金融機関等の更生手続の特例等に関する法律
Act on Special Measures for the Reorganization Proceedings of Financial Institutions

（平成八年六月二十一日法律第九十五号）
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Section 3 Authority of the Investor Protection Fund (Article 514-Article 529)
第四節　保険契約者保護機構の権限（第五百三十条―第五百四十七条）
Section 4 Authority of the Policyholders Protection Corporation (Article 530-Article 547)
第七章　雑則（第五百四十八条）
Chapter VII Miscellaneous Provisions (Article 548)
第八章　罰則（第五百四十九条―第五百六十条）
Chapter VIII Penal Provisions (Article 549-Article 560)

第一章　総則

Chapter I General Provisions

（目的）

(Purpose)

第一条　この法律は、協同組織金融機関及び相互会社について、利害関係人の利害を調整しつつその事業の維持更生を図るため、その更生手続に関し必要な事項を定めるとともに、金融機関等の更生手続、再生手続及び破産手続について、監督庁による申立て及び預金保険機構等による預金者等のためにするこれらの手続に属する行為の代理等に関し必要な事項を定めること等により、預金者等の権利の実現を確保しつつ、これらの手続の円滑な進行を図ることを目的とする。

Article 1　The purpose of this Act is to enable smooth progress of reorganization proceedings, rehabilitation proceedings, and bankruptcy proceedings in financial institutions and similar entities while ensuring that the rights of depositors and similar creditors are fulfilled, by, inter alia, providing for the necessary particulars concerning the reorganization proceedings of cooperative financial institutions and mutual companies so as to enable them to reorganize and remain in business while coordinating the interests of interested persons; by providing for the necessary particulars concerning Supervisory Agency petitions for reorganization proceedings, rehabilitation proceedings, and bankruptcy proceedings in financial institutions and similar entities; and by providing for the necessary particulars concerning actions within the scope of these processes that the Deposit Insurance Corporation of Japan and others undertake for and on behalf of depositors and similar creditors.

（定義）

(Definitions)

第二条　この法律において「銀行」とは、次に掲げる者（この法律の施行地外に本店を有するものを除く。）をいう。

Article 2　(1) The term "Bank" as used in this Act means the following persons (other than one with a head office outside the jurisdiction where this Act is in force):

一　銀行法（昭和五十六年法律第五十九号）第二条第一項に規定する銀行（以下「普通銀行」という。）

(i) a bank as prescribed in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981) (hereinafter referred to as an "Ordinary Bank");

二　長期信用銀行法（昭和二十七年法律第百八十七号）第二条に規定する長期信用銀行

(ii) a long-term credit bank as prescribed in Article 2 of the Long Term Credit Bank Act (Act No. 187 of 1952).

２　この法律において「協同組織金融機関」とは、信用協同組合、信用金庫又は労働金庫をいう。

(2) The term "Cooperative Financial Institution" as used in this Act means a credit cooperative, Shinkin Bank, or labor bank.

3　この法律において「金融機関」とは、銀行、協同組織金融機関又は株式会社商工組合中央金庫をいう。

(3) The term "Financial Institution" as used in this Act means a Bank, Cooperative Financial Institution, or the Shoko Chukin Bank Limited.

4　この法律（第九項第一号、第三百七十七条第一項、第四百四十六条第一項及び第四百九十条第一項を除く。）において「金融商品取引業者」とは、金融商品取引法（昭和二十三年法律第二十五号）第二条第九項に規定する金融商品取引業者であって、同法第七十九条の二十一に規定する投資者保護基金にその会員として加入しているものをいう。

(4) The term "Financial Instruments Business Operator" as used in this Act (other than in item (i) of paragraph (9); Article 377, paragraph (1); Article 446, paragraph (1); and Article 490, paragraph (1)) means a Financial Instruments Business Operator as prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) that has joined an investor protection fund as prescribed in Article 79-21 of that Act as a member thereof.

5　この法律において「保険会社」とは、保険業法（平成七年法律第百五号）第二条第二項に規定する保険会社又は同条第七項に規定する外国保険会社等（以下「外国保険会社等」という。）であって、同法第二百五十九条に規定する保険契約者保護機構にその会員として加入しているものをいう。

(5) The term "Insurance Company" as used in this Act means an Insurance Company as prescribed in Article 2, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995) or a Foreign Insurance Company, etc. as prescribed in paragraph (7) of that Article (hereinafter referred to as a "Foreign Insurance Company, etc.") that has joined a policyholders protection corporation as prescribed in Article 259 of that Act as a member thereof.

6　この法律において「相互会社」とは、保険業法第二条第五項に規定する相互会社をいう。

(6) The term "Mutual Company" as used in this Act means a Mutual Company as prescribed in Article 2, paragraph (5) of the Insurance Business Act.

7　この法律において「預金等債権」とは、預金保険法（昭和四十六年法律第三十四号）第二条第二項に規定する預金等（政令で定めるものを除く。）に係る債権をいう。

(7) The term "Deposits and Other Claims" as used in this Act means claims involving deposits, etc. as prescribed in Article 2, paragraph (2) of the Deposit Insurance Act (Act No. 34 of 1971) (other than those specified by Cabinet Order).

8　この法律において「顧客債権」とは、金融商品取引業者の一般顧客（金融商品取引法第七十九条の二十第一項に規定する一般顧客をいう。）が、対象有価証券関連取引（同法第四十三条の二第一項第二号に規定する対象有価証券関連取引をいう。）又は対象商品デリバティブ取引関連取引（同法第四十三条の二の二に規定する対象商品デ

リバティブ取引関連取引をいう。）に基づき、当該金融商品取引業者に対して有する債権（政令で定めるものを除く。）をいう。

(8) The term "Customer Claim" as used in this Act means a claim that a general customer (meaning a general customer as prescribed in Article 79-20, paragraph (1) of the Financial Instruments and Exchange Act) of a Financial Instruments Business Operator holds against the Financial Instruments Business Operator based on a transaction related to subject securities (meaning a transaction related to subject securities as prescribed in Article 43-2, paragraph (1), item (ii) of that Act) or transaction related to subject commodity derivatives (meaning a transaction related to subject commodity derivatives as prescribed in Article 43-2-2) of that Act) (other than one specified by Cabinet Order).

9　この法律において「監督庁」とは、次に定める行政庁をいう。

(9) The term "Supervisory Agency" as used in this Act means one of the following administrative agencies:

一　銀行、外国銀行支店（銀行法第四十七条第二項に規定する外国銀行支店をいう。以下同じ。）、銀行持株会社（同法第二条第十三項に規定する銀行持株会社をいう。以下同じ。）、長期信用銀行持株会社（長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社をいう。以下同じ。）、信用金庫、信用協同組合、信用金庫連合会、信用協同組合連合会（中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の九第一項第一号の事業を行う協同組合連合会をいう。以下同じ。）、金融商品取引業者（金融商品取引法第二条第九項に規定する金融商品取引業者をいう。）、指定親会社（同法第五十七条の十二第三項に規定する指定親会社をいう。以下同じ。）、保険会社、保険持株会社（保険業法第二条第十六項に規定する保険持株会社をいう。以下同じ。）及び少額短期保険業者（同条第十八項に規定する少額短期保険業者をいう。以下同じ。）については、内閣総理大臣とする。

(i) the Prime Minister, if it is for a Bank, foreign bank branch (meaning a foreign bank branch as prescribed in Article 47, paragraph (2) of the Banking Act; the same applies hereinafter), Bank Holding Company (meaning the Bank Holding Company prescribed in Article 2, paragraph (13) of that Act; the same applies hereinafter), long-term credit bank holding company (meaning a long-term credit bank holding company as prescribed in Article 16-4, paragraph (1) of the Long-Term Credit Bank Act; the same applies hereinafter), Shinkin Bank, credit cooperative, a federation of Shinkin Banks, a federation of credit cooperatives (meaning a federation of cooperatives engaged in the business referred to in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949); the same applies hereinafter),Financial Instruments Business Operator (meaning a Financial Instruments Business Operator as prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act), designated parent company (meaning a designated parent company as

prescribed in Article 57-12, paragraph (3) of that Act; the same applies hereinafter), Insurance Company, insurance holding company (meaning an insurance holding company as prescribed in Article 2, paragraph (16) of the Insurance Business Act; the same applies hereinafter), and Small Amount and Short Term Insurance Provider (meaning Small Amount and Short Term Insurance Provider as prescribed in paragraph (18) of that Article; the same applies hereinafter);

二　労働金庫及び労働金庫連合会については、内閣総理大臣及び厚生労働大臣とする。

(ii) the Prime Minister and the Minister of Health, Labour and Welfare, if it is for a labor bank or a federation of labor banks;

三　株式会社商工組合中央金庫については、内閣総理大臣、財務大臣及び経済産業大臣とする。

(iii) the Prime Minister; the Minister of Finance; and the Minister of Economy, Trade and Industry, if it is for the Shoko Chukin Bank Limited.

１０　この法律において「組合員等」とは、信用協同組合の組合員又は信用金庫若しくは労働金庫の会員をいう。

(10) The term "Partner or Member" as used in this Act means the partner of a credit cooperative or the member of a Shinkin Bank or a labor bank.

１１　この法律において「代表理事」とは、協同組織金融機関を代表する理事をいう。

(11) The term "Representative Board Member" as used in this Act means the board member that represents a Cooperative Financial Institution.

１２　この法律において「参事等」とは、信用協同組合若しくは労働金庫の参事又は信用金庫の支配人をいう。

(12) The term "Counselor or Manager" as used in this Act means the counselor of a credit cooperative or labor bank or the manager of a Shinkin Bank.

第二章　協同組織金融機関の更生手続
Chapter II Reorganization Proceedings of a Cooperative Financial Institution

第一節　総則
Section 1 General Provisions

（協同組織金融機関の更生手続）

(Reorganization Proceedings of a Cooperative Financial Institution)

第三条　協同組織金融機関の更生手続については、第四章第三節及び第四節に定めるもののほか、この章の定めるところによる。

Article 3 Beyond what is provided for in Section 3 and Section 4 of Chapter IV, the Reorganization Proceedings of a Cooperative Financial Institution is governed by the provisions of this Chapter.

（定義）

(Definitions)

第四条　この章において「更生手続」とは、協同組織金融機関について、この章並びに第四章第三節及び第四節の定めるところにより、更生計画を定め、更生計画が定められた場合にこれを遂行する手続（更生手続開始の申立てについて更生手続開始の決定をするかどうかに関する審理及び裁判をする手続を含む。）をいう。

Article 4 (1) The term "reorganization proceedings" as used in this Chapter means the process of establishing a reorganization plan for a Cooperative Financial Institution pursuant to the provisions of this Chapter and Section 3 and Section 4 of Chapter IV and of implementing the reorganization plan once that plan has been established (and includes the process of conducting proceedings and arriving at the judicial decision as to whether to issue an order commencing reorganization proceedings in response to a petition to commence reorganization proceedings).

２　この章において「更生計画」とは、更生債権者等又は組合員等の権利の全部又は一部を変更する条項その他の第九十二条に規定する条項を定めた計画をいう。

(2) The term "reorganization plan" as used in this Chapter means a plan that establishes provisions for modifying some or all of the rights of unsecured and secured reorganization creditors or of Partners or Members, and which establishes the other provisions prescribed in Article 92.

３　この章において「更生事件」とは、更生手続に係る事件をいう。

(3) The term "reorganization case" as used in this Chapter means a case involving reorganization proceedings.

４　この章において「更生裁判所」とは、更生事件が係属している地方裁判所をいう。

(4) The term "reorganization court" as used in this Chapter means the district court before which the reorganization case is pending.

５　この章（第百五十八条の六及び第百五十八条の十一第一項を除く。）において「裁判所」とは、更生事件を取り扱う一人の裁判官又は裁判官の合議体をいう。

(5) The term "the court" as used in this Chapter (excluding Article 158-6 and Article 158-11, paragraph (1)) means the judge or panel of judges handling the reorganization case.

６　この章において「開始前協同組織金融機関」とは、更生裁判所に更生事件が係属している協同組織金融機関であって、更生手続開始の決定がされていないものをいう。

(6) The term "cooperative financial institution awaiting reorganization proceedings" as used in this Chapter means a Cooperative Financial Institution that has a reorganization case pending before the reorganization court but for which an order commencing reorganization proceedings has not yet been issued.

７　この章において「更生協同組織金融機関」とは、更生裁判所に更生事件が係属している協同組織金融機関であって、更生手続開始の決定がされたものをいう。

(7) The term "reorganizing cooperative financial institution" as used in this Chapter means a Cooperative Financial Institution that has a reorganization case pending before the reorganization court and for which an order

commencing reorganization proceedings has been issued.

8　この章において「更生債権」とは、更生協同組織金融機関に対し更生手続開始前の原因に基づいて生じた財産上の請求権又は次に掲げる権利であって、更生担保権又は共益債権に該当しないものをいう。

(8) The term "reorganization claim" as used in this Chapter means a claim on assets arising against a reorganizing cooperative financial institution due to a cause occurring prior to the commencement of the reorganization proceedings or any of the following rights, if this does not fall under the category of a secured reorganization claim or common-benefit claim:

一　更生手続開始後の利息の請求権

(i) a claim to interest after the commencement of the reorganization proceedings;

二　更生手続開始後の不履行による損害賠償又は違約金の請求権

(ii) a claim to damages or a penalty for default after the commencement of the reorganization proceedings;

三　更生手続参加の費用の請求権

(iii) a claim to expenses for participation in the reorganization proceedings;

四　第三十九条において準用する会社更生法（平成十四年法律第百五十四号）第五十八条第一項（同条第二項において準用する場合を含む。）に規定する債権

(iv) a right in personam as prescribed in Article 58, paragraph (1) of the Corporate Reorganization Act (Act No. 154 of 2002) as applied mutatis mutandis pursuant to Article 39 (including as applied mutatis mutandis pursuant to paragraph (2) of that Article);

五　第四十一条第一項において準用する会社更生法第六十一条第一項の規定により双務契約が解除された場合における相手方の損害賠償の請求権

(v) a claim to damages from the other party if an executory contract is cancelled pursuant to the provisions of Article 61, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 41, paragraph (1);

六　第四十一条第三項において準用する破産法（平成十六年法律第七十五号）第五十八条第二項の規定による損害賠償の請求権

(vi) a claim to damages under the provisions of Article 58, paragraph (2) of the Bankruptcy Act (Act No. 75 of 2004) as applied mutatis mutandis pursuant to Article 41, paragraph (3);

七　第四十一条第三項において準用する破産法第五十九条第一項の規定による請求権（更生協同組織金融機関の有するものを除く。）

(vii) a claim under the provisions of Article 59, paragraph (1) of the Bankruptcy Act as applied mutatis mutandis pursuant to Article 41, paragraph (3) (other than one held by a reorganizing cooperative financial institution);

八　第六十条において準用する会社更生法第九十一条の二第二項第二号又は第三号に

定める権利

(viii) a right provided for in Article 91-2, paragraph (2), item (ii) or (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 60.

９　この章において「更生債権者」とは、更生債権を有する者をいう。

(9) The term "reorganization creditor" as used in this Chapter means a person that has a reorganization claim.

１０　この章において「更生担保権」とは、更生手続開始当時更生協同組織金融機関の財産につき存する担保権（特別の先取特権、質権、抵当権及び商法（明治三十二年法律第四十八号）又は会社法（平成十七年法律第八十六号）の規定による留置権に限る。）の被担保債権であって更生手続開始前の原因に基づいて生じたもの又は第八項各号に掲げるもの（共益債権であるものを除く。）のうち、当該担保権の目的である財産の価額が更生手続開始の時における時価であるとした場合における当該担保権によって担保された範囲のものをいう。ただし、当該被担保債権（社債を除く。）のうち利息又は不履行による損害賠償若しくは違約金の請求権の部分については、更生手続開始後一年を経過する時（その時までに更生計画認可の決定があるときは、当該決定の時）までに生ずるものに限る。

(10) The term "secured reorganization claim" as used in this Chapter means a secured claim under a security interest (limited to a special statutory lien, pledge, or mortgage, or a right of retention under the provisions of the Commercial Code (Act No. 48 of 1899) or the Companies Act (Act No. 86 of 2005)) in the assets of a reorganizing cooperative financial institution which exists at the time of the commencement of the reorganization proceedings and which has arisen from a cause occurring prior to the commencement of the reorganization proceedings, or a claim set forth in one of the items of paragraph (8) (other than one that is a common-benefit claim), within the scope of what the security interest would secure if it were to be agreed that the value of the asset that is the subject matter of the security interest is the market value of that asset at the commencement of the reorganization proceedings; provided, however, that this is limited to the part of the secured claim (excluding bonds) that falls under the category of a claim to interest, damages, or penalty for default that arises by the time one year has passed since the commencement of the reorganization proceedings (or by the time of an order confirming the reorganization plan, if the court issues it by that time).

１１　この章において「更生担保権者」とは、更生担保権を有する者をいう。

(11) The term "secured reorganization creditor" as used in this Chapter means a person that has a secured reorganization claim.

１２　この章において「更生債権等」とは、更生債権又は更生担保権をいう。ただし、次節第二款においては、開始前協同組織金融機関について更生手続開始の決定がされたとすれば更生債権又は更生担保権となるものをいう。

(12) The term "unsecured or secured reorganization claim" as used in this

Chapter means a reorganization claim or secured reorganization claim; provided, however, that in Subsection 2 of the following Section, "unsecured or secured reorganization claim" means anything that would become a reorganization claim or secured reorganization claim if an order commencing reorganization proceedings was to be issued for a cooperative financial institution awaiting reorganization proceedings.

１３　この章において「更生債権者等」とは、更生債権者又は更生担保権者をいう。ただし、次節第二款においては、開始前協同組織金融機関について更生手続開始の決定がされたとすれば更生債権者又は更生担保権者となるものをいう。

(13) The term "unsecured or secured reorganization creditor" as used in this Chapter means a reorganization creditor or secured reorganization creditor; provided, however, that in Subsection 2 of the following Section, "unsecured or secured reorganization creditor" means a person that would become a reorganization creditor or secured reorganization creditor if an order commencing reorganization proceedings was to be issued for a cooperative financial institution awaiting reorganization proceedings.

１４　この章において「更生協同組織金融機関財産」とは、更生協同組織金融機関に属する一切の財産をいう。

(14) The term "assets of a reorganizing cooperative financial institution" as used in this Chapter means all of the assets belonging to a reorganizing cooperative financial institution.

１５　この章において「租税等の請求権」とは、国税徴収法（昭和三十四年法律第百四十七号）又は国税徴収の例によって徴収することのできる請求権であって、共益債権に該当しないものをいう。

(15) The term "right to impose taxes or other charges" as used in this Chapter means a right that entitles a person to collect monies as provided for by the National Tax Collection Act (Act No. 147 of 1959) or as is prescribed for the collection of national taxes, which does not fall under the category of a common-benefit claim.

（会社更生法の規定を準用する場合の読替え等）

(Technical Replacement of Terms When the Corporate Reorganization Act Is Applied Mutatis Mutandis)

第五条　この章（第七条、第百四条、第百二十七条第三項、第百三十八条第六項、第百四十条第一項、第百四十一条第一項、第百四十三条第六項及び第七項並びに第百六十二条第二項を除く。）の規定において会社更生法の規定を準用する場合には、特別の定めがある場合を除き、同法の規定中「この法律」とあるのは「更生特例法第二章」と、「開始前会社」とあるのは「開始前協同組織金融機関（更生特例法第四条第六項に規定する開始前協同組織金融機関をいう。）」と、「株式会社」とあるのは「協同組織金融機関（更生特例法第二条第二項に規定する協同組織金融機関をいう。）」と、「更生会社」とあるのは「更生協同組織金融機関（更生特例法第四条第七項に規定す

る更生協同組織金融機関をいう。）」と、「株主」とあるのは「組合員等（更生特例法第二条第十項に規定する組合員等をいう。）」と、「商号」とあるのは「名称」と、「本店」とあるのは「主たる事務所」と、「営業所」とあるのは「事務所」と、「取締役、会計参与」とあるのは「理事」と、「代表取締役」とあるのは「代表理事（更生特例法第二条第十一項に規定する代表理事をいう。）」と、「監査役、執行役」とあるのは「監事」と、「支配人」とあるのは「参事等（更生特例法第二条第十二項に規定する参事等をいう。）」と、「発起人、設立時取締役及び設立時監査役」とあるのは「発起人」と読み替えるものとする。

Article 5 (1) Except as otherwise provided, when the Corporate Reorganization Act is applied mutatis mutandis to the provisions of this Chapter (other than Article 7, Article 104, Article 127, paragraph (3), Article 138, paragraph (6), Article 140, paragraph (1), Article 141, paragraph (1), Article 143, paragraphs (6) and (7) and Article 162, paragraph (2)), the phrase "this Act" in the provisions of that Act is deemed to be replaced with "Chapter II of the Act on Special Measures"; the phrase "company awaiting reorganization proceedings" is deemed to be replaced with "cooperative financial institution awaiting reorganization proceedings (meaning a cooperative financial institution awaiting reorganization proceedings as prescribed in Article 4, paragraph (6) of the Act on Special Measures)"; the phrase "Stock Company" is deemed to be replaced with "Cooperative Financial Institution (meaning a Cooperative Financial Institution as prescribed in Article 2, paragraph (2) of the Act on Special Measures)"; the phrase "reorganizing company" is deemed to be replaced with "reorganizing cooperative financial institution (meaning a reorganizing cooperative financial institution as prescribed in Article 4, paragraph (7) of the Act on Special Measures)"; the phrase "shareholder" is deemed to be replaced with "Partner or Member (meaning a Partner or Member as prescribed in Article 2, paragraph (10) of the Act on Special Measures)"; the phrase "trade name" is deemed to be replaced with "name"; the phrase "head office" is deemed to be replaced with "principal office"; the phrase "business office" is deemed to be replaced with "office"; the phrase "director, accounting advisor" is deemed to be replaced with "board member"; the phrase "representative director" is deemed to be replaced with "Representative Board Member (meaning a Representative Board Member as prescribed in Article 2, paragraph (11) of the Act on Special Measures)"; the phrase "company auditor, executive officer" is deemed to be replaced with "inspector"; the phrase "manager" is deemed to be replaced with "Counselor or Manager (meaning a Counselor or Manager as prescribed in Article 2, paragraph (12) of the Act on Special Measures)"; and the phrase "incorporator, Director at Incorporation and Auditor at Incorporation" is deemed to be replaced with "incorporator".

2　この章において準用するこの章の規定により読み替えられた会社更生法の規定中「更生特例法」とあるのは、金融機関等の更生手続の特例等に関する法律をいうもの

とする。

(2) The phrase "Act on Special Measures" in the Corporate Reorganization Act following the deemed replacement of terms pursuant to this Chapter, as applied mutatis mutandis pursuant to this Chapter means the Act on Special Measures for the Reorganization Proceedings of Financial Institutions.

（外国人の地位）

(Status of Foreign Nationals)

第六条　会社更生法第三条の規定は、協同組織金融機関の更生手続における外国人又は外国法人の地位について準用する。

Article 6 The provisions of Article 3 of the Corporate Reorganization Act apply mutatis mutandis to the status of foreign nationals and foreign corporations in the reorganization proceedings of a Cooperative Financial Institution.

（更生事件の管轄）

(Jurisdiction over a Reorganization Case)

第七条　会社更生法第五条（第二項、第四項及び第五項を除く。）及び第六条の規定は、協同組織金融機関の更生事件の管轄について準用する。この場合において、同法第五条第一項中「株式会社の主たる営業所の所在地（外国に主たる営業所がある場合にあっては、日本における主たる営業所の所在地）」とあるのは「協同組織金融機関（更生特例法第二条第二項に規定する協同組織金融機関をいう。以下この条において同じ。）の主たる事務所の所在地」と、同条第三項中「株式会社が他の株式会社の総株主の議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。以下同じ。）の過半数を有する」とあるのは「協同組織金融機関が株式会社を協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第四条第一項、信用金庫法（昭和二十六年法律第二百三十八号）第三十二条第六項又は労働金庫法（昭和二十八年法律第二百二十七号）第三十二条第五項に規定する子会社とする」と、「当該他の株式会社」とあるのは「当該株式会社」と、「当該株式会社（以下この項及び次項において「親株式会社」という。）」とあるのは「当該協同組織金融機関」と、「することができ、親株式会社について更生事件が係属しているときにおける子株式会社についての更生手続開始の申立ては、親株式会社の更生事件が係属している地方裁判所にもすることができる」とあるのは「することができる」と、同法第六条中「この法律」とあるのは「更生特例法第二章」と読み替えるものとする。

Article 7 The provisions of Article 5 (excluding paragraphs (2), (4), and (5)) and Article 6 of the Corporate Reorganization Act apply mutatis mutandis to jurisdiction over the reorganization case of a Cooperative Financial Institution. This being the case, the phrase "the location of the principal business office of the Stock Company (if the principal business office is in a foreign state, the location of the principal business office in Japan)" in Article 5, paragraph (1) of

that Act is deemed to be replaced with "the location of the principal office of the Cooperative Financial Institution (meaning a Cooperative Financial Institution as prescribed in Article 2, paragraph (2) of the Act on Special Measures; hereinafter the same applies in this Article)"; the phrase "a Stock Company holds the majority of voting rights (excluding the voting rights of the shares which may not be exercised for all particulars that may be resolved at a shareholders meeting, and including the voting rights of the shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; the same applies hereinafter) of all shareholders of another Stock Company" in paragraph (3) of that Article is deemed to be replaced with "the Cooperative Financial Institution has a Stock Company as a subsidiary company as prescribed in Article 4, paragraph (1) of the Act on Financial Business by Cooperatives (Act No. 183 of 1949), Article 32, paragraph (6) of the Shinkin Bank Act (Act No. 238 of 1951), or Article 32, paragraph (5) of the Labor Bank Act (Act No. 227 of 1953)"; the phrase "the relevant other Stock Company" is deemed to be replaced with "that Stock Company"; the phrase "the Stock Company (hereinafter referred to as a "Parent Stock Company" in this paragraph and the following paragraph)" is deemed to be replaced with "that Cooperative Financial Institution"; the phrase ", and if a Reorganization Case is pending against the Parent Stock Company, a petition for commencement of Reorganization Proceedings against the subsidiary stock company may also be filed with the district court before which the Reorganization Case against the Parent Stock Company is pending" is deleted; and the phrase "this Act" in Article 6 of that Act is deemed to be replaced with "Chapter II of the Act on Special Measures".

（更生事件の移送）

(Transfer of a Reorganization Case)

第八条　会社更生法第七条の規定は、協同組織金融機関の更生事件の移送について準用する。この場合において、同条第三号中「第五条第二項から第六項まで」とあるのは、「更生特例法第七条において準用する第五条第三項又は第六項」と読み替えるものとする。

Article 8 The provisions of Article 7 of the Corporate Reorganization Act apply mutatis mutandis to the transfer of the reorganization case of a Cooperative Financial Institution. This being the case, in item (iii) of that Article, the phrase "Article 5, paragraphs (2) to (6)" is deemed to be replaced with "Article 5, paragraph (3) or (6) as applied mutatis mutandis pursuant to Article 7 of the Act on Special Measures".

（任意的口頭弁論、不服申立て等）

(Optional Oral Arguments and Appeals)

第九条　会社更生法第八条及び第九条の規定は、協同組織金融機関の更生手続に関する審理及び裁判について準用する。

Article 9 The provisions of Article 8 and Article 9 of the Corporate Reorganization Act apply mutatis mutandis to the proceedings and judicial decisions connected with the reorganization proceedings of a Cooperative Financial Institution.

（公告等）

(Public Notice)

第十条　会社更生法第十条の規定は、この章の規定による公告又は送達について準用する。

Article 10 The provisions of Article 10 of the Corporate Reorganization Act apply mutatis mutandis to public notice and service under the provisions of this Chapter.

（事件に関する文書の閲覧等）

(Inspection of Case Documents)

第十一条　会社更生法第十一条及び第十二条の規定は、協同組織金融機関の更生事件に関する文書その他の物件又は更生事件に関する事項の証明書について準用する。この場合において、同法第十一条第一項中「この法律」とあるのは「更生特例法」と、同条第四項第一号中「第二十四条第一項若しくは第二項」とあるのは「更生特例法第十九条において準用する第二十四条第一項若しくは第二項」と、「第二十五条第二項」とあるのは「更生特例法第十九条において準用する第二十五条第二項」と、「第二十八条第一項」とあるのは「更生特例法第二十条において準用する第二十八条第一項」と、「第二十九条第三項」とあるのは「更生特例法第二十一条において準用する第二十九条第三項」と、「第三十条第二項」とあるのは「更生特例法第二十二条第二項」と、「第三十五条第二項」とあるのは「更生特例法第二十五条第二項」と、「第三十九条の二第一項」とあるのは「更生特例法第二十九条の二第一項」と、同法第十二条第一項第一号中「第三十二条第一項ただし書、第四十六条第二項前段又は第七十二条第二項（第三十二条第三項において準用する場合を含む。）」とあるのは「更生特例法第二十三条において準用する第三十二条第一項ただし書、更生特例法第三十三条第二項前段又は更生特例法第四十五条において準用する第七十二条第二項（更生特例法第二十三条において準用する第三十二条第三項において準用する場合を含む。）」と、同項第二号中「第八十四条第二項」とあるのは「更生特例法第五十五条において準用する第八十四条第二項」と、「第百二十五条第二項」とあるのは「更生特例法第七十二条第二項」と読み替えるものとする。

Article 11 The provisions of Article 11 and Article 12 of the Corporate Reorganization Act apply mutatis mutandis to documents and other objects connected with the reorganization case of a Cooperative Financial Institution and to certificates of information connected with a reorganization case. This being the case, the phrase "this Act" in Article 11, paragraph (1) of that Act is

deemed to be replaced with "the Act on Special Measures"; the phrase "Article 24, paragraph (1) or (2)" in paragraph (4), item (i) of that Article is deemed to be replaced with "Article 24, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; the phrase "Article 25, paragraph (2)" is deemed to be replaced with "Article 25, paragraph (2) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; the phrase "Article 28, paragraph (1)" is deemed to be replaced with "Article 28, paragraph (1) as applied mutatis mutandis pursuant to Article 20 of the Act on Special Measures"; the phrase "Article 29, paragraph (3)" is deemed to be replaced with "Article 29, paragraph (3) as applied mutatis mutandis pursuant to Article 21 of the Act on Special Measures"; the phrase "Article 30, paragraph (2)" is deemed to be replaced with "Article 22, paragraph (2) of the Act on Special Measures"; the phrase "Article 35, paragraph (2)" is deemed to be replaced with "Article 25, paragraph (2) of the Act on Special Measures"; the phrase "Article 39-2, paragraph (1)" is deemed to be replaced with "Article 29-2, paragraph (1) of the Act on Special Measures"; the phrase "the proviso to Article 32, paragraph (1), the first sentence of Article 46, paragraph (2) or Article 72, paragraph (2) (including the cases where applied mutatis mutandis pursuant to Article 32, paragraph (3))" in Article 12, paragraph (1), item (i) of that Act is deemed to be replaced with "the proviso to Article 32, paragraph (1) as applied mutatis mutandis pursuant to Article 23 of the Act on Special Measures, Article 72, paragraph (2) as applied mutatis mutandis pursuant to the first sentence of Article 33, paragraph (2) of the Act on Special Measures or Article 45 of the Act on Special Measures (including as applied mutatis mutandis pursuant to Article 32, paragraph (3) as applied mutatis mutandis pursuant to Article 23 of the Act on Special Measures)"; in item (ii) of that paragraph, the phrase "Article 84, paragraph (2)" is deemed to be replaced with "Article 84, paragraph (2) as applied mutatis mutandis pursuant to Article 55 of the Act on Special Measures"; and the phrase "Article 125, paragraph (2)" is deemed to be replaced with "Article 72, paragraph (2) of the Act on Special Measures".

（民事訴訟法の準用）

(Application Mutatis Mutandis of the Code of Civil Procedure)

第十二条　協同組織金融機関の更生手続に関しては、特別の定めがある場合を除き、民事訴訟法（平成八年法律第百九号）の規定を準用する。

Article 12　Except as otherwise provided, the provisions of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis to the reorganization proceedings of a Cooperative Financial Institution.

（最高裁判所規則）

(Rules of the Supreme Court)

第十三条　この章並びに第四章第三節及び第四節に定めるもののほか、協同組織金融機関の更生手続に関し必要な事項は、最高裁判所規則で定める。

Article 13 Beyond what is provided for in this Chapter and Section 3 and Section 4 of Chapter IV, Rules of the Supreme Court prescribe the necessary particulars concerning the reorganization proceedings of a Cooperative Financial Institution.

第十四条　削除

Article 14 Deleted

第二節　更生手続開始の申立て及びこれに伴う保全措置

Section 2 Petition to Commence Reorganization Proceedings and Associated Provisional Measures

第一款　更生手続開始の申立て

Subsection 1 Petition to Commence Reorganization Proceedings

（更生手続開始の申立て）

(Petition to Commence Reorganization Proceedings)

第十五条　協同組織金融機関は、当該協同組織金融機関に更生手続開始の原因となる事実（次の各号に掲げる場合のいずれかに該当する事実をいう。）があるときは、当該協同組織金融機関について更生手続開始の申立てをすることができる。

Article 15 (1) When there is a fact constituting cause to commence the reorganization proceedings of a Cooperative Financial Institution (meaning a fact that falls under any of the following items), the Cooperative Financial Institution may file a petition to commence reorganization proceedings for the Cooperative Financial Institution:

一　破産手続開始の原因となる事実が生ずるおそれがある場合

(i) there is a risk that a fact constituting cause to commence bankruptcy proceedings would occur; or

二　弁済期にある債務を弁済することとすれば、その事業の継続に著しい支障を来すおそれがある場合

(ii) the payment of debts that are due poses the risk of causing significant hindrance to the continuation of business.

２　協同組織金融機関に前項第一号に掲げる場合に該当する事実があるときは、当該協同組織金融機関の登記された出資の総額の十分の一以上に当たる債権を有する債権者も、当該協同組織金融機関について更生手続開始の申立てをすることができる。

(2) When a fact that falls under item (i) of the preceding paragraph exists with regard to a Cooperative Financial Institution, creditors that have claims equivalent to one-tenth or more of the total amount of the registered contribution of the Cooperative Financial Institution may also file a petition to

commence reorganization proceedings for the Cooperative Financial Institution.

3　協同組織金融機関に第一項第一号に掲げる場合に該当する事実があるときは、次の各号に掲げる協同組織金融機関の種類に応じ、当該各号に定める者も、当該協同組織金融機関について更生手続開始の申立てをすることができる。

(3) When a fact that falls under paragraph (1), item (i) exists with regard to a Cooperative Financial Institution, according to the type of Cooperative Financial Institution referred to in each of the following items, the persons prescribed in the respective items may also file a petition to commence reorganization proceedings for the Cooperative Financial Institution:

一　信用協同組合　総組合員の十分の一以上に当たる数の組合員

(i) credit cooperative: partners equivalent in number to one-tenth or more of all partners;

二　信用金庫　総会員の十分の一以上に当たる数の会員

(ii) Shinkin Bank: members equivalent in number to one-tenth or more of all members;

三　労働金庫　総会員（個人会員（労働金庫法（昭和二十八年法律第二百二十七号）第十三条第一項に規定する個人会員をいう。以下この章において同じ。）を除く。）の十分の一以上に当たる数の会員（個人会員を除く。）

(iii) labor bank: members (excluding individual members (meaning individual members prescribed in Article 13, paragraph (1) of the Labor Bank Act (Act No. 227 of 1953); hereinafter the same applies in this Chapter)) equivalent in number to one-tenth or more of all members (excluding individual members).

（破産手続開始の申立義務と更生手続開始の申立て）

(Obligation to File Petitions to Commence of Bankruptcy Proceedings and Filing of Petitions to Commence Reorganization Proceedings)

第十六条　会社更生法第十八条の規定は、他の法律の規定により協同組織金融機関の清算人が当該協同組織金融機関に対して破産手続開始の申立てをしなければならない場合について準用する。

Article 16 The provisions of Article 18 of the Corporate Reorganization Act apply mutatis mutandis to the cases where, pursuant to the provisions of other Acts, the liquidator of a Cooperative Financial Institution must file a petition to commence bankruptcy proceedings for the Cooperative Financial Institution.

（解散後の協同組織金融機関による更生手続開始の申立て）

(Petitions to Commence Reorganization Proceedings by a Cooperative Financial Institution after Dissolution)

第十七条　清算中又は破産手続開始後の協同組織金融機関がその更生手続開始の申立てをするには、中小企業等協同組合法第五十三条、信用金庫法（昭和二十六年法律第二百三十八号）第四十八条の三又は労働金庫法第五十三条に定める決議によらなければならない。

Article 17 In order for a Cooperative Financial Institution in liquidation or against which bankruptcy proceedings have been commenced to file a petition to commence reorganization proceedings, there must be a resolution specified in Article 53 of the Small and Medium-Sized Enterprise Cooperatives Act, Article 48-3 of the Shinkin Bank Act (Act No. 238 of 1951) or Article 53 of the Labor Bank Act.

（更生手続開始の申立ての手続等）

(Proceedings for Filing Petitions to Commence Reorganization Proceedings)

第十八条　会社更生法第二十条から第二十三条までの規定は、協同組織金融機関についての更生手続開始の申立てについて準用する。この場合において、同法第二十条第一項中「第十七条第一項」とあるのは「更生特例法第十五条第一項」と、同条第二項中「第十七条第二項」とあるのは「更生特例法第十五条第二項」と、「債権者又は株主」とあるのは「債権者」と、「債権の額又は議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。）の数」とあるのは「債権の額」と、同法第二十二条第一項中「第十七条」とあるのは「更生特例法第十五条」と、同条第二項中「第十七条第二項」とあるのは「更生特例法第十五条第二項又は第三項」と、「代表者（外国に本店があるときは、日本における代表者）」とあるのは「代表者」と、同法第二十三条中「次条第一項若しくは第二項」とあるのは「更生特例法第十九条において準用する次条第一項若しくは第二項」と、「第二十五条第二項」とあるのは「更生特例法第十九条において準用する第二十五条第二項」と、「第二十八条第一項」とあるのは「更生特例法第二十条において準用する第二十八条第一項」と、「第二十九条第三項」とあるのは「更生特例法第二十一条において準用する第二十九条第三項」と、「第三十条第二項」とあるのは「更生特例法第二十二条第二項」と、「第三十五条第二項」とあるのは「更生特例法第二十五条第二項」と、「第三十九条の二第一項」とあるのは「更生特例法第二十九条の二第一項」と読み替えるものとする。

Article 18 The provisions of Article 20 to Article 23 of the Corporate Reorganization Act apply mutatis mutandis to a petition to commence the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 17, paragraph (1)" in Article 20, paragraph (1) in that Act is deemed to be replaced with "Article 15, paragraph (1) of the Act on Special Measures"; the phrase "Article 17, paragraph (2)" in paragraph (2) of that Article is deemed to be replaced with "Article 15, paragraph (2) of the Act on Special Measures"; the phrase "creditors or shareholders" is deemed to be replaced with "creditors"; the phrase "the amount of claim or the number of voting rights (excluding the voting rights of the shares which may not be exercised for all particulars that may be resolved at a shareholders meeting, and including the voting rights of the shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the

Companies Act)" is deemed to be replaced with "the amount of claim"; the phrase "Article 17" in Article 22, paragraph (1) of that Act is deemed to be replaced with "Article 15 of the Act on Special Measures"; the phrase "Article 17, paragraph (2)" in paragraph (2) of that Article is deemed to be replaced with "Article 15, paragraph (2) or (3) of the Act on Special Measures"; the phrase "representative (when the head office is in a foreign state, the representative in Japan)" is deemed to be replaced with "representative"; the phrase "paragraph (1) or (2) of the following Article" in Article 23 of that Act is deemed to be replaced with "paragraph (1) or (2) of the following Article as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; the phrase "Article 25, paragraph (2)" is deemed to be replaced with "Article 25, paragraph (2) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; the phrase "Article 28, paragraph (1)" is deemed to be replaced with "Article 28, paragraph (1) as applied mutatis mutandis pursuant to Article 20 of the Act on Special Measures"; the phrase "Article 29, paragraph (3)" is deemed to be replaced with "Article 29, paragraph (3) as applied mutatis mutandis pursuant to Article 21 of the Act on Special Measures"; the phrase "Article 30, paragraph (2)" is deemed to be replaced with "Article 22, paragraph (2) of the Act on Special Measures"; the phrase "Article 35, paragraph (2)" is deemed to be replaced with "Article 25, paragraph (2) of the Act on Special Measures"; and the phrase "Article 39-2, paragraph (1)" is deemed to be replaced with "Article 29-2, paragraph (1) of the Act on Special Measures".

第二款　更生手続開始の申立てに伴う保全措置
Subsection 2 Provisional Measures Associated with Petitions to Commence Reorganization Proceedings

第一目　開始前協同組織金融機関に関する他の手続の中止命令等
Division 1 Order to Stay Other Procedures Affecting a Cooperative Financial Institution Awaiting Reorganization Proceedings

第十九条　会社更生法第二十四条（第一項第三号を除く。）及び第二十五条から第二十七条までの規定は、協同組織金融機関についての更生手続開始の申立てがあった場合について準用する。この場合において、同法第二十四条第一項第一号中「、再生手続又は特別清算手続」とあるのは「又は再生手続」と、同法第二十五条第一項中「第二十八条第一項」とあるのは「更生特例法第二十条において準用する第二十八条第一項」と、「第三十条第二項」とあるのは「更生特例法第二十二条第二項」と、「第三十五条第二項」とあるのは「更生特例法第二十五条第二項」と、同法第二十七条第六項中「第十条第三項本文」とあるのは「更生特例法第十条において準用する第十条第三項本文」と読み替えるものとする。

Article 19　The provisions of Article 24 (excluding item (iii) of paragraph (1)) and

Article 25 to Article 27 of the Corporate Reorganization Act apply mutatis mutandis to the cases where a petition to commence reorganization proceedings for a Cooperative Financial Institution is filed. In this case, the phrase ", rehabilitation proceedings or special liquidation proceedings" in Article 24, paragraph (1), item (i) of that Act is deemed to be replaced with "or rehabilitation proceedings"; the phrase "Article 28, paragraph (1)" in Article 25, paragraph (1) of that Act is deemed to be replaced with "Article 28, paragraph (1) as applied mutatis mutandis pursuant to Article 20 of the Act on Special Measures"; the phrase "Article 30, paragraph (2)" is deemed to be replaced with "Article 22, paragraph (2) of the Act on Special Measures"; the phrase "Article 35, paragraph (2)" is deemed to be replaced with "Article 25, paragraph (2)" of the Act on Special Measures"; and the phrase "the main clause of Article 10, paragraph (3)" in Article 27, paragraph (6) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

第二目　開始前協同組織金融機関の業務及び財産に関する保全処分等
Division 2 Provisional Remedies and Other Measures Affecting the Business and Assets of Cooperative Financial Institutions Awaiting Reorganization Proceedings

（開始前協同組織金融機関の業務及び財産に関する保全処分）
(Provisional Remedies Affecting the Business and Assets of Cooperative Financial Institutions Awaiting Reorganization Proceedings)

第二十条　会社更生法第二十八条の規定は、協同組織金融機関についての更生手続開始の申立てがあった場合の保全処分について準用する。この場合において、同条第五項中「第十条第三項本文」とあるのは、「更生特例法第十条において準用する第十条第三項本文」と読み替えるものとする。

Article 20 The provisions of Article 28 of the Corporate Reorganization Act apply mutatis mutandis to a provisional remedy in cases where a petition to commence reorganization proceedings for a Cooperative Financial Institution is filed. In this case, the phrase "the main clause of Article 10, paragraph (3)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

（更生手続開始前における商事留置権の消滅請求）
(Claim for Extinguishment of a Right of Retention under Commercial Law Prior to the Commencement of Reorganization Proceedings)

第二十一条　会社更生法第二十九条の規定は、開始前協同組織金融機関の財産につき商法又は会社法の規定による留置権がある場合について準用する。

Article 21 The provisions of Article 29 of the Corporate Reorganization Act apply mutatis mutandis to cases where there is a right of retention under the provisions of the Commercial Code or the Companies Act on the assets of a cooperative financial institution awaiting reorganization proceedings.

第三目　保全管理命令
Division 3 Provisional Administration Orders

（保全管理命令）
(Provisional Administration Order)

第二十二条　裁判所は、更生手続開始の申立てがあった場合において、更生手続の目的を達成するために必要があると認めるときは、利害関係人の申立てにより又は職権で、更生手続開始の申立てにつき決定があるまでの間、開始前協同組織金融機関の業務及び財産に関し、保全管理人による管理を命ずる処分をすることができる。

Article 22 (1) Where a petition to commence reorganization proceedings is filed, the court, upon the petition of an interested person or by its own authority, may make a disposition to order that the business and assets of the cooperative financial institution awaiting reorganization proceedings be administered by a provisional administrator until an order is made on the petition to commence reorganization proceedings, when it finds it necessary in order to achieve the purpose of reorganization proceedings.

２　裁判所は、前項の処分（以下この章において「保全管理命令」という。）をする場合には、当該保全管理命令において、一人又は数人の保全管理人を選任しなければならない。ただし、第四十四条において準用する会社更生法第六十七条第三項に規定する者は、保全管理人に選任することができない。

(2) The court, when making a disposition under the provisions of the preceding paragraph (hereinafter referred to as a "Provisional Administration Order" in this Chapter), must appoint one or more provisional administrators in the Provisional Administration Order; provided, however, that the person prescribed in Article 67, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 44 may not be appointed as a provisional administrator.

３　会社更生法第三十条第三項から第五項まで及び第三十一条の規定は、協同組織金融機関の更生手続における保全管理命令について準用する。この場合において、同条第三項中「第十条第四項」とあるのは、「更生特例法第十条において準用する第十条第四項」と読み替えるものとする。

(3) The provisions of Article 30, paragraphs (3) to (5) and Article 31 of the Corporate Reorganization Act apply mutatis mutandis to a Provisional Administration Order in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 10, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "Article 10,

paragraph (4) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

（保全管理人の権限）
(Powers of Provisional Administrators)

第二十三条　会社更生法第三十二条及び第三十三条の規定は、協同組織金融機関の更生手続における保全管理人について準用する。この場合において、同条第一項中「第六十七条第三項」とあるのは、「更生特例法第四十四条において準用する第六十七条第三項」と読み替えるものとする。

Article 23 The provisions of Article 32 and Article 33 of the Corporate Reorganization Act apply mutatis mutandis to provisional administrators in the reorganization proceedings of a Cooperative Financial Institution. In this case, "Article 67, paragraph (3)" in paragraph (1) of that Article is deemed to be replaced with "Article 67, paragraph (3) as applied mutatis mutandis pursuant to Article 44 of the Act on Special Measures".

（管財人に関する規定等の保全管理人等への準用）
(Application Mutatis Mutandis of Provisions on Trustees to Provisional Administrators)

第二十四条　第五十三条第一項から第四項までの規定並びに会社更生法第五十四条、第五十七条、第五十九条、第六十七条第二項、第六十八条、第六十九条、第七十三条、第七十四条第一項、第七十六条から第八十条まで及び第八十二条第一項から第三項までの規定は協同組織金融機関の更生手続における保全管理人について、第五十三条第一項から第四項までの規定は協同組織金融機関の更生手続における保全管理人代理について、それぞれ準用する。この場合において、同法第五十四条第一項、第五十七条第二項及び第七十六条第二項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と、同法第五十九条中「第四十三条第一項の規定による公告」とあるのは「更生特例法第二十二条第三項において準用する第三十一条第一項の規定による公告」と、同法第七十七条第二項中「会社法第二条第三号」とあるのは「協同組合による金融事業に関する法律第四条第一項、信用金庫法第三十二条第六項又は労働金庫法第三十二条第五項」と、同法第八十二条第二項中「後任の管財人」とあるのは「後任の保全管理人又は管財人」と、同条第三項中「後任の管財人」とあるのは「後任の保全管理人、管財人」と読み替えるものとする。

Article 24 (1) The provisions of Article 53, paragraphs (1) to (4) and the provisions of Article 54, Article 57, Article 59, Article 67, paragraph (2), Article 68, Article 69, Article 73, Article 74, paragraph (1), Article 76 to Article 80, and Article 82, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to a provisional administrator in the reorganization proceedings for a Cooperative Financial Institution, and the provisions of Article 53, paragraphs (1) to (4) apply mutatis mutandis to a provisional

administrator representative in the reorganization proceedings for a Cooperative Financial Institution. In this case, the phrase "assets of a reorganizing company" in Article 54, paragraph (1), Article 57, paragraph (2) and Article 76, paragraph (2) of that Act is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)"; the phrase "public notice under the provisions of Article 43, paragraph (1)" in Article 59 of that Act is deemed to be replaced with "public notice under the provisions of Article 31, paragraph (1) as applied mutatis mutandis pursuant to Article 22, paragraph (3) of the Act on Special Measures"; the phrase "Article 2, item (iii) of the Companies Act" in Article 77, paragraph (2) of that Act is deemed to be replaced with "Article 4, paragraph (1) of the Act on Financial Businesses by Cooperative, Article 32, paragraph (6) of the Shinkin Bank Act or Article 32, paragraph (5) of the Labor Bank Act"; the phrase "successor trustee" in Article 82, paragraph (2) of that Act is deemed to be replaced with "successor provisional administrator or trustee"; and the phrase "successor trustee" in paragraph (3) of that Article is deemed to be replaced with "successor provisional administrator, trustee".

２　会社更生法第五十二条第一項から第三項までの規定は協同組織金融機関の更生手続において保全管理命令が発せられた場合について、同条第四項から第六項までの規定は協同組織金融機関の更生手続において保全管理命令が効力を失った場合（更生手続開始の決定があった場合を除く。）について、それぞれ準用する。この場合において、同条第五項中「訴訟手続（第二百三十四条第三号又は第四号に掲げる事由が生じた場合における第九十七条第一項の訴えに係る訴訟手続を除く。）」とあるのは、「訴訟手続」と読み替えるものとする。

(2) The provisions of Article 52, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to the cases where a Provisional Administration Order is issued in the reorganization proceedings of a Cooperative Financial Institution, and the provisions of paragraphs (4) to (6) of that Article apply mutatis mutandis to the cases where a Provisional Administration Order ceases to be effective in the reorganization proceedings of a Cooperative Financial Institution (excluding cases where an order commencing reorganization proceedings is made). In this case, the phrase "court proceedings (excluding court proceedings in relation to action referred to in Article 97, paragraph (1) in cases where any of the events referred to in Article 234, item (iii) or (iv) occurs)" in paragraph (5) of that Article is deemed to be replaced with "court proceedings".

３　開始前協同組織金融機関の財産関係の事件で行政庁に係属するものについては、次の各号に掲げる場合には、当該各号に定める規定を準用する。

(3) With respect to cases relating to assets of a cooperative financial institution

awaiting reorganization proceedings that are pending before an administrative agency, the provisions specified in the following items apply mutatis mutandis to the cases set forth in the respective items:

一　保全管理命令が発せられた場合　会社更生法第五十二条第一項から第三項まで

(i) cases where a Provisional Administration Order is issued: Article 52, paragraphs (1) to (3) of the Corporate Reorganization Act;

二　保全管理命令が効力を失った場合（更生手続開始の決定があった場合を除く。）　会社更生法第五十二条第四項から第六項まで

(ii) cases where a Provisional Administration Order ceases to be effective (excluding cases where an order commencing reorganization proceedings is made): Article 52, paragraphs (4) to (6) of the Corporate Reorganization Act.

4　会社更生法第六十六条第一項本文の規定は、保全管理人が選任されている期間中における開始前協同組織金融機関の理事、監事及び清算人について準用する。この場合において、同項中「会社法第三百六十一条第一項」とあるのは、「協同組合による金融事業に関する法律第五条の五、信用金庫法第三十五条の六又は労働金庫法第三十七条の四において準用する会社法第三百六十一条第一項」と読み替えるものとする。

(4) The provisions of the main clause of Article 66, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to any board member, inspector and liquidator of a cooperative financial institution awaiting reorganization proceedings during the period which a provisional administrator is in the process of appointment. In this case, the phrase "Article 361, paragraph (1) of the Companies Act" in that paragraph is deemed to be replaced with "Article 361, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 5-5 of the Act on Financial Businesses by Cooperative, Article 35-6 of the Shinkin Bank Act or Article 37-4 of the Labor Bank Act".

第四目　監督命令
Division 4 Supervision Orders

（監督命令）

(Supervision Orders)

第二十五条　裁判所は、更生手続開始の申立てがあった場合において、更生手続の目的を達成するために必要があると認めるときは、利害関係人の申立てにより又は職権で、更生手続開始の申立てにつき決定があるまでの間、監督委員による監督を命ずる処分をすることができる。

Article 25 (1) Where a petition to commence reorganization proceedings is filed, the court, upon the petition of an interested person or by its own authority, may make a disposition to order supervision by a supervisor until an order is made on the petition to commence reorganization proceedings, when it finds it necessary in order to achieve the purpose of reorganization proceedings.

2　裁判所は、前項の処分（以下この章において「監督命令」という。）をする場合に

は、当該監督命令において、一人又は数人の監督委員を選任し、かつ、その同意を得なければ開始前協同組織金融機関がすることができない行為を指定しなければならない。

(2) The court, when making the disposition referred to in the preceding paragraph (hereinafter referred to as a "Supervision Order" in this Chapter), must in the Supervision Order, appoint one or more supervisors and designate acts that the cooperative financial institution awaiting reorganization proceedings may not conduct without obtaining their consent.

3　会社更生法第三十五条第三項の規定は協同組織金融機関の更生手続における監督委員の同意を得ないでした行為について、同条第四項から第六項までの規定は協同組織金融機関の更生手続における監督命令について、それぞれ準用する。

(3) The provisions of Article 35, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to any act conducted without the supervisor's consent in the reorganization proceedings of a Cooperative Financial Institution, and the provisions of paragraphs (4) to (6) of that Article apply mutatis mutandis to a Supervision Order in the reorganization proceedings of a Cooperative Financial Institution.

（監督命令に関する公告及び送達）

(Public Notices and Service of Supervision Orders)

第二十六条　会社更生法第三十六条の規定は、協同組織金融機関の更生手続における監督命令に関する公告又は送達について準用する。この場合において、同条第二項中「前条第四項」とあるのは「更生特例法第二十五条第三項において準用する前条第四項」と、同条第三項中「第十条第四項」とあるのは「更生特例法第十条において準用する第十条第四項」と読み替えるものとする。

Article 26　The provisions of Article 36 of the Corporate Reorganization Act apply mutatis mutandis to a public notice or service of a Supervision Order in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "paragraph (4) of the preceding Article" in paragraph (2) of that Article is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 25, paragraph (3) of the Act on Special Measures"; and the phrase "Article 10, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "Article 10, paragraph (4) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

（理事等の管財人の適性に関する調査）

(Examinations of the Aptitude of Trustees of Board Members)

第二十七条　会社更生法第三十七条の規定は、協同組織金融機関の更生手続における監督委員による管財人の適性に関する調査について準用する。この場合において、同条中「発起人、設立時取締役若しくは設立時監査役」とあるのは、「発起人」と読み替

えるものとする。

Article 27 The provisions of Article 37 of the Corporate Reorganization Act apply mutatis mutandis to examinations of the aptitude of a trustee by a supervisor in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "incorporator, Director at Incorporation or Auditor at Incorporation" in that Article is deemed to be replaced with "incorporator".

（管財人に関する規定の監督委員への準用）

(Application Mutatis Mutandis of the Provisions on Trustees to Supervisors)

第二十八条　第五十三条第一項から第四項までの規定並びに会社更生法第六十七条第二項、第六十八条、第六十九条第一項、第七十七条及び第八十条の規定は、協同組織金融機関の更生手続における監督委員について準用する。この場合において、同法第七十七条第二項中「会社法第二条第三号」とあるのは、「協同組合による金融事業に関する法律第四条第一項、信用金庫法第三十二条第六項又は労働金庫法第三十二条第五項」と読み替えるものとする。

Article 28 The provisions of Article 53, paragraphs (1) to (4) and the provisions of Article 67, paragraph (2), Article 68, Article 69, paragraph (1), Article 77 and Article 80 of the Corporate Reorganization Act apply mutatis mutandis to a supervisor in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 2, item (iii) of the Companies Act" in Article 77, paragraph (2) of that Act is deemed to be replaced with "Article 4, paragraph (1) of the Act on Financial Businesses by Cooperative, Article 32, paragraph (6) of the Shinkin Bank Act or Article 32, paragraph (5) of the Labor Bank Act".

第五目　更生手続開始前の調査命令等

Division 5 Ordering an Examination before Commencement of Reorganization Proceedings

（更生手続開始前の調査命令）

(Ordering an Examination before Commencement of Reorganization Proceedings)

第二十九条　裁判所は、更生手続開始の申立てがあった時から当該申立てについての決定があるまでの間においても、必要があると認めるときは、利害関係人の申立てにより又は職権で、次に掲げる事項の全部又は一部を対象とする第七十二条第二項に規定する調査命令を発することができる。

Article 29 The court, when it finds it necessary even during the period from the time when a petition to commence reorganization proceedings is filed to the time when an order on the petition is made, upon the petition of an interested person or by its own authority, may issue an examination order prescribed in Article 72, paragraph (2) directed at some or all of the following particulars:

一　第十五条第一項に規定する更生手続開始の原因となる事実及び第三十一条において準用する会社更生法第四十一条第一項第二号から第四号までに掲げる事由の有無、開始前協同組織金融機関の業務及び財産の状況その他更生手続開始の申立てについての判断をするのに必要な事項並びに更生手続を開始することの当否

(i) the existence or nonexistence of any fact constituting cause to commence reorganization proceedings as prescribed in Article 15, paragraph (1) and any of the grounds set forth in Article 41, paragraph (1), items (ii) to (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31, the status of the business and assets of the cooperative financial institution awaiting reorganization proceedings and any other particulars required for making a decision on the petition to commence reorganization proceedings and whether or not it is appropriate to commence reorganization proceedings;

二　第二十条において準用する会社更生法第二十八条第一項の規定による保全処分、保全管理命令、監督命令、次条若しくは第三十条の規定による保全処分又は第六十三条において準用する同法第百条第一項に規定する役員等責任査定決定を必要とする事情の有無及びその処分、命令又は決定の要否

(ii) whether or not there are circumstances that require a provisional remedy under the provisions of Article 28, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 20, a Provisional Administration Order, a Supervision Order, a provisional remedy under the provisions of the following Article or Article 30 or Ruling Evaluating Subject Officers' Liability prescribed in Article 100, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 63, and the necessity of the relevant disposition, order or ruling; and

三　その他更生事件に関し調査委員による調査又は意見陳述を必要とする事項

(iii) any other particulars requiring an examination or a statement of opinion by the examiner in relation to the reorganization case.

（否認権のための保全処分）

(Provisional Remedy for Right of Avoidance)

第二十九条の二　裁判所は、更生手続開始の申立てがあった時から当該申立てについての決定があるまでの間において、否認権を保全するため必要があると認めるときは、利害関係人（保全管理人が選任されている場合にあっては、保全管理人）の申立てにより又は職権で、仮差押え、仮処分その他の必要な保全処分を命ずることができる。

Article 29-2 (1) The court, when it finds it necessary in order to secure a right of avoidance during the period from the time when a petition to commence reorganization proceedings is filed to the time when an order on the petition is made, upon the petition of an interested person (or a provisional administrator if any provisional administrator is appointed) or by its own authority, may issue an order of provisional seizure, provisional disposition or any other

necessary provisional remedy.

２　会社更生法第三十九条の二第二項から第六項までの規定は、前項の規定による保全処分について準用する。この場合において、同条第六項中「第十条第三項本文」とあるのは、「更生特例法第十条において準用する第十条第三項本文」と読み替えるものとする。

(2) The provisions of Article 39-2, paragraphs (2) to (6) of the Corporate Reorganization Act apply mutatis mutandis to a provisional remedy under the provisions of the preceding paragraph. In this case, the phrase "the main clause of Article 10, paragraph (3)" in paragraph (6) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

（更生手続開始前の役員等の財産に対する保全処分）

(Provisional Remedies on Assets of Officers Prior to the Commencement of Reorganization Proceedings)

第三十条　裁判所は、更生手続開始の申立てがあった時から当該申立てについての決定があるまでの間においても、緊急の必要があると認めるときは、開始前協同組織金融機関（保全管理人が選任されている場合にあっては、保全管理人）の申立てにより又は職権で、第六十二条において準用する会社更生法第九十九条第一項各号に掲げる保全処分をすることができる。

Article 30 (1) The court, when it finds urgent necessity even during the period from the time when a petition to commence reorganization proceedings is filed to the time when an order on the petition is made, upon the petition of the cooperative financial institution awaiting reorganization proceedings (or a provisional administrator if any provisional administrator is appointed) or by its own authority, may issue a provisional remedy as referred to in the items of Article 99, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 62.

２　会社更生法第九十九条第二項から第五項までの規定は、前項の規定による保全処分があった場合について準用する。この場合において、同条第五項中「第十条第三項本文」とあるのは、「更生特例法第十条において準用する第十条第三項本文」と読み替えるものとする。

(2) The provisions of Article 99, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where a provisional remedy under the provisions of the preceding paragraph is issued. In this case, the phrase "the main clause of Article 10, paragraph (3)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

第三節　更生手続開始の決定及びこれに伴う効果等

Section 3 Order Commencing Reorganization Proceedings and the Legal Effect Thereof

第一款　更生手続開始の決定

Subsection 1 Order Commencing Reorganization Proceedings

第三十一条　会社更生法第四十一条、第四十二条、第四十三条（第一項第五号を除く。）及び第四十四条の規定は、協同組織金融機関についての更生手続開始の決定について準用する。この場合において、同法第四十一条第一項中「第十七条」とあるのは「更生特例法第十五条」と、同項第二号中「、再生手続又は特別清算手続」とあるのは「又は再生手続」と、同法第四十二条第二項中「第百三十八条から第百四十条まで又は第百四十二条」とあるのは「更生特例法第八十一条において準用する第百三十八条若しくは第百三十九条、更生特例法第八十二条において準用する第百四十条第一項若しくは第二項又は更生特例法第八十四条」と、同法第四十三条第一項中「公告しなければならない。ただし、第五号に規定する社債管理者等がないときは、同号に掲げる事項については、公告することを要しない。」とあるのは「公告しなければならない。」と、同条第三項第四号中「第三十九条」とあるのは「更生特例法第二十九条」と、同法第四十四条第二項中「前章第二節」とあるのは「更生特例法第二章第二節第二款」と読み替えるものとする。

Article 31 The provisions of Article 41, Article 42, Article 43 (excluding item (v) of paragraph (1)) and Article 44 of the Corporate Reorganization Act apply mutatis mutandis to an order commencing reorganization proceedings for a Cooperative Financial Institution. In this case, the phrase "Article 17" in Article 41, paragraph (1) of that Act is deemed to be replaced with "Article 15 of the Act on Special Measures"; the phrase ", rehabilitation proceedings or special liquidation proceedings" in item (ii) of that paragraph is deemed to be replaced with "or rehabilitation proceedings"; the phrase "Article 138 to Article 140 or Article 142" in Article 42, paragraph (2) of that Act is deemed to be replaced with "Article 138 or Article 139 as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures, Article 140, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 82 of the Act on Special Measures or Article 84 of the Act on Special Measures"; the phrase "must make a public notice; provided, however, that when there is no bond administrator, etc. prescribed in item (v), a public notice of the particulars referred to in that item is not required" in Article 43, paragraph (1) of that Act is deemed to be replaced with "must make a public notice"; the phrase "Article 39" in paragraph (3), item (iv) of that Article is deemed to be replaced with "Article 29 of the Act on Special Measures"; and the phrase "Section 2 of the preceding Chapter" in Article 44, paragraph (2) of that Act is deemed to be replaced with "Chapter II, Section 2, Subsection 2 of the Act on Special Measures".

第二款　更生手続開始の決定に伴う効果

Subsection 2 Legal Effect of an Order Commencing Reorganization Proceedings

（更生協同組織金融機関の組織に関する基本的事項の変更の禁止）

(Prohibition of Changes to Basic Particulars Affecting the Organization of a Reorganizing Cooperative Financial Institution)

第三十二条　更生手続開始後その終了までの間においては、更生計画の定めるところによらなければ、更生協同組織金融機関若しくは更生計画の定めにより更生協同組織金融機関がその組織を変更した後の協同組織金融機関（以下この章において「転換後協同組織金融機関」という。）について次に掲げる行為を行い、又は更生計画の定めにより更生協同組織金融機関がその組織を変更した後の普通銀行（以下この章において「転換後銀行」という。）について会社更生法第四十五条第一項各号に掲げる行為を行うことができない。

Article 32 (1) During the period after the commencement of reorganization proceedings until the close thereof, unless it is provided for in a reorganization plan, neither a reorganizing cooperative financial institution nor a Cooperative Financial Institution after entity conversion of a reorganizing cooperative financial institution as specified in a reorganization plan (hereinafter referred to as a "converted cooperative financial institution" in this Chapter) may perform any of the following acts, nor may an Ordinary Bank after entity conversion of a reorganizing cooperative financial institution as specified in a reorganization plan (hereinafter referred to as a "converted bank" in this Chapter) perform any of the acts set forth in the items of Article 45, paragraph (1) of the Corporate Reorganization Act:

一　出資の受入れ

(i) receipt of contributions;

二　出資一口の金額の減少

(ii) reduction of the unit amount of contribution;

三　剰余金の配当

(iii) dividend of surplus;

四　合併

(iv) merger;

五　解散

(v) dissolution; or

六　転換（金融機関の合併及び転換に関する法律（昭和四十三年法律第八十六号。以下「合併転換法」という。）第二条第七項に規定する転換であって、更生協同組織金融機関が他の種類の協同組織金融機関又は普通銀行となるものをいう。以下この章において同じ。）

(vi) conversion (meaning conversion prescribed in Article 2, paragraph (7) of the Act on Financial Institutions' Merger and Conversion (Act No. 86 of 1968; hereinafter referred to as the "Merger and Conversion Act") in which a

reorganizing cooperative financial institution becomes another type of Cooperative Financial Institution or Ordinary Bank; hereinafter the same applies in this Chapter).

２　更生手続開始後その終了までの間においては、更生計画の定めるところによるか、又は裁判所の許可を得なければ、更生協同組織金融機関、転換後協同組織金融機関又は転換後銀行の定款の変更をすることができない。

(2) During the period after the commencement of reorganization proceedings until the close thereof, the articles of incorporation of a reorganizing cooperative financial institution, converted cooperative financial institution or a converted bank may not be amended unless as specified in a reorganization plan or unless the permission of the court is obtained.

（事業の譲渡）

(Transfers of Business)

第三十三条　更生手続開始後その終了までの間においては、更生計画の定めるところによらなければ、更生協同組織金融機関の事業の全部又は一部の譲渡をすることができない。ただし、次項から第八項までの規定により更生協同組織金融機関の事業の全部又は一部の譲渡をする場合は、この限りでない。

Article 33 (1) During the period after the commencement of reorganization proceedings until the closing thereof, unless it is provided for in a reorganization plan, all or part of the business of a reorganizing cooperative financial institution may not be transferred; provided, however, that this does not apply where all or part of the business of a reorganizing cooperative financial institution is transferred pursuant to the provisions of the following paragraph to paragraph (8).

２　更生手続開始後更生計画案を決議に付する旨の決定がされるまでの間においては、管財人は、裁判所の許可を得て、更生協同組織金融機関の事業の全部又は一部の譲渡をすることができる。この場合において、裁判所は、当該譲渡が当該更生協同組織金融機関の事業の更生のために必要であると認める場合に限り、許可をすることができる。

(2) During the period after the commencement of reorganization proceedings until an order to refer a proposed reorganization plan to a resolution is made, a trustee, with permission of the court, may transfer all or part of the business of a reorganizing cooperative financial institution. In this case, the court may grant permission only when it finds the transfer necessary for the reorganization of the business of the reorganizing cooperative financial institution.

３　裁判所は、前項の許可をする場合には、次に掲げる者の意見を聴かなければならない。

(3) The court, when granting the permission referred to in the preceding paragraph, must hear the opinions of the following:

一　知れている更生債権者（更生協同組織金融機関が更生手続開始の時においてその財産をもって約定劣後更生債権（更生債権者と更生協同組織金融機関との間において、更生手続開始前に、当該協同組織金融機関について破産手続が開始されたとすれば当該破産手続におけるその配当の順位が破産法第九十九条第一項に規定する劣後的破産債権に後れる旨の合意がされた債権をいう。以下この章において同じ。）に優先する債権に係る債務を完済することができない状態にある場合における当該約定劣後更生債権を有する者を除く。）。ただし、第六十七条第一項に規定する更生債権者委員会があるときは、その意見を聴けば足りる。

(i) known reorganization creditors (in cases where the reorganizing cooperative financial institution, at the time of the commencement of reorganization proceedings, is unable to pay its debts in full with its assets with regard to claims that take preference over consensually-subordinated reorganization claims (meaning claims for which the reorganization creditor and the reorganizing cooperative financial institution, prior to the commencement of reorganization proceedings, reach an agreement to the effect that if bankruptcy proceedings are commenced against the Cooperative Financial Institution, the claim will be subordinated to a subordinate bankruptcy claim prescribed in Article 99, paragraph (1) of the Bankruptcy Act in the order of priority for receiving a liquidating distribution in the bankruptcy proceedings; hereinafter the same applies in this Chapter), the holders of the consensually-subordinated reorganization claim are excluded); provided, however, that if there is a reorganization creditors committee prescribed in Article 67, paragraph (1), it is sufficient to hear the opinions of the committee;

二　知れている更生担保権者。ただし、第六十七条第二項に規定する更生担保権者委員会があるときは、その意見を聴けば足りる。

(ii) known secured reorganization creditors; provided, however, that if there is a secured reorganization creditors committee prescribed in Article 67, paragraph (2), it is sufficient to hear the opinions of the committee; and

三　労働組合等（更生協同組織金融機関の使用人の過半数で組織する労働組合があるときはその労働組合、更生協同組織金融機関の使用人の過半数で組織する労働組合がないときは更生協同組織金融機関の使用人の過半数を代表する者をいう。）

(iii) labor unions, etc. (meaning a labor union consisting of the majority of the employees of the reorganizing cooperative financial institution if there is any such labor union; or a person representing the majority of the employees of the reorganizing cooperative financial institution if no such labor union exists).

4　管財人は、第二項の規定により更生協同組織金融機関の事業の全部又は一部の譲渡をしようとする場合には、あらかじめ、次に掲げる事項を公告し、又は組合員等（労働金庫の個人会員を除く。以下この条において同じ。）に通知しなければならない。

(4) A trustee must, when transferring all or part of the business of a reorganizing

cooperative financial institution pursuant to the provisions of paragraph (2), make a public notice or give a notice of the following to the Partners or Members (excluding individual members of a labor bank; hereinafter the same applies in this Article) in advance:

一　当該譲渡の相手方、時期及び対価並びに当該譲渡の対象となる事業の内容

(i) the other party, time and value of the transfer, and the description of business subject to the transfer; and

二　当該譲渡に反対の意思を有する組合員等は、当該公告又は当該通知があった日から二週間以内にその旨を書面をもって管財人に通知すべき旨

(ii) to the effect that any Partner or Member that opposes the transfer must give a notice to the trustee in writing to that effect within two weeks from the day on which the public notice is made or the notice is given.

5　前項の規定による組合員等に対する通知は、中小企業等協同組合法第五十条第一項、信用金庫法第四十八条第一項若しくは労働金庫法第五十条第一項本文に規定する場所又は組合員等が管財人に通知した住所にあてて、することができる。

(5) The notice given to a Partner or Member under the provisions of the preceding paragraph may be addressed to the place prescribed in Article 50, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 48, paragraph (1) of the Shinkin Bank Act or the main clause of Article 50, paragraph (1) of the Labor Bank Act or the address notified by the Partner or Member to the trustee.

6　第四項の規定による組合員等に対する通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

(6) The notice given to a Partner or Member under the provisions of paragraph (4) is deemed to have been delivered at the time when the notice should have normally arrived.

7　裁判所は、次の各号のいずれかに該当する場合には、第二項の許可をすることができない。

(7) In any of the cases referred to in the following items, the court may not grant the permission referred to in paragraph (2):

一　第四項の規定による公告又は通知があった日から一月を経過した後に第二項の許可の申立てがあったとき。

(i) when a petition for the permission referred to in paragraph (2) is filed after one month has elapsed from the day on which public notice is made or notice is given under the provisions of paragraph (4); or

二　第四項第二号に規定する期間内に、次のイからハまでに掲げる更生協同組織金融機関の種類に応じ、当該イからハまでに定める者が、書面をもって管財人に第二項の譲渡に反対の意思を有する旨の通知をしたとき。

(ii) when the persons specified in (a) to (c) below in accordance with the respective types of reorganizing cooperative financial institutions set forth therein give a notice to the trustee in writing of their opposition to the

transfer referred to in paragraph (2) within the period prescribed in item (ii) of paragraph (4):

イ　信用協同組合　事業の全部を譲渡しようとする場合にあっては総組合員の三分の一を超える数の組合員、その他の場合にあっては総組合員の二分の一以上に当たる数の組合員

(a) credit cooperative: in cases where the entire business is to be transferred, partners equivalent in number to more than one-third of all partners, and in other cases, partners equivalent in number to at least half of all partners;

ロ　信用金庫　事業の全部を譲渡しようとする場合にあっては総会員の三分の一を超える数の会員、その他の場合にあっては総会員の二分の一以上に当たる数の会員

(b) Shinkin Bank: in cases where the entire business is to be transferred, members equivalent in number to more than one-third of all members, and in other cases, members equivalent in number to at least half of all members; and

ハ　労働金庫　事業の全部を譲渡しようとする場合にあっては総会員（個人会員を除く。以下この号において同じ。）の三分の一を超える数の会員（個人会員を除く。以下この号において同じ。）、その他の場合にあっては総会員の二分の一以上に当たる数の会員

(c) labor bank: in cases where the entire business is to be transferred, members (excluding individual members; hereinafter the same applies in this item) equivalent in number to more than one-third of all members (excluding individual members; hereinafter the same applies in this item), and in other cases, members equivalent in number to at least half of all members.

８　第四項から前項までの規定は、第二項の許可の時において更生協同組織金融機関がその財産をもって債務を完済することができない状態にある場合には、適用しない。

(8) In cases where the reorganizing cooperative financial institution, at the time of the permission referred to in paragraph (2), is unable to pay its debts in full with its assets, the provisions of paragraph (4) to the preceding paragraph do not apply.

９　第二項の許可を得ないでした行為は、無効とする。ただし、これをもって善意の第三者に対抗することができない。

(9) Any act conducted without the permission referred to in paragraph (2) is void; provided, however, that this may not be asserted against a third party without knowledge.

１０　第二項の許可を得て更生協同組織金融機関の事業の全部又は一部の譲渡をする場合には、中小企業等協同組合法第五十七条の三第一項、信用金庫法第五十八条第一項又は労働金庫法第六十二条第一項の規定並びに協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条第一項、信用金庫法第八十九条第一項又は

労働金庫法第九十四条第一項において準用する銀行法第三十四条及び第三十五条の規定は、適用しない。

(10) In cases where all or part of the business of a reorganizing cooperative financial institution is to be transferred with the permission referred to in paragraph (2), the provisions of Article 57-3, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 58, paragraph (1) of the Shinkin Bank Act or Article 62, paragraph (1) of the Labor Bank Act and the provisions of Article 6, paragraph (1) of the Act on Financial Businesses by Cooperative (Act No. 183 of 1949), Article 89, paragraph (1) of the Shinkin Bank Act or Article 34 and Article 35 of the Banking Act as applied mutatis mutandis pursuant to Article 94, paragraph (1) of the Labor Bank Act do not apply.

