

古物営業法

Secondhand Goods Business Act

(昭和二十四年五月二十八日法律第百八号)
(Act No. 108 of May 28, 1949)

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第一章 総則

Chapter I General Provisions

（目的）

(Purpose)

第一条 この法律は、盗品等の売買の防止、速やかな発見等を図るため、古物営業に係る業務について必要な規制等を行い、もつて窃盗その他の犯罪の防止を図り、及びそ

の被害の迅速な回復に資することを目的とする。

Article 1 The purpose of this Act is to prevent theft and other crimes and contribute to the prompt recovery of losses, by imposing necessary regulations etc. on operations relating to the secondhand goods business, in order to prevent the sale and purchase of stolen property etc. and to ensure that it is found promptly.

(定義)

(Definitions)

第二条 この法律において「古物」とは、一度使用された物品（鑑賞的美術品及び商品券、乗車券、郵便切手その他政令で定めるこれらに類する証票その他の物を含み、大型機械類（船舶、航空機、工作機械その他これらに類する物をいう。）で政令で定めるものを除く。以下同じ。）若しくは使用されない物品で使用のために取引されたもの又はこれらの物品に幾分の手入れをしたものをいう。

Article 2 (1) In this Act, the term "secondhand goods" means goods that have been used in the past (including collectible works of art, gift certificates, passenger tickets, postage stamps, and other similar vouchers and other items specified by Cabinet Order, but excluding large machinery (meaning ships, aircraft, machine tools, and other similar objects) specified by Cabinet Order; the same applies hereinafter), or, goods that have been purchased, consigned, or traded for use but are no longer used, or goods as described above that have been maintained to some degree.

2 この法律において「古物営業」とは、次に掲げる営業をいう。

(2) In this Act, the term "secondhand goods business" means the businesses listed as follows:

一 古物を売買し、若しくは交換し、又は委託を受けて売買し、若しくは交換する営業であつて、古物を売却すること又は自己が売却した物品を当該売却の相手方から買い受けることのみを行うもの以外のもの

(i) a business that sells, purchases or exchanges secondhand goods, or sells, purchases or exchanges secondhand goods on consignment, excluding businesses engaged solely in selling secondhand goods or in purchasing secondhand goods from counterparties to which the goods were sold;

二 古物市場（古物商間の古物の売買又は交換のための市場をいう。以下同じ。）を経営する営業

(ii) a business that manages a secondhand goods market (meaning a market for selling and purchasing, or exchanging, secondhand goods among secondhand goods dealers; the same applies hereinafter); and

三 古物の売買をしようとする者のあつせんを競りの方法（政令で定める電子情報処理組織を使用する競りの方法その他の政令で定めるものに限る。）により行う営業（前号に掲げるものを除く。以下「古物競りあつせん業」という。）

(iii) a business that brokers the selling and purchasing of secondhand goods by

means of auctions (limited to auction methods using electronic data processing systems specified by Cabinet Order and other methods specified by Cabinet Order) (excluding business set forth in the preceding item; hereinafter referred to as "secondhand goods auction brokerage").

3 この法律において「古物商」とは、次条の規定による許可を受けて前項第一号に掲げる営業を営む者をいう。

(3) The term "secondhand goods dealer" as used in this Act, means a person who, after receiving a permit under the provisions of the following Article, operates a business engaging in the activities set forth in item (i) of the preceding paragraph.

4 この法律において「古物市場主」とは、次条の規定による許可を受けて第二項第二号に掲げる営業を営む者をいう。

(4) The term "secondhand goods market owner" as used in this Act means a person who, after receiving a permit under the provisions of the following Article, operates the type of business set forth in paragraph (2), item (ii).

5 この法律において「古物競りあつせん業者」とは、古物競りあつせん業を営む者をいう。

(5) The term "secondhand goods auction broker" as used in this Act means a person who operates a secondhand goods auction brokerage.

第二章 古物営業の許可等

Chapter II Permits to Operate Secondhand Goods Businesses

第一節 古物商及び古物市場主

Section 1 Secondhand Goods Dealers and Secondhand Goods Market Owners

(許可)

(Permits)

第三条 前条第二項第一号又は第二号に掲げる営業を営もうとする者は、都道府県公安委員会（以下「公安委員会」という。）の許可を受けなければならない。

Article 3 A person who intends to operate a business set forth in paragraph (2), item (i) or (ii) of the preceding Article must receive a permit from a Prefectural Public Safety Commission (hereinafter referred to as "Public Safety Commission").

(許可の基準)

(Criteria for Permit)

第四条 公安委員会は、前条の規定による許可を受けようとする者が次の各号のいずれかに該当する場合においては、許可をしてはならない。

Article 4 A Public Safety Commission must not grant a permit to a person who intends to receive a permit under the provisions of the preceding Article if the

person falls under any of the following items:

一 破産手続開始の決定を受けて復権を得ない者

(i) a person who has not had their rights restored after receiving an order commencing bankruptcy proceedings;

二 禁錮以上の刑に処せられ、又は第三十一条に規定する罪若しくは刑法（明治四十年法律第四十五号）第二百三十五条、第二百四十七条、第二百五十四条若しくは第二百五十六条第二項に規定する罪を犯して罰金の刑に処せられ、その執行を終わり、又は執行を受けることなくなつた日から起算して五年を経過しない者

(ii) a person who has been sentenced to imprisonment without work or a heavier punishment, or who has been sentenced to a fine for the crime prescribed in Article 31 or the crime prescribed in Article 235, Article 247, Article 254, or Article 256, paragraph (2) of the Penal Code (Act No. 45 of 1907), for whom five years have not passed since the day that the execution of the sentence was completed or the person ceased to be subject to its enforcement;

三 集团的に、又は常習的に暴力的不法行為その他の罪に当たる違法な行為で国家公安委員会規則で定めるものを行うおそれがあると認めるに足りる相当な理由がある者

(iii) a person for whom there are sufficient reasonable grounds to believe that the person is likely to engage concertedly or habitually in violent unlawful conduct or other unlawful conduct constituting crimes provided for by National Public Safety Commission Rules;

四 暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第十二条若しくは第十二条の六の規定による命令又は同法第十二条の四第二項の規定による指示を受けた者であつて、当該命令又は指示を受けた日から起算して三年を経過しないもの

(iv) a person who has received an order under the provisions of Article 12 or Article 12-6 of the Act on Prevention of Unlawful Acts by Organized Crime Group Members (Act No. 77 of 1991) or an instruction under the provisions of Article 12-4, paragraph (2) of the same Act, for which three years have not passed from the date they received the order or instruction;

五 住居の定まらない者

(v) a person who has no fixed place of residence;

六 第二十四条第一項の規定によりその古物営業の許可を取り消され、当該取消の日から起算して五年を経過しない者（許可を取り消された者が法人である場合においては、当該取消しに係る聴聞の期日及び場所が公示された日前六十日以内に当該法人の役員であつた者で当該取消の日から起算して五年を経過しないものを含む。）

(vi) a person whose secondhand goods business permit has been cancelled under the provisions of Article 24, paragraph (1), and for whom five years have not passed from the date of the cancellation (for a corporation, this

includes the relevant corporation who held office as an executive officer within 60 days prior to the day on which a public notice of the date and place of the hearing relating to the cancellation was publicly given, and for whom five years have not passed from the date of the cancellation);

七 第二十四条第一項の規定による許可の取消しに係る聴聞の期日及び場所が公示された日から当該取消しをする日又は当該取消しをしないことを決定する日までの間に第八条第一項第一号の規定による許可証の返納をした者（その古物営業の廃止について相当な理由がある者を除く。）で、当該返納の日から起算して五年を経過しないもの

(vii) a person who has returned the permit under the provisions of Article 8, paragraph (1), item (i) during the period starting from the day on which public notice of the date and place of the hearing relating to the cancellation of the permit under the provisions of Article 24, paragraph (1) was given, to the day on which the permit is cancelled or the day on which a decision to not cancel the permit is made (excluding persons for whom there are reasonable grounds for discontinuing the secondhand goods business) and for whom five years have not passed from the date of the return;

八 心身の故障により古物商又は古物市場主の業務を適正に実施することができない者として国家公安委員会規則で定めるもの

(viii) a person specified by the National Public Safety Commission Rules as a person who is unable to properly conduct the business of a secondhand goods dealer or a secondhand goods market owner due to a mental or physical disorder;

九 営業に関し成年者と同一の行為能力を有しない未成年者。ただし、その者が古物商又は古物市場主の相続人であつて、その法定代理人が前各号及び第十一号のいずれにも該当しない場合を除くものとする。

(ix) a minor who does not have the same capacity as a person who has reached the age of majority with regards to the business; provided, however, that this does not apply to cases in which the person is an heir of a secondhand goods dealer or a secondhand goods market owner, whose statutory agent does not fall under any of the preceding items or item (xi);

十 営業所（営業所のない者にあつては、住所又は居所をいう。以下同じ。）又は古物市場ごとに第十三条第一項の管理者を選任すると認められないことについて相当な理由がある者

(x) a person for whom there are reasonable grounds for not being permitted to appoint a manager listed Article 13, paragraph (1) for each place of business (or in the case of a person who does not have a place of business, domicile or residence of the person; the same applies hereinafter) or a secondhand goods market; or

十一 法人で、その役員のうち第一号から第八号までのいずれかに該当する者があるもの

- (xi) a corporation where any of its officers falls under any of the items (i) through (viii).

