

# Outline of the Bill to Partially Amend the Trust Business Act

In light of the fact that the “Act on Charitable Trust” (enacted in May 2024)(Note) establishes a system of authorization by the administrative agencies (either Cabinet Office or prefectures) regarding charitable trusts and regulations on trustees, etc. **the Trust Business Act will be amended** to take necessary measures, such as **exempting the accepting of charitable trusts from the application**, etc. **of that Act**.

(Note) The new charitable trust system based on this Act is scheduled to start in April 2026

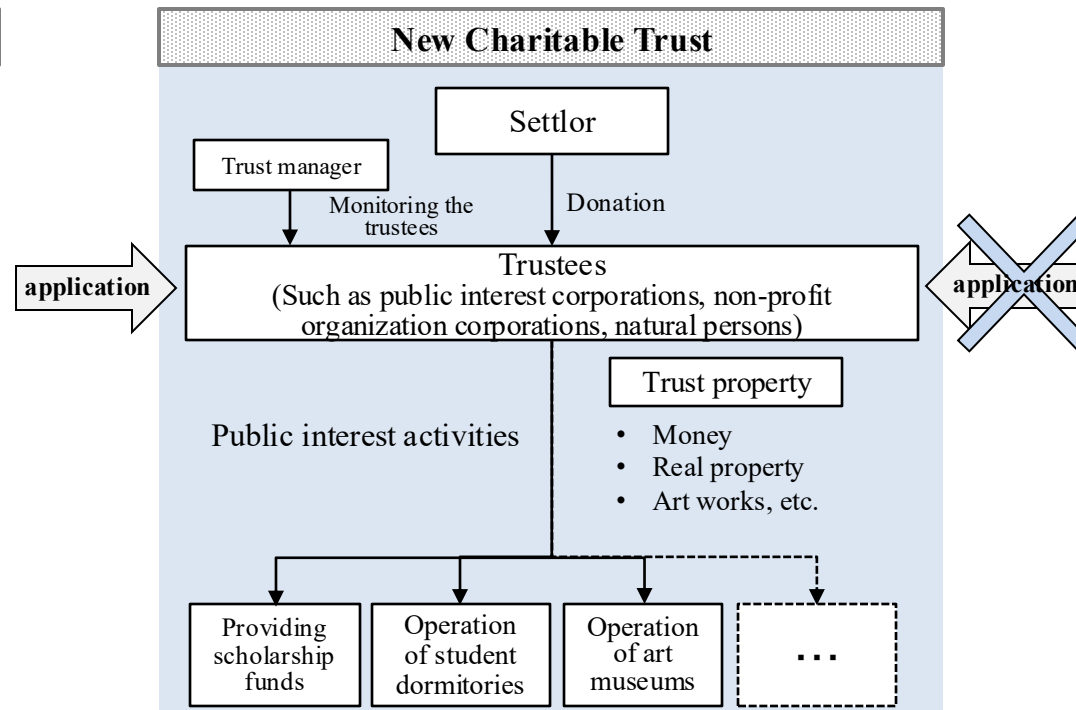
## Revision of regulations of the Trust Business Act relating to charitable trusts

- **Exemption** from the application of the provisions of **the Trust Business Act** regarding the **licensing of trust business and registration**, etc. **of trust contract agency business, for accepting charitable trusts** and **acting as an agent or intermediary for the conclusion of trust agreements for charitable trusts**, subject to the **regulations of the “Act on Charitable Trusts”**

## Regulatory relations under the new charitable trust system

### Act on Charitable Trust

- The administrative agency examines the public interest nature of each trust and the trustee’s ability, etc. to carry out their duties, and approves the trust after consulting with an organization as a third-party (Public Interest Corporation Commission, etc.)
- Regulations for trustees prohibiting them from inappropriately soliciting settlors (donors)
- Authority of supervision and inspection by the administrative agency



### Trust Business Act

- In principle, persons engaged in the business of accepting trusts are required to obtain a trust business license, which specifies requirements such as being a stock company, the minimum amount of stated capital and net assets regulations, etc.
- Implementing regulations on conduct such as obligations to provide prior explanations to settlors and prohibited acts
- Supervision and inspection authority by the Financial Services Agency and the Local Finance Bureau

# 信託業法の一部を改正する法律案の概要

「公益信託に関する法律」(令和6年5月成立)(注)により公益信託に係る行政庁(内閣府又は都道府県)による認可制度及び受託者規制等が設けられることを踏まえ、**信託業法を改正し、公益信託の引受けについて同法を適用除外とする**等の所要の措置を講ずる。

(注) 同法に基づく新しい公益信託制度が令和8年4月から開始される予定

## 公益信託に係る信託業法の規制の見直し

- 「公益信託に関する法律」の規制を前提に、**公益信託の引受けや公益信託に係る信託契約の締結の代理・媒介について、信託業の免許や信託契約代理業の登録等に係る信託業法の規定の適用を除外**

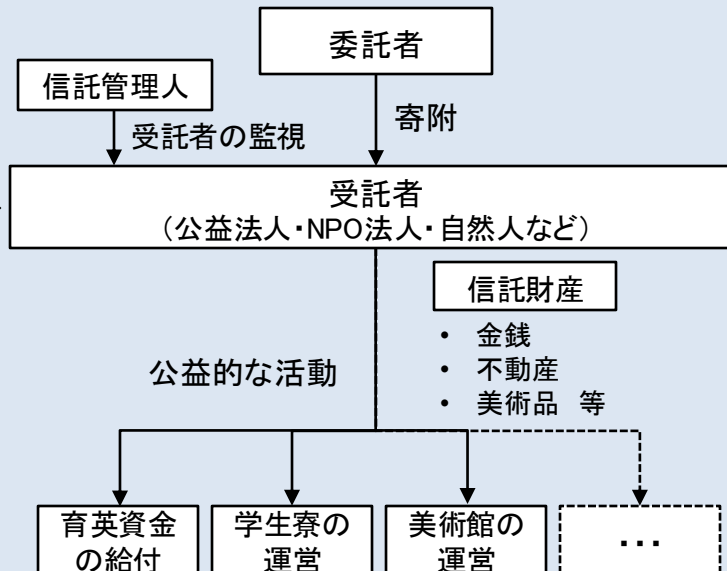
## 新しい公益信託制度における規制関係

### 公益信託に関する法律

- 公益信託の公益性や受託者の業務遂行能力等を公益信託ごとに行政庁が審査し、第三者機関(公益認定等委員会等)の諮問を経て認可
- 受託者に対する規制として、受託者が委託者(寄附者)に対して不適切な勧誘を行うことを禁止
- 行政庁による監督・検査権限

適用

### 新しい公益信託



適用

### 信託業法

- 信託の引受けを営業として行う者は、原則、信託業の免許を受ける必要があり、株式会社であることや、最低資本金・純資産規制等の要件を規定
- 委託者に対する事前説明義務や禁止行為などの行為規制を措置
- 金融庁・財務局による監督・検査権限