１１　前項に規定する場合には、中小企業等協同組合法第五十七条の三第六項において準用する同法第五十七条、信用金庫法第五十八条第七項において準用する同法第五十二条の二又は労働金庫法第六十二条第七項において準用する同法第五十七条の二において準用する会社法第八百二十八条第一項（第五号に係る部分に限る。）及び第二項（第五号に係る部分に限る。）の規定にかかわらず、更生協同組織金融機関の組合員等、理事、監事、清算人、破産管財人又は債権者は、事業の全部の譲渡の無効の訴えを提起することができない。

(11) In the case prescribed in the preceding paragraph, notwithstanding the provisions of Article 57 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 57-3, paragraph (6) of that Act, Article 52-2 of the Shinkin Bank Act as applied mutatis mutandis pursuant to Article 58, paragraph (7) of that Act or Article 828, paragraph (1) (limited to the part in relation to item (v)) and, paragraph (2) (limited to the part in relation to item (v)) of the Companies Act as applied mutatis mutandis pursuant to Article 57-2 of the Labor Bank Act as applied mutatis mutandis pursuant to Article 62, paragraph (7) of that Act, the Partner or Member, board member, inspector, liquidator, bankruptcy trustee or creditor of a reorganizing cooperative financial institution may not file a lawsuit for nullification of the transfer of the entire business.

（更生債権等の弁済の禁止等）

(Prohibition of Payment of an Unsecured or Secured Reorganization Claim)

第三十四条　会社更生法第四十七条及び第四十七条の二の規定は、協同組織金融機関の更生手続における更生債権等について準用する。この場合において、同法第四十七条第七項第一号及び第二号中「第二十四条第二項」とあるのは「更生特例法第十九条において準用する第二十四条第二項」と、同法第四十七条の二中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

Article 34　The provisions of Article 47 and Article 47-2 of the Corporate

Reorganization Act apply mutatis mutandis to an unsecured or secured reorganization claim in the reorganization proceedings of a Cooperative Financial Institution. In this case, in paragraph (6), items (i) and (ii) of that Article, the phrase "Article 24, paragraph (2)" is deemed to be replaced with "Article 24, paragraph (2) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures". In this case, the phrase "Article 24, paragraph (2)" in Article 47, paragraph (7), items (i) and (ii) of that Act is deemed to be replaced with "Article 24, paragraph (2) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; and the phrase "assets of the reorganizing company" in Article 47-2 of that Act is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)".

（相殺）

(Set-Off)

第三十五条　会社更生法第四十八条から第四十九条の二までの規定は、協同組織金融機関の更生手続における更生債権者等による相殺について準用する。この場合において、同法第四十八条第一項中「第百三十八条第一項」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項」と、同法第四十九条第一項第四号中「、再生手続開始又は特別清算開始」とあるのは「又は再生手続開始」と読み替えるものとする。

Article 35 The provisions of Article 48 to Article 49-2 of the Corporate Reorganization Act apply mutatis mutandis to a set-off by an unsecured or secured reorganization creditor in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 138, paragraph (1)" in Article 48, paragraph (1) of that Act is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; and the phrase "commencement of rehabilitation proceedings or commencement of special liquidation" in Article 49, paragraph (1), item (iv) of that Act is deemed to be replaced with "or commencement of rehabilitation proceedings".

（他の手続の中止等）

(Staying Other Procedures)

第三十六条　会社更生法第五十条及び第五十一条の規定は、協同組織金融機関について更生手続開始の決定があった場合における強制執行その他の手続について準用する。この場合において、同法第五十条第一項中「、更生手続開始若しくは特別清算開始」とあるのは「若しくは更生手続開始」と、「強制執行等、企業担保権の実行」とあるのは「強制執行等」と、「中止し、特別清算手続はその効力を失う」とあるのは「中止する」と、同項及び同条第五項第一号中「第二十四条第一項第二号」とあるのは

「更生特例法第十九条において準用する第二十四条第一項第二号」と、「強制執行等の手続、企業担保権の実行手続」とあるのは「強制執行等の手続」と、同条第二項、第五項第二号及び第十項中「第二十四条第二項」とあるのは「更生特例法第十九条において準用する第二十四条第二項」と、同条第十一項中「第二百四条第二項」とあるのは「更生特例法第百二十五条第三項において準用する第二百四条第二項」と、同法第五十一条第二項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 36 The provisions of Article 50 and Article 51 of the Corporate Reorganization Act apply mutatis mutandis to compulsory execution and other procedures in cases where an order commencing reorganization proceedings for a Cooperative Financial Institution is made. In this case, in Article 50, paragraph (1) of that Act, the phrase ", commencement of reorganization proceedings or commencement of special liquidation" is deemed to be replaced with "or commencement of reorganization proceedings"; the phrase "compulsory execution, etc., exercise of an enterprise mortgage" is deemed to be replaced with "compulsory execution, etc."; the phrase "will be stayed, and the special liquidation proceedings will cease to be effective" is deemed to be replaced with "will be stayed"; the phrase "Article 24, paragraph (1), item (ii)" in that paragraph and paragraph (5), item (i) of that Article is deemed to be replaced with "Article 24, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; the phrase "procedure for compulsory execution, etc., procedure for the exercise of an enterprise mortgage" is deemed to be replaced with "procedure for compulsory execution, etc."; the phrase "Article 24, paragraph (2)" in paragraph (2), paragraph (5), item (ii) and paragraph (10) of that Article is deemed to be replaced with "Article 24, paragraph (2) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; the phrase "Article 204, paragraph (2)" in paragraph (11) of that Article is deemed to be replaced with "Article 204, paragraph (2) as applied mutatis mutandis pursuant to Article 125, paragraph (3) of the Act on Special Measures"; and the phrase "the first sentence of Article 72, paragraph (4)" in Article 51, paragraph (2) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures".

（更生協同組織金融機関の財産関係の訴えの取扱い）

(Handling of Actions Relating to the Assets of a Reorganizing Cooperative Financial Institution)

第三十七条　会社更生法第五十二条の規定は、更生協同組織金融機関の財産関係の訴訟手続について準用する。この場合において、同条第五項中「第二百三十四条第三号又は第四号」とあるのは「更生特例法第百五十条において準用する第二百三十四条第三号又は第四号」と、「第九十七条第一項」とあるのは「更生特例法第六十条において

準用する第九十七条第一項」と読み替えるものとする。

Article 37 The provisions of Article 52 of the Corporate Reorganization Act apply mutatis mutandis to court proceedings relating to the assets of a reorganizing cooperative financial institution. In this case, the phrase "Article 234, item (iii) or (iv)" in paragraph (5) of that Article is deemed to be replaced with "Article 234, item (iii) or (iv) as applied mutatis mutandis pursuant to Article 150 of the Act on Special Measures"; and the phrase "Article 97, paragraph (1)" is deemed to be replaced with Article 97, paragraph (1) as applied mutatis mutandis pursuant to Article 60 of the Act on Special Measures".

（債権者代位訴訟、詐害行為取消訴訟等の取扱い）

(Handling of Actions for Obligee's Subrogation Rights, Actions for Avoidance of Fraudulent Acts)

第三十七条の二　民法（明治二十九年法律第八十九号）第四百二十三条若しくは第四百二十四条の規定により更生債権者の提起した訴訟又は破産法若しくは民事再生法（平成十一年法律第二百二十五号）の規定による否認の訴訟若しくは否認の請求を認容する決定に対する異議の訴訟が更生手続開始当時係属するときは、その訴訟手続は、中断する。

Article 37-2 (1) If an action filed by a reorganization creditor pursuant to the provisions of Article 423 or Article 424 of the Civil Code (Act No. 89 of 1896) or an action of avoidance or action of objection to an order upholding a request for avoidance filed under the provisions of the Bankruptcy Act or Civil Rehabilitation Act (Act No. 225 of 1999) is pending at the time of the commencement of reorganization proceedings, the respective court proceedings are discontinued.

2　会社更生法第五十二条の二第二項から第六項までの規定は、前項の規定により訴訟手続が中断した場合について準用する。

(2) The provisions of Article 52-2, paragraphs (2) to (6) of the Corporate Reorganization Act apply mutatis mutandis to the cases where court proceedings are discontinued pursuant to the provisions of the preceding paragraph.

（行政庁に係属する事件の取扱い）

(Handling of Cases Pending before an Administrative Agency)

第三十八条　会社更生法第五十三条の規定は、更生協同組織金融機関の財産関係の事件で行政庁に係属するものについて準用する。

Article 38 The provisions of Article 53 of the Corporate Reorganization Act apply mutatis mutandis to a case relating to the assets of a reorganizing cooperative financial institution that is pending before an administrative agency.

（更生協同組織金融機関のした法律行為の効力等）

(Effect of Juridical Acts by Reorganizing Cooperative Financial Institution)

第三十九条　会社更生法第五十四条から第五十九条までの規定は、協同組織金融機関について更生手続が開始された後の行為の効力について準用する。この場合において、同法第五十四条第一項、第五十五条第一項及び第五十七条第二項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と、同法第五十六条第二項中「若しくは変更に関する登録若しくは仮登録又は企業担保権の設定、移転若しくは変更に関する登記」とあるのは「又は変更に関する登録又は仮登録」と、同法第五十九条中「第四十三条第一項」とあるのは「更生特例法第三十一条において準用する第四十三条第一項」と読み替えるものとする。

Article 39 The provisions of Article 54 to Article 59 of the Corporate Reorganization Act apply mutatis mutandis to the effect of acts performed after the commencement of reorganization proceedings for a Cooperative Financial Institution. In this case, the phrase "assets of the reorganizing company" in Article 54, paragraph (1), Article 55, paragraph (1) and Article 57, paragraph (2) of that Act is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)"; the phrase "or Registration or Provisional Registration with respect to the modification, or registration with respect to the establishment, transfer or modification of an enterprise mortgage" in Article 56, paragraph (2) of that Act is deemed to be replaced with "or Registration or Provisional Registration with respect to the modification"; and the phrase "Article 43, paragraph (1)" in Article 59 of that Act is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures".

（共有関係）

(Co-Ownership)

第四十条　会社更生法第六十条の規定は、更生協同組織金融機関が他人と共同して財産権を有する場合について準用する。

Article 40 The provisions of Article 60 of the Corporate Reorganization Act apply mutatis mutandis to the cases where a reorganizing cooperative financial institution holds a property right jointly with another or other persons.

（双務契約）

(Executory Contracts)

第四十一条　会社更生法第六十一条第一項から第四項まで及び第六十二条の規定は、更生協同組織金融機関が当事者である双務契約について準用する。

Article 41 (1) The provisions of Article 61, paragraphs (1) to (4) and Article 62 of the Corporate Reorganization Act apply mutatis mutandis to an executory

contract to which a reorganizing cooperative financial institution is a party.

2　破産法第五十四条の規定は、前項において準用する会社更生法第六十一条第一項の規定による契約の解除があった場合について準用する。この場合において、破産法第五十四条第一項中「破産債権者」とあるのは「更生債権者（金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）第四条第九項に規定する更生債権者をいう。）」と、同条第二項中「破産者」とあるのは「更生協同組織金融機関（金融機関等の更生手続の特例等に関する法律第四条第七項に規定する更生協同組織金融機関をいう。）」と、「破産財団」とあるのは「更生協同組織金融機関財産（同条第十四項に規定する更生協同組織金融機関財産をいう。）」と、「財団債権者」とあるのは「共益債権者」と読み替えるものとする。

(2) The provisions of Article 54 of the Bankruptcy Act apply mutatis mutandis to the cases where a contract is cancelled under the provisions of the Article 61 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding paragraph. In this case, the phrase "bankruptcy creditor" in Article 54, paragraph (1) of the Bankruptcy Act is deemed to be replaced with "reorganization creditor (meaning a reorganization creditor as prescribed in Article 4, paragraph (9) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996))"; the phrase "the bankrupt" in paragraph (2) of that Article is deemed to be replaced with "reorganizing cooperative financial institution (meaning a reorganizing cooperative financial institution as prescribed in Article 4, paragraph (7) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy estate" is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in paragraph (14) of that Article)"; and the phrase "holder of claim on the estate" is deemed to be replaced with "common benefit creditor".

3　破産法第五十六条、第五十八条及び第五十九条の規定は、協同組織金融機関について更生手続が開始された場合について準用する。この場合において、同法第五十六条第一項中「第五十三条第一項及び第二項」とあるのは「金融機関等の更生手続の特例等に関する法律第四十一条第一項において準用する会社更生法（平成十四年法律第百五十四号）第六十一条第一項及び第二項」と、「破産者」とあるのは「更生協同組織金融機関（金融機関等の更生手続の特例等に関する法律第四条第七項に規定する更生協同組織金融機関をいう。）」と、同条第二項中「財団債権」とあるのは「共益債権」と、同法第五十八条第一項中「破産手続開始」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第四条第一項に規定する更生手続をいう。）開始」と、同条第三項において準用する同法第五十四条第一項中「破産債権者」とあるのは「更生債権者（金融機関等の更生手続の特例等に関する法律第四条第九項に規定する更生債権者をいう。）」と、同法第五十九条第一項中「破産手続」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第四条第一項に規定する更生手続をいう。）」と、同条第二項中「請求権は、破産者が有するときは破産財団に

属し」とあるのは「請求権は」と、「破産債権」とあるのは「更生債権（金融機関等の更生手続の特例等に関する法律第四条第八項に規定する更生債権をいう。）」と読み替えるものとする。

(3) The provisions of Article 56, Article 58 and Article 59 of the Bankruptcy Act apply mutatis mutandis to the cases where reorganization proceedings of a Cooperative Financial Institution are commenced. In this case, the phrase "Article 53, paragraphs (1) and (2)" in Article 56, paragraph (1) of that Act is deemed to be replaced with "Article 61, paragraphs (1) and (2) of the Corporate Reorganization Act (Act No. 154 of 2002) as applied mutatis mutandis pursuant to Article 41, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions"; the phrase "the bankrupt" is deemed to be replaced with "reorganizing cooperative financial institution (meaning reorganizing cooperative financial institution prescribed in Article 4, paragraph (7) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "claim on the estate" in paragraph (2) of that Article is deemed to be replaced with "common-benefit claim"; the phrase "commencement of bankruptcy proceedings" in Article 58, paragraph (1) of that Act is deemed to be replaced with "commencement of reorganization proceedings (meaning reorganization proceedings prescribed in Article 4, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy creditor" in Article 54, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 58, paragraph (3) is deemed to be replaced with "reorganization creditor (meaning reorganization creditor prescribed in Article 4, paragraph (9) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy proceedings" in Article 59, paragraph (1) of that Act is deemed to be replaced with "reorganization proceedings (meaning reorganization proceedings prescribed in Article 4, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; and the phrase "The claim under the provisions of the preceding paragraph belongs to the bankruptcy estate if it is held by the bankrupt or is a "bankruptcy claim" if it is held by the counter party" in paragraph (2) of that Article is deemed to be replaced with "The claim under the provisions of the preceding paragraph is a reorganization claim (meaning a reorganization claim as prescribed in Article 4, paragraph (8) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions) if it is held by the counter party".

（取戻権）

(Right of Segregation)

第四十二条　会社更生法第六十四条第一項の規定は、更生協同組織金融機関に属しない

財産を更生協同組織金融機関から取り戻す権利について準用する。

Article 42 (1) The provisions of Article 64, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to a right to segregate assets that do not belong to the reorganizing cooperative financial institution, from the institution.

2　破産法第六十三条及び第六十四条の規定は、協同組織金融機関について更生手続が開始された場合について準用する。この場合において、同法第六十三条第一項中「破産手続開始の決定」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第四条第一項に規定する更生手続をいう。）開始の決定」と、同項及び同法第六十四条中「破産管財人」とあるのは「管財人」と、同法第六十三条第二項中「第五十三条第一項及び第二項」とあるのは「金融機関等の更生手続の特例等に関する法律第四十一条第一項において準用する会社更生法第六十一条第一項及び第二項」と、同条第三項中「第一項」とあるのは「前二項」と、「同項」とあるのは「第一項」と、同法第六十四条第一項中「破産者」とあるのは「協同組織金融機関（金融機関等の更生手続の特例等に関する法律第二条第二項に規定する協同組織金融機関をいう。）」と、「破産手続開始」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第四条第一項に規定する更生手続をいう。）開始」と読み替えるものとする。

(2) The provisions of Article 63 and Article 64 of the Bankruptcy Act apply mutatis mutandis to the cases where reorganization proceedings of a Cooperative Financial Institution are commenced. In this case, the phrase "order of commencement of bankruptcy proceedings" in Article 63, paragraph (1) of that Act is deemed to be replaced with "order commencing reorganization proceedings (meaning reorganization proceedings prescribed in Article 4, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy trustee" in that paragraph and Article 64 of that Act is deemed to be replaced with "trustee"; the phrase "Article 53, paragraphs (1) and (2)" in Article 63, paragraph (2) of that Act is deemed to be replaced with "Article 61, paragraphs (1) and (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 41, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions"; the phrase "paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "the preceding two paragraphs"; the phrase "that paragraph" is deemed to be replaced with "paragraph (1)"; the phrase "the bankrupt" in Article 64, paragraph (1) of that Act is deemed to be replaced with "Cooperative Financial Institution (meaning Cooperative Financial Institution prescribed in Article 2, paragraph (2) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; and the phrase "commencement of bankruptcy proceedings" is deemed to be replaced with "commencement of reorganization proceedings (meaning reorganization proceedings prescribed in Article 4, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial

Institutions)".

（理事等の報酬等）

(Remuneration of Board Members)

第四十三条　会社更生法第六十六条の規定は、更生協同組織金融機関の理事、監事及び清算人について準用する。この場合において、同条第一項中「会社法第三百六十一条第一項」とあるのは「協同組合による金融事業に関する法律第五条の五、信用金庫法第三十五条の六又は労働金庫法第三十七条の四において準用する会社法第三百六十一条第一項」と、「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同条第二項中「会社法第三百六十一条第一項（同法第四百八十二条第四項において準用する場合を含む。）及び第三項、第三百七十九条第一項及び第二項、第三百八十七条第一項及び第二項並びに第四百四条第三項」とあるのは「協同組合による金融事業に関する法律第五条の五若しくは第六条の二第二項、信用金庫法第三十五条の六若しくは第六十四条又は労働金庫法第三十七条の四若しくは第六十八条において準用する会社法第三百六十一条第一項の規定並びに協同組合による金融事業に関する法律第五条の六、信用金庫法第三十五条の七又は労働金庫法第三十七条の五において準用する会社法第三百八十七条第一項及び第二項」と読み替えるものとする。

Article 43　The provisions of Article 66 of the Corporate Reorganization Act apply mutatis mutandis to any board member, inspector and liquidator of a reorganizing cooperative financial institution. In this case, the phrase "Article 361, paragraph (1) of the Companies Act" in paragraph (1) of that Article is deemed to be replaced with "Article 361, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 5-5 of the Act on Financial Businesses by Cooperative, Article 35-6 of the Shinkin Bank Act or Article 37-4 of the Labor Bank Act"; the phrase "the first sentence of Article 72, paragraph (4)" is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "Article 361, paragraphs (1) (including as applied mutatis mutandis pursuant to Article 482, paragraph (4) of that Act) and (3), Article 379, paragraphs (1) and (2), Article 387, paragraphs (1) and (2) and Article 404, paragraph (3) of the Companies Act" in paragraph (2) of that Article is deemed to be replaced with "the provisions of Article 361, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 5-5 or Article 6-2, paragraph (2) of the Act on Financial Businesses by Cooperative, Article 35-6 or Article 64 of the Shinkin Bank Act or Article 37-4 or Article 68 of the Labor Bank Act and Article 387, paragraphs (1) and (2) of the Companies Act as applied mutatis mutandis pursuant to Article 5-6 of the Act on Financial Businesses by Cooperative, Article 35-7 of the Shinkin Bank Act or Article 37-5 of the Labor Bank Act.

第三款　管財人
Subsection 3 Trustees
第一目　管財人の選任及び監督
Division 1 Appointment and Supervision of Trustees

第四十四条　会社更生法第六十七条から第七十一条までの規定は、協同組織金融機関の更生手続における管財人について準用する。この場合において、同法第六十七条第三項中「第百条第一項」とあるのは、「更生特例法第六十三条において準用する第百条第一項」と読み替えるものとする。

Article 44　The provisions of Article 67 to Article 71 of the Corporate Reorganization Act apply mutatis mutandis to a trustee in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 100, paragraph (1)" in Article 67, paragraph (3) of that Act is deemed to be replaced with "Article 100, paragraph (1) as applied mutatis mutandis pursuant to Article 63 of the Act on Special Measures".

第二目　管財人の権限等
Division 2 Authority of the Trustee

（管財人の権限）

(Authority of the Trustee)

第四十五条　会社更生法第七十二条の規定は、協同組織金融機関の更生手続における管財人の権限について準用する。この場合において、同条第二項第四号中「第六十一条第一項」とあるのは「更生特例法第四十一条第一項において準用する第六十一条第一項」と、同項第八号中「第六十四条第一項」とあるのは「更生特例法第四十二条第一項において準用する第六十四条第一項」と、同条第七項中「第十条第四項」とあるのは「更生特例法第十条において準用する第十条第四項」と読み替えるものとする。

Article 45　The provisions of Article 72 of the Corporate Reorganization Act apply mutatis mutandis to the powers of a trustee in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 61, paragraph (1)" in paragraph (2), item (iv) of that Article is deemed to be replaced with "Article 61, paragraph (1) as applied mutatis mutandis pursuant to Article 41, paragraph (1) of the Act on Special Measures"; the phrase "Article 64, paragraph (1)" in item (viii) of that paragraph is deemed to be replaced with "Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 42, paragraph (1) of the Act on Special Measures"; and the phrase "Article 10, paragraph (4)" in paragraph (7) of that Article is deemed to be replaced with "Article 10, paragraph (4) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

（更生協同組織金融機関の業務及び財産の管理）

(Administration of the Business and Assets of a Reorganizing Cooperative Financial Institution)

第四十六条　会社更生法第七十三条の規定は、更生協同組織金融機関の業務及び財産の管理について準用する。

Article 46 The provisions of Article 73 of the Corporate Reorganization Act apply mutatis mutandis to the administration of the business and assets of a reorganizing cooperative financial institution.

（当事者適格等）

(Standing to Sue or Be Sued)

第四十七条　会社更生法第七十四条の規定は、更生協同組織金融機関の財産関係の訴えについて準用する。この場合において、同条第二項及び第三項中「第七十二条第四項前段」とあるのは、「更生特例法第四十五条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 47 The provisions of Article 74 of the Corporate Reorganization Act apply mutatis mutandis to an action relating to the assets of a reorganizing cooperative financial institution. In this case, "the first sentence of Article 72, paragraph (4)" in paragraphs (2) and (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures".

（郵便物等の管理）

(Management of Postal Items)

第四十八条　会社更生法第七十五条及び第七十六条の規定は、更生協同組織金融機関にあてた郵便物等（郵便物又は民間事業者による信書の送達に関する法律（平成十四年法律第九十九号）第二条第三項に規定する信書便物をいう。以下同じ。）の管理について準用する。この場合において、会社更生法第七十五条第三項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同法第七十六条第二項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

Article 48 The provisions of Article 75 and Article 76 of the Corporate Reorganization Act apply mutatis mutandis to the management of postal items, etc. (meaning postal items or letter items prescribed in Article 2, paragraph (3) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002); the same applies hereinafter) that are addressed to a reorganizing cooperative financial institution. In this case, the phrase "the first sentence of Article 72, paragraph (4)" in Article 75, paragraph (3) of the Corporate Reorganization Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "assets of the reorganizing company"

in Article 76, paragraph (2) of that Act is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)".

（更生協同組織金融機関及び子会社に対する調査）

(Examination of a Reorganizing Cooperative Financial Institution and Subsidiary Companies)

第四十九条　会社更生法第七十七条の規定は、協同組織金融機関の更生手続における管財人の権限について準用する。この場合において、同条第二項中「会社法第二条第三号」とあるのは、「協同組合による金融事業に関する法律第四条第一項、信用金庫法第三十二条第六項又は労働金庫法第三十二条第五項」と読み替えるものとする。

Article 49 The provisions of Article 77 of the Corporate Reorganization Act apply mutatis mutandis to the powers of a trustee in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 2, item (iii) of the Companies Act" in paragraph (2) of that Article is deemed to be replaced with "Article 4, paragraph (1) of the Act on Financial Businesses by Cooperative, Article 32, paragraph (6) of the Shinkin Bank Act or Article 32, paragraph (5) of the Labor Bank Act".

（管財人の自己取引）

(Trustee's Transactions for Their Own Behalf)

第五十条　会社更生法第七十八条の規定は、協同組織金融機関の更生手続における管財人の更生協同組織金融機関との取引について準用する。

Article 50 The provisions of Article 78 of the Corporate Reorganization Act apply mutatis mutandis to transactions performed by a trustee in the reorganization proceedings of a Cooperative Financial Institution with the reorganizing cooperative financial institution.

（管財人の競業の制限）

(Restriction of Competition of Trustee)

第五十一条　会社更生法第七十九条の規定は、協同組織金融機関の更生手続における管財人が自己又は第三者のために更生協同組織金融機関の事業の部類に属する取引をしようとする場合について準用する。

Article 51 The provisions of Article 79 of the Corporate Reorganization Act apply mutatis mutandis to the cases where a trustee in the reorganization proceedings of a Cooperative Financial Institution intends to carry out a transaction in the line of business of a reorganizing cooperative financial institution on their own behalf or a third party.

（管財人の注意義務）

(Trustee's Duty of Care)

第五十二条　会社更生法第八十条の規定は、協同組織金融機関の更生手続における管財人の職務について準用する。

Article 52 The provisions of Article 80 of the Corporate Reorganization Act apply mutatis mutandis to the duties of a trustee in the reorganization proceedings of a Cooperative Financial Institution.

（管財人の情報提供努力義務）

(Trustee's Duty to Strive to Provide Information)

第五十二条の二　管財人は、更生債権等である給料の請求権又は退職手当の請求権を有する者に対し、更生手続に参加するのに必要な情報を提供するよう努めなければならない。

Article 52-2 A trustee must strive to provide a person that may claim a salary or that may claim a severance pay, both of which are an unsecured or secured reorganization claim, with information necessary for their participation in the reorganization proceedings.

（管財人の報酬等）

(Remuneration of Trustees)

第五十三条　管財人は、費用の前払及び裁判所が定める報酬を受けることができる。

Article 53 (1) A trustee may receive advance payments of expenses as well as remuneration determined by the court.

2　管財人は、その選任後、更生協同組織金融機関、転換後協同組織金融機関、転換後銀行若しくは更生計画の定めにより設立された協同組織金融機関若しくは株式会社に対する債権又は更生協同組織金融機関、転換後協同組織金融機関若しくは更生計画の定めにより設立された協同組織金融機関の持分若しくは転換後銀行若しくは更生計画の定めにより設立された株式会社の株式を譲り受け、又は譲り渡すには、裁判所の許可を得なければならない。

(2) A trustee must, after their appointment, obtain permission of the court in order to accept any claims against a reorganizing cooperative financial institution, converted cooperative financial institution, a converted bank or Cooperative Financial Institution or Stock Company established as specified in a reorganization plan or any interest in a reorganizing cooperative financial institution, converted cooperative financial institution or a Cooperative Financial Institution established as specified in a reorganization plan or any shares of a converted bank or a Stock Company established as specified in a reorganization plan, or assign these.

3　管財人は、前項の許可を得ないで同項に規定する行為をしたときは、費用及び報酬の支払を受けることができない。

(3) A trustee may not receive payment of expenses and remuneration if they have conducted any act prescribed in the preceding paragraph without obtaining the

permission referred to in that paragraph.

４　第一項の規定による決定に対しては、即時抗告をすることができる。

(4) An immediate appeal may be filed against an order made pursuant to the provisions of paragraph (1).

５　前各項の規定は、管財人代理及び第四十四条において準用する会社更生法第七十一条の法律顧問について準用する。

(5) The provisions of the preceding paragraphs apply mutatis mutandis to a trustee representative and legal advisor referred to in Article 71 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 44.

（任務終了の場合の報告義務等）

(Duty to Report Upon Termination of Office)

第五十四条　管財人の任務が終了した場合には、管財人は、遅滞なく、裁判所に計算の報告をしなければならない。

Article 54 (1) A trustee, upon termination of their office, must submit a report of accounts to the court without delay.

２　前項の場合において、管財人が欠けたときは、同項の計算の報告は、同項の規定にかかわらず、後任の管財人がしなければならない。

(2) In the case referred to in the preceding paragraph, if there is a vacancy in the office of a trustee, the report of account referred to in that paragraph, notwithstanding the provisions of that paragraph, must be submitted by a successor trustee.

３　管財人の任務が終了した場合において、急迫の事情があるときは、管財人又はその承継人は、後任の管財人又は更生協同組織金融機関が財産を管理することができるに至るまで必要な処分をしなければならない。

(3) Upon the termination of a trustee's office, if there are pressing circumstances, the trustee or their successor must take necessary measures until a successor trustee or the reorganizing cooperative financial institution is able to administer assets.

４　第百五十条において準用する会社更生法第二百三十四条第二号から第四号までに掲げる事由のいずれかが生じた場合には、第百五十八条の十第六項又は第百五十八条の十三に規定する場合を除き、管財人は、共益債権を弁済しなければならない。ただし、その存否又は額について争いのある共益債権については、その債権を有する者のために供託をしなければならない。

(4) In cases where any of the events referred to in Article 234, items (ii) to (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 150 occurs, except in the cases prescribed in Article 158-10, paragraph (6) or Article 158-13, a trustee must pay common-benefit claims; provided, however, that with regard to a common-benefit claim which is in dispute in terms of its existence or nonexistence or its amount, a trustee must make a

statutory deposit in the interest of the person that holds the claim.

第三目　更生協同組織金融機関の財産状況の調査
Division 3 Investigation into the State of a Reorganizing Cooperative Financial Institution's Assets

（財産の価額の評定等）
(Evaluation of Assets)

第五十五条　会社更生法第八十三条及び第八十四条の規定は、更生協同組織金融機関の財産状況の調査について準用する。この場合において、同法第八十三条第五項中「法務省令」とあるのは「内閣府令」と、同法第八十四条第一項第三号中「第九十九条第一項」とあるのは「更生特例法第六十二条において準用する第九十九条第一項」と、「第百条第一項」とあるのは「更生特例法第六十三条において準用する第百条第一項」と読み替えるものとする。

Article 55　The provisions of Article 83 and Article 84 of the Corporate Reorganization Act apply mutatis mutandis to an investigation into the state of a reorganizing cooperative financial institution's assets. In this case, the phrase "Ministry of Justice Order" in Article 83, paragraph (5) of that Act is deemed to be replaced with "Cabinet Office Order"; the phrase "Article 99, paragraph (1)" in Article 84, paragraph (1), item (iii) of that Act is deemed to be replaced with "Article 99, paragraph (1) as applied mutatis mutandis pursuant to Article 62 of the Act on Special Measures"; and the phrase "Article 100, paragraph (1)" is deemed to be replaced with "Article 100, paragraph (1) as applied mutatis mutandis pursuant to Article 63 of the Act on Special Measures".

（財産状況報告集会への報告）
(Reports to Meetings for Reporting the Status of Assets)

第五十六条　会社更生法第八十五条の規定は、更生協同組織金融機関の財産状況を報告するための関係人集会について準用する。この場合において、同条第一項中「前条第一項各号」とあるのは「更生特例法第五十五条において準用する前条第一項各号」と、同条第三項中「第四十六条第三項第三号」とあるのは「更生特例法第三十三条第三項第三号」と読み替えるものとする。

Article 56　The provisions of Article 85 of the Corporate Reorganization Act apply mutatis mutandis to a meeting of persons concerned for reporting the status of assets of a reorganizing cooperative financial institution. In this case, the phrase "the items of paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "the items of paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to Article 55 of the Act on Special Measures"; and the phrase "Article 46, paragraph (3), item (iii)" in paragraph (3) of that Article is deemed to be replaced with "Article 33,

paragraph (3), item (iii) of the Act on Special Measures".

第四款　否認権
Subsection 4 Right of Avoidance

（更生債権者等を害する行為の否認）
(Avoidance of Acts Prejudicial to Unsecured and Secured Reorganization Creditors)

第五十七条　次に掲げる行為（担保の供与又は債務の消滅に関する行為を除く。）は、更生手続開始後、更生協同組織金融機関財産のために否認することができる。

Article 57 (1) The following acts (excluding acts concerning the provisions of security or extinguishment of debt) may be avoided in the interest of the assets of a reorganizing cooperative financial institution after the commencement of the reorganization proceedings:

一　更生協同組織金融機関が更生債権者等を害することを知ってした行為。ただし、これによって利益を受けた者が、その行為の当時、更生債権者等を害する事実を知らなかったときは、この限りでない。

(i) an act conducted by the reorganizing cooperative financial institution while knowing that it would prejudice an unsecured or secured reorganization creditor; provided, however, that this does not apply where the person that has benefited from the act did not know, at the time of the act, the fact that it would prejudice any unsecured or secured reorganization creditor; and

二　更生協同組織金融機関が支払の停止又は更生手続開始、破産手続開始若しくは再生手続開始の申立て（以下この条において「支払の停止等」という。）があった後にした更生債権者等を害する行為。ただし、これによって利益を受けた者が、その行為の当時、支払の停止等があったこと及び更生債権者等を害する事実を知らなかったときは、この限りでない。

(ii) an act that would prejudice an unsecured or secured reorganization creditor conducted by the reorganizing cooperative financial institution after the suspension of payments or the filing of a petition to commence reorganization proceedings, bankruptcy proceedings or rehabilitation proceedings (hereinafter referred to as "Suspension of Payments, etc." in this Article) took place; provided, however, that this does not apply where the person that has benefited from the act did not know, at the time of the act, the fact that Suspension of Payments, etc. had taken place nor the fact that the act would prejudice any unsecured or secured reorganization creditor.

2　更生協同組織金融機関がした債務の消滅に関する行為であって、債権者の受けた給付の価額が当該行為によって消滅した債務の額より過大であるものは、前項各号に掲げる要件のいずれかに該当するときは、更生手続開始後、その消滅した債務の額に相当する部分以外の部分に限り、更生協同組織金融機関財産のために否認することができる。

(2) With respect to an act concerning the extinguishment of debt conducted by the reorganizing cooperative financial institution, if the value of the performance received by the creditor exceeds the amount of debt extinguished by the act, and the act satisfies any of the requirements set forth in the items of the preceding paragraph, that act may be avoided in the interest of the assets of the reorganizing cooperative financial institution after the commencement of the reorganization proceedings, only with regard to the part other than that equivalent to the amount of debt extinguished.

3　更生協同組織金融機関が支払の停止等があった後又はその前六月以内にした無償行為及びこれと同視すべき有償行為は、更生手続開始後、更生協同組織金融機関財産のために否認することができる。

(3) Any gratuitous act, or any onerous act that should be deemed to be equal to that gratuitous act, conducted by the reorganizing cooperative financial institution after or within six months prior to Suspension of Payments, etc. may be avoided in the interest of the assets of the reorganizing cooperative financial institution after the commencement of the reorganization proceedings.

（相当の対価を得てした財産の処分行為の否認）

(Denying Acts of Disposing of Assets for Reasonable Consideration)

第五十七条の二　更生協同組織金融機関が、その有する財産を処分する行為をした場合において、その行為の相手方から相当の対価を取得しているときは、その行為は、次に掲げる要件のいずれにも該当する場合に限り、更生手続開始後、更生協同組織金融機関財産のために否認することができる。

Article 57-2 (1) If a reorganizing cooperative financial institution, after conducting the act of disposing of its assets, has received reasonable consideration from the other party to that act, the act may be denied in the interest of the assets of the reorganizing cooperative financial institution after the commencement of the reorganization proceedings, if it satisfies all of the following requirements:

一　当該行為が、不動産の金銭への換価その他の当該処分による財産の種類の変更により、更生協同組織金融機関において隠匿、無償の供与その他の更生債権者等を害する処分（以下この条において「隠匿等の処分」という。）をするおそれを現に生じさせるものであること。

(i) the act has the actual risk that the reorganizing cooperative financial institution would conceal, gratuitously convey or otherwise dispose of the assets in a manner prejudicial to unsecured or secured reorganization creditor (hereinafter referred to as "concealing or other disposal" in this Article) by realizing real property or otherwise changing the type of assets by way of the relevant disposition;

二　更生協同組織金融機関が、当該行為の当時、対価として取得した金銭その他の財産について、隠匿等の処分をする意思を有していたこと。

(ii) the reorganizing cooperative financial institution, at the time of the act, had the intention of concealing or carrying out other disposal of the money or any other assets that it received as a value for the act; and

三　相手方が、当該行為の当時、更生協同組織金融機関が前号の隠匿等の処分をする意思を有していたことを知っていたこと。

(iii) the other party, at the time of the act, knew that the reorganizing cooperative financial institution had the intention of concealing or carrying out other disposal as referred to in the preceding item.

２　前項の規定の適用については、当該行為の相手方が更生協同組織金融機関の理事、監事、会計監査人（会計監査人が法人であるときは、その職務を行うべき社員を含む。）又は清算人であるときは、その相手方は、当該行為の当時、更生協同組織金融機関が同項第二号の隠匿等の処分をする意思を有していたことを知っていたものと推定する。

(2) In applying the provisions of the preceding paragraph, if the other party to the act in question is a board member, inspector, accounting auditor (when the accounting auditor is a corporation, including any member that is supposed to carry out that corporation's duties) or liquidator of a reorganizing cooperative financial institution, the other party is presumed to have known, at the time of the act, that the reorganizing cooperative financial institution had the intention of concealing or carrying out other disposal referred to in item (ii) of that paragraph.

（特定の債権者に対する担保の供与等の否認）

(Denying Provision of Security to Specific Creditors)

第五十七条の三　次に掲げる行為（既存の債務についてされた担保の供与又は債務の消滅に関する行為に限る。）は、更生手続開始後、更生協同組織金融機関財産のために否認することができる。

Article 57-3 (1) The following acts (limited to acts concerning the provisions of security or extinguishment of debt conducted with regard to an existing debt) may be denied in the interest of the assets of the reorganizing cooperative financial institution after the commencement of the reorganization proceedings:

一　更生協同組織金融機関が支払不能（更生協同組織金融機関が、支払能力を欠くために、その債務のうち弁済期にあるものにつき、一般的かつ継続的に弁済することができない状態をいう。以下この条において同じ。）になった後又は更生手続開始、破産手続開始若しくは再生手続開始の申立て（以下この条において「更生手続開始の申立て等」という。）があった後にした行為。ただし、債権者が、その行為の当時、次のイ又はロに掲げる区分に応じ、それぞれ当該イ又はロに定める事実を知っていた場合に限る。

(i) an act conducted by the reorganizing cooperative financial institution after it became unable to pay debts (the condition in which the reorganizing

cooperative financial institution, due to the lack of ability to pay, is generally and continuously unable to pay its debts as they become due; hereinafter the same applies in this Article) or a petition to commence reorganization proceedings, bankruptcy proceedings or rehabilitation proceedings was filed (hereinafter referred to as a "petition to commence reorganization proceedings or other such procedures" in this Article); provided, however, that this apply only where the creditor, at the time of the act, knew either of the facts referred to in (a) or (b) below for the cases set forth in (a) or (b), respectively:

イ　当該行為が支払不能になった後にされたものである場合　支払不能であったこと又は支払の停止があったこと。

(a) where the act was conducted after the reorganizing cooperative financial institution became unable to pay debts: the fact that the reorganizing cooperative financial institution was unable to pay debts or suspended payments;

ロ　当該行為が更生手続開始の申立て等があった後にされたものである場合　更生手続開始の申立て等があったこと。

(b) where the act was conducted after a petition to commence reorganization proceedings or other such procedures was filed: the fact that a petition to commence reorganization proceedings or other such procedures was filed;

二　更生協同組織金融機関の義務に属せず、又はその時期が更生協同組織金融機関の義務に属しない行為であって、支払不能になる前三十日以内にされたもの。ただし、債権者がその行為の当時他の更生債権者等を害する事実を知らなかったときは、この限りでない。

(ii) an act that is not within the obligation of the reorganizing cooperative financial institution in terms of the act itself or the time of performance of the act, which was conducted within 30 days before the reorganizing cooperative financial institution became unable to pay debts; provided, however, that this does not apply if the creditor did not know, at the time of the act, the fact that it would prejudice other unsecured or secured reorganization creditors.

2　前項第一号の規定の適用については、次に掲げる場合には、債権者は、同号に掲げる行為の当時、同号イ又はロに掲げる場合の区分に応じ、それぞれ当該イ又はロに定める事実（同号イに掲げる場合にあっては、支払不能であったこと及び支払の停止があったこと）を知っていたものと推定する。

(2) For the purpose of application of the provisions of item (i) of the preceding paragraph, in the following cases, the creditor is presumed to have known, at the time of the act referred to in that item, either of the facts referred to in (a) or (b) below for the cases set forth in (a) or (b), respectively (in the case referred to in (a) of that item, both the facts that the reorganizing cooperative financial institution was unable to pay debts and that the reorganizing

cooperative financial institution suspended payments):

一　債権者が更生協同組織金融機関の理事、監事、会計監査人（会計監査人が法人であるときは、その職務を行うべき社員を含む。）又は清算人である場合

(i) where the creditor is a board member, inspector, accounting auditor (when the accounting auditor is a corporation, including any member that is supposed to carry out that corporation's duties) or liquidator of the reorganizing cooperative financial institution; or

二　前項第一号に掲げる行為が更生協同組織金融機関の義務に属せず、又はその方法若しくは時期が更生協同組織金融機関の義務に属しないものである場合

(ii) where the act referred to in item (i) of the preceding paragraph is not within the obligation of the reorganizing cooperative financial institution in terms of the act itself or the means or time of performance of the act.

3　第一項各号の規定の適用については、支払の停止（更生手続開始の申立て等の前一年以内のものに限る。）があった後は、支払不能であったものと推定する。

(3) For the purpose of application of the provisions of the items of paragraph (1), after the suspension of payments took place (limited to suspension that took place within one year prior to the petition to commence reorganization proceedings or other such procedures), the reorganizing cooperative financial institution is presumed to have been unable to pay debts.

（手形債務支払の場合等の例外）

(Exceptions to Payment of Debts on Negotiable Instruments)

第五十八条　前条第一項第一号の規定は、更生協同組織金融機関から手形の支払を受けた者がその支払を受けなければ手形上の債務者の一人又は数人に対する手形上の権利を失う場合には、適用しない。

Article 58 (1) The provisions of paragraph (1), item (i) of the preceding Article do not apply where a person that has received payment of a negotiable instrument from the reorganizing cooperative financial institution would lose their right on the negotiable instrument against one or more debtors on the negotiable instrument unless they receive the payment.

2　前項の場合において、最終の償還義務者又は手形の振出しを委託した者が振出しの当時支払の停止等があったことを知り、又は過失によって知らなかったときは、管財人は、これらの者に更生協同組織金融機関が支払った金額を償還させることができる。

(2) In the case referred to in the preceding paragraph, if the final obligor for redemption or the person that had entrusted the drawing of the negotiable instrument knew or was negligent in not knowing, at the time of drawing, the fact that Suspension of Payments, etc. had taken place, a trustee may have these persons redeem the money paid by the reorganizing cooperative financial institution to them.

3　前条第一項の規定は、更生協同組織金融機関が租税等の請求権（租税条約等の実施に伴う所得税法、法人税法及び地方税法の特例等に関する法律（昭和四十四年法律第

四十六号。以下「租税条約等実施特例法」という。）第十一条第一項に規定する共助対象外国租税（以下「共助対象外国租税」という。）の請求権を除く。）又は第八十四条第二号に規定する更生手続開始前の罰金等の請求権につき、その徴収の権限を有する者に対してした担保の供与又は債務の消滅に関する行為には、適用しない。

(3) The provisions of paragraph (1) of the preceding Article do not apply to any act concerning the provisions of security or extinguishment of debt, which is conducted by the reorganizing cooperative financial institution with regard to a right to impose taxes or other charges (excluding a claim for Foreign Tax Subject to Mutual Assistance prescribed in Article 11, paragraph (1) of the Act on Special Provisions, etc. of the Income Tax Act, the Corporation Tax Act and the Local Tax Act Incidental to Enforcement of Tax Treaties, etc. (Act No. 46 of 1969; hereinafter referred to as the "Act on Special Provisions for Enforcement of Tax Treaties, etc."); this tax is hereinafter referred to as a "Foreign Tax Subject to Mutual Assistance") or a claim to a fine, etc. arising prior to the commencement of reorganization proceedings prescribed in Article 84, item (ii) for the person that has the power to collect the tax, etc. or fine.

（権利変動の対抗要件の否認）

(Denying Requirements of Perfection for Changes in Rights)

第五十九条　支払の停止等があった後権利の設定、移転又は変更をもって第三者に対抗するために必要な行為（仮登記又は仮登録を含む。）をした場合において、その行為が権利の設定、移転又は変更があった日から十五日を経過した後悪意でしたものであるときは、これを否認することができる。ただし、当該仮登記又は当該仮登録以外の仮登記又は仮登録があった後にこれらに基づいてされた本登記又は本登録については、この限りでない。

Article 59 (1) Where an act necessary for duly asserting the establishment, transfer or modification of a right against a third party (including a provisional registration) was conducted after Suspension of Payments, etc. took place, the act may be denied if it was conducted after 15 days had elapsed since the date of establishment, transfer or modification of the right, while knowing that Suspension of Payments, etc. had taken place; provided, however, that this does not apply to a definitive registration based on prior unavoidable provisional registration.

２　前項の規定は、権利取得の効力を生ずる登録について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a registration based on which the acquisition of a right becomes effective.

（否認権行使の効果等）

(Effect of Exercising a Right of Avoidance)

第六十条　会社更生法第八十九条から第九十八条までの規定は、協同組織金融機関の更生手続における否認権について準用する。この場合において、同法第九十条及び第九

十一条第二項中「第八十六条第三項」とあるのは「更生特例法第五十七条第三項」と、同条第一項並びに同法第九十一条の二第一項、第二項及び第四項並びに第九十四条第三項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と、同法第九十一条の二第一項及び第四項中「第八十六条第一項若しくは第三項又は第八十六条の二第一項」とあるのは「更生特例法第五十七条第一項若しくは第三項又は第五十七条の二第一項」と、同条第三項及び同法第九十三条第一項第二号中「第八十六条の二第二項各号に掲げる者のいずれか」とあるのは「更生協同組織金融機関の理事、監事、会計監査人（会計監査人が法人であるときは、その職務を行うべき社員を含む。）又は清算人」と、同法第九十二条中「第八十六条の三第一項」とあるのは「更生特例法第五十七条の三第一項」と、同法第九十四条第一項中「第三十九条の二第一項」とあるのは「更生特例法第二十九条の二第一項」と、同項及び同条第三項中「第四十四条第二項」とあるのは「更生特例法第三十一条において準用する第四十四条第二項」と、同項中「第三十九条の二第二項」とあるのは「更生特例法第二十九条の二第二項において準用する第三十九条の二第二項」と、同法第九十六条第四項中「第十条第三項本文」とあるのは「更生特例法第十条において準用する第十条第三項本文」と、同法第九十七条第六項中「第二百三十四条第二号又は第五号」とあるのは「更生特例法第百五十条において準用する第二百三十四条第二号又は第五号」と、「第五十二条第四項」とあるのは「更生特例法第三十七条において準用する第五十二条第四項」と読み替えるものとする。

Article 60 The provisions of Article 89 to Article 98 of the Corporate Reorganization Act apply mutatis mutandis to the right of avoidance in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 86, paragraph (3)" in Article 90 and Article 91, paragraph (2) of that Act is deemed to be replaced with "Article 57, paragraph (3) of the Act on Special Measures"; the phrase "assets of the reorganizing company" in paragraph (1) of that Article and Article 91-2, paragraphs (1), (2) and (4) and Article 94, paragraph (3) of that Act is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)"; the phrase "Article 86, paragraph (1) or (3) or Article 86-2, paragraph (1)" in Article 91-2, paragraphs (1) and (4) of that Act is deemed to be replaced with "Article 57, paragraph (1) or (3) or Article 57-2, paragraph (1) of the Act on Special Measures"; the phrase "any of the persons set forth in the items of Article 86-2, paragraph (2)" in paragraph (3) of that Article and Article 93, paragraph (1), item (ii) of that Act is deemed to be replaced with "board member, inspector, accounting auditor (when the accounting auditor is a corporation, including any member that is supposed to carry out that corporation's duties) or liquidator of the reorganizing cooperative financial institution"; the phrase "Article 86-3, paragraph (1)" in Article 92 of that Act is deemed to be replaced with "Article

57-3, paragraph (1) of the Act on Special Measures"; the phrase "Article 39-2, paragraph (1)" in Article 94, paragraph (1) in that Act is deemed to be replaced with "Article 29-2, paragraph (1) of the Act on Special Measures"; the phrase "Article 44, paragraph (2)" in that paragraph and paragraph (3) of that Article is deemed to be replaced with "Article 44, paragraph (2) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures"; the phrase "Article 39-2, paragraph (2)" in that paragraph is deemed to be replaced with "Article 39-2, paragraph (2) as applied mutatis mutandis pursuant to Article 29-2, paragraph (2) of the Act on Special Measures"; the phrase "the main clause of Article 10, paragraph (3)" in Article 96, paragraph (4) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures"; the phrase "Article 234, item (ii) or (v)" in Article 97, paragraph (6) of that Act is deemed to be replaced with "Article 234, item (ii) or (v) as applied mutatis mutandis pursuant to Article 150 of the Act on Special Measures"; and the phrase "Article 52, paragraph (4)" is deemed to be replaced with "Article 52, paragraph (4) as applied mutatis mutandis pursuant to Article 37 of the Act on Special Measures".

第六十一条　削除
Article 61　Deleted

第五款　更生協同組織金融機関の役員等の責任の追及
Subsection 5 Enforcing the Liability of a Reorganizing Cooperative Financial Institution's Officers

（役員等の財産に対する保全処分）
(Provisional Remedy on Assets of Officers)

第六十二条　会社更生法第九十九条（第一項第二号を除く。）の規定は、協同組織金融機関について更生手続開始の決定があった場合における保全処分について準用する。この場合において、同条第一項第一号中「発起人、設立時取締役、設立時監査役」とあるのは「発起人」と、同項第二号中「役員等（設立時監査役、会計参与、監査役、会計監査人及び清算人を除く。）」とあるのは「理事」と、「会社法第五十二条第一項、第五十二条の二第一項若しくは第二項、第百三条第二項、第二百十三条第一項、第二百十三条の三第一項、第二百八十六条第一項又は第二百八十六条の三第一項」とあるのは「協同組織金融機関の優先出資に関する法律（平成五年法律第四十四号）第十四条第二項において準用する会社法第二百十三条の三第一項」と、同条第五項中「第十条第三項本文」とあるのは「更生特例法第十条において準用する第十条第三項本文」と読み替えるものとする。

Article 62　The provisions of Article 99 of the Corporate Reorganization Act (excluding item (ii) of paragraph (1)) apply mutatis mutandis to a provisional

remedy in cases where an order commencing reorganization proceedings of a Cooperative Financial Institution is made. In this case, the phrase "incorporator, Director at Incorporation, Auditor at Incorporation" in paragraph (1), item (i) of that Article is deemed to be replaced with "incorporator"; the phrase "officer, etc. (excluding its auditor at incorporation, accounting advisor, company auditor, accounting auditor and liquidator)" in item (ii) of that paragraph is deemed to be replaced with "board member"; the phrase "Article 52, paragraph (1), Article 52-2, paragraph (1) or (2), Article 103, paragraph (2), Article 213, paragraph (1), Article 213-3, paragraph (1), Article 286, paragraph (1) or Article 286-3, paragraph (1) of the Companies Act" in that item is deemed to be replaced with "Article 213-3, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 14, paragraph (2) of the Act on Preferred Equity Investment by Cooperative Financial Institution (Act No. 44 of 1993); and the phrase "the main clause of Article 10, paragraph (3)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

（役員等の責任の査定の申立て等）

(Petition for Assessment of the Liability of Officers)

第六十三条　会社更生法第百条から第百三条までの規定は、前条において準用する同法第九十九条第一項各号に規定する請求権の査定について準用する。この場合において、同法第百条第一項中「前条第一項各号」とあるのは「更生特例法第六十二条において準用する前条第一項各号」と、同法第百一条第三項中「第十条第三項本文」とあるのは「更生特例法第十条において準用する第十条第三項本文」と読み替えるものとする。

Article 63 The provisions of Article 100 to Article 103 of the Corporate Reorganization Act apply mutatis mutandis to the assessment of right to claim prescribed in the items of Article 99, paragraph (1) of that Act as applied mutatis mutandis pursuant to the preceding Article. In this case, the phrase "the items of paragraph (1) of the preceding Article" in Article 100, paragraph (1) of that Act is deemed to be replaced with "the items of paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to Article 62 of the Act on Special Measures"; and the phrase "the main clause of Article 10, paragraph (3)" in Article 101, paragraph (3) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

第六款　担保権消滅の請求等

Subsection 6 Request to Extinguish a Security Interest

第一目　担保権消滅の請求

Division 1 Request to Extinguish a Security Interest

（担保権消滅許可の決定、価額決定の請求等）

(Order Permitting Extinguishment of a Security Interest; Request for Valuation)

第六十四条　会社更生法第百四条から第百十二条までの規定は、協同組織金融機関の更生手続における担保権の消滅について準用する。この場合において、同法第百四条第四項及び第六項、第百六条第六項並びに第百十一条第五項中「第十条第三項本文」とあるのは「更生特例法第十条において準用する第十条第三項本文」と、同法第百九条及び第百十一条第六項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同条第三項中「第百三十八条第一項」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項」と読み替えるものとする。

Article 64 The provisions of Article 104 to Article 112 of the Corporate Reorganization Act apply mutatis mutandis to the extinguishment of security interest in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the main clause of Article 10, paragraph (3)" in Article 104, paragraphs (4) and (6), Article 106, paragraph (6) and Article 111, paragraph (5) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures"; the phrase "the first sentence of Article 72, paragraph (4)" in Article 109 and Article 111, paragraph (6) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "Article 138, paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

第二目　債権質の第三債務者の供託
Division 2 Deposit by the Third-Party Debtor of a Pledge on a Claim

第六十五条　会社更生法第百十三条の規定は、協同組織金融機関の更生手続における更生担保権に係る質権の目的である金銭債権の債務者について準用する。

Article 65 The provisions of Article 113 of the Corporate Reorganization Act apply mutatis mutandis to a debtor of the monetary claim that is the subject matter of the pledge in relation to a secured reorganization claim in the reorganization proceedings of a Cooperative Financial Institution.

第七款　関係人集会
Subsection 7 Stakeholder Meetings

第六十六条　会社更生法第百十四条から第百十六条までの規定は、協同組織金融機関の

更生手続における関係人集会について準用する。この場合において、同法第百十四条第一項第二号中「第百十七条第二項」とあるのは「更生特例法第六十七条第一項」と、同項第三号中「第百十七条第六項」とあるのは「更生特例法第六十七条第二項」と、同項第四号中「第百十七条第七項に規定する株主委員会」とあるのは「更生特例法第六十七条第三項に規定する組合員等委員会」と、同項第六号中「総株主の議決権の十分の一以上を有する」とあるのは「種類に応じ、更生協同組織金融機関の更生特例法第十五条第三項各号に定める」と、同法第百十五条第一項中「第四十二条第二項」とあるのは「更生特例法第三十一条において準用する第四十二条第二項」と、同条第三項中「第四十六条第三項第三号」とあるのは「更生特例法第三十三条第三項第三号」と読み替えるものとする。

Article 66 The provisions of Article 114 to Article 116 of the Corporate Reorganization Act apply mutatis mutandis to a meeting of persons concerned in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 117, paragraph (2)" in Article 114, paragraph (1), item (ii) of that Act is deemed to be replaced with "Article 67, paragraph (1) of the Act on Special Measures"; the phrase "Article 117, paragraph (6)" in item (iii) of that paragraph is deemed to be replaced with "Article 67, paragraph (2) of the Act on Special Measures"; the phrase "shareholders' committee prescribed in Article 117, paragraph (7)" in item (iv) of that paragraph is deemed to be replaced with "committee of Partners or Members as prescribed in Article 67, paragraph (3) of the Act on Special Measures"; the phrase "holds one-tenth or more of the voting rights of all shareholders" in item (vi) of that paragraph is deemed to be replaced with "is specified in the items of Article 15, paragraph (3) of the Act on Special Measures of a reorganizing cooperative financial institution, according to the type"; the phrase "Article 42, paragraph (2)" in Article 115, paragraph (1) of that Act is deemed to be replaced with "Article 42, paragraph (2) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures"; and the phrase "Article 46, paragraph (3), item (iii)" in paragraph (3) of that Article is deemed to be replaced with "Article 33, paragraph (3), item (iii) of the Act on Special Measures".

第八款　更生債権者委員会及び代理委員等
Subsection 8 Reorganization Creditors Committees and Reorganization Creditors' Representatives

（更生債権者委員会等）

(Reorganization Creditors Committees)

第六十七条　会社更生法第百十七条第一項の規定は協同組織金融機関の更生手続において更生債権者をもって構成する委員会がある場合について、同条第二項から第五項までの規定はこの項において準用する同条第一項の規定により承認された委員会（以下この章において「更生債権者委員会」という。）がある場合について、それぞれ準用

する。この場合において、同条第三項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同条第四項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

Article 67 (1) The provisions of Article 117, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to cases where there is a committee consisting of reorganization creditors in the reorganization proceedings of a Cooperative Financial Institution, and the provisions of paragraphs (2) to (5) of that Article apply mutatis mutandis to the cases where there is a committee approved pursuant to the provisions of paragraph (1) of that Article as applied mutatis mutandis pursuant to this paragraph (hereinafter referred to as a "reorganization creditors committee" in this Chapter). In this case, the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "assets of the reorganizing company" in paragraph (4) of that Article is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)".

2　会社更生法第百十七条第一項の規定は協同組織金融機関の更生手続において更生担保権者をもって構成する委員会がある場合について、同条第二項から第五項までの規定はこの項において準用する同条第一項の規定により承認された委員会（以下この章において「更生担保権者委員会」という。）がある場合について、それぞれ準用する。この場合において、同条第三項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同条第四項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

(2) The provisions of Article 117, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a committee consisting of secured reorganization creditors in the reorganization proceedings of a Cooperative Financial Institution, and the provisions of paragraphs (2) to (5) of that Article apply mutatis mutandis to the cases where there is a committee approved pursuant to the provisions of paragraph (1) of that Article as applied mutatis mutandis pursuant to this paragraph (hereinafter referred to as a "secured reorganization creditors committee" in this Chapter). In this case, the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "assets of the reorganizing company" in paragraph (4) of that Article is deemed to be replaced with "assets of the

reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)".

3　会社更生法第百十七条第一項の規定は協同組織金融機関の更生手続において組合員等をもって構成する委員会がある場合について、同条第二項から第五項までの規定はこの項において準用する同条第一項の規定により承認された委員会（以下この章において「組合員等委員会」という。）がある場合について、それぞれ準用する。この場合において、同条第三項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同条第四項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

(3) The provisions of Article 117, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a committee consisting of Partners or Members in the reorganization proceedings of a Cooperative Financial Institution, and the provisions of paragraphs (2) to (5) of that Article apply mutatis mutandis to the cases where there is a committee approved pursuant to the provisions of paragraph (1) of that Article as applied mutatis mutandis pursuant to this paragraph (hereinafter referred to as a "committee of Partners or Members" in this Chapter). In this case, the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "assets of the reorganizing company" in paragraph (4) of that Article is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)".

（更生債権者委員会の意見聴取等）

(Hearing of Opinions of the Reorganization Creditors Committees)

第六十八条　会社更生法第百十八条から第百二十条までの規定は、協同組織金融機関の更生手続において更生債権者委員会がある場合について準用する。この場合において、同法第百十八条第一項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同法第百十九条第一項中「第八十三条第三項若しくは第四項又は第八十四条」とあるのは「更生特例法第五十五条において準用する第八十三条第三項若しくは第四項又は第八十四条」と、同条第二項中「第十二条第一項」とあるのは「更生特例法第十一条において準用する第十二条第一項」と、同法第百二十条中「第八十四条第二項」とあるのは「更生特例法第五十五条において準用する第八十四条第二項」と読み替えるものとする。

Article 68　The provisions of Article 118 to Article 120 of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a

reorganization creditors committee in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the first sentence of Article 72, paragraph (4)" in Article 118, paragraph (1) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; the phrase "Article 83, paragraph (3) or (4) or Article 84" in Article 119, paragraph (1) of that Act is deemed to be replaced with "Article 83, paragraph (3) or (4) or Article 84 as applied mutatis mutandis pursuant to Article 55 of the Act on Special Measures"; the phrase "Article 12, paragraph (1)" in paragraph (2) of that Article is deemed to be replaced with "Article 12, paragraph (1) as applied mutatis mutandis pursuant to Article 11 of the Act on Special Measures"; the phrase "Article 84, paragraph (2)" in Article 120 of that Act is deemed to be replaced with "Article 84, paragraph (2) as applied mutatis mutandis pursuant to Article 55 of the Act on Special Measures for the Reorganization of Financial Institution".

（更生担保権者委員会及び組合員等委員会への準用）

(Application Mutatis Mutandis to Secured Reorganization Creditors Committees and Committees of Partners or Members)

第六十九条　会社更生法第百十八条から第百二十条までの規定は、協同組織金融機関の更生手続において更生担保権者委員会又は組合員等委員会がある場合について準用する。この場合において、同法第百十八条第一項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同法第百十九条第一項中「第八十三条第三項若しくは第四項又は第八十四条」とあるのは「更生特例法第五十五条において準用する第八十三条第三項若しくは第四項又は第八十四条」と、同条第二項中「第十二条第一項」とあるのは「更生特例法第十一条において準用する第十二条第一項」と、同法第百二十条中「第八十四条第二項」とあるのは「更生特例法第五十五条において準用する第八十四条第二項」と読み替えるものとする。

Article 69 The provisions of Article 118 to Article 120 of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a secured reorganization creditors committee or a committee of Partners or Members in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the first sentence of Article 72, paragraph (4)" in Article 118, paragraph (1) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; the phrase "Article 83, paragraph (3) or (4) or Article 84" in Article 119, paragraph (1) of that Act is deemed to be replaced with "Article 83, paragraph (3) or (4) or Article 84 as applied mutatis mutandis pursuant to Article 55 of the Act on Special Measures"; the phrase "Article 12, paragraph (1)" in paragraph (2) of that

Article is deemed to be replaced with "Article 12, paragraph (1) as applied mutatis mutandis pursuant to Article 11 of the Act on Special Measures"; and the phrase "Article 84, paragraph (2)" in Article 120 of that Act is deemed to be replaced with "Article 84, paragraph (2) as applied mutatis mutandis pursuant to Article 55 of the Act on Special Measures".

（代理委員）
(Reorganization Creditors' Representatives)

第七十条　会社更生法第百二十二条及び第百二十三条の規定は、協同組織金融機関の更生手続における代理委員の選任について準用する。この場合において、同条第五項中「更生会社財産」とあるのは、「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

Article 70 The provisions of Article 122 and Article 123 of the Corporate Reorganization Act apply mutatis mutandis to the appointment of a reorganization creditors' representative in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "assets of the reorganizing company" in paragraph (5) of that Article is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)".

（報償金等）
(Compensation)

第七十一条　会社更生法第百二十四条の規定は、協同組織金融機関の更生手続における費用の償還及び報償金の支払について準用する。この場合において、同条第一項中「更生会社財産」とあるのは、「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

Article 71 The provisions of Article 124 of the Corporate Reorganization Act apply mutatis mutandis to the reimbursement of expenses and payment of compensation in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "property of the reorganizing company" in paragraph (1) of that Article is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special Measures)".

第九款　調査命令
Subsection 9 Examination Orders

（調査命令）
(Examination Orders)

第七十二条　裁判所は、更生手続開始後において、必要があると認めるときは、利害関係人の申立てにより又は職権で、次に掲げる事項の全部又は一部を対象とする調査委員による調査又は意見陳述を命ずる処分をすることができる。

Article 72 (1) After the commencement of reorganization proceedings, the court, when it finds it necessary, upon the petition of an interested person or by its own authority, may make a disposition to order an examination or a statement of opinion by an examiner regarding any or all of the following particulars:

一　第六十二条において準用する会社更生法第九十九条第一項の規定による保全処分又は第六十三条において準用する同法第百条第一項に規定する役員等責任査定決定を必要とする事情の有無及びその処分又は決定の要否

(i) whether or not there are circumstances that require a provisional remedy under the provisions of Article 99, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 62 or Ruling Evaluating Subject Officers' Liability prescribed in Article 100, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 63, and the necessity of the relevant order or ruling;

二　管財人の作成する貸借対照表及び財産目録の当否並びに更生協同組織金融機関の業務及び財産の管理状況その他裁判所の命ずる事項に関する管財人の報告の当否

(ii) whether or not the balance sheet and inventory of assets prepared by the trustee are appropriate, and whether or not the trustee's report on the status of the administration of the business and assets of the reorganizing cooperative financial institution and any other particulars ordered by the court are appropriate;

三　更生計画案又は更生計画の当否

(iii) whether or not the proposed reorganization plan or reorganization plan is appropriate; and

四　その他更生事件に関し調査委員による調査又は意見陳述を必要とする事項

(iv) any other particulars requiring an examination or a statement of opinion by the examiner in relation to the reorganization case.

2　裁判所は、前項の処分（以下この章において「調査命令」という。）をする場合には、当該調査命令において、一人又は数人の調査委員を選任し、かつ、調査委員の調査又は意見陳述の対象となるべき事項及び裁判所に対して報告又は陳述をすべき期間を定めなければならない。

(2) The court, when making the disposition referred to in the preceding paragraph (hereinafter referred to as an "examination order" in this Chapter), in the examination order, must appoint one or more examiners and specify the particulars that should be subject to an examination or a statement of opinion by the examiner(s) and the period during which they should make the report or statement to the court.

3　会社更生法第百二十五条第三項から第六項までの規定は、協同組織金融機関の更生手続における調査命令について準用する。この場合において、同項中「第十条第三項

本文」とあるのは、「更生特例法第十条において準用する第十条第三項本文」と読み替えるものとする。

(3) The provisions of Article 125, paragraphs (3) to (6) of the Corporate Reorganization Act apply mutatis mutandis to an examination order in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the main clause of Article 10, paragraph (3)" in that paragraph is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

（管財人に関する規定の調査委員への準用）

(Application Mutatis Mutandis of Provisions on Trustees to Examiners)

第七十三条　第五十三条第一項から第四項までの規定並びに会社更生法第六十七条第二項、第六十八条、第六十九条第一項本文、第七十七条及び第八十条の規定は、協同組織金融機関の更生手続における調査委員について準用する。この場合において、同法第七十七条第二項中「会社法第二条第三号」とあるのは、「協同組合による金融事業に関する法律第四条第一項、信用金庫法第三十二条第六項又は労働金庫法第三十二条第五項」と読み替えるものとする。

Article 73 The provisions of Article 53, paragraphs (1) to (4) and the provisions of Article 67, paragraph (2), Article 68, the main clause of Article 69, paragraph (1), Article 77 and Article 80 of the Corporate Reorganization Act apply mutatis mutandis to an examiner in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 2, item (iii) of the Companies Act" in Article 77, paragraph (2) of that Act is deemed to be replaced with "Article 4, paragraph (1) of the Act on Financial Businesses by Cooperative, Article 32, paragraph (6) of the Shinkin Bank Act or Article 32, paragraph (5) of the Labor Bank Act".

第四節　共益債権及び開始後債権

Section 4 Common-Benefit Claims and Post-Commencement Claims

第一款　共益債権

Subsection 1 Common-Benefit Claims

（共益債権となる請求権）

(Claims Constituting Common-Benefit Claims)

第七十四条　次に掲げる請求権は、共益債権とする。

Article 74 The following claims are common-benefit claims:

一　更生債権者等及び組合員等の共同の利益のためにする裁判上の費用の請求権

(i) a claim for expenses for court proceedings for the common interest of an unsecured or secured reorganization creditor and Partners or Members;

二　更生手続開始後の更生協同組織金融機関の事業の経営並びに財産の管理及び処分

に関する費用の請求権

(ii) a claim for expenses for the management of the business and the administration and disposition of the assets of the reorganizing cooperative financial institution after the commencement of reorganization proceedings;

三　更生計画の遂行に関する費用の請求権（更生手続終了後に生じたものを除く。）

(iii) a claim for expenses to implement a reorganization plan (excluding one arising after the end of reorganization proceedings);

四　第五十三条第一項（第二十四条第一項、第二十八条、第五十三条第五項及び前条において準用する場合を含む。）の規定、第六十七条において準用する会社更生法第百十七条第四項の規定、第七十条において準用する同法第百二十三条第五項の規定、第七十一条において準用する同法第百二十四条第一項の規定並びに第八十八条において準用する同法第百六十二条の規定により支払うべき費用、報酬及び報償金の請求権

(iv) a claim for expenses, remuneration and compensation payable under the provisions of Article 53, paragraph (1) (including as applied mutatis mutandis pursuant to Article 24, paragraph (1), Article 28, Article 53, paragraph (5) and the preceding Article), the provisions of Article 117, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 67, the provisions of Article 123, paragraph (5) of that Act as applied mutatis mutandis pursuant to Article 70, the provisions of Article 124, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 71, and the provisions of Article 162 of that Act as applied mutatis mutandis pursuant to Article 88;

五　更生協同組織金融機関の業務及び財産に関し管財人又は更生協同組織金融機関（第四十五条において準用する会社更生法第七十二条第四項前段の規定により更生協同組織金融機関の機関がその権限を回復した場合に限る。）が権限に基づいてした資金の借入れその他の行為によって生じた請求権

(v) a claim arising from the borrowing of funds or any other act conducted by the trustee or reorganizing cooperative financial institution (limited to cases where authorities of the reorganizing cooperative financial institution pursuant to the provisions of the first sentence of Article 72, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 45 restored its powers) with respect to the business and assets of the reorganizing cooperative financial institution;

六　事務管理又は不当利得により更生手続開始後に更生協同組織金融機関に対して生じた請求権

(vi) a claim arising against the reorganizing cooperative financial institution after the commencement of reorganization proceedings from management without mandate or unjust enrichment; and

七　更生協同組織金融機関のために支出すべきやむを得ない費用の請求権で、更生手続開始後に生じたもの（前各号に掲げるものを除く。）

(vii) a claim for unavoidable expenses that should be paid for the interest of the reorganizing cooperative financial institution, which has arisen after the commencement of reorganization proceedings (other than one set forth in the preceding items).

（開始前の借入金等）

(Borrowings Prior to Commencement)

第七十五条　保全管理人が開始前協同組織金融機関の業務及び財産に関し権限に基づいてした資金の借入れその他の行為によって生じた請求権は、共益債権とする。

Article 75 (1) A right to claim arising from the borrowing of funds or any other act conducted by a provisional administrator as empowered with respect to the business and assets of the cooperative financial institution awaiting reorganization proceedings is a common-benefit claim.

２　開始前協同組織金融機関（保全管理人が選任されているものを除く。以下この項及び第四項において同じ。）が、更生手続開始の申立て後更生手続開始前に、資金の借入れその他開始前協同組織金融機関の事業の継続に欠くことができない行為をする場合には、裁判所は、その行為によって生ずべき相手方の請求権を共益債権とする旨の許可をすることができる。

(2) Where a cooperative financial institution awaiting reorganization proceedings (excluding one for which a provisional administrator is appointed; hereinafter the same applies in this paragraph and paragraph (4)), after a petition to commence reorganization proceedings is filed and before reorganization proceedings is commenced, borrows funds or conducts any other act indispensable for the continuation of business of the cooperative financial institution awaiting reorganization proceedings, the court may grant permission to the effect that the other party's right to claim arising from the act is a common-benefit claim.

３　裁判所は、監督委員に対し、前項の許可に代わる承認をする権限を付与することができる。

(3) The court may empower a supervisor to give approval in lieu of the permission referred to in the preceding paragraph.

４　開始前協同組織金融機関が第二項の許可又は前項の承認を得て第二項に規定する行為をしたときは、その行為によって生じた相手方の請求権は、共益債権とする。

(4) If a cooperative financial institution awaiting reorganization proceedings has conducted any of the acts prescribed in paragraph (2) with the permission referred to in paragraph (2) or approval referred to in the preceding paragraph, the other party's right to claim arising from the act is a common-benefit claim.

（源泉徴収所得税等）

(Witholding Income Tax and Other Taxes)

第七十六条　更生協同組織金融機関に対して更生手続開始前の原因に基づいて生じた源

泉徴収に係る所得税、消費税、酒税、たばこ税、揮発油税、地方揮発油税、石油ガス税、石油石炭税、地方消費税、申告納付の方法により徴収する道府県たばこ税（都たばこ税を含む。）及び市町村たばこ税（特別区たばこ税を含む。）並びに特別徴収義務者が徴収して納入すべき地方税の請求権で、更生手続開始当時まだ納期限の到来していないものは、共益債権とする。

Article 76 A right to claim income tax, consumption tax, liquor tax, tobacco tax, gasoline tax, local gasoline tax, liquefied petroleum gas tax, petroleum and coal tax and local consumption tax withheld at the source, prefectural tobacco tax (including tobacco tax imposed by the Tokyo metropolitan government) and municipal tobacco tax (including tobacco tax imposed in special wards) collected by means of self-assessment and payment, and local tax that should be collected and paid by a person under the obligation of special collection, arising from a cause that has occurred prior to the commencement of reorganization proceedings against a reorganizing cooperative financial institution, for which, by the time of the commencement of reorganization proceedings, the due date of payment has not yet arrived, is a common-benefit claim.

（使用人の給料等）

(Salaries for Employees)

第七十七条　協同組織金融機関について更生手続開始の決定があった場合において、更生手続開始前六月間の当該協同組織金融機関の使用人の給料の請求権及び更生手続開始前の原因に基づいて生じた当該協同組織金融機関の使用人の身元保証金の返還請求権は、共益債権とする。

Article 77 (1) Where an order commencing reorganization proceedings of a Cooperative Financial Institution is made, a claim for the salaries for employees of the Cooperative Financial Institution for six months preceding the commencement of reorganization proceedings and a claim for a the refund of the fidelity guarantee deposit of employees of the Cooperative Financial Institution arising due to an occurrence prior to the commencement of reorganization proceedings are a common-benefit claim.

２　前項に規定する場合において、更生計画認可の決定前に退職した当該協同組織金融機関の使用人の退職手当の請求権は、退職前六月間の給料の総額に相当する額又はその退職手当の額の三分の一に相当する額のいずれか多い額を共益債権とする。

(2) In the case prescribed in the preceding paragraph, a claim to the severance pay of an employee of the Cooperative Financial Institution that has retired prior to the order confirming the reorganization plan is a common-benefit claim for an amount equivalent to the total amount of the employee's salary for the six months preceding retirement or for an amount equivalent to one-third of the amount of the severance pay, whichever is larger.

３　前項の退職手当の請求権で定期金債権であるものは、同項の規定にかかわらず、各

期における定期金につき、その額の三分の一に相当する額を共益債権とする。

(3) Notwithstanding the provisions of the preceding paragraph, the right to claim severance pay referred to in that paragraph which is a claim for periodic payments is a common-benefit claim for an amount equivalent to one-third of the amount of the periodic payments in each period.

４　前二項の規定は、第七十四条の規定により共益債権とされる退職手当の請求権については、適用しない。

(4) The provisions of the preceding two paragraphs do not apply to the right to claim severance pay deemed as a common-benefit claim pursuant to the provisions of Article 74.

５　第一項に規定する場合において、更生手続開始前の原因に基づいて生じた当該協同組織金融機関の使用人の預り金の返還請求権は、更生手続開始前六月間の給料の総額に相当する額又はその預り金の額の三分の一に相当する額のいずれか多い額を共益債権とする。

(5) In the case prescribed in paragraph (1), a claim to the return of a deposit of an employee of the Cooperative Financial Institution which arises due to an occurrence prior to the commencement of reorganization proceedings is a common-benefit claim for an amount equivalent to the total amount of the employee's salary for six months preceding the commencement of reorganization proceedings or for an amount equivalent to one-third of the amount of the deposit, whichever is larger.