(許可の手續及び許可証)

(Application Procedures and Issuance of Permit)

第五条 第三条の規定による許可を受けようとする者は、その主たる営業所又は古物市場の所在地を管轄する公安委員会に、次に掲げる事項を記載した許可申請書を提出しなければならない。この場合において、許可申請書には、国家公安委員会規則で定める書類を添付しなければならない。

Article 5 (1) A person who intends to receive a permit under the provisions of Article 3 must submit a written application for permission stating the following particulars to the Public Safety Commission that has jurisdiction over the location of the principal place of business of the person or the secondhand goods market. In this case, documents specified by the National Public Safety Commission Rules must be attached to the written permit application.

一 氏名又は名称及び住所又は居所並びに法人にあつては、その代表者の氏名

(i) name and domicile or residence, and in the case of a corporation, the name of its representative;

二 主たる営業所又は古物市場その他の営業所又は古物市場の名称及び所在地

(ii) the name and location of the principal place of business or the secondhand goods market, or other place of business or secondhand goods market;

三 営業所又は古物市場ごとに取り扱おうとする古物に係る国家公安委員会規則で定める区分

(iii) the category specified by the National Public Safety Commission Rules relating to the secondhand goods to be handled at each place of business or secondhand goods market;

四 第十三条第一項の管理者の氏名及び住所

(iv) the name and address of the manager designated in Article 13, paragraph (1);

五 第二条第二項第一号に掲げる営業を営もうとする者にあつては、行商（仮設店舗（営業所以外の場所に仮に設けられる店舗であつて、容易に移転することができるものをいう。以下同じ。）を出すことを含む。以下同じ。）をしようとする者であるかどうかの別

(v) for a person who intends to operate the type of business set forth in Article 2, paragraph (2), item (i), whether the person intends to engage in peddling (including setting up a temporary store (meaning a store temporarily established at a place other than the place of business, which can be easily relocated; the same applies hereinafter); the same applies hereinafter);

六 第二条第二項第一号に掲げる営業を営もうとする者にあつては、その営業の方法として、取り扱う古物に関する事項を電気通信回線に接続して行う自動公衆送信

(公衆によつて直接受信されることを目的として公衆からの求めに応じ自動的に送信を行うことをいい、放送又は有線放送に該当するものを除く。以下同じ。)により公衆の閲覧に供し、その取引の申込みを国家公安委員会規則で定める通信手段により受ける方法を用いるかどうかの別に応じ、当該古物に関する事項に係る自動公衆送信の送信元を識別するための文字、番号、記号その他の符号又はこれに該当しない旨

(vi) for a person who intends to operate the type of business set forth in Article 2, paragraph (2), item (i), whether the person, as their method of business, will make information relating to the secondhand goods handled available for public inspection using an automated public transmission by connecting an electronic telecommunications line (meaning an automated transmission sent in response to a request from the public for the purpose of direct receipt by the public, excluding transmissions that fall under the category of broadcasting or cable broadcasting; the same applies hereinafter), and receive offers to transact by a means of communication specified by the National Public Safety Commission Rules; and the letters, numbers, symbols, or other signs used for identifying the source of the automated public transmission of information relating to secondhand goods; and

七 法人にあつては、その役員の名及び住所

(vii) in the case of a corporation, the names and addresses of its officers.

2 公安委員会は、第三条の規定による許可をしたときは、許可証を交付しなければならない。

(2) When the Public Safety Commission grants a permit under the provisions of Article 3, it must issue a written permit.

3 公安委員会は、第三条の規定による許可をしないときは、理由を付した書面をもつて、申請者にその旨を通知しなければならない。

(3) When a permit is not granted under the provisions of Article 3, the Public Safety Commission must notify the applicant to that effect in writing, stating reasons.

4 許可証の交付を受けた者は、許可証を亡失し、又は許可証が滅失したときは、速やかにその旨を主たる営業所又は古物市場の所在地を管轄する公安委員会に届け出て、許可証の再交付を受けなければならない。

(4) If an issued permit is lost or destroyed, the person who received the permit must promptly notify the Public Safety Commission with jurisdiction over the location of the person's principal place of business or secondhand goods market to that effect, and receive a reissued permit.

(許可の取消し)

(Cancellation of Permits)

第六条 公安委員会は、第三条の規定による許可を受けた者について、次に掲げるいずれかの事実が判明したときは、その許可を取り消すことができる。

Article 6 (1) The Public Safety Commission may cancel the permit granted to a person who has received a permit under the provisions of Article 3 if any of the following facts are found to apply to the person:

一 偽りその他不正の手段により許可を受けたこと。

(i) the person received the permit by deception or other wrongful means;

二 第四条各号（第十号を除く。）に掲げる者のいずれかに該当していること。

(ii) the person falls under any of the descriptions set forth in the items of Article 4 (excluding item (x)); or

三 許可を受けてから六月以内に営業を開始せず、又は引き続き六月以上営業を休止し、現に営業を営んでいないこと。

(iii) the person has not commenced the business within six months of receiving the permit, or has continuously suspended the business for six months or longer and is not currently operating the business.

2 公安委員会は、第三条の規定による許可を受けた者の営業所若しくは古物市場の所在地を確知できないとき、又は当該者の所在（法人である場合においては、その役員の所在）を確知できないときは、国家公安委員会規則で定めるところにより、その事実を公告し、その公告の日から三十日を経過しても当該者から申出がないときは、その許可を取り消すことができる。

(2) The Public Safety Commission may, if the location of the place of business or secondhand goods market of a person who has received a permit under the provisions of Article 3 cannot be ascertained, or if the whereabouts of the person (or in the case of a corporation, the whereabouts of its officers) cannot be ascertained, give public notice of that fact under the provisions of the National Public Safety Commission Rules, and may cancel the permit when no request is received from the person within thirty days after the date of the public notice.

3 前項の規定による処分については、行政手続法（平成五年法律第八十八号）第三章の規定は、適用しない。

(3) The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to dispositions under the provisions of the preceding paragraph.

（変更の届出）

(Notification of Changes)

第七条 古物商又は古物市場主は、第五条第一項第二号に掲げる事項を変更しようとするときは、あらかじめ、主たる営業所又は古物市場の所在地を管轄する公安委員会（公安委員会の管轄区域を異にして主たる営業所又は古物市場の所在地を変更しようとするときは、その変更後の主たる営業所又は古物市場の所在地を管轄する公安委員会）に、国家公安委員会規則で定める事項を記載した届出書を提出しなければならない。

Article 7 (1) A secondhand goods dealer or secondhand goods market owner who

intends to make changes to any of the particulars set forth in Article 5, paragraph (1), item (ii), must submit, a written notification stating the particulars specified by the National Public Safety Commission Rules, in advance, to the Public Safety Commission with jurisdiction over the location of the principal place of business or the secondhand goods market (or in the case of a change in the location of the principal place of business or the secondhand goods market beyond the jurisdictional district of the Public Safety Commission, the Public Safety Commission with jurisdiction over the location of the principal place of business or the secondhand goods market after the change).

2 古物商又は古物市場主は、第五条第一項各号（第二号を除く。）に掲げる事項に変更があつたときは、主たる営業所又は古物市場の所在地を管轄する公安委員会に、国家公安委員会規則で定める事項を記載した届出書を提出しなければならない。

(2) A secondhand goods dealer or secondhand goods market owner must submit a written notification to the Public Safety Commission with jurisdiction over the location of the secondhand goods dealer's principal place of business or the secondhand goods market, stating the particulars specified by the National Public Safety Commission Rules, when a change has been made to any of the particulars set forth in each the items of Article 5, paragraph (1) (excluding item (ii))

3 前二項に規定する公安委員会以外の公安委員会の管轄区域内に営業所又は古物市場を有する古物商又は古物市場主は、前二項の規定による届出書の提出を当該公安委員会を経由して行うことができる。

(3) A secondhand goods dealer or a secondhand goods market owner who has a place of business or a secondhand goods market within the jurisdictional district of a Public Safety Commission other than the Public Safety Commission prescribed in the preceding two paragraphs may submit a written notification under the preceding two paragraphs via the Public Safety Commission.

