred to as the "dispute resolution procedures record" in paragraph (1) of the following Article);
- (ii) the requirements and method for the party to the dispute related to money lending operations to terminate the dispute resolution procedure;
- (iii) that, when the dispute resolution mediator considers there to be no prospect of reaching a settlement between the parties to the dispute related to money lending operations through dispute resolution procedures, the dispute resolution mediator will promptly terminate the dispute resolution procedures and notify the parties to the dispute related to money lending operations to that effect; and
- (iv) information on as to whether there is a document to be prepared in cases when a settlement has been reached between the parties to the dispute related to money lending operations, and in cases when the document is to be prepared, the person that is to prepare the document, the number of copies to be prepared and any other outlines pertaining to the preparation of the document.

(Preservation and Preparation of Dispute Resolution Procedures Record)

Article 30-28 (1) A designated dispute resolution organization must preserve the dispute resolution procedures record for at least ten years from the day on which the dispute resolution procedure implemented thereby has completed.

(2) The reference, in Article 41-50, paragraph (9), item (vi) of the Act, to matters

specified by Cabinet Office Order means:

- (i) the contents of the application for the dispute resolution procedure;
- (ii) if a special conciliation proposal (meaning the special conciliation proposal as prescribed in Article 41-44, paragraph (6) of the Act; hereinafter the same applies in this item) has been presented at the dispute resolution procedure, the contents of the relevant special conciliation proposal and the date on which it was presented; and
- (iii) if the dispute resolution procedure has resulted in a settlement, the details of the settlement.

(Matters to be Notified by the Designated Dispute Resolution Organization)

Article 30-29 (1) When a designated dispute resolution organization seeks to make the notification under Article 41-56 of the Act, it must submit the written notification accompanied by a written reason and other documents stating the matters that will serve as a reference (in the cases set forth in the following items, including the matters specified in the respective items) to the Commissioner of the Financial Services Agency:

- (i) the cases set forth in Article 41-56, item (i) of the Act: the date on which the basic contract for implementation of dispute resolution procedures was concluded or terminated, and the trade name or name of the money lender;
 - (ii) the cases set forth in item (vi) of the following paragraph: a pledge by a person that has become an officer, etc. of the designated dispute resolution organization that the person is not an organized crime group member, etc.;
 - (iii) the cases set forth in item (vii) of the following paragraph: reasons for expecting that it is uncertain that the money lender will perform the obligations pertaining to the basic contract for implementation of dispute resolution procedures or any other obligations regarding the implementation of business of dispute resolution, etc., and the trade name or name of the relevant money Lender;
 - (iv) the cases set forth in item (viii) or (ix) of the following paragraph: the following matters:
 - (a) the name of the business office or office at which the act took place;
 - (b) the name or trade name and the title of the officer, etc. that conducted the act;
 - (c) a summary of the act; and
 - (d) remedial measures.
- (2) The reference, in Article 41-56, item (ii) of the Act, to cases specified by Cabinet Office Order means:
- (i) cases when the relevant designated dispute resolution organization has changed its articles of incorporation or provisions equivalent thereto;
 - (ii) cases when the parent corporation (meaning the corporation and other

- organization that holds the majority of the voting rights held by all the shareholders, etc. of the designated dispute resolution organization; the same applies in the following item) or subsidiary corporation (meaning a corporation or other organization of which the majority of the voting rights held by all the shareholders, etc. are held by the designated dispute resolution organization; the same applies in item (iv)) of the relevant designated dispute resolution organization has changed its trade name or name, location of the principal business office or office, or contents of the business;
- (iii) cases when the parent corporation has ceased to be the parent corporation thereof;
 - (iv) cases when the subsidiary corporation has ceased to be the subsidiary corporation, or when the designated dispute resolution organization has acquired or held the voting rights of its subsidiary corporation;
 - (v) cases when voting rights exceeding five percent of the voting rights held by all the shareholders, etc. of the relevant designated dispute resolution organization has come to be acquired or held by a single person;
 - (vi) cases when there is a person that has newly become an officer, etc. of the designated dispute resolution organization after the submission of the written application for designation under Article 41-40, paragraph (1) of the Act;
 - (vii) in cases when the designated dispute resolution organization has received an application for conclusion of a basic contract for implementation of dispute resolution procedures from the money lender, and has refused the application;
 - (viii) when the designated dispute resolution organization or the officer, etc. of the entity to which the business of the designated dispute resolution organization has been entrusted has come to know facts of the occurrence of acts in violation of laws and regulations or operational rules of the designated dispute resolution organization in executing the business of dispute resolution, etc. (in cases of the entrusted entity of the business, limited to those related to the business to be entrusted by the relevant designated dispute resolution organization); or
 - (ix) when the designated dispute resolution organization has come to know the fact that a member money lender or the officer, etc. has conducted acts in violation of the designated dispute resolution organization.
- (3) The notification in cases when the relevant case falls under item (viii) or (ix) of the preceding paragraph, must be made within one month from the day on which the designated dispute resolution organization has come to know the facts prescribed in these provisions.