（共益債権の取扱い）

(Handling of Common-Benefit Claims)

第七十八条　会社更生法第百三十二条及び第百三十三条の規定は、協同組織金融機関の更生手続における共益債権の取扱いについて準用する。この場合において、同法第百三十二条第三項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同法第百三十三条第一項中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と読み替えるものとする。

Article 78 The provisions of Article 132 and Article 133 of the Corporate Reorganization Act apply mutatis mutandis to the Handling of a common-benefit claim in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the first sentence of Article 72, paragraph (4)" in Article 132, paragraph (3) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "assets of the reorganizing company" in Article 133, paragraph (1) of that Act is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution as prescribed in Article 4, paragraph (14) of the Act on Special

Measures)".

第二款　開始後債権
Subsection 2 Post-Commencement Claims

第七十九条　更生手続開始後の原因に基づいて生じた財産上の請求権（共益債権又は更生債権等であるものを除く。）は、開始後債権とする。

Article 79 (1) A right to claim assets due to an occurrence after the commencement of reorganization proceedings (excluding one that is a common-benefit claim or reorganization claim, etc.) is a post-commencement claim.

２　会社更生法第百三十四条第二項及び第三項の規定は、協同組織金融機関の更生手続における開始後債権について準用する。この場合において、同項中「、担保権の実行及び企業担保権の実行」とあるのは、「及び担保権の実行」と読み替えるものとする。

(2) The provisions of Article 134, paragraphs (2) and (3) of the Corporate Reorganization Act apply mutatis mutandis to a post-commencement claim in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase ", exercise of security interest and exercise of an enterprise mortgage" in that paragraph is deemed to be replaced with "and exercise of security interest".

第五節　更生債権者及び更生担保権者
Section 5 Reorganization Creditors and Secured Reorganization Creditors

第一款　更生債権者及び更生担保権者の手続参加
Subsection 1 Participation of Reorganization Creditors and Secured Reorganization Creditors in the Reorganization Process

第八十条　会社更生法第百三十五条第一項、第百三十六条及び第百三十七条の規定は、協同組織金融機関の更生手続における更生債権者等の更生手続への参加について準用する。この場合において、同法第百三十六条第二項第五号中「第百四十二条第二号」とあるのは、「更生特例法第八十四条第二号」と読み替えるものとする。

Article 80 (1) The provisions of Article 135, paragraph (1), Article 136 and Article 137 of the Corporate Reorganization Act apply mutatis mutandis to, in the reorganization proceedings of a Cooperative Financial Institution, the participation of an unsecured or secured reorganization creditor in reorganization proceedings. In this case, the phrase "Article 142, item (ii)" in Article 136, paragraph (2), item (v) of that Act is deemed to be replaced with "Article 84, item (ii) of the Act on Special Measures".

２　破産法第百四条及び第百五条の規定は、協同組織金融機関について更生手続が開始された場合における更生債権者等の権利の行使について準用する。この場合において、同法第百四条及び第百五条中「破産手続開始」とあるのは「更生手続（金融機関等の

更生手続の特例等に関する法律第四条第一項に規定する更生手続をいう。）開始」と、同法第百四条第一項、第三項及び第四項並びに第百五条中「破産手続に」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第四条第一項に規定する更生手続をいう。）に」と、同法第百四条第三項から第五項までの規定中「破産者」とあるのは「更生協同組織金融機関（金融機関等の更生手続の特例等に関する法律第四条第七項に規定する更生協同組織金融機関をいう。）」と、同条第四項中「破産債権者」とあるのは「更生債権者等（金融機関等の更生手続の特例等に関する法律第四条第十三項に規定する更生債権者等をいう。）」と読み替えるものとする。

(2) The provisions of Article 104 and Article 105 of the Bankruptcy Act apply mutatis mutandis to the exercise of rights by an unsecured or secured reorganization creditor once the reorganization proceedings of a Cooperative Financial Institution has commenced. In this case, the phrase "commencement of bankruptcy proceedings" in Article 104 and Article 105 of that Act is deemed to be replaced with "commencement of reorganization proceedings (meaning reorganization proceedings prescribed in Article 4, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "in bankruptcy proceedings " in Article 104, paragraphs (1), (3) and (4) and Article 105 of that Act is deemed to be replaced with "in reorganization proceedings (meaning reorganization proceedings prescribed in Article 4, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "the bankrupt" in the provisions of Article 104, paragraphs (3) to (5) of that Act is deemed to be replaced with "reorganizing cooperative financial institution (meaning reorganizing cooperative financial institution prescribed in Article 4, paragraph (7) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; and the phrase "bankruptcy creditor" in paragraph (4) of that Article is deemed to be replaced with "unsecured or secured reorganization creditor (meaning unsecured or secured reorganization creditor prescribed in Article 4, paragraph (13) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)".

3　第一項において準用する会社更生法第百三十五条第一項の規定にかかわらず、共助対象外国租税の請求権をもって更生手続に参加するには、共助実施決定（租税条約等実施特例法第十一条第一項に規定する共助実施決定をいう。第二百四十七条第三項において同じ。）を得なければならない。

(3) Notwithstanding the provisions of Article 135, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to paragraph (1), in order to participate in reorganization proceedings by reason of a claim for a Foreign Tax Subject to Mutual Assistance, a Decision of Implementation of Mutual Assistance (meaning the Decision of Implementation of Mutual Assistance prescribed in Article 11, paragraph (1) of the Act on Special Provisions for Enforcement of Tax Treaties, etc.; the same applies in Article

247, paragraph (3)) is required.

第二款　更生債権及び更生担保権の届出
Subsection 2 Reporting Reorganization Claims and Secured Reorganization Claims

（更生債権等の届出）
(Reporting an Unsecured or Secured Reorganization Claim)

第八十一条　会社更生法第百三十八条及び第百三十九条の規定は、協同組織金融機関の更生手続における更生債権等の届出について準用する。この場合において、同法第百三十八条第一項中「第四十二条第一項」とあるのは、「更生特例法第三十一条において準用する第四十二条第一項」と読み替えるものとする。

Article 81　The provisions of Article 138 and Article 139 of the Corporate Reorganization Act apply mutatis mutandis to the filing of a proof of an unsecured or secured reorganization claim in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 42, paragraph (1)" in Article 138, paragraph (1) of that Act is deemed to be replaced with "Article 42, paragraph (1) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures".

（退職手当の請求権の届出の特例）
(Special Provisions on Filing of Proofs of a Right to Claim Severance Pay)

第八十二条　会社更生法第百四十条第一項及び第二項の規定は、更生協同組織金融機関の理事、監事、代表理事、清算人、代表清算人又は使用人の退職手当の請求権について準用する。この場合において、同項中「第百三十八条第一項」とあるのは、「更生特例法第八十一条において準用する第百三十八条第一項」と読み替えるものとする。

Article 82　The provisions of Article 140, paragraphs (1) and (2) of the Corporate Reorganization Act apply mutatis mutandis to the right to claim the severance pay of any board member, inspector, Representative Board Member, liquidator, representative liquidator or employee of a reorganizing cooperative financial institution. In this case, the phrase "Article 138, paragraph (1)" in that paragraph is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

（届出名義の変更）
(Changes to the Name of a Holder of a Filed Claim)

第八十三条　会社更生法第百四十一条の規定は、協同組織金融機関の更生手続における届出をした更生債権等を取得した者について準用する。この場合において、同条中「第百三十八条第一項」とあるのは、「更生特例法第八十一条において準用する第百三十八条第一項」と読み替えるものとする。

Article 83　The provisions of Article 141 of the Corporate Reorganization Act

apply mutatis mutandis to a person that has acquired a filed reorganization claim, etc. in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 138, paragraph (1)" in that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

（租税等の請求権等の届出）

(Filing Notification of the Right to Impose Taxes and Other Charges)

第八十四条　次に掲げる請求権を有する者は、遅滞なく、当該請求権の額、原因及び担保権の内容並びに当該請求権が共助対象外国租税の請求権である場合にはその旨を裁判所に届け出なければならない。

Article 84 A person that holds any of the following rights to claim must file a proof to the court, without delay, with regard to the amount and cause of that right to claim, the content of any security interest, and if the right to claim in question is a claim for a Foreign Tax Subject to Mutual Assistance, a statement to that effect:

一　租税等の請求権

(i) the right to impose taxes or other charges; and

二　更生手続開始前の罰金等の請求権（更生手続開始前の罰金、科料、刑事訴訟費用、追徴金又は過料の請求権であって、共益債権に該当しないものをいう。）

(ii) a claim to fines, etc. arising prior to the commencement of reorganization proceedings (meaning a claim to a fine, petty fine, court costs for a criminal case, collection of equivalent value or civil fine arising prior to the commencement of reorganization proceedings that does not fall under the category of a common-benefit claim).

第八十五条　削除

Article 85 Deleted

第三款　更生債権及び更生担保権の調査及び確定

Subsection 3 Investigation and Finalization of Reorganization Claims and Secured Reorganization Claims

第一目　更生債権及び更生担保権の調査

Division 1 Investigation of Reorganization Claims and Secured Reorganization Claims

（更生債権者表及び更生担保権者表の作成等）

(Preparation of Schedules for Reorganization Creditors and Secured Reorganization Creditors)

第八十六条　裁判所書記官は、届出があった更生債権等について、更生債権者表及び更生担保権者表を作成しなければならない。

Article 86 (1) A court clerk must prepare a schedule for reorganization creditors and secured reorganization creditors with regard to filed unsecured or secured reorganization claims.

２　前項の更生債権者表には、各更生債権について、第八十一条において準用する会社更生法第百三十八条第一項第一号から第三号までに掲げる事項その他最高裁判所規則で定める事項を記載しなければならない。

(2) In the schedule of reorganization creditors referred to in the preceding paragraph, for each reorganization claim, the particulars set forth in Article 138, paragraph (1), items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 81, and any other particulars specified by Rules of the Supreme Court are entered.

３　第一項の更生担保権者表には、各更生担保権について、第八十一条において準用する会社更生法第百三十八条第二項第一号から第三号までに掲げる事項その他最高裁判所規則で定める事項を記載しなければならない。

(3) In the schedule of secured reorganization creditors referred to in paragraph (1), for each secured reorganization claim, the particulars set forth in Article 138, paragraph (2), items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 81, and any other particulars specified by Rules of the Supreme Court must be entered.

４　更生債権者表又は更生担保権者表の記載に誤りがあるときは、裁判所書記官は、申立てにより又は職権で、いつでもその記載を更正する処分をすることができる。

(4) If there are any errors in the entries in the schedule of reorganization creditors or schedule of secured reorganization creditors, a court clerk, upon petition or by their own authority, may make a disposition to correct the statements at any time.

（更生債権等の調査）

(Investigation of an Unsecured or Secured Reorganization Claim)

第八十七条　会社更生法第百四十五条から第百五十条までの規定は、協同組織金融機関の更生手続における更生債権等の調査について準用する。この場合において、同法第百四十五条中「前条第二項及び第三項」とあるのは「更生特例法第八十六条第二項及び第三項」と、同法第百四十六条第一項及び第百四十七条第三項中「第百三十八条第一項」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項」と、同法第百四十六条第二項及び第百四十八条第一項中「第百三十九条第一項若しくは第三項」とあるのは「更生特例法第八十一条において準用する第百三十九条第一項若しくは第三項」と、同法第百四十六条第三項中「第四十二条第一項」とあるのは「更生特例法第三十一条において準用する第四十二条第一項」と、同法第百四十九条第一項中「第百四十条第二項（同条第三項において準用する場合を含む。）」とあるのは「更生特例法第八十二条において準用する第百四十条第二項」と、「第百三十九条第五項」とあるのは「更生特例法第八十一条において準用する第百三十九条第五項」と読み替えるものとする。

Article 87 The provisions of Article 145 to Article 150 of the Corporate Reorganization Act apply mutatis mutandis to an investigation of a reorganization claim, etc. in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "paragraphs (2) and (3) of the preceding Article" in Article 145 of that Act is deemed to be replaced with "Article 86, paragraphs (2) and (3) of the Act on Special Measures)"; the phrase "Article 138, paragraph (1)" in Article 146, paragraph (1) and Article 147, paragraph (3) of that Act is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 139, paragraph (1) or (3)" in Article 146, paragraph (2) and Article 148, paragraph (1) of that Act is deemed to be replaced with "Article 139, paragraph (1) or (3) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 42, paragraph (1)" in Article 146, paragraph (3) of that Act is deemed to be replaced with "Article 42, paragraph (1) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures"; the phrase "Article 140, paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) of that Article)" in Article 149, paragraph (1) of that Act is deemed to be replaced with "Article 140, paragraph (2) as applied mutatis mutandis pursuant to Article 82 of the Act on Special Measures"; and the phrase "Article 139, paragraph (5)" is deemed to be replaced with "Article 139, paragraph (5) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

第二目　更生債権及び更生担保権の確定のための裁判手続
Division 2 Court Proceedings to Finalize Reorganization Claims and Secured Reorganization Claims

（更生債権等査定決定等）

(Assessment Order for an Unsecured or Secured Reorganization Claim)

第八十八条　会社更生法第百五十一条から第百六十三条までの規定は、協同組織金融機関の更生手続における更生債権等の確定について準用する。この場合において、同法第百五十一条第一項中「第百四十九条第三項前段」とあるのは「更生特例法第八十七条において準用する第百四十九条第三項前段」と、同条第二項及び第百五十八条第三項中「第百四十九条第四項」とあるのは「更生特例法第八十七条において準用する第百四十九条第四項」と、同法第百五十一条第五項及び第百五十四条第四項中「第十条第三項本文」とあるのは「更生特例法第十条において準用する第十条第三項本文」と、同法第百五十二条第三項中「第五条第六項」とあるのは「更生特例法第七条において準用する第五条第六項」と、「第七条第三号」とあるのは「更生特例法第八条において準用する第七条第三号」と、「第五条第一項」とあるのは「更生特例法第七条において準用する第五条第一項」と、同法第百五十四条第五項第一号中「第百三十八条第

二項第二号」とあるのは「更生特例法第八十一条において準用する第百三十八条第二項第二号」と、同法第百五十七条中「第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」と、同法第百五十八条第四項中「第百四十七条第一項又は第百四十八条第四項」とあるのは「更生特例法第八十七条において準用する第百四十七条第一項又は第百四十八条第四項」と、同法第百六十二条中「更生会社財産」とあるのは「更生協同組織金融機関財産（更生特例法第四条第十四項に規定する更生協同組織金融機関財産をいう。）」と、同法第百六十三条第五項中「第五十二条第四項」とあるのは「更生特例法第三十七条において準用する第五十二条第四項」と読み替えるものとする。

Article 88 The provisions of Article 151 to Article 163 of the Corporate Reorganization Act apply mutatis mutandis to the determination of a reorganization claim, etc. in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the first sentence of Article 149, paragraph (3)" in Article 151, paragraph (1) of that Act is deemed to be replaced with "the first sentence of Article 149, paragraph (3) as applied mutatis mutandis pursuant to Article 87 of the Act on Special Measures"; the phrase "Article 149, paragraph (4)" in paragraph (2) of that Article and Article 158, paragraph (3) is deemed to be replaced with "Article 149, paragraph (4) as applied mutatis mutandis pursuant to Article 87 of the Act on Special Measures; the phrase "the main clause of Article 10, paragraph (3)" in Article 151, paragraph (5) and Article 154, paragraph (4) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures"; the phrase "Article 5, paragraph (6)" in Article 152, paragraph (3) of that Act is deemed to be replaced with "Article 5, paragraph (6) as applied mutatis mutandis pursuant to Article 7 of the Act on Special Measures"; the phrase "Article 7, item (iii)" is deemed to be replaced with "Article 7, item (iii) as applied mutatis mutandis pursuant to Article 8 of the Act on Special Measures"; the phrase "Article 5, paragraph (1)" is deemed to be replaced with "Article 5, paragraph (1) as applied mutatis mutandis pursuant to Article 7 of the Act on Special Measures"; the phrase "Article 138, paragraph (2), item (ii)" in Article 154, paragraph (5), item (i) of that Act is deemed to be replaced with "Article 138, paragraph (2), item (ii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), items (i) and (ii) and paragraph (2), items (i) and (ii)" in Article 157 of that Act is deemed to be replaced with "Article 138, paragraph (1), items (i) and (ii) and, paragraph (2), items (i) and (ii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 147, paragraph (1) or Article 148, paragraph (4)" in Article 158, paragraph (4) of that Act is deemed to be replaced with "Article 147, paragraph (1) or Article 148,

paragraph (4) as applied mutatis mutandis pursuant to Article 87 of the Act on Special Measures"; the phrase "assets of the reorganizing company" in Article 162 of that Act is deemed to be replaced with "assets of the reorganizing cooperative financial institution (meaning assets of the reorganizing cooperative financial institution prescribed in Article 4, paragraph (14) of the Act on Special Measures)"; and the phrase "Article 52, paragraph (4)" in Article 163, paragraph (5) of that Act is deemed to be replaced with "Article 52, paragraph (4) as applied mutatis mutandis pursuant to Article 37 of the Act on Special Measures".

第三目　租税等の請求権等についての特例
Division 3 Special Provisions on the Right to Impose Taxes and Other Charges

第八十九条　会社更生法第百六十四条第一項から第四項までの規定は、協同組織金融機関の更生手続における租税等の請求権及び第八十四条第二号に規定する更生手続開始前の罰金等の請求権について準用する。この場合において、同法第百六十四条第一項中「前二款（第百四十四条を除く。）」とあるのは「更生特例法第二章第五節第三款第一目及び第二目（更生特例法第八十六条を除く。）」と、同条第二項中「第百四十二条」とあるのは「更生特例法第八十四条」と読み替えるものとする。

Article 89 (1) The provisions of Article 164, paragraphs (1) to (4) of the Corporate Reorganization Act apply mutatis mutandis to the right to impose taxes or other charges in the reorganization proceedings of a Cooperative Financial Institution and the right to claim fines, etc. arising prior to the commencement of reorganization proceedings prescribed in Article 84, item (ii). In this case, the phrase "the preceding two subsections (excluding Article 144)" in Article 164, paragraph (1) of that Act is deemed to be replaced with "Chapter II, Section 5, Subsection 3, Division 1 and Division 2 of the Act on Special Measures (excluding Article 86 of the Act on Special Measures)"; and the phrase "Article 142" in paragraph (2) of that Article is deemed to be replaced with "Article 84 of the Act on Special Measures".

２　会社更生法第百五十条第二項の規定は第八十四条の規定による届出があった請求権について、同法第百五十七条、第百六十条及び第百六十一条第一項の規定は前項において準用する同法第百六十四条第二項の規定による異議又は同条第三項の規定による受継があった場合について、それぞれ準用する。この場合において、同法第百五十七条中「第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」とあるのは、「更生特例法第八十一条において準用する第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」と読み替えるものとする。

(2) The provisions of Article 150, paragraph (2) of the Corporate Reorganization Act apply mutatis mutandis to a filed right to claim under the provisions of Article 84, and the provisions of Article 157, Article 160 and Article 161,

paragraph (1) of that Act apply mutatis mutandis to the cases where an objection is made under the provisions of Article 164, paragraph (2) of that Act as applied mutatis mutandis pursuant to the preceding paragraph or an action is taken over under the provisions of paragraph (3) of that Article. In this case, the phrase "Article 138, paragraph (1), items (i) and (ii) and, paragraph (2), items (i) and (ii)" in Article 157 of that Act is deemed to be replaced with "Article 138, paragraph (1), items (i) and (ii) and, paragraph (2), items (i) and (ii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

第六節　組合員等
Section 6 Partners and Members

（組合員等の手続参加）

(Participation of Partners and Members in the Reorganization Process)

第九十条　組合員等は、その有する持分をもって更生手続に参加することができる。

Article 90 (1) A Partner or Member may, with the interest they hold, participate in reorganization proceedings.

２　組合員等として更生手続に参加することができる者は、組合員名簿又は会員名簿の記載又は記録によって定める。

(2) Persons that may participate in reorganization proceedings as a Partner or Member are decided based on the entry or record in the partner registry or member registry.

３　裁判所は、組合員名簿又は会員名簿に記載又は記録のない組合員等の申立てにより、当該組合員等が更生手続に参加することを許可することができる。この場合において、裁判所は、併せて組合員名簿又は会員名簿に記載され、又は記録されている組合員等を更生手続に参加できないものとすることができる。

(3) The court, upon petition by a Partner or Member that is not specified or recorded in the partner registry or member registry, may permit the Partner or Member to participate in reorganization proceedings. In this case, the court may also prevent a Partner or Member specified or recorded in the partner registry or member registry from participating in reorganization proceedings.

４　裁判所は、利害関係人の申立てにより又は職権で、前項前段の規定による許可の決定又は同項後段の規定による決定を変更し、又は取り消すことができる。

(4) The court, upon the petition of an interested person or by its own authority, may change or revoke the order of permission under the provisions of the first sentence of the preceding paragraph or the order under the provisions of the second sentence of that paragraph.

５　第三項前段の申立てについての裁判並びに同項後段及び前項の規定による決定に対しては、即時抗告をすることができる。

(5) An immediate appeal may be filed against a judicial decision on the petition

referred to in the first sentence of paragraph (3) and the order under the provisions of the second sentence of that paragraph and the preceding paragraph.

6　前項に規定する裁判及び同項の即時抗告についての裁判があった場合には、その裁判書を当事者に送達しなければならない。この場合においては、第十条において準用する会社更生法第十条第三項本文の規定は、適用しない。

(6) Where a judicial decision prescribed in the preceding paragraph or a judicial decision on the immediate appeal referred to in that paragraph is made, the written decision must be served upon the parties concerned. In this case, the provisions of the main clause of Article 10, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 10 do not apply.

（組合員等の議決権）

(Voting Rights of Partners and Members)

第九十一条　組合員等（労働金庫の個人会員を除く。）は、各々一個の議決権を有する。

Article 91 (1) Each Partner or Member (other than an individual member of a labor bank) is entitled to one vote.

2　労働金庫の個人会員は、各々一個の議決権の四百分の一に相当する議決権を有する。

(2) Each individual member of a labor bank is entitled to voting rights equivalent to one four-hundredth of one vote.

3　前二項の規定にかかわらず、更生協同組織金融機関が更生手続開始の時においてその財産をもって債務を完済することができない状態にあるときは、組合員等は、議決権を有しない。

(3) Notwithstanding the provisions of the preceding two paragraphs, where the reorganizing cooperative financial institution, at the time of the commencement of reorganization proceedings, is unable to pay its debts in full with its assets, the Partner or Member is not entitled to vote.

第七節　更生計画の作成及び認可

Section 7 Preparation and Confirmation of a Reorganization Plan

第一款　更生計画の条項

Subsection 1 Provisions of a Reorganization Plan

（更生計画において定める事項）

(Particulars to Be Provided for in Reorganization Plans)

第九十二条　更生計画においては、次に掲げる事項に関する条項を定めなければならない。

Article 92 (1) In the reorganization plan, provisions must be established with respect to the following particulars:

一　全部又は一部の更生債権者等又は組合員等の権利の変更

(i) modification of some or all of the rights of unsecured or secured reorganization creditors or Partners or Members;

二　更生協同組織金融機関の理事、監事、会計監査人及び清算人

(ii) board members, inspectors, accounting auditors and liquidators of the reorganizing cooperative financial institution;

三　共益債権の弁済

(iii) payment of common-benefit claims;

四　債務の弁済資金の調達方法

(iv) method of raising funds to pay debt;

五　更生計画において予想された額を超える収益金の使途

(v) use of earnings exceeding the amount expected in the reorganization plan;

六　次のイ及びロに掲げる金銭の額又は見込額及びこれらの使途

(vi) amount or estimated amount and use of money referred to in (a) and (b) below:

イ　第三十六条において準用する会社更生法第五十一条第一項本文に規定する手続又は処分における配当等に充てるべき金銭の額又は見込額

(a) amount or estimated amount of money to be allocated for distribution, etc. in the proceedings or disposition prescribed in the main clause of Article 51, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 36; and

ロ　第六十四条において準用する会社更生法第百八条第一項の規定により裁判所に納付された金銭の額（第六十四条において準用する同法第百十二条第二項の場合にあっては、同項の規定により裁判所に納付された金銭の額及び第六十四条において準用する同法第百十一条第一項の決定において定める金額の合計額）

(b) amount of money paid to the court pursuant to the provisions of Article 108, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 64 (in the case of Article 112, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 64, the total of the amount of money paid to the court pursuant to the provisions of that paragraph and the amount specified in the order referred to in Article 111, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 64).

七　知れている開始後債権があるときは、その内容

(vii) the content of known post-commencement claims, if there are any.

2　第四十五条において準用する会社更生法第七十二条第四項前段に定めるもののほか、更生計画においては、第三十二条第一項各号に掲げる行為、定款の変更、中小企業等協同組合法第五十七条の三第一項若しくは第二項、信用金庫法第五十八条第一項若しくは第二項又は労働金庫法第六十二条第一項若しくは第二項に規定する行為、協同組織金融機関又は株式会社の設立その他更生のために必要な事項に関する条項を定めることができる。

(2) Beyond what is provided for in the first sentence of Article 72, paragraph (4)

of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 45, the reorganization plan may specify clauses on any of the acts set forth in the items of Article 32, paragraph (1), amendment of the articles of incorporation, acts prescribed in Article 57-3, paragraph (1) or (2) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 58, paragraph (1) or (2) of the Shinkin Bank Act or Article 62, paragraph (1) or (2) of the Labor Bank Act, the establishment of a Cooperative Financial Institution or Stock Company and any other particulars required for reorganization.

（更生計画による権利の変更）

(Modification of Rights Based on Reorganization Plans)

第九十三条　次に掲げる種類の権利を有する者についての更生計画の内容は、同一の種類の権利を有する者の間では、それぞれ平等でなければならない。ただし、不利益を受ける者の同意がある場合又は少額の更生債権等若しくは第八十条第一項において準用する会社更生法第百三十六条第二項第一号から第三号までに掲げる請求権について別段の定めをしても衡平を害しない場合その他同一の種類の権利を有する者の間に差を設けても衡平を害しない場合は、この限りでない。

Article 93 (1) The content of a reorganization plan for persons that have the following types of rights is equal among persons that have the same type of rights; provided, however, that this does not apply where any person that will suffer detriment has given consent or where equity will not be undermined even if the plan otherwise provides for a small reorganization claim, etc. or any of the rights to claim set forth in Article 136, paragraph (2), items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 80, paragraph (1) or any other difference in Handling of persons that have the same type of rights:

一　更生担保権

(i) secured reorganization claims;

二　一般の先取特権その他一般の優先権がある更生債権

(ii) a reorganization claim for which a general statutory lien or any other general priority exists;

三　前号及び次号に掲げるもの以外の更生債権

(iii) a reorganization claim other than those set forth in the preceding item and the following item;

四　約定劣後更生債権

(iv) a consensually-subordinated reorganization claim; and

五　組合員等の持分

(v) interest of Partners or Members.

2　前項第二号の更生債権について、優先権が一定の期間内の債権額につき存在する場合には、その期間は、更生手続開始の時からさかのぼって計算する。

(2) Where a priority exists with regard to the amount of a reorganization claim

referred to in item (ii) of the preceding paragraph arising for a specific period of time, that period is calculated from the time of the commencement of reorganization proceedings.

3　会社更生法第百六十八条第三項から第七項まで及び第百六十九条から第百七十二条までの規定は、協同組織金融機関の更生手続における更生計画について準用する。この場合において、同法第百六十八条第三項中「第一項各号」とあるのは「更生特例法第九十三条第一項各号」と、同条第四項及び第七項中「第百四十二条第二号」とあるのは「更生特例法第八十四条第二号」と、同法第百七十二条中「第百五十一条第一項本文」とあるのは「更生特例法第八十八条において準用する第百五十一条第一項本文」と読み替えるものとする。

(3) The provisions of Article 168, paragraphs (3) to (7) and Article 169 to Article 172 of the Corporate Reorganization Act apply mutatis mutandis to a reorganization plan in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the items of paragraph (1)" in Article 168, paragraph (3) of that Act is deemed to be replaced with "the items of Article 93, paragraph (1) of the Act on Special Measures"; the phrase "Article 142, item (ii)" in paragraphs (4) and (7) of that Article is deemed to be replaced with "Article 84, item (ii) of the Act on Special Measures"; and the phrase "the main clause of Article 151, paragraph (1)" in Article 172 of that Act is deemed to be replaced with "the main clause of Article 151, paragraph (1) as applied mutatis mutandis pursuant to Article 88 of the Act on Special Measures".

（更生協同組織金融機関の理事等）

(Board Members of Reorganizing Cooperative Financial Institutions)

第九十四条　次の各号に掲げる条項においては、当該各号に定める事項を定めなければならない。

Article 94 (1) The particulars referred to in the following items are specified in the respective clauses referred to therein:

一　更生協同組織金融機関の理事に関する条項　理事及び代表理事の氏名又はその選任若しくは選定の方法及び任期

(i) clause on board member of a reorganizing cooperative financial institution: the name or means of appointment or selection and term of office of the board member and Representative Board Member;

二　更生協同組織金融機関の監事に関する条項　監事の氏名又はその選任の方法及び任期

(ii) clause on inspector of a reorganizing cooperative financial institution: the name or means of appointment and term of office of the inspector;

三　更生協同組織金融機関が更生計画認可の決定の時において特定信用協同組合等（協同組合による金融事業に関する法律第五条の八第三項に規定する特定信用協同組合等をいう。以下この章において同じ。）又は特定金庫（信用金庫法第三十八条の二第三項又は労働金庫法第四十一条の二第三項に規定する特定金庫をいう。以下

この章において同じ。）となる場合における更生協同組織金融機関の会計監査人に関する条項　会計監査人の氏名若しくは名称又はその選任の方法及び任期

(iii) clause on accounting auditors of a reorganizing cooperative financial institution in cases where the reorganizing cooperative financial institution becomes a specified credit cooperative, etc. (meaning a specified credit cooperative, etc. as prescribed in Article 5-8, paragraph (3) of the Act on Financial Businesses by Cooperative; hereinafter the same applies in this Chapter) or specified bank (meaning a specified bank as prescribed in Article 38-2, paragraph (3) of the Shinkin Bank Act or Article 41-2, paragraph (3) of the Labor Bank Act; hereinafter the same applies in this Chapter) at the time of the order confirming the reorganization plan: the name or means of appointment and term of office of the accounting auditor.

２　更生協同組織金融機関が更生計画認可の決定の時において中小企業等協同組合法第六十九条、信用金庫法第六十三条又は労働金庫法第六十七条において準用する会社法第四百七十五条の規定により清算をする協同組織金融機関となる場合には、次の各号に掲げる条項において、当該各号に定める事項を定めなければならない。

(2) Where a reorganizing cooperative financial institution becomes a Cooperative Financial Institution to be liquidated pursuant to the provisions of Article 475 of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act, Article 63 of the Shinkin Bank Act or Article 67 of the Labor Bank Act at the time of the order confirming the reorganization plan, the particulars referred to in the following items are specified in the respective clauses referred to therein:

一　更生協同組織金融機関の清算人に関する条項　清算人及び代表清算人の氏名又はその選任若しくは選定の方法及び任期

(i) clause on liquidator of a reorganizing cooperative financial institution: the name or means of appointment or selection and term of office of the liquidator and representative liquidator;

二　更生協同組織金融機関の監事に関する条項　監事の氏名又はその選任の方法及び任期

(ii) clause on inspector of a reorganizing cooperative financial institution: the name or means of appointment and term of office of the inspector.

３　第一項第一号及び第二号並びに前項第二号の任期は、一年を超えることができない。

(3) The term of office referred to in items (i) and (ii) of paragraph (1) and item (ii) of the preceding paragraph may not exceed one year.

（出資一口の金額の減少等）

(Reduction of the Unit Amount of Contribution)

第九十五条　次に掲げる行為に関する条項においては、更生手続が行われていない場合に当該行為を行うとすれば総会の議決が必要となる事項を定めなければならない。

Article 95 In the clauses on the following acts, particulars that require a

resolution of a general meeting if those acts are to be performed in cases where reorganization proceedings are not conducted must specified:

一　出資一口の金額の減少

(i) reduction of the unit amount of contribution;

二　定款の変更

(ii) amendment of the articles of incorporation;

三　中小企業等協同組合法第五十七条の三第一項若しくは第二項、信用金庫法第五十八条第一項若しくは第二項又は労働金庫法第六十二条第一項若しくは第二項に規定する行為

(iii) acts prescribed in Article 57-3, paragraph (1) or (2) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 58, paragraph (1) or (2) of the Shinkin Bank Act or Article 62, paragraph (1) or (2) of the Labor Bank Act; and

四　剰余金の配当

(iv) dividend of surplus.

（出資の受入れ）

(Receipt of Contributions)

第九十六条　出資の受入れに関する条項においては、次に掲げる事項を定めなければならない。

Article 96 The following particulars must be specified in the clauses on the receipt of contributions:

一　受け入れる出資の口数

(i) the number of units of contribution to be received;

二　金銭以外の財産を出資の目的とするときは、その旨並びに当該財産の内容及び価額

(ii) if assets other than monies are the subject of the contribution, a statement to the effect and the description and value of the assets;

三　出資の払込み又は前号の財産の給付の期日又はその期間

(iii) the due date or period for the payment of contribution or delivery of assets referred to in the preceding item;

四　第百二十六条において準用する会社更生法第二百五条第一項の規定により更生計画の定めに従い更生債権者等（組合員等となる資格を有する者に限る。次号及び第六号並びに第百三十三条において同じ。）又は組合員等の権利の全部又は一部が消滅した場合において、これらの者が出資の申込みをしたときは出資額の全部又は一部の払込みをしたものとみなすこととするときは、その旨

(iv) where the whole or part of the right of an unsecured or secured reorganization creditor (limited to a person qualified as a Partner or Member; hereinafter the same applies in the following item and item (vi) and Article 133) or a Partner or Member is extinguished as provided for in the reorganization plan pursuant to the provisions of Article 205, paragraph (1)

of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 126, if it is arranged that, when the creditor or the Partner or Member applies for a contribution, all or part of the amount of the contribution is deemed to have been paid, a statement to that effect;

五　更生債権者等又は組合員等に対して出資の申込みをすることにより更生協同組織金融機関の出資の割当てを受ける権利を与えるときは、その旨及び当該出資の申込みの期日

(v) when the right to receive an allotment of contribution of a reorganizing cooperative financial institution is to be granted to the unsecured or secured reorganization creditor or Partner or Member upon application for contribution, a statement to that effect and the date of the application for contribution; and

六　前号に規定する場合には、更生債権者等又は組合員等に対する出資の割当てに関する事項

(vi) in the case prescribed in the preceding item, particulars concerning the allotment of contribution to the unsecured or secured reorganization creditor or Partner or Member.

（更生債権者等又は組合員等の権利の消滅と引換えにする出資の受入れ）

(Receipt of Contributions in Exchange for Extinguishment of Right of Unsecured or Secured Reorganization Creditor or Partner or Member)

第九十七条　更生債権者等（組合員等となる資格を有する者に限る。第二号及び第百三十四条において同じ。）又は組合員等の権利の全部又は一部の消滅と引換えにする出資の受入れに関する条項においては、次に掲げる事項を定めなければならない。

Article 97　The following particulars must be specified in the clauses on the receipt of contributions in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor (limited to a person qualified as a Partner or Member; hereinafter the same applies in item (ii) and Article 134) or Partner or Member:

一　受け入れる出資の口数

(i) the number of units of contribution to be received; and

二　更生債権者等又は組合員等に対する出資の割当てに関する事項

(ii) particulars concerning the allotment of contribution to the unsecured or secured reorganization creditor or Partner or Member.

（吸収合併）

(Absorption-Type Merger)

第九十八条　吸収合併（更生協同組織金融機関が消滅する吸収合併（中小企業等協同組合法第六十三条の二、信用金庫法第六十条、労働金庫法第六十二条の三又は合併転換法第二条第四項に規定する吸収合併をいう。以下この章において同じ。）であって、吸収合併後存続する金融機関（以下この章において「吸収合併存続金融機関」とい

う。）が協同組織金融機関であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 98 (1) The following particulars must be specified in the clauses on Absorption-Type Merger (limited to Absorption-Type Merger (meaning Absorption-Type Merger prescribed in Article 63-2 of the Small and Medium-Sized Enterprise Cooperatives Act, Article 60 of the Shinkin Bank Act, Article 62-3 of the Labor Bank Act or Article 2, paragraph (4) of the Merger and Conversion Act; hereinafter the same applies in this Chapter) where the reorganizing cooperative financial institution disappears and the Financial Institution surviving the Absorption-Type Merger (hereinafter referred to as a "Financial Institution Surviving an Absorption-Type Merger" in this Chapter) is a Cooperative Financial Institution; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　吸収合併存続金融機関が吸収合併に際して更生債権者等に対して出資等（協同組織金融機関の出資又は金銭をいう。以下この章において同じ。）を交付するときは、当該出資等についての次に掲げる事項

(ii) when a Financial Institution Surviving an Absorption-Type Merger delivers a Contribution, etc. (meaning contribution or money of the Cooperative Financial Institution; hereinafter the same applies in this Chapter) to unsecured or secured reorganization creditor at the time of the Absorption-Type Merger, the following particulars concerning the Contribution, etc.:

イ　当該出資等が吸収合併存続金融機関の出資であるときは、当該出資の口数又はその算定方法（吸収合併存続金融機関の組合員等となることができない更生債権者等がある場合にあっては、当該更生債権者等に対して交付する金銭の額又はその算定方法を含む。）並びに当該吸収合併存続金融機関の資本金及び準備金の額に関する事項

(a) when the Contribution, etc. is a contribution of the Financial Institution Surviving an Absorption-Type Merger, the number of units of the contribution or the means of calculating the number (in cases where there is an unsecured or secured reorganization creditor that cannot become the Partner or Member of the Financial Institution Surviving an Absorption-Type Merger, including the amount of money delivered to those unsecured or secured reorganization creditor or the means of calculating the amount), and particulars concerning the amount of the stated capital and reserve funds of the Financial Institution Surviving an Absorption-Type Merger; and

ロ　当該出資等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Contribution, etc. is money, the amount of the money or the

means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の出資等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of Contribution, etc. referred to in that item to the unsecured or secured reorganization creditor.

2　吸収合併（更生協同組織金融機関が消滅する吸収合併であって、吸収合併存続金融機関が銀行であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses on Absorption-Type Merger (limited to Absorption-Type Merger where the reorganizing cooperative financial institution disappears and the Financial Institution Surviving an Absorption-Type Merger is a Bank; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　吸収合併存続金融機関が吸収合併に際して更生債権者等に対して株式等（株式又は金銭をいう。以下この章において同じ。）を交付するときは、当該株式等についての次に掲げる事項

(ii) when a Financial Institution Surviving an Absorption-Type Merger delivers Shares, etc. (meaning shares or money; hereinafter the same applies in this Chapter) to an unsecured or secured reorganization creditor at the time of the Absorption-Type Merger, the following particulars concerning the Shares, etc.:

イ　当該株式等が吸収合併存続金融機関の株式であるときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該吸収合併存続金融機関の資本金及び準備金の額に関する事項

(a) when the Shares, etc. are the shares of the Financial Institution Surviving an Absorption-Type Merger, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Financial Institution Surviving an Absorption-Type Merger; and

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Shares, etc. are money, the amount of the money or the means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の株式等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of Shares, etc. referred to in that item to the unsecured or secured

reorganization creditor;

四　吸収合併存続金融機関が吸収合併に際して更生協同組織金融機関の組合員等に対して当該吸収合併存続金融機関の社債等（社債又は新株予約権をいう。以下この章において同じ。）を交付するときは、当該社債等についての次に掲げる事項

(iv) when a Financial Institution Surviving an Absorption-Type Merger delivers its Bonds, etc. (meaning bonds or share options; hereinafter the same applies in this Chapter) to the Partners or Members of the reorganizing cooperative financial institution at the time of the Absorption-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が吸収合併存続金融機関の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Financial Institution Surviving an Absorption-Type Merger (other than one with regard to bonds with share options), the classes of the bonds, and the total amount of the bonds for each class or the means of calculating the amount;

ロ　当該社債等が吸収合併存続金融機関の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Financial Institution Surviving an Absorption-Type Merger (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が吸収合併存続金融機関の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Financial Institution Surviving an Absorption-Type Merger, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、更生協同組織金融機関の組合員等に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of the Bonds, etc. referred to in that item to Partners or Members of the reorganizing cooperative financial institution.

3　吸収合併（更生協同組織金融機関が吸収合併存続金融機関となるものに限る。）に関する条項においては、吸収合併契約において定めるべき事項を定めなければならない。

(3) Particulars that should be specified in the Absorption-Type Merger Agreement must be specified in the clauses on Absorption-Type Merger (limited to Absorption-Type Merger where a reorganizing cooperative financial

institution becomes a Financial Institution Surviving an Absorption-Type Merger).

（新設合併）

(Consolidation-Type Mergers)

第九十九条　新設合併（更生協同組織金融機関が消滅する新設合併（中小企業等協同組合法第六十三条の三、信用金庫法第六十一条、労働金庫法第六十二条の四又は合併転換法第二条第五項に規定する新設合併をいう。以下この章において同じ。）であって、新設合併により設立する金融機関（以下この章において「新設合併設立金融機関」という。）が協同組織金融機関であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 99 (1) The following particulars must be specified in the clauses on Consolidation-Type Merger (limited to Consolidation-Type Merger (meaning Consolidation-Type Merger prescribed in Article 63-3 of the Small and Medium-Sized Enterprise Cooperatives Act, Article 61 of the Shinkin Bank Act, Article 62-4 of the Labor Bank Act or Article 2, paragraph (5) of the Merger and Conversion Act; hereinafter the same applies in this Chapter) where a reorganizing cooperative financial institution disappears and the Financial Institution established by the Consolidation-Type Merger (hereinafter referred to as a "Financial Institution Established by Consolidation-Type Merger" in this Chapter) is a Cooperative Financial Institution; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立金融機関が新設合併に際して更生債権者等に対して当該新設合併設立金融機関の出資を交付するときは、当該出資の口数又はその算定方法（新設合併設立金融機関の組合員等となることができない更生債権者等がある場合にあっては、当該更生債権者等に対して交付する金銭の額又はその算定方法を含む。）並びに当該新設合併設立金融機関の資本金及び準備金の額に関する事項

(ii) when a Financial Institution Established by Consolidation-Type Merger delivers its contribution to unsecured or secured reorganization creditor at the time of the Consolidation-Type Merger, the number of units of the contribution or the means of calculating the number (in cases where there is an unsecured or secured reorganization creditor that cannot become the Partner or Member of the Financial Institution Established by Consolidation-Type Merger, including the amount of money delivered to those unsecured or secured reorganization creditor or the means of calculating the amount), and particulars concerning the amount of the stated capital and reserve funds of the Financial Institution Established by Consolidation-Type Merger; and

三　前号に規定する場合には、更生債権者等に対する同号の出資の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of contribution referred to in that item to unsecured or secured reorganization creditor.

２　新設合併（更生協同組織金融機関が消滅する新設合併であって、新設合併設立金融機関が銀行であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses on Consolidation-Type Merger (limited to Consolidation-Type Merger where the reorganizing cooperative financial institution disappears and the Financial Institution Established by Consolidation-Type Merger is a Bank; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立金融機関が新設合併に際して更生債権者等に対して当該新設合併設立金融機関の株式を交付するときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該新設合併設立金融機関の資本金及び準備金の額に関する事項

(ii) when a Financial Institution Established by Consolidation-Type Merger delivers its shares to unsecured or secured reorganization creditor at the time of the Consolidation-Type Merger, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Financial Institution Established by Consolidation-Type Merger;

三　前号に規定する場合には、更生債権者等に対する同号の株式の割当てに関する事項

(iii) in the case prescribed in the preceding item, the particulars concerning the allotment of shares referred to in that item to unsecured or secured reorganization creditor; and

四　新設合併設立金融機関が新設合併に際して新設合併により消滅する金融機関（以下この章において「新設合併消滅金融機関」という。）の組合員等又は株主に対して当該新設合併設立金融機関の社債等を交付するときは、当該社債等についての次に掲げる事項

(iv) when a Financial Institution Established by Consolidation-Type Merger delivers its Bonds, etc. to Partners or Members or shareholders of a Financial Institution that disappears as a result of the Consolidation-Type Merger (hereinafter referred to as a "Financial Institution Disappearing in a Consolidation-Type Merger" in this Chapter) at the time of the

Consolidation-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が新設合併設立金融機関の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Financial Institution Established by Consolidation-Type Merger (other than one with regard to bonds with share options), the classes of the bonds, and the total amount of the bonds for each class or the means of calculating the amount;

ロ　当該社債等が新設合併設立金融機関の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Financial Institution Established by Consolidation-Type Merger (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が新設合併設立金融機関の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Financial Institution Established by Consolidation-Type Merger, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、新設合併消滅金融機関の組合員等又は株主に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds, etc. referred to in that item to Partners or Members or shareholders of the Financial Institution Disappearing in a Consolidation-Type Merger.

（解散）

(Dissolution)

第百条　会社更生法第百七十八条の規定は、更生協同組織金融機関の解散に関する条項について準用する。

Article 100 The provisions of Article 178 of the Corporate Reorganization Act apply mutatis mutandis to the clauses on the dissolution of Cooperative Financial Institutions in need of reorganization.

（転換）

(Conversion)

第百一条　転換（更生協同組織金融機関が他の種類の協同組織金融機関となるものに限

る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 101 (1) The following particulars must be specified in the clauses on conversion (limited to conversion in which a reorganizing cooperative financial institution becomes another type of Cooperative Financial Institution; hereinafter the same applies in this paragraph):

一　転換計画において定めるべき事項（合併転換法第六十一条第一項第三号及び第四号に掲げる事項を除く。）

(i) particulars that should be specified in the conversion plan (excluding particulars set forth in Article 61, paragraph (1), items (iii) and (iv) of the Merger and Conversion Act);

二　転換後協同組織金融機関の理事、監事及び会計監査人についての次に定める事項

(ii) the following particulars concerning any board member, inspector and accounting auditor of the converted cooperative financial institution:

イ　転換後協同組織金融機関の理事及び代表理事の氏名又はその選任若しくは選定の方法及び任期

(a) the name or means of appointment or selection and term of office of the board member and Representative Board Member of the converted cooperative financial institution;

ロ　転換後協同組織金融機関の監事の氏名又はその選任の方法及び任期

(b) the name or means of appointment and term of office of the inspector of the converted cooperative financial institution; and

ハ　転換後協同組織金融機関が特定信用協同組合等又は特定金庫である場合には、転換後協同組織金融機関の会計監査人の氏名若しくは名称又はその選任の方法及び任期

(c) in cases where the converted cooperative financial institution is a specified credit cooperative, etc. or a specified bank, the name or means of appointment and term of office of the accounting auditor of the converted cooperative financial institution;

三　転換後協同組織金融機関が転換に際して更生債権者等に対して出資等を交付するときは、当該出資等についての次に掲げる事項

(iii) when a converted cooperative financial institution delivers a Contribution, etc. to unsecured or secured reorganization creditor at the time of the conversion, the following particulars concerning the Contribution, etc.:

イ　当該出資等が転換後協同組織金融機関の出資であるときは、当該出資の口数又はその算定方法（転換後協同組織金融機関の組合員等となることができない更生債権者等がある場合にあっては、当該更生債権者等に対して交付する金銭の額又はその算定方法を含む。）並びに当該転換後協同組織金融機関の資本金及び準備金の額に関する事項

(a) when the Contribution, etc. is a contribution of the converted cooperative financial institution, the number of units of the contribution or the means

of calculating the number (in cases where there is an unsecured or secured reorganization creditor that cannot become the Partner or Member of the converted cooperative financial institution, including the amount of money delivered to those unsecured or secured reorganization creditor or the means of calculating the amount), and particulars concerning the amount of the stated capital and reserve funds of the converted cooperative financial institution; and

ロ　当該出資等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Contribution, etc. is money, the amount of the money or the means of calculating the amount;

四　前号に規定する場合には、更生債権者等に対する同号の出資等の割当てに関する事項

(iv) in the case prescribed in the preceding item, particulars concerning the allotment of Contribution, etc. referred to in that item to unsecured or secured reorganization creditor.

2　第九十六条の規定は、転換後協同組織金融機関の出資の受入れに関する条項について、準用する。

(2) The provisions of Article 96 apply mutatis mutandis to the clauses on the receipt of contributions of converted cooperative financial institutions.

3　第一項第二号イ及びロの任期は、一年を超えることができない。

(3) The term of office referred to in paragraph (1), item (ii), (a) and (b) may not exceed one year.

第百二条　転換（更生協同組織金融機関が普通銀行となるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 102 (1) The following particulars must be specified in the clauses on conversion (limited to conversion in which a reorganizing cooperative financial institution becomes an Ordinary Bank; hereinafter the same applies in this paragraph):

一　転換計画において定めるべき事項（合併転換法第五十九条第一項第四号及び第五号に掲げる事項を除く。）

(i) particulars that should be specified in the conversion plan (excluding particulars set forth in Article 59, paragraph (1), items (iv) and (v) of the Merger and Conversion Act);

二　転換後銀行の取締役及び会計監査人の氏名若しくは名称又はその選任の方法及び任期並びに転換後銀行が監査等委員会設置会社（会社法第二条第十一号の二に規定する監査等委員会設置会社をいう。次号ハにおいて同じ。）である場合には監査等委員（同法第三十八条第二項に規定する監査等委員をいう。）である取締役又はそれ以外の取締役のいずれであるかの別

(ii) the name or means of appointment and term of office of the director and accounting auditor of the converted bank, and, in cases where the converted

bank is a Company with Supervisory Committee (meaning a Company with Supervisory Committee prescribed in Article 2, item (xi)-2 of the Companies Act; the same applies in (c) of the following item), whether or not the director is a Supervisory Committee Member (meaning a Supervisory Committee Member prescribed in Article 38, paragraph (2) of that Act); and

三　次のイからニまでに掲げる場合の区分に応じ、当該イからニまでに定める事項

(iii) particulars referred to in (a) to (d) below for the cases set forth in (a) to (d), respectively:

イ　転換後銀行が会計参与設置会社（会社法第二条第八号に規定する会計参与設置会社をいう。）である場合　会計参与の氏名若しくは名称又はその選任の方法及び任期

(a) in cases where the converted bank is a company with accounting advisors (meaning a company with accounting advisors prescribed in Article 2, item (viii) of the Companies Act), the name or means of appointment and term of office of the accounting advisor of the converted bank;

ロ　転換後銀行が監査役設置会社（会社法第二条第九号に規定する監査役設置会社をいう。）である場合　代表取締役及び監査役の氏名又はその選任若しくは選定の方法及び任期

(b) in cases where the converted bank is a company with company auditors (meaning a company with company auditors prescribed in Article 2, item (ix) of the Companies Act), the name or means of appointment or selection and term of office of the representative director and company auditor of the converted bank;

ハ　転換後銀行が監査等委員会設置会社である場合　代表取締役の氏名又はその選定の方法及び任期

(c) in cases where the converted bank is a Company with Supervisory Committee, the name or means of appointment or selection and term of office of the representative director of the converted bank;

ニ　転換後銀行が指名委員会等設置会社（会社法第二条第十二号に規定する指名委員会等設置会社をいう。）である場合　各委員会（同法第四百条第一項に規定する各委員会をいう。）の委員、執行役及び代表執行役の氏名又はその選任若しくは選定の方法及び任期

(d) in cases where the converted bank is a Company with Nominating Committee, etc. (meaning a Company with Nominating Committee, etc. prescribed in Article 2, item (xii) of the Companies Act), the name or means of appointment or selection and term of office of the committee member, executive officer and representative executive officer of each committee (meaning each committee prescribed in Article 400, paragraph (1) of that Act);

四　転換後銀行が転換に際して更生債権者等に対して株式等を交付するときは、当該株式等についての次に掲げる事項

(iv) when a converted bank delivers Shares, etc. to unsecured or secured reorganization creditor at the time of the conversion, the following particulars concerning the Shares, etc.:

イ　当該株式等が転換後銀行の株式であるときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該転換後銀行の資本金及び準備金の額に関する事項

(a) when the Shares, etc. are the shares of the converted bank, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the converted bank; and

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Shares, etc. are money, the amount of the money or the means of calculating the amount;

五　前号に規定する場合には、更生債権者等に対する同号の株式等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Shares, etc. referred to in that item to the unsecured or secured reorganization creditor.

2　会社更生法第百七十五条から第百七十七条までの規定は、前項の転換後銀行の募集株式（会社法第百九十九条第一項に規定する募集株式をいう。以下この章において同じ。）、募集新株予約権（会社法第二百三十八条第一項に規定する募集新株予約権をいい、当該募集新株予約権が新株予約権付社債に付されたものである場合にあっては、当該新株予約権付社債についての社債を含む。以下この章において同じ。）又は募集社債（会社法第六百七十六条に規定する募集社債をいい、新株予約権付社債についてのものを除く。以下この章において同じ。）を引き受ける者の募集に関する条項について準用する。この場合において、会社更生法第百七十五条第二号、第百七十六条第二号及び第百七十七条第三号中「第二百五条第一項」とあるのは、「更生特例法第百二十六条において準用する第二百五条第一項」と読み替えるものとする。

(2) The provisions of Article 175 to Article 177 of the Corporate Reorganization Act apply mutatis mutandis to clauses on the solicitation of subscribers for Shares for Subscription (meaning Shares for Subscription prescribed in Article 199, paragraph (1) of the Companies Act; hereinafter the same applies in this Chapter), Share Options for Subscription (meaning Share Options for Subscription prescribed in Article 238, paragraph (1) of the Companies Act, and in cases where the Share Options for Subscription are attached to bonds with share options, including the bonds with share options; hereinafter the same applies in this Chapter) or Bonds for subscription (meaning Bonds for subscription prescribed in Article 676 of the Companies Act, excluding bonds with share options; hereinafter the same applies in this Chapter) of a converted bank referred to in the preceding paragraph. In this case, the phrase

"Article 205, paragraph (1)" in Article 175, item (ii), Article 176, item (ii) and Article 177, item (iii) of the Corporate Reorganization Act is deemed to be replaced with "Article 205, paragraph (1) as applied mutatis mutandis pursuant to Article 126 of the Act on Special Measures".

（新協同組織金融機関の設立）

(Establishment of New Cooperative Financial Institutions)

第百三条　協同組織金融機関の設立に関する条項においては、次に掲げる事項を定めなければならない。ただし、新設合併により協同組織金融機関を設立する場合は、この限りでない。

Article 103 (1) The following particulars must be specified in the clauses on the establishment of a Cooperative Financial Institution; provided, however, that this does not apply to cases where a Cooperative Financial Institution is to be established by a Consolidation-Type Merger:

一　設立する協同組織金融機関（以下この条において「新協同組織金融機関」という。）についての中小企業等協同組合法第三十三条第一項各号、信用金庫法第二十三条第三項各号又は労働金庫法第二十三条の二第一項各号に掲げる事項

(i) the particulars set forth in the items of Article 33, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, the items of Article 23, paragraph (3) of the Shinkin Bank Act or the items of Article 23-2, paragraph (1) of the Labor Bank Act concerning the Cooperative Financial Institution (hereinafter referred to as the "new Cooperative Financial Institution" in this Article) to be established;

二　新協同組織金融機関の定款で定める事項（前号に掲げる事項に係るものを除く。）

(ii) particulars provided for in the articles of incorporation (other than one in relation to the particulars set forth in preceding item) of the new Cooperative Financial Institution;

三　第百二十六条において準用する会社更生法第二百五条第一項の規定により更生計画の定めに従い更生債権者等又は組合員等（新協同組織金融機関の組合員等となる資格を有する者に限る。以下この項において同じ。）の権利の全部又は一部が消滅した場合において、これらの者が出資の申込みをしたときは新協同組織金融機関に対する出資額の全部又は一部の払込みをしたものとみなすこととするときは、その旨

(iii) where the whole or part of the right of an unsecured or secured reorganization creditor or a Partner or Member (limited to a person qualified as a Partner or Member of the new Cooperative Financial Institution; hereinafter the same applies in this paragraph) is extinguished as provided for in the reorganization plan pursuant to the provisions of Article 205, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 126, if it is arranged that, when the creditor or

the Partner or Member applies for a contribution, all or part of the amount of the contribution is deemed to have been paid to the new Cooperative Financial Institution, a statement to that effect;

四　更生計画により、更生債権者等又は組合員等に対して出資の申込みをすることにより新協同組織金融機関に対する出資の割当てを受ける権利を与えるときは、その旨及び当該出資の申込みの期日

(iv) when the right to receive an allotment of contribution of a new Cooperative Financial Institution is to be granted to the unsecured or secured reorganization creditor or Partner or Member upon application for contribution as provided for in the reorganization plan, a statement to that effect and the date of the application for contribution;

五　前号に規定する場合には、更生債権者等又は組合員等に対する出資の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of contribution to the unsecured or secured reorganization creditor or Partner or Member;

六　更生協同組織金融機関から新協同組織金融機関に移転すべき財産及びその額

(vi) the assets that should be transferred from the reorganizing cooperative financial institution to the new Cooperative Financial Institution and its amount;

七　新協同組織金融機関の理事、監事及び代表理事の氏名又はその選任若しくは選定の方法及び任期

(vii) the name or means of appointment or selection and term of office of any board member, inspector and Representative Board Member of the new Cooperative Financial Institution;

八　新協同組織金融機関が特定信用協同組合等又は特定金庫である場合には、新協同組織金融機関の会計監査人の氏名若しくは名称又はその選任の方法及び任期

(viii) in cases where the new Cooperative Financial Institution is a specified credit cooperative, etc. or a specified bank, the name or means of appointment and term of office of the accounting auditor of the new Cooperative Financial Institution;

九　新協同組織金融機関が更生債権者等又は組合員等の権利の全部又は一部の消滅と引換えに新協同組織金融機関の出資の受入れをするときは、第九十七条各号に掲げる事項

(ix) when a new Cooperative Financial Institution receives contributions of the new Cooperative Financial Institution in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor or Partner or Member, the particulars set forth in the items of Article 97.

２　前項第七号の任期は、一年を超えることができない。

(2) The term of office referred to in item (vii) of the preceding paragraph may not

exceed one year.

（新株式会社の設立）
(Incorporation of a New Stock Company)

第百四条　会社更生法第百八十三条の規定は、協同組織金融機関の更生手続における株式会社の設立に関する条項について準用する。この場合において、同条中「新設合併、新設分割又は株式移転」とあるのは「新設合併（中小企業等協同組合法第六十三条の三、信用金庫法第六十一条、労働金庫法第六十二条の四又は合併転換法第二条第五項に規定する新設合併をいう。）」と、同条第四号中「第二百五条第一項」とあるのは「更生特例法第百二十六条において準用する第二百五条第一項」と、同号から同条第六号まで及び同条第十三号中「株主」とあるのは「組合員等（更生特例法第二条第十項に規定する組合員等をいう。）」と、同条第七号中「更生会社」とあるのは「更生協同組織金融機関（更生特例法第四条第七項に規定する更生協同組織金融機関をいう。）」と読み替えるものとする。

Article 104 The provisions of Article 183 of the Corporate Reorganization Act apply mutatis mutandis to clauses on the incorporation of a Stock Company in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Consolidation-Type Merger, Incorporation-type Company Split or share transfer" in that Article is deemed to be replaced with "Consolidation-Type Merger (meaning Consolidation-Type Merger prescribed in Article 63-3 of the Small and Medium-Sized Enterprise Cooperatives Act, Article 61 of the Shinkin Bank Act, Article 62-4 of the Labor Bank Act or Article 2, paragraph (5) of the Merger and Conversion Act)"; the phrase "Article 205, paragraph (1)" in paragraph (iv) of that Article is deemed to be replaced with "Article 205, paragraph (1) as applied mutatis mutandis pursuant to Article 126 of the Act on Special Measures"; the phrase "shareholder" in that item to item (vi) of that Article and item (xiii) of that Article is deemed to be replaced with "Partner or Member (meaning Partner or Member prescribed in Article 2, paragraph (10) of the Act on Special Measures)"; and the phrase "reorganizing company" in item (vii) of that Article is deemed to be replaced with "reorganizing cooperative financial institution (meaning reorganizing cooperative financial institution prescribed in Article 4, paragraph (7) of the Act on Special Measures)".

第百五条　削除
Article 105 Deleted

第百六条　削除
Article 106 Deleted

第百七条　削除

Article 107 Deleted

第二款　更生計画案の提出
Subsection 2 Submission of a Proposed Reorganization Plan

（更生計画案の提出時期）
(Period for Submitting a Proposed Reorganization Plan)

第百八条　会社更生法第百八十四条の規定は、協同組織金融機関の更生手続における更生計画案の作成及び提出について準用する。この場合において、同条第一項中「第百三十八条第一項」とあるのは、「更生特例法第八十一条において準用する第百三十八条第一項」と読み替えるものとする。

Article 108 The provisions of Article 184 of the Corporate Reorganization Act apply mutatis mutandis to the preparation and submission of a proposed reorganization plan in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 138, paragraph (1)" in paragraph (1) of that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

（事業の全部の廃止を内容とする更生計画案）
(Proposed Reorganization Plan Specifying Discontinuation of All Business)

第百九条　更生協同組織金融機関の事業を当該更生協同組織金融機関が継続し（組織を変更する場合を含む。）、又は当該事業を事業の譲渡、合併若しくは協同組織金融機関若しくは株式会社の設立により他の者が継続することを内容とする更生計画案の作成が困難であることが更生手続開始後に明らかになったときは、裁判所は、前条において準用する会社更生法第百八十四条第一項又は第二項に規定する者の申立てにより、更生協同組織金融機関の事業の全部の廃止を内容とする更生計画案の作成を許可することができる。ただし、債権者の一般の利益を害するときは、この限りでない。

Article 109 (1) When it has become obvious that it is difficult to prepare a proposed reorganization plan specifying the continuation of the business of a reorganizing cooperative financial institution by the reorganizing cooperative financial institution (including the case of entity conversion), the continuation of that business by another person by the transfer of business, a merger or establishment of a Cooperative Financial Institution or Stock Company after the commencement of reorganization proceedings, the court may permit the preparation of a proposed reorganization plan specifying the discontinuation of the entire business of the reorganizing cooperative financial institution upon petition by a person prescribed in Article 184, paragraph (1) or (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding Article; provided, however, that this does not apply when it is prejudicial to the common interests of creditors.

２　会社更生法第百八十五条第二項の規定は、前項本文の許可について準用する。
(2) The provisions of Article 185, paragraph (2) of the Corporate Reorganization Act apply mutatis mutandis to the permission referred to in the main clause of the preceding paragraph.

（更生計画案の修正）
(Revision of Proposed Reorganization Plan)
第百十条　会社更生法第百八十六条の規定は、協同組織金融機関の更生手続における更生計画案の修正について準用する。
Article 110 The provisions of Article 186 of the Corporate Reorganization Act apply mutatis mutandis to the revision of a proposed reorganization plan in the reorganization proceedings of a Cooperative Financial Institution.

（行政庁の意見）
(Opinions of Administrative Agencies)
第百十一条　会社更生法第百八十七条の規定は、協同組織金融機関の更生手続における行政庁の許可、認可、免許その他の処分を要する事項を定めた更生計画案について準用する。この場合において、同条中「前条」とあるのは、「更生特例法第百十条において準用する前条」と読み替えるものとする。
Article 111 The provisions of Article 187 of the Corporate Reorganization Act apply mutatis mutandis to a proposed reorganization plan specifying particulars requiring the administrative agency's permission, confirmation, license or any other disposition in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the preceding Article" in that Article is deemed to be replaced with "the preceding Article as applied mutatis mutandis pursuant to Article 110 of the Act on Special Measures".

（更生協同組織金融機関の労働組合等の意見）
(Opinions of the Labor Union of a Reorganizing Cooperative Financial Institution)
第百十二条　裁判所は、更生計画案について、第三十三条第三項第三号に規定する労働組合等の意見を聴かなければならない。第百十条において準用する会社更生法第百八十六条の規定による修正があった場合における修正後の更生計画案についても、同様とする。
Article 112 The court must hear opinions of the labor union, etc. prescribed in Article 33, paragraph (3), item (iii) with regard to a proposed reorganization plan. The same applies to a proposed reorganization plan as revised under the provisions of Article 186 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 110.

第三款　更生計画案の決議
Subsection 3 Resolution on a Proposed Reorganization Plan

（決議に付する旨の決定）
(Order to Refer to Resolution)

第百十三条　会社更生法第百八十九条の規定は、協同組織金融機関の更生手続において更生計画案の提出があった場合について準用する。この場合において、同条第一項第一号中「第百四十六条第三項」とあるのは「更生特例法第八十七条において準用する第百四十六条第三項」と、同項第二号中「第八十四条第一項」とあるのは「更生特例法第五十五条において準用する第八十四条第一項」と、「第八十五条第一項」とあるのは「更生特例法第五十六条において準用する第八十五条第一項」と、同項第三号中「第百九十九条第二項各号」とあるのは「更生特例法第百二十条第二項において準用する第百九十九条第二項各号」と、同項第四号中「第二百三十六条第二号」とあるのは「更生特例法第百五十二条第一項において準用する第二百三十六条第二号」と、同条第二項中「第百九十三条第二項」とあるのは「更生特例法第百十六条において準用する第百九十三条第二項」と、同条第三項中「第百十五条第一項本文」とあるのは「更生特例法第六十六条において準用する第百十五条第一項本文」と、同条第五項中「第百十四条第一項各号」とあるのは「更生特例法第六十六条において準用する第百十四条第一項各号」と読み替えるものとする。

Article 113 The provisions of Article 189 of the Corporate Reorganization Act apply mutatis mutandis to the cases where a proposed reorganization plan has been submitted in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 146, paragraph (3)" in paragraph (1), item (i) of that Article is deemed to be replaced with "Article 146, paragraph (3) as applied mutatis mutandis pursuant to Article 87 of the Act on Special Measures"; the phrase "Article 84, paragraph (1)" in item (ii) of that paragraph is deemed to be replaced with "Article 84, paragraph (1) as applied mutatis mutandis pursuant to Article 55 of the Act on Special Measures"; the phrase "Article 85, paragraph (1)" is deemed to be replaced with "Article 85, paragraph (1) as applied mutatis mutandis pursuant to Article 56 of the Act on Special Measures"; the phrase "the items of Article 199, paragraph (2)" in item (iii) of that paragraph is deemed to be replaced with "the items of Article 199, paragraph (2) as applied mutatis mutandis pursuant to Article 120, paragraph (2) of the Act on Special Measures"; the phrase "Article 236, item (ii)" in item (iv) of that paragraph is deemed to be replaced with "Article 236, item (ii) as applied mutatis mutandis pursuant to Article 152, paragraph (1) of the Act on Special Measures"; the phrase "Article 193, paragraph (2)" in paragraph (2) of that Article is deemed to be replaced with "Article 193, paragraph (2) as applied mutatis mutandis pursuant to Article 116 of the Act on Special Measures"; the phrase "the main clause of Article 115, paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "the main clause of

Article 115, paragraph (1) as applied mutatis mutandis pursuant to Article 66 of the Act on Special Measures"; and the phrase "the items of Article 114, paragraph (1)" in paragraph (5) of that Article is deemed to be replaced with "the items of Article 114, paragraph (1) as applied mutatis mutandis pursuant to Article 66 of the Act on Special Measures".

（関係人集会が開催される場合における議決権の額又は数の定め方等）

(Means of Determination of the Amount or Number of Voting Rights When a Meeting of Persons Concerned Is to Be Held)

第百十四条　裁判所が議決権行使の方法として前条において準用する会社更生法第百八十九条第二項第一号又は第三号に掲げる方法を定めた場合においては、管財人、届出をした更生債権者等又は組合員等は、関係人集会の期日において、届出をした更生債権者等又は組合員等の議決権につき異議を述べることができる。ただし、第八十七条において準用する同法第百五十条第一項の規定によりその額が確定した届出をした更生債権者等の議決権については、この限りでない。

Article 114 (1) Where the court designates either of the means referred to in Article 189, paragraph (2), item (i) or (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding Article as the means for exercising a voting right, the trustee, unsecured or secured reorganization creditor that filed a proof or Partner or Member may make an objection to the voting right of holders of filed an unsecured or secured reorganization claim or Partner or Member on the date of a meeting of persons concerned; provided, however, that this does not apply to a voting right held by a holders of filed an unsecured or secured reorganization claim of which the amount is determined pursuant to the provisions of Article 150, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 87.

２　前項本文に規定する場合においては、議決権者は、次の各号に掲げる区分に応じ、当該各号に定める額又は数に応じて、議決権を行使することができる。

(2) In the case prescribed in the main clause of the preceding paragraph, voting right holders may exercise their voting rights in accordance with the amount or number specified in each of the following items for the categories set forth in the respective items:

一　第八十七条において準用する会社更生法第百五十条第一項の規定によりその額が確定した議決権を有する届出をした更生債権者等　確定した額

(i) holders of filed an unsecured or secured reorganization claim and holds a voting right of which the amount is determined pursuant to the provisions of Article 150, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 87: the amount thus determined;

二　前項本文の異議のない議決権を有する届出をした更生債権者等　届出の額

(ii) holders of filed an unsecured or secured reorganization claim and holds a voting right without objection referred to in the main clause of the preceding

paragraph: the amount filed;

三　前項本文の異議のない議決権を有する組合員等（労働金庫の個人会員を除く。）　一個

(iii) a Partner or Member (excluding individual member of a labor bank) that holds a voting right without objection referred to in the main clause of the preceding paragraph: one vote;

四　前項本文の異議のない議決権を有する労働金庫の個人会員　一個の議決権の四百分の一

(iv) an individual member of a labor bank that holds a voting right without objection referred to in the main clause of the preceding paragraph: one four-hundredth of one vote;

五　前項本文の異議のある議決権を有する届出をした更生債権者等又は組合員等　裁判所が定める額又は数。ただし、裁判所が議決権を行使させない旨を定めたときは、議決権を行使することができない。

(v) holders of filed unsecured or secured reorganization claims or Partners or Members that hold a voting right subject to objection referred to in the main clause of the preceding paragraph: the amount or number specified by the court; provided, however, that the voting right may not be exercised if the court has decided not to allow the exercise of the voting right.

3　裁判所は、利害関係人の申立てにより又は職権で、いつでも前項第五号の規定による決定を変更することができる。

(3) The court, upon the petition of an interested person or by its own authority, may change the order made under the provisions of item (v) of the preceding paragraph at any time.

（関係人集会が開催されない場合における議決権の額又は数の定め方等）

(Means of Determining the Amount or Number of Voting Rights When a Meeting of Persons Concerned Is Not to Be Held)

第百十五条　裁判所が議決権行使の方法として第百十三条において準用する会社更生法第百八十九条第二項第二号に掲げる方法を定めた場合においては、議決権者は、次の各号に掲げる区分に応じ、当該各号に定める額又は数に応じて、議決権を行使することができる。

Article 115 (1) Where the court designates the means referred to in Article 189, paragraph (2), item (ii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 113 as the means for exercising a voting right, voting right holders may exercise their voting rights in accordance with the amount or number specified in each of the following items for the categories set forth in the respective items:

一　第八十七条において準用する会社更生法第百五十条第一項の規定によりその額が確定した議決権を有する届出をした更生債権者等　確定した額

(i) holders of voting rights of which the amount is determined pursuant to the

provisions of Article 150, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 87: the amount thus determined;

二　届出をした更生債権者等（前号に掲げるものを除く。）　裁判所が定める額。ただし、裁判所が議決権を行使させない旨を定めたときは、議決権を行使することができない。

(ii) holders of filed unsecured or secured reorganization claims (other than one referred to in the preceding item): the amount specified by the court; provided, however, that the voting right may not be exercised if the court has decided not to allow exercising the voting right;

三　組合員等（労働金庫の個人会員を除く。）　一個

(iii) a Partner or Member (excluding individual member of a labor bank): one vote;

四　労働金庫の個人会員　一個の議決権の四百分の一

(iv) an individual member of a labor bank: one four-hundredth of one vote.

2　裁判所は、利害関係人の申立てにより又は職権で、いつでも前項第二号の規定による決定を変更することができる。

(2) The court, upon the petition of an interested person or by its own authority, may change the order made under the provisions of item (ii) of the preceding paragraph at any time.

（議決権の行使の方法等）

(Means of Exercising Voting Rights)

第百十六条　会社更生法第百九十三条から第百九十五条までの規定は、協同組織金融機関の更生手続における議決権について準用する。この場合において、同法第百九十三条第二項中「第百八十九条第二項前段」とあるのは「更生特例法第百十三条において準用する第百八十九条第二項前段」と、同法第百九十四条第一項中「株主名簿」とあるのは「組合員名簿若しくは会員名簿」と、同法第百九十五条中「第二百条第二項」とあるのは「更生特例法第百二十一条において準用する第二百条第二項」と読み替えるものとする。

Article 116　The provisions of Article 193 to Article 195 of the Corporate Reorganization Act apply mutatis mutandis to voting rights in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the first sentence of Article 189, paragraph (2)" in Article 193, paragraph (2) of that Act is deemed to be replaced with "the first sentence of Article 189, paragraph (2) as applied mutatis mutandis pursuant to Article 113 of the Act on Special Measures"; the phrase "shareholder registry" in Article 194, paragraph (1) of that Act is deemed to be replaced with "partner registry or member registry"; and the phrase "Article 200, paragraph (2)" in Article 195 of that Act is deemed to be replaced with "Article 200, paragraph (2) as applied mutatis mutandis pursuant to Article 121 of the Act on Special Measures".

（更生計画案の可決の要件）

(Requirements for Approval of a Proposed Reorganization Plan)

第百十七条　会社更生法第百九十六条の規定は、協同組織金融機関の更生手続における更生計画案の決議について準用する。この場合において、同条第一項及び第二項中「第百六十八条第一項各号」とあるのは「更生特例法第九十三条第一項各号」と、同項及び同条第五項第三号中「株式」とあるのは「組合員等（更生特例法第二条第十項に規定する組合員等をいう。）の持分」と読み替えるものとする。

Article 117 The provisions of Article 196 of the Corporate Reorganization Act apply mutatis mutandis to a resolution on a proposed reorganization plan in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the items of Article 168, paragraph (1)" in paragraphs (1) and (2) of that Article is deemed to be replaced with "the items of Article 93, paragraph (1) of the Act on Special Measures"; and the phrase "shares" in that paragraph and paragraph (5), item (iii) of that Article is deemed to be replaced with "interest of a Partner or Member (meaning Partner or Member prescribed in Article 2, paragraph (10) of the Act on Special Measures)".

（更生計画案の変更）

(Modification of Proposed Reorganization Plans)

第百十八条　会社更生法第百九十七条の規定は、協同組織金融機関の更生手続における更生計画案の変更について準用する。この場合において、同条中「第百八十九条第二項第一号又は第三号」とあるのは、「更生特例法第百十三条において準用する第百八十九条第二項第一号又は第三号」と読み替えるものとする。

Article 118 The provisions of Article 197 of the Corporate Reorganization Act apply mutatis mutandis to the modification of a proposed reorganization plan in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 189, paragraph (2), item (i) or (iii)" in that Article is deemed to be replaced with "Article 189, paragraph (2), item (i) or (iii) as applied mutatis mutandis pursuant to Article 113 of the Act on Special Measures".