4 第一項又は第二項の規定により提出する届出書には、国家公安委員会規則で定める書類を添付しなければならない。

(4) A written notification submitted under the provisions of paragraph (1) or (2) must be accompanied by documents specified by the National Public Safety Commission Rules.

5 第一項又は第二項の規定により届出書を提出する場合において、当該届出書に係る事項が許可証の記載事項に該当するときは、その書換えを受けなければならない。

(5) When a written notification is submitted pursuant to the provisions of paragraph (1) or (2), any matters described in the notification that fall under the particulars to be described in the permit must be rewritten.

(許可証の返納等)

(Return of Written Permit)

第八条 許可証の交付を受けた者は、次の各号のいずれかに該当することとなつたときは、遅滞なく、許可証（第三号に掲げる場合にあつては、発見し、又は回復した許可証）をその主たる営業所又は古物市場の所在地を管轄する公安委員会に返納しなければならない。

Article 8 (1) If any of the following events arises, a person to whom a permit has been issued must return the permit (or in the case of item (iii), the found or restored permit) without delay to the Public Safety Commission with jurisdiction over the location of the principal place of business or the secondhand goods market of the person:

一 その古物営業を廃止したとき。

(i) the person has abolished the secondhand goods business;

二 第三条の規定による許可が取り消されたとき。

(ii) the permission under the provisions of Article 3 has been cancelled; or

三 許可証の再交付を受けた場合において、亡失した許可証を発見し、又は回復したとき。

(iii) the person has discovered or recovered the lost permit after having received a reissued permit.

2 前項第一号の規定による許可証の返納があつたときは、第三条の規定による許可は、その効力を失う。

(2) When the permit is returned under the provisions of item (i) of the preceding paragraph, the permission under the provisions of Article 3 will cease to be valid.

3 許可証の交付を受けた者が次の各号に掲げる場合のいずれかに該当することとなつたときは、当該各号に定める者は、遅滞なく、許可証をその主たる営業所又は古物市場の所在地を管轄する公安委員会に返納しなければならない。

(3) When a person to whom a permit has been issued falls under any of the following items, the person prescribed under each of the following items must return the permit without delay to the Public Safety Commission with jurisdiction over the location of the principal place of business or the secondhand goods market of the person:

一 死亡した場合 同居の親族又は法定代理人

(i) when the person has died: A relative cohabiting with the deceased, or the statutory agent of the deceased; or

二 法人が合併により消滅した場合 合併後存続し、又は合併により設立された法人の代表者

(ii) when the corporation has ceased to exist as a result of a merger: A representative of a corporation surviving the merger or incorporated as a result of the merger.

(閲覧等)

(Public Inspection)

第八条の二 公安委員会は、第五条第一項第六号に規定する方法を用いる古物商について、次に掲げる事項を電気通信回線に接続して行う自動公衆送信により公衆の閲覧に供するものとする。

Article 8-2 (1) The Public Safety Commission is to provide the following particulars regarding secondhand goods dealers that use the method prescribed in Article 5, paragraph (1), item (vi), for public inspection, by automated public transmission conducted by connecting to an electric telecommunications line:

一 氏名又は名称

(i) the secondhand dealers' names;

二 第五条第一項第六号に規定する文字、番号、記号その他の符号

(ii) the letters, numbers, symbols and other signs prescribed in Article 5, paragraph (1), item (vi); and

三 許可証の番号

(iii) the secondhand dealers' permit numbers.

2 公安委員会は、前項各号に掲げる事項に変更があつた場合には、遅滞なく、当該事項を補正するものとする。

(2) In the event of a change in any of the particulars set forth in the items of the preceding paragraph, the Public Safety Commission is to correct the relevant particulars without delay.

(名義貸しの禁止)

(Prohibition on Name Lending)

第九条 古物商又は古物市場主は、自己の名義をもつて、他人にその古物営業を営ませてはならない。

Article 9 A secondhand goods dealer or secondhand goods market owner must not allow any other person to operate a secondhand goods business using its name.

(競り売りの届出)

(Notification of Auction)

第十条 古物商は、古物市場主の経営する古物市場以外において競り売りをしようとするときは、あらかじめ、その日時及び場所を、その場所を管轄する公安委員会に届け出なければならない。

Article 10 (1) When a secondhand goods dealer intends to conduct an auction at a place other than the secondhand goods market operated by a secondhand goods market owner, the secondhand goods dealer must notify the Public Safety Commission with jurisdiction over the relevant place, of the time and place of the auction, in advance.

2 前項に規定する公安委員会の管轄区域内に営業所を有しない古物商は、同項の規定による届出を、その営業所の所在地を管轄する公安委員会を経由して行うことができ

る。

- (2) A secondhand goods dealer who does not have a place of business within the jurisdictional district of the Public Safety Commission prescribed in the preceding paragraph may file a notification under the provisions of the same paragraph via the Public Safety Commission with jurisdiction over the location of the place of business.
- 3 古物商は、売却する古物に関する事項を電気通信回線に接続して行う自動公衆送信により公衆の閲覧に供し、その買受けの申込みを国家公安委員会規則で定める通信手段により受ける方法を用いて第一項の競り売りをしようとする場合には、同項の規定にかかわらず、あらかじめ、当該古物に関する事項に係る自動公衆送信の送信元を識別するための文字、番号、記号その他の符号、競り売りをしようとする期間その他国家公安委員会規則で定める事項を当該古物を取り扱う営業所の所在地を管轄する公安委員会に届け出なければならない。
- (3) When a secondhand dealer who intends to conduct an auction in paragraph (1) by making particulars relating to the secondhand goods to be sold available for public inspection through an automated public transmission by connecting to an electric telecommunications line, and by using a method of receiving offers for purchase of the secondhand goods through a communication means specified by the National Public Safety Commission Rules, the secondhand goods dealer must, notwithstanding the provisions of the same paragraph, notify the Public Safety Commission with jurisdiction over the location of the place of business that handles the secondhand goods, in advance, concerning the letters, numbers, symbols, or other signs used to identify the source of the automated public transmission relating to the particulars of the secondhand goods, the period during which the auction is to be conducted, and other particulars specified by the National Public Safety Commission Rules.
- 4 前三項の規定は、古物競りあつせん業者が行うあつせんを受けて取引をしようとする場合には、適用しない。
- (4) The provisions of the preceding three paragraphs do not apply to cases where a person intends to conduct transactions through brokering conducted by a secondhand goods auction broker.

第二節 古物競りあつせん業者

Section 2 Secondhand Goods Auction Brokers

(届出)

(Notification)

第十条の二 古物競りあつせん業者は、営業開始の日から二週間以内に、営業の本拠となる事務所（当該事務所のない者にあつては、住所又は居所をいう。以下同じ。）の所在地を管轄する公安委員会に、次に掲げる事項を記載した届出書を提出しなければならない。この場合において、届出書には、国家公安委員会規則で定める書類を添付

しなければならない。

Article 10-2 (1) A secondhand goods auction broker must submit, to the Public Safety Commission with jurisdiction over the location of the office serving as the base of business operations (or in the case of a person who does not have a place of business, domicile or residence of the person; the same applies hereinafter), a written notification stating the following particulars within two weeks from the date of commencement of the business. In this case, the written notification must be accompanied by documents specified by the National Public Safety Commission Rules.

一 氏名又は名称及び住所又は居所並びに法人にあつては、その代表者の氏名

(i) the name and domicile or residence, and in the case of a corporation, the name of its representative;

二 営業の本拠となる事務所その他の事務所の名称及び所在地

(ii) the name and location of offices such as the office serving as the base of business operations;

三 法人にあつては、その役員の氏名及び住所

(iii) in the case of a corporation, the names and addresses of its officers; and

四 第二条第二項第三号の競りの方法その他業務の実施の方法に関する事項で国家公安委員会規則で定めるもの

(iv) the method of auction prescribed in Article 2, paragraph (2), item (iii) and other particulars concerning the method of conducting business, which are specified by the National Public Safety Commission Rules.

