

# Order for Enforcement of the Act on Deposit Transactions (Tentative translation)

(Cabinet Order No. 340 of November 11, 1986)

The Cabinet has enacted this Cabinet Order based on the provisions of Article 2, paragraphs (1) and (2), Article 4 and Article 10, paragraph (1) of the Act on the Deposit Transaction Agreements of Specified Commodities (Act No. 62 of 1986).

(Rights Provided for by Cabinet Order Referred to in Article 2, Paragraph (1) of the Act)

Article 1 The facility use rights specified by Cabinet Order in Article 2, paragraph (1), item (ii), sub-item (a) of the Act on Deposit Transactions (Act No. 62 of 1986; hereinafter referred to as the "Act") means the rights described below:

- (i) right to use a golf course;
- (ii) right to use a facility for mooring a yacht, a motorboat or a boat for sports or recreation; and
- (iii) right to use a facility for language learning.
- (iv) the right to use a facility that provides treatment to cleanse or beautify the skin of persons, keep their body in shape, or reduce their body weight (excluding medical procedures, surgery and other therapy).

(Those who are Specified by Cabinet Order in Article 2, Paragraph (2) of the Act)

Article 2 Those who are specified by Cabinet Order in Article 2, paragraph (2) of the Act means banks, the Shoko Chukin Bank, Ltd., the Norinchukin Bank, shinkin banks, the Federation of Shinkin Banks, labor banks, the Rokinren Bank, credit cooperatives, the Federation of Cooperatives that conducts the business described in Article 9-9, item (i) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949), the agricultural cooperatives and the Federation of Agricultural Cooperatives that conduct the business described in Article 10, paragraph (1), item (iii) of the Agricultural Co-operatives Act (Act No. 132 of 1947), the Japan Fisheries Cooperatives that conduct the business described in Article 11, paragraph (1), item (iv) of the Fishery Cooperative Act (Act No. 242 of 1948), the National Federation of JFs that conducts the business described in Article 87, paragraph (1), item (iv) of the Fishery Cooperative Act, the seafood processing cooperatives that conduct the business described in Article 93, paragraph (1), item (ii) of the Fishery Cooperative Act, Zensui Kakoren that conducts the business described in

Article 97, paragraph (1), item (ii) of the Fishery Cooperative Act, the financial instruments business operators provided in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) (limited to those who conduct Type I financial instruments business provided in Article 28, paragraph (1) of the Financial Instruments and Exchange Act), the securities finance companies provided in Article 2, paragraph (30) of the Financial Instruments and Exchange Act, issuers of prepaid payment instruments provided in Article 2, paragraph (1) of the Payment Services Act (Act No. 59 of 2009), and exchange service providers provided in paragraph (16) of the same Article.

(Procedures Concerning Consent Pursuant to the Provisions in Article 3, Paragraph (3) of the Act)

Article 3 (1) The consent pursuant to the provisions of Article 3, paragraph (3) of the Act shall be deemed to have been received by the customer or depositor in writing or through a means specified by order of the Prime Minister using an electronic data processing system or other information and communication technology (referred to as "documents, etc." in the following paragraph) when the depository service provider indicates the type and details of the electronic or magnetic means used for the provision to the customer or depositor pertaining to said consent through electronic or magnetic means pursuant to the provisions of the same paragraph in advance and pursuant to the provisions of Cabinet Office Order,

(2) When a customer or depositor pertaining to said consent states in documents, etc. that it refuses to receive the information through electronic or magnetic means pursuant to Article 3, paragraph (3) of the Act, even if the consent in the preceding paragraph has been obtained, the depository service provider must not provide through said electronic or magnetic means; provided, however, that this does not apply when the customer or depositor grants the consent prescribed in the preceding paragraph again after the statement is made.

(3) When the depository service provider has delivered the matters specified in Article 3, paragraph (4) of the Act to the depositor through electronic or magnetic means pursuant to the same paragraph, the depository service provider shall confirm whether or not the matters are recorded in a file on a computer used by the depositor or the inspection of the matters is hindered through a means specified by Cabinet Office Order.