（関係人集会の期日の続行）

(Continuance of an Established Date for a Meeting of Persons Concerned)

第百十九条　会社更生法第百九十八条の規定は、協同組織金融機関の更生手続における関係人集会の期日の続行について準用する。この場合において、同条第一項中「第百八十九条第二項第一号又は第三号」とあるのは「更生特例法第百十三条において準用する第百八十九条第二項第一号又は第三号」と、「第百九十六条第一項」とあるのは「更生特例法第百十七条において準用する第百九十六条第一項」と、同項第三号中「株式」とあるのは「組合員等（更生特例法第二条第十項に規定する組合員等をいう。）の持分」と読み替えるものとする。

Article 119 The provisions of Article 198 of the Corporate Reorganization Act apply mutatis mutandis to the continuation of the date of a meeting of persons concerned in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 189, paragraph (2), item (i) or (iii)" in paragraph (1) of that Article is deemed to be replaced with "Article 189, paragraph (2), item (i) or (iii) as applied mutatis mutandis pursuant to Article 113 of the Act on Special Measures"; the phrase "Article 196, paragraph (1)" is deemed to be replaced with "Article 196, paragraph (1) as applied mutatis mutandis pursuant to Article 117 of the Act on Special Measures"; and the phrase "shares" in item (iii) of that paragraph is deemed to be replaced with "interest of a Partner or Member (meaning Partner or Member prescribed in Article 2, paragraph (10) of the Act on Special Measures)".

第四款　更生計画の認可又は不認可の決定
Subsection 4 Order Confirming or Disconfirming a Reorganization Plan

（更生計画認可の要件等）
(Requirements for Confirmation of a Reorganization Plan)

第百二十条　更生計画案が可決されたときは、裁判所は、更生計画の認可又は不認可の決定をしなければならない。

Article 120 (1) Where a proposed reorganization plan is approved, the court must issue an order confirming or disconfirming the reorganization plan.

２　会社更生法第百九十九条第二項から第七項までの規定は、協同組織金融機関の更生計画の認可又は不認可の決定について準用する。この場合において、同条第二項第五号中「他の会社と共に第四十五条第一項第七号に掲げる行為を行うこと」とあるのは「合併」と、「前項」とあるのは「更生特例法第百二十条第一項」と、「当該他の会社」とあるのは「合併の相手方である協同組織金融機関又は銀行」と、「当該行為」とあるのは「当該合併」と、同項第六号中「第百八十七条」とあるのは「更生特例法第百十一条において準用する第百八十七条」と、同条第四項中「前二項又は次条第一項」とあるのは「前二項の規定又は更生特例法第百二十一条において準用する次条第一項」と、同条第五項中「第百十五条第一項本文」とあるのは「更生特例法第六十六条において準用する第百十五条第一項本文」と、同項及び同条第七項中「第四十六条第三項第三号」とあるのは「更生特例法第三十三条第三項第三号」と読み替えるものとする。

(2) The provisions of Article 199, paragraphs (2) to (7) of the Corporate Reorganization Act apply mutatis mutandis to an order confirming or disconfirming the reorganization plan of a Cooperative Financial Institution. In this case, the phrase "perform an act referred to in Article 45, paragraph (1), item (vii) with another company" in paragraph (2), item (v) of that Article is deemed to be replaced with "merger"; the phrase "the preceding paragraph" is deemed to be replaced with "Article 120, paragraph (1) of the Act on Special

Measures"; the phrase "the relevant other company" is deemed to be replaced with "Cooperative Financial Institution or Bank that is the other party to the merger"; the phrase "the act" is deemed to be replaced with "the merger"; the phrase "Article 187" in item (vi) of that paragraph is deemed to be replaced with "Article 187 as applied mutatis mutandis pursuant to Article 111 of the Act on Special Measures"; the phrase "the preceding two paragraphs or paragraph (1) of the following Article" in paragraph (4) of that Article is deemed to be replaced with "the provisions of the preceding two paragraphs or paragraph (1) of the following Article as applied mutatis mutandis pursuant to Article 121 of the Act on Special Measures"; the phrase "the main clause of Article 115, paragraph (1)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 115, paragraph (1) as applied mutatis mutandis pursuant to Article 66 of the Act on Special Measures"; and the phrase "Article 46, paragraph (3), item (iii)" in that paragraph and paragraph (7) of that Article is deemed to be replaced with "Article 33, paragraph (3), item (iii) of the Act on Special Measures".

（同意を得られなかった種類の権利がある場合の認可）

(Confirmation in Cases Where There Are Types of Rights for Which Consent Could Not Be Obtained)

第百二十一条　会社更生法第二百条第一項の規定は第百十七条において準用する同法第百九十六条第一項に規定する種類の権利の一部に同条第五項の要件を満たす同意を得られなかったものがあるため更生計画案が可決されなかった場合について、同法第二百条第二項及び第三項の規定は更生計画案につき第百十七条において準用する同法第百九十六条第一項に規定する種類の権利の一部に同条第五項の要件を満たす同意を得られないことが明らかなものがある場合について、それぞれ準用する。

Article 121 The provisions of Article 200, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where a proposed reorganization plan is not approved because consent that meets the requirements referred to in paragraph (5) of that Article could not be obtained for some types of rights prescribed in Article 196, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 117 and the provisions of Article 200, paragraphs (2) and (3) of that Act apply mutatis mutandis to the cases where it is obvious that the consent that meets the requirements referred to in paragraph (5) of that Article cannot be obtained for some types of rights prescribed in Article 196, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 117 for a proposed reorganization plan.

（更生計画の効力発生の時期）

(Time When a Reorganization Plan Becomes Effective)

第百二十二条　更生計画は、認可の決定の時から、効力を生ずる。

Article 122 A reorganization plan becomes effective at the time of the order confirming it.

（更生計画認可の決定等に対する即時抗告）

(Immediate Appeal against an Order Confirming a Reorganization Plan)

第百二十三条　会社更生法第二百二条の規定は、協同組織金融機関の更生計画の認可又は不認可の決定に対する即時抗告について準用する。この場合において、同条第二項中「第百六十八条第一項第四号から第六号まで」とあるのは「更生特例法第九十三条第一項第四号又は第五号」と、同条第五項中「第十三条」とあるのは「更生特例法第十二条」と読み替えるものとする。

Article 123 The provisions of Article 202 of the Corporate Reorganization Act apply mutatis mutandis to an immediate appeal against an order confirming or disconfirming the reorganization plan of a Cooperative Financial Institution. In this case, the phrase "Article 168, paragraph (1), items (iv) to (vi)" in paragraph (2) of that Article is deemed to be replaced with "Article 93, paragraph (1), item (iv) or (v) of the Act on Special Measures"; and the phrase "Article 13" in paragraph (5) of that Article is deemed to be replaced with "Article 12 of the Act on Special Measures".

第八節　更生計画認可後の手続

Section 8 Procedures after the Confirmation of a Reorganization Plan

第一款　更生計画認可の決定の効力

Subsection 1 Effect of an Order Confirming a Reorganization Plan

（更生計画の効力範囲）

(Scope of the Effect of a Reorganization Plan)

第百二十四条　更生計画は、次に掲げる者のために、かつ、それらの者に対して効力を有する。

Article 124 (1) A reorganization plan is effective in the interest of and regarding the following persons:

一　更生協同組織金融機関

(i) a reorganizing cooperative financial institution;

二　すべての更生債権者等及び組合員等

(ii) all reorganization creditors and similar persons and Partners or Members;

三　更生協同組織金融機関の事業の更生のために債務を負担し、又は担保を提供する者

(iii) any person that incurs a debt or provides security for the purpose of reorganization of the business of the reorganizing cooperative financial institution;

四　転換後協同組織金融機関又は転換後銀行

(iv) a converted cooperative financial institution or converted bank;

五　新協同組織金融機関（更生計画の定めるところにより第百三条第一項に規定する条項によって設立される協同組織金融機関をいう。以下この章において同じ。）

(v) a new Cooperative Financial Institution (meaning a Cooperative Financial Institution established under clauses prescribed in Article 103, paragraph (1) as specified in the reorganization plan; hereinafter the same applies in this Chapter); and

六　新株式会社（更生計画の定めるところにより第百四条において準用する会社更生法第百八十三条に規定する条項によって設立される株式会社をいう。以下この章において同じ。）

(vi) a new Stock Company (meaning a Stock Company incorporated under clauses prescribed in Article 183 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 104 as specified in the reorganization plan; hereinafter the same applies in this Chapter).

２　更生計画は、更生債権者等が更生協同組織金融機関の保証人その他更生協同組織金融機関と共に債務を負担する者に対して有する権利及び更生協同組織金融機関以外の者が更生債権者等のために提供した担保に影響を及ぼさない。

(2) A reorganization plan does not affect any rights held by an unsecured or secured reorganization creditor against the guarantor of a reorganizing cooperative financial institution or any other person that owes debts jointly with the reorganizing cooperative financial institution, and any security provided by persons other than the reorganizing cooperative financial institution in the interest of an unsecured or secured reorganization creditor.

（更生債権等の免責等）

(Discharge from an Unsecured or Secured Reorganization Claim)

第百二十五条　更生計画認可の決定があったときは、次に掲げる権利を除き、更生協同組織金融機関は、全ての更生債権等につきその責任を免れ、組合員等の権利及び更生協同組織金融機関の財産を目的とする担保権は全て消滅する。

Article 125 (1) If the court issues an order confirming a reorganization plan, the reorganizing cooperative financial institution is discharged from its liabilities for all of an unsecured or secured reorganization claim, except for the following rights, and any rights of Partners, etc. and any security interest on the assets of the reorganizing cooperative financial institution are extinguished:

一　更生計画の定め又はこの章の規定によって認められた権利

(i) rights approved pursuant to the provisions of the reorganization plan or provisions of this Chapter;

二　更生手続開始後に更生協同組織金融機関の理事等（理事、監事、代表理事、清算人又は代表清算人をいう。）又は使用人であった者で、更生計画認可の決定後も引き続きこれらの職に在職しているものの退職手当の請求権

(ii) a claim to the severance pay of a person that was a board member, etc. (meaning a board member, inspector, Representative Board Member,

liquidator or representative liquidator) or employee of the reorganizing cooperative financial institution after the commencement of reorganization proceedings and remains in such a position even after the order confirming the reorganization plan;

三　第八十四条第二号に規定する更生手続開始前の罰金等の請求権

(iii) a claim to fines, etc. arising prior to the commencement of reorganization proceedings prescribed in Article 84, item (ii); and

四　租税等の請求権（共助対象外国租税の請求権を除く。）のうち、これを免れ、若しくは免れようとし、不正の行為によりその還付を受け、又は徴収して納付し、若しくは納入すべきものを納付せず、若しくは納入しなかったことにより、更生手続開始後懲役若しくは罰金に処せられ、又は国税犯則取締法（明治三十三年法律第六十七号）第十四条第一項（地方税法（昭和二十五年法律第二百二十六号）において準用する場合を含む。）の規定による通告の旨を履行した場合における、免れ、若しくは免れようとし、還付を受け、又は納付せず、若しくは納入しなかった額の租税等の請求権で届出のないもの

(iv) among rights to impose taxes or other charges (excluding a claim for a Foreign Tax Subject to Mutual Assistance), in cases where a sentence to imprisonment with required labor or a fine is imposed after the commencement of reorganization proceedings for evading or attempting to evade tax, etc., or having tax, etc. refunded by misconduct or failing to pay or deliver tax, etc. that should have been collected and paid or delivered, or the subject of notification is performed under the provisions of Article 14, paragraph (1) of the National Tax Violations Control Act (Act No. 67 of 1900) (including as applied mutatis mutandis pursuant to the Local Tax Act (Act No. 226 of 1950)), the right to impose taxes or other charges the amount of which evasion was performed or attempted, refunded or not paid or delivered, for which there is no filing of a proof.

２　前項の規定にかかわらず、共助対象外国租税の請求権についての同項の規定による免責及び担保権の消滅の効力は、租税条約等実施特例法第十一条第一項の規定による共助との関係においてのみ主張することができる。

(2) Notwithstanding the provisions of the preceding paragraph, the effect of discharge and extinguishment of security interests under the provisions of that paragraph with regard to a claim for a Foreign Tax Subject to Mutual Assistance may be asserted only in relation to the mutual assistance under the provisions of Article 11, paragraph (1) of the Act on Special Provisions for Enforcement of Tax Treaties, etc.

３　会社更生法第二百四条第二項の規定は、協同組織金融機関の更生手続において更生計画認可の決定があった場合における第一項第三号及び第四号に掲げる請求権について準用する。

(3) The provisions of Article 204, paragraph (2) of the Corporate Reorganization Act apply mutatis mutandis to the rights to claim referred to in paragraph (1),

items (iii) and (iv) if the court issues an order confirming the reorganization plan in the reorganization proceedings of a Cooperative Financial Institution.

（届出をした更生債権者等の権利の変更等）

(Modification of Rights of Holders of a Filed Unsecured or Secured Reorganization Claim)

第百二十六条　会社更生法第二百五条から第二百八条までの規定は、協同組織金融機関の更生手続における更生計画認可の決定について準用する。この場合において、同法第二百五条第四項中「第百五十一条から第百五十三条までの規定」とあるのは「第百五十一条の規定」と、同法第二百六条第二項中「第二百三条第一項第四号に掲げる持分会社、同項第五号に掲げる会社」とあるのは「更生特例法第百二十四条第一項第四号に掲げる転換後協同組織金融機関及び転換後銀行、同項第五号に規定する新協同組織金融機関、同項第六号に規定する新株式会社」と、「及び」とあるのは「並びに」と、同法第二百七条中「第百六十九条第一項」とあるのは「更生特例法第九十三条第三項において準用する第百六十九条第一項」と、同法第二百八条中「第五十条第一項」とあるのは「更生特例法第三十六条において準用する第五十条第一項」と、「第二十四条第一項第二号に規定する強制執行等の手続、企業担保権の実行手続」とあるのは「更生特例法第十九条において準用する第二十四条第一項第二号に規定する強制執行等の手続」と、「第五十条第五項」とあるのは「更生特例法第三十六条において準用する第五十条第五項」と読み替えるものとする。

Article 126 The provisions of Article 205 to Article 208 of the Corporate Reorganization Act apply mutatis mutandis to an order confirming a reorganization plan during the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the provisions of Article 151 to Article 153" in Article 205, paragraph (4) of that Act is deemed to be replaced with "the provisions of Article 151"; the phrase "Membership Company referred to in Article 203, paragraph (1), item (iv), company referred to in item (v) of that paragraph" in Article 206, paragraph (2) of that Act is deemed to be replaced with "converted cooperative financial institution and converted bank referred to in Article 124, paragraph (1), item (iv) of the Act on Special Measures, new Cooperative Financial Institution prescribed in item (v) of that paragraph, new Stock Company prescribed in item (vi) of that paragraph"; the phrase "and" is deemed to be replaced with "and"; the phrase "Article 169, paragraph (1)" in Article 207 of that Act is deemed to be replaced with "Article 169, paragraph (1) as applied mutatis mutandis pursuant to Article 93, paragraph (3) of the Act on Special Measures"; the phrase "Article 50, paragraph (1)" in Article 208 of that Act is deemed to be replaced with "Article 50, paragraph (1) as applied mutatis mutandis pursuant to Article 36 of the Act on Special Measures"; the phrase "procedure for compulsory execution, etc., procedure for the exercise of an enterprise mortgage prescribed in Article 24, paragraph (1), item (ii)" is deemed to be replaced with "procedure for

compulsory execution, etc. prescribed in Article 24, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures"; and the phrase "Article 50, paragraph (5)" is deemed to be replaced with "Article 50, paragraph (5) as applied mutatis mutandis pursuant to Article 36 of the Act on Special Measures".

第二款　更生計画の遂行
Subsection 2 Implementation of a Reorganization Plan

（更生計画の遂行）
(Implementation of the Reorganization Plan)

第百二十七条　会社更生法第二百九条（第三項を除く。）の規定は、協同組織金融機関の更生手続における更生計画について準用する。この場合において、同条第一項中「更生会社」とあるのは「更生特例法第四条第七項に規定する更生協同組織金融機関（更生特例法第三十二条第一項に規定する転換後協同組織金融機関及び転換後銀行を含む。）」と、同条第二項中「第二百三条第一項第五号に掲げる会社」とあるのは「更生特例法第百二十四条第一項第五号に規定する新協同組織金融機関及び同項第六号に規定する新株式会社」と、同条第四項中「第七十二条第四項前段」とあるのは「更生特例法第四十五条において準用する第七十二条第四項前段」と、同項第二号中「第百五十一条第一項本文」とあるのは「更生特例法第八十八条において準用する第百五十一条第一項本文」と読み替えるものとする。

Article 127 (1) The provisions of Article 209 (excluding paragraph (3)) of the Corporate Reorganization Act apply mutatis mutandis to a reorganization plan in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "reorganizing company" in paragraph (1) of that Article is deemed to be replaced with "reorganizing cooperative financial institution prescribed in Article 4, paragraph (7) of the Act on Special Measures (including converted cooperative financial institution and converted bank prescribed in Article 32, paragraph (1) of the Act on Special Measures)"; the phrase "company referred to in Article 203, paragraph (1), item (v)" in paragraph (2) of that Article is deemed to be replaced with "new Cooperative Financial Institution prescribed in Article 124, paragraph (1), item (v) of the Act on Special Measures and new Stock Company prescribed in item (vi) of that paragraph"; the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (4) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 45 of the Act on Special Measures"; and the phrase "the main clause of Article 151, paragraph (1)" in item (ii) of that paragraph is deemed to be replaced with "the main clause of Article 151, paragraph (1) as applied mutatis mutandis pursuant to Article 88 of the Act on Special Measures".

2　会社更生法第二百九条第三項の規定は、転換後協同組織金融機関に対する管財人及

び調査委員の報告徴収及び検査並びに新協同組織金融機関に対する管財人の報告徴収及び検査について準用する。この場合において、同項中「設立時取締役、設立時監査役、取締役、会計参与、監査役、執行役、会計監査人、業務を執行する社員」とあるのは、「理事、監事、会計監査人」と読み替えるものとする。

(2) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to requests for reports and inspections of a converted cooperative financial institution by a trustee and examiner and requests for reports and inspections of a new Cooperative Financial Institution by a trustee. In this case, the phrase "Director at Incorporation, Auditor at Incorporation, director, accounting advisor, company auditor, executive officer, accounting auditor, member that executes business" in that paragraph is deemed to be replaced with "board member, inspector, accounting auditor".

3　会社更生法第二百九条第三項の規定は、転換後銀行に対する管財人及び調査委員の報告徴収及び検査並びに新株式会社に対する管財人の報告徴収及び検査について準用する。この場合において、同項中「会計監査人、業務を執行する社員」とあるのは、「会計監査人」と読み替えるものとする。

(3) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to requests for reports and inspections of a converted bank by a trustee and examiner and requests for reports and inspections of a new Stock Company by a trustee. In this case, the phrase "accounting auditor, member that executes business" in that paragraph is deemed to be replaced with "accounting auditor".

（総会の決議等に関する法令の規定等の排除）

(Exclusion of Provisions of Laws and Regulations on Resolution of General Meeting)

第百二十八条　更生計画の遂行については、中小企業等協同組合法、信用金庫法、労働金庫法その他の法令又は定款の規定にかかわらず、更生協同組織金融機関、転換後協同組織金融機関、転換後銀行、新協同組織金融機関又は新株式会社の総会の決議、株主総会の決議その他の機関の決定を要しない。

Article 128 (1) Notwithstanding the provisions of the Small and Medium-Sized Enterprise Cooperatives Act, Shinkin Bank Act, Labor Bank Act or any other laws and regulations or the articles of incorporation, implementing a reorganization plan does not require a general meeting resolution, resolution of the shareholders meeting or any other order of authorities of the reorganizing cooperative financial institution, converted cooperative financial institution, converted bank, new Cooperative Financial Institution or new Stock Company.

2　更生計画の遂行については、会社法その他の法令の規定にかかわらず、転換後銀行又は新株式会社の株主は、転換後銀行又は新株式会社に対し、自己の有する株式を買い取ることを請求することができない。

(2) In connection with the implementation of a reorganization plan,

notwithstanding the provisions of the Companies Act or any other laws and regulations, shareholders of a converted bank or new Stock Company may not request the converted bank or new Stock Company to purchase the shares which the shareholders hold.

3　更生計画の遂行については、会社法第八百二十八条第一項各号（中小企業等協同組合法第三十二条、第五十七条（同法第五十七条の三第六項において準用する場合を含む。）及び第六十七条の規定、信用金庫法第二十八条、第五十二条の二（同法第五十八条第七項において準用する場合を含む。）及び第六十一条の七の規定、労働金庫法第二十八条、第五十七条の二（同法第六十二条第七項において準用する場合を含む。）及び第六十五条の規定、合併転換法第五十三条第一項及び第六十五条第一項の規定並びに協同組織金融機関の優先出資に関する法律（平成五年法律第四十四号）第十四条第三項の規定において準用する場合を含む。以下この項において同じ。）及び第二項各号並びに第八百二十九条各号（協同組織金融機関の優先出資に関する法律第十四条第四項において準用する場合を含む。以下この項において同じ。）並びに協同組織金融機関の優先出資に関する法律第二十二条第五項第一号及び第二号の規定にかかわらず、更生協同組織金融機関、転換後協同組織金融機関、転換後銀行、新協同組織金融機関又は新株式会社の組合員等、理事、監事、清算人、株主等（会社法第八百二十八条第二項第一号に規定する株主等をいう。）、新株予約権者、優先出資者（協同組織金融機関の優先出資に関する法律第十三条第一項の優先出資者をいう。）、破産管財人又は債権者は、会社法第八百二十八条第一項各号に掲げる行為の無効の訴え又は同法第八百二十九条各号に掲げる行為が存在しないことの確認の訴えを提起することができない。

(3) For the implementation of a reorganization plan, notwithstanding the provisions of the items of Article 828, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 32, Article 57 (including as applied mutatis mutandis pursuant to Article 57, paragraph (3), item (vi) of the Small and Medium-Sized Enterprise Cooperatives Act) and Article 67 of the Small and Medium-Sized Enterprise Cooperatives Act, the provisions of Article 28, Article 52-2 (including as applied mutatis mutandis pursuant to Article 58, paragraph (7) of the Shinkin Bank Act) and Article 61-7 of the Shinkin Bank Act, the provisions of Article 28, Article 57-2 (including as applied mutatis mutandis pursuant to Article 62, paragraph (7) of Labor Bank Act) and Article 65 of the Labor Bank Act, the provisions of Article 53, paragraph (1) and Article 65, paragraph (1) of the Merger and Conversion Act and the provisions of Article 14, paragraph (3) of the Act on Preferred Equity Investment by Cooperative Financial Institution (Act No. 44 of 1993); hereinafter the same applies in this paragraph) and the items of Article 828, paragraph (2) and the items of Article 829 (including as applied mutatis mutandis pursuant to Article 14, paragraph (4) of the Act on Preferred Equity Investment by Cooperative Financial Institution; hereinafter the same applies in this paragraph) of the Companies Act and Article 22, paragraph (5), items (i)

and (ii) of the Act on Preferred Equity Investment by Cooperative Financial Institution, a Partner or Member, board member, inspector, liquidator, shareholder, etc. (meaning shareholder, etc. prescribed in Article 828, paragraph (2), item (i) of the Companies Act), holder of share options, preferred equity investor (meaning preferred equity investor referred to in Article 13, paragraph (1) of the Act on Preferred Equity Investment by Cooperative Financial Institution), bankruptcy trustee or creditor of a reorganizing cooperative financial institution, converted cooperative financial institution, converted bank, new Cooperative Financial Institution or new Stock Company may not file any lawsuit for nullification of any acts set forth in the items of Article 828, paragraph (1) of the Companies Act or any an action for declaratory judgment of absence of any acts set forth in the items of Article 829 of that Act.

（更生協同組織金融機関の理事等に関する特例）

(Special Provisions on Board Members of a Reorganizing Cooperative Financial Institution)

第百二十九条　第九十四条の規定により更生計画において理事、監事、代表理事、会計監査人、清算人又は代表清算人の氏名又は名称を定めたときは、これらの者は、更生計画認可の決定の時に、それぞれ、理事、監事、代表理事、会計監査人、清算人又は代表清算人となる。

Article 129 (1) When the name of any board member, inspector, Representative Board Member, accounting auditor, liquidator or representative liquidator is specified in a reorganization plan pursuant to the provisions of Article 94, these respective persons become a board member, inspector, Representative Board Member, accounting auditor, liquidator or representative liquidator at the time of the order confirming the reorganization plan.

２　第九十四条の規定により更生計画において理事、監事、会計監査人又は清算人の選任の方法を定めたときは、これらの者の選任は、更生計画に定める方法による。

(2) When the means of appointment of any board member, inspector, accounting auditor or liquidator is specified in a reorganization plan pursuant to the provisions of Article 94, these persons are appointed by the means specified in the reorganization plan.

３　第九十四条第一項第一号又は第二項第一号の規定により更生計画において代表理事又は代表清算人の選定の方法を定めたときは、これらの者の選定は、更生計画に定める方法による。

(3) When the means of selection of a Representative Board Member or representative liquidator is specified in a reorganization plan pursuant to the provisions of Article 94, paragraph (1), item (i) or paragraph (2), item (i), these persons are selected by the means specified in the reorganization plan.

４　更生協同組織金融機関の従前の理事、監事、会計監査人又は清算人は、更生計画認

可の決定の時に退任する。ただし、第一項の規定により引き続き理事、監事、会計監査人又は清算人となることを妨げない。

(4) The existing board member, inspector, accounting auditor or liquidator of a reorganizing cooperative financial institution resigns at the time of the order confirming the reorganization plan; provided, however, that they are not precluded from continuing to serve as a board member, inspector, accounting auditor or liquidator pursuant to the provisions of paragraph (1).

5　前項の規定は、更生協同組織金融機関の従前の代表理事又は代表清算人について準用する。

(5) The provisions of the preceding paragraph apply mutatis mutandis to the existing Representative Board Member or representative liquidator of a reorganizing cooperative financial institution.

6　第一項から第三項までの規定により理事、監事、会計監査人又は清算人に選任された者の任期及びこれらの規定により代表理事又は代表清算人に選定された者の任期は、更生計画の定めるところによる。

(6) The term of office of a person appointed as a board member, inspector, accounting auditor or liquidator pursuant to the provisions of paragraphs (1) to (3) and a person selected as Representative Board Member or representative liquidator pursuant to these provisions is as specified in a reorganization plan.

（出資一口の金額の減少に関する特例）

(Special Provisions on Reduction of the Unit Amount of Contribution)

第百三十条　第九十五条第一号の規定により更生計画において更生協同組織金融機関が出資一口の金額の減少をすることを定めた場合には、中小企業等協同組合法第五十六条及び第五十六条の二、信用金庫法第五十一条及び第五十二条又は労働金庫法第五十六条及び第五十七条の規定は、適用しない。

Article 130　In cases where the reduction of the unit amount of contribution by a reorganizing cooperative financial institution is specified in a reorganization plan pursuant to the provisions of Article 95, item (i), the provisions of Article 56 and Article 56-2 of the Small and Medium-Sized Enterprise Cooperatives Act, Article 51 and Article 52 of the Shinkin Bank Act or Article 56 and Article 57 of the Labor Bank Act do not apply.

（定款の変更に関する特例）

(Special Provisions on Amendment of the Articles of Incorporation)

第百三十一条　会社更生法第二百十三条の規定は、第九十五条第二号の規定により協同組織金融機関の更生手続における更生計画において更生協同組織金融機関が定款の変更をすることを定めた場合について準用する。

Article 131　The provisions of Article 213 of the Corporate Reorganization Act apply mutatis mutandis to the cases where the amendment of the articles of incorporation by a reorganizing cooperative financial institution is specified in

a reorganization plan in the reorganization proceedings of the Cooperative Financial Institution pursuant to the provisions of Article 95, item (ii).

（事業の譲渡等に関する特例）

(Special Provisions on Transfers of Business)

第百三十二条　更生計画において更生協同組織金融機関が第九十五条第三号に掲げる行為をすることを定めた場合には、協同組合による金融事業に関する法律第六条第一項、信用金庫法第八十九条第一項又は労働金庫法第九十四条第一項において準用する銀行法第三十四条及び第三十五条の規定は、適用しない。

Article 132 In cases where the performance of an act referred to in Article 95, item (iii) by a reorganizing cooperative financial institution is specified in a reorganization plan, the provisions of Article 34 and Article 35 of the Banking Act as applied mutatis mutandis pursuant to Article 6, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 89, paragraph (1) of the Shinkin Bank Act or Article 94, paragraph (1) of the Labor Bank Act do not apply.

（出資の受入れに関する特例）

(Special Provisions on Receipt of Contributions)

第百三十三条　第九十六条第五号の規定により更生計画において更生債権者等又は組合員等に対して同号の出資の割当てを受ける権利を与える旨を定めた場合には、更生協同組織金融機関は、これらの者に対し、次に掲げる事項を通知しなければならない。

Article 133 (1) In cases where the granting of the right to receive the allotment of a contribution referred to in Article 96, item (v) to an unsecured or secured reorganization creditor or a Partner or Member is specified in the reorganization plan pursuant to the provisions of that item, a reorganizing cooperative financial institution must make notification of the following particulars to the unsecured or secured reorganization creditor or the Partner or Member:

一　当該更生債権者等又は組合員等が割当てを受ける出資の一口の金額及び口数

(i) the unit amount and the number of units of contribution to be allotted to the unsecured or secured reorganization creditor or Partner or Member;

二　第九十六条第五号の期日

(ii) the date referred to in Article 96, item (v); and

三　更生協同組織金融機関の承諾を得て組合員等又はその資格を有する者に第九十六条第五号の出資の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of a contribution referred to in Article 96, item (v) may be assigned to a Partner or Member or a person qualified as a Partner or Member with the approval of the reorganizing cooperative financial institution.

2　前項の規定による通知は、同項第二号の期日の二週間前にしなければならない。

(2) The notice under the provisions of the preceding paragraph must be given two weeks before the date referred to in item (ii) of that paragraph.

3　第九十六条第五号の出資の割当てを受ける権利を有する者は、更生協同組織金融機関が第一項の規定による通知をしたにもかかわらず、同項第二号の期日までに出資の申込みをしないときは、当該権利を失う。

(3) A person that holds the right to receive the allotment of a contribution referred to in Article 96, item (v) loses the right when, despite the fact that the reorganizing cooperative financial institution gave notice under the provisions of paragraph (1), the person fails to apply for a contribution by the date referred to in item (ii) of that paragraph.

4　第一項に規定する場合において、第九十六条第五号の出資の割当てを受ける権利を有する更生債権者等又は組合員等がその割当てを受ける出資の口数に一に満たない端数があるときは、これを切り捨てるものとする。

(4) In the case prescribed in paragraph (1), in cases where the number of units of the contribution to be allotted to an unsecured or secured reorganization creditor or Partner or Member that holds the right to receive the allotment of the contribution referred to in Article 96, item (v) includes a fraction less than one yen, the fraction is rounded down to the nearest whole number.

（更生債権者等又は組合員等の権利の消滅と引換えにする出資の受入れに関する特例）

(Special Provisions on Receipt of Contributions in Exchange for Extinguishment of the Right of an Unsecured or Secured Reorganization Creditor or Partner or Member)

第百三十四条　第九十七条の規定により更生計画において更生債権者等又は組合員等の権利の全部又は一部の消滅と引換えに出資の受入れをすることを定めた場合には、更生債権者等又は組合員等は、更生計画認可の決定の時に、同条第二号に掲げる事項についての定めに従い、組合員等となる。

Article 134　In cases where the receipt of contributions in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor or Partner or Member is specified in the reorganization plan pursuant to the provisions of Article 97, the unsecured or secured reorganization creditor or Partner or Member becomes the Partner or Member, in accordance with the provisions on the particulars set forth in item (ii) of that Article, at the time of the order confirming the reorganization plan.

（吸収合併に関する特例）

(Special Provisions on an Absorption-Type Merger)

第百三十五条　第九十八条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する吸収合併をすることを定めた場合において、同項第二号イに掲げる事項についての定めがあるときは、更生債権者等は、吸収合併がその効力を生ずる日

（以下この条において「効力発生日」という。）に、同項第三号に掲げる事項についての定めに従い、吸収合併存続金融機関の組合員等となる。

Article 135 (1) In cases where the Absorption-Type Merger prescribed in Article 98, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii), (a) of that paragraph, an unsecured or secured reorganization creditor becomes the Partner or Member of the Financial Institution Surviving an Absorption-Type Merger, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Absorption-Type Merger comes into effect (hereinafter referred to as the "effective date" in this Article).

2　第九十八条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する吸収合併をすることを定めた場合には、中小企業等協同組合法第六十三条の四第一項、第二項、第四項及び第五項、信用金庫法第六十一条の二第一項、第二項、第四項及び第五項又は労働金庫法第六十二条の五第一項、第二項、第四項及び第五項並びに合併転換法第三十四条第一項及び第二項、第三十六条（質権者に対する通知に係る部分を除く。）並びに第三十六条の二から第三十八条までの規定は、更生協同組織金融機関については、適用しない。

(2) In cases where the Absorption-Type Merger prescribed in Article 98, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 63-4, paragraphs (1), (2), (4) and (5) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 61-2, paragraphs (1), (2), (4) and (5) of the Shinkin Bank Act, or Article 62-5, paragraphs (1), (2), (4) and (5) of the Labor Bank Act, and Article 34, paragraphs (1) and (2), Article 36 (excluding the part in relation to the notice to the pledgee), and Articles 36-2 to 38 of the Merger and Conversion Act do not apply to Cooperative Financial Institutions in need of reorganization.

3　第九十八条第二項の規定により更生計画において更生協同組織金融機関が同項に規定する吸収合併をすることを定めた場合において、同項第二号イに掲げる事項についての定めがあるときは、更生債権者等は、効力発生日に、同項第三号に掲げる事項についての定めに従い、同項第二号イの株式の株主となる。

(3) In cases where the Absorption-Type Merger prescribed in Article 98, paragraph (2) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii), (a) of that paragraph, the unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item (ii), (a) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the effective date.

4　第九十八条第二項の規定により更生計画において更生協同組織金融機関が同項に規

定する吸収合併をすることを定めた場合において、次の各号に掲げる場合には、更生協同組織金融機関の組合員等は、効力発生日に、同項第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(4) In cases where the Absorption-Type Merger prescribed in Article 98, paragraph (2) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the Partner or Member of the reorganizing cooperative financial institution becomes the one of the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the effective date:

一　第九十八条第二項第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is any provision on the particulars set forth in Article 98, paragraph (2), item (iv), (a), the bondholder of bonds referred to in (a) of that item;

二　第九十八条第二項第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is any provision on the particulars set forth in Article 98, paragraph (2), item (iv), (b), the holder of share options referred to in (b) of that item; and

三　第九十八条第二項第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is any provision on the particulars set forth in Article 98, paragraph (2), item (iv), (c), the bondholder of bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

5　前項に規定する場合には、合併転換法第三十四条第一項及び第二項、第三十六条（質権者に対する通知に係る部分を除く。）並びに第三十六条の二から第三十八条までの規定は、更生協同組織金融機関については、適用しない。

(5) In the case prescribed in the preceding paragraph, the provisions of Article 34, paragraphs (1) and (2), Article 36 (excluding the part in relation to the notice to the pledgee), and Articles 36-2 to 38 of the Merger and Conversion Act do not apply to Cooperative Financial Institutions in need of reorganization.

6　第九十八条第三項の規定により更生計画において更生協同組織金融機関が同項に規定する吸収合併をすることを定めた場合には、中小企業等協同組合法第六十三条の五第一項、第二項、第六項及び第七項、信用金庫法第六十一条の三第一項、第二項、第六項及び第七項又は労働金庫法第六十二条の六第一項、第二項、第六項及び第七項並びに合併転換法第四十条、第四十二条の二並びに合併転換法第四十三条において準用する合併転換法第三十六条（質権者に対する通知に係る部分を除く。）、第三十七条及び第三十八条の規定は、更生協同組織金融機関については、適用しない。

(6) In cases where the Absorption-Type Merger prescribed in Article 98, paragraph (3) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 63-5, paragraph (1), (2), (6) and (7) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 61-3, paragraphs (1), (2), (6) and (7) of the Shinkin Bank Act, or Article 62-6, paragraphs (1), (2), (6) and (7) of the Labor Bank Act, Articles 40 and 42-2 of the Merger and Conversion Act, and Article 36 (excluding the part in relation to the notice to the pledgee), Article 37 and Article 38 of the Merger and Conversion Act as applied mutatis mutandis pursuant to Article 43 of the Merger and Conversion Act do not apply to Cooperative Financial Institutions in need of reorganization.

（新設合併に関する特例）

(Special Provisions on Consolidation-Type Mergers)

第百三十六条　第九十九条の規定により更生計画において更生協同組織金融機関が新設合併をすることを定めた場合には、更生協同組織金融機関についての設立委員の職務は、管財人が行う。

Article 136 (1) In cases where a Consolidation-Type Merger by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of Article 99, the duties of the organizing committee member concerning the reorganizing cooperative financial institution is performed by the trustee.

２　第九十九条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、新設合併設立金融機関の成立の日に、同項第三号に掲げる事項についての定めに従い、新設合併設立金融機関の組合員等となる。

(2) In cases where the Consolidation-Type Merger prescribed in Article 99, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii) of that paragraph, the unsecured or secured reorganization creditor becomes the Partner or Member of the Financial Institution Established by Consolidation-Type Merger, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Financial Institution Established by Consolidation-Type Merger is established.

３　第九十九条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する新設合併をすることを定めた場合には、中小企業等協同組合法第六十三条の六第一項、第二項、第四項及び第五項、信用金庫法第六十一条の四第一項、第二項、第四項及び第五項又は労働金庫法第六十二条の七第一項、第二項、第四項及び第五項並びに合併転換法第三十四条第一項及び第二項、第三十六条（質権者に対する通知に係る部分を除く。）並びに第三十六条の二から第三十八条までの規定は、更生協同組織

金融機関については、適用しない。

(3) In cases where the Consolidation-Type Merger prescribed in Article 99, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 63-6, paragraphs (1), (2), (4) and (5) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 61-4, paragraphs (1), (2), (4) and (5) of the Shinkin Bank Act, or Article 62-7, paragraphs (1), (2), (4) and (5) of the Labor Bank Act, and Article 34, paragraphs (1) and (2), Article 36 (excluding the part in relation to the notice to the pledgee), and Articles 36-2 to 38 of the Merger and Conversion Act do not apply to Cooperative Financial Institutions in need of reorganization.

4　第九十九条第二項の規定により更生計画において更生協同組織金融機関が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、新設合併設立金融機関の成立の日に、同項第三号に掲げる事項についての定めに従い、同項第二号の株式の株主となる。

(4) In cases where the Consolidation-Type Merger prescribed in Article 99, paragraph (2) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii) of that paragraph, the unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which a Financial Institution Established by Consolidation-Type Merger is established.

5　第九十九条第二項の規定により更生計画において更生協同組織金融機関が同項に規定する新設合併をすることを定めた場合において、次の各号に掲げる場合には、新設合併消滅金融機関の組合員等又は株主は、新設合併設立金融機関の成立の日に、同項第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(5) In cases where the Consolidation-Type Merger prescribed in Article 99, paragraph (2) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the Partners or Members or shareholders of a Financial Institution Disappearing in a Consolidation-Type Merger become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the Financial Institution Established by Consolidation-Type Merger is established:

一　第九十九条第二項第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is a provision on the particulars set forth in Article 99, paragraph (2), item (iv), (a), the bondholder of bonds referred to in (a) of that

item;

二　第九十九条第二項第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is a provision on the particulars set forth in Article 99, paragraph (2), item (iv), (b), the holder of share options referred to in (b) of that item; and

三　第九十九条第二項第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is a provision on the particulars set forth in Article 99, paragraph (2), item (iv), (c), the bondholder of bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

6　前項に規定する場合には、合併転換法第三十四条第一項及び第二項、第三十六条（質権者に対する通知に係る部分を除く。）並びに第三十六条の二から第三十八条までの規定は、更生協同組織金融機関については、適用しない。

(6) In the case prescribed in the preceding paragraph, the provisions of Article 34, paragraphs (1) and (2), Article 36 (excluding the part in relation to the notice to the pledgee), and Articles 36-2 to 38 of the Merger and Conversion Act do not apply to Cooperative Financial Institutions in need of reorganization.

（解散に関する特例）

(Special Provisions on Dissolution)

第百三十七条　第百条において準用する会社更生法第百七十八条本文の規定により更生計画において更生協同組織金融機関が解散することを定めた場合には、更生協同組織金融機関は、更生計画に定める時期に解散する。

Article 137　In cases where the dissolution of a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of the main clause of Article 178 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 100, the reorganizing cooperative financial institution is dissolved at the time specified in the reorganization plan.

（転換に関する特例）

(Special Provisions on Conversion)

第百三十八条　第百一条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する転換をすることを定めた場合において、同項第三号イに掲げる事項についての定めがあるときは、更生債権者等は、転換がその効力を生ずる日（以下この条において「効力発生日」という。）に、同項第四号に掲げる事項についての定めに従い、転換後協同組織金融機関の組合員等となる。

Article 138　(1) In cases where the conversion prescribed in Article 101,

paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (iii), (a) of that paragraph, the unsecured or secured reorganization creditor becomes the Partner or Member of the converted cooperative financial institution, in accordance with the provisions on the particulars set forth in item (iv) of that paragraph, on the day on which the conversion comes into effect (hereinafter referred to as the "effective date" in this Article).

2　第百二十九条第一項から第三項まで及び第六項の規定は、第百一条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する転換をすることを定めた場合について準用する。この場合において、第百二十九条第一項及び第二項中「第九十四条」とあるのは「第百一条第一項第二号」と、同条第一項中「、会計監査人、清算人又は代表清算人」とあり、並びに同条第二項及び第六項中「、会計監査人又は清算人」とあるのは「又は会計監査人」と、同条第一項中「更生計画認可の決定の」とあるのは「転換の効力が生じた」と、同条第三項中「第九十四条第一項第一号又は第二項第一号」とあるのは「第百一条第一項第二号イ」と、同項及び同条第六項中「代表理事又は代表清算人」とあるのは「代表理事」と読み替えるものとする。

(2) The provisions of Article 129, paragraphs (1) to (3) and (6) apply mutatis mutandis to the cases where the conversion prescribed in Article 101, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph. In this case, the phrase "Article 94" in Article 129, paragraph (1) and (2) is deemed to be replaced with "Article 101, paragraph (1), item (ii)"; the phrase ", accounting auditor, liquidator or representative liquidator" in paragraph (1) of that Article and ", accounting auditor or liquidator" in paragraphs (2) and (6) of that Article is deemed to be replaced with "or accounting auditor"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that the conversion came into effect"; the phrase "Article 94, paragraph (1), item (i) or paragraph (2), item (i)" in paragraph (3) of that Article is deemed to be replaced with "Article 101, paragraph (1), item (ii), (a)"; and the phrase "Representative Board Member or representative liquidator" in that paragraph and paragraph (6) of that Article is deemed to be replaced with "Representative Board Member".

3　第百一条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する転換をすることを定めた場合には、合併転換法第六十三条において準用する合併転換法第三十四条第一項及び第二項、第三十六条（質権者に対する通知に係る部分を除く。）、第三十七条並びに第三十八条の規定は、適用しない。

(3) In cases where the conversion prescribed in Article 101, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 34, paragraphs (1) and (2), Article 36 (excluding the part in relation to the notice

to the pledgee), Article 37 and Article 38 of the Merger and Conversion Act as applied mutatis mutandis pursuant to Article 63 of the Merger and Conversion Act do not apply.

4　第二項の規定により選任された転換後協同組織金融機関の理事及び監事の任期については、合併転換法第六十一条第四項の規定は、適用しない。

(4) The provisions of Article 61, paragraph (4) of the Merger and Conversion Act do not apply to the term of office of the board member and inspector of the converted cooperative financial institution appointed pursuant to the provisions of paragraph (2).

5　第百二条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する転換をすることを定めた場合において、同項第四号イに掲げる事項についての定めがあるときは、更生債権者等は、効力発生日に、同項第五号に掲げる事項についての定めに従い、同項第四号イの株式の株主となる。

(5) In cases where the conversion prescribed in Article 102, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (iv), (a) of that paragraph, the unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item (iv), (a) of that paragraph, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the effective date.

6　会社更生法第二百十一条第一項から第三項まで及び第六項の規定は、第百二条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する転換をすることを定めた場合について準用する。この場合において、同法第二百十一条第一項及び第二項中「第百七十三条」とあるのは「更生特例法第百二条第一項第二号又は第三号」と、同条第一項中「、会計監査人、清算人又は代表清算人」とあり、並びに同条第二項及び第六項中「、会計監査人又は清算人」とあるのは「又は会計監査人」と、同条第一項中「更生計画認可の決定の」とあるのは「転換（更生特例法第三十二条第一項第六号に規定する転換をいう。）の効力が生じた」と、同条第三項中「第百七十三条第一項第二号から第四号まで若しくは第八号又は第二項第二号」とあるのは「更生特例法第百二条第一項第三号ロ、ハ又はニ」と、同項及び同条第六項中「、代表執行役又は代表清算人」とあるのは「又は代表執行役」と読み替えるものとする。

(6) The provisions of Article 211, paragraphs (1) to (3) and (6) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the conversion prescribed in Article 102, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph. In this case, the phrase "Article 173" in Article 211, paragraphs (1) and (2) of that Act is deemed to be replaced with "Article 102, paragraph (1), item (ii) or (iii) of the Act on Special Measures"; the phrase ", accounting auditor, liquidator or representative liquidator" in paragraph (1) of that Article and the phrase ", accounting auditor or liquidator" in paragraphs (2) and (6) of that Article is deemed to be replaced with "or accounting auditor";

the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that the conversion (meaning conversion prescribed in Article 32, paragraph (1), item (vi) of the Act on Special Measures) came into effect"; the phrase "Article 173, paragraph (1), items (ii) to (iv) or (viii) or paragraph (2), item (ii)" in paragraph (3) of that Article is deemed to be replaced with "Article 102, paragraph (1), item (iii), (b), (c) or (d) of the Act on Special Measures"; and the phrase ", representative executive officer or representative liquidator" in that paragraph and paragraph (6) of that Article is deemed to be replaced with "or representative executive officer".

7　第百二条第一項の規定により更生計画において更生協同組織金融機関が同項に規定する転換をすることを定めた場合には、合併転換法第六十三条において準用する合併転換法第三十四条第一項及び第二項、第三十六条（質権者に対する通知に係る部分を除く。）、第三十七条並びに第三十八条の規定は、適用しない。

(7) In cases where the conversion prescribed in Article 102, paragraph (1) by a reorganizing cooperative financial institution is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 34, paragraphs (1) and (2), Article 36 (excluding the part in relation to the notice to the pledgee), Article 37 and Article 38 of the Merger and Conversion Act as applied mutatis mutandis pursuant to Article 63 of the Merger and Conversion Act do not apply.

（転換後協同組織金融機関の出資の受入れに関する特例）

(Special Provisions on Receipt of Contributions of a Converted Cooperative Financial Institution)

第百三十九条　第百三十三条の規定は、第百一条第二項において準用する第九十六条第五号の規定により更生計画において更生債権者等又は組合員等に対して同号の出資の割当てを受ける権利を与える旨を定めた場合について準用する。この場合において、第百三十三条第一項及び第三項中「更生協同組織金融機関」とあるのは「転換後協同組織金融機関」と、同条第一項第二号及び第三号、第三項並びに第四項中「第九十六条第五号」とあるのは「第百一条第二項において準用する第九十六条第五号」と読み替えるものとする。

Article 139　The provisions of Article 133 apply mutatis mutandis to the cases where the reorganization plan specifies that the unsecured or secured reorganization creditor or Partner or Member is to be granted the right to receive the allotment of contributions referred to in Article 96, item (v) pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 101, paragraph (2). In this case, the phrase "reorganizing cooperative financial institution" in Article 133, paragraphs (1) and (3) is deemed to be replaced with "converted cooperative financial institution"; and the phrase "Article 96, item (v)" in items (ii) and (iii) of paragraph (1) and paragraphs (3)

and (4) of that Article is deemed to be replaced with "Article 96, item (v) as applied mutatis mutandis pursuant to Article 101, paragraph (2)".

（転換後銀行の募集株式を引き受ける者の募集に関する特例）

(Special Provisions on Solicitation of Subscribers for Shares for Subscription of a Converted Bank)

第百四十条　会社更生法第二百十五条第一項の規定は、第百二条第二項において準用する同法第百七十五条の規定により更生計画において転換後銀行が募集株式を引き受ける者の募集をすることを定めた場合において、株主に対して会社法第二百二条第一項第一号の募集株式の割当てを受ける権利を与える旨の定款の定めがあるときについて準用する。

Article 140 (1) The provisions of Article 215, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the solicitation of subscribers for Shares for Subscription by a converted bank is specified in the reorganization plan pursuant to the provisions of Article 175 of that Act as applied mutatis mutandis pursuant to Article 102, paragraph (2), when there is a provision in the articles of incorporation to the effect that the right to receive the allotment of Shares for Subscription referred to in Article 202, paragraph (1), item (i) of the Companies Act is to be granted to shareholders.

２　第百二条第二項において準用する会社更生法第百七十五条第三号の規定により更生計画において更生債権者等又は組合員等に対して同号の募集株式の割当てを受ける権利を与える旨を定めた場合には、転換後銀行は、これらの者に対し、次に掲げる事項を通知しなければならない。

(2) In cases where the granting of the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act to an unsecured or secured reorganization creditor or a Partner or Member is specified in the reorganization plan pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 102, paragraph (2), the converted bank must make notification of the following particulars to the unsecured or secured reorganization creditor or the Partner or Member:

一　当該更生債権者等又は組合員等が割当てを受ける募集株式の数（種類株式発行会社にあっては、募集株式の種類及び数）

(i) the number of Shares for Subscription to be allotted to the unsecured or secured reorganization creditor or Partner or Member (in the case of a company with class shares, the classes of Shares for Subscription and the number of shares of each class);

二　第百二条第二項において準用する会社更生法第百七十五条第三号の期日

(ii) the date referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2); and

三　第百二条第二項において準用する会社更生法第百七十五条第三号の募集株式の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) may be assigned.

3　前項の規定による通知は、同項第二号の期日の二週間前にしなければならない。

(3) The notice under the provisions of the preceding paragraph is given two weeks before the date referred to in item (ii) of that paragraph.

4　第百二条第二項において準用する会社更生法第百七十五条第三号の募集株式の割当てを受ける権利を有する者は、転換後銀行が第二項の規定による通知をしたにもかかわらず、同項第二号の期日までに募集株式の引受けの申込みをしないときは、当該権利を失う。

(4) A person that holds the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) loses the right when, despite the fact that a converted bank gave notice under the provisions of paragraph (2), the person fails to apply to subscribe for Shares for Subscription by the date referred to in item (ii) of that paragraph.

5　第二項に規定する場合において、第百二条第二項において準用する会社更生法第百七十五条第三号の募集株式の割当てを受ける権利を有する更生債権者等又は組合員等がその割当てを受ける募集株式の数に一株に満たない端数があるときは、これを切り捨てるものとする。

(5) In the case prescribed in paragraph (2), in cases where the number of Shares for Subscription to be allotted to an unsecured or secured reorganization creditor or Partner or Member that holds the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) includes a fraction less than one unit, the fraction is to be rounded down to the nearest whole number.

6　第一項に規定する場合には、会社法第百九十九条第五項、第二百七条、第二百十条及び第二編第二章第八節第六款の規定は、適用しない。

(6) In the case prescribed in paragraph (1), the provisions of Article 199, paragraph (5), Article 207, Article 210 and Part II, Chapter II, Section 8, Subsection 6 of the Companies Act do not apply.

（転換後銀行の募集新株予約権を引き受ける者の募集に関する特例）

(Special Provisions on Solicitation of Subscribers for Share Options for Subscription of a Converted Bank)

第百四十一条　会社更生法第二百十五条第一項の規定は、第百二条第二項において準用

する同法第百七十六条の規定により更生計画において転換後銀行が募集新株予約権を引き受ける者の募集をすることを定めた場合において、株主に対して会社法第二百四十一条第一項第一号の募集新株予約権の割当てを受ける権利を与える旨の定款の定めがあるときについて準用する。

Article 141 (1) The provisions of Article 215, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the solicitation of subscribers for Share Options for Subscription by a converted bank is specified in the reorganization plan pursuant to the provisions of Article 176 of that Act as applied mutatis mutandis pursuant to Article 102, paragraph (2), when there is a provision in the articles of incorporation to the effect that the right to receive the allotment of Share Options for Subscription referred to in Article 241, paragraph (1), item (i) of the Companies Act is to be granted to shareholders.

2　第百二条第二項において準用する会社更生法第百七十六条第三号の規定により更生計画において更生債権者等又は組合員等に対して同号の募集新株予約権の割当てを受ける権利を与える旨を定めた場合には、転換後銀行は、これらの者に対し、次に掲げる事項を通知しなければならない。

(2) In cases where the granting of the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act to an unsecured or secured reorganization creditor or a Partner or Member is specified in the reorganization plan pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 102, paragraph (2), the converted bank must make notification of the following particulars to the unsecured or secured reorganization creditor or the Partner or Member:

一　当該更生債権者等又は組合員等が割当てを受ける募集新株予約権の内容及び数

(i) the description and number of Share Options for Subscription to be allotted to the unsecured or secured reorganization creditor or Partner or Member;

二　第百二条第二項において準用する会社更生法第百七十六条第三号の期日

(ii) the date referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2); and

三　第百二条第二項において準用する会社更生法第百七十六条第三号の募集新株予約権の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) may be assigned.

3　前項の規定による通知は、同項第二号の期日の二週間前にしなければならない。

(3) The notice under the provisions of the preceding paragraph must be given two weeks before the date referred to in item (ii) of that paragraph.

4　第百二条第二項において準用する会社更生法第百七十六条第三号の募集新株予約権の割当てを受ける権利を有する者は、転換後銀行が第二項の規定による通知をしたにもかかわらず、同項第二号の期日までに募集新株予約権の引受けの申込みをしないときは、当該権利を失う。

(4) A person that holds the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) loses the right when, despite the fact that a converted bank gave notice under the provisions of paragraph (2), the person fails to apply to subscribe for Share Options for Subscription by the date referred to in item (ii) of that paragraph.

5　第二項に規定する場合において、第百二条第二項において準用する会社更生法第百七十六条第三号の募集新株予約権の割当てを受ける権利を有する更生債権者等又は組合員等がその割当てを受ける募集新株予約権の数に一に満たない端数があるときは、これを切り捨てるものとする。

(5) In the case prescribed in paragraph (2), in cases where the number of Share Options for Subscription to be allotted to an unsecured or secured reorganization creditor or Partner or Member that holds the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) includes a fraction of less than one unit, the fraction is to be rounded down to the nearest whole number

6　第百二条第二項において準用する会社更生法第百七十六条の規定により更生計画において転換後銀行が募集新株予約権を引き受ける者の募集をすることを定めた場合には、会社法第二百三十八条第五項、第二百四十七条、第二百八十五条第一項第一号及び第二号、第二百八十六条、第二百八十六条の二第一項第一号並びに第二百八十六条の三の規定は、適用しない。

(6) In cases where the solicitation of subscribers for Share Options for Subscription by a converted bank is specified in the reorganization plan pursuant to the provisions of Article 176 of that Act as applied mutatis mutandis pursuant to Article 102, paragraph (2), the provisions of Article 238, paragraph (5) Article 247, Article 285, paragraph (1), items (i) and (ii), Article 286, Article 286-2, paragraph (1), item (i) and Article 286-3 of the Companies Act do not apply.

7　前項に規定する場合において、更生手続終了前に会社法第二百三十六条第一項第三号に掲げる事項についての定めのある新株予約権が行使されたときは、同法第二百八十四条の規定は、適用しない。

(7) In the case prescribed in the preceding paragraph, when share options with provisions on particulars set forth in Article 236, paragraph (1), item (iii) of the Companies Act are exercised before the end of reorganization proceedings, the provisions of Article 284 of that Act do not apply.

（転換後銀行の募集社債を引き受ける者の募集に関する特例）

(Special Provisions on Solicitation of Subscribers for Bonds for Subscription of a Converted Bank)

第百四十二条　第百二条第二項において準用する会社更生法第百七十七条第四号の規定により更生計画において更生債権者等又は組合員等に対して同号の募集社債の割当てを受ける権利を与える旨を定めた場合には、転換後銀行は、これらの者に対し、次に掲げる事項を通知しなければならない。

Article 142 (1) In cases where the granting of the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act to an unsecured or secured reorganization creditor or a Partner or Member is specified in the reorganization plan pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 102, paragraph (2), the converted bank must make notification of the following particulars to the unsecured or secured reorganization creditor or the Partner or Member:

一　当該更生債権者等又は組合員等が割当てを受ける募集社債の種類及び種類ごとの各社債の金額の合計額

(i) the classes of Bonds for subscription to be allotted to the unsecured or secured reorganization creditor or Partner or Member, and the total amount for each class of Bonds for subscription;

二　第百二条第二項において準用する会社更生法第百七十七条第四号の期日

(ii) the date referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2); and

三　第百二条第二項において準用する会社更生法第百七十七条第四号の募集社債の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) may be assigned.

２　前項の規定による通知は、同項第二号の期日の二週間前にしなければならない。

(2) The notice under the provisions of the preceding paragraph is given two weeks before the date referred to in item (ii) of that paragraph.

３　第百二条第二項において準用する会社更生法第百七十七条第四号の募集社債の割当てを受ける権利を有する者は、転換後銀行が第一項の規定による通知をしたにもかかわらず、同項第二号の期日までに募集社債の引受けの申込みをしないときは、当該権利を失う。

(3) A person that holds the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102,

paragraph (2) loses the right when, despite the fact that a converted bank gave notice under the provisions of paragraph (1), the person fails to apply to subscribe for Bonds for subscription by the date referred to in item (ii) of that paragraph.

4　第一項に規定する場合において、第百二条第二項において準用する会社更生法第百七十七条第四号の募集社債の割当てを受ける権利を有する更生債権者等又は組合員等がその割当てを受ける募集社債の数に一に満たない端数があるときは、これを切り捨てるものとする。

(4) In the case prescribed in paragraph (1), in cases where the number of Bonds for subscription to be allotted to an unsecured or secured reorganization creditor or Partner or Member that holds the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2) includes a fraction less than one unit, the fraction is rounded down to the nearest whole number.

（新協同組織金融機関又は新株式会社の設立に関する特例）

(Special Provisions on Establishment of New Cooperative Financial Institution or New Stock Company)

第百四十三条　第百三条第一項の規定又は第百四条において準用する会社更生法第百八十三条本文の規定により更生計画において新協同組織金融機関又は新株式会社を設立することを定めた場合には、当該新協同組織金融機関又は新株式会社（以下この条において「新法人」という。）についての発起人の職務は、管財人が行う。

Article 143 (1) In cases where the establishment of a new cooperative financial institution or a new stock company is specified in the reorganization plan pursuant to the provisions of Article 103, paragraph (1) or the provisions of the main clause of Article 183 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 104, the duties of the incorporator concerning the new cooperative financial institution or new Stock Company (hereinafter referred to as a "new corporation" in this Article) are performed by the trustee.

2　前項に規定する場合においては、新法人の定款は、裁判所の認証を受けなければ、その効力を生じない。

(2) In the case prescribed in the preceding paragraph, the articles of incorporation of the new corporation do not come into effect unless the certification of the court has been obtained.

3　第一項に規定する場合には、新法人の創立総会における決議は、その内容が更生計画の趣旨に反しない限り、することができる。

(3) In the case prescribed in paragraph (1), a resolution of the organizational meeting of the new corporation may be adopted only if the content of the resolution does not defeat the purpose of the reorganization plan.

4　第一項に規定する場合において、新法人が成立しなかったときは、更生協同組織金融機関は、管財人が同項の規定により新法人の設立に関してした行為についてその責任を負い、新法人の設立に関して支出した費用を負担する。

(4) In the case prescribed in paragraph (1), when the new corporation is not established, a reorganizing cooperative financial institution is responsible for any act performed by the trustee in relation to the establishment of the new corporation pursuant to the provisions of that paragraph and bear the expenses disbursed in relation to the establishment of the new corporation.

5　第百二十九条第一項から第三項まで及び第六項の規定は第一項に規定する場合において新協同組織金融機関を設立するときにおける理事、監事、代表理事及び会計監査人の選任又は選定及び任期について、第百三十三条の規定は更生債権者等又は組合員等に対して新協同組織金融機関の出資の割当てを受ける権利を与える場合について、第百三十四条の規定は更生債権者等又は組合員等の権利の消滅と引換えにする新協同組織金融機関の出資の受入れについて、それぞれ準用する。この場合において、第百二十九条第一項及び第二項中「第九十四条」とあるのは「第百三条第一項第七号又は第八号」と、同条第一項中「、会計監査人、清算人又は代表清算人」とあり、並びに同条第二項及び第六項中「、会計監査人又は清算人」とあるのは「又は会計監査人」と、同条第一項及び第百三十四条中「更生計画認可の決定の」とあるのは「新協同組織金融機関が成立した」と、第百二十九条第三項中「第九十四条第一項第一号又は第二項第一号」とあるのは「第百三条第一項第七号」と、同項及び同条第六項中「代表理事又は代表清算人」とあるのは「代表理事」と、第百三十三条第一項、第三項及び第四項中「第九十六条第五号」とあるのは「第百三条第一項第四号」と、同条第一項及び第三項中「更生協同組織金融機関」とあるのは「新協同組織金融機関」と、第百三十四条中「第九十七条」とあるのは「第百三条第一項第九号」と、「同条第二号」とあるのは「同号」と読み替えるものとする。

(5) The provisions of Article 129, paragraphs (1) to (3) and (6) apply mutatis mutandis to the appointment or selection and term of office of any board member, inspector, Representative Board Member and accounting auditor at the time of establishment of a new cooperative financial institution in the case prescribed in paragraph (1); the provisions of Article 133 apply mutatis mutandis to the cases where the right to receive the allotment of contributions of the new cooperative financial institution is to be granted to the unsecured or secured reorganization creditor or Partner or Member; and the provisions of Article 134 apply mutatis mutandis to the receipt of contributions of the new cooperative financial institution in exchange for the extinguishment of the right of the unsecured or secured reorganization creditor or Partner or Member In this case, the phrase "Article 94, paragraph (1), item (i)" in Article 129, paragraph (1) is deemed to be replaced with "Article 106, paragraph (1), item (vii)"; the phrase "of the order confirming the reorganization plan" is deemed to be replaced with "that the new cooperative financial institution was established"; the phrase "item (ii) of that paragraph" is deemed to be replaced

with "that item"; the phrase "Article 94, paragraph (2)" in paragraph (2) of that Article is deemed to be replaced with "Article 106, paragraph (1), item (vii)"; the phrase "that paragraph" is deemed to be replaced with "that item"; the phrase "the main clause of Article 35, paragraph (3)" in paragraph (3) of that Article is deemed to be replaced with "the proviso to Article 35, paragraph (3)"; the phrase "the main clause of Article 34, paragraph (3)" is deemed to be replaced with "the proviso to Article 34, paragraph (3)"; and the phrase "general meeting" is deemed to be replaced with "organizational meeting".

6　会社更生法第二百十一条第一項から第三項までの規定は第一項に規定する場合において新株式会社を設立するときにおける設立時取締役等（第百四条において準用する同法第百八十三条第十号に規定する設立時取締役等をいう。以下この項において同じ。）の選任又は選定について、同法第二百十一条第六項の規定は新株式会社の設立時取締役等が新株式会社の成立後において新会社取締役等（同号に規定する新会社取締役等をいう。以下この項において同じ。）となった場合における当該新会社取締役等の任期について、それぞれ準用する。この場合において、同法第二百十一条第一項及び第二項中「第百七十三条」とあるのは「更生特例法第百四条において準用する第百八十三条第八号又は第九号」と、同条第一項中、「更生計画認可の決定の」とあるのは「新株式会社（更生特例法第百二十四条第一項第六号に規定する新株式会社をいう。）が成立した」と、同条第三項中「第百七十三条第一項第二号から第四号まで若しくは第八号又は第二項第二号」とあるのは「更生特例法第百四条において準用する第百八十三条第九号イ又はホ」と読み替えるものとする。

(6) The provisions of Article 211, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to the appointment or selection of a Director at Incorporation, etc. (meaning Director at Incorporation, etc. prescribed in Article 183, item (x) of that Act as applied mutatis mutandis pursuant to Article 104; hereinafter the same applies in this paragraph) at the time of incorporation of a new Stock Company in the case prescribed in paragraph (1), and the provisions of Article 211, paragraph (6) of that Act apply mutatis mutandis to the term of office of a director of new company, etc. (meaning director of new company, etc. prescribed in that item; hereinafter the same applies in this paragraph) in cases where a Director at Incorporation, etc. of the new Stock Company becomes the director of a new company, etc. after the incorporation of the new Stock Company. In this case, the phrase "Article 173" in Article 211, paragraphs (1) and (2) of that Act is deemed to be replaced with "Article 183, item (viii) or (ix) as applied mutatis mutandis pursuant to Article 104 of the Act on Special Measures"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that the new Stock Company (meaning new Stock Company prescribed in Article 124, paragraph (1), item (vi) of the Act on Special Measures) was incorporated"; and the phrase "Article 173, paragraph (1), items (ii) to (iv) or (viii) or paragraph (2), item (ii)" in paragraph (3) of that Article is

deemed to be replaced with "Article 183, item (ix), (a) or (e) as applied mutatis mutandis pursuant to Article 104 of the Act on Special Measures".

7　第百四十条第二項から第五項までの規定は更生債権者等又は組合員等に対して第百四条において準用する会社更生法第百八十三条第五号の新株式会社の設立時募集株式（会社法第五十八条第一項に規定する設立時募集株式をいう。以下この章において同じ。）の割当てを受ける権利を与える場合について、前二条の規定は新株式会社の募集新株予約権又は募集社債を引き受ける者の募集について、会社更生法第二百十七条の二の規定は更生債権者等又は組合員等の権利の消滅と引換えにする新株式会社の設立時発行株式、新株予約権又は社債の発行について、それぞれ準用する。この場合において、第百四十条第二項及び第四項、第百四十一条第二項及び第四項並びに前条第一項及び第三項中「転換後銀行」とあるのは「新株式会社」と、第百四十条第二項第二号及び第三号、第四項並びに第五項中「第百二条第二項において準用する会社更生法第百七十五条第三号」とあるのは「第百四条において準用する会社更生法第百八十三条第五号」と、第百四十一条第一項中「第百二条第二項において準用する同法第百七十六条」とあるのは「第百四条において準用する同法第百八十三条第十一号」と、同条第二項、第四項及び第五項中「第百二条第二項において準用する会社更生法第百七十六条第三号」とあり、並びに同条第六項中「第百二条第二項において準用する会社更生法第百七十六条」とあるのは「第百四条において準用する会社更生法第百八十三条第十一号」と、前条第一項、第三項及び第四項中「第百二条第二項において準用する会社更生法第百七十七条第四号」とあるのは「第百四条において準用する会社更生法第百八十三条第十二号」と、同法第二百十七条の二第一項中「第百七十七条の二第一項」及び「同項第三号」とあり、同条第二項中「第百七十七条の二第二項」及び「同項第六号」とあり、並びに同条第三項中「第百七十七条の二第三項」及び「同項第七号」とあるのは「更生特例法第百四条において準用する第百八十三条第十三号」と、同条中「又は株主」とあるのは「又は組合員等（更生特例法第二条第十項に規定する組合員等をいう。）」と、「更生計画認可の決定の」とあるのは「新株式会社（更生特例法第百二十四条第一項第六号に規定する新株式会社をいう。）が成立した」と読み替えるものとする。

(7) The provisions of Article 140, paragraphs (2) to (5) apply mutatis mutandis to the cases where the unsecured or secured reorganization creditor or Partner or Member is to be granted the right to receive the allotment of Shares Solicited at Incorporation (meaning Shares Solicited at Incorporation prescribed in Article 58, paragraph (1) of the Companies Act; hereinafter the same applies in this Chapter) of a new Stock Company referred to in Article 183, item (v) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 104; the provisions of the preceding two Articles apply mutatis mutandis to the solicitation of subscribers for Share Options for Subscription or Bonds for subscription of a new Stock Company; and the provisions of Article 217-2 of the Corporate Reorganization Act apply mutatis mutandis to the issue of Shares Issued at Incorporation, share options or bonds of a new Stock Company in exchange for the extinguishment of the right of the unsecured or secured

reorganization creditor or Partner or Member In this case, the phrase "converted bank" in Article 140, paragraphs (2) and (4), Article 141, paragraphs (2) and (4) and paragraphs (1) and (3) of the preceding Article is deemed to be replaced with "new Stock Company"; the phrase "Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2)" in Article 140, paragraph (2), items (ii) and (iii), paragraphs (4) and (5) is deemed to be replaced with "Article 183, item (v) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 104"; the phrase "Article 176 of that Act as applied mutatis mutandis pursuant to Article 102, paragraph (2)" in Article 141, paragraph (1) is deemed to be replaced with "Article 183, item (xi) of that Act as applied mutatis mutandis pursuant to Article 104"; the phrase "Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2)" in paragraphs (2), (4) and (5) of that Article and the phrase "Article 176 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2)" in paragraph (6) of that Article is deemed to be replaced with "Article 183, item (xi) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 104"; the phrase "Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 102, paragraph (2)" in paragraphs (1), (3) and (4) of the preceding Article is deemed to be replaced with "Article 183, item (xii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 104"; the terms "Article 177-2, paragraph (1)" and "item (iii) of that paragraph" in Article 217-2, paragraph (1) of that Act, the terms "Article 177-2, paragraph (2)" and "item (vi) of that paragraph" in paragraph (2) of that Article and the terms "Article 177-2, paragraph (3)" and "item (vii) of that paragraph" in paragraph (3) of that Article is deemed to be replaced with "Article 183, item (xiii) as applied mutatis mutandis pursuant to Article 104 of the Act on Special Measures"; the phrase "or shareholders" in that Article is deemed to be replaced with "or Partner or Member (meaning Partner or Member prescribed in Article 2, paragraph (10) of the Act on Special Measures)"; and the phrase "the order confirming the reorganization plan is made" is deemed to be replaced with "the new Stock Company (meaning new Stock Company prescribed in Article 124, paragraph (1), item (vi) of the Act on Special Measures) was incorporated".

8　第一項に規定する場合において新協同組織金融機関を設立することを定めたときは、中小企業等協同組合法第二十四条第一項、信用金庫法第二十二条第一項並びに第二十三条第二項及び第五項又は労働金庫法第二十二条第一項及び第二十三条第二項の規定は、適用しない。

(8) When the establishment of a new Cooperative Financial Institution is specified in the case prescribed in paragraph (1), the provisions of Article 24,

paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 22, paragraph (1) and Article 23, paragraphs (2) and (5) of the Shinkin Bank Act or Article 22, paragraph (1) and Article 23, paragraph (2) of the Labor Bank Act do not apply.

9　第一項に規定する場合において新株式会社を設立することを定めたときは、会社法第二十五条第一項第一号及び第二項、第二十六条第二項、第二十七条第五号、第三十条、第二編第一章第三節（第三十七条第三項を除く。）、第四節（第三十九条を除く。）、第五節及び第六節、第五十条、第五十一条、同章第八節、第五十八条、第五十九条第一項第一号（公証人の氏名に係る部分に限る。）、第二号（同法第二十七条第五号及び第三十二条第一項各号に掲げる事項に係る部分に限る。）及び第三号、第六十五条第一項、第八十八条から第九十条まで、第九十三条及び第九十四条（これらの規定中同法第九十三条第一項第一号及び第二号に掲げる事項に係る部分に限る。）並びに第百三条の規定は、適用しない。

(9) When the incorporation of a new Stock Company is specified in the case prescribed in paragraph (1), the provisions of Article 25, paragraph (1), items (i) and (2), Article 26, paragraph (2), Article 27, item (v), Article 30, Part II Chapter I Section 3 (excluding Article 37, paragraph (3)), Section 4 (excluding Article 39), Sections 5 and 6, Article 50, Article 51, Section 8 of that Chapter, Article 58, Article 59, paragraph (1), items (i) (limited to the part in relation to the name of the notary), (ii) (limited to the part in relation to the particulars set forth in Article 27, item (v) and the items of Article 32, paragraph (1) of the Companies Act) and (iii), Article 65, paragraph (1), Article 88 to Article 90 inclusive, Article 93 and Article 94 (limited to the part in relation to the particulars set forth in Article 93, paragraph (1), items (i) and (ii) of that Act in the same provisions) and Article 103 of the Companies Act do not apply.

（転換後協同組織金融機関等に異動した者の退職手当の取扱い）

(Handling of Severance Pay of Persons Transferred to Converted Cooperative Financial Institutions)

第百四十四条　更生手続開始後に更生協同組織金融機関の第百二十五条第一項第二号に規定する理事等又は使用人であった者で、更生計画の定めにより更生協同組織金融機関の組織が変更された際又は新協同組織金融機関若しくは新株式会社が設立された際に更生協同組織金融機関を退職し、かつ、引き続き転換後協同組織金融機関若しくは新協同組織金融機関の同号に規定する理事等若しくは使用人又は転換後銀行若しくは新株式会社の取締役、会計参与、監査役、代表取締役、執行役、代表執行役若しくは使用人となったものは、更生協同組織金融機関から退職手当の支給を受けることができない。

Article 144 (1) A person that was a board member, etc. or an employee prescribed in Article 125, paragraph (1), item (ii) of a reorganizing cooperative financial institution after the commencement of reorganization proceedings, retired from the reorganizing cooperative financial institution upon entity

conversion of the reorganizing cooperative financial institution or upon the establishment of a new Cooperative Financial Institution or a new Stock Company as specified in the reorganization plan and successively became a board member, etc. or an employee prescribed in that item of a converted cooperative financial institution or a new Cooperative Financial Institution or director, accounting advisor, company auditor, representative director, executive officer, representative executive officer or employee of the converted bank or new Stock Company may not receive the payment of a severance pay from the reorganizing cooperative financial institution.

２　前項に規定する者の更生協同組織金融機関における在職期間は、退職手当の計算については、転換後協同組織金融機関、転換後銀行、新協同組織金融機関又は新株式会社における在職期間とみなす。

(2) The period of service for the calculation of severance pay of the person prescribed in the preceding paragraph at the reorganizing cooperative financial institution is deemed to be the period of service at the converted cooperative financial institution, converted bank, new Cooperative Financial Institution or new Stock Company.

（管轄の特例）

(Special Provisions on Jurisdictions)

第百四十五条　更生計画において更生協同組織金融機関が転換をすることを定めた場合における合併転換法第六十七条において準用する合併転換法第五十一条において準用する会社法第二百三十四条第二項の規定による許可の申立てに係る事件は、合併転換法第六十七条において準用する合併転換法第五十一条において準用する会社法第八百六十八条第一項の規定にかかわらず、更生手続が終了するまでの間は、更生裁判所が管轄する。

Article 145　Notwithstanding the provisions of Article 868, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 51 of the Merger and Conversion Act as applied mutatis mutandis pursuant to Article 67 of the Merger and Conversion Act, cases in relation to the petition for permission under the provisions of Article 234, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 51 of the Merger and Conversion Act as applied mutatis mutandis pursuant to Article 67 of the Merger and Conversion Act in cases where the conversion of a reorganizing cooperative financial institution is specified in the reorganization plan is under the jurisdiction of the reorganization court until the end of reorganization proceedings.

（出資等の割当てを受ける権利の譲渡）

(Assignment of a Right to Receive the Allotment of Contributions)

第百四十六条　更生計画の定めによって更生債権者等又は組合員等に対して更生協同組

織金融機関、転換後協同組織金融機関又は新協同組織金融機関の出資の割当てを受ける権利が与えられた場合には、当該権利は、その協同組織金融機関の承諾を得て、これを組合員等又はその資格を有する者に譲渡することができる。

Article 146 (1) In cases where the right to receive the allotment of contributions of a reorganizing cooperative financial institution, converted cooperative financial institution or a new Cooperative Financial Institution was granted to an unsecured or secured reorganization creditor or Partner or Member as specified in the reorganization plan, the relevant right may be assigned to the Partner or Member or a person that is qualified therefor with the approval of the Cooperative Financial Institution.