2 前項の届出書を提出した者は、古物競りあつせん業を廃止したとき、又は同項各号に掲げる事項に変更があつたときは、公安委員会（公安委員会の管轄区域を異にして営業の本拠となる事務所を変更したときは、変更後の営業の本拠となる事務所の所在地を管轄する公安委員会）に、国家公安委員会規則で定める事項を記載した届出書を提出しなければならない。この場合において、届出書には、国家公安委員会規則で定める書類を添付しなければならない。

(2) If the secondhand goods auction brokerage has been abolished or the information set forth in any of the items of the preceding paragraph has changed, the person who submitted a written notification referred to in the same paragraph must submit to the Public Safety Commission (if the office serving as the base of business operations has been relocated outside the jurisdictional district of the Public Safety Commission, the Public Safety Commission with jurisdiction over the location of the office serving as the base of business operations after the relocation) a written notification stating the particulars prescribed in the National Public Safety Commission Rules. In this case, the written notification must be accompanied by documents specified by the National Public Safety Commission Rules.

第三章 古物商及び古物市場主の遵守事項等

Chapter III Particulars to Be Observed by Secondhand Goods Dealers and Secondhand Goods Market Owners

(許可証等の携帯等)

(Carrying a Permit)

第十一条 古物商は、行商をし、又は競り売りをするとき、許可証を携帯していなければならない。

Article 11 (1) A secondhand goods dealer must carry a permit when peddling or carrying out an auction.

2 古物商は、その代理人、使用人その他の従業者（以下「代理人等」という。）に行商をさせるときは、当該代理人等に、国家公安委員会規則で定める様式の行商従業者証を携帯させなければならない。

(2) A secondhand goods dealer must, when they have a worker such as an agent, employee (hereinafter referred to collectively as "agent") engage in peddling, have the agent carry a peddler's employee card with them, in the form prescribed in the National Public Safety Commission Rules.

3 古物商又はその代理人等は、行商をする場合において、取引の相手方から許可証又は前項の行商従業者証の提示を求められたときは、これを提示しなければならない。

(3) When peddling, a secondhand goods dealer or its agent, etc. must present a permit or a peddler's employee card prescribed in the preceding paragraph upon the request of the counterparty to the transaction.

(標識の掲示等)

(Posting of Signs)

第十二条 古物商又は古物市場主は、それぞれ営業所若しくは仮設店舗又は古物市場ごとに、公衆の見やすい場所に、国家公安委員会規則で定める様式の標識を掲示しなければならない。

Article 12 (1) A secondhand goods dealer or a secondhand goods market owner must post a sign in the form prescribed by the National Public Safety Commission Rules in a place easily visible to the public at each of their places of business, temporary stores, or secondhand goods markets.

2 古物商は、第五条第一項第六号に規定する方法を用いて取引をしようとするときは、その取り扱う古物に関する事項と共に、その氏名又は名称、許可をした公安委員会の名称及び許可証の番号を電気通信回線に接続して行う自動公衆送信により公衆の閲覧に供しなければならない。

(2) A secondhand goods dealer who intends conduct transactions using the method prescribed in Article 5, paragraph (1), item (vi), must make its name, the name of the Public Safety Commission that granted permission, and the secondhand goods dealer's permit number, as well as the particulars concerning the secondhand goods the secondhand goods dealer handles, available for public inspection through an automated public transmission by

connecting to an electric telecommunications line.

(管理者)

(Manager)

第十三条 古物商又は古物市場主は、営業所又は古物市場ごとに、当該営業所又は古物市場に係る業務を適正に実施するための責任者として、管理者一人を選任しなければならない。

Article 13 (1) A secondhand goods dealer or a secondhand goods market owner must appoint one manager for each place of business or secondhand goods market as the responsible person in charge of properly conducting the business relating to the place of business or the secondhand goods market.

2 次の各号のいずれかに該当する者は、管理者となることができない。

(2) A person who falls under any of the following items may not become a manager:

一 未成年者

(i) a minor;

二 第四条第一号から第七号までのいずれかに該当する者

(ii) a person who falls under any of items (i) through (vii) of Article 4; or

三 心身の故障により管理者の業務を適正に実施することができない者として国家公安委員会規則で定めるもの

(iii) a person specified by the National Public Safety Commission Rules as a person who is unable to properly conduct the duties of a manager due to a mental or physical disorder.

3 古物商又は古物市場主は、管理者に、取り扱う古物が不正品であるかどうかを判断するために必要なものとして国家公安委員会規則で定める知識、技術又は経験を得させるよう努めなければならない。

(3) A secondhand goods dealer or a secondhand goods market owner must endeavor to have a manager acquire the knowledge, skills, or experience specified by the National Public Safety Commission Rules as necessary for determining whether the secondhand goods the person handles are illicit goods.

4 公安委員会は、管理者がその職務に関し法令の規定に違反した場合において、その情状により管理者として不適當であると認めるときは、古物商又は古物市場主に対し、当該管理者の解任を勧告することができる。

(4) If a manager has violated any provisions listed laws and regulations relating to the manager's duties, the Public Safety Commission may recommend the secondhand goods dealer or the secondhand goods market owner to dismiss the manager if it finds that person unfit to act as a manager due to the circumstances.

(営業の制限)

(Restrictions on Business)

第十四条 古物商は、その営業所又は取引の相手方の住所若しくは居所以外の場所において、買い受け、若しくは交換するため、又は売却若しくは交換の委託を受けるため、古物商以外の者から古物を受け取つてはならない。ただし、仮設店舗において古物営業を営む場合において、あらかじめ、その日時及び場所を、その場所を管轄する公安委員会に届け出たときは、この限りでない。

Article 14 (1) A secondhand goods dealer must not receive secondhand goods from a person other than a secondhand goods dealer at any place other than the place of business, or the domicile or residence of the counterparty to the transaction, for purchase or exchange, or on consignment for sale or exchange; provided, however, that this does not apply to cases in which the secondhand goods business is being operated at a temporary store, if the dates, times, and location of the secondhand goods business are reported in advance to the Public Safety Commission with jurisdiction over that location.

2 前項ただし書に規定する公安委員会の管轄区域内に営業所を有しない古物商は、同項ただし書の規定による届出を、その営業所の所在地を管轄する公安委員会を経由して行うことができる。

(2) A secondhand goods dealer that does not have a place of business within the jurisdictional district of the Public Safety Commission prescribed in the proviso of the preceding paragraph may file a notification under the provisions of the same proviso via the Public Safety Commission with jurisdiction over the location of its place of business.

3 古物市場においては、古物商間でなければ古物を売買し、交換し、又は売却若しくは交換の委託を受けてはならない。

(3) In a secondhand goods market, selling, purchasing or exchanging secondhand goods, or accepting secondhand goods on consignment for sale or exchange, is prohibited, except between secondhand goods dealers.

(確認等及び申告)

(Confirmation and Reporting)

第十五条 古物商は、古物を買受け、若しくは交換し、又は売却若しくは交換の委託を受けようとするときは、相手方の真偽を確認するため、次の各号のいずれかに掲げる措置をとらなければならない。

Article 15 (1) When a secondhand goods dealer intends to purchase or exchange secondhand goods, or accept secondhand goods on consignment for sale or exchange, the secondhand goods dealer must take one of measures set forth in the in each of the following items in order to confirm the identity of the counterparty:

一 相手方の住所、氏名、職業及び年齢を確認すること。

(i) confirm the address, name, occupation, and age of the counterparty;

二 相手方からその住所、氏名、職業及び年齢が記載された文書（その者の署名のあるものに限る。）の交付を受けること。

(ii) receive a document stating the counterparty's address, name, occupation, and age (limited to a document signed by the counterparty) from the counterparty;

三 相手方からその住所、氏名、職業及び年齢の電磁的方法（電子的方法、磁気的方法その他の人の知覚によつて認識することができない方法をいう。以下同じ。）による記録であつて、これらの情報についてその者による電子署名（電子署名及び認証業務に関する法律（平成十二年法律第百二号）第二条第一項に規定する電子署名をいい、当該電子署名について同法第四条第一項又は第十五条第一項の認定を受けた者により同法第二条第二項に規定する証明がされるものに限る。）が行われているものの提供を受けること。

(iii) receive a record of its address, name, occupation, and age by electronic or magnetic means (meaning methods that cannot be recognized by human perception, such as electronic methods, magnetic methods; the same applies hereinafter) from the counterparty, which has been electronically signed by the counterparty with respect to the information (limited to an electronic signature prescribed in Article 2, paragraph (1) of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000) that is verified as prescribed in Article 2, paragraph (2) of the same Act by a person certified under Article 4, paragraph (1) or Article 15, paragraph (1) of the same Act);
or

四 前三号に掲げるもののほか、これらに準ずる措置として国家公安委員会規則で定めるもの

(iv) beyond the matters set forth in the preceding three items, measures specified as equivalent by the National Public Safety Commission Rules.