(Submission of Reports on Business of Dispute Resolution)

- Article 30-30 (1) The reports on business of dispute resolution, etc. to be prepared by a designated dispute resolution organization under Article 41-57, paragraph (1) of the Act must be prepared using Appended Form No. 22 and submitted to the Commissioner of the Financial Services Agency within three months after the end of the business year.
- (2) The inventory of property, balance sheet, and income and expenditure statement or profit and loss statement, pertaining to the most recent business year or documents equivalent thereto must accompany the report under the preceding paragraph.
- (3) If the designated dispute resolution organization cannot submit the report prescribed in paragraph (1) within the period set forth in that paragraph for any compelling reason, it may postpone the submission by obtaining the approval from the Commissioner of the Financial Services Agency in advance.
- (4) If a designated dispute resolution organization seeks the approval under the preceding paragraph, it must submit a written application for approval accompanied by a written reason to the Commissioner of the Financial Services Agency.
- (5) When the application for approval under the preceding paragraph has been filed, the Commissioner of the Financial Services Agency is to examine whether a compelling reason for the designated dispute resolution organization that made the relevant application to postpone the submission under paragraph (3) may be found.

(Routed Government Agency)

Article 31 A person seeking to submit a written application for registration under Article 4, paragraph (1) of the Act or other documents provided in the Act or this Order to the director-general of a local finance bureau or Director-General of the Fukuoka Local Finance Branch Bureau, when there is a local finance office that has jurisdiction over the location of the principal business office, etc. of the person, or an Otaru Sub-Office or Kitami Sub-Office, must submit the written application for registration and documents via the head of the local finance office or the head of the Otaru Sub-Office, or the head of the Kitami Sub-Office.

(Standard Processing Period)

Article 32 (1) The Prime Minister, Commissioner of the Financial Services Agency, director-general of the local finance bureau, Director-General of the Fukuoka Local Finance Branch Bureau or prefectural governor is to endeavor to render a disposition for the application within two months counting from the day on which the application for registration, designation, authorization or

approval under the provisions of the Act, the Order or this Order arrived at the relevant office; provided, however that Prime Minister, Commissioner of the Financial Services Agency, Director-General of the Local Finance Bureau, Director-General of the Fukuoka Local Finance Branch Bureau or prefectural governor is to endeavor to render the disposition for the application related to the following authorization within one month:

- (i) the authorization under Article 41-44, paragraph (7) of the Act; and
- (ii) the authorization under Article 41-60, paragraph (1) of the Act.

(2) The following periods are not included as part of the period set forth in the preceding paragraph:

- (i) the period necessary for the correction of the relevant application;
- (ii) the period necessary for the person that filed the relevant application to change the contents of the application; and
- (iii) the period necessary for the person that filed the relevant application to add materials that are found necessary for the examination of the application.

Appended Table (In Relation to Article 11)

Formula No. 1 $\sum_{i=1}^n (U_i * T_i)$

Formula No. 2 $(U_i + F) * T_i$

"n" is the number of repayment installments.

"T_i" is the following period represented by using one year as one unit.

- (a) when "i" is one, the period from the day of delivery until the day immediately preceding the first performance date;
- (b) when "i" is two or more, the period from the latest performance date until the day immediately preceding the "i"th performance date.

"U_i" is the following amount:

- (a) when "i" is one, the amount of loan actually available;
- (b) when "i" is two or more, the amount yet to be performed which are calculated pursuant to the following formula:

$$U_i = U_{(i-1)} - (P_{(i-1)} - R * U_{(i-1)}) * T_{(i-1)}$$

"P_i" is the amount of the "i"th performance;

"R" is the loan interest rate as prescribed in Article 14, item (i) of the Act.

"F" is the interest and the payment regarded as interest as referred to in Article 14, item (i) of the Act.