２　更生計画の定めによって更生債権者等又は組合員等に対して転換後銀行又は新株式会社の募集株式、設立時募集株式、募集新株予約権又は募集社債の割当てを受ける権利が与えられた場合には、当該権利は、これを他に譲渡することができる。

(2) In cases where the right to receive the allotment of Shares for Subscription, Shares Solicited at Incorporation, Share Options for Subscription or Bonds for subscription of a converted bank or new Stock Company was granted to an unsecured or secured reorganization creditor or Partner or Member as specified in the reorganization plan, the relevant right may be assigned to another person.

（私的独占の禁止及び公正取引の確保に関する法律の特例）

(Special Provisions on the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade)

第百四十七条　会社更生法第二百二十九条の規定は、更生債権者等又は組合員等が転換後銀行又は更生計画の定めにより設立される株式会社の株式を更生計画の定めによって取得する場合について準用する。

Article 147 The provisions of Article 229 of the Corporate Reorganization Act apply mutatis mutandis to the cases where, as specified in a reorganization plan, an unsecured or secured reorganization creditor or Partner or Member is to acquire shares of a converted bank or a Stock Company incorporated as specified in the Reorganization Plan.

（許可、認可等に基づく権利の承継）

(Succession to Rights Based on Permission and Confirmation)

第百四十八条　更生計画において更生協同組織金融機関が行政庁から得ていた許可、認可、免許その他の処分に基づく権利及び義務を同種の新協同組織金融機関に移転することを定めたときは、当該新協同組織金融機関は、他の法令の規定にかかわらず、その権利及び義務を承継する。

Article 148 When the transfer of rights and duties based on permission, confirmation, a license or any other disposition obtained from an administrative agency by a reorganizing cooperative financial institution to the

same type of new Cooperative Financial Institution is specified in the reorganization plan, notwithstanding the provisions of any other laws and regulations, the new Cooperative Financial Institution succeeds to the rights and duties.

（法人税法等の特例）
(Special Provisions on the Corporation Tax Act)

第百四十八条の二　更生計画において新協同組織金融機関又は新株式会社が更生協同組織金融機関の租税等の請求権に係る債務を承継することを定めたときは、当該新協同組織金融機関又は当該新株式会社は当該債務を履行する義務を負い、更生協同組織金融機関は当該債務を免れる。

Article 148-2 (1) When the succession to obligations subject to a right to impose taxes or other charges of a reorganizing cooperative financial institution by a new Cooperative Financial Institution or a new Stock Company is specified in the reorganization plan, the new Cooperative Financial Institution or new Stock Company is liable to perform the obligations, and the reorganizing cooperative financial institution is relieved from the obligations.

２　更生手続開始の決定があったときは、更生協同組織金融機関の事業年度は、その開始の時に終了し、これに続く事業年度は、更生計画認可の時（その時までに更生手続が終了したときは、その終了の日）に終了するものとする。ただし、法人税法（昭和四十年法律第三十四号）第十三条第一項ただし書及び地方税法第七十二条の十三第四項の規定の適用を妨げない。

(2) When an order commencing reorganization proceedings is made, the business year of a reorganizing cooperative financial institution ends at the time of the commencement thereof, and the subsequent business year is to end at the time when the reorganization plan is confirmed (when reorganization proceedings are closed by that time, the day on which the reorganization proceedings were closed); provided, however, that this does not preclude the application of the provisions of the proviso to Article 13, paragraph (1) of the Corporation Tax Act (Act No. 34 of 1965) and Article 72-13, paragraph (4) of the Local Tax Act.

第三款　更生計画の変更
Subsection 3 Modification of a Reorganization Plan

第百四十九条　会社更生法第二百三十三条第一項から第五項までの規定は、協同組織金融機関の更生計画認可の決定があった後やむを得ない事由で更生計画に定める事項を変更する必要が生じた場合について準用する。

Article 149 (1) The provisions of Article 233, paragraphs (1) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the need to modify any particulars specified in the reorganization plan arises due to unavoidable circumstances after the order confirming the reorganization

plan of a Cooperative Financial Institution.

2　前項において準用する会社更生法第二百三十三条第五項に規定する決定に対しては、即時抗告をすることができる。

(2) An immediate appeal may be filed against the order prescribed in Article 233, paragraph (5) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding paragraph.

3　会社更生法第二百二条第二項から第五項までの規定は、前項の場合について準用する。この場合において、同条第二項中「第百六十八条第一項第四号から第六号まで」とあるのは「更生特例法第九十三条第一項第四号又は第五号」と、同条第五項中「第十三条」とあるのは「更生特例法第十二条」と読み替えるものとする。

(3) The provisions of Article 202, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the phrase "Article 168, paragraph (1), items (iv) to (vi)" in paragraph (2) of that Article is deemed to be replaced with "Article 93, paragraph (1), item (iv) or (v) of the Act on Special Measures"; and the phrase "Article 13" in paragraph (5) of that Article is deemed to be replaced with "Article 12 of the Act on Special Measures".

4　会社更生法第七十二条第七項の規定は、更生計画の変更により第四十五条において準用する同法第七十二条第四項前段の規定による更生計画の定めが取り消された場合について準用する。この場合において、同法第七十二条第七項中「第十条第四項」とあるのは、「更生特例法第十条において準用する第十条第四項」と読み替えるものとする。

(4) The provisions of Article 72, paragraph (7) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the provisions of the reorganization plan are revoked under the provisions of the first sentence of Article 72, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 45 due to the modification of the reorganization plan. In this case, the phrase "Article 10, paragraph (4)" in Article 72, paragraph (7) of that Act is deemed to be replaced with "Article 10, paragraph (4) as applied mutatis mutandis pursuant to Article 10 of the Act on Special Measures".

第九節　更生手続の終了
Section 9 End of Reorganization Proceedings

第一款　更生手続の終了事由
Subsection 1 Grounds to End Reorganization Proceedings

第百五十条　会社更生法第二百三十四条の規定は、協同組織金融機関の更生手続の終了について準用する。この場合において、同条第二号中「第四十四条第一項」とあるのは、「更生特例法第三十一条において準用する第四十四条第一項」と読み替えるものとする。

Article 150　The provisions of Article 234 of the Corporate Reorganization Act

apply mutatis mutandis to the end of the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 44, paragraph (1)" in item (ii) of that Article is deemed to be replaced with "Article 44, paragraph (1) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures".

第二款　更生計画認可前の更生手続の終了
Subsection 2 Ending Reorganization Proceedings before Confirmation of a Reorganization Plan

第一目　更生計画不認可の決定
Division 1 Order Disconfirming a Reorganization Plan

（不認可の決定が確定した場合の更生債権者表等の記載の効力）
(Effect of Entries in the Schedule of an Unsecured or Secured Reorganization Creditor Once an Order of Disconfirmation Becomes Final and Binding)

第百五十一条　会社更生法第二百三十五条の規定は、協同組織金融機関の更生手続において更生計画不認可の決定が確定した場合について準用する。この場合において、同条第二項中「第百四十七条第二項、第百四十八条第四項又は第百四十九条第三項後段」とあるのは、「更生特例法第八十七条において準用する第百四十七条第二項、第百四十八条第四項又は第百四十九条第三項後段」と読み替えるものとする。

Article 151 The provisions of Article 235 of the Corporate Reorganization Act apply mutatis mutandis once the order disconfirming a reorganization plan becomes final and binding during the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3)" in paragraph (2) of that Article is deemed to be replaced with "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3) as applied mutatis mutandis pursuant to Article 87 of the Act on Special Measures".

第二目　更生計画認可前の更生手続の廃止
Division 2 Discontinuing Reorganization Proceedings before Confirmation of a Reorganization Plan

（更生が困難な場合の更生手続廃止等）
(Discontinuing Reorganization Proceedings Due to Difficulty Reorganizing)

第百五十二条　会社更生法第二百三十六条、第二百三十七条及び第二百三十八条第一項から第五項までの規定は、協同組織金融機関の更生手続における更生手続廃止の決定について準用する。この場合において、同法第二百三十六条第三号中「第百九十八条第一項本文」とあるのは「更生特例法第百十九条において準用する第百九十八条第一項本文」と、同法第二百三十七条第一項中「第百三十八条第一項」とあるのは「更生

特例法第八十一条において準用する第百三十八条第一項」と、「第十七条第一項」とあるのは「更生特例法第十五条第一項」と、同法第二百三十八条第三項中「第十三条」とあるのは「更生特例法第十二条」と読み替えるものとする。

Article 152 (1) The provisions of Article 236, Article 237 and Article 238, paragraphs (1) to (5) of the Corporate Reorganization Act apply mutatis mutandis to an order of discontinuance of reorganization proceedings in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "the main clause of Article 198, paragraph (1)" in Article 236, item (iii) of that Act is deemed to be replaced with "the main clause of Article 198, paragraph (1) as applied mutatis mutandis pursuant to Article 119 of the Act on Special Measures"; the phrase "Article 138, paragraph (1)" in Article 237, paragraph (1) of that Act is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 17, paragraph (1)" is deemed to be replaced with "Article 15, paragraph (1) of the Act on Special Measures"; and the phrase "Article 13" in Article 238, paragraph (3) of that Act is deemed to be replaced with "Article 12 of the Act on Special Measures".

2　会社更生法第二百三十五条の規定は、前項において準用する同法第二百三十六条又は第二百三十七条の規定による更生手続廃止の決定が確定した場合について準用する。この場合において、同法第二百三十五条第二項中「第百四十七条第二項、第百四十八条第四項又は第百四十九条第三項後段」とあるのは、「更生特例法第八十七条において準用する第百四十七条第二項、第百四十八条第四項又は第百四十九条第三項後段」と読み替えるものとする。

(2) The provisions of Article 235 of the Corporate Reorganization Act apply mutatis mutandis to cases where an order of discontinuance of reorganization proceedings becomes final and binding under the provisions of Article 236 or Article 237 of that Act as applied mutatis mutandis pursuant to the preceding paragraph. In this case, the phrase "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3)" in Article 235, paragraph (2) of that Act is deemed to be replaced with "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3) as applied mutatis mutandis pursuant to Article 87 of the Act on Special Measures".

第三款　更生計画認可後の更生手続の終了
Subsection 3 Ending Reorganization Proceedings after Confirmation of a Reorganization Plan

第一目　更生手続の終結
Division 1 Conclusion of Reorganization Proceedings

（更生手続終結の決定）

(Order Concluding Reorganization Proceedings)

第百五十三条　会社更生法第二百三十九条の規定は、協同組織金融機関の更生手続における更生手続終結の決定について準用する。

Article 153 The provisions of Article 239 of the Corporate Reorganization Act apply mutatis mutandis to an order concluding the reorganization proceedings of a cooperative financial institution.

（更生手続終結後の更生債権者表等の記載の効力）

(Effect of Entries in the Schedule of an Unsecured or Secured Reorganization Creditor after the Conclusion of Reorganization Proceedings)

第百五十四条　会社更生法第二百四十条の規定は、協同組織金融機関の更生手続における更生手続終結後の更生債権者表及び更生担保権者表の記載の効力について準用する。

Article 154 The provisions of Article 240 of the Corporate Reorganization Act apply mutatis mutandis to the effect of entries in the schedule of reorganization creditors and the schedule of secured reorganization creditors after the conclusion of the reorganization proceedings of a Cooperative Financial Institution.

第二目　更生計画認可後の更生手続の廃止
Division 2 Discontinuing Reorganization Proceedings after Confirmation of a Reorganization Plan

第百五十五条　会社更生法第二百四十一条第一項から第三項までの規定は、協同組織金融機関の更生手続廃止の決定について準用する。

Article 155 (1) The provisions of Article 241, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to an order discontinuing the reorganization proceedings of a Cooperative Financial Institution.

２　会社更生法第二百三十八条第一項から第三項までの規定は前項において準用する同法第二百四十一条第一項の規定による更生手続廃止の決定をした場合について、同法第二百三十八条第四項の規定は当該決定を取り消す決定が確定した場合について、同法第二百四十条の規定は前項において準用する同法第二百四十一条第一項の規定による更生手続廃止の決定が確定した場合について、それぞれ準用する。この場合において、同法第二百三十八条第三項中「第十三条」とあるのは、「更生特例法第十二条」と読み替えるものとする。

(2) The provisions of Article 238, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order of discontinuance of reorganization proceedings is made under the provisions of Article 241, paragraph (1) of that Act as applied mutatis mutandis pursuant to the preceding paragraph, the provisions of Article 238, paragraph (4) of that Act apply mutatis mutandis to the cases where an order to revoke the order

becomes final and binding, and the provisions of Article 240 of that Act apply mutatis mutandis to the cases where an order of discontinuance of reorganization proceedings becomes final and binding under the provisions of Article 241, paragraph (1) of that Act as applied mutatis mutandis pursuant to the preceding paragraph. In this case, the phrase "Article 13" in Article 238, paragraph (3) of that Act is deemed to be replaced with "Article 12 of the Act on Special Measures".

第十節　外国倒産処理手続がある場合の特則
Section 10 Special Provisions If Foreign Insolvency Proceedings Are Underway

（外国管財人との協力）
(Cooperation with Foreign Trustees)

第百五十六条　会社更生法第二百四十二条の規定は、更生協同組織金融機関についての外国倒産処理手続（外国で開始された手続であって、破産手続又は再生手続に相当するものをいう。以下この節において同じ。）がある場合について準用する。

Article 156 The provisions of Article 242 of the Corporate Reorganization Act apply mutatis mutandis if foreign insolvency proceedings (meaning proceedings commenced in a foreign state, which are equivalent to bankruptcy proceedings or rehabilitation proceedings; hereinafter the same applies in this Section) are underway in respect of a reorganizing cooperative financial institution.

（更生手続の開始原因の推定）
(Presumption of a Cause to Commence Reorganization Proceedings)

第百五十七条　会社更生法第二百四十三条の規定は、協同組織金融機関についての外国倒産処理手続がある場合について準用する。この場合において、同条中「第十七条第一項」とあるのは、「更生特例法第十五条第一項」と読み替えるものとする。

Article 157 The provisions of Article 243 of the Corporate Reorganization Act apply mutatis mutandis to the cases where there are foreign insolvency proceedings for a Cooperative Financial Institution. In this case, the phrase "Article 17, paragraph (1)" in that Article is deemed to be replaced with "Article 15, paragraph (1) of the Act on Special Measures".

（外国管財人の権限等）
(Authority of a Foreign Trustee)

第百五十八条　会社更生法第二百四十四条及び第二百四十五条第一項の規定は、協同組織金融機関の外国倒産処理手続における外国管財人（外国倒産処理手続において協同組織金融機関の財産の管理及び処分をする権利を有する者をいう。）について準用する。この場合において、同法第二百四十四条第一項中「第十七条第一項第一号」とあるのは「更生特例法第十五条第一項第一号」と、同条第二項及び第三項中「第二百四

十二条第一項」とあるのは「更生特例法第百五十六条において準用する第二百四十二条第一項」と、同項中「第百八十四条第一項」とあるのは「更生特例法第百八条において準用する第百八十四条第一項」と、同条第四項中「第四十三条第一項」とあるのは「更生特例法第三十一条において準用する第四十三条第一項」と読み替えるものとする。

Article 158 (1) The provisions of Article 244 and Article 245, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to a foreign trustee in foreign insolvency proceedings for a Cooperative Financial Institution (meaning a person that has a right to administer and dispose of the assets of the Cooperative Financial Institution in foreign insolvency proceedings). In this case, the phrase "Article 17, paragraph (1), item (i)" in Article 244, paragraph (1) of that Act is deemed to be replaced with "Article 15, paragraph (1), item (i) of the Act on Special Measures"; the phrase "Article 242, paragraph (1)" in paragraphs (2) and (3) of that Article is deemed to be replaced with "Article 242, paragraph (1) as applied mutatis mutandis pursuant to Article 156 of the Act on Special Measures"; the phrase "Article 184, paragraph (1)" in that paragraph is deemed to be replaced with "Article 184, paragraph (1) as applied mutatis mutandis pursuant to Article 108 of the Act on Special Measures"; and the phrase "Article 43, paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures".

2　会社更生法第二百四十五条第二項及び第三項の規定は、協同組織金融機関の更生手続における管財人について準用する。

(2) The provisions of Article 245, paragraphs (2) and (3) of the Corporate Reorganization Act apply mutatis mutandis to a trustee in the reorganization proceedings of a Cooperative Financial Institution.

第十一節　更生手続と他の倒産処理手続との間の移行等

Section 11 Transfers Between Reorganization Proceedings and Other Insolvency Proceedings

第一款　破産手続から更生手続への移行

Subsection 1 Transfer from Bankruptcy Proceedings to Reorganization Proceedings

（破産管財人による更生手続開始の申立て）

(Petitions to Commence Reorganization Proceedings Filed by a Bankruptcy Trustee)

第百五十八条の二　会社更生法第二百四十六条の規定は、破産者である協同組織金融機関に第十五条第一項に規定する更生手続開始の原因となる事実がある場合について準用する。この場合において、同法第二百四十六条第四項中「第二十条第一項」とあるのは、「更生特例法第十八条において準用する第二十条第一項」と読み替えるものと

する。

Article 158-2 The provisions of Article 246 of the Corporate Reorganization Act apply mutatis mutandis if there is a fact constituting cause to commence reorganization proceedings as prescribed in Article 15, paragraph (1) in connection with a Cooperative Financial Institution that is a bankrupt. In this case, the phrase "Article 20, paragraph (1)" in Article 246, paragraph (4) of that Act is deemed to be replaced with "Article 20, paragraph (1) as applied mutatis mutandis pursuant to Article 18 of the Act on Special Measures".

（更生債権の届出を要しない旨の決定）

(Order Not Requiring Filing of Proofs of a Reorganization Claim)

第百五十八条の三　裁判所は、更生手続開始の決定をする場合において、第三十六条において準用する会社更生法第五十条第一項の規定により中止することとなる破産手続において届出があった破産債権の内容及び原因、破産法第百二十五条第一項本文に規定する異議等のある破産債権の数、当該破産手続における配当の有無その他の事情を考慮して相当と認めるときは、当該決定と同時に、更生債権であって当該破産手続において破産債権としての届出があったもの（同法第九十七条第四号に規定する租税等の請求権及び同条第六号に規定する罰金等の請求権を除く。）を有する更生債権者は当該更生債権の届出をすることを要しない旨の決定をすることができる。

Article 158-3 (1) Where the court makes an order commencing reorganization proceedings, when it finds it appropriate while taking into consideration the content and cause of each bankruptcy claim filed in the bankruptcy proceedings to be stayed pursuant to the provisions of Article 50, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 36, the number of denied/disputed bankruptcy claims prescribed in the main clause of Article 125, paragraph (1) of the Bankruptcy Act, whether or not any liquidating distribution will be made through the bankruptcy proceedings, and any other circumstances concerned, it may make an order, upon making the order commencing a reorganization, to the effect that reorganization creditors that hold a reorganization claim that have been filed as bankruptcy claims in the bankruptcy proceedings (excluding the right to impose taxes or other charges as prescribed in Article 97, item (iv) of that Act and right to claim a fine, etc. prescribed in item (vi) of that Article) are not required to file a proof of the reorganization claim.

2　会社更生法第二百四十七条第二項から第五項までの規定は、前項の規定による決定があった場合について準用する。この場合において、同条第二項中「第四十三条第一項」とあるのは「更生特例法第三十一条において準用する第四十三条第一項」と、同条第三項及び第五項中「第百三十八条第一項」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項」と、同条第四項第一号及び第二号中「第百三十八条第一項第一号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第一号」と、同項第三号及び第四号中「第百三十八条第一項第二号」とある

のは「更生特例法第八十一条において準用する第百三十八条第一項第二号」と読み替えるものとする。

(2) The provisions of Article 247, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order under the provisions of the preceding paragraph is made. In this case, the phrase "Article 43, paragraph (1)" in paragraph (2) of that Article is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant to Article 31 of the Act on Special Measures"; the phrase "Article 138, paragraph (1)" in paragraphs (3) and (5) of that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (i)" in paragraph (4), items (i) and (ii) of that Article is deemed to be replaced with "Article 138, paragraph (1), item (i) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; and the phrase "Article 138, paragraph (1), item (ii)" in items (iii) and (iv) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

第二款　再生手続から更生手続への移行
Subsection 2 Transfer from Rehabilitation Proceedings to Reorganization Proceedings

（再生手続における管財人による更生手続開始の申立て）

(Petition to Commence Reorganization Proceedings Filed by the Trustee During Rehabilitation Proceedings)

第百五十八条の四　会社更生法第二百四十八条の規定は、再生債務者である協同組織金融機関に第十五条第一項に規定する更生手続開始の原因となる事実がある場合について準用する。この場合において、同法第二百四十八条第三項中「第二百四十六条第三項」とあるのは「更生特例法第百五十八条の二において準用する第二百四十六条第三項」と、同条第四項中「第二十条第一項」とあるのは「更生特例法第十八条において準用する第二十条第一項」と読み替えるものとする。

Article 158-4　The provisions of Article 248 of the Corporate Reorganization Act apply mutatis mutandis if there is a fact constituting cause to commence reorganization proceedings as prescribed in Article 15, paragraph (1) in connection with a Cooperative Financial Institution that is a rehabilitation debtor. In this case, the phrase "Article 246, paragraph (3)" in Article 248, paragraph (3) of that Act is deemed to be replaced with "Article 246, paragraph (3) as applied mutatis mutandis pursuant to Article 158-2 of the Act on Special Measures"; and the phrase "Article 20, paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 20, paragraph (1) as applied

mutatis mutandis pursuant to Article 18 of the Act on Special Measures".

（更生債権の届出を要しない旨の決定）

(Order Not Requiring Filing of Proofs of a Reorganization Claim)

第百五十八条の五　裁判所は、更生手続開始の決定をする場合において、第三十六条において準用する会社更生法第五十条第一項の規定により中止することとなる再生手続において届出があった再生債権の内容及び原因、民事再生法第百五条第一項本文に規定する異議等のある再生債権の数、再生計画による権利の変更の有無及び内容その他の事情を考慮して相当と認めるときは、当該決定と同時に、更生債権であって当該再生手続において再生債権としての届出があったもの（同法第九十七条第一号に規定する再生手続開始前の罰金等を除く。）を有する更生債権者は当該更生債権の届出をすることを要しない旨の決定をすることができる。

Article 158-5 (1) Where the court makes an order commencing reorganization proceedings, when it finds it appropriate while taking into consideration the content and cause of each rehabilitation claim filed in the rehabilitation proceedings to be stayed pursuant to the provisions of Article 50, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 36, the number of denied/disputed rehabilitation claims prescribed in the main clause of Article 105, paragraph (1) of the Civil Rehabilitation Act, whether or not any right will be modified by a rehabilitation plan and the content of the modification, and any other circumstances concerned, it may make an order, upon making the order commencing a reorganization, to the effect that reorganization creditors that hold a reorganization claim that have been filed as rehabilitation claims in the rehabilitation proceedings (excluding fines, etc. arising prior to the commencement of rehabilitation proceedings prescribed in Article 97, item (i) of that Act) are not required to file a proof of the reorganization claim.

2　会社更生法第二百四十九条第二項から第五項までの規定は、前項の規定による決定があった場合について準用する。この場合において、同条第二項中「第四十三条第一項」とあるのは「更生特例法第三十一条において準用する第四十三条第一項」と、同条第三項及び第五項中「第百三十八条第一項」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項」と、同条第四項第一号及び第二号中「第百三十八条第一項第一号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第一号」と、同項第三号中「第百三十八条第一項第二号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第二号」と読み替えるものとする。

(2) The provisions of Article 249, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order under the provisions of the preceding paragraph is made. In this case, the phrase "Article 43, paragraph (1)" in paragraph (2) of that Article is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant

to Article 31 of the Act on Special Measures"; the phrase "Article 138, paragraph (1)" in paragraphs (3) and (5) of that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (i)" in paragraph (4), items (i) and (ii) of that Article is deemed to be replaced with "Article 138, paragraph (1), item (i) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; and the phrase "Article 138, paragraph (1), item (ii)" in item (iii) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

第三款　更生手続から破産手続への移行
Subsection 3 Transfer from Reorganization Proceedings to Bankruptcy Proceedings

（更生手続開始の決定があった場合の破産事件の移送）
(Transfer of a Bankruptcy Case Where an Order Commencing Reorganization Proceedings Is Made)

第百五十八条の六　裁判所（破産事件を取り扱う一人の裁判官又は裁判官の合議体をいう。）は、破産手続開始の前後を問わず、同一の債務者につき更生手続開始の決定があった場合において、当該破産事件を処理するために相当であると認めるときは、職権で、当該破産事件を更生裁判所に移送することができる。

Article 158-6　Where, before or after the commencement of bankruptcy proceedings, an order commencing reorganization proceedings is made against the same debtor, the court (meaning a judge or panel of judges in charge of the bankruptcy case), when it finds it appropriate in order to handle the bankruptcy case, may by its own authority transfer the bankruptcy case to the reorganization court.

（更生手続終了前の破産手続開始の申立て等）
(Petitions to Commence Bankruptcy Proceedings before the End of Reorganization Proceedings)

第百五十八条の七　破産手続開始前の更生協同組織金融機関について更生手続開始の決定の取消し、更生手続廃止又は更生計画不認可の決定があった場合には、第三十六条において準用する会社更生法第五十条第一項の規定にかかわらず、当該決定の確定前においても、更生裁判所に当該更生協同組織金融機関についての破産手続開始の申立てをすることができる。破産手続開始後の更生協同組織金融機関について更生計画認可の決定により破産手続が効力を失った後に第百五十五条第一項において準用する同法第二百四十一条第一項の規定による更生手続廃止の決定があった場合も、同様とする。

Article 158-7　(1) Where, with regard to the reorganizing cooperative financial

institution against which bankruptcy proceedings have not yet been commenced, an order of revocation of the order commencing reorganization proceedings or an order of discontinuance of reorganization proceedings or the court issues an order disconfirming the reorganization plan, notwithstanding the provisions of Article 50, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 36, a petition to commence bankruptcy proceedings may be filed with the reorganization court against the relevant reorganizing cooperative financial institution even before the respective order becomes final and binding. The same applies where, after the bankruptcy proceedings commenced against the reorganizing cooperative financial institution have ceased to be effective as a result of the order confirming the reorganization plan, an order of discontinuance of reorganization proceedings under the provisions of Article 241, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 155, paragraph (1) is made.

2　前項前段の規定は、同項前段に規定する更生協同組織金融機関について既に開始された再生手続がある場合については、適用しない。

(2) The provisions of the first sentence of the preceding paragraph do not apply to the cases where rehabilitation proceedings have already commenced for a reorganizing cooperative financial institution prescribed in the first sentence of that paragraph.

3　第一項の規定による破産手続開始の申立てに係る破産手続開始の決定は、同項前段に規定する決定又は同項後段の更生手続廃止の決定が確定した後でなければ、することができない。

(3) An order to commence bankruptcy proceedings based on the petition for commencement of bankruptcy proceedings filed under the provisions of paragraph (1) may not be made unless the order prescribed in the first sentence of that paragraph or an order of discontinuance of reorganization proceedings referred to in the second sentence of that paragraph becomes final and binding.

（更生手続の終了に伴う職権による破産手続開始の決定）

(Order to Commence Bankruptcy Proceedings by the Court's Authority at the End of Reorganization Proceedings)

第百五十八条の八　破産手続開始前の協同組織金融機関について第百五十条において準用する会社更生法第二百三十四条第一号から第四号までに掲げる事由のいずれかが生じた場合において、裁判所は、当該協同組織金融機関に破産手続開始の原因となる事実があると認めるときは、職権で、破産法に従い、破産手続開始の決定をすることができる。ただし、当該協同組織金融機関について既に開始された再生手続がある場合は、この限りでない。

Article 158-8 (1) Where, with regard to the Cooperative Financial Institution

against which bankruptcy proceedings have not yet been commenced, the court, when it finds that a fact constituting the grounds referred to in Article 234, items (i) to (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 150 exists with regard to the relevant Cooperative Financial Institution, by its own authority, may make an order to commence bankruptcy proceedings in accordance with the Bankruptcy Act; provided, however, that this does not apply to the cases where rehabilitation proceedings have already been commenced for the relevant Cooperative Financial Institution.

２　破産手続開始後の更生協同組織金融機関について更生計画認可の決定により破産手続が効力を失った後に第百五十五条第一項において準用する会社更生法第二百四十一条第一項の規定による更生手続廃止の決定が確定した場合には、裁判所は、職権で、破産法に従い、破産手続開始の決定をしなければならない。ただし、前条第一項後段の規定による破産手続開始の申立てに基づいて破産手続開始の決定をする場合は、この限りでない。

(2) Where, after the bankruptcy proceedings commenced against the reorganizing cooperative financial institution have ceased to be effective as a result of an order confirming the reorganization plan, an order of discontinuance of reorganization proceedings under the provisions of Article 241, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 155, paragraph (1) becomes final and binding, the court, by its own authority, must make an order to commence bankruptcy proceedings in accordance with the Bankruptcy Act; provided, however, that this does not apply where the court makes an order to commence bankruptcy proceedings based on a petition for commencement of bankruptcy proceedings under the provisions of the second sentence of paragraph (1) of the preceding Article.

（更生手続の終了等に伴う破産手続開始前の保全処分等）

(Provisional Remedy Prior to Commencement of Bankruptcy Proceedings at the End of Reorganization Proceedings)

第百五十八条の九　裁判所は、次に掲げる場合において、必要があると認めるときは、職権で、破産法第二十四条第一項の規定による中止の命令、同法第二十五条第二項に規定する包括的禁止命令、同法第二十八条第一項の規定による保全処分、同法第九十一条第二項に規定する保全管理命令又は同法第百七十一条第一項の規定による保全処分（以下この条及び第百五十八条の十二第四項において「保全処分等」という。）を命ずることができる。

Article 158-9 (1) In the following cases, the court, when it finds it necessary, by its own authority, may issue a stay order under the provisions of Article 24, paragraph (1) of the Bankruptcy Act or a comprehensive prohibition order prescribed in Article 25, paragraph (2) of that Act; order a provisional remedy under the provisions of Article 28, paragraph (1) of that Act; issue a

Provisional Administration Order prescribed in Article 91, paragraph (2) of that Act; or order a provisional remedy under the provisions of Article 171, paragraph (1) of that Act (hereinafter referred to as a "provisional remedy or other measures" in this Article and Article 158-12, paragraph (4)):

一　破産手続開始前の協同組織金融機関につき更生手続開始の申立ての棄却の決定があった場合

(i) where, with regard to the Cooperative Financial Institution against which bankruptcy proceedings have not yet been commenced, an order of dismissal with prejudice on the merits of a petition to commence reorganization proceedings is made;

二　破産手続開始前の更生協同組織金融機関につき更生手続開始の決定の取消し、更生手続廃止又は更生計画不認可の決定が確定した場合

(ii) where, with regard to the Cooperative Financial Institution against which bankruptcy proceedings have not yet been commenced, an order of revocation of the order commencing reorganization proceedings, the order of discontinuance of the reorganization proceedings or an order of disconfirmation of the reorganization plan becomes final and binding; or

三　破産手続開始後の更生協同組織金融機関につき更生計画認可の決定により破産手続が効力を失った後に第百五十五条第一項において準用する会社更生法第二百四十一条第一項の規定による更生手続廃止の決定が確定した場合

(iii) where, after the bankruptcy proceedings commenced against the reorganizing cooperative financial institution have ceased to be effective as a result of the order confirming the reorganization plan, an order of discontinuance of reorganization proceedings under the provisions of Article 241, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 155, paragraph (1) becomes final and binding.

2　裁判所は、前項第一号又は第二号の規定による保全処分等を命じた場合において、前条第一項本文の規定による破産手続開始の決定をしないこととしたときは、遅滞なく、当該保全処分等を取り消さなければならない。

(2) If the court, after issuing a provisional remedy or other measures under the provisions of item (i) or (ii) of the preceding paragraph, has decided not to make an order to commence bankruptcy proceedings under the provisions of the main clause of paragraph (1) of the preceding Article, it must revoke the provisional remedy or other measures without delay.

3　第一項第一号の規定による保全処分等は、同号に規定する決定を取り消す決定があったときは、その効力を失う。

(3) The provisional remedy or other measures issued under the provisions of paragraph (1), item (i) ceases to be effective when an order to revoke the order prescribed in that item is made.

4　破産法第二十四条第四項、第二十五条第六項、第二十八条第三項、第九十一条第五項及び第百七十一条第四項の規定にかかわらず、第二項の規定による決定に対しては、

即時抗告をすることができない。

(4) Notwithstanding the provisions of Article 24, paragraph (4), Article 25, paragraph (6), Article 28, paragraph (3), Article 91, paragraph (5) and Article 171, paragraph (4) of the Bankruptcy Act, no immediate appeal may be filed against an order made under the provisions of paragraph (2).

（更生手続の終了に伴う破産手続における破産法の適用関係）

(Application of the Bankruptcy Act in Bankruptcy Proceedings at the End of Reorganization Proceedings)

第百五十八条の十　破産手続開始前の協同組織金融機関に関する次に掲げる場合における破産法の関係規定（破産法第七十一条第一項第四号並びに第二項第二号及び第三号、第七十二条第一項第四号並びに第二項第二号及び第三号、第百六十条（第一項第一号を除く。）、第百六十二条（第一項第二号を除く。）、第百六十三条第二項、第百六十四条第一項（同条第二項において準用する場合を含む。）、第百六十六条並びに第百六十七条第二項（同法第百七十条第二項において準用する場合を含む。）の規定をいう。第三項において同じ。）の適用については、更生手続開始の申立て等（更生手続開始の申立て、更生計画認可の決定により効力を失った再生手続における再生手続開始の申立て又は破産法第二百六十五条の罪に該当することとなる当該協同組織金融機関の理事若しくはこれに準ずる者の行為をいう。以下この項において同じ。）は、当該更生手続開始の申立て等の前に破産手続開始の申立てがないときに限り、破産手続開始の申立てとみなす。

Article 158-10 (1) In the following cases concerning the Cooperative Financial Institution against which bankruptcy proceedings have not yet been commenced, for the purpose of application of the relevant provisions of the Bankruptcy Act (meaning the provisions of Article 71, paragraph (1), item (iv) and, paragraph (2), items (ii) and (iii), Article 72, paragraph (1), item (iv) and paragraph (2), items (ii) and (iii), Article 160 (excluding paragraph (1), item (i)), Article 162 (excluding paragraph (1), item (ii)), Article 163, paragraph (2), Article 164, paragraph (1) (including cases where applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 166 and Article 167, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 170, paragraph (2) of that Act) of the Bankruptcy Act; the same applies in paragraph (3)), a petition to commence reorganization proceedings or other such procedures (meaning a petition to commence reorganization proceedings, petition for commencement of rehabilitation proceedings in rehabilitation proceedings that have ceased to be effective as a result of the order confirming the reorganization plan, or any act conducted by a board member of the relevant Cooperative Financial Institution or any other person equivalent thereto, which is to constitute the crime referred to in Article 265 of the Bankruptcy Act; hereinafter the same applies in this paragraph) is deemed to be a petition for commencement of bankruptcy proceedings only where no

petition for commencement of bankruptcy proceedings has been filed prior to the petition to commence reorganization proceedings or other such procedures:

一　第百五十八条の八第一項本文の規定による破産手続開始の決定があった場合

(i) where an order to commence bankruptcy proceedings is made under the provisions of the main clause of Article 158-8, paragraph (1);

二　更生手続開始の申立ての棄却の決定の確定前にされた破産手続開始の申立てに基づき、当該決定の確定後に破産手続開始の決定があった場合

(ii) where, based on a petition for commencement of bankruptcy proceedings filed before an order of dismissal with prejudice on the merits of a petition to commence reorganization proceedings becomes final and binding, an order to commence bankruptcy proceedings is made after the order of dismissal becomes final and binding;

三　更生手続開始の決定前にされた破産手続開始の申立てに基づき、第百五十条において準用する会社更生法第二百三十四条第二号若しくは第三号に掲げる事由の発生後又は第百五十二条第一項において準用する同法第二百三十六条若しくは第二百三十七条第一項の規定による更生手続廃止の決定の確定後に、破産手続開始の決定があった場合

(iii) where, based on a petition for commencement of bankruptcy proceedings filed before an order to commence reorganization proceedings is made, an order to commence bankruptcy proceedings is made after any grounds referred to in Article 234, item (ii) or (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 150 have arisen, or after an order of discontinuance of reorganization proceedings under the provisions of Article 236 or Article 237, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 152, paragraph (1) becomes final and binding; or

四　第百五十八条の七第一項前段の規定による破産手続開始の申立てに基づき、破産手続開始の決定があった場合

(iv) where, based on a petition for commencement of bankruptcy proceedings filed under the provisions of the first sentence of Article 158-7, paragraph (1), an order to commence bankruptcy proceedings is made.

2　更生計画不認可又は更生手続廃止の決定の確定による更生手続の終了に伴い前項各号に規定する破産手続開始の決定があった場合における破産法第百七十六条前段の規定の適用については、次に掲げる決定の日を同条前段の破産手続開始の日とみなす。

(2) For the purpose of application of the provisions of the first sentence of Article 176 of the Bankruptcy Act in cases where an order to commence bankruptcy proceedings prescribed in the items of the preceding paragraph is made at the end of reorganization proceedings as a result of an order of disconfirmation of the reorganization plan or order of discontinuance of reorganization proceedings becoming final and binding, the respective dates on which the following orders are made is deemed to be the date to commence bankruptcy

proceedings referred to in the first sentence of that Article:

一　更生手続開始の決定

(i) order commencing reorganization proceedings; and

二　更生計画認可の決定により効力を失った再生手続における再生手続開始の決定

(ii) order to commence rehabilitation proceedings that have ceased to be effective in the rehabilitation proceedings as a result of an order confirming the reorganization plan.

3　破産手続開始後の更生協同組織金融機関について第百五十八条の七第一項後段の規定による破産手続開始の申立てに基づいて破産手続開始の決定があった場合又は第百五十八条の八第二項の規定による破産手続開始の決定があった場合における破産法の関係規定の適用については、更生計画認可の決定によって効力を失った破産手続における破産手続開始の申立てがあった時に破産手続開始の申立てがあったものとみなす。

(3) For the purpose of application of the relevant provisions of the Bankruptcy Act in cases where, with regard to the reorganizing cooperative financial institution against which bankruptcy proceedings have been commenced, an order to commence bankruptcy proceedings is made based on a petition for commencement of bankruptcy proceedings filed under the provisions of the second sentence of Article 158-7, paragraph (1) or an order to commence bankruptcy proceedings is made under the provisions of Article 158-8, paragraph (2), it is deemed that a petition for commencement of bankruptcy proceedings was filed at the time when the petition for commencement of bankruptcy proceedings in the bankruptcy proceedings that ceased to be effective as a result of the order confirming the reorganization plan had been filed.

4　前項に規定する破産手続開始の決定があった場合における破産法第百七十六条前段の規定の適用については、更生計画認可の決定によって効力を失った破産手続における破産手続開始の日を同条前段の破産手続開始の日とみなす。

(4) For the purpose of application of the provisions of the first sentence of Article 176 of the Bankruptcy Act in cases where an order to commence bankruptcy proceedings prescribed in the preceding paragraph is made, the date to commence bankruptcy proceedings in the bankruptcy proceedings that have ceased to be effective as a result of the order confirming the reorganization plan is deemed to be the date of commencement of bankruptcy proceedings referred to in the first sentence of that Article.

5　第一項各号又は第三項に規定する破産手続開始の決定があった場合における破産法第百四十八条第一項第三号の規定の適用については、同号中「包括的禁止命令」とあるのは「包括的禁止命令若しくは金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）第十九条において準用する会社更生法（平成十四年法律第百五十四号）第二十五条第二項に規定する包括的禁止命令」と、「期間がある」とあるのは「期間又は金融機関等の更生手続の特例等に関する法律第三十六条において準用する会社更生法第五十条第二項の規定により国税滞納処分をすることができない期間が

ある」とする。

(5) For the purpose of application of the provisions of Article 148, paragraph (1), item (iii) of the Bankruptcy Act in cases where an order to commence bankruptcy proceedings prescribed in the items of paragraph (1) or paragraph (3) is made, the phrase "comprehensive prohibition order" in that item is deemed to be replaced with "comprehensive prohibition order or comprehensive prohibition order prescribed in Article 25, paragraph (2) of the Corporate Reorganization Act (Act No. 154 of 2002) as applied mutatis mutandis pursuant to Article 19 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996)"; the phrase "there is a period" is deemed to be replaced with "there is a period or a period during which a procedure for collection of national tax delinquency cannot be enforced pursuant to the provisions of Article 50, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 36 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

6　前項に規定する破産手続開始の決定があった場合には、共益債権（更生手続が開始されなかった場合における第四十一条第一項において準用する会社更生法第六十二条第二項に規定する請求権並びに第七十五条第一項及び第四項に規定する請求権を含む。第百五十八条の十三において同じ。）は、財団債権とする。破産手続開始後の協同組織金融機関について第百五十条において準用する会社更生法第二百三十四条第一号から第三号までに掲げる事由の発生又は第百五十二条第一項において準用する同法第二百三十六条若しくは第二百三十七条第一項の規定による更生手続廃止の決定の確定によって破産手続が続行された場合も、同様とする。

(6) Where an order to commence bankruptcy proceedings prescribed in the preceding paragraph is made, common-benefit claims (including the rights to claim prescribed in Article 62, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 41, paragraph (1) and the rights to claim prescribed in Article 75, paragraphs (1) and (4) in cases where reorganization proceedings are not commenced; the same applies in Article 158-13) are claims on the estate. The same applies where bankruptcy proceedings commenced against the Cooperative Financial Institution against which bankruptcy proceedings are continued as a result of any of the grounds referred to in Article 234, items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 150 arising or an order of discontinuance of reorganization proceedings under the provisions of Article 236 or Article 237, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 152, paragraph (1) becoming final and binding.

（破産債権の届出を要しない旨の決定）

(Order Not Requiring Filing of Proofs of Bankruptcy Claims)

第百五十八条の十一　裁判所（破産事件を取り扱う一人の裁判官又は裁判官の合議体をいう。）は、前条第一項各号又は第三項に規定する破産手続開始の決定をする場合において、終了した更生手続において届出があった更生債権等の内容及び原因並びに議決権の額、第八十八条において準用する会社更生法第百五十一条第一項本文に規定する異議等のある更生債権等の数、更生計画による権利の変更の有無及び内容その他の事情を考慮して相当と認めるときは、当該決定と同時に、破産債権であって当該更生手続において更生債権等としての届出があったもの（租税等の請求権及び第八十四条第二号に規定する更生手続開始前の罰金等の請求権を除く。）を有する破産債権者は当該破産債権の届出をすることを要しない旨の決定をすることができる。

Article 158-11 (1) Where the court (meaning a judge or panel of judges in charge of the bankruptcy case) makes an order to commence bankruptcy proceedings prescribed in the items of paragraph (1) or in paragraph (3) of the preceding Article, when it finds it appropriate while taking into consideration the content and cause of each reorganization claim, etc. as well as the amount of the voting rights as filed in the reorganization proceedings that are closed, the number of denied/disputed unsecured or secured reorganization claims prescribed in the main clause of Article 151, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 88, whether or not any right will be modified by a reorganization plan and the content of the modification, and any other circumstances concerned, it may make an order, upon making the order to commence bankruptcy proceedings, to the effect that bankruptcy creditors that hold bankruptcy claims that have been filed as an unsecured or secured reorganization claim in the relevant reorganization proceedings (excluding the right to impose taxes or other charges and right to claim fines, etc. prescribed in Article 84, item (ii) arising prior to the commencement of reorganization proceedings) are not required to file a proof of the bankruptcy claims.

２　会社更生法第二百五十五条第二項から第六項までの規定は、前項の規定による決定があった場合について準用する。この場合において、同条第四項第一号中「第百三十六条第一項第三号ロからニまで」とあるのは「更生特例法第八十条第一項において準用する第百三十六条第一項第三号ロからニまで」と、「第百三十八条第一項第三号又は第二項第三号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第三号又は第二項第三号」と、同項第二号から第四号までの規定中「第百三十八条第一項第一号又は第二項第一号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第一号又は第二項第一号」と、同項第三号中「第百三十六条第一項第一号、第二号又は第三号イ」とあるのは「更生特例法第八十条第一項において準用する第百三十六条第一項第一号、第二号又は第三号イ」と、同項第四号中「第百三十六条第二項第一号から第三号まで」とあるのは「更生特例法第八十条第一項において準用する第百三十六条第二項第一号から第三号まで」と、同項第五号及び第六号中「第百三十八条第一項第二号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第二号」と、同項第七号中「第百三十八条第一項第三

号」とあるのは「更生特例法第八十一条において準用する第百三十八条第一項第三号」と読み替えるものとする。

(2) The provisions of Article 255, paragraphs (2) to (6) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order under the provisions of the preceding paragraph is made. In this case, the phrase "136, paragraph (1), item (iii), (b) to (d)" in paragraph (4), item (i) of that Article is deemed to be replaced with "136, paragraph (1), item (iii), (b) to (d) as applied mutatis mutandis pursuant to Article 80, paragraph (1) of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (iii) or paragraph (2), item (iii)" is deemed to be replaced with "Article 138, paragraph (1), item (iii) or paragraph (2), item (iii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (i) or paragraph (2), item (i)" in the provisions of items (ii) to (iv) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (i) or paragraph (2), item (i) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; the phrase "Article 136, paragraph (1), item (i), (ii) or (iii), (a)" in item (iii) of that paragraph is deemed to be replaced with "Article 136, paragraph (1), item (i), (ii) or (iii), (a) as applied mutatis mutandis pursuant to Article 80, paragraph (1) of the Act on Special Measures"; the phrase "Article 136, paragraph (2), items (i) to (iii)" in item (iv) of that paragraph is deemed to be replaced with "Article 136, paragraph (2), items (i) to (iii) as applied mutatis mutandis pursuant to Article 80, paragraph (1) of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (ii)" in items (v) and (vi) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures"; and the phrase "Article 138, paragraph (1), item (iii)" in item (vii) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (iii) as applied mutatis mutandis pursuant to Article 81 of the Act on Special Measures".

（否認の請求を認容する決定に対する異議の訴え等の取扱い）

(Handling of Actions against Orders to Uphold a Request for Avoidance)

第百五十八条の十二　第百五十条において準用する会社更生法第二百三十四条第三号又は第四号に掲げる事由が生じた場合において、第百五十八条の十第一項各号又は第三項に規定する破産手続開始の決定があったときは、第三十七条において準用する同法第五十二条第四項の規定により中断した第六十条において準用する同法第九十七条第一項の訴えに係る訴訟手続は、破産管財人においてこれを受け継ぐことができる。この場合においては、受継の申立ては、相手方もすることができる。

Article 158-12 (1) In cases where any of the events referred to in Article 234, item (iii) or (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 150 occurs, when an order to commence

bankruptcy proceedings prescribed in the items of Article 158-10, paragraph (1) or paragraph (3) of that Article is made, a bankruptcy trustee may take over court proceedings in relation to an action referred to in Article 97, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 60 that is discontinued pursuant to the provisions of Article 52, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 37. In this case, the other party may also file a petition for taking over the court proceedings.

2　前項の場合においては、相手方の管財人に対する訴訟費用請求権は、財団債権とする。

(2) In the case referred to in the preceding paragraph, the other party's right to claim court costs against a trustee is a claim on the estate.

3　第一項の場合において、第三十七条において準用する会社更生法第五十二条第四項の規定により中断した第六十条において準用する同法第九十七条第一項の訴えに係る訴訟手続について第一項の規定による受継があるまでに破産手続が終了したときは、当該訴訟手続は、終了する。

(3) In the case referred to in paragraph (1), if the bankruptcy proceedings are closed before the court proceedings in relation to an action referred to in Article 97, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 60 that is discontinued pursuant to the provisions of Article 52, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 37 is taken over under the provisions of paragraph (1), the relevant court proceedings are closed.

4　第三十七条において準用する会社更生法第五十二条第四項の規定により中断した第六十条において準用する同法第九十七条第一項の訴えに係る訴訟手続であって破産手続開始前の協同組織金融機関についての更生事件に係るものは、その中断の日から一月（その期間中に第百五十八条の九第一項第一号若しくは第二号の規定による保全処分等又は第百五十八条の十第二項各号に掲げる破産手続開始の申立てに係る破産手続における保全処分等がされていた期間があるときは、当該期間を除く。）以内に第百五十八条の十第一項各号に規定する破産手続開始の決定がされていないときは、終了する。

(4) Court proceedings in an action referred to in Article 97, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 60, which is discontinued pursuant to the provisions of Article 52, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 37 and pertains to a reorganization case involving the Cooperative Financial Institution against which bankruptcy proceedings have not yet been commenced, are closed if an order to commence bankruptcy proceedings prescribed in the items of Article 158-10, paragraph (1) is not made within one month from the date of discontinuance thereof (if, for a certain part of the one-month period, a provisional remedy or other measures is issued under the provisions of Article 158-9, paragraph (1), item (i) or (ii) or a provisional remedy or other measures

is issued in bankruptcy proceedings based on a petition for commencement of bankruptcy proceedings referred to in the items of Article 158-10, paragraph (2), that part of the period is excluded).

5　第八十八条において準用する会社更生法第百六十三条第一項の規定により引き続き係属するものとされる第八十八条において準用する同法第百五十一条第一項本文に規定する更生債権等査定申立ての手続及び第八十八条において準用する同法第百五十三条第一項に規定する価額決定の申立ての手続は、第百五十八条の十第一項各号又は第三項に規定する破産手続開始の決定があったときは、終了するものとする。この場合においては、第八十八条において準用する同法第百六十三条第三項の規定は、適用しない。

(5) The proceedings for petition for a reorganization claim, etc. assessment prescribed in the main clause of Article 151, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 88, which are to continue to be pending pursuant to the provisions of Article 163, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 88, and the proceedings for petition for valuation prescribed in Article 153, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 88 is closed when an order to commence bankruptcy proceedings prescribed in the items of Article 158-10, paragraph (1) or (3) is made. In this case, the provisions of Article 163, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 88 do not apply.

6　第四項の規定は、第八十八条において準用する会社更生法第百六十三条第四項の規定により中断した第八十八条において準用する同法第百五十二条第一項に規定する更生債権等査定異議の訴えに係る訴訟手続であって破産手続開始前の協同組織金融機関についての更生事件に係るものについて準用する。

(6) The provisions of paragraph (4) apply mutatis mutandis to court proceedings in relation to an action to oppose assessment of an unsecured or secured reorganization claim prescribed in Article 152, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 88, which is discontinued pursuant to the provisions of Article 163, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 88, and pertains to a reorganization case involving the Cooperative Financial Institution against which bankruptcy proceedings have not yet been commenced.

第四款　更生手続の終了に伴う再生手続の続行
Subsection 4 Continuation of Rehabilitation Proceedings Once Reorganization Proceedings End

第百五十八条の十三　協同組織金融機関について再生事件が係属している場合において、第百五十条において準用する会社更生法第二百三十四条第一号から第三号までに掲げる事由の発生又は第百五十二条第一項において準用する同法第二百三十六条若しくは

第二百三十七条第一項の規定による更生手続廃止の決定の確定によって再生手続が続行されたときは、共益債権は、再生手続における共益債権とする。

Article 158-13 Where a rehabilitation case involving a Cooperative Financial Institution is pending, when rehabilitation proceedings are continued as a result of any of the events referred to in Article 234, items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 150 arising or an order of discontinuance of reorganization proceedings under the provisions of Article 236 or Article 237, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 152, paragraph (1) becoming final and binding, common-benefit claims are common-benefit claims in rehabilitation proceedings.

第十二節　雑則
Section 12 Miscellaneous Provisions

（更生協同組織金融機関についての登記の嘱託等）

(Requesting a Registration for a Reorganizing Cooperative Financial Institution)

第百五十九条　更生手続開始の決定があったときは、裁判所書記官は、職権で、遅滞なく、更生手続開始の登記を更生協同組織金融機関の主たる事務所の所在地の登記所に嘱託しなければならない。

Article 159 (1) When an order commencing reorganization proceedings is made, a court clerk, by their own authority, without delay, must commission the registry office which has jurisdiction over the location of the principal office of a reorganizing cooperative financial institution to make a registration to commence reorganization proceedings.

２　前項の登記には、管財人の氏名又は名称及び住所、管財人がそれぞれ単独にその職務を行うことについて第四十四条において準用する会社更生法第六十九条第一項ただし書の許可があったときはその旨並びに管財人が職務を分掌することについて同項ただし書の許可があったときはその旨及び各管財人が分掌する職務の内容をも登記しなければならない。

(2) The registration referred to in the preceding paragraph must include the name and address of each trustee, if the permission referred to in the proviso to Article 69, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 44 is granted for independent performance of duties by each trustee, a statement to that effect, and if the permission referred to in the proviso to that paragraph is granted for division of duties among trustees, a statement to that effect and the content of the duties assigned to each trustee.

３　第一項の規定は、前項に規定する事項に変更が生じた場合について準用する。

(3) The provisions of paragraph (1) apply mutatis mutandis where there is a

change to any of the particulars prescribed in the preceding paragraph.

4　開始前協同組織金融機関について保全管理命令又は監督命令がされたときは、裁判所書記官は、職権で、遅滞なく、保全管理命令又は監督命令の登記を開始前協同組織金融機関の主たる事務所の所在地の登記所に嘱託しなければならない。

(4) When a Provisional Administration Order or Supervision Order is issued against a cooperative financial institution awaiting reorganization proceedings, a court clerk, by their own authority, must without delay commission the registry office which has jurisdiction over the location of the principal office of the cooperative financial institution awaiting reorganization proceedings to make a registration of the Provisional Administration Order or Supervision Order.

5　前項の登記には、次の各号に掲げる区分に応じ、それぞれ当該各号に定める事項をも登記しなければならない。

(5) When making the registration referred to in the preceding paragraph, the particulars specified in each of the following items must also be registered for the categories of registrations set forth in the respective items:

一　前項に規定する保全管理命令の登記　保全管理人の氏名又は名称及び住所、保全管理人がそれぞれ単独にその職務を行うことについて第二十四条第一項において準用する会社更生法第六十九条第一項ただし書の許可があったときはその旨並びに保全管理人が職務を分掌することについて同項ただし書の許可があったときはその旨及び各保全管理人が分掌する職務の内容

(i) registration of a Provisional Administration Order as prescribed in the preceding paragraph: The name and address of each provisional administrator, if the permission referred to in the proviso to Article 69, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 24, paragraph (1) is granted for independent performance of duties by each provisional administrator, a statement to that effect, and if the permission referred to in the proviso to that paragraph is granted for division of duties among provisional administrators, a statement to that effect and the contents of the duties assigned to each provisional administrator; and

二　前項に規定する監督命令の登記　監督委員の氏名又は名称及び住所並びに第二十五条第二項の規定により指定された行為

(ii) registration of Supervision Order prescribed in the preceding paragraph: The name and address of each supervisor, and acts designated pursuant to the provisions of Article 25, paragraph (2).

6　第四項の規定は、同項に規定する裁判の変更若しくは取消しがあった場合又は前項に規定する事項に変更が生じた場合について準用する。

(6) The provisions of paragraph (4) apply mutatis mutandis where a judicial decision prescribed in that paragraph is changed or revoked or there is a change to any of the particulars prescribed in the preceding paragraph.

7　第一項の規定は、更生計画認可の決定があった場合又は第百五十条において準用する会社更生法第二百三十四条第二号から第五号までに掲げる事由が生じた場合について準用する。

(7) The provisions of paragraph (1) apply mutatis mutandis when the court issues an order confirming the reorganization plan or any upon the occurrence of the events referred to in Article 234, items (ii) to (v) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 150.

8　登記官は、前項の規定により更生計画認可の登記をする場合において、更生協同組織金融機関について破産手続開始又は再生手続開始の登記があるときは、職権で、その登記を抹消しなければならない。

(8) A registrar, when making a registration of the confirmation of the reorganization plan pursuant to the provisions of the preceding paragraph, by their own authority, must cancel a registration of the commencement of bankruptcy proceedings or commencement of rehabilitation proceedings against the reorganizing cooperative financial institution, if there is any such registration.

9　登記官は、第七項の規定により更生計画不認可の登記をする場合において、前項の規定により抹消した登記があるときは、職権で、その登記を回復しなければならない。

(9) A registrar, when making a registration of the disconfirmation of the reorganization plan pursuant to the provisions of paragraph (7), by their own authority, must restore a registration cancelled pursuant to the provisions of the preceding paragraph, if there is any such registration.

第百六十条　第四十五条において準用する会社更生法第七十二条第四項前段の規定により更生協同組織金融機関の機関がその権限を回復したときは、裁判所書記官は、職権で、遅滞なく、その旨の登記を更生協同組織金融機関の主たる事務所の所在地の登記所に嘱託しなければならない。

Article 160　(1) When the powers of the authorities of a reorganizing cooperative financial institution pursuant to the provisions of the first sentence of Article 72, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 45 are restored, a court clerk, by their own authority, without delay, must commission the registry office which has jurisdiction over the location of the principal office of the reorganizing cooperative financial institution to make a registration to that effect.

2　前項の規定は、第四十五条において準用する会社更生法第七十二条第四項前段の規定による更生計画の定め又は裁判所の決定が取り消された場合について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to cases where provisions of the reorganization plan under the first sentence of Article 72, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 45 or an order by the court is revoked.

（登記のある権利についての登記の嘱託等）

(Requesting a Registration for Registered Rights)

第百六十一条　次に掲げる場合には、裁判所書記官は、職権で、遅滞なく、当該保全処分の登記を嘱託しなければならない。

Article 161 (1) In the following cases, a court clerk, by their own authority, without delay, must commission a registration of the provisional remedy concerned:

一　開始前協同組織金融機関に属する権利で登記がされたものに関し第二十条（第三十一条において準用する会社更生法第四十四条第二項において準用する場合を含む。）において準用する同法第二十八条第一項の規定による保全処分があったとき。

(i) if a provisional remedy under the provisions of Article 28, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) is issued with respect to any registered right that belongs to the cooperative financial institution awaiting reorganization proceedings;

二　登記のある権利に関し第二十九条の二第一項若しくは第三十条第一項（これらの規定を第三十一条において準用する会社更生法第四十四条第二項において準用する場合を含む。）の規定又は第六十二条において準用する同法第九十九条第一項の規定による保全処分があったとき。

(ii) where a provisional remedy under the provisions of Article 29-2, paragraph (1) or Article 30, paragraph (1) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 44, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31) or the provisions of Article 99, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 62 is issued with regard to any registered right.

２　前項の規定は、同項に規定する保全処分の変更若しくは取消しがあった場合又は当該保全処分が効力を失った場合について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis where the provisional remedy prescribed in that paragraph is changed or revoked or the provisional remedy ceases to be effective.

３　前項の規定による登記の抹消がされた場合において、更生手続開始の決定を取り消す決定が確定したときは、裁判所書記官は、職権で、遅滞なく、同項の規定により抹消された登記の回復を嘱託しなければならない。

(3) Where a registration is cancelled under the provisions of the preceding paragraph, when an order to revoke the order commencing reorganization proceedings has become final and binding, a court clerk, without delay and by their own authority, must commission restoration of the registration cancelled pursuant to the provisions of that paragraph.

（更生計画の遂行等に関する登記の嘱託等）

(Requesting a Registration in Connection with the Implementation of a Reorganization Plan)

第百六十二条　第百五十九条第一項の規定は、更生計画の遂行又はこの章の規定により更生手続終了前に更生協同組織金融機関、転換後協同組織金融機関又は更生計画の定めにより設立される協同組織金融機関について登記すべき事項が生じた場合について準用する。この場合において、中小企業等協同組合法第九十三条第二項各号、信用金庫法第七十四条第二項各号又は労働金庫法第七十八条第二項各号に掲げる事項について登記すべき事項が生じたときは、第百五十九条第一項中「主たる事務所」とあるのは、「主たる事務所及び従たる事務所」と読み替えるものとする。

Article 162 (1) The provisions of Article 159, paragraph (1) apply mutatis mutandis to the cases where any particulars that should be registered arise with regard to a reorganizing cooperative financial institution, converted cooperative financial institution, or Cooperative Financial Institution to be established as specified in a reorganization plan before the execution of the reorganization plan or the end of reorganization proceedings pursuant to the provisions of this Chapter. In this case, when any particulars that should be registered arise with respect to the particulars set forth in the items of Article 93, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act, the items of Article 74, paragraph (2) of the Shinkin Bank Act or the items of Article 78, paragraph (2) of the Labor Bank Act, the phrase "principal office" in Article 159, paragraph (1) is deemed to be replaced with "principal office and secondary office".

2　会社更生法第二百五十八条第一項の規定は、更生計画の遂行又はこの章の規定により更生手続終了前に転換後銀行又は更生計画の定めにより設立される株式会社について登記すべき事項が生じた場合について準用する。

(2) The provisions of Article 258, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where any particulars that should be registered arise with regard to a converted bank or Stock Company to be incorporated as specified in a reorganization plan before the implementation of the reorganization plan or the end of reorganization proceedings pursuant to the provisions of this Chapter.

3　更生協同組織金融機関が他の協同組織金融機関又は銀行と合併をする場合において、裁判所書記官が次に掲げる登記を嘱託するときは、合併の相手方である他の協同組織金融機関又は銀行の解散の登記をも嘱託しなければならない。

(3) Where a reorganizing cooperative financial institution is to merge with another Cooperative Financial Institution or a bank, when a court clerk commissions the following registrations, the registration of the dissolution of the other Cooperative Financial Institution or bank which is the other party to the merger must also be commissioned:

一　吸収合併後存続する更生協同組織金融機関の吸収合併による変更の登記

(i) registration of modification due to an Absorption-Type Merger of the reorganizing cooperative financial institution surviving the Absorption-Type Merger;

二　新設合併により設立する協同組織金融機関又は株式会社の新設合併による設立の登記

(ii) registration of establishment due to Consolidation-Type Merger of the Cooperative Financial Institution or Stock Company to be established as a result of the Consolidation-Type Merger.

4　第一項及び第二項の規定は、他の協同組織金融機関又は銀行が更生協同組織金融機関と合併して合併後存続する場合における更生協同組織金融機関の解散の登記については、適用しない。

(4) The provisions of paragraphs (1) and (2) do not apply to the registration of dissolution of a reorganizing cooperative financial institution in cases where another Cooperative Financial Institution or bank survives after a merger with the reorganizing cooperative financial institution.

5　前条第一項の規定は、更生計画の遂行により更生手続終了前に登記のある権利の得喪又は変更が生じた場合について準用する。ただし、更生協同組織金融機関、更生債権者等、組合員等、転換後協同組織金融機関、転換後銀行、更生計画の定めにより設立される協同組織金融機関及び更生計画の定めにより設立される株式会社以外の者を権利者とする登記については、この限りでない。

(5) The provisions of paragraph (1) of the preceding Article apply mutatis mutandis to the cases where the acquisition, loss or modification of a registered right occurs before the end of reorganization proceedings as a result of the implementation of a reorganization plan; provided, however, that this does not apply to the registration of anyone other than a reorganizing cooperative financial institution, unsecured or secured reorganization creditor, Partner or Member, converted cooperative financial institution, converted bank, Cooperative Financial Institution established as specified in a reorganization plan and a Stock Company incorporated as specified in a reorganization plan as the holder of the right.

6　協同組織金融機関の出資の総口数及び総額の変更の登記の嘱託に関する第一項において準用する第百五十九条第一項の規定の適用については、同項中「遅滞なく」とあるのは、「毎事業年度末日現在により、事業年度終了後、遅滞なく」とする。

(6) For the purpose of application of the provisions of Article 159, paragraph (1) as applied mutatis mutandis pursuant to paragraph (1) concerning the requesting of a registration of the modification of the total number of units and the total amount of the contribution of a Cooperative Financial Institution, the phrase "without delay" in that paragraph is deemed to be replaced with "without delay, as of the final day of each business year, after the end of the business year".

（否認の登記）

(Registration of Avoidance)

第百六十三条　会社更生法第二百六十二条の規定は、協同組織金融機関の更生手続における否認の登記について準用する。この場合において、同条第六項中「第二百三十四条第二号若しくは第三号」とあるのは「更生特例法第百五十条において準用する第二百三十四条第二号若しくは第三号」と、「第二百三十六条若しくは第二百三十七条第一項」とあるのは「更生特例法第百五十二条第一項において準用する第二百三十六条若しくは第二百三十七条第一項」と読み替えるものとする。

Article 163 The provisions of Article 262 of the Corporate Reorganization Act apply mutatis mutandis to a registration of avoidance in the reorganization proceedings of a Cooperative Financial Institution. In this case, the phrase "Article 234, item (ii) or (iii)" in paragraph (6) of that Article is deemed to be replaced with "Article 234, item (ii) or (iii) as applied mutatis mutandis pursuant to Article 150 of the Act on Special Measures"; the phrase "Article 236 or Article 237, paragraph (1)" is deemed to be replaced with "Article 236 or Article 237, paragraph (1) as applied mutatis mutandis pursuant to Article 152, paragraph (1) of the Act on Special Measures".

（登記嘱託書等の添付書面等）

(Document to Be Attached to a Paper-Based Request for Registration)

第百六十四条　この章の規定による登記の嘱託情報若しくは申請情報と併せて提供することが必要な情報又は嘱託書若しくは申請書に添付すべき書面その他のものは、政令で定める。

Article 164 Information that needs to be provided along with request information or application information on registration under the provisions of this Chapter, or documents that should be attached to the written commission or written application, are specified by Cabinet Order.

（登録免許税の特例）

(Special Provisions on Registration and License Tax)

第百六十五条　第百六十一条の規定及び第百六十三条において準用する会社更生法第二百六十二条の規定による登記については、登録免許税を課さない。

Article 165 (1) Registration and license tax is not imposed on the registrations under the provisions of Article 161 and the provisions of Article 262 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 163.

２　更生計画において更生協同組織金融機関が吸収合併をすることを定めた場合における当該吸収合併による資本金の増加の登記の登録免許税の税率は、登録免許税法（昭和四十二年法律第三十五号）第九条の規定にかかわらず、千分の一（吸収合併により増加した資本金の額のうち、更生債権者等に株式を交付する部分に相当する金額以外の金額に対応する部分については、千分の三・五）とする。

(2) The tax rate of the registration and license tax for the registration of the increase in stated capital as a result of an Absorption-Type Merger of a reorganizing cooperative financial institution in cases where the Absorption-Type Merger is specified in a reorganization plan is one one-thousandth (0.35% of the portion of the amount of stated capital increased as a result of the Absorption-Type Merger that does not correspond to the amount equivalent to the delivery of shares to an unsecured or secured reorganization creditor), notwithstanding the provisions of Article 9 of the Registration and License Tax Act (Act No. 35 of 1967).

3　更生計画において更生協同組織金融機関が新設合併をすることを定めた場合における当該新設合併による株式会社の設立の登記の登録免許税の税率は、登録免許税法第九条の規定にかかわらず、千分の一（資本金の額のうち、同法別表第一第二十四号（一）ホの税率欄に規定する部分に相当する金額（更生債権者等に株式を交付する部分に相当する金額を除く。）に対応する部分については、千分の三・五）とする。

(3) The tax rate of the registration and license tax for the registration of the incorporation of a Stock Company as a result of a Consolidation-Type Merger of a reorganizing cooperative financial institution in cases where the Consolidation-Type Merger is specified in a reorganization plan is one one-thousandth (0.35% of the portion of the amount of stated capital that corresponds to the portion prescribed in the tax rate column of Article 24, item (i), (e) of Appended Table 1 of that Act (excluding the amount equivalent to the delivery of shares to an unsecured or secured reorganization creditor)), notwithstanding the provisions of Article 9 of the Registration and License Tax Act.

4　更生計画において更生協同組織金融機関が転換をすることを定めた場合における当該転換による株式会社の設立の登記の登録免許税の税率は、登録免許税法第九条の規定にかかわらず、千分の一（資本金の額のうち、更生債権者等に株式を交付する部分に相当する金額以外の金額に対応する部分については、千分の三・五）とする。

(4) The tax rate of the Registration and license tax for the registration of the incorporation of a Stock Company as a result of a conversion of a reorganizing cooperative financial institution in cases where the conversion is specified in a reorganization plan is one one-thousandth (0.35% of the portion of the amount of stated capital that does not correspond to the amount equivalent to the delivery of shares to an unsecured or secured reorganization creditor), notwithstanding the provisions of Article 9 of the Registration and License Tax Act.

5　更生計画において転換後銀行が株式を発行することを定めた場合における資本金の増加の登記の登録免許税の税率は、登録免許税法第九条の規定にかかわらず、千分の三・五とする。

(5) The tax rate of the registration and license tax for the registration of the increase in stated capital in cases where the issue of shares of a converted

bank is specified in a reorganization plan is 0.35%, notwithstanding the provisions of Article 9 of the Registration and License Tax Act.

6　会社更生法第二百六十四条第七項の規定は、協同組織金融機関の更生手続における更生計画において新株式会社を設立することを定めた場合における新株式会社の設立の登記の登録免許税の税率について準用する。

(6) The provisions of Article 264, paragraph (7) of the Corporate Reorganization Act apply mutatis mutandis to the tax rate of the registration and license tax for the registration of the incorporation of a new Stock Company in cases where the incorporation of a new Stock Company is specified in a reorganization plan in the reorganization proceedings of a Cooperative Financial Institution.

7　会社更生法第二百六十四条第八項の規定は、協同組織金融機関の更生手続における更生計画において新協同組織金融機関又は新株式会社が更生協同組織金融機関から不動産又は船舶に関する権利の移転又は設定を受けることを定めた場合におけるその移転又は設定の登記の登録免許税の税率について準用する。

(7) The provisions of Article 264, paragraph (8) of the Corporate Reorganization Act apply mutatis mutandis to the tax rate of the Registration and license tax for the registration of the transfer or establishment of a new Cooperative Financial Institution or new Stock Company in cases where the transfer or establishment of a right on real assets or a vessel from a reorganizing cooperative financial institution to new Cooperative Financial Institution or new Stock Company is specified in a reorganization plan in the reorganization proceedings of a Cooperative Financial Institution.

（登録への準用）

(Application Mutatis Mutandis to Registration)

第百六十六条　第百六十一条、第百六十二条第五項、第百六十三条において準用する会社更生法第二百六十二条、第百六十四条及び前条第一項の規定は、登録のある権利について準用する。

Article 166 The provisions of Article 161, Article 162, paragraph (5), Article 262 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 163, Article 164 and paragraph (1) of the preceding Article apply mutatis mutandis to registered rights.

第百六十七条　削除

Article 167 Deleted

第三章　相互会社の更生手続

Chapter III Reorganization Proceedings of a Mutual Company

第一節　総則

Section 1 General Provisions

（相互会社の更生手続）

(Reorganization Proceedings of a Mutual Company)

第百六十八条　相互会社の更生手続については、次章第三節及び第六節に定めるもののほか、この章の定めるところによる。

Article 168 Beyond what is provided for in Section 3 and Section 6 of the following Chapter the reorganization proceedings of a Mutual Company is governed by the provisions of this Chapter.

（定義）

(Definitions)

第百六十九条　この章において「更生手続」とは、相互会社について、この章並びに次章第三節及び第六節の定めるところにより、更生計画を定め、更生計画が定められた場合にこれを遂行する手続（更生手続開始の申立てについて更生手続開始の決定をするかどうかに関する審理及び裁判をする手続を含む。）をいう。

Article 169 (1) The term "reorganization proceedings" as used in this Chapter means the process of establishing a reorganization plan for a Mutual Company pursuant to the provisions of this Chapter and Section 3 and Section 6 of the following Chapter and of implementing the reorganization plan once that plan has been established (and includes the process of conducting proceedings and arriving at the judicial decision as to whether to issue an order commencing reorganization proceedings in response to a petition to commence reorganization proceedings).

２　この章において「更生計画」とは、更生債権者等又は社員の権利の全部又は一部を変更する条項その他の第二百五十九条に規定する条項を定めた計画をいう。

(2) The term "reorganization plan" as used in this Chapter means a plan that establishes provisions for modifying some or all of the rights of unsecured and secured reorganization creditors or of members, and which establishes the other provisions prescribed in Article 259.

３　この章において「更生事件」とは、更生手続に係る事件をいう。

(3) The term "reorganization case" as used in this Chapter means a case involving reorganization proceedings.

４　この章において「更生裁判所」とは、更生事件が係属している地方裁判所をいう。

(4) The term "reorganization court" as used in this Chapter means the district court before which a reorganization case is pending.

５　この章（第三百三十一条の六及び第三百三十一条の十一第一項を除く。）において「裁判所」とは、更生事件を取り扱う一人の裁判官又は裁判官の合議体をいう。

(5) The term "the court" as used in this Chapter (excluding Article 331-6 and Article 331-11, paragraph (1)) means the judge or panel of judges handling a reorganization case.

６　この章において「開始前会社」とは、更生裁判所に更生事件が係属している相互会

社であって、更生手続開始の決定がされていないものをいう。

(6) The term "company awaiting reorganization proceedings" as used in this Chapter means a Mutual Company that has a reorganization case pending before the reorganization court but for which an order commencing reorganization proceedings has not yet been issued.

7　この章において「更生会社」とは、更生裁判所に更生事件が係属している相互会社であって、更生手続開始の決定がされたものをいう。

(7) The term "reorganizing company" as used in this Chapter means a Mutual Company that has a reorganization case pending before the reorganization court and for which an order commencing reorganization proceedings has been issued.

8　この章において「更生債権」とは、更生会社に対し更生手続開始前の原因に基づいて生じた財産上の請求権又は次に掲げる権利であって、更生担保権又は共益債権に該当しないものをいう。

(8) The term "reorganization claim" as used in this Chapter means a claim on assets arising against a reorganizing company due to a cause occurring prior to the commencement of the reorganization proceedings or any the following rights, if this does not fall under the category of secured reorganization claim or common-benefit claim:

一　更生手続開始後の利息の請求権

(i) a claim to interest after the commencement of the reorganization proceedings;

二　更生手続開始後の不履行による損害賠償又は違約金の請求権

(ii) a claim to damages or a penalty for default after the commencement of the reorganization proceedings;

三　更生手続参加の費用の請求権

(iii) a claim to expenses for participation in the reorganization proceedings;

四　第二百四条において準用する会社更生法第五十八条第一項（同条第二項において準用する場合を含む。）に規定する債権

(iv) a right in personam as prescribed in Article 58, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 204 (including as applied mutatis mutandis pursuant to paragraph (2) of that Article);

五　第二百六条第一項において準用する会社更生法第六十一条第一項の規定により双務契約が解除された場合における相手方の損害賠償の請求権

(v) a claim to damages from the other party, if an executory contract is cancelled pursuant to the provisions of Article 61, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 206, paragraph (1);

六　第二百六条第三項において準用する破産法第五十八条第二項の規定による損害賠償の請求権

(vi) a claim to damages under the provisions of Article 58, paragraph (2) of the Bankruptcy Act as applied mutatis mutandis pursuant to Article 206, paragraph (3);

七　第二百六条第三項において準用する破産法第五十九条第一項の規定による請求権（更生会社の有するものを除く。）

(vii) a claim under the provisions of Article 59, paragraph (1) of the Bankruptcy Act as applied mutatis mutandis pursuant to Article 206, paragraph (3) (other than one held by the reorganizing company); or

八　第二百二十六条において準用する会社更生法第九十一条の二第二項第二号又は第三号に定める権利

(viii) a right provided for in Article 91-2, paragraph (2), item (ii) or (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 226.

９　この章において「更生債権者」とは、更生債権を有する者をいう。

(9) The term "reorganization creditor" as used in this Chapter means a person that has a reorganization claim.