2 前項の規定にかかわらず、次に掲げる場合には、同項に規定する措置をとることを要しない。

(2) Notwithstanding the provisions set forth in the preceding paragraph, the measures prescribed in the same paragraph are not required to be taken in the following cases:

一 対価の総額が国家公安委員会規則で定める金額未満である取引をする場合（特に前項に規定する措置をとる必要があるものとして国家公安委員会規則で定める古物に係る取引をする場合を除く。）

(i) when transactions in which the total amount of consideration is less than the amount specified by the National Public Safety Commission Rules (excluding transactions that relate to secondhand goods specified by the National Public Safety Commission Rules as transactions for which it is particularly necessary to take the measures prescribed in the preceding paragraph); or

二 自己が売却した物品を当該売却の相手方から買い受ける場合

(ii) when secondhand goods are purchased from the counterparty to which the goods were sold.

3 古物商は、古物を買受け、若しくは交換し、又は売却若しくは交換の委託を受けようとする場合において、当該古物について不正品の疑いがあると認めるときは、直ちに、警察官にその旨を申告しなければならない。

(3) When a secondhand goods dealer who intends to purchase or exchange secondhand goods, or accept secondhand goods on consignment for sale or exchange, suspects that the secondhand goods may be illicit, the secondhand goods dealer must immediately report that fact to a police officer.

(帳簿等への記載等)

(Register Entries)

第十六条 古物商は、売買若しくは交換のため、又は売買若しくは交換の委託により、古物を受け取り、又は引き渡したときは、その都度、次に掲げる事項を、帳簿若しくは国家公安委員会規則で定めるこれに準ずる書類（以下「帳簿等」という。）に記載をし、又は電磁的方法により記録をしておかなければならない。ただし、前条第二項各号に掲げる場合及び当該記載又は記録の必要のないものとして国家公安委員会規則で定める古物を引き渡した場合は、この限りでない。

Article 16 When a secondhand goods dealer receives or delivers secondhand goods for sale, purchase or exchange, or receives secondhand goods on consignment to sell, purchase or exchange, the secondhand goods dealer must enter, for each individual transaction, the following particulars in a register or equivalent document (hereinafter referred to collectively as "register") specified by the National Public Safety Commission Rules, or record them by electronic or magnetic means; provided, however, that this does not apply to items set forth in paragraph (2) of the preceding Article, or cases where the delivered secondhand goods are specified by National Public Safety Commission Rules as secondhand goods for which no entry or record is required.

一 取引の年月日

(i) the date of the transaction;

二 古物の品目及び数量

(ii) the items and quantities of the secondhand goods;

三 古物の特徴

(iii) the characteristics of the secondhand goods;

四 相手方（国家公安委員会規則で定める古物を引き渡した相手方を除く。）の住所、氏名、職業及び年齢

(iv) the address, name, occupation, and age of the counterparty (excluding other parties to which secondhand goods specified by the National Public Safety Commission Rules have been delivered); and

五 前条第一項の規定によりとった措置の区分（同項第一号及び第四号に掲げる措置にあつては、その区分及び方法）

(v) the category of the measures taken under the provisions of paragraph (1) of the preceding Article (or in the case of the measures set forth in items (i) and

(iv) of the same paragraph, the category and method).

第十七条 古物市場主は、その古物市場において売買され、又は交換される古物につき、取引の都度、前条第一号から第三号までに規定する事項並びに取引の当事者の住所及び氏名を帳簿等に記載をし、又は電磁的方法により記録をしておかなければならない。

Article 17 With regard to secondhand goods to be purchased, sold, or exchanged in a secondhand goods market, a secondhand goods market owner must, for each transaction, enter in the register or record by electronic or magnetic means, the particulars prescribed in items (i) through (iii) of the preceding Article, and, the addresses and names of the parties to the transaction.

第十八条 古物商又は古物市場主は、前二条の帳簿等を最終の記載をした日から三年間営業所若しくは古物市場に備え付け、又は前二条の電磁的方法による記録を当該記録をした日から三年間営業所若しくは古物市場において直ちに書面に表示することができるようにして保存しておかなければならない。

Article 18 (1) A secondhand goods dealer or a secondhand goods market owner must keep the register, prescribed in the preceding two Articles at the place of business or the secondhand goods market for three years from the date of the last entry, or store the records in electronic or magnetic means prescribed in the preceding two Articles for three years from the date of the recording so that it can be immediately indicated in writing at the place of business or the secondhand goods market.

2 古物商又は古物市場主は、前二条の帳簿等又は電磁的方法による記録をき損し、若しくは亡失し、又はこれらが滅失したときは、直ちに営業所又は古物市場の所在地の所轄警察署長に届け出なければならない。

(2) When a register, or the electronic or magnetic records prescribed in the preceding two Articles, are damaged, lost, or destroyed, a secondhand goods dealer or a secondhand goods market owner must immediately notify the chief of the police station with jurisdiction over the location of the place of business or secondhand goods market.

(品触れ)

(Report of Stolen Property)

第十九条 警視総監若しくは道府県警察本部長又は警察署長（以下「警察本部長等」という。）は、必要があると認めるときは、古物商又は古物市場主に対して、盗品その他財産に対する罪に当たる行為によつて領得された物（以下「盗品等」という。）の品触れを書面により発することができる。

Article 19 (1) When the Superintendent General, the Chief of Prefectural Police Headquarters, or the Chief of a Police Station (hereinafter referred to collectively as the "Chief of Prefectural Police Headquarters, etc.") finds it necessary to do so, they may issue in writing to a secondhand goods dealer or a

secondhand goods market owner, a report of stolen property or property acquired through other acts that constitute property crimes (hereinafter referred to collectively as "stolen property, etc.").

2 古物商又は古物市場主は、前項の規定により発せられた品触れを受けたときは、当該品触れに係る書面に到達の日付を記載し、その日から六月間これを保存しなければならない。ただし、情報通信技術を活用した行政の推進等に関する法律（平成十四年法律第百五十一号）第七条第一項の規定により同法第六条第一項に規定する電子情報処理組織を使用して行われた品触れについては、到達の日付を記載することを要しない。

(2) When a secondhand goods dealer or a secondhand goods market owner receives a stolen property report issued under the provisions of the preceding paragraph, they must record the date on which the report arrived on the document relating to the stolen property report and store it for six months from the date of arrival; provided, however, that the date of arrival need not be written on a report using an electronic data processing system prescribed in Article 6, paragraph (1) of the Act on the Promotion of Administrative Affairs through the Use of Information and Communications Technology (Act No. 151 of 2002) under the provisions of Article 7, paragraph (1) of that Act.

3 古物商は、品触れを受けた日にその古物を所持していたとき、又は前項の期間内に品触れに相当する古物を受け取ったときは、その旨を直ちに警察官に届け出なければならない。

(3) If a secondhand goods dealer is in possession of the relevant secondhand goods on the day the dealer receives a stolen property report, or receives secondhand goods corresponding to a stolen property report within the period prescribed in the preceding paragraph, the secondhand goods dealer must immediately notify a police officer to that effect.

4 古物市場主は、第二項に規定する期間内に、品触れに相当する古物が取引のため古物市場に出たときは、その旨を直ちに警察官に届け出なければならない。

(4) When secondhand goods corresponding to a stolen property report appear on the secondhand goods market for trading within the period prescribed in paragraph (2), the secondhand goods market owner must immediately notify a police officer to that effect.

5 情報通信技術を活用した行政の推進等に関する法律第七条第一項の規定により同法第六条第一項に規定する電子情報処理組織を使用して行われた品触れについては、同法第七条第三項の規定は、適用しない。

(5) The provisions of Article 7, paragraph (3) of the Act on the Promotion of Administrative Affairs through the Use of Information and Communications Technology do not apply in relation to a stolen property report issued using an electronic data processing system prescribed in Article 6, paragraph (1) of the same Act.

(古物営業に関し行つた行為の取消しの制限)

(Limitations on Rescission of Acts Performed in Relation to Secondhand Goods Business)

第十九条の二 古物商（個人に限り、未成年者を除く。）が古物営業に関し行つた行為は、行為能力の制限によつては取り消すことができない。

Article 19-2 Acts committed by a secondhand goods dealer (limited to individuals, excluding minors) in relation to the secondhand goods business may not be rescinded due to limitations on capacity.