(Particulars of Article 4, Paragraph (1) of the Act Prescribed by Cabinet Order)

Article 4 The matters specified by Cabinet Order in Article 4, paragraph (1) of the Act are the following matters:

(i) the price of goods or specified rights, or prospects for changes in said price

- in the future;
- (ii) the price of goods provided in lieu of the return of goods or of specified rights, or prospects for changes in said price in the future;
  - (iii) the purchase price of goods or specified rights or the method used for the calculation thereof;
  - (iv) the amount of economic benefits provided through the deposit transaction agreement (for economic benefits that are provided other than money, the value of said benefits);
  - (v) regarding goods or specified rights that a depository service provider or a closely related person seeks to sell, (limited to those that make said goods or specified rights the subject of the deposit transaction agreement) the quantity of the goods or specified rights currently held by the depository service provider or a closely related person;
  - (vi) fluctuation in interest rate, value of currencies, or quotations on a commodity market (meaning a commodity market as prescribed in Article 2, paragraph (9) of the Commodity Futures Act (Act No. 239 of 1950)), or other matters concerning changes in economic situations that may have a material influence on judgments on whether or not to conclude or renew a deposit transaction agreement; and
  - (vii) matters concerning the cancellation of deposit transaction agreements (including matters concerning the provisions of Article 7, paragraphs (1) through (4), Article 8, paragraphs (1) and (2), and Article 17, paragraphs (1) through (4) of the Act);

(Employees Specified by Cabinet Order as Set Forth in Article 20, Paragraph (2), Item (i) of the Act)

Article 5 An employee as specified by Cabinet Order as set forth in Article 20, paragraph (2), item (i) of the Act refers to the following persons:

- (i) person who supervises the business of a business office and any other person specified by Cabinet Office Order as a person equivalent thereto; and
- (ii) person who supervises business pertaining to deposit transaction agreements subject to suspension pursuant to the provisions of Article 19, paragraph (1) of the Act and any other person specified by Cabinet Office Order as a person equivalent thereto (excluding persons set forth in the preceding item);

(Corporations Specified by Cabinet Order as Set Forth in Article 21, Paragraph (1) of the Act)

Article 6 A corporation as specified by Cabinet Order as set forth in Article 21, paragraph (1) of the Act refers to, in the case that a depository service provider or its officers (including persons who were an officer within on year prior to the

date of the order pursuant to the provisions of Article 19, paragraph (1) of the Act) or employees (meaning employees as prescribed in the preceding Article; including persons who were an employee within one year prior to the date of the order pursuant to the provisions of Article 19, paragraph (1) of the Act) can have a material influence on the finance and operation or business policy of any other corporation, said other corporation as specified by Cabinet Office Order.

(Delegation of Authority)

- Article 7 (1) The authority specified by Cabinet Order in Article 31, paragraph (1) of the Act means those under the provisions of Article 9, paragraphs (1), (2), and (5), Article 11 (including cases where these provisions are applied mutatis mutandis pursuant to Article 12, paragraph (3) of the Act), Article 12, paragraph (1), Article 13, Article 14, paragraphs (2) and (4), Article 16, paragraph (1), Article 28, and Article 30 of the Act (the authority under the same Article are limited to those related to the Minister of State).
- (2) Authority that is delegated to the Commissioner of the Consumer Affairs Agency pursuant to the provisions of Article 31, paragraph (1) of the Act and that is set forth in Article 18, paragraph (1), Articles 19 through 21, and Article 24, paragraph (1) is delegated to the Director-General of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the area in which business concerning deposit transactions conducted by a depository service provider or a closely related person or business concerning the sales of goods or specified rights that are the subject of a deposit transaction is conducted; provided, however, that this does not preclude the Secretary General of the Consumer Affairs Agency from personally exercising that authority.

### **Supplementary Provisions**

This Cabinet Order comes into effect as of the date of the enforcement of the Act (November 22, 1986).

### **Supplementary Provisions [Cabinet Order No. 273 of August 4, 1987]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of August 15, 1987.