１０　この章において「更生担保権」とは、更生手続開始当時更生会社の財産につき存する担保権（特別の先取特権、質権、抵当権及び商法又は会社法の規定による留置権に限る。）の被担保債権であって更生手続開始前の原因に基づいて生じたもの又は第八項各号に掲げるもの（共益債権であるものを除く。）のうち、当該担保権の目的である財産の価額が更生手続開始の時における時価であるとした場合における当該担保権によって担保された範囲のものをいう。ただし、当該被担保債権（社債を除く。）のうち利息又は不履行による損害賠償若しくは違約金の請求権の部分については、更生手続開始後一年を経過する時（その時までに更生計画認可の決定があるときは、当該決定の時）までに生ずるものに限る。

(10) The term "secured reorganization claim" as used in this Chapter means a secured claim under a security interest (limited to a special statutory lien, pledge, or mortgage, or a right of retention under the provisions of the Commercial Code or the Companies Act) in the assets of the reorganizing company which exists at the time of the commencement of the reorganization proceedings and which has arisen from a cause occurring prior to the commencement of the reorganization proceedings, or a claim set forth in one of the items of paragraph (8) (other than one that is a common-benefit claim), within the scope of what the security interest would secure if the value of the asset that is the subject matter of the security interest is the market value of that asset at the commencement of the reorganization proceedings; provided, however, that this is limited to the part of the secured claim (excluding bonds) that falls under the category of a claim to interest, damages, or penalty for default that arises by the time one year has passed since the commencement of the reorganization proceedings (or by the time of the order confirming the reorganization plan, if the court issues it by that time).

１１　この章において「更生担保権者」とは、更生担保権を有する者をいう。
(11) The term "secured reorganization creditor" as used in this Chapter means a person that has a secured reorganization claim.
１２　この章において「更生債権等」とは、更生債権又は更生担保権をいう。ただし、次節第二款においては、開始前会社について更生手続開始の決定がされたとすれば更生債権又は更生担保権となるものをいう。
(12) The term "unsecured or secured reorganization claim" as used in this Chapter means a reorganization claim or secured reorganization claim; provided, however, that in Subsection 2 of the following Section, "unsecured or secured reorganization claim" means anything that would become a reorganization claim or secured reorganization claim if an order commencing reorganization proceedings were to be issued for a company awaiting reorganization proceedings.
１３　この章において「更生債権者等」とは、更生債権者又は更生担保権者をいう。ただし、次節第二款においては、開始前会社について更生手続開始の決定がされたとすれば更生債権者又は更生担保権者となるものをいう。
(13) The term "unsecured or secured reorganization creditor" as used in this Chapter means a reorganization creditor or secured reorganization creditor; provided, however, that in Subsection 2 of the following Section, "unsecured or secured reorganization creditor" means a person that would become a reorganization creditor or secured reorganization creditor if an order commencing reorganization proceedings were to be issued for a company awaiting reorganization proceedings.
１４　この章において「更生会社財産」とは、更生会社に属する一切の財産をいう。
(14) The term "assets of a reorganizing company" as used in this Chapter means all of the assets belonging to the reorganizing company.
１５　この章において「租税等の請求権」とは、国税徴収法又は国税徴収の例によって徴収することのできる請求権であって、共益債権に該当しないものをいう。
(15) The term "right to impose taxes or other charges" as used in this Chapter means a right that entitles a person to collect monies as provided by the National Tax Collection Act or as is prescribed for the collection of national taxes, which does not fall under the category of a common-benefit claim.

（会社更生法の規定を準用する場合の読替え等）
(Technical Replacement of Terms for Application, Mutatis Mutandis, of the Provisions of the Corporate Reorganization Act)
第百七十条　この章（第百七十二条、第二百七十三条、第三百八条第一項、第三百九条第一項、第三百十六条第七項及び第三百三十五条第二項を除く。）の規定において会社更生法の規定を準用する場合には、特別の定めがある場合を除き、同法の規定中「この法律」とあるのは「更生特例法第三章」と、「株式会社」とあるのは「相互会社（更生特例法第二条第六項に規定する相互会社をいう。）」と、「株主」とあるの

は「社員」と、「商号」とあるのは「名称」と、「本店」とあるのは「主たる事務所」と、「営業所」とあるのは「事務所」と読み替えるものとする。

Article 170 (1) For the purpose of applying mutatis mutandis the provisions of the Corporate Reorganization Act to the provisions of this Chapter (excluding Article 172, Article 273, Article 308, paragraph (1), Article 309, paragraph (1), Article 316, paragraph (7) and Article 335, paragraph (2)), except as otherwise provided, the phrase "this Act" in the provisions of that Act is deemed to be replaced with "Chapter III of the Act on Special Measures"; the phrase "Stock Company" is deemed to be replaced with "Mutual Company (meaning Mutual Company prescribed in Article 2, paragraph (6) of the Act on Special Measures)"; the phrase "shareholder" is deemed to be replaced with "member"; the phrase "trade name" is deemed to be replaced with "name"; the phrase "head office" is deemed to be replaced with "principal office"; and the phrase "business office" is deemed to be replaced with "office".

２　この章において準用するこの章の規定により読み替えられた会社更生法の規定中「更生特例法」とあるのは、金融機関等の更生手続の特例等に関する法律をいうものとする。

(2) The term "Act on Special Measures" in the provisions of the Corporate Reorganization Act as replaced pursuant to the provisions of this Chapter as applied mutatis mutandis pursuant to this Chapter means the Act on Special Measures for the Reorganization Proceedings of Financial Institutions.

（外国人の地位）

(Status of Foreign Nationals)

第百七十一条　会社更生法第三条の規定は、相互会社の更生手続における外国人又は外国法人の地位について準用する。

Article 171 The provisions of Article 3 of the Corporate Reorganization Act apply mutatis mutandis to the status of foreign nationals or foreign corporations in the reorganization proceedings of a Mutual Company.

（更生事件の管轄）

(Jurisdiction over Reorganization Cases)

第百七十二条　会社更生法第五条（第二項及び第四項を除く。）及び第六条の規定は、相互会社の更生事件の管轄について準用する。この場合において、同法第五条第一項中「株式会社の主たる営業所の所在地（外国に主たる営業所がある場合にあっては、日本における主たる営業所の所在地）」とあるのは「相互会社（更生特例法第二条第六項に規定する相互会社をいう。以下この条において同じ。）の主たる事務所の所在地」と、同条第三項中「株式会社が他の株式会社の総株主の議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。以下同じ。）の過半数を有する」とあ

るのは「相互会社が株式会社を保険業法（平成七年法律第百五号）第二条第十二項に規定する子会社とする」と、「当該他の株式会社」とあるのは「当該株式会社」と、「当該株式会社（以下この項及び次項において「親株式会社」という。）」とあるのは「当該相互会社」と、「することができ、親株式会社について更生事件が係属しているときにおける子株式会社についての更生手続開始の申立ては、親株式会社の更生事件が係属している地方裁判所にもすることができる」とあるのは「することができる」と、同条第五項中「株式会社が」とあるのは「相互会社が」と、「会社法第四百四十四条」とあるのは「保険業法第五十四条の十」と、「当該株式会社」とあるのは「当該相互会社」と、「他の株式会社」とあるのは「株式会社」と、「定時株主総会」とあるのは「定時社員総会（総代会を設けているときは、定時総代会）」と、「することができ、当該株式会社について更生事件が係属しているときにおける当該他の株式会社についての更生手続開始の申立ては、当該株式会社の更生事件が係属している地方裁判所にもすることができる」とあるのは「することができる」と、同法第六条中「この法律」とあるのは「更生特例法第三章」と読み替えるものとする。

Article 172 The provisions of Article 5 (excluding paragraphs (2) and (4)) and Article 6 of the Corporate Reorganization Act apply mutatis mutandis to the jurisdiction over a reorganization case of a Mutual Company. In this case, the phrase "the location of the principal business office of the Stock Company (if the principal business office is in a foreign state, the location of the principal business office in Japan)" in Article 5, paragraph (1) of that Act is deemed to be replaced with "the location of the principal office of the Mutual Company (meaning Mutual Company prescribed in Article 2, paragraph (6) of the Act on Special Measures; hereinafter the same applies in this Article)"; the phrase "a Stock Company holds the majority of voting rights (excluding the voting rights of the shares which may not be exercised for all particulars that may be resolved at a shareholders meeting, and including the voting rights of the shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; the same applies hereinafter) of all shareholders of another Stock Company" in paragraph (3) of that Article is deemed to be replaced with "the Mutual Company has a Stock Company as a subsidiary company prescribed in Article 2, paragraph (12) of the Insurance Business Act (Act No. 105 of 1995)"; the phrase "the relevant other Stock Company" is deemed to be replaced with "the Stock Company"; the phrase "the Stock Company (hereinafter referred to as a "Parent Stock Company" in this paragraph and the following paragraph)" is deemed to be replaced with "the Mutual Company"; the phrase ", and if a reorganization case is pending against the Parent Stock Company, a petition to commence reorganization proceedings against the subsidiary stock company may also be filed with the district court before which the reorganization case against the Parent Stock Company is pending" is deleted; the phrase "Stock Company" in paragraph (5) of that Article is deemed to be replaced with "Mutual Company"; the phrase "Article

444 of the Companies Act" is deemed to be replaced with "Article 54-10 of the Insurance Business Act"; the phrase "the Stock Company" is deemed to be replaced with "the Mutual Company"; the phrase "other Stock Company" is deemed to be replaced with "Stock Company"; the phrase "annual shareholders meeting" is deemed to be replaced with "annual members meeting (or an annual general meeting if a general meeting is held)"; the phrase "and if a reorganization case is pending against the Stock Company, a petition to commence reorganization proceedings against the relevant other Stock Company may also be filed with the district court before which the reorganization case against the Stock Company is pending" is deleted; and the phrase "this Act" in Article 6 of that Act is deemed to be replaced with "Chapter III of the Act on Special Measures".

（更生事件の移送）

(Transfer of Reorganization Cases)

第百七十三条　会社更生法第七条の規定は、相互会社の更生事件の移送について準用する。この場合において、同条第三号中「第五条第二項から第六項まで」とあるのは、「更生特例法第百七十二条において準用する第五条第三項、第五項又は第六項」と読み替えるものとする。

Article 173 The provisions of Article 7 of the Corporate Reorganization Act apply mutatis mutandis to the transfer of a Mutual Company reorganization case. In this case, in item (iii) of that Article, the phrase "Article 5, paragraph (2) to (6)" is deemed to be replaced with "Article 5, paragraph (3), (5) or (6) as applied mutatis mutandis pursuant to Article 172 of the Act on Special Measures".

（任意的口頭弁論、不服申立て等）

(Optional Oral Arguments and Appeals)

第百七十四条　会社更生法第八条及び第九条の規定は、相互会社の更生手続に関する審理及び裁判について準用する。

Article 174 The provisions of Article 8 and Article 9 of the Corporate Reorganization Act apply mutatis mutandis to proceedings and judicial decisions related to the reorganization proceedings of a Mutual Company.

（公告等）

(Public Notices)

第百七十五条　会社更生法第十条の規定は、この章の規定による公告又は送達について準用する。

Article 175 The provisions of Article 10 of the Corporate Reorganization Act apply mutatis mutandis to public notices or service under the provisions of this Chapter.

（事件に関する文書の閲覧等）

(Inspection of Case Documents)

第百七十六条　会社更生法第十一条及び第十二条の規定は、相互会社の更生事件に関する文書その他の物件又は更生事件に関する事項の証明書について準用する。この場合において、同法第十一条第一項中「この法律」とあるのは「更生特例法」と、同条第四項第一号中「第二十四条第一項若しくは第二項」とあるのは「更生特例法第百八十四条において準用する第二十四条第一項若しくは第二項」と、「第二十五条第二項」とあるのは「更生特例法第百八十四条において準用する第二十五条第二項」と、「第二十八条第一項」とあるのは「更生特例法第百八十五条において準用する第二十八条第一項」と、「第二十九条第三項」とあるのは「更生特例法第百八十六条において準用する第二十九条第三項」と、「第三十条第二項」とあるのは「更生特例法第百八十七条第二項」と、「第三十五条第二項」とあるのは「更生特例法第百九十条第二項」と、「第三十九条の二第一項」とあるのは「更生特例法第百九十四条の二第一項」と、同法第十二条第一項第一号中「第三十二条第一項ただし書、第四十六条第二項前段又は第七十二条第二項（第三十二条第三項において準用する場合を含む。）」とあるのは「更生特例法第百八十八条において準用する第三十二条第一項ただし書、更生特例法第百九十八条第二項前段又は更生特例法第二百十一条において準用する第七十二条第二項（更生特例法第百八十八条において準用する第三十二条第三項において準用する場合を含む。）」と、同項第二号中「第八十四条第二項」とあるのは「更生特例法第二百二十一条において準用する第八十四条第二項」と、「第百二十五条第二項」とあるのは「更生特例法第二百三十八条第二項」と読み替えるものとする。

Article 176 The provisions of Article 11 and Article 12 of the Corporate Reorganization Act apply mutatis mutandis to documents and other articles relating to the reorganization case of a Mutual Company and certificates of particulars concerning the reorganization case. In this case, the phrase "this Act" in Article 11, paragraph (1) of that Act is deemed to be replaced with "Act on Special Measures"; the phrase "Article 24, paragraph (1) or (2)" in paragraph (4), item (i) of that Article is deemed to be replaced with "Article 24, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures"; the phrase "Article 25, paragraph (2)" is deemed to be replaced with "Article 25, paragraph (2) as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures"; the phrase "Article 28, paragraph (1)" is deemed to be replaced with "Article 28, paragraph (1) as applied mutatis mutandis pursuant to Article 185 of the Act on Special Measures"; the phrase "Article 29, paragraph (3)" is deemed to be replaced with "Article 29, paragraph (3) as applied mutatis mutandis pursuant to Article 186 of the Act on Special Measures"; the phrase "Article 30, paragraph (2)" is deemed to be replaced with "Article 187, paragraph (2) of the Act on Special Measures"; the phrase "Article 35, paragraph (2)" is deemed to be replaced with "Article 190, paragraph (2) of the Act on Special Measures"; the phrase "Article 39-2, paragraph (1)" is deemed to be replaced with "Article 194-2, paragraph

(1) of the Act on Special Measures"; the phrase "the proviso to Article 32, paragraph (1), the first sentence of Article 46, paragraph (2) or Article 72, paragraph (2) (including as applied mutatis mutandis pursuant to Article 32, paragraph (3))" in Article 12, paragraph (1), item (i) of that Act is deemed to be replaced with "the proviso to Article 32, paragraph (1) as applied mutatis mutandis pursuant to Article 188 of the Act on Special Measures, Article 72, paragraph (2) as applied mutatis mutandis pursuant to the first sentence of Article 198, paragraph (2) of the Act on Special Measures or Article 211 of the Act on Special Measures (including as applied mutatis mutandis pursuant to Article 32, paragraph (3) as applied mutatis mutandis pursuant to Article 188 of the Act on Special Measures)"; the phrase "Article 84, paragraph (2)" in item (ii) of that paragraph is deemed to be replaced with "Article 84, paragraph (2) as applied mutatis mutandis pursuant to Article 221 of the Act on Special Measures"; and the phrase "Article 125, paragraph (2)" is deemed to be replaced with "Article 238, paragraph (2) of the Act on Special Measures".

（民事訴訟法の準用）

(Application Mutatis Mutandis of the Code of Civil Procedure)

第百七十七条　相互会社の更生手続に関しては、特別の定めがある場合を除き、民事訴訟法の規定を準用する。

Article 177 Except as otherwise provided, the provisions of the Code of Civil Procedure apply mutatis mutandis to the reorganization proceedings of a Mutual Company.

（最高裁判所規則）

(Rules of the Supreme Court)

第百七十八条　この章並びに次章第三節及び第六節に定めるもののほか、相互会社の更生手続に関し必要な事項は、最高裁判所規則で定める。

Article 178 Beyond what is provided for in this Chapter and Section 3 and Section 6 of the following Chapter, Rules of the Supreme Court prescribe the necessary particulars concerning the reorganization proceedings of a Mutual Company.

第百七十九条　削除

Article 179 Deleted

第二節　更生手続開始の申立て及びこれに伴う保全措置

Section 2 Petition to Commence Reorganization Proceedings and Associated Provisional Measures

第一款　更生手続開始の申立て

Subsection 1 Petition to Commence Reorganization Proceedings

（更生手続開始の申立て）

(Petition to Commence Reorganization Proceedings)

第百八十条　相互会社は、当該相互会社に更生手続開始の原因となる事実（次の各号に掲げる場合のいずれかに該当する事実をいう。）があるときは、当該相互会社について更生手続開始の申立てをすることができる。

Article 180 (1) When there is a fact constituting cause to commence the reorganization proceedings of a Mutual Company (meaning a fact that falls under any of the following items), the Mutual Company may file a petition to commence reorganization proceedings for the Mutual Company:

一　破産手続開始の原因となる事実が生ずるおそれがある場合

(i) there is a risk that a fact constituting the grounds for commencement of bankruptcy proceedings would occur; or

二　弁済期にある債務を弁済することとすれば、その事業の継続に著しい支障を来すおそれがある場合

(ii) the payment of debts that are due poses the risk of causing significant hindrance to the continuation of business.

２　相互会社に前項第一号に掲げる場合に該当する事実があるときは、次に掲げる者も、当該相互会社について更生手続開始の申立てをすることができる。

(2) When a fact that falls under paragraph (1), item (i) exists with regard to a Mutual Company, the following persons may also file a petition to commence reorganization proceedings for the Mutual Company:

一　当該相互会社の基金（保険業法第五十六条の基金償却積立金を含む。）の総額の十分の一以上に当たる債権を有する債権者

(i) creditors that hold claims equivalent to one-tenth or more of the total amount of funds of the Mutual Company (including the reserve for redemption of funds referred to in Article 56 of the Insurance Business Act);

二　当該相互会社の社員総数の十分の一以上に当たる数の社員又は一万名以上の社員

(ii) members equivalent in number to one-tenth or more of all members of the Mutual Company or 10,000 or more members.

（破産手続開始等の申立義務と更生手続開始の申立て）

(Obligation to File for Petition for Commencement of Bankruptcy Proceedings and Filing of Petitions to Commence Reorganization Proceedings)

第百八十一条　会社更生法第十八条の規定は、他の法律の規定により相互会社の清算人が当該相互会社に対して破産手続開始又は特別清算開始の申立てをしなければならない場合について準用する。

Article 181 The provisions of Article 18 of the Corporate Reorganization Act apply mutatis mutandis to the cases where, pursuant to the provisions of other Acts, the liquidator of a Mutual Company must file a petition for the commencement of bankruptcy proceedings or commencement of special

liquidation for the Mutual Company.

（解散後の相互会社による更生手続開始の申立て）
(Petitions to Commence Reorganization Proceedings by a Mutual Company after Dissolution)

第百八十二条　清算中、特別清算中又は破産手続開始後の相互会社がその更生手続開始の申立てをするには、保険業法第六十二条第二項に定める決議によらなければならない。

Article 182 In order for a Mutual Company in liquidation or special liquidation or against which bankruptcy proceedings have been commenced to file a petition to commence reorganization proceedings, there must be a resolution specified in Article 62, paragraph (2) of the Insurance Business Act.

（更生手続開始の申立ての手続等）
(Proceedings for Filing Petitions to Commence Reorganization Proceedings)

第百八十三条　会社更生法第二十条から第二十三条までの規定は、相互会社についての更生手続開始の申立てについて準用する。この場合において、同法第二十条第一項中「第十七条第一項」とあるのは「更生特例法第百八十条第一項」と、同条第二項及び同法第二十二条第二項中「第十七条第二項」とあるのは「更生特例法第百八十条第二項」と、同法第二十条第二項中「債権者又は株主」とあるのは「債権者」と、「債権の額又は議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。）の数」とあるのは「債権の額」と、同法第二十二条第一項中「第十七条」とあるのは「更生特例法第百八十条」と、同条第二項中「代表者（外国に本店があるときは、日本における代表者）」とあるのは「代表者」と、同法第二十三条中「次条第一項若しくは第二項」とあるのは「更生特例法第百八十四条において準用する次条第一項若しくは第二項」と、「第二十五条第二項」とあるのは「更生特例法第百八十四条において準用する第二十五条第二項」と、「第二十八条第一項」とあるのは「更生特例法第百八十五条において準用する第二十八条第一項」と、「第二十九条第三項」とあるのは「更生特例法第百八十六条において準用する第二十九条第三項」と、「第三十条第二項」とあるのは「更生特例法第百八十七条第二項」と、「第三十五条第二項」とあるのは「更生特例法第百九十条第二項」と、「第三十九条の二第一項」とあるのは「更生特例法第百九十四条の二第一項」と読み替えるものとする。

Article 183 The provisions of Article 20 to Article 23 of the Corporate Reorganization Act apply mutatis mutandis to a petition to commence reorganization proceedings for a Mutual Company. In this case, the phrase "Article 17, paragraph (1)" in Article 20, paragraph (1) in that Act is deemed to be replaced with "Article 180, paragraph (1) of the Act on Special Measures"; the phrase "Article 17, paragraph (2)" in paragraph (2) of that Article and Article 22, paragraph (2) of that Act is deemed to be replaced with "Article 180,

paragraph (2) of the Act on Special Measures"; the phrase "creditors or shareholders" in Article 20, paragraph (2) of that Act is deemed to be replaced with "creditors"; the phrase "the amount of claim or the number of voting rights (excluding the voting rights of the shares which may not be exercised for all particulars that may be resolved at a shareholders meeting, and including the voting rights of the shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act)" is deemed to be replaced with "the amount of claim"; the phrase "Article 17" in Article 22, paragraph (1) of that Act is deemed to be replaced with "Article 180 of the Act on Special Measures"; the phrase "representative (when the head office is in a foreign state, the representative in Japan)" in paragraph (2) of that Article is deemed to be replaced with "representative"; the phrase "paragraph (1) or (2) of the following Article" in Article 23 of that Act is deemed to be replaced with "paragraph (1) or (2) of the following Article as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures"; the phrase "Article 25, paragraph (2)" is deemed to be replaced with "Article 25, paragraph (2) as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures", the phrase "Article 28, paragraph (1)" is deemed to be replaced with "Article 28, paragraph (1) as applied mutatis mutandis pursuant to Article 185 of the Act on Special Measures"; the phrase "Article 29, paragraph (3)" is deemed to be replaced with "Article 29, paragraph (3) as applied mutatis mutandis pursuant to Article 186 of the Act on Special Measures"; the phrase "Article 30, paragraph (2)" is deemed to be replaced with "Article 187, paragraph (2) of the Act on Special Measures"; the phrase "Article 35, paragraph (2)" is deemed to be replaced with "Article 190, paragraph (2) of the Act on Special Measures"; and the phrase "Article 39-2, paragraph (1)" is deemed to be replaced with "Article 194-2, paragraph (1) of the Act on Special Measures".

第二款　更生手続開始の申立てに伴う保全措置
Subsection 2 Provisional Measures Associated with Petitions to Commence Reorganization Proceedings

第一目　開始前会社に関する他の手続の中止命令等
Division 1 Order to Stay Other Procedures Affecting a Company Awaiting Commencement of Reorganization Proceedings

第百八十四条　会社更生法第二十四条から第二十七条までの規定は、相互会社についての更生手続開始の申立てがあった場合について準用する。この場合において、同法第二十五条第一項中「第二十八条第一項」とあるのは「更生特例法第百八十五条において準用する第二十八条第一項」と、「第三十条第二項」とあるのは「更生特例法第百八十七条第二項」と、「第三十五条第二項」とあるのは「更生特例法第百九十条第二

項」と、同法第二十七条第六項中「第十条第三項本文」とあるのは「更生特例法第百七十五条において準用する第十条第三項本文」と読み替えるものとする。

Article 184 The provisions of Article 24 to Article 27 of the Corporate Reorganization Act apply mutatis mutandis to the cases where a petition to commence reorganization proceedings for a Mutual Company is filed. In this case, the phrase "Article 28, paragraph (1)" in Article 25, paragraph (1) of that Act is deemed to be replaced with "Article 28, paragraph (1) as applied mutatis mutandis pursuant to Article 185 of the Act on Special Measures"; the phrase "Article 30, paragraph (2)" is deemed to be replaced with "Article 187, paragraph (2) of the Act on Special Measures"; the phrase "Article 35, paragraph (2)" is deemed to be replaced with "Article 190, paragraph (2)" of the Act on Special Measures"; and the phrase "the main clause of Article 10, paragraph (3)" in Article 27, paragraph (6) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

第二目　開始前会社の業務及び財産に関する保全処分等
Division 2 Provisional Remedies and Other Measures Affecting the Business and Assets of Companies Awaiting Commencement of Reorganization Proceedings

（開始前会社の業務及び財産に関する保全処分）

(Provisional Remedies Affecting the Business and Assets of Companies Awaiting Commencement of Reorganization Proceedings)

第百八十五条　会社更生法第二十八条の規定は、相互会社についての更生手続開始の申立てがあった場合の保全処分について準用する。この場合において、同条第五項中「第十条第三項本文」とあるのは、「更生特例法第百七十五条において準用する第十条第三項本文」と読み替えるものとする。

Article 185 The provisions of Article 28 of the Corporate Reorganization Act apply mutatis mutandis to a provisional remedy in cases where a petition to commence reorganization proceedings for a Mutual Company is filed. In this case, the phrase "the main clause of Article 10, paragraph (3)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

（更生手続開始前における商事留置権の消滅請求）

(Claim for Extinguishment of the Right of Retention under Commercial Law Prior to the Commencement of Reorganization Proceedings)

第百八十六条　会社更生法第二十九条の規定は、相互会社の更生手続において開始前会社の財産につき商法又は会社法の規定による留置権がある場合について準用する。

Article 186 The provisions of Article 29 of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a right of retention under the provisions of the Commercial Code or the Companies Act on the assets of a company awaiting reorganization proceedings in the reorganization proceedings of a Mutual Company.

第三目　保全管理命令
Division 3 Provisional Administration Orders

（保全管理命令）
(Provisional Administration Orders)

第百八十七条　裁判所は、更生手続開始の申立てがあった場合において、更生手続の目的を達成するために必要があると認めるときは、利害関係人の申立てにより又は職権で、更生手続開始の申立てにつき決定があるまでの間、開始前会社の業務及び財産に関し、保全管理人による管理を命ずる処分をすることができる。

Article 187 (1) Where a petition to commence reorganization proceedings is filed, the court, upon the petition of an interested person or by its own authority, may make a disposition to order that the business and assets of the company awaiting reorganization proceedings be administered by a provisional administrator until an order is made on the petition to commence reorganization proceedings, when it finds it necessary in order to achieve the purpose of reorganization proceedings.

２　裁判所は、前項の処分（以下この章において「保全管理命令」という。）をする場合には、当該保全管理命令において、一人又は数人の保全管理人を選任しなければならない。ただし、第二百十条において準用する会社更生法第六十七条第三項に規定する者は、保全管理人に選任することができない。

(2) The court, when making a disposition under the provisions of the preceding paragraph (hereinafter referred to as a "Provisional Administration Order" in this Chapter), must appoint one or more provisional administrators in the Provisional Administration Order; provided, however, that the person prescribed in Article 67, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 210 may not be appointed as provisional administrator.

３　会社更生法第三十条第三項から第五項まで及び第三十一条の規定は、相互会社の更生手続における保全管理命令について準用する。この場合において、同条第三項中「第十条第四項」とあるのは、「更生特例法第百七十五条において準用する第十条第四項」と読み替えるものとする。

(3) The provisions of Article 30, paragraphs (3) to (5) and Article 31 of the Corporate Reorganization Act apply mutatis mutandis to a Provisional Administration Order in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 10, paragraph (4)" in paragraph (3) of that

Article is deemed to be replaced with "Article 10, paragraph (4) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

（保全管理人の権限）

(Powers of Provisional Administrators)

第百八十八条　会社更生法第三十二条及び第三十三条の規定は、相互会社の更生手続における保全管理人について準用する。この場合において、同条第一項中「第六十七条第三項」とあるのは、「更生特例法第二百十条において準用する第六十七条第三項」と読み替えるものとする。

Article 188 The provisions of Article 32 and Article 33 of the Corporate Reorganization Act apply mutatis mutandis to a provisional administrator in the reorganization proceedings for a Mutual Company. In this case, "Article 67, paragraph (3)" in paragraph (1) of that Article is deemed to be replaced with "Article 67, paragraph (3) as applied mutatis mutandis pursuant to Article 210 of the Act on Special Measures".

（管財人に関する規定等の保全管理人等への準用）

(Application Mutatis Mutandis of the Provisions on Trustees to Provisional Administrators)

第百八十九条　第二百十九条第一項から第四項までの規定並びに会社更生法第五十四条、第五十七条、第五十九条、第六十七条第二項、第六十八条、第六十九条、第七十三条、第七十四条第一項、第七十六条から第八十条まで及び第八十二条第一項から第三項までの規定は相互会社の更生手続における保全管理人について、第二百十九条第一項から第四項までの規定は相互会社の更生手続における保全管理人代理について、それぞれ準用する。この場合において、同法第五十九条中「第四十三条第一項の規定による公告」とあるのは「更生特例法第百八十七条第三項において準用する第三十一条第一項の規定による公告」と、同法第七十七条第二項中「子会社（会社法第二条第三号に規定する子会社」とあるのは「実質子会社（保険業法第三十三条の二第一項に規定する実質子会社」と、同法第八十二条第二項中「後任の管財人」とあるのは「後任の保全管理人又は管財人」と、同条第三項中「後任の管財人」とあるのは「後任の保全管理人、管財人」と読み替えるものとする。

Article 189 (1) The provisions of Article 219, paragraphs (1) to (4) and the provisions of Article 54, Article 57, Article 59, Article 67, paragraph (2), Article 68, Article 69, Article 73, Article 74, paragraph (1), Article 76 to Article 80, and Article 82, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to a provisional administrator in the reorganization proceedings for a Mutual Company, and the provisions of Article 219, paragraphs (1) to (4) apply mutatis mutandis to a provisional administrator representative in the reorganization proceedings for a Mutual Company. In this case, the phrase "public notice under the provisions of Article 43, paragraph (1)" in Article 59 of that Act is deemed to be replaced with "public

notice under the provisions of Article 31, paragraph (1) as applied mutatis mutandis pursuant to Article 187, paragraph (3) of the Act on Special Measures"; the phrase "subsidiary company (meaning a subsidiary company prescribed in Article 2, item (iii) of the Companies Act)" in Article 77, paragraph (2) of that Act is deemed to be replaced with "substantive subsidiary company (meaning a substantive subsidiary company prescribed in Article 33-2, paragraph (1) of the Insurance Business Act)"; the phrase "successor trustee" in Article 82, paragraph (2) of that Act is deemed to be replaced with "successor provisional administrator or trustee"; and the phrase "successor trustee" in paragraph (3) of that Article is deemed to be replaced with "successor provisional administrator, trustee".

2　会社更生法第五十二条第一項から第三項までの規定は相互会社の更生手続において保全管理命令が発せられた場合について、同条第四項から第六項までの規定は相互会社の更生手続において保全管理命令が効力を失った場合（更生手続開始の決定があった場合を除く。）について、それぞれ準用する。この場合において、同条第五項中「訴訟手続（第二百三十四条第三号又は第四号に掲げる事由が生じた場合における第九十七条第一項の訴えに係る訴訟手続を除く。）」とあるのは、「訴訟手続」と読み替えるものとする。

(2) The provisions of Article 52, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to the cases where a Provisional Administration Order is issued in the reorganization proceedings of a Mutual Company, and the provisions of paragraphs (4) to (6) of that Article apply mutatis mutandis to the cases where a Provisional Administration Order ceases to be effective in the reorganization proceedings for a Mutual Company (excluding cases where an order commencing reorganization proceedings is made). In this case, the phrase "court proceedings (excluding court proceedings in relation to action referred to in Article 97, paragraph (1) in cases where any of the events referred to in Article 234, item (iii) or (iv) occurs)" in paragraph (5) of that Article is deemed to be replaced with "court proceedings".

3　相互会社の更生手続における開始前会社の財産関係の事件で行政庁に係属するものについては、次の各号に掲げる場合には、当該各号に定める規定を準用する。

(3) With respect to cases relating to assets of a company awaiting reorganization proceedings that are pending before an administrative agency in the reorganization proceedings of a Mutual Company, the provisions specified in the following items apply mutatis mutandis to the cases set forth in the respective items:

一　保全管理命令が発せられた場合　会社更生法第五十二条第一項から第三項まで

(i) cases where a Provisional Administration Order is issued: Article 52, paragraphs (1) to (3) of the Corporate Reorganization Act;

二　保全管理命令が効力を失った場合（更生手続開始の決定があった場合を除く。）　会社更生法第五十二条第四項から第六項まで

(ii) cases where a Provisional Administration Order ceases to be effective (excluding cases where an order commencing reorganization proceedings is made): Article 52, paragraphs (4) to (6) of the Corporate Reorganization Act.

4　会社更生法第六十五条の規定は、相互会社の更生手続において保全管理人が選任されている期間中に取締役、執行役又は清算人が自己又は第三者のために開始前会社の事業の部類に属する取引をしようとする場合について準用する。この場合において、同条第一項中「会社法第三百五十六条第一項（同法第四百十九条第二項又は第四百八十二条第四項において準用する場合を含む。）」とあるのは、「保険業法第五十三条の十五において準用する会社法第三百五十六条第一項（保険業法第五十三条の三十二において準用する会社法第四百十九条第二項において準用する場合を含む。）又は保険業法第百八十条の八第四項において準用する会社法第三百五十六条第一項」と読み替えるものとする。

(4) The provisions of Article 65 of the Corporate Reorganization Act apply mutatis mutandis to the cases where a director, executive officer or liquidator intends to carry out, for themselves or for a third party, any transactions in the line of business of the company awaiting reorganization proceedings during the period which a provisional administrator is in the process of appointment in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 356, paragraph (1) of the Companies Act (including as applied mutatis mutandis pursuant to Article 419, paragraph (2) or Article 482, paragraph (4) of that Act)" in paragraph (1) of that Article is deemed to be replaced with "Article 356, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 53-15 of the Insurance Business Act (including as applied mutatis mutandis pursuant to Article 419, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 53-32 of the Insurance Business Act) or Article 356, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 180-8, paragraph (4) of the Insurance Business Act".

5　会社更生法第六十六条第一項本文の規定は、相互会社の更生手続において保全管理人が選任されている期間中における開始前会社の取締役、会計参与、監査役、執行役及び清算人について準用する。この場合において、同項中「会社法第三百六十一条第一項」とあるのは、「保険業法第五十三条の二十八第三項」と読み替えるものとする。

(5) The provisions of the main clause of Article 66, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to any director, accounting advisor, company auditor, executive officer and liquidator of a company awaiting reorganization proceedings during the period which a provisional administrator is in the process of appointment in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 361, paragraph (1) of the Companies Act" in that paragraph is deemed to be replaced with "Article 53-28, paragraph (3) of the Insurance Business Act".

第四目　監督命令
Division 4 Supervision Orders

（監督命令）
(Supervision Orders)

第百九十条　裁判所は、更生手続開始の申立てがあった場合において、更生手続の目的を達成するために必要があると認めるときは、利害関係人の申立てにより又は職権で、更生手続開始の申立てにつき決定があるまでの間、監督委員による監督を命ずる処分をすることができる。

Article 190 (1) Where a petition to commence reorganization proceedings is filed, the court, upon the petition of an interested person or by its own authority, may make a disposition to order supervision by a supervisor until an order is made on the petition to commence reorganization proceedings, when it finds it necessary in order to achieve the purpose of reorganization proceedings.

２　裁判所は、前項の処分（以下この章において「監督命令」という。）をする場合には、当該監督命令において、一人又は数人の監督委員を選任し、かつ、その同意を得なければ開始前会社がすることができない行為を指定しなければならない。

(2) The court, when making the disposition referred to in the preceding paragraph (hereinafter referred to as a "Supervision Order" in this Chapter), in the Supervision Order, must appoint one or more supervisors and designate acts that the company awaiting reorganization proceedings may not conduct without obtaining their consent.

３　会社更生法第三十五条第三項の規定は相互会社の更生手続における監督委員の同意を得ないでした行為について、同条第四項から第六項までの規定は相互会社の更生手続における監督命令について、それぞれ準用する。

(3) The provisions of Article 35, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to any act conducted without the supervisor's consent in the reorganization proceedings of a Mutual Company, and the provisions of paragraphs (4) to (6) of that Article apply mutatis mutandis to a Supervision Order in the reorganization proceedings of a Mutual Company.

（監督命令に関する公告及び送達）
(Public Notice and Service Concerning Supervision Orders)

第百九十一条　会社更生法第三十六条の規定は、相互会社の更生手続における監督命令に関する公告又は送達について準用する。この場合において、同条第二項中「前条第四項」とあるのは「更生特例法第百九十条第三項において準用する前条第四項」と、同条第三項中「第十条第四項」とあるのは「更生特例法第百七十五条において準用する第十条第四項」と読み替えるものとする。

Article 191 The provisions of Article 36 of the Corporate Reorganization Act apply mutatis mutandis to a public notice or service concerning a Supervision Order in the reorganization proceedings of a Mutual Company. In this case, the

phrase "paragraph (4) of the preceding Article" in paragraph (2) of that Article is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 190, paragraph (3) of the Act on Special Measures"; and the phrase "Article 10, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "Article 10, paragraph (4) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

（取締役等の管財人の適性に関する調査）
(Examinations on the Aptitude of Trustees of Directors)

第百九十二条　会社更生法第三十七条の規定は、相互会社の更生手続における監督委員による管財人の適性に関する調査について準用する。

Article 192 The provisions of Article 37 of the Corporate Reorganization Act apply mutatis mutandis to the examination concerning the aptitude of a trustee by a supervisor in the reorganization proceedings of a Mutual Company.

（管財人に関する規定の監督委員への準用）
(Application Mutatis Mutandis of the Provisions on the Trustee to a Supervisor)

第百九十三条　第二百十九条第一項から第四項までの規定並びに会社更生法第六十七条第二項、第六十八条、第六十九条第一項、第七十七条及び第八十条の規定は、相互会社の更生手続における監督委員について準用する。この場合において、同法第七十七条第二項中「子会社（会社法第二条第三号に規定する子会社」とあるのは、「実質子会社（保険業法第三十三条の二第一項に規定する実質子会社」と読み替えるものとする。

Article 193 The provisions of Article 219, paragraphs (1) to (4) and the provisions of Article 67, paragraph (2), Article 68, Article 69, paragraph (1), Article 77 and Article 80 of the Corporate Reorganization Act apply mutatis mutandis to a supervisor in the reorganization proceedings of a Mutual Company. In this case, the phrase "subsidiary company (meaning a subsidiary company prescribed in Article 2, item (iii) of the Companies Act)" in Article 77, paragraph (2) of that Act is deemed to be replaced with " substantive subsidiary company (meaning a substantivesubsidiary company prescribed in Article 33-2, paragraph (1) of the Insurance Business Act)".

第五目　更生手続開始前の調査命令等
Division 5 Ordering an Examination before Commencement of Reorganization Proceedings

（更生手続開始前の調査命令）
(Ordering an Examination before Commencement of Reorganization Proceedings)

第百九十四条　裁判所は、更生手続開始の申立てがあった時から当該申立てについての決定があるまでの間においても、必要があると認めるときは、利害関係人の申立てにより又は職権で、次に掲げる事項の全部又は一部を対象とする第二百三十八条第二項に規定する調査命令を発することができる。

Article 194　The court, when it finds it necessary even during the period from the time when a petition to commence reorganization proceedings is filed to the time when an order on the petition is made, upon the petition of an interested person or by its own authority, may issue an examination order prescribed in Article 238, paragraph (2) directed to some or all of the following particulars:

一　第百八十条第一項に規定する更生手続開始の原因となる事実及び第百九十六条において準用する会社更生法第四十一条第一項第二号から第四号までに掲げる事由の有無、開始前会社の業務及び財産の状況その他更生手続開始の申立てについての判断をするのに必要な事項並びに更生手続を開始することの当否

(i) the existence or nonexistence of any fact constituting cause to commence reorganization proceedings as prescribed in Article 180, paragraph (1) and any of the grounds set forth in Article 41, paragraph (1), items (ii) to (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 196, the status of the business and assets of the company awaiting reorganization proceedings and any other particulars required for making a decision on the petition to commence reorganization proceedings and whether or not it is appropriate to commence reorganization proceedings;

二　第百八十五条において準用する会社更生法第二十八条第一項の規定による保全処分、保全管理命令、監督命令、次条若しくは第百九十五条の規定による保全処分又は第二百二十九条において準用する同法第百条第一項に規定する役員等責任査定決定を必要とする事情の有無及びその処分、命令又は決定の要否

(ii) whether or not there are circumstances that require a provisional remedy under the provisions of Article 28, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 185, a Provisional Administration Order, a Supervision Order, a provisional remedy under the provisions of the following Article or Article 195 or Ruling Evaluating Subject Officers' Liability prescribed in Article 100, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 229, and the necessity of the relevant disposition, order or ruling; and

三　その他更生事件に関し調査委員による調査又は意見陳述を必要とする事項

(iii) any other particulars requiring an examination or a statement of opinion by the examiner in relation to the reorganization case.

（否認権のための保全処分）

(Provisional Remedy for a Right of Avoidance)

第百九十四条の二　裁判所は、更生手続開始の申立てがあった時から当該申立てについての決定があるまでの間において、否認権を保全するため必要があると認めるときは、

利害関係人（保全管理人が選任されている場合にあっては、保全管理人）の申立てにより又は職権で、仮差押え、仮処分その他の必要な保全処分を命ずることができる。

Article 194-2 (1) The court, when it finds it necessary in order to secure a right of avoidance during the period from the time when a petition to commence reorganization proceedings is filed to the time when an order on the petition is made, upon the petition of an interested person (or a provisional administrator if any provisional administrator is appointed) or by its own authority, may issue an order of provisional seizure, provisional disposition or any other necessary provisional remedy.

2　会社更生法第三十九条の二第二項から第六項までの規定は、前項の規定による保全処分について準用する。この場合において、同条第六項中「第十条第三項本文」とあるのは、「更生特例法第百七十五条において準用する第十条第三項本文」と読み替えるものとする。

(2) The provisions of Article 39-2, paragraphs (2) to (6) of the Corporate Reorganization Act apply mutatis mutandis to a provisional remedy under the provisions of the preceding paragraph. In this case, the phrase "the main clause of Article 10, paragraph (3)" in paragraph (6) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

（更生手続開始前の役員等の財産に対する保全処分）

(Provisional Remedies on Assets of Officers Prior to the Commencement of Reorganization Proceedings)

第百九十五条　裁判所は、更生手続開始の申立てがあった時から当該申立てについての決定があるまでの間においても、緊急の必要があると認めるときは、開始前会社（保全管理人が選任されている場合にあっては、保全管理人）の申立てにより又は職権で、第二百二十八条において準用する会社更生法第九十九条第一項各号に掲げる保全処分をすることができる。

Article 195 (1) The court, when it finds urgent necessity even during the period from the time when a petition to commence reorganization proceedings is filed to the time when an order on the petition is made, upon the petition of the company awaiting reorganization proceedings (or a provisional administrator if any provisional administrator is appointed) or by its own authority, may issue a provisional remedy as referred to in the items of Article 99, paragraph (1), item (i) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 228.

2　会社更生法第九十九条第二項から第五項までの規定は、前項の規定による保全処分があった場合について準用する。この場合において、同条第五項中「第十条第三項本文」とあるのは、「更生特例法第百七十五条において準用する第十条第三項本文」と読み替えるものとする。

(2) The provisions of Article 99, paragraphs (2) to (5) of the Corporate

Reorganization Act apply mutatis mutandis to cases where a provisional remedy under the provisions of the preceding paragraph is issued. In this case, the phrase "the main clause of Article 10, paragraph (3)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

第三節　更生手続開始の決定及びこれに伴う効果等
Section 3 Order Commencing Reorganization Proceedings and the Legal Effect Thereof

第一款　更生手続開始の決定
Subsection 1 Order Commencing Reorganization Proceedings

第百九十六条　会社更生法第四十一条、第四十二条、第四十三条（第三項第二号を除く。）及び第四十四条の規定は、相互会社についての更生手続開始の決定について準用する。この場合において、同法第四十一条第一項中「第十七条」とあるのは「更生特例法第百八十条」と、同法第四十二条第二項中「第百三十八条から第百四十条まで又は第百四十二条」とあるのは「更生特例法第二百四十八条において準用する第百三十八条若しくは第百三十九条、更生特例法第二百四十九条において準用する第百四十条第一項若しくは第二項又は更生特例法第二百五十一条」と、同法第四十三条第一項第五号中「第百九十条第一項各号」とあるのは「更生特例法第二百八十三条において準用する第百九十条第一項各号」と、同条第三項第四号中「第三十九条」とあるのは「更生特例法第百九十四条」と、同条第四項第二号中「債務」とあるのは「基金に係る更生債権に優先する債権に係る債務」と、「株主」とあるのは「基金の拠出者」と、同条第五項中「第三項第一号から第三号まで及び前項」とあるのは「第三項第一号及び第三号並びに前項」と、「第三項第一号及び第二号並びに前項」とあるのは「第三項第一号及び前項」と、同法第四十四条第二項中「前章第二節」とあるのは「更生特例法第三章第二節第二款」と、同条第三項中「第四号」とあるのは「第二号及び第四号」と読み替えるものとする。

Article 196　The provisions of Article 41, Article 42, Article 43 (excluding item (ii) of paragraph (3)) and Article 44 of the Corporate Reorganization Act apply mutatis mutandis to an order commencing reorganization proceedings for a Mutual Company. In this case, the phrase "Article 17" in Article 41, paragraph (1) of that Act is deemed to be replaced with "Article 180 of the Act on Special Measures"; the phrase "Article 138 to Article 140 or Article 142" in Article 42, paragraph (2) of that Act is deemed to be replaced with "Article 138 or Article 139 as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures, Article 140, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 249 of the Act on Special Measures or Article 251 of the Act on Special Measures"; the phrase "the items of Article 190, paragraph (1)" in Article 43, paragraph (1), item (v) of that Act is deemed to be replaced with

"the items of Article 190, paragraph (1) as applied mutatis mutandis pursuant to Article 283 of the Act on Special Measures"; the phrase "Article 39" in paragraph (3), item (iv) of that Article is deemed to be replaced with "Article 194 of the Act on Special Measures"; the phrase "debts" in paragraph (4), item (ii) of that Article is deemed to be replaced with "debts with regard to claims that take preference over a reorganization claim on the funds"; the phrase "shareholder" is deemed to be replaced with "fund contributor"; the phrase "paragraph (3), items (i) to (iii) and the preceding paragraph" in paragraph (5) of that Article is deemed to be replaced with "paragraph (3), items (i) and (iii) and the preceding paragraph"; the phrase "paragraph (3), items (i) and (ii) and the preceding paragraph" is deemed to be replaced with "paragraph (3), item (i) and the preceding paragraph"; the phrase "Section 2 of the preceding Chapter" in Article 44, paragraph (2) of that Act is deemed to be replaced with "Chapter III, Section 2, Subsection 2 of the Act on Special Measures"; and the phrase "item (iv)" in paragraph (3) of that Article is deemed to be replaced with" items (ii) and (iv)".

第二款　更生手続開始の決定に伴う効果
Subsection 2 Legal Effect of an Order Commencing Reorganization Proceedings

（更生会社の組織に関する基本的事項の変更の禁止）
(Prohibition of Changes to Basic Particulars Concerning the Organization of a Reorganizing Company)

第百九十七条　更生手続開始後その終了までの間においては、更生計画の定めるところによらなければ、更生会社について次に掲げる行為を行い、又は更生計画の定めにより更生会社がその組織を変更した後の株式会社（以下この章において「組織変更後株式会社」という。）について会社更生法第四十五条第一項各号に掲げる行為を行うことができない。

Article 197 (1) During the period after the commencement of reorganization proceedings until the close thereof, unless it is provided for in a reorganization plan, neither a reorganizing company may perform any of the following acts, nor may a Stock Company after entity conversion of a reorganizing company as specified in a reorganization plan (hereinafter referred to as a "Converted Stock Company" in this Chapter) perform any of the acts set forth in the items of Article 45, paragraph (1) of the Corporate Reorganization Act:

一　保険契約（保険契約者を社員とするものに限る。）の締結

(i) conclusion of insurance contracts (limited to those in which policyholders are members);

二　剰余金の分配

(ii) distribution of surplus;

三　基金償却積立金の取崩し
(iii) reduction of the reserve for the redemption of funds;
四　基金の募集
(iv) solicitation of funds;
五　募集社債（相互会社にあっては保険業法第六十一条に規定する募集社債をいい、保険業（同法第二条第一項に規定する保険業をいう。以下同じ。）を営む株式会社にあっては会社法第六百七十六条に規定する募集社債をいう。以下この章及び次章第二節において同じ。）を引き受ける者の募集
(v) solicitation of subscribers for Bonds for subscription (meaning Bonds for subscription prescribed in Article 61 of the Insurance Business Act in the case of a Mutual Company, and meaning Bonds for subscription prescribed in Article 676 of the Companies Act in the case of a Stock Company carrying on an insurance business (meaning insurance business prescribed in Article 2, paragraph (1) of that Act); hereinafter the same applies in this Chapter and Section 2 of the following Chapter);
六　組織変更（保険業法第八十六条第一項に規定する組織変更をいう。以下この章において同じ。）
(vi) entity conversion (meaning entity conversion prescribed in Article 86, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Chapter);
七　組織変更株式交換（保険業法第九十六条の五第一項に規定する組織変更株式交換をいう。以下この章において同じ。）又は組織変更株式移転（同法第九十六条の八第一項に規定する組織変更株式移転をいう。以下この章において同じ。）
(vii) share exchange on entity conversion (meaning share exchange on entity conversion prescribed in Article 96-5, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Chapter) or share transfer on entity conversion (meaning share transfer on entity conversion prescribed in Article 96-8, paragraph (1) of that Act; hereinafter the same applies in this Chapter);
八　保険契約の移転（保険業法第百三十五条第一項（同法第二百七十二条の二十九において準用する場合を含む。）の保険契約の移転をいう。以下同じ。）をし、又は保険契約の移転を受けること。
(viii) transfer of insurance contracts (meaning transfer of insurance contracts prescribed in Article 135, paragraph (1) of the Insurance Business Act (including as applied mutatis mutandis pursuant to Article 272-29 of that Act); the same applies hereinafter) or receipt of transfer of insurance contracts;
九　解散
(ix) dissolution; or
十　合併
(x) merger.

２　更生手続開始後その終了までの間においては、更生計画の定めるところによるか、又は裁判所の許可を得なければ、更生会社又は組織変更後株式会社の定款の変更をすることができない。

(2) During the period after the commencement of reorganization proceedings until the close thereof, the articles of incorporation of a reorganizing company or Converted Stock Company may not be amended unless as specified in a reorganization plan or unless the permission of the court is obtained.

（事業等の譲渡）

(Transfers of Business)

第百九十八条　更生手続開始後その終了までの間においては、更生計画の定めるところによらなければ、更生会社に係る保険業法第六十二条の二第一項第一号から第二号の二までに掲げる行為（以下この条において「事業等の譲渡」という。）をすることができない。ただし、次項から第八項までの規定により更生会社に係る事業等の譲渡をする場合は、この限りでない。

Article 198 (1) During the period after the commencement of reorganization proceedings until the close thereof, unless it is provided for in a reorganization plan, the acts set forth in Article 62-2, paragraph (1), items (i) to (ii)-2 of the Insurance Business Act in relation to a reorganizing company (hereinafter referred to as a "Transfer of Business, etc." in this Article) may not be conducted; provided, however, that this does not apply to a Transfer of Business, etc. in relation to the reorganizing company pursuant to the provisions of the following paragraph to paragraph (8).

２　更生手続開始後更生計画案を決議に付する旨の決定がされるまでの間においては、管財人は、裁判所の許可を得て、更生会社に係る事業等の譲渡をすることができる。この場合において、裁判所は、当該事業等の譲渡が当該更生会社の事業の更生のために必要であると認める場合に限り、許可をすることができる。

(2) During the period after the commencement of reorganization proceedings until an order to refer a proposed reorganization plan to a resolution is made, a trustee, with permission of the court, may implement a Transfer of Business, etc. in relation to a reorganizing company. In this case, the court may grant permission only when it finds the Transfer of Business, etc. necessary for the reorganization of the business of the reorganizing company.

３　裁判所は、前項の許可をする場合には、次に掲げる者の意見を聴かなければならない。

(3) The court, when granting the permission referred to in the preceding paragraph, must hear the opinions of the following:

一　知れている更生債権者（更生会社が更生手続開始の時においてその財産をもって約定劣後更生債権（更生債権者と更生会社との間において、更生手続開始前に、当該会社について破産手続が開始されたとすれば当該破産手続におけるその配当の順位が破産法第九十九条第一項に規定する劣後的破産債権に後れる旨の合意がされた

債権をいう。以下この章において同じ。）に優先する債権に係る債務を完済することができない状態にある場合における当該約定劣後更生債権を有する者及び更生会社が更生手続開始の時においてその財産をもって基金に係る更生債権に優先する債権に係る債務を完済することができない状態にある場合における当該基金の拠出者を除く。）。ただし、第二百三十三条第一項に規定する更生債権者委員会があるときは、その意見を聴けば足りる。

(i) known reorganization creditors (in cases where the reorganizing company, at the time of the commencement of reorganization proceedings, is unable to pay its debts in full with its assets with regard to claims that take preference over consensually-subordinated reorganization claims (meaning claims for which the reorganization creditor and the reorganizing company, prior to the commencement of reorganization proceedings, reach an agreement to the effect that if bankruptcy proceedings are commenced against that reorganizing company, the claim will be subordinated to a subordinate bankruptcy claim prescribed in Article 99, paragraph (1) of the Bankruptcy Act in the order of priority for receiving a liquidating distribution in the bankruptcy proceedings; hereinafter the same applies in this Chapter), the holders of the consensually-subordinated reorganization claim, and in cases where the reorganizing company, at the time of the commencement of reorganization proceedings, is unable to pay its debts in full with its assets with regard to claims that take preference over a reorganization claim on the funds, contributors to the relevant funds are excluded); provided, however, that if there is a reorganization creditors committee prescribed in Article 233, paragraph (1), it is sufficient to hear the opinions of the committee;

二　知れている更生担保権者。ただし、第二百三十三条第二項に規定する更生担保権者委員会があるときは、その意見を聴けば足りる。

(ii) known secured reorganization creditors; provided, however, that if there is a secured reorganization creditors committee prescribed in Article 233, paragraph (2), it is sufficient to hear the opinions of the committee; and

三　労働組合等（更生会社の使用人の過半数で組織する労働組合があるときはその労働組合、更生会社の使用人の過半数で組織する労働組合がないときは更生会社の使用人の過半数を代表する者をいう。）

(iii) labor unions, etc. (meaning a labor union consisting of the majority of the employees of the reorganizing company if there is any such labor union; or a person representing the majority of the employees of the reorganizing company if no such labor union exists).

4　管財人は、第二項の規定により更生会社に係る事業等の譲渡又は事業の重要な一部の譲渡をしようとする場合には、あらかじめ、次に掲げる事項を公告し、又は社員に通知しなければならない。

(4) A trustee must, when implementing a Transfer of Business, etc. or transferring an important part of the business of a reorganizing company

pursuant to the provisions of paragraph (2), make a public notice or give a notice of the following particulars to members in advance:

一　当該事業等の譲渡の相手方、時期及び対価並びに当該事業等の譲渡の対象となる事業（保険業法第六十二条の二第一項第二号の二に掲げる行為をする場合にあっては、同号の実質子会社の事業）の内容

(i) the other party, time and value of the Transfer of Business, etc., and the description of business subject to the Transfer of Business, etc. (or, in the case of implementing the act set forth in Article 62-2, paragraph (1), item (ii)-2 of the Insurance Business Act, the description of business of a substantive subsidiary company prescribed in that item); and

二　当該事業等の譲渡に反対の意思を有する社員は、当該公告又は当該通知があった日から二週間以内にその旨を書面をもって管財人に通知すべき旨

(ii) to the effect that any member that opposes the Transfer of Business, etc. must give a notice to the trustee in writing to that effect within two weeks from the day on which the public notice is made or the notice is given.

5　前項の規定による社員に対する通知は、当該社員が更生会社又は管財人に通知した場所又は連絡先にあてて、することができる。

(5) The notice given to a member under the provisions of the preceding paragraph may be addressed to the place or contact address notified by the member to the reorganizing company or the trustee.

6　第四項の規定による社員に対する通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

(6) The notice given to a member under the provisions of paragraph (4) is deemed to have been delivered at the time when the notice should have normally arrived.

7　裁判所は、次の各号のいずれかに該当する場合には、第二項の許可をすることができない。

(7) In any of the cases referred to in the following items, the court may not grant the permission referred to in paragraph (2):

一　第四項の規定による公告又は通知があった日から一月を経過した後に第二項の許可の申立てがあったとき。

(i) when a petition for the permission referred to in paragraph (2) is filed after one month has elapsed from the day on which public notice is made or notice is given under the provisions of paragraph (4); or

二　第四項第二号に規定する期間内に、社員の総数の四分の一を超える数の社員が、書面をもって管財人に第二項の規定による事業等の譲渡に反対の意思を有する旨の通知をしたとき。

(ii) when members exceeding one-quarter of all members give a notice to the trustee in writing of their opposition to the Transfer of Business, etc. under paragraph (2) within the period prescribed in item (ii) of paragraph (4).

8　第四項から前項までの規定は、第二項の許可の時において更生会社がその財産をも

って債務を完済することができない状態にある場合には、適用しない。
(8) In cases where the reorganizing company, at the time of the permission referred to in paragraph (2), is unable to pay its debts in full with its assets, the provisions of paragraph (4) to the preceding paragraph do not apply.
９　第二項の許可を得ないでした行為は、無効とする。ただし、これをもって善意の第三者に対抗することができない。
(9) Any act conducted without the permission referred to in paragraph (2) is void; provided, however, that this may not be asserted against a third party without knowledge.
１０　第二項の許可を得て更生会社に係る事業等の譲渡をする場合には、保険業法第六十二条の二の規定は、適用しない。
(10) In cases where a Transfer of Business, etc. in relation to a reorganizing company is to be implemented with the permission referred to in paragraph (2), the provisions of Article 62-2 of the Insurance Business Act do not apply.

（更生債権等の弁済の禁止等）
(Prohibition of Payment of an Unsecured or Secured Reorganization Claim)
第百九十九条　会社更生法第四十七条及び第四十七条の二の規定は、相互会社の更生手続における更生債権等について準用する。この場合において、同法第四十七条第六項中「約定劣後更生債権である更生債権」とあるのは「約定劣後更生債権である更生債権及び基金に係る更生債権」と、同条第七項第一号及び第二号中「第二十四条第二項」とあるのは「更生特例法第百八十四条において準用する第二十四条第二項」と読み替えるものとする。
Article 199 The provisions of Article 47 and Article 47-2 of the Corporate Reorganization Act apply mutatis mutandis to an unsecured or secured reorganization claim in the reorganization proceedings of a Mutual Company. In this case, the phrase "a reorganization claim which are consensually-subordinated a reorganization claim" in Article 47, paragraph (6) of that Act is deemed to be replaced with "a reorganization claim which are consensually-subordinated a reorganization claim and a reorganization claim on the funds"; and the phrase "Article 24, paragraph (2)" in paragraph (7), items (i) and (ii) of that Article is deemed to be replaced with "Article 24, paragraph (2) as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures".

（相殺）
(Set-Offs)
第二百条　会社更生法第四十八条から第四十九条の二までの規定は、相互会社の更生手続における更生債権者等による相殺について準用する。この場合において、同法第四十八条第一項中「第百三十八条第一項」とあるのは、「更生特例法第二百四十八条において準用する第百三十八条第一項」と読み替えるものとする。
Article 200 The provisions of Article 48 to Article 49-2 of the Corporate

Reorganization Act apply mutatis mutandis to a set-off by an unsecured or secured reorganization creditor in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 138, paragraph (1)" in Article 48, paragraph (1) of that Act is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

（他の手続の中止等）

(Order to Stay Other Procedures)

第二百一条　会社更生法第五十条及び第五十一条の規定は、相互会社について更生手続開始の決定があった場合における強制執行その他の手続について準用する。この場合において、同法第五十条第一項及び第五項第一号中「第二十四条第一項第二号」とあるのは「更生特例法第百八十四条において準用する第二十四条第一項第二号」と、同条第二項、第五項第二号及び第十項中「第二十四条第二項」とあるのは「更生特例法第百八十四条において準用する第二十四条第二項」と、同条第十一項中「第二百四条第二項」とあるのは「更生特例法第二百九十五条第三項において準用する第二百四条第二項」と、同法第五十一条第二項中「第七十二条第四項前段」とあるのは「更生特例法第二百十一条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 201　The provisions of Article 50 and Article 51 of the Corporate Reorganization Act apply mutatis mutandis to compulsory execution and other procedures in cases where an order commencing reorganization proceedings for a Mutual Company is made. In this case, the phrase "Article 24, paragraph (1), item (ii)" in Article 50, paragraphs (1) and (5), item (i) of that Act is deemed to be replaced with "Article 24, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures"; the phrase "Article 24, paragraph (2)" in paragraphs (2), (5), item (ii) and (10) of that Article is deemed to be replaced with "Article 24, paragraph (2) as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures"; the phrase "Article 204, paragraph (2)" in paragraph (11) of that Article is deemed to be replaced with "Article 204, paragraph (2) as applied mutatis mutandis pursuant to Article 295, paragraph (3) of the Act on Special Measures"; and the phrase "the first sentence of Article 72, paragraph (4)" in Article 51, paragraph (2) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

（更生会社の財産関係の訴えの取扱い）

(Handling of Actions Relating to Assets of a Reorganizing Company)

第二百二条　会社更生法第五十二条の規定は、相互会社の更生手続における更生会社の財産関係の訴訟手続について準用する。この場合において、同条第五項中「第二百三十四条第三号又は第四号」とあるのは「更生特例法第三百二十三条において準用する

第二百三十四条第三号又は第四号」と、「第九十七条第一項」とあるのは「更生特例法第二百二十六条において準用する第九十七条第一項」と読み替えるものとする。

Article 202 The provisions of Article 52 of the Corporate Reorganization Act apply mutatis mutandis to court proceedings relating to the assets of a reorganizing company in the reorganization proceedings for a Mutual Company. In this case, the phrase "Article 234, item (iii) or (iv)" in paragraph (5) of that Article is deemed to be replaced with "Article 234, item (iii) or (iv) as applied mutatis mutandis pursuant to Article 323 of the Act on Special Measures"; and the phrase "Article 97, paragraph (1)" is deemed to be replaced with Article 97, paragraph (1) as applied mutatis mutandis pursuant to Article 226 of the Act on Special Measures".

（債権者代位訴訟、詐害行為取消訴訟等の取扱い）

(Handling of Actions for Obligee's Subrogation Rights, Actions for Avoidance of Fraudulent Acts)

第二百二条の二　民法第四百二十三条若しくは第四百二十四条の規定により更生債権者の提起した訴訟又は破産法若しくは民事再生法の規定による否認の訴訟若しくは否認の請求を認容する決定に対する異議の訴訟が更生手続開始当時係属するときは、その訴訟手続は、中断する。

Article 202-2 (1) If an action filed by a reorganization creditor pursuant to the provisions of Article 423 or Article 424 of the Civil Code or an action of avoidance or action of objection to an order upholding a request for avoidance filed under the provisions of the Bankruptcy Act or Civil Rehabilitation Act is pending at the time of the commencement of reorganization proceedings, the respective court proceedings are discontinued.

2　会社更生法第五十二条の二第二項から第六項までの規定は、前項の規定により訴訟手続が中断した場合について準用する。

(2) The provisions of Article 52-2, paragraphs (2) to (6) of the Corporate Reorganization Act apply mutatis mutandis to the cases where court proceedings are discontinued pursuant to the provisions of the preceding paragraph.

（行政庁に係属する事件の取扱い）

(Handling of Cases Pending before an Administrative Agency)

第二百三条　会社更生法第五十三条の規定は、相互会社の更生手続における更生会社の財産関係の事件で行政庁に係属するものについて準用する。

Article 203 The provisions of Article 53 of the Corporate Reorganization Act apply mutatis mutandis to a case relating to the assets of a reorganizing company in the reorganization proceedings for a Mutual Company that is pending before an administrative agency.

（更生会社のした法律行為の効力等）

(Effect of Juridical Acts by a Reorganizing Company)

第二百四条　会社更生法第五十四条から第五十九条までの規定は、相互会社について更生手続が開始された後の行為の効力について準用する。この場合において、同条中「第四十三条第一項」とあるのは、「更生特例法第百九十六条において準用する第四十三条第一項」と読み替えるものとする。

Article 204 The provisions of Article 54 to Article 59 of the Corporate Reorganization Act apply mutatis mutandis to the effect of acts performed after the commencement of reorganization proceedings for a Mutual Company. In this case, the phrase "Article 43, paragraph (1)" in that Article is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures".

（共有関係）

(Co-Ownership)

第二百五条　会社更生法第六十条の規定は、相互会社の更生手続において更生会社が他人と共同して財産権を有する場合について準用する。

Article 205 The provisions of Article 60 of the Corporate Reorganization Act apply mutatis mutandis if, in the reorganization proceedings of a Mutual Company, the reorganizing company holds a property right jointly with another or other persons.

（双務契約）

(Executory Contracts)

第二百六条　会社更生法第六十一条第一項から第四項まで及び第六十二条の規定は、相互会社の更生手続における更生会社が当事者である双務契約について準用する。

Article 206 (1) The provisions of Article 61, paragraphs (1) to (4) and Article 62 of the Corporate Reorganization Act apply mutatis mutandis to an executory contract to which a reorganizing company in the reorganization proceedings for a Mutual Company is a party.

2　破産法第五十四条の規定は、前項において準用する会社更生法第六十一条第一項の規定による契約の解除があった場合について準用する。この場合において、破産法第五十四条第一項中「破産債権者」とあるのは「更生債権者（金融機関等の更生手続の特例等に関する法律第百六十九条第九項に規定する更生債権者をいう。）」と、同条第二項中「破産者」とあるのは「更生会社（金融機関等の更生手続の特例等に関する法律第百六十九条第七項に規定する更生会社をいう。）」と、「破産財団」とあるのは「更生会社財産（同条第十四項に規定する更生会社財産をいう。）」と、「財団債権者」とあるのは「共益債権者」と読み替えるものとする。

(2) The provisions of Article 54 of the Bankruptcy Act apply mutatis mutandis to the cases where a contract is cancelled under the provisions of the Article 61 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the

preceding paragraph. In this case, the phrase "bankruptcy creditor" in Article 54, paragraph (1) of the Bankruptcy Act is deemed to be replaced with "reorganization creditor (meaning reorganization creditor prescribed in Article 169, paragraph (9) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "the bankrupt" in paragraph (2) of that Article is deemed to be replaced with "reorganizing company (meaning reorganizing company prescribed in Article 169, paragraph (7) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy estate" is deemed to be replaced with " assets of the reorganizing company (meaning assets of the reorganizing company as prescribed in paragraph (14) of that Article)"; and the phrase "holder of claim on the estate" is deemed to be replaced with "common benefit creditor".

3　破産法第五十六条、第五十八条及び第五十九条の規定は、相互会社について更生手続が開始された場合について準用する。この場合において、同法第五十六条第一項中「第五十三条第一項及び第二項」とあるのは「金融機関等の更生手続の特例等に関する法律第二百六条第一項において準用する会社更生法第六十一条第一項及び第二項」と、「破産者」とあるのは「更生会社（金融機関等の更生手続の特例等に関する法律第百六十九条第七項に規定する更生会社をいう。）」と、同条第二項中「財団債権」とあるのは「共益債権」と、同法第五十八条第一項中「破産手続開始」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第百六十九条第一項に規定する更生手続をいう。）開始」と、同条第三項において準用する同法第五十四条第一項中「破産債権者」とあるのは「更生債権者（金融機関等の更生手続の特例等に関する法律第百六十九条第九項に規定する更生債権者をいう。）」と、同法第五十九条第一項中「破産手続」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第百六十九条第一項に規定する更生手続をいう。）」と、同条第二項中「請求権は、破産者が有するときは破産財団に属し」とあるのは「請求権は」と、「破産債権」とあるのは「更生債権（金融機関等の更生手続の特例等に関する法律第百六十九条第八項に規定する更生債権をいう。）」と読み替えるものとする。

(3) The provisions of Article 56, Article 58 and Article 59 of the Bankruptcy Act apply mutatis mutandis to the cases where reorganization proceedings for a Mutual Company are commenced. In this case, the phrase "Article 53, paragraphs (1) and (2)" in Article 56, paragraph (1) of that Act is deemed to be replaced with "Article 61, paragraphs (1) and (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 206, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions"; the phrase "the bankrupt" is deemed to be replaced with "reorganizing company (meaning reorganizing company prescribed in Article 169, paragraph (7) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "claim on the estate" in paragraph (2) of that Article is deemed to be replaced with

"common-benefit claim"; the phrase "commencement of bankruptcy proceedings" in Article 58, paragraph (1) of that Act is deemed to be replaced with "commencement of reorganization proceedings (meaning reorganization proceedings prescribed in Article 169, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy creditor" in Article 54, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 58, paragraph (3) is deemed to be replaced with "reorganization creditor (meaning reorganization creditor prescribed in Article 169, paragraph (9) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy proceedings" in Article 59, paragraph (1) of that Act is deemed to be replaced with "reorganization proceedings (meaning reorganization proceedings prescribed in Article 169, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; and the phrase "The claim under the provisions of the preceding paragraph belongs to the bankruptcy estate if it is held by the bankrupt or is a "bankruptcy claim" if it is held by the counter party" in paragraph (2) of that Article is deemed to be replaced with "The claim under the provisions of the preceding paragraph is a reorganization claim (meaning reorganization claim prescribed in Article 169, paragraph (8) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions) if it is held by the counter party".

（取戻権）

(Right of Segregation)

第二百七条　会社更生法第六十四条第一項の規定は、相互会社の更生手続における更生会社に属しない財産を更生会社から取り戻す権利について準用する。

Article 207 (1) The provisions of Article 64, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to a right to segregate, from a reorganizing company in the reorganization proceedings for a Mutual Company, assets that do not belong to the reorganizing company.

2　破産法第六十三条及び第六十四条の規定は、相互会社について更生手続が開始された場合について準用する。この場合において、同法第六十三条第一項中「破産手続開始の決定」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第百六十九条第一項に規定する更生手続をいう。）開始の決定」と、同項及び同法第六十四条中「破産管財人」とあるのは「管財人」と、同法第六十三条第二項中「第五十三条第一項及び第二項」とあるのは「金融機関等の更生手続の特例等に関する法律第二百六条第一項において準用する会社更生法第六十一条第一項及び第二項」と、同条第三項中「第一項」とあるのは「前二項」と、「同項」とあるのは「第一項」と、同法第六十四条第一項中「破産者」とあるのは「相互会社（金融機関等の更生手続の特例等に関する法律第二条第六項に規定する相互会社をいう。）」と、「破産手続開始」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第百六十九条第

一項に規定する更生手続をいう。）開始」と読み替えるものとする。

(2) The provisions of Article 63 and Article 64 of the Bankruptcy Act apply mutatis mutandis to the cases where reorganization proceedings for a Mutual Company are commenced. In this case, the phrase "order of commencement of bankruptcy proceedings" in Article 63, paragraph (1) of that Act is deemed to be replaced with "order commencing reorganization proceedings (meaning reorganization proceedings prescribed in Article 169, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "bankruptcy trustee" in that paragraph and Article 64 of that Act is deemed to be replaced with "trustee"; the phrase "Article 53, paragraphs (1) and (2)" in Article 63, paragraph (2) of that Act is deemed to be replaced with "Article 61, paragraphs (1) and (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 206, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions"; the phrase "paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "the preceding two paragraphs"; the phrase "that paragraph" is deemed to be replaced with "paragraph (1)"; the phrase "the bankrupt" in Article 64, paragraph (1) of that Act is deemed to be replaced with "Mutual Company (meaning Mutual Company prescribed in Article 2, paragraph (6) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; and the phrase "commencement of bankruptcy proceedings" is deemed to be replaced with "commencement of reorganization proceedings (meaning reorganization proceedings prescribed in Article 169, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)".

（取締役等の競業の制限）

(Restrictions of Competition of Directors)

第二百八条　会社更生法第六十五条の規定は、相互会社についての更生手続開始後その終了までの間において更生会社の取締役、執行役又は清算人が自己又は第三者のために更生会社の事業の部類に属する取引をしようとする場合について準用する。この場合において、同条第一項中「会社法第三百五十六条第一項（同法第四百十九条第二項又は第四百八十二条第四項において準用する場合を含む。）」とあるのは「保険業法第五十三条の十五において準用する会社法第三百五十六条第一項（保険業法第五十三条の三十二において準用する会社法第四百十九条第二項において準用する場合を含む。）又は保険業法第百八十条の八第四項において準用する会社法第三百五十六条第一項」と、「第七十二条第四項前段」とあるのは「更生特例法第二百十一条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 208 The provisions of Article 65 of the Corporate Reorganization Act apply mutatis mutandis to cases where a director, executive officer or liquidator of a reorganizing company intends to carry out a transaction in the

line of business of the reorganizing company on behalf of themselves or a third party during the period after the commencement of reorganization proceedings for a Mutual Company until the close thereof. In this case, the phrase "Article 356, paragraph (1) of the Companies Act (including as applied mutatis mutandis pursuant to Article 419, paragraph (2) or Article 482, paragraph (4) of that Act)" in paragraph (1) of that Article is deemed to be replaced with "Article 356, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 53-15 of the Insurance Business Act (including as applied mutatis mutandis pursuant to Article 419, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 53-32 of the Insurance Business Act) or Article 356, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 180-8, paragraph (4) of the Insurance Business Act"; and the phrase "the first sentence of Article 72, paragraph (4)" is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

（取締役等の報酬等）

(Remuneration of Directors)

第二百九条　会社更生法第六十六条の規定は、相互会社の更生手続における更生会社の取締役、会計参与、監査役、執行役及び清算人について準用する。この場合において、同条第一項中「会社法第三百六十一条第一項」とあるのは「保険業法第五十三条の二十八第三項」と、「第七十二条第四項前段」とあるのは「更生特例法第二百十一条において準用する第七十二条第四項前段」と、同条第二項中「会社法第三百六十一条第一項（同法第四百八十二条第四項において準用する場合を含む。）及び第三項、第三百七十九条第一項及び第二項、第三百八十七条第一項及び第二項並びに第四百四条第三項」とあるのは「保険業法第五十三条の十五及び第百八十条の八第四項において準用する会社法第三百六十一条第一項、保険業法第五十三条の十五において準用する会社法第三百六十一条第三項、保険業法第五十三条の十七において準用する会社法第三百七十九条第一項及び第二項、保険業法第五十三条の二十において準用する会社法第三百八十七条第一項及び第二項並びに保険業法第五十三条の二十八第三項」と読み替えるものとする。

Article 209 The provisions of Article 66 of the Corporate Reorganization Act apply mutatis mutandis to any director, accounting advisor, company auditor, executive officer and liquidator of a reorganizing company in the reorganization proceedings for a Mutual Company. In this case, the phrase "Article 361, paragraph (1) of the Companies Act" in paragraph (1) of that Article is deemed to be replaced with "Article 53-28, paragraph (3) of the Insurance Business Act"; the phrase "the first sentence of Article 72, paragraph (4)" is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act

on Special Measures"; and the phrase "Article 361, paragraphs (1) (including as applied mutatis mutandis pursuant to Article 482, paragraph (4) of that Act) and (3), Article 379, paragraphs (1) and (2), Article 387, paragraphs (1) and (2) and Article 404, paragraph (3) of the Companies Act" in paragraph (2) of that Article is deemed to be replaced with "Article 361, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 53-15 and Article 180-8, paragraph (4) of the Insurance Business Act, Article 361, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 53-15 of the Insurance Business Act, Article 379, paragraphs (1) and (2) of the Companies Act as applied mutatis mutandis pursuant to Article 53-17 of the Insurance Business Act, Article 387, paragraphs (1) and (2) of the Companies Act as applied mutatis mutandis pursuant to Article 53-20 of the Insurance Business Act and Article 53-28, paragraph (3) of the Insurance Business Act".