(盗品及び遺失物の回復)

(Recovery of Stolen or Lost Property)

第二十条 古物商が買い受け、又は交換した古物（指図証券、記名式所持人払証券（民法（明治二十九年法律第八十九号）第五百二十条の十三に規定する記名式所持人払証券をいう。）及び無記名証券であるものを除く。）のうちに盗品又は遺失物があつた場合においては、その古物商が当該盗品又は遺失物を公の市場において又は同種の物を取り扱う営業者から善意で譲り受けた場合においても、被害者又は遺失主は、古物商に対し、これを無償で回復することを求めることができる。ただし、盗難又は遺失の時から一年を経過した後においては、この限りでない。

Article 20 If stolen or lost property is found among secondhand goods (excluding negotiable instruments payable to order, registered negotiable instruments payable to holder (meaning registered negotiable instruments payable to holder as prescribed in Article 520-13 of the Civil Code (Act No. 89 of 1896)), and bearer instruments) purchased or exchanged by a secondhand goods dealer, the victim, or the owner of the lost property may demand that the secondhand goods dealer return the stolen or lost property without compensation, even if the secondhand goods dealer acquired the stolen or lost property in question in good faith on the public market or from a business handling the same kind of goods; provided, however, that this does not apply after one year has passed from the time of the theft or loss.

(差止め)

(Injunctions)

第二十一条 古物商が買い受け、若しくは交換し、又は売却若しくは交換の委託を受けた古物について、盗品等であると疑うに足りる相当な理由がある場合においては、警察本部長等は、当該古物商に対し三十日以内の期間を定めて、その古物の保管を命ずることができる。

Article 21 If there are sufficient reasonable grounds to suspect that secondhand goods purchased or exchanged, or held on consignment for sale or exchange by a secondhand goods dealer are stolen property, etc., the Chief of Prefectural Police Headquarters, etc. may order the secondhand goods dealer to retain the relevant secondhand goods for a period not exceeding thirty days.

第三章の二 古物競りあつせん業者の遵守事項等

Chapter III-2 Particulars to be Observed by Secondhand Goods Auction Brokers

(相手方の確認)

(Confirmation of Counterparty's Identity)

第二十一条の二 古物競りあつせん業者は、古物の売却をしようとする者からのあつせんの申込みを受けようとするときは、その相手方の真偽を確認するための措置をとるよう努めなければならない。

Article 21-2 When a secondhand goods auction broker intends to receive a request for brokering from a person who intends to sell secondhand goods, the secondhand goods auction broker must endeavor to take measures to confirm the counterparty's identity.

(申告)

(Reporting)

第二十一条の三 古物競りあつせん業者は、あつせんの相手方が売却しようとする古物について、盗品等の疑いがあると認めるときは、直ちに、警察官にその旨を申告しなければならない。

Article 21-3 If a secondhand goods auction broker suspects that secondhand goods that the counterparty to the brokering intends to sell is stolen property, etc., the secondhand goods auction broker must immediately report that fact to a police officer.

(記録)

(Records)

第二十一条の四 古物競りあつせん業者は、古物の売買をしようとする者のあつせんを行つたときは、国家公安委員会規則で定めるところにより、書面又は電磁的方法による記録の作成及び保存に努めなければならない。

Article 21-4 A secondhand goods auction broker who has arranged brokering for a person who intends to purchase or sell secondhand goods, must endeavor to prepare and keep records in writing or by electronic or magnetic means in accordance with National Public Safety Commission Rules.

(認定)

(Certification)

第二十一条の五 古物競りあつせん業者は、その業務の実施の方法が、国家公安委員会が定める盗品等の売買の防止及び速やかな発見に資する方法の基準に適合することについて、公安委員会の認定を受けることができる。

Article 21-5 (1) A secondhand goods auction broker may receive Public Safety

Commission certification to the effect that the broker's method of conducting business conforms to the standards for methods that contribute to the prevention and prompt detection of the sale and purchase of stolen property, etc., as specified by the National Public Safety Commission.

2 前項の認定を受けた古物競りあつせん業者は、国家公安委員会規則で定めるところにより、同項の認定を受けている旨の表示をすることができる。

(2) A secondhand goods auction broker who has received the certification prescribed in the preceding paragraph may display the fact that they have received the certification prescribed in that paragraph, under the provisions of National Public Safety Commission Rules.

3 何人も、前項の場合を除くほか、同項の表示又はこれと紛らわしい表示をしてはならない。

(3) It is prohibited for any person to display the fact prescribed in that paragraph or display any fact confusingly similar to that fact, except in the case in the preceding paragraph.

4 前三項に定めるもののほか、申請の手續、認定の取消しその他第一項の認定に関し必要な事項は、国家公安委員会規則で定める。

(4) In addition to the matters prescribed in the preceding three paragraphs, application procedures, cancellation of certifications and other necessary particulars in connection with the certifications in paragraph (1) are prescribed by the National Public Safety Commission Rules.

第二十一条の六 古物競りあつせん業（日本国内に在る者をあつせんの相手方とするものに限る。）を外国において営む者は、その業務の実施の方法が前条第一項に規定する基準に適合することについて、国家公安委員会規則で定めるところにより、公安委員会の認定を受けることができる。

Article 21-6 (1) A person who operates a secondhand goods auction brokerage in a foreign country (limited to brokerages in which a person in Japan is the counterparty to the brokering) may receive Public Safety Commission certification to the effect that their method of conducting business conforms to the standards prescribed in paragraph (1) of the preceding Article, as specified by the National Public Safety Commission Rules.

2 前条第二項の規定は前項の認定を受けた者について、同条第四項の規定は前項の認定について準用する。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to persons who have received the certification prescribed in the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the certifications prescribed in the preceding paragraph.

(競りの中止)

(Suspension of Auctions)

第二十一条の七 古物競りあつせん業者のあつせんの相手方が売却しようとする古物について、盗品等であると疑うに足りる相当な理由がある場合においては、警察本部長等は、当該古物競りあつせん業者に対し、当該古物に係る競りを中止することを命ずることができる。

Article 21-7 If there is sufficient reasonable grounds to suspect that secondhand goods that a broker's counterparty intends to sell through brokering are stolen property, etc., a Chief of Prefectural Police Headquarters, etc. may order the secondhand goods auction broker to suspend the auction of the relevant secondhand goods.

第四章 監督
Chapter IV Monitoring

(立入り及び調査)

(Entry and Investigation)

第二十二条 警察職員は、必要があると認めるときは、営業時間中において、古物商の営業所若しくは仮設店舗、古物の保管場所、古物市場又は第十条第一項の競り売り（同条第三項及び第四項に規定する場合を除く。）の場所に立ち入り、古物及び帳簿等（第十八条第一項に規定する書面で同項の記録が表示されたものを含む。第三十五条第三号において同じ。）を検査し、関係者に質問することができる。

Article 22 (1) When a police official finds it necessary to do so, they may enter a secondhand goods dealer's place of business or temporary store, the place where secondhand goods are kept, a secondhand goods market, or a place of an auction prescribed in Article 10, paragraph (1) (except in cases prescribed in paragraphs (3) and (4) of the same Article) during business hours, inspect secondhand goods and registers (including documents prescribed in Article 18, paragraph (1) in which the records prescribed in the same paragraph are recorded; the same applies in Article 35, item (iii)), and question relevant persons.

2 前項の場合においては、警察職員は、その身分を証明する証票を携帯し、関係者に、これを提示しなければならない。

(2) In cases referred to in the preceding paragraph, the police official must carry an identification card and present it to the relevant persons.

3 警察本部長等は、必要があると認めるときは、古物商、古物市場主又は古物競りあつせん業者から盗品等に関し、必要な報告を求めることができる。

(3) When a Chief of Prefectural Police Headquarters, etc. finds it necessary to do so, they may ask a secondhand goods dealer, secondhand goods market owner, or secondhand goods auction broker to make the necessary report on the stolen property, etc.

4 前項の規定は、第二十一条の六第一項の認定を受けた者について準用する。

- (4) The provisions of the preceding paragraph apply mutatis mutandis to a person who has received the certification prescribed in Article 21-6, paragraph (1).