(Transitional Measures)

- (2) The provisions of Article 3, paragraph (2), Articles 8 and 9 of the Act on the Deposit Transaction Agreements of Specified Commodities do not apply to the

deposit, etc. transaction agreements for the rights mentioned in Article 1, paragraph (2), item (iii) of the amended Act that were concluded prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 242 of August 9, 1988]**

This Cabinet Order comes into effect as of August 23, 1988.

**Supplementary Provisions [Cabinet Order No. 254 of July 25, 1997]**

(Effective Date)

(1) This Cabinet Order comes into effect as of August 4, 1997.

(Transitional Measures)

(2) The provisions of Article 3, paragraph (2), Articles 8 and 9 of the Act on the Deposit Transaction Agreements of Specified Commodities do not apply to the deposit, etc. transaction agreements for specified commodities mentioned in Article 1, paragraph (1), item (iii) of the amended Act that were concluded prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 369 of November 20, 1998]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of December 1, 1998.

**Supplementary Provisions [Cabinet Order No. 483 of November 17, 2000]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect on the date of the enforcement of the Act on the Partial Revision of the Securities and Exchange Act and the Financial Futures Trading Act (December 1, 2000).

**Supplementary Provisions [Cabinet Order No. 286 of September 5, 2001]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of January 1, 2002.

**Supplementary Provisions [Cabinet Order No. 307 of October 2, 2002]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of January 1, 2003.

**Supplementary Provisions [Cabinet Order No. 363 of December 6, 2002]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of January 6, 2003.

(Transitional Measures Concerning Penal Provisions)

Article 6 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Cabinet Order comes into effect.

**Supplementary Provisions [Cabinet Order No. 9 of January 30, 2004]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2004.

(Transitional Measures Concerning Penal Provisions)

Article 2 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Cabinet Order comes into effect.

**Supplementary Provisions [Cabinet Order No. 233 of August 3, 2007]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of the enforcement of the amended Act.

(Transitional Measures Concerning Penal Provisions)

Article 64 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before the effective date, and to conduct that a person engages in after the effective date but which, pursuant to these Supplementary Provisions, is to continue to be governed by the laws previously in force.

**Supplementary Provisions [Cabinet Order No. 180 of May 21, 2008]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of October 1, 2008.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the applicability of the penal provisions to conduct that a person engages in before this Cabinet Order comes into effect.

**Supplementary Provisions [Cabinet Order No. 217 of August 14, 2009]  
[Extract]**

(Effective Date)

(1) This Cabinet Order comes into effect as of the date of the enforcement of the Act for the Establishment of a Consumer Affairs Agency and Consumer Commission (September 1, 2009).

(Transitional Measures Concerning Penal Provisions)

(2) Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Cabinet Order comes into effect.

**Supplementary Provisions [Cabinet Order No. 218 of July 19, 2013]  
[Extract]**

(Effective Date)

(1) This Cabinet Order comes into effect as of September 1, 2013

(Transitional Measures)

(2) The provisions of Article 3, paragraph (2), Articles 8 and 9 of the Act on the Deposit, etc. Transaction Agreements of Specified Commodities, etc. do not apply to the deposit, etc. transaction agreements for specified commodities mentioned in Article 1, paragraph (1), items (iv) through (vi) of the amended Act that were concluded before the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 269 of July 19, 2014]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of the enforcement of the amended Act (November 25, 2014).

**Supplementary Provisions [Cabinet Order No. 4 of January 4, 2022]**

**[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date of enforcement of the Act for Partial Revision of the Act on Specified Commercial Transactions for Facilitating the Prevention of Harm to Consumers and Promotion of their Recovery (June 1, 2022).

**Supplementary Provisions [Cabinet Order No. 22 of February 1, 2023]**

**[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date of enforcement set forth in Article 1, item (iii) of the Supplementary Provisions of the Act for Partial Revision of the Act on Specified Commercial Transactions for Facilitating the Prevention of Harm to Consumers and Promotion of their Recovery (June 1, 2023).

**Supplementary Provisions [Cabinet Order No. 186 of May 26, 2023]**

**[Extract]**

(Effective Date)

- Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act for Partial Revision of the Payment Services Act for Facilitating the Establishment of a Stable and Efficient Fund Settlement System (hereinafter referred to as "Act for Revision") (June 1, 2023).