第三款　管財人
Subsection 3 Trustees
第一目　管財人の選任及び監督
Division 1 Appointment and Supervision of Trustees

第二百十条　会社更生法第六十七条から第七十一条までの規定は、相互会社の更生手続における管財人について準用する。この場合において、同法第六十七条第三項中「第百条第一項」とあるのは、「更生特例法第二百二十九条において準用する第百条第一項」と読み替えるものとする。

Article 210　The provisions of Article 67 to Article 71 of the Corporate Reorganization Act apply mutatis mutandis to a trustee in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 100, paragraph (1)" in Article 67, paragraph (3) of that Act is deemed to be replaced with "Article 100, paragraph (1) as applied mutatis mutandis pursuant to Article 229 of the Act on Special Measures".

第二目　管財人の権限等
Division 2 Authority of the Trustee

（管財人の権限）

(Authority of the Trustee)

第二百十一条　会社更生法第七十二条の規定は、相互会社の更生手続における管財人の権限について準用する。この場合において、同条第二項第四号中「第六十一条第一項」とあるのは「更生特例法第二百六条第一項において準用する第六十一条第一項」と、同項第八号中「第六十四条第一項」とあるのは「更生特例法第二百七条第一項において準用する第六十四条第一項」と、同条第七項中「第十条第四項」とあるのは

「更生特例法第百七十五条において準用する第十条第四項」と読み替えるものとする。

Article 211 The provisions of Article 72 of the Corporate Reorganization Act apply mutatis mutandis to the powers of a trustee in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 6, paragraph (1)" in paragraph (2), item (iv) of that Article is deemed to be replaced with "Article 61, paragraph (1) as applied mutatis mutandis pursuant to Article 206, paragraph (1) of the Act on Special Measures"; the phrase "Article 64, paragraph (1)" in item (viii) of that paragraph is deemed to be replaced with "Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 207, paragraph (1) of the Act on Special Measures"; and the phrase "Article 10, paragraph (4)" in paragraph (7) of that Article is deemed to be replaced with "Article 10, paragraph (4) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

（更生会社の業務及び財産の管理）

(Administration of Business and Assets of a Reorganizing Company)

第二百十二条　会社更生法第七十三条の規定は、相互会社の更生手続における更生会社の業務及び財産の管理について準用する。

Article 212 The provisions of Article 73 of the Corporate Reorganization Act apply mutatis mutandis to the administration of the business and assets of a reorganizing company in the reorganization proceedings for a Mutual Company.

（当事者適格等）

(Standing to Sue or Be Sued)

第二百十三条　会社更生法第七十四条の規定は、相互会社の更生手続における更生会社の財産関係の訴えについて準用する。この場合において、同条第二項及び第三項中「第七十二条第四項前段」とあるのは、「更生特例法第二百十一条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 213 The provisions of Article 74 of the Corporate Reorganization Act apply mutatis mutandis to action relating to the assets of a reorganizing company in the reorganization proceedings for a Mutual Company. In this case, "the first sentence of Article 72, paragraph (4)" in paragraphs (2) and (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

（郵便物等の管理）

(Management of Postal Items)

第二百十四条　会社更生法第七十五条及び第七十六条の規定は、相互会社の更生手続における更生会社にあてた郵便物等の管理について準用する。この場合において、同法第七十五条第三項中「第七十二条第四項前段」とあるのは、「更生特例法第二百十一

条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 214 The provisions of Article 75 and Article 76 of the Corporate Reorganization Act apply mutatis mutandis to the management of postal items, etc. that are addressed to a reorganizing company in the reorganization proceedings for a Mutual Company. In this case, the phrase "the first sentence of Article 72, paragraph (4)" in Article 75, paragraph (3) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

（更生会社及び実質子会社に対する調査）

(Examination of a Reorganizing Company and substantiveSubsidiary Company)

第二百十五条　会社更生法第七十七条の規定は、相互会社の更生手続における管財人の権限について準用する。この場合において、同条第二項中「子会社（会社法第二条第三号に規定する子会社」とあるのは、「実質子会社（保険業法第三十三条の二第一項に規定する実質子会社」と読み替えるものとする。

Article 215 The provisions of Article 77 of the Corporate Reorganization Act apply mutatis mutandis to the powers of a trustee in the reorganization proceedings of a Mutual Company. In this case, the phrase "subsidiary company (meaning a subsidiary company prescribed in Article 2, item (iii) of the Companies Act)" in paragraph (2) of that Article is deemed to be replaced with "substantive subsidiary company (meaning a substantivesubsidiary company prescribed in Article 33-2, paragraph (1) of the Insurance Business Act)".

（管財人の自己取引）

(Trustee's Transactions for Their Own Behalf)

第二百十六条　会社更生法第七十八条の規定は、相互会社の更生手続における管財人の更生会社との取引について準用する。

Article 216 The provisions of Article 78 of the Corporate Reorganization Act apply mutatis mutandis to transactions performed by a trustee in the reorganization proceedings of a Mutual Company with the reorganizing company.

（管財人の競業の制限）

(Restriction of Trustee Competition)

第二百十七条　会社更生法第七十九条の規定は、相互会社の更生手続における管財人が自己又は第三者のために更生会社の事業の部類に属する取引をしようとする場合について準用する。

Article 217 The provisions of Article 79 of the Corporate Reorganization Act apply mutatis mutandis to cases where a trustee in the reorganization

proceedings of a Mutual Company intends to carry out a transaction in the line of business of a reorganizing company on their own behalf, or on behalf of a third party.

（管財人の注意義務）
(Trustee's Duty of Care)

第二百十八条　会社更生法第八十条の規定は、相互会社の更生手続における管財人の職務について準用する。

Article 218 The provisions of Article 80 of the Corporate Reorganization Act apply mutatis mutandis to the duties of a trustee in the reorganization proceedings of a Mutual Company.

（管財人の情報提供努力義務）
(Trustee's Duty to Strive to Provide Information)

第二百十八条の二　管財人は、更生債権等である給料の請求権又は退職手当の請求権を有する者に対し、更生手続に参加するのに必要な情報を提供するよう努めなければならない。

Article 218-2 A trustee must strive to provide a person that has a claim to salary or a right to claim severance pay, both of which are an unsecured or secured reorganization claim, with information necessary for their participation in the reorganization proceedings.

（管財人の報酬等）
(Remuneration for Trustees)

第二百十九条　管財人は、費用の前払及び裁判所が定める報酬を受けることができる。

Article 219 (1) A trustee may receive advance payments of expenses as well as remuneration determined by the court.

２　管財人は、その選任後、更生会社、組織変更後株式会社若しくは更生計画の定めにより設立された相互会社若しくは株式会社に対する債権又は更生会社若しくは更生計画の定めにより設立された相互会社の社員権若しくは組織変更後株式会社若しくは更生計画の定めにより設立された株式会社が発行した株式を譲り受け、又は譲り渡すには、裁判所の許可を得なければならない。

(2) A trustee must, after their appointment, obtain permission of the court in order to accept any claims against a reorganizing company, Converted Stock Company, or Mutual Company or Stock Company established as specified in a reorganization plan or any membership rights of a reorganizing company or a Mutual Company established as specified in a reorganization plan, or any shares issued by a Converted Stock Company or a Stock Company incorporated as specified in a reorganization plan, or assign these.

３　管財人は、前項の許可を得ないで同項に規定する行為をしたときは、費用及び報酬の支払を受けることができない。

(3) A trustee may not receive payment of expenses and remuneration if they have conducted any act prescribed in the preceding paragraph without obtaining the permission referred to in that paragraph.

４　第一項の規定による決定に対しては、即時抗告をすることができる。

(4) An immediate appeal may be filed against an order made pursuant to the provisions of paragraph (1).

５　前各項の規定は、管財人代理及び第二百十条において準用する会社更生法第七十一条の法律顧問について準用する。

(5) The provisions of the preceding paragraphs apply mutatis mutandis to a trustee representative and legal advisor referred to in Article 71 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 210.

（任務終了の場合の報告義務等）

(Duty to Report upon Termination of Office)

第二百二十条　管財人の任務が終了した場合には、管財人は、遅滞なく、裁判所に計算の報告をしなければならない。

Article 220 (1) A trustee, upon termination of their office, must submit a report of account to the court without delay.

２　前項の場合において、管財人が欠けたときは、同項の計算の報告は、同項の規定にかかわらず、後任の管財人がしなければならない。

(2) In the case referred to in the preceding paragraph, if there is a vacancy in the office of trustee, the report of account referred to in that paragraph, notwithstanding the provisions of that paragraph, must be submitted by a successor trustee.

３　管財人の任務が終了した場合において、急迫の事情があるときは、管財人又はその承継人は、後任の管財人又は更生会社が財産を管理することができるに至るまで必要な処分をしなければならない。

(3) Upon the termination of a trustee's office, if there are pressing circumstances, the trustee or their successor must take necessary measures until a successor trustee or the reorganizing company is able to administer assets.

４　第三百二十三条において準用する会社更生法第二百三十四条第二号から第四号までに掲げる事由のいずれかが生じた場合には、第三百三十一条の十第六項又は第三百三十一条の十三に規定する場合を除き、管財人は、共益債権を弁済しなければならない。ただし、その存否又は額について争いのある共益債権については、その債権を有する者のために供託をしなければならない。

(4) In cases where any of the events referred to in Article 234, items (ii) to (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 323 occurs, except in the cases prescribed in Article 331-10, paragraph (6) or Article 331-13, a trustee must pay common-benefit claims; provided, however, that with regard to a common-benefit claim which is in dispute in

terms of its existence or nonexistence or its amount, a trustee must make a statutory deposit in the interest of the person that holds the claim.

第三目　更生会社の財産状況の調査
Division 3 Investigation into the State of a Reorganizing Company's Assets

（財産の価額の評定等）
(Evaluation of Assets)

第二百二十一条　会社更生法第八十三条及び第八十四条の規定は、相互会社の更生手続における更生会社の財産状況の調査について準用する。この場合において、同法第八十三条第五項中「法務省令」とあるのは「内閣府令」と、同法第八十四条第一項第三号中「第九十九条第一項」とあるのは「更生特例法第二百二十八条において準用する第九十九条第一項」と、「第百条第一項」とあるのは「更生特例法第二百二十九条において準用する第百条第一項」と読み替えるものとする。

Article 221　The provisions of Article 83 and Article 84 of the Corporate Reorganization Act apply mutatis mutandis to the investigation into the state of assets of a reorganizing company in the reorganization proceedings for a Mutual Company. In this case, the phrase "Ministry of Justice Order" in Article 83, paragraph (5) of that Act is deemed to be replaced with "Cabinet Office Order"; the phrase "Article 99, paragraph (1)" in Article 84, paragraph (1), item (iii) of that Act is deemed to be replaced with "Article 99, paragraph (1) as applied mutatis mutandis pursuant to Article 228 of the Act on Special Measures"; and the phrase "Article 100, paragraph (1)" is deemed to be replaced with "Article 100, paragraph (1) as applied mutatis mutandis pursuant to Article 229 of the Act on Special Measures".

（財産状況報告集会への報告）
(Report to Meetings for Reporting the Status of Assets)

第二百二十二条　会社更生法第八十五条の規定は、相互会社の更生手続における更生会社の財産状況を報告するための関係人集会について準用する。この場合において、同条第一項中「前条第一項各号」とあるのは「更生特例法第二百二十一条において準用する前条第一項各号」と、同条第三項中「第四十六条第三項第三号」とあるのは「更生特例法第百九十八条第三項第三号」と読み替えるものとする。

Article 222　The provisions of Article 85 of the Corporate Reorganization Act apply mutatis mutandis to a meeting of persons concerned for reporting the status of assets of a reorganizing company in the reorganization proceedings for a Mutual Company. In this case, the phrase "the items of paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "the items of paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to Article 221 of the Act on Special Measures"; and the

phrase "Article 46, paragraph (3), item (iii)" in paragraph (3) of that Article is deemed to be replaced with "Article 198, paragraph (3), item (iii) of the Act on Special Measures".

第四款　否認権
Subsection 4 Right of Avoidance

（更生債権者等を害する行為の否認）
(Avoidance of Acts Prejudicial to Unsecured and Secured Reorganization Creditors)

第二百二十三条　次に掲げる行為（担保の供与又は債務の消滅に関する行為を除く。）は、更生手続開始後、更生会社財産のために否認することができる。

Article 223 (1) The following acts (excluding acts concerning the provisions of security or extinguishment of debt) may be avoided in the interest of the assets of the reorganizing company after the commencement of reorganization proceedings:

一　更生会社が更生債権者等を害することを知ってした行為。ただし、これによって利益を受けた者が、その行為の当時、更生債権者等を害する事実を知らなかったときは、この限りでない。

(i) an act conducted by the reorganizing company while knowing that it would prejudice an unsecured or secured reorganization creditor; provided, however, that this does not apply where the person that has benefited from the act did not know, at the time of the act, the fact that it would prejudice any unsecured or secured reorganization creditor; and

二　更生会社が支払の停止又は更生手続開始、破産手続開始、再生手続開始若しくは特別清算開始の申立て（以下この条において「支払の停止等」という。）があった後にした更生債権者等を害する行為。ただし、これによって利益を受けた者が、その行為の当時、支払の停止等があったこと及び更生債権者等を害する事実を知らなかったときは、この限りでない。

(ii) an act that would prejudice an unsecured or secured reorganization creditor, conducted by the reorganizing company after the suspension of payments or the filing of a petition to commence reorganization proceedings, commencement of bankruptcy proceedings, commencement of rehabilitation proceedings or commencement of special liquidation (hereinafter referred to as "Suspension of Payments, etc." in this Article) took place; provided, however, that this does not apply where the person that has benefited from the act did not know, at the time of the act, the fact that Suspension of Payments, etc. had taken place nor the fact that the act would prejudice any unsecured or secured reorganization creditor.

2　更生会社がした債務の消滅に関する行為であって、債権者の受けた給付の価額が当該行為によって消滅した債務の額より過大であるものは、前項各号に掲げる要件のい

ずれかに該当するときは、更生手続開始後、その消滅した債務の額に相当する部分以外の部分に限り、更生会社財産のために否認することができる。

(2) With respect to an act concerning the extinguishment of debt conducted by the reorganizing company, if the value of the performance received by the creditor exceeds the amount of the debt extinguished by the act, and the act satisfies any of the requirements set forth in the items of the preceding paragraph, that act may be avoided in the interest of the assets of the reorganizing company after the commencement of reorganization proceedings only with regard to the part other than the part equivalent to the amount of the debt extinguished.

3　更生会社が支払の停止等があった後又はその前六月以内にした無償行為及びこれと同視すべき有償行為は、更生手続開始後、更生会社財産のために否認することができる。

(3) Any gratuitous act, or any onerous act that should be deemed to be equal to that gratuitous act, conducted by the reorganizing company after or within six months prior to Suspension of Payments, etc. may be avoided in the interest of the assets of the reorganizing company after the commencement of reorganization proceedings.

（相当の対価を得てした財産の処分行為の否認）

(Denying Acts of Disposing of Assets for Reasonable Consideration)

第二百二十三条の二　更生会社が、その有する財産を処分する行為をした場合において、その行為の相手方から相当の対価を取得しているときは、その行為は、次に掲げる要件のいずれにも該当する場合に限り、更生手続開始後、更生会社財産のために否認することができる。

Article 223-2 (1) When a reorganizing company, after conducting an act of disposing of its assets, has received reasonable consideration from the other party to the act, the act may be denied in the interest of the assets of the reorganizing company after the commencement of reorganization proceedings, if it satisfies all of the following requirements:

一　当該行為が、不動産の金銭への換価その他の当該処分による財産の種類の変更により、更生会社において隠匿、無償の供与その他の更生債権者等を害する処分（以下この条において「隠匿等の処分」という。）をするおそれを現に生じさせるものであること。

(i) the act has the actual risk that the reorganizing company would conceal, gratuitously convey or otherwise dispose of the assets in a manner prejudicial to unsecured or secured reorganization creditor (hereinafter referred to as "concealing or other disposal" in this Article) by realizing real property or otherwise changing the type of assets by way of the relevant disposition;

二　更生会社が、当該行為の当時、対価として取得した金銭その他の財産について、

隠匿等の処分をする意思を有していたこと。

(ii) the reorganizing company, at the time of the act, had the intention of concealing or other disposal of the money or any other assets that it received as consideration for the act; and

三　相手方が、当該行為の当時、更生会社が前号の隠匿等の処分をする意思を有していたことを知っていたこと。

(iii) the other party, at the time of the act, knew that the reorganizing company had the intention of concealing or other disposal referred to in the preceding item.

2　前項の規定の適用については、当該行為の相手方が更生会社の取締役、会計参与（会計参与が法人であるときは、その職務を行うべき社員を含む。）、監査役、執行役、会計監査人（会計監査人が法人であるときは、その職務を行うべき社員を含む。）又は清算人であるときは、その相手方は、当該行為の当時、更生会社が同項第二号の隠匿等の処分をする意思を有していたことを知っていたものと推定する。

(2) For the purpose of application of the provisions of the preceding paragraph, if the other party to the act in question is a director, accounting advisor (when the accounting advisor is a corporation, including any member that is supposed to carry out that corporation's duties), company auditor, executive officer, accounting auditor (when the accounting auditor is a corporation, including any member that is supposed to carry out that corporation's duties) or liquidator of a reorganizing company, the other party is presumed to have known, at the time of the act, that the reorganizing company had the intention of concealing or other disposal referred to in item (ii) of that paragraph.

（特定の債権者に対する担保の供与等の否認）

(Avoidance of Provision of Security to Specific Creditors)

第二百二十三条の三　次に掲げる行為（既存の債務についてされた担保の供与又は債務の消滅に関する行為に限る。）は、更生手続開始後、更生会社財産のために否認することができる。

Article 223-3 (1) The following acts (limited to acts concerning the provisions of security or extinguishment of debt conducted with regard to an existing debt) may be avoided in the interest of the assets of the reorganizing company after the commencement of reorganization proceedings:

一　更生会社が支払不能（更生会社が、支払能力を欠くために、その債務のうち弁済期にあるものにつき、一般的かつ継続的に弁済することができない状態をいう。以下この条において同じ。）になった後又は更生手続開始、破産手続開始、再生手続開始若しくは特別清算開始の申立て（以下この条において「更生手続開始の申立て等」という。）があった後にした行為。ただし、債権者が、その行為の当時、次のイ又はロに掲げる区分に応じ、それぞれ当該イ又はロに定める事実を知っていた場合に限る。

(i) an act conducted by the reorganizing company after it became unable to pay

debts (the condition in which the reorganizing company, due to the lack of ability to pay, is generally and continuously unable to pay its debts as they become due; hereinafter the same applies in this Article) or a petition to commence reorganization proceedings, commencement of bankruptcy proceedings, commencement of rehabilitation proceedings or commencement of special liquidation was filed (hereinafter referred to as a "petition to commence reorganization proceedings or other such procedures" in this Article); provided, however, that this apply only where the creditor, at the time of the act, knew either of the facts referred to in (a) or (b) below for the cases set forth in (a) or (b), respectively:

イ　当該行為が支払不能になった後にされたものである場合　支払不能であったこと又は支払の停止があったこと。

(a) where the act was conducted after the reorganizing company became unable to pay debts: the fact that the reorganizing company was unable to pay debts or suspended payments; or

ロ　当該行為が更生手続開始の申立て等があった後にされたものである場合　更生手続開始の申立て等があったこと。

(b) where the act was conducted after a petition to commence reorganization proceedings or other such procedures was filed: the fact that a petition to commence reorganization proceedings or other such procedures was filed;

二　更生会社の義務に属せず、又はその時期が更生会社の義務に属しない行為であって、支払不能になる前三十日以内にされたもの。ただし、債権者がその行為の当時他の更生債権者等を害する事実を知らなかったときは、この限りでない。

(ii) an act that is not included in the scope of the obligations of the reorganizing company in terms of the act itself or the time of performance of the act, which was conducted within 30 days before the reorganizing company became unable to pay debts; provided, however, that this does not apply if the creditor did not know, at the time of the act, the fact that it would prejudice other unsecured or secured reorganization creditors.

2　前項第一号の規定の適用については、次に掲げる場合には、債権者は、同号に掲げる行為の当時、同号イ又はロに掲げる場合の区分に応じ、それぞれ当該イ又はロに定める事実（同号イに掲げる場合にあっては、支払不能であったこと及び支払の停止があったこと）を知っていたものと推定する。

(2) For the purpose of application of the provisions of item (i) of the preceding paragraph, in the following cases, the creditor is presumed to have known, at the time of the act referred to in that item, either of the facts referred to in (a) or (b) below for the cases set forth in (a) or (b), respectively (in the case referred to in (a) of that item, both the fact that the reorganizing company was unable to pay debts and that the reorganizing company suspended payments):

一　債権者が更生会社の取締役、会計参与（会計参与が法人であるときは、その職務を行うべき社員を含む。）、監査役、執行役、会計監査人（会計監査人が法人であ

るときは、その職務を行うべき社員を含む。）又は清算人である場合
(i) where the creditor is a director, accounting advisor (when the accounting advisor is a corporation, including any member that is supposed to carry out that corporation's duties), company auditor, executive officer, accounting auditor (when the accounting auditor is a corporation, including any member that is supposed to carry out that corporation's duties) or liquidator of the reorganizing company; or

二　前項第一号に掲げる行為が更生会社の義務に属せず、又はその方法若しくは時期が更生会社の義務に属しないものである場合
(ii) where the act referred to in item (i) of the preceding paragraph is not included in the scope of the obligations of the reorganizing company in terms of the act itself or the means or time of performance of the act.

3　第一項各号の規定の適用については、支払の停止（更生手続開始の申立て等の前一年以内のものに限る。）があった後は、支払不能であったものと推定する。
(3) For the purpose of application of the provisions of the items of paragraph (1), after the suspension of payments took place (limited to suspension that took place within one year prior to the filing of a petition to commence reorganization proceedings or other such procedures), the reorganizing company is presumed to have been unable to pay debts.

（手形債務支払の場合等の例外）
(Exceptions to Payment of Debts on Negotiable Instruments)

第二百二十四条　前条第一項第一号の規定は、更生会社から手形の支払を受けた者がその支払を受けなければ手形上の債務者の一人又は数人に対する手形上の権利を失う場合には、適用しない。
Article 224 (1) The provisions of paragraph (1), item (i) of the preceding Article do not apply where a person that has received payment of a negotiable instrument from a reorganizing company would lose their right on the negotiable instrument against one or more debtors on the negotiable instrument unless they receive the payment.

2　前項の場合において、最終の償還義務者又は手形の振出しを委託した者が振出しの当時支払の停止等があったことを知り、又は過失によって知らなかったときは、管財人は、これらの者に更生会社が支払った金額を償還させることができる。
(2) In the case referred to in the preceding paragraph, if the final obligor for redemption or the person that had entrusted the drawing of the negotiable instrument knew or was negligent in not knowing, at the time of drawing, the fact that Suspension of Payments, etc. had taken place, a trustee may have these persons redeem the money paid by the reorganizing company to them.

3　前条第一項の規定は、更生会社が租税等の請求権（共助対象外国租税の請求権を除く。）又は第二百五十一条第二号に規定する更生手続開始前の罰金等の請求権につき、その徴収の権限を有する者に対してした担保の供与又は債務の消滅に関する行為には、

適用しない。

(3) The provisions of paragraph (1) of the preceding Article do not apply to any act concerning the provisions of security or extinguishment of debt, which is conducted by a reorganizing company with regard to a right to impose taxes or other charges (excluding a claim for a Foreign Tax Subject to Mutual Assistance) or a claim to a fine, etc. arising prior to the commencement of reorganization proceedings prescribed in Article 251, item (ii) for the person that has the power to collect the tax, etc. or fine.

（権利変動の対抗要件の否認）

(Denying Requirements of Perfection for Changes in Rights)

第二百二十五条　支払の停止等があった後権利の設定、移転又は変更をもって第三者に対抗するために必要な行為（仮登記又は仮登録を含む。）をした場合において、その行為が権利の設定、移転又は変更があった日から十五日を経過した後悪意でしたものであるときは、これを否認することができる。ただし、当該仮登記又は当該仮登録以外の仮登記又は仮登録があった後にこれらに基づいてされた本登記又は本登録については、この限りでない。

Article 225 (1) Where an act necessary for duly asserting the establishment, transfer or modification of a right against a third party (including a provisional registration) was conducted after Suspension of Payments, etc. took place, the act may be denied if it was conducted after 15 days had elapsed since the date of establishment, transfer or modification of the right, while knowing that Suspension of Payments, etc. had taken place; provided, however, that this does not apply to a definitive registration or definitive registration based on prior unavoidable provisional registration.

２　前項の規定は、権利取得の効力を生ずる登録について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a Registration based on which the acquisition of a right becomes effective.

（否認権行使の効果等）

(Effect of the Exercise of a Right of Avoidance)

第二百二十六条　会社更生法第八十九条から第九十八条までの規定は、相互会社の更生手続における否認権について準用する。この場合において、同法第九十条及び第九十一条第二項中「第八十六条第三項」とあるのは「更生特例法第二百二十三条第三項」と、同法第九十一条の二第一項及び第四項中「第八十六条第一項若しくは第三項又は第八十六条の二第一項」とあるのは「更生特例法第二百二十三条第一項若しくは第三項又は第二百二十三条の二第一項」と、同条第三項及び同法第九十三条第一項第二号中「第八十六条の二第二項各号に掲げる者のいずれか」とあるのは「更生会社の取締役、会計参与（会計参与が法人であるときは、その職務を行うべき社員を含む。）、監査役、執行役、会計監査人（会計監査人が法人であるときは、その職務を行うべき社員を含む。）又は清算人」と、同法第九十二条中「第八十六条の三第一項」とある

のは「更生特例法第二百二十三条の三第一項」と、同法第九十四条第一項中「第三十九条の二第一項」とあるのは「更生特例法第百九十四条の二第一項」と、同項及び同条第三項中「第四十四条第二項」とあるのは「更生特例法第百九十六条において準用する第四十四条第二項」と、同項中「第三十九条の二第二項」とあるのは「更生特例法第百九十四条の二第二項において準用する第三十九条の二第二項」と、同法第九十六条第四項中「第十条第三項本文」とあるのは「更生特例法第百七十五条において準用する第十条第三項本文」と、同法第九十七条第六項中「第二百三十四条第二号又は第五号」とあるのは「更生特例法第三百二十三条において準用する第二百三十四条第二号又は第五号」と、「第五十二条第四項」とあるのは「更生特例法第二百二条において準用する第五十二条第四項」と読み替えるものとする。

Article 226 The provisions of Article 89 to Article 98 of the Corporate Reorganization Act apply mutatis mutandis to the right of avoidance in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 86, paragraph (3)" in Article 90 and Article 91, paragraph (2) of that Act is deemed to be replaced with "Article 223, paragraph (3) of the Act on Special Measures"; the phrase "Article 86, paragraph (1) or (3) or Article 86-2, paragraph (1)" in Article 91-2, paragraphs (1) and (4) of that Act is deemed to be replaced with "Article 223, paragraph (1) or (3) or Article 223-2, paragraph (1) of the Act on Special Measures"; the phrase "any of the persons set forth in the items of Article 86-2, paragraph (2)" in paragraph (3) of that Article and Article 93, paragraph (1), item (ii) of that Act is deemed to be replaced with "director, accounting advisor (when the accounting advisor is a corporation, including any member that is supposed to carry out that corporation's duties), company auditor, executive officer, accounting auditor (when the accounting auditor is a corporation, including any member that is supposed to carry out that corporation's duties) or liquidator of the reorganizing company"; the phrase "Article 86-3, paragraph (1)" in Article 92 of that Act is deemed to be replaced with "Article 223-3, paragraph (1) of the Act on Special Measures"; the phrase "Article 39-2, paragraph (1)" in Article 94, paragraph (1) in that Act is deemed to be replaced with "Article 194-2, paragraph (1) of the Act on Special Measures"; the phrase "Article 44, paragraph (2)" in that paragraph and paragraph (3) of that Article is deemed to be replaced with "Article 44, paragraph (2) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures"; the phrase "Article 39-2, paragraph (2)" in that paragraph is deemed to be replaced with "Article 39-2, paragraph (2) as applied mutatis mutandis pursuant to Article 194-2, paragraph (2) of the Act on Special Measures"; the phrase "the main clause of Article 10, paragraph (3)" in Article 96, paragraph (4) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures"; the phrase "Article 234, item (ii) or (v)" in Article 97, paragraph (6) of that Act is deemed to be replaced with

"Article 234, item (ii) or (v) as applied mutatis mutandis pursuant to Article 323 of the Act on Special Measures"; and the phrase "Article 52, paragraph (4)" is deemed to be replaced with "Article 52, paragraph (4) as applied mutatis mutandis pursuant to Article 202 of the Act on Special Measures".

第二百二十七条　削除
Article 227 Deleted

第五款　更生会社の役員等の責任の追及
Subsection 5 Enforcing the Liability of a Reorganizing Company's Officers

（役員等の財産に対する保全処分）
(Provisional Remedy upon Assets of Officers)

第二百二十八条　会社更生法第九十九条の規定は、相互会社について更生手続開始の決定があった場合における保全処分について準用する。この場合において、同条第一項第二号中「会社法第五十二条第一項、第五十二条の二第一項若しくは第二項、第百三条第二項、第二百十三条第一項、第二百八十六条第一項又は第二百八十六条の三第一項」とあるのは「保険業法第三十条の十四において準用する会社法第五十二条第一項」と、同条第五項中「第十条第三項本文」とあるのは「更生特例法第百七十五条において準用する第十条第三項本文」と読み替えるものとする。

Article 228 The provisions of Article 99 of the Corporate Reorganization Act apply mutatis mutandis to a provisional remedy in cases where an order commencing reorganization proceedings for a Mutual Company is made. In this case, the phrase "Article 52, paragraph (1), Article 52-2, paragraph (1) or (2), Article 103, paragraph (2), Article 213, paragraph (1), Article 286, paragraph (1) or Article 286-3, paragraph (1) of the Companies Act" in paragraph (1), item (ii) of that Article is deemed to be replaced with "Article 52, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 30-14 of the Insurance Business Act"; and the phrase "the main clause of Article 10, paragraph (3)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

（役員等の責任の査定の申立て等）
(Petition for Assessment of Liability of Officers)

第二百二十九条　会社更生法第百条から第百三条までの規定は、前条において準用する同法第九十九条第一項各号に規定する請求権の査定について準用する。この場合において、同法第百条第一項中「前条第一項各号」とあるのは「更生特例法第二百二十八条において準用する前条第一項各号」と、同法第百一条第三項中「第十条第三項本文」とあるのは「更生特例法第百七十五条において準用する第十条第三項本文」と読

み替えるものとする。

Article 229 The provisions of Article 100 to Article 103 of the Corporate Reorganization Act apply mutatis mutandis to the assessment of right to claim prescribed in the items of Article 99, paragraph (1) of that Act as applied mutatis mutandis pursuant to the preceding Article. In this case, the phrase "the items of paragraph (1) of the preceding Article" in Article 100, paragraph (1) of that Act is deemed to be replaced with "the items of paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to Article 228 of the Act on Special Measures"; and the phrase "the main clause of Article 10, paragraph (3)" in Article 101, paragraph (3) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

第六款　担保権消滅の請求等
Subsection 6 Request to Extinguish a Security Interest

第一目　担保権消滅の請求
Division 1 Request to Extinguish a Security Interest

（担保権消滅許可の決定、価額決定の請求等）

(Order Permitting Extinguishment of a Security Interest; Request for Valuation)

第二百三十条　会社更生法第百四条から第百十二条までの規定は、相互会社の更生手続における担保権の消滅について準用する。この場合において、同法第百四条第四項及び第六項、第百六条第六項並びに第百十一条第五項中「第十条第三項本文」とあるのは「更生特例法第百七十五条において準用する第十条第三項本文」と、同法第百九条及び第百十一条第六項中「第七十二条第四項前段」とあるのは「更生特例法第二百十一条において準用する第七十二条第四項前段」と、同条第三項中「第百三十八条第一項」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項」と読み替えるものとする。

Article 230 The provisions of Article 104 to Article 112 of the Corporate Reorganization Act apply mutatis mutandis to the extinguishment of security interest in the reorganization proceedings of a Mutual Company. In this case, the phrase "the main clause of Article 10, paragraph (3)" in Article 104, paragraphs (4) and (6), Article 106, paragraph (6) and Article 111, paragraph (5) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures"; the phrase "the first sentence of Article 72, paragraph (4)" in Article 109 and Article 111, paragraph (6) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures"; and the phrase "Article 138, paragraph (1)" in paragraph (3) of that Article is deemed

to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

第二目　債権質の第三債務者の供託
Division 2 Deposit by the Third-Party Debtor of a Pledge on a Claim

第二百三十一条　会社更生法第百十三条の規定は、相互会社の更生手続における更生担保権に係る質権の目的である金銭債権の債務者について準用する。

Article 231 The provisions of Article 113 of the Corporate Reorganization Act apply mutatis mutandis to a debtor of the monetary claim that is the subject matter of the pledge in relation to a secured reorganization claim in the reorganization proceedings of a Mutual Company.

第七款　関係人集会
Subsection 7 Stakeholder Meetings

第二百三十二条　会社更生法第百十四条から第百十六条までの規定は、相互会社の更生手続における関係人集会について準用する。この場合において、同法第百十四条第一項第二号中「第百十七条第二項」とあるのは「更生特例法第二百三十三条第一項」と、同項第三号中「第百十七条第六項」とあるのは「更生特例法第二百三十三条第二項」と、同項第四号中「第百十七条第七項に規定する株主委員会」とあるのは「更生特例法第二百三十三条第三項に規定する社員委員会」と、同項第六号中「総株主の議決権の十分の一以上を有する」とあるのは「社員（第二百五十七条の届出をした社員に限る。以下この号において同じ。）の総数の十分の一以上に当たる数の」と、同法第百十五条第一項中「第四十二条第二項」とあるのは「更生特例法第百九十六条において準用する第四十二条第二項」と、同条第三項中「第四十六条第三項第三号」とあるのは「更生特例法第百九十八条第三項第三号」と読み替えるものとする。

Article 232 The provisions of Article 114 to Article 116 of the Corporate Reorganization Act apply mutatis mutandis to a meeting of persons concerned in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 117, paragraph (2)" in Article 114, paragraph (1), item (ii) of that Act is deemed to be replaced with "Article 233, paragraph (1) of the Act on Special Measures"; the phrase "Article 117, paragraph (6)" in item (iii) of that paragraph is deemed to be replaced with "Article 233, paragraph (2) of the Act on Special Measures"; the phrase "shareholders' committee prescribed in Article 117, paragraph (7)" in item (iv) of that paragraph is deemed to be replaced with "members' committee prescribed in Article 233, paragraph (3) of the Act on Special Measures"; the phrase "holds one-tenth or more of the voting rights of all shareholders" in item (vi) of that paragraph is deemed to be replaced with "are equivalent in number to one-tenth or more of all members (limited to members that filed a proof referred to in Article 257; hereinafter the

same applies in this item)"; the phrase "Article 42, paragraph (2)" in Article 115, paragraph (1) of that Act is deemed to be replaced with "Article 42, paragraph (2) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures"; and the phrase "Article 46, paragraph (3), item (iii)" in paragraph (3) of that Article is deemed to be replaced with "Article 198, paragraph (3), item (iii) of the Act on Special Measures".

第八款　更生債権者委員会及び代理委員等
Subsection 8 Reorganization Creditors Committees and Reorganization Creditors' Representatives

（更生債権者委員会等）
(Reorganization Creditors Committees)

第二百三十三条　会社更生法第百十七条第一項の規定は相互会社の更生手続において更生債権者をもって構成する委員会がある場合について、同条第二項から第五項までの規定はこの項において準用する同条第一項の規定により承認された委員会（以下この章において「更生債権者委員会」という。）がある場合について、それぞれ準用する。この場合において、同条第三項中「第七十二条第四項前段」とあるのは、「更生特例法第二百十一条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 233 (1) The provisions of Article 117, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a committee consisting of reorganization creditors in the reorganization proceedings of a Mutual Company, and the provisions of paragraphs (2) to (5) of that Article apply mutatis mutandis to the cases where there is a committee approved pursuant to the provisions of paragraph (1) of that Article as applied mutatis mutandis pursuant to this paragraph (hereinafter referred to as a "reorganization creditors committee" in this Chapter). In this case, the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

2　会社更生法第百十七条第一項の規定は相互会社の更生手続において更生担保権者をもって構成する委員会がある場合について、同条第二項から第五項までの規定はこの項において準用する同条第一項の規定により承認された委員会（以下この章において「更生担保権者委員会」という。）がある場合について、それぞれ準用する。この場合において、同条第三項中「第七十二条第四項前段」とあるのは、「更生特例法第二百十一条において準用する第七十二条第四項前段」と読み替えるものとする。

(2) The provisions of Article 117, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a committee consisting of secured reorganization creditors in the reorganization proceedings of a Mutual Company, and the provisions of paragraphs (2) to (5) of that Article

apply mutatis mutandis to the cases where there is a committee approved pursuant to the provisions of paragraph (1) of that Article as applied mutatis mutandis pursuant to this paragraph (hereinafter referred to as a "secured reorganization creditors committee" in this Chapter). In this case, the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

3　会社更生法第百十七条第一項の規定は相互会社の更生手続において社員をもって構成する委員会がある場合について、同条第二項から第五項までの規定はこの項において準用する同条第一項の規定により承認された委員会（以下この章において「社員委員会」という。）がある場合について、それぞれ準用する。この場合において、同条第三項中「第七十二条第四項前段」とあるのは、「更生特例法第二百十一条において準用する第七十二条第四項前段」と読み替えるものとする。

(3) The provisions of Article 117, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a committee consisting of members in the reorganization proceedings of a Mutual Company, and the provisions of paragraphs (2) to (5) of that Article apply mutatis mutandis to the cases where there is a committee approved pursuant to the provisions of paragraph (1) of that Article as applied mutatis mutandis pursuant to this paragraph (hereinafter referred to as a "members' committee" in this Chapter). In this case, the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (3) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

（更生債権者委員会の意見聴取等）

(Hearing of Opinions of a Reorganization Creditors Committee)

第二百三十四条　会社更生法第百十八条から第百二十条までの規定は、相互会社の更生手続において更生債権者委員会がある場合について準用する。この場合において、同法第百十八条第一項中「第七十二条第四項前段」とあるのは「更生特例法第二百十一条において準用する第七十二条第四項前段」と、同法第百十九条第一項中「第八十三条第三項若しくは第四項又は第八十四条」とあるのは「更生特例法第二百二十一条において準用する第八十三条第三項若しくは第四項又は第八十四条」と、同条第二項中「第十二条第一項」とあるのは「更生特例法第百七十六条において準用する第十二条第一項」と、同法第百二十条中「第八十四条第二項」とあるのは「更生特例法第二百二十一条において準用する第八十四条第二項」と読み替えるものとする。

Article 234　The provisions of Article 118 to Article 120 of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a reorganization creditors committee in the reorganization proceedings of a Mutual Company. In this case, the phrase "the first sentence of Article 72,

paragraph (4)" in Article 118, paragraph (1) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures"; the phrase "Article 83, paragraph (3) or (4) or Article 84" in Article 119, paragraph (1) of that Act is deemed to be replaced with "Article 83, paragraph (3) or (4) or Article 84 as applied mutatis mutandis pursuant to Article 221 of the Act on Special Measures"; the phrase "Article 12, paragraph (1)" in paragraph (2) of that Article is deemed to be replaced with "Article 12, paragraph (1) as applied mutatis mutandis pursuant to Article 176 of the Act on Special Measures"; the phrase "Article 84, paragraph (2)" in Article 120 of that Act is deemed to be replaced with "Article 84, paragraph (2) as applied mutatis mutandis pursuant to Article 221 of the Act on Special Measures for the Reorganization of Financial Institution".

（更生担保権者委員会及び社員委員会への準用）

(Application Mutatis Mutandis to Secured Reorganization Creditors Committee and Members' Committee)

第二百三十五条　会社更生法第百十八条から第百二十条までの規定は、相互会社の更生手続において更生担保権者委員会又は社員委員会がある場合について準用する。この場合において、同法第百十八条第一項中「第七十二条第四項前段」とあるのは「更生特例法第二百十一条において準用する第七十二条第四項前段」と、同法第百十九条第一項中「第八十三条第三項若しくは第四項又は第八十四条」とあるのは「更生特例法第二百二十一条において準用する第八十三条第三項若しくは第四項又は第八十四条」と、同条第二項中「第十二条第一項」とあるのは「更生特例法第百七十六条において準用する第十二条第一項」と、同法第百二十条中「第八十四条第二項」とあるのは「更生特例法第二百二十一条において準用する第八十四条第二項」と読み替えるものとする。

Article 235 The provisions of Article 118 to Article 120 of the Corporate Reorganization Act apply mutatis mutandis to the cases where there is a secured reorganization creditors committee or members' committee in the reorganization proceedings of a Mutual Company. In this case, the phrase "the first sentence of Article 72, paragraph (4)" in Article 118, paragraph (1) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures"; the phrase "Article 83, paragraph (3) or (4) or Article 84" in Article 119, paragraph (1) of that Act is deemed to be replaced with "Article 83, paragraph (3) or (4) or Article 84 as applied mutatis mutandis pursuant to Article 221 of the Act on Special Measures"; the phrase "Article 12, paragraph (1)" in paragraph (2) of that Article is deemed to be replaced with "Article 12, paragraph (1) as applied mutatis mutandis pursuant to Article 176 of the Act on Special Measures"; and the phrase "Article 84, paragraph (2)" in Article 120

of that Act is deemed to be replaced with "Article 84, paragraph (2) as applied mutatis mutandis pursuant to Article 221 of the Act on Special Measures".

（代理委員）
(Reorganization Creditors' Representatives)

第二百三十六条　会社更生法第百二十二条及び第百二十三条の規定は、相互会社の更生手続における代理委員の選任について準用する。

Article 236 The provisions of Article 122 and Article 123 of the Corporate Reorganization Act apply mutatis mutandis to the appointment of a reorganization creditors' representative in the reorganization proceedings of a Mutual Company.

（報償金等）
(Compensation)

第二百三十七条　会社更生法第百二十四条の規定は、相互会社の更生手続における費用の償還及び報償金の支払について準用する。

Article 237 The provisions of Article 124 of the Corporate Reorganization Act apply mutatis mutandis to the reimbursement of expenses and payment of compensation in the reorganization proceedings of a Mutual Company.

第九款　調査命令
Subsection 9 Examination Orders

（調査命令）
(Examination Orders)

第二百三十八条　裁判所は、更生手続開始後において、必要があると認めるときは、利害関係人の申立てにより又は職権で、次に掲げる事項の全部又は一部を対象とする調査委員による調査又は意見陳述を命ずる処分をすることができる。

Article 238 (1) After the commencement of reorganization proceedings, the court, when it finds it necessary, upon the petition of an interested person or by its own authority, may make a disposition to order an examination or a statement of opinion by an examiner regarding some or all of the following particulars:

一　第二百二十八条において準用する会社更生法第九十九条第一項の規定による保全処分又は第二百二十九条において準用する同法第百条第一項に規定する役員等責任査定決定を必要とする事情の有無及びその処分又は決定の要否

(i) whether or not there are circumstances that require a provisional remedy under the provisions of Article 99, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 228 or Ruling Evaluating Subject Officers' Liability prescribed in Article 100, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 229, and the necessity of the relevant order or ruling;

二　管財人の作成する貸借対照表及び財産目録の当否並びに更生会社の業務及び財産の管理状況その他裁判所の命ずる事項に関する管財人の報告の当否

(ii) whether or not the balance sheet and inventory of assets prepared by the trustee are appropriate, and whether or not the trustee's report on the status of the administration of the business and assets of the reorganizing company and any other particulars ordered by the court are appropriate;

三　更生計画案又は更生計画の当否

(iii) whether or not the proposed reorganization plan or reorganization plan is appropriate; and

四　その他更生事件に関し調査委員による調査又は意見陳述を必要とする事項

(iv) any other particulars requiring an examination or a statement of opinion by the examiner relating to the reorganization case.

2　裁判所は、前項の処分（以下この章において「調査命令」という。）をする場合には、当該調査命令において、一人又は数人の調査委員を選任し、かつ、調査委員の調査又は意見陳述の対象となるべき事項及び裁判所に対して報告又は陳述をすべき期間を定めなければならない。

(2) The court, when making the disposition referred to in the preceding paragraph (hereinafter referred to as an "examination order" in this Chapter), in the examination order, must appoint one or more examiners and specify the particulars that should be subject to an examination or a statement of opinion by the examiner(s) and the period during which they should make the report or statement to the court.

3　会社更生法第百二十五条第三項から第六項までの規定は、相互会社の更生手続における調査命令について準用する。この場合において、同項中「第十条第三項本文」とあるのは、「更生特例法第百七十五条において準用する第十条第三項本文」と読み替えるものとする。

(3) The provisions of Article 125, paragraphs (3) to (6) of the Corporate Reorganization Act apply mutatis mutandis to an examination order in the reorganization proceedings of a Mutual Company. In this case, the phrase "the main clause of Article 10, paragraph (3)" in that paragraph is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

（管財人に関する規定の調査委員への準用）

(Application Mutatis Mutandis of the Provisions on Trustees to Examiners)

第二百三十九条　第二百十九条第一項から第四項までの規定並びに会社更生法第六十七条第二項、第六十八条、第六十九条第一項本文、第七十七条及び第八十条の規定は、相互会社の更生手続における調査委員について準用する。この場合において、同法第七十七条第二項中「子会社（会社法第二条第三号に規定する子会社」とあるのは、「実質子会社（保険業法第三十三条の二第一項に規定する実質子会社」と読み替えるものとする。

Article 239 The provisions of Article 219, paragraphs (1) to (4) and the provisions of Article 67, paragraph (2), Article 68, the main clause of Article 69, paragraph (1), Article 77 and Article 80 of the Corporate Reorganization Act apply mutatis mutandis to an examiner in the reorganization proceedings of a Mutual Company. In this case, the phrase "subsidiary company (meaning a subsidiary company prescribed in Article 2, item (iii) of the Companies Act" in Article 77, paragraph (2) of that Act is deemed to be replaced with "substantive subsidiary company (meaning asubstantive subsidiary company prescribed in Article 33-2, paragraph (1) of the Insurance Business Act)".

第四節　共益債権及び開始後債権
Section 4 Common-Benefit Claims and Post-Commencement Claims

第一款　共益債権
Subsection 1 Common-Benefit Claims

（共益債権となる請求権）
(Rights to Claim in the Scope of Common-Benefit Claims)

第二百四十条　次に掲げる請求権は、共益債権とする。

Article 240 The following rights to claim are common-benefit claims:

一　更生債権者等及び社員の共同の利益のためにする裁判上の費用の請求権

(i) a claim to expenses for court proceedings for the common interest of unsecured or secured reorganization creditor and member;

二　更生手続開始後の更生会社の事業の経営並びに財産の管理及び処分に関する費用の請求権

(ii) a claim to expenses for the management of the business and the administration and disposition of the assets of a reorganizing company after the commencement of reorganization proceedings;

三　更生計画の遂行に関する費用の請求権（更生手続終了後に生じたものを除く。）

(iii) a claim to expenses involved in implementing the reorganization plan (excluding one arising after the end of reorganization proceedings);

四　第二百十九条第一項（第百八十九条第一項、第百九十三条、第二百十九条第五項及び前条において準用する場合を含む。）の規定、第二百三十三条において準用する会社更生法第百十七条第四項の規定、第二百三十六条において準用する同法第百二十三条第五項の規定、第二百三十七条において準用する同法第百二十四条第一項の規定並びに第二百五十五条において準用する同法第百六十二条の規定により支払うべき費用、報酬及び報償金の請求権

(iv) a claim to expenses, remuneration and compensation payable under the provisions of Article 219, paragraph (1) (including as applied mutatis mutandis pursuant to Article 189, paragraph (1), Article 193, Article 219, paragraph (5) and the preceding Article), the provisions of Article 117, paragraph (4) of the Corporate Reorganization Act as applied mutatis

mutandis pursuant to Article 233, the provisions of Article 123, paragraph (5) of that Act as applied mutatis mutandis pursuant to Article 236, the provisions of Article 124, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 237, and the provisions of Article 162 of that Act as applied mutatis mutandis pursuant to Article 255;

五　更生会社の業務及び財産に関し管財人又は更生会社（第二百十一条において準用する会社更生法第七十二条第四項前段の規定により更生会社の機関がその権限を回復した場合に限る。）が権限に基づいてした資金の借入れその他の行為によって生じた請求権

(v) a claim arising from the borrowing of funds or any other act conducted by the trustee or reorganizing company (limited to cases where authorities of the reorganizing company pursuant to the provisions of the first sentence of Article 72, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 211 restored its powers) with respect to the business and assets of the reorganizing company;

六　事務管理又は不当利得により更生手続開始後に更生会社に対して生じた請求権

(vi) a claim arising against the reorganizing company after the commencement of reorganization proceedings from management without mandate or unjust enrichment; and

七　更生会社のために支出すべきやむを得ない費用の請求権で、更生手続開始後に生じたもの（前各号に掲げるものを除く。）

(vii) a claim to unavoidable expenses that should be paid for the interest of the reorganizing company, which has arisen after the commencement of reorganization proceedings (other than one set forth in the preceding items).

（開始前の借入金等）

(Borrowings Prior to Commencement)

第二百四十一条　保全管理人が開始前会社の業務及び財産に関し権限に基づいてした資金の借入れその他の行為によって生じた請求権は、共益債権とする。

Article 241 (1) A right to claim arising from the borrowing of funds or any other act conducted by a provisional administrator as empowered with respect to the business and assets of a company awaiting reorganization proceedings is a common-benefit claim.

２　開始前会社（保全管理人が選任されているものを除く。以下この項及び第四項において同じ。）が、更生手続開始の申立て後更生手続開始前に、資金の借入れその他開始前会社の事業の継続に欠くことができない行為をする場合には、裁判所は、その行為によって生ずべき相手方の請求権を共益債権とする旨の許可をすることができる。

(2) Where a company awaiting reorganization proceedings (excluding one for which a provisional administrator is appointed; hereinafter the same applies in this paragraph and paragraph (4)), after a petition to commence reorganization proceedings is filed and before reorganization proceedings is commenced,

borrows funds or conducts any other act indispensable for the continuation of business of the company awaiting reorganization proceedings, the court may grant permission to the effect that the other party's right to claim arising from the act is a common-benefit claim.

３　裁判所は、監督委員に対し、前項の許可に代わる承認をする権限を付与することができる。

(3) The court may empower a supervisor to give approval in lieu of the permission referred to in the preceding paragraph.

４　開始前会社が第二項の許可又は前項の承認を得て第二項に規定する行為をしたときは、その行為によって生じた相手方の請求権は、共益債権とする。

(4) When a company awaiting reorganization proceedings has conducted any of the acts prescribed in paragraph (2) with the permission referred to in paragraph (2) or approval referred to in the preceding paragraph, the other party's right to claim arising from the act is a common-benefit claim.

（源泉徴収所得税等）

(Income Tax. Withheld at the Source)

第二百四十二条　更生会社に対して更生手続開始前の原因に基づいて生じた源泉徴収に係る所得税、消費税、酒税、たばこ税、揮発油税、地方揮発油税、石油ガス税、石油石炭税、地方消費税、申告納付の方法により徴収する道府県たばこ税（都たばこ税を含む。）及び市町村たばこ税（特別区たばこ税を含む。）並びに特別徴収義務者が徴収して納入すべき地方税の請求権で、更生手続開始当時まだ納期限の到来していないものは、共益債権とする。

Article 242　A right to claim income tax, consumption tax, liquor tax, tobacco tax, gasoline tax, local gasoline tax, liquefied petroleum gas tax, petroleum and coal tax and local consumption tax withheld at the source, prefectural tobacco tax (including tobacco tax imposed by the Tokyo metropolitan government) and municipal tobacco tax (including tobacco tax imposed in special wards) collected by means of self-assessment and payment, and local tax that should be collected and paid by a person under obligation of special collection, arising from a cause that has occurred prior to the commencement of reorganization proceedings against a reorganizing company, for which, by the time of the commencement of reorganization proceedings, the due date of payment has not yet arrived is a common-benefit claim.

（使用人の給料等）

(Salaries for Employees)

第二百四十三条　相互会社について更生手続開始の決定があった場合において、更生手続開始前六月間の当該相互会社の使用人の給料の請求権及び更生手続開始前の原因に基づいて生じた当該相互会社の使用人の身元保証金の返還請求権は、共益債権とする。

Article 243　(1) Where an order commencing reorganization proceedings for a

Mutual Company is made, a claim to salaries for employees of the Mutual Company for six months preceding the commencement of reorganization proceedings and a claim to the refund of the fidelity guarantee deposit of employees of the Mutual Company arising from a cause that has occurred prior to the commencement of reorganization proceedings is a common-benefit claim.

２　前項に規定する場合において、更生計画認可の決定前に退職した当該相互会社の使用人の退職手当の請求権は、退職前六月間の給料の総額に相当する額又はその退職手当の額の三分の一に相当する額のいずれか多い額を共益債権とする。

(2) In the case prescribed in the preceding paragraph, a claim to the severance pay of an employee of the Mutual Company that has retired prior to the order confirming the reorganization plan is a common-benefit claim for an amount equivalent to the total amount of the employee's salary for the six months preceding retirement or for an amount equivalent to one-third of the amount of the severance pay, whichever is larger.

３　前項の退職手当の請求権で定期金債権であるものは、同項の規定にかかわらず、各期における定期金につき、その額の三分の一に相当する額を共益債権とする。

(3) Notwithstanding the provisions of that paragraph, the right to claim severance pay referred to in the preceding paragraph which is a claim for periodic payments is a common-benefit claim for an amount equivalent to one-third of the amount of the periodic payments in each period.

４　前二項の規定は、第二百四十条の規定により共益債権とされる退職手当の請求権については、適用しない。

(4) The provisions of preceding two paragraphs do not apply to the right to claim severance pay deemed as a common-benefit claim pursuant to the provisions of Article 240.

５　第一項に規定する場合において、更生手続開始前の原因に基づいて生じた当該相互会社の使用人の預り金の返還請求権は、更生手続開始前六月間の給料の総額に相当する額又はその預り金の額の三分の一に相当する額のいずれか多い額を共益債権とする。

(5) In the case prescribed in paragraph (1), a claim to the return of a deposit of an employee of the Mutual Company arising from a cause that has occurred prior to the commencement of reorganization proceedings is a common-benefit claim for an amount equivalent to the total amount of the employee's salary for six months preceding the commencement of reorganization proceedings or for an amount equivalent to one-third of the amount of the deposit, whichever is larger.

（社債管理者等の費用及び報酬）

(Expenses and Remuneration of Bond Administrators)

第二百四十四条　会社更生法第百三十一条の規定は、第百九十六条において準用する同法第四十三条第一項第五号に規定する社債管理者等について準用する。

Article 244 The provisions of Article 131 of the Corporate Reorganization Act

apply mutatis mutandis to a bond administrator, etc. prescribed in Article 43, paragraph (1), item (v) of that Act as applied mutatis mutandis pursuant to Article 196.

（共益債権の取扱い）

(Handling of Common-Benefit Claims)

第二百四十五条　会社更生法第百三十二条及び第百三十三条の規定は、相互会社の更生手続における共益債権の取扱いについて準用する。この場合において、同法第百三十二条第三項中「第七十二条第四項前段」とあるのは、「更生特例法第二百十一条において準用する第七十二条第四項前段」と読み替えるものとする。

Article 245 The provisions of Article 132 and Article 133 of the Corporate Reorganization Act apply mutatis mutandis to the handling of a common-benefit claim in the reorganization proceedings of a Mutual Company. In this case, the phrase "the first sentence of Article 72, paragraph (4)" in Article 132, paragraph (3) of that Act is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures".

第二款　開始後債権
Subsection 2 Post-Commencement Claims

第二百四十六条　更生手続開始後の原因に基づいて生じた財産上の請求権（共益債権又は更生債権等であるものを除く。）は、開始後債権とする。

Article 246 (1) A right to claim assets arising from a cause that has occurred after the commencement of reorganization proceedings (excluding one that is a common-benefit claim or reorganization claim, etc.) is a post-commencement claim.

２　会社更生法第百三十四条第二項及び第三項の規定は、相互会社の更生手続における開始後債権について準用する。

(2) The provisions of Article 134, paragraphs (2) and (3) of the Corporate Reorganization Act apply mutatis mutandis to a post-commencement claim in the reorganization proceedings of a Mutual Company.

第五節　更生債権者及び更生担保権者
Section 5 Reorganization Creditors and Secured Reorganization Creditors

第一款　更生債権者及び更生担保権者の手続参加
Subsection 1 Participation of Reorganization Creditors and Secured Reorganization Creditors in the Reorganization Process

第二百四十七条　会社更生法第百三十五条第一項、第百三十六条及び第百三十七条の規

定は、相互会社の更生手続における更生債権者等の更生手続への参加について準用する。この場合において、同法第百三十六条第二項第五号中「第百四十二条第二号」とあるのは、「更生特例法第二百五十一条第二号」と読み替えるものとする。

Article 247 (1) The provisions of Article 135, paragraph (1), Article 136 and Article 137 of the Corporate Reorganization Act apply mutatis mutandis to, in the reorganization proceedings of a Mutual Company, the participation of unsecured or secured reorganization creditor in reorganization proceedings. In this case, the phrase "Article 142, item (ii)" in Article 136, paragraph (2), item (v) of that Act is deemed to be replaced with "Article 251, item (ii) of the Act on Special Measures".

2　破産法第百四条及び第百五条の規定は、相互会社について更生手続が開始された場合における更生債権者等の権利の行使について準用する。この場合において、同法第百四条及び第百五条中「破産手続開始」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第百六十九条第一項に規定する更生手続をいう。）開始」と、同法第百四条第一項、第三項及び第四項並びに第百五条中「破産手続に」とあるのは「更生手続（金融機関等の更生手続の特例等に関する法律第百六十九条第一項に規定する更生手続をいう。）に」と、同法第百四条第三項から第五項までの規定中「破産者」とあるのは「更生会社（金融機関等の更生手続の特例等に関する法律第百六十九条第七項に規定する更生会社をいう。）」と、同条第四項中「破産債権者」とあるのは「更生債権者等（金融機関等の更生手続の特例等に関する法律第百六十九条第十三項に規定する更生債権者等をいう。）」と読み替えるものとする。

(2) The provisions of Article 104 and Article 105 of the Bankruptcy Act apply mutatis mutandis to the exercise of rights by an unsecured or secured reorganization creditor in cases where reorganization proceedings for a Mutual Company are commenced. In this case, the phrase "commencement of bankruptcy proceedings" in Article 104 and Article 105 of that Act is deemed to be replaced with "commencement of reorganization proceedings (meaning reorganization proceedings prescribed in Article 169, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "in bankruptcy proceedings " in Article 104, paragraphs (1), (3) and (4) and Article 105 of that Act is deemed to be replaced with "in reorganization proceedings (meaning reorganization proceedings prescribed in Article 169, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; the phrase "the bankrupt" in the provisions of Article 104, paragraphs (3) to (5) of that Act is deemed to be replaced with "reorganizing company (meaning reorganizing company prescribed in Article 169, paragraph (7) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)"; and the phrase "bankruptcy creditor" in paragraph (4) of that Article is deemed to be replaced with "unsecured or secured reorganization creditor (meaning unsecured or secured reorganization creditor prescribed in Article 169,

paragraph (13) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions)".

3　第一項において準用する会社更生法第百三十五条第一項の規定にかかわらず、共助対象外国租税の請求権をもって更生手続に参加するには、共助実施決定を得なければならない。

(3) Notwithstanding the provisions of Article 135, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to paragraph (1), in order to participate in reorganization proceedings by reason of a claim for a Foreign Tax Subject to Mutual Assistance, a Decision of Implementation of Mutual Assistance is required.

4　第一項において準用する会社更生法第百三十六条第一項の規定にかかわらず、更生会社が更生手続開始の時においてその財産をもって基金に係る更生債権に優先する債権に係る債務を完済することができない状態にあるときは、当該基金の拠出者は、議決権を有しない。

(4) Notwithstanding the provisions of Article 136, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to paragraph (1), where a reorganizing company, at the time of the commencement of reorganization proceedings, is unable to pay its debts in full with its assets with regard to claims that take preference over a reorganization claim on the funds, the contributor to the relevant funds is not entitled to vote.

第二款　更生債権及び更生担保権の届出
Subsection 2 Reporting Reorganization Claims and Secured Reorganization Claims

（更生債権等の届出）

(Reporting an Unsecured or Secured Reorganization Claim)

第二百四十八条　会社更生法第百三十八条及び第百三十九条の規定は、相互会社の更生手続における更生債権等の届出について準用する。この場合において、同法第百三十八条第一項中「第四十二条第一項」とあるのは「更生特例法第百九十六条において準用する第四十二条第一項」と、同項第一号中「原因」とあるのは「原因（更生債権が保険契約に係る債権である場合において、当該保険契約が保険契約者を社員とするものであるときは、その旨を含む。）」と、同項第二号中「又は約定劣後更生債権」とあるのは「、約定劣後更生債権又は基金に係る更生債権」と読み替えるものとする。

Article 248　The provisions of Article 138 and Article 139 of the Corporate Reorganization Act apply mutatis mutandis to the reporting of an unsecured or secured reorganization claim in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 42, paragraph (1)" in Article 138, paragraph (1) of that Act is deemed to be replaced with "Article 42, paragraph (1) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures"; the phrase "grounds" in item (i) of that paragraph is deemed to be

replaced with "grounds (in cases where the reorganization claim is a claim in relation to an insurance contract, if it is arranged that the policyholder of the insurance contract is a member, including a statement to that effect)"; and the phrase "or consensually-subordinated a reorganization claim" in item (ii) of that paragraph is deemed to be replaced with ", consensually-subordinated a reorganization claim or a reorganization claim on the funds".

（退職手当の請求権の届出の特例）

(Special Provisions on Filing of Proofs of Rights to Claim Severance Pay)

第二百四十九条　会社更生法第百四十条第一項及び第二項の規定は、相互会社の更生手続における更生会社の取締役、会計参与、監査役、代表取締役、執行役、代表執行役、清算人、代表清算人又は使用人の退職手当の請求権について準用する。この場合において、同項中「第百三十八条第一項」とあるのは、「更生特例法第二百四十八条において準用する第百三十八条第一項」と読み替えるものとする。

Article 249 The provisions of Article 140, paragraphs (1) and (2) of the Corporate Reorganization Act apply mutatis mutandis to the right to claim the severance pay of any director, accounting advisor, company auditor, representative director, executive officer, representative executive officer, liquidator, representative liquidator or employee of a reorganizing company in the reorganization proceedings for a Mutual Company. In this case, the phrase "Article 138, paragraph (1)" in that paragraph is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

（届出名義の変更）

(Change of Name of the Holder of a Filed Claim)

第二百五十条　会社更生法第百四十一条の規定は、相互会社の更生手続における届出をした更生債権等（更生債権が保険契約に係る債権である場合においては、当該保険契約に係る社員権を含む。）を取得した者について準用する。この場合において、同条中「第百三十八条第一項」とあるのは、「更生特例法第二百四十八条において準用する第百三十八条第一項」と読み替えるものとする。

Article 250 The provisions of Article 141 of the Corporate Reorganization Act apply mutatis mutandis to a person that has acquired a filed reorganization claim, etc. (in cases where the reorganization claim is a claim in relation to an insurance contract, including the membership right in relation to the insurance contract) in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 138, paragraph (1)" in that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

（租税等の請求権等の届出）

(Filing Notification of the Right to Impose Taxes or Other Charges)

第二百五十一条　次に掲げる請求権を有する者は、遅滞なく、当該請求権の額、原因及び担保権の内容並びに当該請求権が共助対象外国租税の請求権である場合にはその旨を裁判所に届け出なければならない。

Article 251 A person that holds any of the following rights to claim must file a proof to the court, without delay, with regard to the amount and cause of that right to claim, the content of any security interest, and if the claim in question is a claim for a Foreign Tax Subject to Mutual Assistance, a statement to that effect:

一　租税等の請求権

(i) the right to impose taxes or other charges; and

二　更生手続開始前の罰金等の請求権（更生手続開始前の罰金、科料、刑事訴訟費用、追徴金又は過料の請求権であって、共益債権に該当しないものをいう。）

(ii) a claim to fines, etc. arising prior to the commencement of reorganization proceedings (meaning the right to claim a fine, petty fine, court costs for a criminal case, collection of equivalent value or civil fine arising prior to the commencement of reorganization proceedings that does not fall under the category of a common-benefit claim).

第二百五十二条　削除

Article 252 Deleted

第三款　更生債権及び更生担保権の調査及び確定

Subsection 3 Investigation and Finalization of Reorganization Claims and Secured Reorganization Claims

第一目　更生債権及び更生担保権の調査

Division 1 Investigation of Reorganization Claims and Secured Reorganization Claims

（更生債権者表及び更生担保権者表の作成等）

(Preparation of Schedule of Reorganization Creditors and Schedule of Secured Reorganization Creditors)

第二百五十三条　裁判所書記官は、届出があった更生債権等について、更生債権者表及び更生担保権者表を作成しなければならない。

Article 253 (1) A court clerk must prepare a schedule of reorganization creditors and a schedule of secured reorganization creditors with regard to a filed unsecured or secured reorganization claim.

２　前項の更生債権者表には、各更生債権について、第二百四十八条において準用する会社更生法第百三十八条第一項第一号から第三号までに掲げる事項その他最高裁判所規則で定める事項を記載しなければならない。

(2) In the schedule of reorganization creditors referred to in the preceding

paragraph, for each reorganization claim, the particulars set forth in Article 138, paragraph (1), items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 248, and any other particulars specified by Rules of the Supreme Court must be entered.

3　第一項の更生担保権者表には、各更生担保権について、第二百四十八条において準用する会社更生法第百三十八条第二項第一号から第三号までに掲げる事項その他最高裁判所規則で定める事項を記載しなければならない。

(3) In the schedule of secured reorganization creditors referred to in paragraph (1), for each secured reorganization claim, the particulars set forth in Article 138, paragraph (2), items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 248, and any other particulars specified by Rules of the Supreme Court must be entered.

4　更生債権者表又は更生担保権者表の記載に誤りがあるときは、裁判所書記官は、申立てにより又は職権で、いつでもその記載を更正する処分をすることができる。

(4) If there are any errors in the entries in the schedule of reorganization creditors or schedule of secured reorganization creditors, a court clerk, upon petition or by their own authority, may make a disposition to correct the statements at any time.

（更生債権等の調査）

(Investigation of an Unsecured or Secured Reorganization Claim)

第二百五十四条　会社更生法第百四十五条から第百五十条までの規定は、相互会社の更生手続における更生債権等（更生債権が保険契約に係る債権である場合においては、当該保険契約に係る社員権を含む。）の調査について準用する。この場合において、同法第百四十五条中「前条第二項及び第三項」とあるのは「更生特例法第二百五十三条第二項及び第三項」と、同法第百四十六条第一項及び第百四十七条第三項中「第百三十八条第一項」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項」と、同法第百四十六条第一項第一号中「又は約定劣後更生債権」とあるのは「、約定劣後更生債権又は基金に係る更生債権」と、「議決権の額」とあるのは「議決権の額並びに当該更生債権が保険契約に係る債権である場合（当該保険契約が保険契約者を社員とするものである旨の届出があった場合に限る。）においては社員権及びその議決権」と、同条第二項及び同法第百四十八条第一項中「第百三十九条第一項若しくは第三項」とあるのは「更生特例法第二百四十八条において準用する第百三十九条第一項若しくは第三項」と、同法第百四十六条第三項中「第四十二条第一項」とあるのは「更生特例法第百九十六条において準用する第四十二条第一項」と、同法第百四十九条第一項中「第百四十条第二項（同条第三項において準用する場合を含む。）」とあるのは「更生特例法第二百四十九条において準用する第百四十条第二項」と、「第百三十九条第五項」とあるのは「更生特例法第二百四十八条において準用する第百三十九条第五項」と読み替えるものとする。

Article 254　The provisions of Article 145 to Article 150 of the Corporate Reorganization Act apply mutatis mutandis to an investigation of a

reorganization claim, etc. (in cases where the reorganization claim is a claim in relation to an insurance contract, including the membership right in relation to the insurance contract) in the reorganization proceedings of a Mutual Company. In this case, the phrase "paragraphs (2) and (3) of the preceding Article" in Article 145 of that Act is deemed to be replaced with "Article 253, paragraphs (2) and (3) of the Act on Special Measures)"; the phrase "Article 138, paragraph (1)" in Article 146, paragraph (1) and Article 147, paragraph (3) of that Act is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "or consensually-subordinated a reorganization claim" in Article 146, paragraph (1), item (i) of that Act is deemed to be replaced with ", consensually-subordinated a reorganization claim and a reorganization claim on the funds"; the phrase " the amount of voting rights" is deemed to be replaced with "the amount of voting rights and in cases where the reorganization claim is a claim in relation to an insurance contract (limited to cases where a notification to the effect that the policyholder of the insurance contract is a member has been made), membership rights and the voting rights"; the phrase "Article 139, paragraph (1) or (3)" in paragraph (2) of that Article and Article 148, paragraph (1) of that Act is deemed to be replaced with "Article 139, paragraph (1) or (3) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 42, paragraph (1)" in Article 146, paragraph (3) of that Act is deemed to be replaced with "Article 42, paragraph (1) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures"; the phrase "Article 140, paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) of that Article)" in Article 149, paragraph (1) of that Act is deemed to be replaced with "Article 140, paragraph (2) as applied mutatis mutandis pursuant to Article 249 of the Act on Special Measures"; and the phrase "Article 139, paragraph (5)" is deemed to be replaced with "Article 139, paragraph (5) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

第二目　更生債権及び更生担保権の確定のための裁判手続
Division 2 Court Proceedings to Finalize Reorganization Claims and Secured Reorganization Claims

（更生債権等査定決定等）

(Assessment Orders for an Unsecured or Secured Reorganization Claim)

第二百五十五条　会社更生法第百五十一条から第百六十三条までの規定は、相互会社の更生手続における更生債権等（更生債権が保険契約に係る債権である場合においては、当該保険契約に係る社員権を含む。）の確定について準用する。この場合において、同法第百五十一条第一項及び第三項並びに第百五十六条第一項中「又は約定劣後更生

債権」とあるのは「、約定劣後更生債権又は基金に係る更生債権」と、同法第百五十一条第一項中「第百四十九条第三項前段」とあるのは「更生特例法第二百五十四条において準用する第百四十九条第三項前段」と、同条第二項及び第百五十八条第三項中「第百四十九条第四項」とあるのは「更生特例法第二百五十四条において準用する第百四十九条第四項」と、同法第百五十一条第五項及び第百五十四条第四項中「第十条第三項本文」とあるのは「更生特例法第百七十五条において準用する第十条第三項本文」と、同法第百五十二条第三項中「第五条第六項」とあるのは「更生特例法第百七十二条において準用する第五条第六項」と、「第七条第三号」とあるのは「更生特例法第百七十三条において準用する第七条第三号」と、「第五条第一項」とあるのは「更生特例法第百七十二条において準用する第五条第一項」と、同法第百五十四条第五項第一号中「第百三十八条第二項第二号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第二項第二号」と、同法第百五十七条中「第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」と、同法第百五十八条第四項中「第百四十七条第一項又は第百四十八条第四項」とあるのは「更生特例法第二百五十四条において準用する第百四十七条第一項又は第百四十八条第四項」と、同法第百六十三条第五項中「第五十二条第四項」とあるのは「更生特例法第二百二条において準用する第五十二条第四項」と読み替えるものとする。

Article 255 The provisions of Article 151 to Article 163 of the Corporate Reorganization Act apply mutatis mutandis to the determination of a reorganization claim, etc. (in cases where the reorganization claim is a claim in relation to an insurance contract, including the membership right in relation to the insurance contract) in the reorganization proceedings of a Mutual Company. In this case, the phrase "or consensually-subordinated a reorganization claim" in Article 151, paragraph (1), items (i) and (iii) and Article 156, paragraph (1) of that Act is deemed to be replaced with ", consensually-subordinated a reorganization claim or a reorganization claim on the funds; the phrase "the first sentence of Article 149, paragraph (3)" in Article 151, paragraph (1) of that Act is deemed to be replaced with "the first sentence of Article 149, paragraph (3) as applied mutatis mutandis pursuant to Article 254 of the Act on Special Measures"; the phrase "Article 149, paragraph (4)" in paragraph (2) of that Article and Article 158, paragraph (3) is deemed to be replaced with "Article 149, paragraph (4) as applied mutatis mutandis pursuant to Article 254 of the Act on Special Measures; the phrase "the main clause of Article 10, paragraph (3)" in Article 151, paragraph (5) and Article 154, paragraph (4) of that Act is deemed to be replaced with "the main clause of Article 10, paragraph (3) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures"; the phrase "Article 5, paragraph (6)" in Article 152, paragraph (3) of that Act is deemed to be replaced with "Article 5, paragraph (6) as applied mutatis mutandis pursuant to Article 172 of the Act on Special

Measures"; the phrase "Article 7, item (iii)" is deemed to be replaced with "Article 7, item (iii) as applied mutatis mutandis pursuant to Article 173 of the Act on Special Measures"; the phrase "Article 5, paragraph (1)" is deemed to be replaced with "Article 5, paragraph (1) as applied mutatis mutandis pursuant to Article 172 of the Act on Special Measures"; the phrase "Article 138, paragraph (2), item (ii)" in Article 154, paragraph (5), item (i) of that Act is deemed to be replaced with "Article 138, paragraph (2), item (ii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), items (i) and (ii) and paragraph (2), items (i) and (ii)" in Article 157 of that Act is deemed to be replaced with "Article 138, paragraph (1), items (i) and (ii) and paragraph (2), items (i) and (ii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 147, paragraph (1) or Article 148, paragraph (4)" in Article 158, paragraph (4) of that Act is deemed to be replaced with "Article 147, paragraph (1) or Article 148, paragraph (4) as applied mutatis mutandis pursuant to Article 254 of the Act on Special Measures"; and the phrase "Article 52, paragraph (4)" in Article 163, paragraph (5) of that Act is deemed to be replaced with "Article 52, paragraph (4) as applied mutatis mutandis pursuant to Article 202 of the Act on Special Measures".

第三目　租税等の請求権等についての特例
Division 3 Special Provisions on the Right to Impose Taxes and Other Charges

第二百五十六条　会社更生法第百六十四条第一項から第四項までの規定は、相互会社の更生手続における租税等の請求権及び第二百五十一条第二号に規定する更生手続開始前の罰金等の請求権について準用する。この場合において、同法第百六十四条第一項中「前二款（第百四十四条を除く。）」とあるのは「更生特例法第三章第五節第三款第一目及び第二目（更生特例法第二百五十三条を除く。）」と、同条第二項中「第百四十二条」とあるのは「更生特例法第二百五十一条」と読み替えるものとする。

Article 256 (1) The provisions of Article 164, paragraphs (1) to (4) of the Corporate Reorganization Act apply mutatis mutandis to the right to impose taxes or other charges in the reorganization proceedings of a Mutual Company and the right to claim fines, etc. arising prior to the commencement of reorganization proceedings prescribed in Article 251, item (ii). In this case, the phrase "the preceding two subsections (excluding Article 144)" in Article 164, paragraph (1) of that Act is deemed to be replaced with "Chapter III, Section 5, Subsection 3, Division 1 and Division 2 of the Act on Special Measures (excluding Article 253 of the Act on Special Measures)"; and the phrase "Article 142" in paragraph (2) of that Article is deemed to be replaced with "Article 251 of the Act on Special Measures".