(指示)

(Instructions)

第二十三条 古物商若しくは古物市場主又はこれらの代理人等がその古物営業に関しこの法律若しくはこの法律に基づく命令又は他の法令の規定に違反した場合において、盗品等の売買等の防止又は盗品等の速やかな発見が阻害されるおそれがあると認めるときは、当該古物商又は古物市場主の主たる営業所又は古物市場の所在地を管轄する公安委員会は、当該古物商又は古物市場主に対し、その業務の適正な実施を確保するため必要な措置をとるべきことを指示することができる。

Article 23 (1) If a secondhand goods dealer or a secondhand goods market owner, or their agent, etc., has violated the provisions of this Act, orders based on this Act, or other laws and regulations with regard to the secondhand goods business, and it is recognized that preventing the sale or purchase of the stolen property, etc., or promptly finding the stolen property, etc. is likely to be significantly hindered, the Public Safety Commission with jurisdiction over the location of the principal place of business of the secondhand goods dealer or the secondhand goods market owner, or the location of the secondhand goods market, may instruct the secondhand goods dealer or the secondhand goods market owner to take necessary measures to ensure the proper conduct of the business.

2 公安委員会は、他の公安委員会の管轄区域内に主たる営業所若しくは古物市場を有する古物商若しくは古物市場主で当該公安委員会の管轄区域内において古物営業を営むもの又はこれらの代理人等が当該公安委員会の管轄区域内におけるその古物営業に関しこの法律若しくはこの法律に基づく命令又は他の法令の規定に違反した場合において、盗品等の売買等の防止又は盗品等の速やかな発見が阻害されるおそれがあると認めるときは、当該古物商又は古物市場主に対し、その業務の適正な実施を確保するため必要な措置をとるべきことを指示することができる。

(2) If a secondhand goods dealer or secondhand goods market owner, having the principal place of business or secondhand goods market in the jurisdictional district of another Public Safety Commission and conducting secondhand goods business in the jurisdictional district of a Public Safety Commission, or their agent, etc., has violated any of the provisions of this Act, orders based on this Act, or other laws and regulations, with regard to its secondhand goods business in the jurisdictional district of the Public Safety Commission, and it is recognized that the prevention of the sale or purchase of stolen property, etc., or the prompt detection of stolen property, etc. is likely to be significantly hindered, then the Public Safety Commission may instruct the secondhand goods dealer or the secondhand goods market owner to take necessary

measures to ensure the proper conduct of its business.

(営業の停止等)

(Suspension of Business)

第二十四条 古物商若しくは古物市場主若しくはこれらの代理人等がその古物営業に関しこの法律若しくはこの法律に基づく命令若しくは他の法令の規定に違反した場合において盗品等の売買等の防止若しくは盗品等の速やかな発見が著しく阻害されるおそれがあると認めるとき、又は古物商若しくは古物市場主がこの法律に基づく処分（前条の規定による指示を含む。）に違反したときは、当該古物商又は古物市場主の主たる営業所又は古物市場の所在地を管轄する公安委員会は、当該古物商又は古物市場主に対し、その古物営業の許可を取り消し、又は六月を超えない範囲内で期間を定めて、その古物営業の全部若しくは一部の停止を命ずることができる。

Article 24 (1) If a secondhand goods dealer or a secondhand goods market owner, or their agent, etc. have violated any of the provisions of this Act, orders based on this Act, or other laws and regulations with regard to the secondhand goods business, and it is recognized that prevention of the sale or purchase of stolen property, etc., or the prompt detection of stolen property, etc. is likely to be significantly hindered, or if a secondhand goods dealer or a secondhand goods market owner has violated any disposition issued based on this Act (including instructions under the provisions of the preceding Article), then the Public Safety Commission with jurisdiction over the location of the principal place of business of the secondhand goods dealer or the secondhand goods market owner, or the location of the secondhand goods market, may cancel the secondhand goods dealer or secondhand goods market owner's permit to engage in the secondhand goods business, or order the secondhand goods dealer or the secondhand goods market owner to suspend the secondhand goods business, either in whole or in part, for a specified period of time not exceeding six months.

2 公安委員会は、他の公安委員会の管轄区域内に主たる営業所若しくは古物市場を有する古物商若しくは古物市場主で当該公安委員会の管轄区域内において古物営業を営むもの若しくはこれらの代理人等が当該公安委員会の管轄区域内におけるその古物営業に関しこの法律若しくはこの法律に基づく命令若しくは他の法令の規定に違反した場合において盗品等の売買等の防止若しくは盗品等の速やかな発見が著しく阻害されるおそれがあると認めるとき、又は当該古物商若しくは古物市場主が当該古物営業に関しこの法律に基づく処分（前条の規定による指示を含む。）に違反したときは、当該古物商又は古物市場主に対し、六月を超えない範囲内で期間を定めて、当該古物営業の全部又は一部の停止を命ずることができる。

(2) If a secondhand goods dealer or a secondhand goods market owner, or their agent, etc., that has their principal place of business or secondhand goods market in the jurisdiction of another Public Safety Commission and conducts secondhand goods business in the jurisdiction of a Public Safety Commission,

has violated any of the provisions of this Act, orders based on this Act, or other laws and regulations, with regard to its secondhand goods business in the jurisdiction of the Public Safety Commission, and it is recognized that preventing the sale or purchase of stolen property, etc., or promptly finding the stolen property, etc. is likely to be significantly hindered, or if a secondhand goods dealer or a secondhand goods market owner has violated a disposition under this Act (including instructions under the provisions of the preceding Article), then the Public Safety Commission may order the secondhand goods dealer or the secondhand goods market owner to suspend their secondhand goods business, either in whole or in part, for a specified period of time not exceeding six months.

(聴聞の特例)

(Special Provisions for Hearings)

第二十五条 公安委員会は、前条の規定により古物商又は古物市場主の営業の停止を命じようとするときは、行政手続法第十三条第一項の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

Article 25 (1) When a Public Safety Commission intends to order the suspension of business of a secondhand goods dealer or a secondhand goods market owner under the provisions of the preceding Article, the Public Safety Commission must conduct a hearing, notwithstanding the classification of procedures for hearing statements of opinions under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act.

2 前条の規定による処分に係る聴聞を行うに当たっては、その期日の一週間前までに、行政手続法第十五条第一項の規定による通知をし、かつ、聴聞の期日及び場所を公示しなければならない。

(2) In conducting a hearing relating to a disposition under the provisions of the preceding Article, a notice under the provisions of Article 15, paragraph (1) of the Administrative Procedure Act must be given at least one week prior to the date of the hearing, and public notice must be given regarding the date and location of the hearing.

3 前条の規定による処分に係る聴聞の期日における審理は、公開により行わなければならない。

(3) The proceedings on the date of the hearing relating to the disposition under the provisions of the preceding Article must be held in public.

第五章 雑則

Chapter V Miscellaneous Provisions

(情報の提供)

(Provision of Information)

第二十六条 公安委員会は、盗品等の売買等の防止に資するため、盗品等に関する情報の提供を求める者で国家公安委員会規則で定めるものに対し、当該情報の提供を行うことができる。

Article 26 In order to contribute to the prevention of the sale or purchase of stolen property, etc., the Public Safety Commission may provide information on stolen property, etc. to persons that request the provision of the information and are specified by the National Public Safety Commission Rules.

(国家公安委員会への報告等)

(Reports to the National Public Safety Commission)

第二十七条 公安委員会は、次の各号のいずれかに該当するときは、国家公安委員会規則で定める事項を国家公安委員会に報告しなければならない。この場合において、国家公安委員会は、当該報告に係る事項を各公安委員会に通報するものとする。

Article 27 (1) If any event falling under any of the following items arises, the Public Safety Commission must report to the National Public Safety Commission the particulars specified by the National Public Safety Commission Rules. In this case, the National Public Safety Commission is to notify the respective Public Safety Commissions of the reported particulars.

一 第三条の規定による許可、第五条第四項の規定による許可証の再交付又は第六条第一項若しくは第二項の規定による許可の取消しをした場合

(i) when the Public Safety Commission has granted a permit under the provisions of Article 3, reissued a permit under the provisions of Article 5, paragraph (4), or cancelled a permit under the provisions of Article 6, paragraph (1) or (2);

二 第七条第一項若しくは第二項の規定による届出書の提出、第八条第一項若しくは第三項の規定による許可証の返納又は第十条第一項若しくは第三項若しくは第十四条第一項ただし書の規定による届出を受けた場合

(ii) when the Public Safety Commission has received the submission of a written notification under the provisions of Article 7, paragraph (1) or (2), the return of a permit under the provisions of Article 8, paragraph (1) or (3), or a notification under the provisions of Article 10, paragraph (1) or (3) or Article 14, paragraph (1), proviso; or

三 第二十三条又は第二十四条の規定による処分をした場合

(iii) when the Public Safety Commission has issued a disposition under the provisions of Article 23 or Article 24.

2 公安委員会は、古物商若しくは古物市場主若しくはこれらの代理人等が前項第三号に規定する処分の事由となる違反行為をしたと認めるとき、又は古物商若しくは古物市場主が同号に規定する処分に違反したと認めるときは、当該古物商又は古物市場主の主たる営業所又は古物市場の所在地を管轄する公安委員会に対し、国家公安委員会規則で定める事項を通報しなければならない。

(2) A Public Safety Commission must notify the Public Safety Commission with

jurisdiction over the location of the principal place of business or the secondhand goods market of a secondhand goods dealer or a secondhand goods market owner, of the matters specified by the National Public Safety Commission Rules, if it finds that a secondhand goods dealer or a secondhand goods market owner, or their agent has committed a violation that constitutes grounds for a disposition prescribed in item (iii) of the preceding paragraph, or that a secondhand goods dealer or a secondhand goods market owner has violated a disposition prescribed in that item.

(権限の委任)

(Delegation of Authority)

第二十八条 この法律又はこの法律に基づく政令の規定により道公安委員会の権限に属する事務は、政令の定めるところにより、方面公安委員会に行わせることができる。

Article 28 Affairs that fall under the authority of the Hokkaido Public Safety Commission under the provisions of this Act or a Cabinet Order based on this Act may be executed by the District Public Safety Commission under the provisions of the Cabinet Order.

(経過措置)

(Transitional Measures)

第二十九条 この法律の規定に基づき政令又は国家公安委員会規則を制定し、又は改廃する場合においては、政令又は国家公安委員会規則で、その制定又は改廃に伴い合理的に必要とされる範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 29 If a Cabinet Order or a Rule of the National Public Safety Commission is enacted, revised, or abolished under the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be prescribed by the Cabinet Order or the National Public Safety Commission Rules to the extent considered reasonably necessary for the enactment, revision or abolition.

(国家公安委員会規則への委任)

(Delegation to the National Public Safety Commission Rules)

第三十条 この法律に定めるもののほか、この法律の実施のための手続その他この法律の施行に関し必要な事項は、国家公安委員会規則で定める。

Article 30 Beyond those prescribed in this Act, procedures for the implementation of this Act and other matters necessary for the enforcement of this Act are prescribed by the National Public Safety Commission Rules.

第六章 罰則

Chapter VI Penal Provisions

第三十一条 次の各号のいずれかに該当する者は、三年以下の懲役又は百万円以下の罰金に処する。

Article 31 A person who falls under any of the following items will be punished by imprisonment for not more than three years or a fine of not more than one million yen:

一 第三条の規定に違反して許可を受けないで第二条第二項第一号又は第二号に掲げる営業を営んだ者

(i) a person who has operated a business set forth in Article 2, paragraph (2), item (i) or (ii), without receiving a permit in violation of the provisions of Article 3;

二 偽りその他不正の手段により第三条の規定による許可を受けた者

(ii) a person who has received a permit under the provisions of Article 3 by deception or other wrongful means;

三 第九条の規定に違反した者

(iii) a person who has violated the provisions of Article 9; or

四 第二十四条の規定による公安委員会の命令に違反した者

(iv) a person who has violated an order of the Public Safety Commission under the provisions of Article 24.

第三十二条 第十四条第一項の規定に違反した者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 32 A person who has violated the provisions of Article 14, paragraph (1) will be punished by imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

第三十三条 次の各号のいずれかに該当する者は、六月以下の懲役又は三十万円以下の罰金に処する。

Article 33 A person who falls under any of the following items will be punished by imprisonment for not more than six months or a fine of not more than three hundred thousand yen:

一 第十四条第三項、第十五条第一項、第十八条第一項又は第十九条第三項若しくは第四項の規定に違反した者

(i) a person who has violated the provisions of Article 14, paragraph (3), Article 15, paragraph (1), Article 18, paragraph (1), or Article 19, paragraph (3) or (4);

二 第十六条又は第十七条の規定に違反して必要な記載若しくは電磁的方法による記録をせず、又は虚偽の記載若しくは電磁的方法による記録をした者

(ii) a person who has failed to make necessary statements or records by electronic or magnetic means, or has made false statements or records by electronic or magnetic means, in violation of the provisions of Article 16 or

Article 17;

三 第十八条第二項の規定に違反して届出をせず、又は虚偽の届出をした者

(iii) a person who has failed to make a notification or has made a false notification in violation of the provisions of Article 18, paragraph (2);

四 第十九条第二項の規定に違反して品触れに係る書面に到達の日付を記載せず、若しくは虚偽の日付を記載し、又はこれを保存しなかつた者

(iv) a person who has failed to write the date of arrival or who wrote a false date on the document relating to stolen property report, or failed to preserve the document, in violation of the provisions of Article 19, paragraph (2); or

五 第二十一条又は第二十一条の七の規定による警察本部長等の命令に違反した者

(v) a person who has violated an order of the Chief of Prefectural Police Headquarters, etc. under the provisions of Article 21 or Article 21-7.

第三十四条 次の各号のいずれかに該当する者は、二十万円以下の罰金に処する。

Article 34 A person who falls under any of the following items will be punished by a fine of not more than two hundred thousand yen:

一 第五条第一項の許可申請書又は添付書類に虚偽の記載をして提出した者

(i) a person who has submitted a written permit application under Article 5, paragraph (1) or any documents attached to a written application, containing false statements;

二 第十条第一項又は第三項の規定に違反して届出をせず、又は虚偽の届出をした者

(ii) a person who has failed to submit a notification or has submitted a false notification, in violation of the provisions of Article 10, paragraph (1) or (3);

三 第十条の二第一項の規定に違反して届出書若しくは添付書類を提出せず、又は同項の届出書若しくは添付書類に虚偽の記載をして提出した者

(iii) a person who has failed to submit a written notification or attached documents, in violation of the provisions of Article 10-2, paragraph (1), or has submitted a written notification or attached documents under that paragraph that contain false statements; or

四 第二十一条の五第三項の規定に違反した者

(iv) a person who has violated the provisions of Article 21-5, paragraph (3).

第三十五条 次の各号のいずれかに該当する者は、十万円以下の罰金に処する。

Article 35 A person who falls under any of the following items will be punished by a fine of not more than one hundred thousand yen:

一 第七条第一項、第二項若しくは第四項若しくは第十条の二第二項の規定に違反して届出書若しくは添付書類を提出せず、又は第七条第一項、第二項若しくは第四項若しくは第十条の二第二項の届出書若しくは添付書類に虚偽の記載をして提出した者

(i) a person who has failed to submit a written notification or attached documents, in violation of the provisions of Article 7, paragraph (1), (2) or (4),

or Article 10-2, paragraph (2), or has submitted a written notification or attached documents under Article 7, paragraph (1), (2) or (4), or Article 10-2, paragraph (2) that contain false statements;

二 第八条第一項、第十一条第一項若しくは第二項又は第十二条の規定に違反した者

(ii) a person who has violated the provisions of Article 8, paragraph (1), Article 11, paragraph (1) or (2), or Article 12;

三 第二十二條第一項の規定による立入り又は帳簿等の検査を拒み、妨げ、又は忌避した者

(iii) a person who has refused, interfered with, or evaded an entry or the inspection of a register under the provisions of Article 22, paragraph (1); or

四 第二十二條第三項の規定による報告をせず、又は虚偽の報告をした者

(iv) a person who has failed to make a report under the provisions of Article 22, paragraph (3) or has made a false report.

第三十六条 第三十一条から第三十三条までの罪を犯した者には、情状により、各本条の懲役及び罰金を併科することができる。

Article 36 A person who has committed a crime under Articles 31 through 33 may be penalized by both imprisonment and a fine under each of these Articles, depending on the circumstances.

第三十七条 過失により第十九条第三項又は第四項の規定に違反した者は、拘留又は科料に処する。

Article 37 A person who has violated the provisions of Article 19, paragraph (3) or (4) by negligence will be punished by penal detention or a petty fine.

第三十八条 法人の代表者又は法人若しくは人の代理人等が、その法人又は人の業務又は財産に関し、第三十一条から第三十五条までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

Article 38 If a representative of a corporation, or an agent of a corporation or individual has committed a violation under Articles 31 through 35 in connection with the business or property of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

第三十九条 第八条第三項の規定に違反した者は、五万円以下の過料に処する。

Article 39 A person who has violated the provisions of Article 8, paragraph (3) will be punished by a civil fine of not more than five hundred thousand yen.