２　会社更生法第百五十条第二項の規定は第二百五十一条の規定による届出があった請求権について、同法第百五十七条、第百六十条及び第百六十一条第一項の規定は前項において準用する同法第百六十四条第二項の規定による異議又は同条第三項の規定による受継があった場合について、それぞれ準用する。この場合において、同法第百五十七条中「第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」とあるのは、「更生特例法第二百四十八条において準用する第百三十八条第一項第一号及び第二号並びに第二項第一号及び第二号」と読み替えるものとする。

(2) The provisions of Article 150, paragraph (2) of the Corporate Reorganization Act apply mutatis mutandis to a filed right to claim under the provisions of Article 251, and the provisions of Article 157, Article 160 and Article 161, paragraph (1) of that Act apply mutatis mutandis to the cases where an objection is made under the provisions of Article 164, paragraph (2) of that Act as applied mutatis mutandis pursuant to the preceding paragraph or an action is taken over under the provisions of paragraph (3) of that Article. In this case, the phrase "Article 138, paragraph (1), items (i) and (ii) and paragraph (2), items (i) and (ii)" in Article 157 of that Act is deemed to be replaced with "Article 138, paragraph (1), items (i) and (ii) and paragraph (2), items (i) and (ii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

第六節　社員
Section 6 Members

（社員の手続参加）

(Member's Participation in the Reorganization Process)

第二百五十七条　社員は、保険契約に係る債権の届出をした場合（当該保険契約が保険契約者を社員とするものである旨を届け出た場合に限る。）は、その有する社員権をもって更生手続に参加することができる。

Article 257　A member that filed a proof of claim in relation to an insurance contract (limited to cases where a notification of the fact that the insurance contract specifies members as policyholders has been made) may participate in the reorganization proceedings by reason of their membership rights.

（社員の議決権）

(Member's Voting Rights)

第二百五十八条　社員は、各々一個の議決権を有する。

Article 258　(1) Each member has one voting right.

２　前項の規定にかかわらず、更生会社が更生手続開始の時においてその財産をもって債務を完済することができない状態にあるときは、社員は、議決権を有しない。

(2) Notwithstanding the provisions of the preceding paragraph, when a reorganizing company finds it impossible to pay its debts in full with its assets

at the time of the commencement of reorganization proceedings, its members are not entitled to vote.

第七節　更生計画の作成及び認可
Section 7 Preparation and Confirmation of a Reorganization Plan
第一款　更生計画の条項
Subsection 1 Provisions of a Reorganization Plan

（更生計画において定める事項）
(Particulars to Be Provided for in a Reorganization Plan)

第二百五十九条　更生計画においては、次に掲げる事項に関する条項を定めなければならない。

Article 259 (1) In a reorganization plan, provisions must be made with respect to the following particulars:

一　全部又は一部の更生債権者等又は社員の権利の変更

(i) modification of some or all of the rights of unsecured or secured reorganization creditors or members;

二　更生会社の取締役、会計参与、監査役、執行役、会計監査人及び清算人

(ii) director, accounting advisor, company auditor, executive officer, accounting auditor and liquidator of a reorganizing company;

三　共益債権の弁済

(iii) payment of common-benefit claims;

四　債務の弁済資金の調達方法

(iv) means of raising funds to pay debt;

五　更生計画において予想された額を超える収益金の使途

(v) use of earnings exceeding the amount expected in the reorganization plan;

六　次のイ及びロに掲げる金銭の額又は見込額及びこれらの使途

(vi) amount or estimated amount and use of money referred to in (a) and (b) below:

イ　第二百一条において準用する会社更生法第五十一条第一項本文に規定する手続又は処分における配当等に充てるべき金銭の額又は見込額

(a) amount or estimated amount of money to be allocated for distribution, etc. in the proceedings or disposition prescribed in the main clause of Article 51, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 201; and

ロ　第二百三十条において準用する会社更生法第百八条第一項の規定により裁判所に納付された金銭の額（第二百三十条において準用する同法第百十二条第二項の場合にあっては、同項の規定により裁判所に納付された金銭の額及び第二百三十条において準用する同法第百十一条第一項の決定において定める金額の合計額）

(b) amount of money paid to the court pursuant to the provisions of Article 108, paragraph (1) of the Corporate Reorganization Act as applied mutatis

mutandis pursuant to Article 230 (in the case of Article 112, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 230, the total of the amount of money paid to the court pursuant to the provisions of that paragraph and the amount specified in the order referred to in Article 111, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 230).

七　知れている開始後債権があるときは、その内容

(vii) the content of known post-commencement claims, if there is any.

2　第二百十一条において準用する会社更生法第七十二条第四項前段に定めるもののほか、更生計画においては、第百九十七条第一項各号に掲げる行為、定款の変更、事業譲渡等（保険業法第六十二条の二第一項第一号から第三号までに掲げる行為をいう。第二百六十二条第四号及び第三百一条の二において同じ。）、業務及び財産の管理の委託（保険業法第百四十四条第一項に規定する業務及び財産の管理の委託をいう。以下この章及び次章第二節において同じ。）、相互会社又は株式会社の設立その他更生のために必要な事項に関する条項を定めることができる。

(2) Beyond what is provided for in the first sentence of Article 72, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 211, the reorganization plan may specify clauses on any of the acts set forth in the items of Article 197, paragraph (1), amendment of the articles of incorporation, business transfer, etc. (meaning the acts referred to in Article 62-2, paragraph (1), items (i) to (iii) of the Insurance Business Act; hereinafter the same applies in Article 262, item (iv) and Article 301-2), entrustment of business and property administration (meaning entrustment of business and property administration prescribed in Article 144, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Chapter and Section 2 of the following Chapter), the establishment of a Mutual Company or Stock Company and any other particulars required for reorganization.

（更生計画による権利の変更）

(Modification of Rights Based on a Reorganization Plan)

第二百六十条　次に掲げる種類の権利を有する者についての更生計画の内容は、同一の種類の権利を有する者の間では、それぞれ平等でなければならない。ただし、不利益を受ける者の同意がある場合又は少額の更生債権等若しくは第二百四十七条第一項において準用する会社更生法第百三十六条第二項第一号から第三号までに掲げる請求権について別段の定めをしても衡平を害しない場合その他同一の種類の権利を有する者の間に差を設けても衡平を害しない場合は、この限りでない。

Article 260 (1) The content of a reorganization plan for persons that have the following types of rights must be equal among persons that have the same type of rights; provided, however, that this does not apply where any person that will suffer detriment has given consent or where equity will not be undermined even if the Plan otherwise provides for a small reorganization claim, etc. or any

of the rights to claim set forth in Article 136, paragraph (2), items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 247, paragraph (1) or any other difference in handling of persons that have the same type of rights:

一　更生担保権

(i) secured reorganization claims;

二　一般の先取特権その他一般の優先権がある更生債権

(ii) a reorganization claim for which a general statutory lien or any other general priority exists;

三　前号、次号及び第五号に掲げるもの以外の更生債権

(iii) a reorganization claim other than those set forth in the preceding item, the following item and item (v);

四　約定劣後更生債権

(iv) a consensually-subordinated reorganization claim;

五　基金に係る更生債権

(v) a reorganization claim on the funds; and

六　社員権

(vi) membership rights.

2　前項第二号の更生債権について、優先権が一定の期間内の債権額につき存在する場合には、その期間は、更生手続開始の時からさかのぼって計算する。

(2) Where a priority exists with regard to the amount of a reorganization claim referred to in item (ii) of the preceding paragraph arising for a specific period of time, that period is calculated from the time of the commencement of reorganization proceedings.

3　会社更生法第百六十八条第三項から第七項まで及び第百六十九条から第百七十二条までの規定は、相互会社の更生手続における更生計画について準用する。この場合において、同法第百六十八条第三項中「第一項各号」とあるのは「更生特例法第二百六十条第一項各号」と、同条第四項及び第七項中「第百四十二条第二号」とあるのは「更生特例法第二百五十一条第二号」と、同法第百七十二条中「第百五十一条第一項本文」とあるのは「更生特例法第二百五十五条において準用する第百五十一条第一項本文」と読み替えるものとする。

(3) The provisions of Article 168, paragraphs (3) to (7) and Article 169 to Article 172 of the Corporate Reorganization Act apply mutatis mutandis to a reorganization plan in the reorganization proceedings of a Mutual Company. In this case, the phrase "the items of paragraph (1)" in Article 168, paragraph (3) of that Act is deemed to be replaced with "the items of Article 260, paragraph (1) of the Act on Special Measures"; the phrase "Article 142, item (ii)" in paragraphs (4) and (7) of that Article is deemed to be replaced with "Article 251, item (ii) of the Act on Special Measures"; and the phrase "the main clause of Article 151, paragraph (1)" in Article 172 of that Act is deemed to be replaced with "the main clause of Article 151, paragraph (1) as applied mutatis

mutandis pursuant to Article 255 of the Act on Special Measures".

（更生会社の取締役等）

(Directors of a Reorganizing Company)

第二百六十一条　次の各号に掲げる条項においては、当該各号に定める事項を定めなければならない。

Article 261 (1) The particulars referred to in the following items must be specified in the respective clauses referred to therein:

一　更生会社の取締役に関する条項（次号及び第三号に掲げるものを除く。）　取締役及び代表取締役の氏名又はその選任若しくは選定の方法及び任期

(i) a clause regarding a director of a reorganizing company (other than one referred to in the following item and item (iii)): the name or means of appointment or selection and term of office of the director and representative director;

二　更生会社が更生計画認可の決定の時において監査等委員会設置会社（保険業法第四条第一項第三号に規定する監査等委員会設置会社をいう。以下この章において同じ。）となる場合における更生会社の取締役に関する条項　監査等委員（同法第二条第十九項に規定する監査等委員をいう。以下この章において同じ。）である取締役及びそれ以外の取締役並びに代表取締役の氏名又はその選任若しくは選定の方法及び任期

(ii) a clause regarding a director of a reorganizing company in cases where the reorganizing company becomes a Company with a Supervisory Committee (meaning a Company with a Supervisory Committee prescribed in Article 4, paragraph (1), item (iii) of the Insurance Business Act; hereinafter the same applies in this Chapter) at the time of the order confirming the reorganization plan: the names or means of appointment or selection and terms of office of the director that is a Supervisory Committee Member (meaning a Supervisory Committee Member prescribed in Article 2, paragraph (19) of that Act; hereinafter the same applies in this Chapter), the director that is not a Supervisory Committee Member, and the representative director;

三　更生会社が更生計画認可の決定の時において指名委員会等設置会社（保険業法第四条第一項第三号に規定する指名委員会等設置会社をいう。以下この章において同じ。）となる場合における更生会社の取締役に関する条項　取締役及び各委員会（同法第五十三条の二十四第一項に規定する各委員会をいう。以下この章において同じ。）の委員の氏名又はその選任若しくは選定の方法及び任期

(iii) a clause regarding a director of a reorganizing company in cases where the reorganizing company becomes a Company with Nominating Committee, etc. (meaning a Company with Nominating Committee, etc. prescribed in Article 4, paragraph (1), item (iii) of the Insurance Business Act; hereinafter the same applies in this Chapter) at the time of the order confirming the

reorganization plan: the name or means of appointment or selection and term of office of the director and committee members of each committee (meaning each committee prescribed in Article 53-24, paragraph (1) of that Act; hereinafter the same applies in this Chapter);

四　更生会社が更生計画認可の決定の時において会計参与設置会社（保険業法第八条の二第一項第二号に規定する会計参与設置会社をいう。以下この章において同じ。）となる場合における更生会社の会計参与に関する条項　会計参与の氏名若しくは名称又はその選任の方法及び任期

(iv) a clause regarding an accounting advisor of a reorganizing company in cases where the reorganizing company becomes a company with accounting advisors (meaning company with accounting advisors prescribed in Article 8-2, paragraph (1), item (ii) of the Insurance Business Act; hereinafter the same applies in this Chapter) at the time of the order confirming the reorganization plan: the name or means of appointment and term of office of the accounting advisor;

五　更生会社が更生計画認可の決定の時において監査役設置会社（保険業法第三十条の十一第一項に規定する監査役設置会社をいう。以下この章において同じ。）となる場合における更生会社の監査役に関する条項　監査役の氏名又はその選任の方法及び任期

(v) a clause regarding a company auditor of a reorganizing company in cases where the reorganizing company becomes a company with company auditors (meaning company with company auditors prescribed in Article 30-11, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Chapter) at the time of the order confirming the reorganization plan: the name or means of appointment and term of office of the company auditor;

六　更生会社が更生計画認可の決定の時において会計監査人設置会社（保険業法第五十三条の二十二第三項に規定する会計監査人設置会社をいう。以下この章において同じ。）となる場合における更生会社の会計監査人に関する条項　会計監査人の氏名若しくは名称又はその選任の方法及び任期

(vi) a clause regarding an accounting auditor of a reorganizing company in cases where the reorganizing company becomes a company with accounting auditors (meaning company with accounting auditors prescribed in Article 53-22, paragraph (3) of the Insurance Business Act; hereinafter the same applies in this Chapter) at the time of the order confirming the reorganization plan: the name or means of appointment and term of office of the accounting auditor;

七　更生会社が更生計画認可の決定の時において指名委員会等設置会社となる場合における更生会社の執行役に関する条項　執行役及び代表執行役の氏名又はその選任若しくは選定の方法及び任期

(vii) a clause on an executive officer of a reorganizing company in cases where the reorganizing company becomes a company with a nominating committee,

etc. at the time of the order confirming the reorganization plan: the name or means of appointment or selection and term of office of the executive officer and representative executive officer.

２　更生会社が更生計画認可の決定の時において清算相互会社（保険業法第百八十条の二に規定する清算相互会社をいう。）となる場合には、次の各号に掲げる条項において、当該各号に定める事項を定めなければならない。

(2) Where a reorganizing company becomes a Liquidation Mutual Company (meaning Liquidation Mutual Company prescribed in Article 180-2 of the Insurance Business Act) at the time of the order confirming the reorganization plan, the particulars referred to in the following items must be specified in the respective clauses referred to therein:

一　更生会社の清算人に関する条項（次号に掲げるものを除く。）　清算人の氏名又はその選任の方法及び任期

(i) a clause regarding a liquidator of a reorganizing company (other than one referred to in the following items): the name or means of appointment and term of office of the liquidator;

二　更生会社が更生計画認可の決定の時において代表清算人を定める場合における更生会社の清算人に関する条項　清算人及び代表清算人の氏名又はその選任若しくは選定の方法及び任期

(ii) a clause regarding a liquidator of a reorganizing company in cases where the reorganizing company designates a representative liquidator at the time of the order confirming the reorganization plan: the name or means of appointment or selection and term of office of the liquidator and representative liquidator;

三　更生会社の監査役に関する条項　監査役の氏名又はその選任の方法及び任期

(iii) a clause regarding a company auditor of a reorganizing company: the name or means of appointment and term of office of the company auditor.

（剰余金の分配等）

(Distribution of Surplus)

第二百六十二条　次に掲げる行為に関する条項においては、更生手続が行われていない場合に当該行為を行うとすれば社員総会（総代会を設けているときは、総代会）の決議その他の相互会社の機関の決定が必要となる事項を定めなければならない。

Article 262 In the clauses on the following acts, particulars that require a resolution of a general meeting of members (or a general meeting if it is held) or any other order of authorities of the Mutual Company if those acts are to be performed in cases where reorganization proceedings are not conducted must be specified:

一　剰余金の分配

(i) distribution of surplus;

二　基金償却積立金の取崩し

(ii) reduction of the reserve for redemption of funds;

三　定款の変更

(iii) amendment of the articles of incorporation;

四　事業譲渡等

(iv) business transfer, etc.;

五　保険契約の移転をし、又は保険契約の移転を受けること。

(v) transfer of insurance contracts or receipt of transfer of insurance contracts; and

六　業務及び財産の管理の委託

(vi) entrustment of business and property administration.

（基金の募集）

(Solicitation of Additional Funds)

第二百六十三条　基金の募集に関する条項においては、次に掲げる事項を定めなければならない。

Article 263 The following particulars must be specified in the clauses on the solicitation of additional funds:

一　保険業法第六十条の二第一項第二号及び第三号に掲げる事項

(i) the particulars set forth in Article 60-2, paragraph (1), items (ii) and (iii) of the Insurance Business Act;

二　第二百九十六条において準用する会社更生法第二百五条第一項の規定により更生計画の定めに従い更生債権者等又は社員の権利の全部又は一部が消滅した場合において、これらの者が保険業法第六十条の二第二項の申込みをしたときは基金の拠出の額の全部又は一部の払込みをしたものとみなすこととするときは、その旨

(ii) where the whole or part of the right of an unsecured or secured reorganization creditor or a member is extinguished as provided for in the reorganization plan pursuant to the provisions of Article 205, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 296, if it is arranged that, when the creditor or member makes an offer referred to in Article 60-2, paragraph (2) of the Insurance Business Act, all or part of the amount of the contribution to the funds is deemed to have been paid in, a statement to that effect;

三　更生債権者等又は社員に対して保険業法第六十条の二第二項の申込みをすることにより更生会社の基金の拠出の割当てを受ける権利を与えるときは、その旨及び当該基金の拠出の申込みの期日

(iii) where the right to receive the allotment of the contribution to the funds of the reorganizing company is to be granted through an offer referred to in Article 60-2, paragraph (2) of the Insurance Business Act to an unsecured or secured reorganization creditor or member, a statement to that effect and the date on which the offer of contribution to the funds is made;

四　前号に規定する場合には、更生債権者等又は社員に対する基金の拠出の割当てに

関する事項

(iv) in the case prescribed in the preceding item, particulars concerning the allotment of the contribution to the funds to an unsecured or secured reorganization creditor or member.

（募集社債を引き受ける者の募集）

(Solicitation of Subscribers for Bonds for Subscription)

第二百六十四条　募集社債を引き受ける者の募集に関する条項においては、次に掲げる事項を定めなければならない。

Article 264 The following particulars must be specified in the clauses on the solicitation of subscribers for Bonds for subscription:

一　保険業法第六十一条各号に掲げる事項

(i) the particulars set forth in the items of Article 61 of the Insurance Business Act;

二　募集社債が担保付社債であるときは、その担保権の内容及び担保付社債信託法（明治三十八年法律第五十二号）第二条第一項に規定する信託契約の受託会社の商号

(ii) when the Bonds for subscription are secured bonds, the content of the security interest and the trade name of the entrusted company of the trust agreement prescribed in Article 2, paragraph (1) of the Secured Bond Trust Act (Act No. 52 of 1905);

三　第二百九十六条において準用する会社更生法第二百五条第一項の規定により更生計画の定めに従い更生債権者等又は社員の権利の全部又は一部が消滅した場合において、これらの者が保険業法第六十一条の二第二項の申込みをしたときは募集社債の払込金額の全部又は一部の払込みをしたものとみなすこととするときは、その旨

(iii) where the whole or part of the right of an unsecured or secured reorganization creditor or a member is extinguished as provided for in the reorganization plan pursuant to the provisions of Article 205, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 296, if it is arranged that, when the creditor or member makes an offer referred to in Article 61-2, paragraph (2) of the Insurance Business Act, all or part of the amount to be paid in for Bonds for subscription is deemed to have been paid in, a statement to that effect;

四　更生債権者等又は社員に対して保険業法第六十一条の二第二項の申込みをすることにより更生会社の募集社債の割当てを受ける権利を与えるときは、その旨及び当該募集社債の引受けの申込みの期日

(iv) where the right to receive the allotment of Bonds for subscription of a reorganizing company is to be granted through an offer referred to in Article 61-2, paragraph (2) of the Insurance Business Act to an unsecured or secured reorganization creditor or member, a statement to that effect and the date on which offer of subscription for the Bonds for subscription is made;

五　前号に規定する場合には、更生債権者等又は社員に対する募集社債の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds for subscription to an unsecured or secured reorganization creditor or member.

（更生債権者等又は社員の権利の消滅と引換えにする基金の拠出の割当て等）

(Allotment of Contribution to Funds in Exchange for Extinguishment of the Right of an Unsecured or Secured Reorganization Creditor or Member)

第二百六十五条　更生債権者等又は社員の権利の全部又は一部の消滅と引換えにする基金の拠出の割当てに関する条項においては、次に掲げる事項を定めなければならない。

Article 265 (1) The following particulars must be specified in the clauses on the allotment of contribution to the funds in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor or member:

一　新たに募集する基金の額

(i) the amount of the additional funds to be solicited;

二　更生債権者等又は社員が有する権利及びその償却の方法

(ii) the right held by the unsecured or secured reorganization creditor or member and the means of redemption of the funds; and

三　更生債権者等又は社員に対する基金の割当てに関する事項

(iii) particulars concerning the allotment of the funds to the unsecured or secured reorganization creditor or member.

2　更生債権者等又は社員の権利の全部又は一部の消滅と引換えにする社債の発行に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses on the issuance of bonds in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor or member:

一　発行する社債の総額

(i) the total amount of bonds to be issued;

二　発行する各社債の金額

(ii) the amount of each bond to be issued;

三　発行する社債の利率

(iii) interest rate on the bonds to be issued;

四　発行する社債の償還の方法及び期限

(iv) the means and due date of redemption of the bonds to be issued;

五　保険業法第六十一条第五号から第八号まで及び第十二号に掲げる事項

(v) particulars set forth in Article 61, items (v) to (viii) and (xii) of the Insurance Business Act;

六　発行する社債が担保付社債であるときは、その担保権の内容及び担保付社債信託法第二条第一項に規定する信託契約の受託会社の商号

(vi) when the bonds to be issued are secured bonds, the content of the security interest and the trade name of the entrusted company of the trust agreement prescribed in Article 2, paragraph (1) of the Secured Bond Trust Act; and

七　更生債権者等又は社員に対する発行する社債の割当てに関する事項

(vii) particulars concerning the allotment of bonds to be issued to an unsecured or secured reorganization creditor or member.

（組織変更）

(Entity Conversion)

第二百六十六条　組織変更に関する条項においては、次に掲げる事項を定めなければならない。

Article 266 (1) The following particulars must be specified in the clauses on entity conversion:

一　組織変更計画において定めるべき事項（保険業法第八十六条第四項第三号及び第四号に掲げる事項並びに次条第一号及び第二百六十八条第一号に掲げる事項を除く。）

(i) particulars that should be specified in the entity conversion plan (excluding particulars set forth in Article 86, paragraph (4), items (iii) and (iv) of the Insurance Business Act and particulars set forth in item (1) of the following Article and Article 268, item(i));

二　組織変更後株式会社の取締役の氏名又はその選任の方法及び任期並びに組織変更後株式会社が監査等委員会設置会社である場合には監査等委員である取締役又はそれ以外の取締役のいずれであるかの別

(ii) the name or means of appointment and term of office of the director of the Converted Stock Company, and, in cases where the Converted Stock Company is a Company with Supervisory Committee, whether or not the director is a Supervisory Committee Member;

三　次のイからホまでに掲げる場合の区分に応じ、当該イからホまでに定める事項

(iii) particulars referred to in (a) to (e) below for the cases set forth in (a) to (e), respectively:

イ　組織変更後株式会社が会計参与設置会社である場合　会計参与の氏名若しくは名称又はその選任の方法及び任期

(a) in cases where the Converted Stock Company is a company with accounting advisors, the name or means of appointment and term of office of the accounting advisor;

ロ　組織変更後株式会社が監査役設置会社である場合　代表取締役及び監査役の氏名又はその選任若しくは選定の方法及び任期

(b) in cases where the Converted Stock Company is a company with company auditors, the name or means of appointment or selection and term of office of the representative director and company auditor;

ハ　組織変更後株式会社が会計監査人設置会社である場合　会計監査人の氏名若し

くは名称又はその選任の方法及び任期

(c) in cases where the Converted Stock Company is a company with accounting auditors, the name or means of appointment and term of office of the accounting auditor;

ニ　組織変更後株式会社が監査等委員会設置会社である場合　代表取締役の氏名又はその選定の方法及び任期

(d) in cases where the Converted Stock Company is a Company with Supervisory Committee, the name or means of appointment and term of office of the representative director;

ホ　組織変更後株式会社が指名委員会等設置会社である場合　各委員会の委員、執行役及び代表執行役の氏名又はその選任若しくは選定の方法及び任期

(e) in cases where the Converted Stock Company is a Company with Supervisory Committee, the name or means of appointment or selection and term of office of the committee members of each committee, executive officer and representative executive officer;

四　組織変更後株式会社が組織変更に際して更生債権者等に対して株式等（株式又は金銭をいう。以下この章において同じ。）を交付するときは、当該株式等についての次に掲げる事項

(iv) when a Converted Stock Company delivers Shares, etc. (meaning shares or money; hereinafter the same applies in this Chapter) to an unsecured or secured reorganization creditor at the time of the entity conversion, the following particulars concerning the Shares, etc.:

イ　当該株式等が組織変更後株式会社の株式であるときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該組織変更後株式会社の資本金及び準備金の額に関する事項

(a) when the Shares, etc. are the shares of the Converted Stock Company, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Converted Stock Company; and

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Shares, etc. are money, the amount of the money or the means of calculating the amount;

五　前号に規定する場合には、更生債権者等に対する同号の株式等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Shares, etc. referred to in that item to the unsecured or secured reorganization creditor;

六　第二百九十六条において準用する会社更生法第二百五条第一項の規定により更生計画の定めに従い更生債権者等又は社員の権利の全部又は一部が消滅した場合において、これらの者が保険業法第九十三条第二項の申込みをしたときは組織変更後株

式会社の組織変更時発行株式（同法第九十二条第一号に規定する組織変更時発行株式をいう。以下この章において同じ。）の払込金額の全部又は一部の払込みをしたものとみなすこととするときは、その旨

(vi) where the whole or part of the right of an unsecured or secured reorganization creditor or a member is extinguished as provided for in the reorganization plan pursuant to the provisions of Article 205, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 296, if it is arranged that, when the creditor or member makes an offer referred to in Article 93, paragraph (2) of the Insurance Business Act, all or part of the amount to be paid in for Shares Issued on Entity Conversion (meaning Shares Issued on Entity Conversion prescribed in Article 92, item (i) of that Act; hereinafter the same applies in this Chapter) of the Converted Stock Company is deemed to have been paid in, a statement to that effect;

七　更生債権者等又は社員に対して保険業法第九十三条第二項の申込みをすることにより組織変更後株式会社の組織変更時発行株式の割当てを受ける権利を与えるときは、その旨及び当該組織変更時発行株式の引受けの申込みの期日

(vii) where the right to receive the allotment of Shares Issued on Entity Conversion of the Converted Stock Company is to be granted through an offer referred to in Article 93, paragraph (2) of the Insurance Business Act to an unsecured or secured reorganization creditor or member, a statement to that effect and the date on which offer of subscription for the Shares Issued on Entity Conversion is made;

八　前号に規定する場合には、更生債権者等又は社員に対する組織変更時発行株式の割当てに関する事項

(viii) in the case prescribed in the preceding item, particulars concerning the allotment of Shares Issued on Entity Conversion to an unsecured or secured reorganization creditor or member;

九　第三百七条第三項の規定により組織変更時発行株式の一部を発行しないで組織変更をする場合における組織変更に際して発行すべき組織変更時発行株式の下限の数

(ix) the minimum number of Shares Issued on Entity Conversion that should be issued upon entity conversion in cases where entity conversion is carried out without issuing some of the Shares Issued on Entity Conversion pursuant to the provisions of Article 307, paragraph (3).

2　会社更生法第百七十五条から第百七十七条までの規定は、組織変更後株式会社の募集株式（会社法第百九十九条第一項に規定する募集株式をいう。以下この章において同じ。）、募集新株予約権（会社法第二百三十八条第一項に規定する募集新株予約権をいい、当該募集新株予約権が新株予約権付社債に付されたものである場合にあっては、当該新株予約権付社債についての社債を含む。以下この章において同じ。）又は募集社債（新株予約権付社債についてのものを除く。以下この章において同じ。）を引き受ける者の募集に関する条項について準用する。この場合において、会社更生法

第百七十五条第二号、第百七十六条第二号及び第百七十七条第三号中「第二百五条第一項」とあるのは、「更生特例法第二百九十六条において準用する第二百五条第一項」と読み替えるものとする。

(2) The provisions of Article 175 to Article 177 of the Corporate Reorganization Act apply mutatis mutandis to clauses on the solicitation of subscribers for Shares for Subscription (meaning Shares for Subscription prescribed in Article 199, paragraph (1) of the Companies Act; hereinafter the same applies in this Chapter), Share Options for Subscription (meaning Share Options for Subscription prescribed in Article 238, paragraph (1) of the Companies Act, and in cases where the Share Options for Subscription are attached to bonds with share options, including the bonds with share options; hereinafter the same applies in this Chapter) or Bonds for subscription (excluding the bonds attached to bonds with share options; hereinafter the same applies in this Chapter) of a Converted Stock Company. In this case, the phrase "Article 205, paragraph (1)" in Article 175, item (ii), Article 176, item (ii) and Article 177, item (iii) of the Corporate Reorganization Act is deemed to be replaced with "Article 205, paragraph (1) as applied mutatis mutandis pursuant to Article 296 of the Act on Special Measures".

（組織変更株式交換）

(Share Exchange on Entity Conversion)

第二百六十七条　組織変更株式交換に関する条項においては、次に掲げる事項を定めなければならない。

Article 267 The following particulars must be specified in the clauses on share exchange on entity conversion:

一　組織変更株式交換契約において定めるべき事項

(i) particulars that should be specified in the contract for share exchange on entity conversion;

二　組織変更株式交換完全親会社（保険業法第九十六条の五第一項に規定する組織変更株式交換完全親会社をいう。以下この条において同じ。）が組織変更株式交換に際して更生債権者等に対して株式等を交付するときは、当該株式等についての次に掲げる事項

(ii) when a Wholly Owning Parent Company for Share Exchange on Entity Conversion (meaning Wholly Owning Parent Company for Share Exchange on Entity Conversion prescribed in Article 96-5, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Article) delivers Shares, etc. to an unsecured or secured reorganization creditor at the time of the share exchange on entity conversion, the following particulars concerning the Shares, etc.:

イ　当該株式等が組織変更株式交換完全親会社の株式であるときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算

定方法並びに当該組織変更株式交換完全親会社の資本金及び準備金の額に関する事項

(a) when the Shares, etc. are the shares of the Wholly Owning Parent Company for Share Exchange on Entity Conversion, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Wholly Owning Parent Company for Share Exchange on Entity Conversion; and

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Shares, etc. are money, the amount of the money or the means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の株式等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of the Shares, etc. referred to in that item to the unsecured or secured reorganization creditor;

四　組織変更株式交換完全親会社が組織変更株式交換に際して更生会社の社員に対して当該組織変更株式交換完全親会社の社債等（社債又は新株予約権をいう。以下この章において同じ。）を交付するときは、当該社債等についての次に掲げる事項

(iv) when a Wholly Owning Parent Company for Share Exchange on Entity Conversion delivers its Bonds, etc. (meaning bonds or share options; hereinafter the same applies in this Chapter) to the member of a reorganizing company at the time of the share exchange on entity conversion, the following particulars concerning the Bonds, etc.:

イ　当該社債等が組織変更株式交換完全親会社の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Wholly Owning Parent Company for Share Exchange on Entity Conversion (excluding the bonds attached to bonds with share options), the classes of the bonds and the total amount of bonds for each class or the means of calculating the amount;

ロ　当該社債等が組織変更株式交換完全親会社の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Wholly Owning Parent Company for Share Exchange on Entity Conversion (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が組織変更株式交換完全親会社の新株予約権付社債であるときは、

当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Wholly Owning Parent Company for Share Exchange on Entity Conversion, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、更生会社の社員に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of the Bonds, etc. referred to in that item to the members of a reorganizing company.

（組織変更株式移転）

(Share Transfer on Entity Conversion)

第二百六十八条　組織変更株式移転に関する条項においては、次に掲げる事項を定めなければならない。

Article 268 The following particulars must be specified in the clauses on share transfer on entity conversion:

一　組織変更計画において定めるべき事項（組織変更株式移転に関するものに限る。）

(i) particulars that should be specified in the entity conversion plan (limited to those concerning share transfer on entity conversion);

二　組織変更株式移転設立完全親会社（保険業法第九十六条の八第一項に規定する組織変更株式移転設立完全親会社をいう。以下この章において同じ。）が組織変更株式移転に際して更生債権者等に対して株式等を交付するときは、当該株式等についての次に掲げる事項

(ii) when a Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion (meaning Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion prescribed in Article 96-8, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Article) delivers Shares, etc. of the Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion to an unsecured or secured reorganization creditor at the time of the share transfer on entity conversion, the following particulars concerning the Shares, etc.:

イ　当該株式等が組織変更株式移転設立完全親会社の株式であるときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該組織変更株式移転設立完全親会社の資本金及び準備金の額に関する事項

(a) when the Shares, etc. are the shares of the Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion, the number of

the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion; and

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Shares, etc. are money, the amount of the money or the means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の株式等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of the Shares, etc. referred to in that item to the unsecured or secured reorganization creditor;

四　組織変更株式移転設立完全親会社が組織変更株式移転に際して更生会社の社員に対して当該組織変更株式移転設立完全親会社の社債等を交付するときは、当該社債等についての次に掲げる事項

(iv) when a Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion delivers its Bonds, etc. to the member of a reorganizing company at the time of the share transfer on entity conversion, the following particulars concerning the Bonds, etc.:

イ　当該社債等が組織変更株式移転設立完全親会社の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion (other than one attached to bonds with share options), the classes of the bonds and the total amount of bonds for each class or the means of calculating the amount;

ロ　当該社債等が組織変更株式移転設立完全親会社の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が組織変更株式移転設立完全親会社の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion, particulars prescribed in (a) concerning the relevant bonds with share

options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、更生会社の社員に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds, etc. referred to in that item to members of the reorganizing company.

（解散）

(Dissolution)

第二百六十九条　会社更生法第百七十八条の規定は、相互会社の更生手続における更生会社の解散に関する条項について準用する。

Article 269 The provisions of Article 178 of the Corporate Reorganization Act apply mutatis mutandis to the clauses on the dissolution of a reorganizing company in the reorganization proceedings of a Mutual Company.

（吸収合併）

(Absorption-Type Merger)

第二百七十条　吸収合併（更生会社が消滅する吸収合併（保険業法第百六十条に規定する吸収合併をいう。以下この章において同じ。）であって、吸収合併後存続する会社（以下この条において「吸収合併存続会社」という。）が相互会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 270 (1) The following particulars must be specified in the clauses on Absorption-Type Merger (limited to Absorption-Type Merger (meaning Absorption-Type Merger prescribed in Article 160 of the Insurance Business Act; hereinafter the same applies in this Chapter) where a reorganizing company disappears and the company to survive the Absorption-Type Merger (hereinafter referred to as a "Company Surviving an Absorption-Type Merger" in this Article) is a Mutual Company; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　吸収合併存続会社が吸収合併に際して更生債権者等を当該吸収合併存続会社の基金の拠出者とするときは、基金の額又はその算定方法

(ii) when a Company Surviving an Absorption-Type Merger arranges an unsecured or secured reorganization creditor to be the contributor to the funds of the Company Surviving an Absorption-Type Merger, at the time of the Absorption-Type Merger, the amount of the funds or the means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の基金の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of the funds referred to in that item to the unsecured or secured reorganization creditor;

四　吸収合併存続会社が吸収合併に際して更生会社の社員に対して当該吸収合併存続会社の社債を交付するときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(iv) when a Company Surviving an Absorption-Type Merger delivers its bonds to the members of the reorganizing company at the time of the Absorption-Type Merger, the classes of the bonds and the total amount of the bonds for each class or the means of calculating the amount;

五　前号に規定する場合には、更生会社の社員に対する同号の社債の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of bonds referred to in that item to the members of the reorganizing company.

2　吸収合併（更生会社が消滅する吸収合併であって、吸収合併存続会社が株式会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses on Absorption-Type Merger (limited to Absorption-Type Merger where a reorganizing company disappears and the Company Surviving an Absorption-Type Merger is a Stock Company; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　吸収合併存続会社が吸収合併に際して更生債権者等に対して株式等を交付するときは、当該株式等についての次に掲げる事項

(ii) when a Company Surviving an Absorption-Type Merger delivers Shares, etc. to an unsecured or secured reorganization creditor at the time of the Absorption-Type Merger, the following particulars concerning the Shares, etc.:

イ　当該株式等が吸収合併存続会社の株式であるときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該吸収合併存続会社の資本金及び準備金の額に関する事項

(a) when the Shares, etc. are the shares of the Company Surviving an Absorption-Type Merger, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the

Company Surviving an Absorption-Type Merger; and

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Shares, etc. are money, the amount of the money or the means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の株式等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of Shares, etc. referred to in that item to the unsecured or secured reorganization creditor;

四　吸収合併存続会社が吸収合併に際して更生会社の基金の拠出者又は社員に対して当該吸収合併存続会社の社債等を交付するときは、当該社債等についての次に掲げる事項

(iv) when a Company Surviving an Absorption-Type Merger delivers its Bonds, etc. to the fund contributors or members of the Company Surviving an Absorption-Type Merger at the time of the Absorption-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が吸収合併存続会社の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Company Surviving an Absorption-Type Merger (other than one attached to bonds with share options), the classes of the bonds, and the total amount of the bonds for each class or the means of calculating the amount;

ロ　当該社債等が吸収合併存続会社の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Company Surviving an Absorption-Type Merger (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が吸収合併存続会社の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Company Surviving an Absorption-Type Merger, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、更生会社の基金の拠出者又は社員に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of the Bonds, etc. referred to in that item to the fund contributors

or members of the reorganizing company.

3　吸収合併（更生会社が吸収合併存続会社となるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(3) The following particulars must be specified in the clauses on Absorption-Type Merger (limited to Absorption-Type Merger where a reorganizing company becomes a Company Surviving an Absorption-Type Merger; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　更生会社が吸収合併に際して吸収合併により消滅する会社（以下この章において「吸収合併消滅会社」という。）の社員に対して当該更生会社の社債を交付するときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(ii) when a reorganizing company delivers its bonds to the members of the company that disappears as a result of the Absorption-Type Merger (hereinafter referred to as a "Company Disappearing in an Absorption-Type Merger" in this Chapter) at the time of the Absorption-Type Merger, the classes of the bonds, and the total amount of the bonds for each class or the means of calculating the amount;

三　前号に規定する場合には、吸収合併消滅会社の社員に対する同号の社債の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of the bonds referred to in that item to the members of the Company Disappearing in an Absorption-Type Merger.

（新設合併）

(Consolidation-Type Mergers)

第二百七十一条　新設合併（更生会社が消滅する新設合併（保険業法第百六十一条第一項に規定する新設合併をいう。以下この章において同じ。）であって、新設合併により設立する会社（以下この章において「新設合併設立会社」という。）が相互会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 271 (1) The following particulars must be specified in the clauses on Consolidation-Type Merger (limited to Consolidation-Type Merger (meaning Consolidation-Type Merger prescribed in Article 161, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Chapter) where a reorganizing company disappears and the company established by the Consolidation-Type Merger (hereinafter referred to as a "Company Established by Consolidation-Type Merger" in this Chapter) is a Mutual Company; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立会社が新設合併に際して更生債権者等を当該新設合併設立会社の基金の拠出者とするときは、基金の額又はその算定方法

(ii) when a Company Established by Consolidation-Type Merger arranges an unsecured or secured reorganization creditor to be the contributor to the funds of the Company Established by Consolidation-Type Merger, at the time of the Consolidation-Type Merger, the amount of the funds or the means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の基金の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of the funds referred to in that item to an unsecured or secured reorganization creditor;

四　新設合併設立会社が新設合併に際して新設合併により消滅する会社（以下この章において「新設合併消滅会社」という。）の社員に対して当該新設合併設立会社の社債を交付するときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(iv) when a Company Established by Consolidation-Type Merger delivers its bonds to the members of the company that disappears as a result of the Consolidation-Type Merger (hereinafter referred to as a "Company Disappearing in a Consolidation-Type Merger" in this Chapter) at the time of the Consolidation-Type Merger, the classes of the bonds, and the total amount of the bonds for each class or the means of calculating the amount;

五　前号に規定する場合には、新設合併消滅会社の社員に対する同号の社債の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of the bonds referred to in that item to the members of the Company Disappearing in a Consolidation-Type Merger.

2　新設合併（更生会社が消滅する新設合併であって、新設合併設立会社が株式会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses on Consolidation-Type Merger (limited to Consolidation-Type Merger where a reorganizing company disappears and the Company Established by Consolidation-Type Merger is a Stock Company; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立会社が新設合併に際して更生債権者等に対して当該新設合併設立会社の株式を交付するときは、当該株式の数（種類株式発行会社にあっては、株式の

種類及び種類ごとの数）又はその数の算定方法並びに当該新設合併設立会社の資本金及び準備金の額に関する事項

(ii) when a Company Established by Consolidation-Type Merger delivers its shares to an unsecured or secured reorganization creditor at the time of the Consolidation-Type Merger, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Company Established by Consolidation-Type Merger;

三　前号に規定する場合には、更生債権者等に対する同号の株式の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of the shares referred to in that item to the unsecured or secured reorganization creditor;

四　新設合併設立会社が新設合併に際して新設合併消滅会社の基金の拠出者若しくは社員又は株主に対して当該新設合併設立会社の社債等を交付するときは、当該社債等についての次に掲げる事項

(iv) when a Company Established by Consolidation-Type Merger delivers its Bonds, etc. to fund contributors, the fund contributors, members or shareholders of a Company Disappearing in a Consolidation-Type Merger at the time of the Consolidation-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が新設合併設立会社の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Company Established by Consolidation-Type Merger (other than one attached to bonds with share options), the classes of the bonds, and the total amount of the bonds for each class or the means of calculating the amount;

ロ　当該社債等が新設合併設立会社の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Company Established by Consolidation-Type Merger (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が新設合併設立会社の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Company Established by Consolidation-Type Merger, particulars prescribed in (a) concerning the relevant bonds with share options and particulars

prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、新設合併消滅会社の基金の拠出者若しくは社員又は株主に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of the Bonds, etc. referred to in that item to the fund contributors, members or shareholders of the Company Disappearing in a Consolidation-Type Merger.

（新相互会社の設立）

(Establishment of a New Mutual Company)

第二百七十二条　相互会社の設立に関する条項においては、次に掲げる事項を定めなければならない。ただし、新設合併により相互会社を設立する場合は、この限りでない。

Article 272 The following particulars must be specified in the clauses on the establishment of a Mutual Company; provided, however, that this does not apply to the cases where a Mutual Company is to be established by Consolidation-Type Merger:

一　設立する相互会社（以下この条において「新相互会社」という。）についての保険業法第二十三条第一項第一号から第四号まで及び第八号に掲げる事項

(i) the particulars set forth in Article 23, paragraph (1), items (i) to (iv) and (viii) of the Insurance Business Act concerning the Mutual Company to be established (hereinafter referred to as a "New Mutual Company" in this Article);

二　新相互会社の定款で定める事項（前号に掲げる事項に係るものを除く。）

(ii) particulars provided for in the articles of incorporation (other than one in relation to the particulars set forth in preceding item) of the New Mutual Company;

三　第二百九十六条において準用する会社更生法第二百五条第一項の規定により更生計画の定めに従い更生債権者等又は社員の権利の全部又は一部が消滅した場合において、これらの者が保険業法第二十八条第二項の申込みをしたときは新相互会社の拠出すべき基金の額の全部又は一部の払込みをしたものとみなすこととするときは、その旨

(iii) where the whole or part of the right of an unsecured or secured reorganization creditor or a member is extinguished as provided for in the reorganization plan pursuant to the provisions of Article 205, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 296, if it is arranged that, when the creditor or member makes an offer referred to in Article 28, paragraph (2) of the Insurance Business Act, all or part of the amount of contribution to be made to the funds of the New Mutual Company is deemed to have been paid in, a statement to that effect;

四　更生計画により、更生債権者等又は社員に対して保険業法第二十八条第二項の申

込みをすることにより新相互会社の基金の拠出の割当てを受ける権利を与えるときは、その旨及び当該基金の拠出の申込みの期日

(iv) when the right to receive an allotment of the contribution to the funds of a New Mutual Company is to be granted through an offer referred to in Article 28, paragraph (2) of the Insurance Business Act to an unsecured or secured reorganization creditor or member as provided for in the reorganization plan, a statement to that effect and the date on which the offer of contribution to the funds is made;

五　前号に規定する場合には、更生債権者等又は社員に対する基金の拠出の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of the contribution to the funds to the unsecured or secured reorganization creditor or member;

六　更生会社から新相互会社に移転すべき財産及びその額

(vi) the assets that should be transferred from a reorganizing company to a New Mutual Company and their amount;

七　新相互会社の設立時取締役の氏名又はその選任の方法及び新相互会社が監査等委員会設置会社である場合には設立時監査等委員（保険業法第三十条の十第二項に規定する設立時監査等委員をいう。第九号において同じ。）である設立時取締役又はそれ以外の設立時取締役のいずれであるかの別

(vii) the name or means of appointment of the Director at Incorporation of a New Mutual Company, and, in cases where the New Mutual Company is a Company with Supervisory Committee, whether or not the Director at Incorporation is a Supervisory Committee Member at Incorporation (meaning a Supervisory Committee Member at Incorporation prescribed in Article 30-10, paragraph (2) of the Insurance Business Act; the same applies in item (ix));

八　次のイからホまでに掲げる場合の区分に応じ、当該イからホまでに定める事項

(viii) particulars referred to in (a) to (e) below for the cases set forth in (a) to (e), respectively:

イ　新相互会社が会計参与設置会社である場合　設立時会計参与の氏名若しくは名称又はその選任の方法

(a) in cases where the New Mutual Company is a company with accounting advisors, the name or means of appointment of the Accounting Advisor at Incorporation;

ロ　新相互会社が監査役設置会社である場合　設立時代表取締役及び設立時監査役の氏名又はその選任若しくは選定の方法

(b) in cases where the New Mutual Company is a company with company auditors, the name or means of appointment or selection of the Representative Director at Incorporation and Auditor at Incorporation;

ハ　新相互会社が会計監査人設置会社である場合　設立時会計監査人の氏名若しく

は名称又はその選任の方法

(c) in cases where the New Mutual Company is a company with accounting auditors, the name or means of appointment of the Accounting Auditor at Incorporation;

ニ　新相互会社が監査等委員会設置会社である場合　設立時代表取締役の氏名又はその選定の方法

(d) in cases where the New Mutual Company is a Company with Supervisory Committee, the name or means of appointment of the Representative Director at Incorporation;

ホ　新相互会社が指名委員会等設置会社である場合　設立時委員、設立時執行役及び設立時代表執行役の氏名又はその選任若しくは選定の方法

(e) in cases where the New Mutual Company is a Company with Supervisory Committee, the name or means of appointment or selection of the Committee Member at Incorporation, Executive Officer at Incorporation and Representative Executive Officer at Incorporation;

九　新相互会社の設立時取締役（新相互会社が監査等委員会設置会社である場合にあっては、設立時監査等委員である設立時取締役又はそれ以外の設立時取締役）、設立時会計参与、設立時監査役、設立時代表取締役、設立時委員、設立時執行役、設立時代表執行役又は設立時会計監査人（第三百十六条第五項において「設立時取締役等」という。）が新相互会社の成立後において取締役（新相互会社が監査等委員会設置会社である場合にあっては、監査等委員である取締役又はそれ以外の取締役）、会計参与、監査役、代表取締役、各委員会の委員、執行役、代表執行役又は会計監査人（同項において「新相互会社取締役等」という。）となった場合における当該新相互会社取締役等の任期

(ix) in cases where the Director at Incorporation (in cases where the New Mutual Company is a Company with Supervisory Committee, the Director at Incorporation that is a Supervisory Committee Member at Incorporation, or the Director at Incorporation that is not a Supervisory Committee Member at Incorporation), Accounting Advisor at Incorporation, Auditor at Incorporation, Representative Director at Incorporation, Committee Member at Incorporation, Executive Officer at Incorporation, Representative Executive Officer at Incorporation or Accounting Auditor at Incorporation (referred to as a "Director at Incorporation, etc." in Article 316, paragraph (5)) of a New Mutual Company becomes a director (in cases where the New Mutual Company is a Company with Supervisory Committee, the director that is a Supervisory Committee Member, or the director that is not a Supervisory Committee Member), accounting advisor, company auditor, representative director, committee member of any committee, executive officer, representative executive officer or accounting auditor (referred to as a "Director, etc. of the New Mutual Company" in that paragraph) after the establishment of the New Mutual Company, the term of office of the Director,

etc. of the New Mutual Company;

十　新相互会社が募集社債を引き受ける者の募集をするときは、第二百六十四条各号に掲げる事項

(x) when a New Mutual Company solicits subscribers for Bonds for subscription, the particulars set forth in the items of Article 264;

十一　新相互会社が更生債権者等又は社員の権利の全部又は一部の消滅と引換えに新相互会社の設立時の基金の拠出の割当て又は新相互会社の社債の発行をするときは、第二百六十五条第一項各号又は第二項各号に掲げる事項

(xi) when a New Mutual Company allots the contribution to the funds at the time of establishment of the New Mutual Company or issues bonds of the New Mutual Company in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor or member, the particulars set forth in the items of Article 265, paragraph (1) or the items of paragraph (2) of that Article.

（新株式会社の設立）

(Incorporation of a New Stock Company)

第二百七十三条　会社更生法第百八十三条の規定は、相互会社の更生手続における株式会社の設立に関する条項について準用する。この場合において、同条中「新設合併、新設分割又は株式移転」とあるのは「新設合併（保険業法第百六十一条第一項に規定する新設合併をいう。）又は組織変更株式移転（同法第九十六条の八第一項に規定する組織変更株式移転をいう。）」と、同条第四号中「第二百五条第一項」とあるのは「更生特例法第二百九十六条において準用する第二百五条第一項」と、同号から同条第六号まで及び同条第十三号中「株主」とあるのは「社員」と読み替えるものとする。

Article 273　The provisions of Article 183 of the Corporate Reorganization Act apply mutatis mutandis to clauses on the incorporation of a Stock Company in the reorganization proceedings of a Mutual Company. In this case, the phrase "Consolidation-Type Merger, Incorporation-type Company Split or share transfer" in that Article is deemed to be replaced with "Consolidation-Type Merger (meaning Consolidation-Type Merger prescribed in Article 161, paragraph (1) of the Insurance Business Act) or share transfer on entity conversion (meaning share transfer on entity conversion prescribed in Article 96-8, paragraph (1) of that Act)"; the phrase "Article 205, paragraph (1)" in paragraph (iv) of that Article is deemed to be replaced with "Article 205, paragraph (1) as applied mutatis mutandis pursuant to Article 296 of the Act on Special Measures"; the phrase "shareholder" in that item to item (vi) of that Article and item (xiii) of that Article is deemed to be replaced with "member".

第二百七十四条　削除

Article 274　Deleted

第二百七十五条　削除
Article 275 Deleted

第二百七十六条　削除
Article 276 Deleted

第二款　更生計画案の提出
Subsection 2 Submission of a Proposed Reorganization Plan

（更生計画案の提出時期）
(Period for Submitting a Proposed Reorganization Plan)

第二百七十七条　会社更生法第百八十四条の規定は、相互会社の更生手続における更生計画案の作成及び提出について準用する。この場合において、同条第一項中「第百三十八条第一項」とあるのは、「更生特例法第二百四十八条において準用する第百三十八条第一項」と読み替えるものとする。

Article 277 The provisions of Article 184 of the Corporate Reorganization Act apply mutatis mutandis to the preparation and submission of a proposed reorganization plan in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 138, paragraph (1)" in paragraph (1) of that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

（事業の全部の廃止を内容とする更生計画案）
(Proposed Reorganization Plans Specifying Discontinuation of the Entire Business)

第二百七十八条　更生会社の事業を当該更生会社が継続し（組織を変更する場合を含む。）、又は当該事業を事業の譲渡、保険契約の移転、合併若しくは相互会社若しくは株式会社の設立により他の者が継続することを内容とする更生計画案の作成が困難であることが更生手続開始後に明らかになったときは、裁判所は、前条において準用する会社更生法第百八十四条第一項又は第二項に規定する者の申立てにより、更生会社の事業の全部の廃止を内容とする更生計画案の作成を許可することができる。ただし、債権者の一般の利益を害するときは、この限りでない。

Article 278 (1) When it has become obvious that it is difficult to prepare a proposed reorganization plan specifying the continuation of the business of a reorganizing company by the relevant reorganizing company (including the case of entity conversion), the continuation of that business by another person by the transfer of business, transfer of insurance contracts, merger or establishment of a Mutual Company or Stock Company after the commencement of reorganization proceedings, the court may permit the preparation of a proposed reorganization plan specifying the discontinuation of the entire business of the reorganizing company upon petition by a person

prescribed in Article 184, paragraph (1) or (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding Article; provided, however, that this does not apply when it is prejudicial to the common interests of creditors.

２　会社更生法第百八十五条第二項の規定は、前項本文の許可について準用する。

(2) The provisions of Article 185, paragraph (2) of the Corporate Reorganization Act apply mutatis mutandis to the permission referred to in the main clause of the preceding paragraph.

（更生計画案の修正）

(Revision of Proposed Reorganization Plan)

第二百七十九条　会社更生法第百八十六条の規定は、相互会社の更生手続における更生計画案の修正について準用する。

Article 279 The provisions of Article 186 of the Corporate Reorganization Act apply mutatis mutandis to the revision of a proposed reorganization plan in the reorganization proceedings of a Mutual Company.

（行政庁の意見）

(Opinions of Administrative Agencies)

第二百八十条　会社更生法第百八十七条の規定は、相互会社の更生手続における行政庁の許可、認可、免許その他の処分を要する事項を定めた更生計画案について準用する。この場合において、同条中「前条」とあるのは、「更生特例法第二百七十九条において準用する前条」と読み替えるものとする。

Article 280 The provisions of Article 187 of the Corporate Reorganization Act apply mutatis mutandis to a proposed reorganization plan specifying particulars requiring the administrative agency's permission, confirmation, license or any other disposition in the reorganization proceedings of a Mutual Company. In this case, the phrase "the preceding Article" in that Article is deemed to be replaced with "the preceding Article as applied mutatis mutandis pursuant to Article 279 of the Act on Special Measures".

（更生会社の労働組合等の意見）

(Opinions of the Labor Union of a Reorganizing Company)

第二百八十一条　裁判所は、更生計画案について、第百九十八条第三項第三号に規定する労働組合等の意見を聴かなければならない。第二百七十九条において準用する会社更生法第百八十六条の規定による修正があった場合における修正後の更生計画案についても、同様とする。

Article 281 The court must hear opinions of the labor union, etc. prescribed in Article 198, paragraph (3), item (iii) with regard to a proposed reorganization plan. The same applies to a proposed reorganization plan as revised under the provisions of Article 186 of the Corporate Reorganization Act as applied

mutatis mutandis pursuant to Article 279.

第三款　更生計画案の決議
Subsection 3 Resolution on a Proposed Reorganization Plan

（決議に付する旨の決定）
(Order to Refer to a Resolution)

第二百八十二条　会社更生法第百八十九条の規定は、相互会社の更生手続において更生計画案の提出があった場合について準用する。この場合において、同条第一項第一号中「第百四十六条第三項」とあるのは「更生特例法第二百五十四条において準用する第百四十六条第三項」と、同項第二号中「第八十四条第一項」とあるのは「更生特例法第二百二十一条において準用する第八十四条第一項」と、「第八十五条第一項」とあるのは「更生特例法第二百二十二条において準用する第八十五条第一項」と、同項第三号中「第百九十九条第二項各号」とあるのは「更生特例法第二百九十条第二項において準用する第百九十九条第二項各号」と、同項第四号中「第二百三十六条第二号」とあるのは「更生特例法第三百二十五条第一項において準用する第二百三十六条第二号」と、同条第二項中「第百九十三条第二項」とあるのは「更生特例法第二百八十六条において準用する第百九十三条第二項」と、同条第三項中「第百十五条第一項本文」とあるのは「更生特例法第二百三十二条において準用する第百十五条第一項本文」と、同条第五項中「第百十四条第一項各号」とあるのは「更生特例法第二百三十二条において準用する第百十四条第一項各号」と読み替えるものとする。

Article 282　The provisions of Article 189 of the Corporate Reorganization Act apply mutatis mutandis to the cases where a proposed reorganization plan has been submitted in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 146, paragraph (3)" in paragraph (1), item (i) of that Article is deemed to be replaced with "Article 146, paragraph (3) as applied mutatis mutandis pursuant to Article 254 of the Act on Special Measures"; the phrase "Article 84, paragraph (1)" in item (ii) of that paragraph is deemed to be replaced with "Article 84, paragraph (1) as applied mutatis mutandis pursuant to Article 221 of the Act on Special Measures"; the phrase "Article 85, paragraph (1)" is deemed to be replaced with "Article 85, paragraph (1) as applied mutatis mutandis pursuant to Article 222 of the Act on Special Measures"; the phrase "the items of Article 199, paragraph (2)" in item (iii) of that paragraph is deemed to be replaced with "the items of Article 199, paragraph (2) as applied mutatis mutandis pursuant to Article 290, paragraph (2) of the Act on Special Measures"; the phrase "Article 236, item (ii)" in item (iv) of that paragraph is deemed to be replaced with "Article 236, item (ii) as applied mutatis mutandis pursuant to Article 325, paragraph (1) of the Act on Special Measures"; the phrase "Article 193, paragraph (2)" in paragraph (2) of that Article is deemed to be replaced with "Article 193, paragraph (2) as applied mutatis mutandis pursuant to Article 286 of the Act on Special

Measures"; the phrase "the main clause of Article 115, paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "the main clause of Article 115, paragraph (1) as applied mutatis mutandis pursuant to Article 232 of the Act on Special Measures"; and the phrase "the items of Article 114, paragraph (1)" in paragraph (5) of that Article is deemed to be replaced with "the items of Article 114, paragraph (1) as applied mutatis mutandis pursuant to Article 232 of the Act on Special Measures".

（社債権者の議決権の行使に関する制限）
(Restriction on Exercise of Voting Rights by Bondholders)

第二百八十三条　会社更生法第百九十条の規定は、相互会社についての更生債権等である社債を有する社債権者について準用する。この場合において、同条第一項中「第四十三条第一項第五号」とあるのは「更生特例法第百九十六条において準用する第四十三条第一項第五号」と、同条第三項中「会社法第七百六条第一項」とあるのは「保険業法第六十一条の七第四項」と読み替えるものとする。

Article 283 The provisions of Article 190 of the Corporate Reorganization Act apply mutatis mutandis to bondholders of the bonds which are an unsecured or secured reorganization claim against a Mutual Company. In this case, the phrase "Article 43, paragraph (1), item (v)" in paragraph (1) of that Article is deemed to be replaced with "Article 43, paragraph (1), item (v) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures"; and the phrase "Article 706, paragraph (1) of the Companies Act" in paragraph (3) of that Article is deemed to be replaced with "Article 61-7, paragraph (4) of the Insurance Business Act".

（関係人集会が開催される場合における議決権の額又は数の定め方等）
(Means of Determining the Amount or Number of Voting Rights Where a Meeting of Persons Concerned Is to Be Held)

第二百八十四条　裁判所が議決権行使の方法として第二百八十二条において準用する会社更生法第百八十九条第二項第一号又は第三号に掲げる方法を定めた場合においては、管財人、届出をした更生債権者等又は社員は、関係人集会の期日において、届出をした更生債権者等又は社員の議決権につき異議を述べることができる。ただし、第二百五十四条において準用する同法第百五十条第一項の規定によりその額が確定した届出をした更生債権者等の議決権及び同項の規定により確定した社員の議決権については、この限りでない。

Article 284 (1) Where the court designates either of the means referred to in Article 189, paragraph (2), item (i) or (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 282 as the means for exercising a voting right, the trustee, holders of filed an unsecured or secured reorganization claim or member may make an objection to the voting right of holders of filed an unsecured or secured reorganization claim or member on the

date of a meeting of persons concerned; provided, however, that this does not apply to a voting right held by a holders of filed an unsecured or secured reorganization claim of which the amount is determined pursuant to the provisions of Article 150, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 254 and the voting right held by a member which is determined pursuant to that paragraph.

2　前項本文に規定する場合においては、議決権者は、次の各号に掲げる区分に応じ、当該各号に定める額又は数に応じて、議決権を行使することができる。

(2) In the case prescribed in the main clause of the preceding paragraph, voting right holders may exercise their voting rights in accordance with the amount or number specified in each of the following items for the categories set forth in the respective items:

一　第二百五十四条において準用する会社更生法第百五十条第一項の規定によりその額が確定した議決権を有する届出をした更生債権者等　確定した額

(i) a holder of a filed unsecured or secured reorganization claim that holds a voting right of which the amount is determined pursuant to the provisions of Article 150, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 254: The amount thus determined;

二　前項本文の異議のない議決権を有する届出をした更生債権者等　届出の額

(ii) a holder of a filed unsecured or secured reorganization claim that holds a voting right without objection referred to in the main clause of the preceding paragraph: The amount filed;

三　第二百五十四条において準用する会社更生法第百五十条第一項の規定により確定した社員権を有する社員又は前項本文の異議のない議決権を有する社員　一個

(iii) a member that holds a membership right determined pursuant to the provisions of Article 150, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 254 or a member that holds a voting right without objection referred to in the main clause of the preceding paragraph: One vote;

四　前項本文の異議のある議決権を有する届出をした更生債権者等又は社員　裁判所が定める額又は数。ただし、裁判所が議決権を行使させない旨を定めたときは、議決権を行使することができない。

(iv) a holder of a filed unsecured or secured reorganization claim or a member that holds a voting right subject to objection referred to in the main clause of the preceding paragraph: The amount or number specified by the court; provided, however, that the voting right may not be exercised if the court has decided not to allow the exercise of the voting right.

3　裁判所は、利害関係人の申立てにより又は職権で、いつでも前項第四号の規定による決定を変更することができる。

(3) The court, upon the petition of an interested person or by its own authority, may change the order made under the provisions of item (iv) of the preceding

paragraph at any time.

（関係人集会が開催されない場合における議決権の額又は数の定め方等）

(Means of Determining the Amount or Number of Voting Rights Where Meeting of Persons Concerned Is Not to Be Held)

第二百八十五条　裁判所が議決権行使の方法として第二百八十二条において準用する会社更生法第百八十九条第二項第二号に掲げる方法を定めた場合においては、議決権者は、次の各号に掲げる区分に応じ、当該各号に定める額又は数に応じて、議決権を行使することができる。

Article 285 (1) Where the court designates the means referred to in Article 189, paragraph (2), item (ii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 282 as the means for exercising a voting right, voting right holders may exercise their voting rights in accordance with the amount or number specified in each of the following items for the categories set forth in the respective items:

一　第二百五十四条において準用する会社更生法第百五十条第一項の規定によりその額が確定した議決権を有する届出をした更生債権者等　確定した額

(i) a holder of a filed unsecured or secured reorganization claim that holds a voting right of which the amount is determined pursuant to the provisions of Article 150, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 254: The amount thus determined;

二　届出をした更生債権者等（前号に掲げるものを除く。）　裁判所が定める額。ただし、裁判所が議決権を行使させない旨を定めたときは、議決権を行使することができない。

(ii) a holder of a filed unsecured or secured reorganization claim (other than one referred to in the preceding item): The amount specified by the court; provided, however, that the voting right may not be exercised if the court has decided not to allow the exercise of the voting right;

三　第二百五十四条において準用する会社更生法第百五十条第一項の規定により確定した社員権を有する社員　一個

(iii) a member that holds a membership right determined pursuant to the provisions of Article 150, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 254: One vote;

四　届出をした社員（前号に掲げるものを除く。）　一個。ただし、裁判所が議決権を行使させない旨を定めたときは、議決権を行使することができない。

(iv) a member that filed a proof (other than one referred to in the preceding item): One vote; provided, however, that the voting right may not be exercised if the court has decided not to allow the exercise of the voting right.

2　裁判所は、利害関係人の申立てにより又は職権で、いつでも前項第二号又は第四号の規定による決定を変更することができる。

(2) The court, upon the petition of an interested person or by its own authority,

may change the order made under the provisions of item (ii) or (iv) of the preceding paragraph at any time.

（議決権の行使の方法等）

(Means of Exercising Voting Rights)

第二百八十六条　会社更生法第百九十三条から第百九十五条までの規定は、相互会社の更生手続における議決権について準用する。この場合において、同法第百九十三条第二項中「第百八十九条第二項前段」とあるのは「更生特例法第二百八十二条において準用する第百八十九条第二項前段」と、同法第百九十四条第一項中「、更生担保権者表又は株主名簿に記載され、又は記録されている」とあるのは「又は更生担保権者表に記載されている」と、同法第百九十五条中「第二百条第二項」とあるのは「更生特例法第二百九十一条において準用する第二百条第二項」と読み替えるものとする。

Article 286 The provisions of Article 193 to Article 195 of the Corporate Reorganization Act apply mutatis mutandis to voting rights in the reorganization proceedings of a Mutual Company. In this case, the phrase "the first sentence of Article 189, paragraph (2)" in Article 193, paragraph (2) of that Act is deemed to be replaced with "the first sentence of Article 189, paragraph (2) as applied mutatis mutandis pursuant to Article 282 of the Act on Special Measures"; the phrase "specified or recorded in the schedule of secured reorganization creditors or shareholder registry" in Article 194, paragraph (1) of that Act is deemed to be replaced with "or specified in the schedule of secured reorganization creditors"; and the phrase "Article 200, paragraph (2)" in Article 195 of that Act is deemed to be replaced with "Article 200, paragraph (2) as applied mutatis mutandis pursuant to Article 291 of the Act on Special Measures".

（更生計画案の可決の要件）

(Requirements for Approval of a Proposed Reorganization Plan)

第二百八十七条　会社更生法第百九十六条の規定は、相互会社の更生手続における更生計画案の決議について準用する。この場合において、同条第一項及び第二項中「第百六十八条第一項各号」とあるのは「更生特例法第二百六十条第一項各号」と、同項及び同条第五項第三号中「株式」とあるのは「社員権」と読み替えるものとする。

Article 287 The provisions of Article 196 of the Corporate Reorganization Act apply mutatis mutandis to a resolution on a proposed reorganization plan in the reorganization proceedings of a Mutual Company. In this case, the phrase "the items of Article 168, paragraph (1)" in paragraphs (1) and (2) of that Article is deemed to be replaced with "the items of Article 260, paragraph (1) of the Act on Special Measures"; and the phrase "shares" in that paragraph and paragraph (5), item (iii) of that Article is deemed to be replaced with "membership rights".

（更生計画案の変更）

(Modification of a Proposed Reorganization Plan)

第二百八十八条　会社更生法第百九十七条の規定は、相互会社の更生手続における更生計画案の変更について準用する。この場合において、同条中「第百八十九条第二項第一号又は第三号」とあるのは、「更生特例法第二百八十二条において準用する第百八十九条第二項第一号又は第三号」と読み替えるものとする。

Article 288 The provisions of Article 197 of the Corporate Reorganization Act apply mutatis mutandis to the modification of a proposed reorganization plan in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 189, paragraph (2), item (i) or (iii)" in that Article is deemed to be replaced with "Article 189, paragraph (2), item (i) or (iii) as applied mutatis mutandis pursuant to Article 282 of the Act on Special Measures".

（関係人集会の期日の続行）

(Continuance of the Date of a Meeting of Persons Concerned)

第二百八十九条　会社更生法第百九十八条の規定は、相互会社の更生手続における関係人集会の期日の続行について準用する。この場合において、同条第一項中「第百八十九条第二項第一号又は第三号」とあるのは「更生特例法第二百八十二条において準用する第百八十九条第二項第一号又は第三号」と、「第百九十六条第一項」とあるのは「更生特例法第二百八十七条において準用する第百九十六条第一項」と、同項第三号中「株式」とあるのは「社員権」と読み替えるものとする。

Article 289 The provisions of Article 198 of the Corporate Reorganization Act apply mutatis mutandis to the continuation of the date of a meeting of persons concerned in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 189, paragraph (2), item (i) or (iii)" in paragraph (1) of that Article is deemed to be replaced with "Article 189, paragraph (2), item (i) or (iii) as applied mutatis mutandis pursuant to Article 282 of the Act on Special Measures"; the phrase "Article 196, paragraph (1)" is deemed to be replaced with "Article 196, paragraph (1) as applied mutatis mutandis pursuant to Article 287 of the Act on Special Measures"; and the phrase "shares" in item (iii) of that paragraph is deemed to be replaced with "membership rights".

第四款　更生計画の認可又は不認可の決定

Subsection 4 Order Confirming or Disconfirming a Reorganization Plan

（更生計画認可の要件等）

(Requirements for Confirmation of a Reorganization Plan)

第二百九十条　更生計画案が可決されたときは、裁判所は、更生計画の認可又は不認可の決定をしなければならない。

Article 290 (1) Where a proposed reorganization plan is approved, the court must issue an order confirming or disconfirming the reorganization plan.

２　会社更生法第百九十九条第二項から第七項までの規定は、相互会社の更生計画の認可又は不認可の決定について準用する。この場合において、同条第二項第五号中「会社と共に第四十五条第一項第七号」とあるのは「相互会社又は株式会社と共に更生特例法第百九十七条第一項第七号、第八号又は第十号」と、「前項」とあるのは「更生特例法第二百九十条第一項」と、「会社が」とあるのは「相互会社又は株式会社が」と、同項第六号中「第百八十七条」とあるのは「更生特例法第二百八十条において準用する第百八十七条」と、同条第四項中「前二項又は次条第一項」とあるのは「前二項の規定又は更生特例法第二百九十一条において準用する次条第一項」と、同条第五項中「第百十五条第一項本文」とあるのは「更生特例法第二百三十二条において準用する第百十五条第一項本文」と、同項及び同条第七項中「第四十六条第三項第三号」とあるのは「更生特例法第百九十八条第三項第三号」と読み替えるものとする。

(2) The provisions of Article 199, paragraphs (2) to (7) of the Corporate Reorganization Act apply mutatis mutandis to an order confirming or disconfirming the reorganization plan of a Mutual Company. In this case, the phrase "Article 45, paragraph (1), item (vii) with a company" in paragraph (2), item (v) of that Article is deemed to be replaced with "Article 197, paragraph (1), item (vii), (viii) or (x) of the Act on Special Measures with a Mutual Company or Stock Company"; the phrase "the preceding paragraph" is deemed to be replaced with "Article 290, paragraph (1) of the Act on Special Measures"; the phrase "company" is deemed to be replaced with "Mutual Company or Stock Company"; the phrase "Article 187" in item (vi) of that paragraph is deemed to be replaced with "Article 187 as applied mutatis mutandis pursuant to Article 280 of the Act on Special Measures"; the phrase "the preceding two paragraphs or paragraph (1) of the following Article" in paragraph (4) of that Article is deemed to be replaced with "the provisions of the preceding two paragraphs or paragraph (1) of the following Article as applied mutatis mutandis pursuant to Article 291 of the Act on Special Measures"; the phrase "the main clause of Article 115, paragraph (1)" in paragraph (5) of that Article is deemed to be replaced with "the main clause of Article 115, paragraph (1) as applied mutatis mutandis pursuant to Article 232 of the Act on Special Measures"; and the phrase "Article 46, paragraph (3), item (iii)" in that paragraph and paragraph (7) of that Article is deemed to be replaced with "Article 198, paragraph (3), item (iii) of the Act on Special Measures".

（同意を得られなかった種類の権利がある場合の認可）

(Confirmation in Cases Where There Are Types of Rights for Which Consent Could Not Be Obtained)

第二百九十一条　会社更生法第二百条第一項の規定は第二百八十七条において準用する同法第百九十六条第一項に規定する種類の権利の一部に同条第五項の要件を満たす同意を得られなかったものがあるため更生計画案が可決されなかった場合について、同法第二百条第二項及び第三項の規定は更生計画案につき第二百八十七条において準用

する同法第百九十六条第一項に規定する種類の権利の一部に同条第五項の要件を満たす同意を得られないことが明らかなものがある場合について、それぞれ準用する。

Article 291 The provisions of Article 200, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where a proposed reorganization plan is not approved because consent that meets the requirements referred to in paragraph (5) of that Article could not be obtained for some types of rights prescribed in Article 196, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 287 and the provisions of Article 200, paragraphs (2) and (3) of that Act apply mutatis mutandis to the cases where it is obvious that the consent that meets the requirements referred to in paragraph (5) of that Article cannot be obtained for some types of rights prescribed in Article 196, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 287 for a proposed reorganization plan.

（更生計画の効力発生の時期）

(Period When a Reorganization Plan Becomes Effective)

第二百九十二条　更生計画は、認可の決定の時から、効力を生ずる。

Article 292 A reorganization plan becomes effective at the time of the order confirming it.

（更生計画認可の決定等に対する即時抗告）

(Immediate Appeal against an Order Confirming the Reorganization Plan)

第二百九十三条　会社更生法第二百二条の規定は、相互会社の更生計画の認可又は不認可の決定に対する即時抗告について準用する。この場合において、同条第二項中「第百六十八条第一項第四号から第六号まで」とあるのは「更生特例法第二百六十条第一項第四号又は第六号」と、同条第五項中「第十三条」とあるのは「更生特例法第百七十七条」と読み替えるものとする。

Article 293 (1) The provisions of Article 202 of the Corporate Reorganization Act apply mutatis mutandis to an immediate appeal against an order confirming or disconfirming the reorganization plan of a Mutual Company. In this case, the phrase "Article 168, paragraph (1), items (iv) to (vi)" in paragraph (2) of that Article is deemed to be replaced with "Article 260, paragraph (1), item (iv) or (vi) of the Act on Special Measures"; and the phrase "Article 13" in paragraph (5) of that Article is deemed to be replaced with "Article 177 of the Act on Special Measures".

2　前項において準用する会社更生法第二百二条第一項の規定にかかわらず、更生会社が更生手続開始の時においてその財産をもって基金に係る更生債権に優先する債権に係る債務を完済することができない状態にある場合には、基金の拠出者は、更生計画の内容が第二百六十条第一項第五号に違反することを理由とする場合を除き、即時抗告をすることができない。

(2) Notwithstanding the provisions of Article 202, paragraph (1) of the Corporate

Reorganization Act as applied mutatis mutandis pursuant to the preceding paragraph, where a reorganizing company, at the time of the commencement of reorganization proceedings, is unable to pay its debts in full with its assets with regard to claims that take preference over a reorganization claim on the funds, the contributor to the relevant funds may not file an immediate appeal except on the grounds that the content of a reorganization plan is in violation of Article 260, paragraph (1), item (v).

第八節　更生計画認可後の手続
Section 8 Procedures after the Confirmation of a Reorganization Plan
第一款　更生計画認可の決定の効力
Subsection 1 Effect of an Order Confirming a Reorganization Plan

（更生計画の効力範囲）
(Scope of the Effect of a Reorganization Plan)

第二百九十四条　更生計画は、次に掲げる者のために、かつ、それらの者に対して効力を有する。

Article 294 (1) A reorganization plan is effective in the interest of and against the following persons:

一　更生会社
(i) a reorganizing company;

二　すべての更生債権者等及び社員
(ii) all unsecured and secured reorganization creditors and members;

三　更生会社の事業の更生のために債務を負担し、又は担保を提供する者
(iii) any person that assumes a debt or provides security for the purpose of reorganization of the business of the reorganizing company;

四　組織変更後株式会社
(iv) a Converted Stock Company;

五　更生計画の定めるところにより組織変更株式移転（共同してするものを除く。）により設立される株式会社又は新株式会社（更生計画の定めるところにより第二百七十三条において準用する会社更生法第百八十三条に規定する条項により設立される株式会社をいう。以下この章において同じ。）
(v) a Stock Company incorporated by share transfer on entity conversion (other than one conducted jointly) as specified in the reorganization plan or a new Stock Company (meaning a Stock Company incorporated under the clause prescribed in Article 183 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 273 as specified in the reorganization plan; hereinafter the same applies in this Chapter); and

六　新相互会社（更生計画の定めるところにより第二百七十二条に規定する条項により設立される相互会社をいう。以下この章において同じ。）
(vi) a New Mutual Company (meaning a Mutual Company established under

clauses prescribed in Article 272 as specified in the reorganization plan; hereinafter the same applies in this Chapter).

２　更生計画は、更生債権者等が更生会社の保証人その他更生会社と共に債務を負担する者に対して有する権利及び更生会社以外の者が更生債権者等のために提供した担保に影響を及ぼさない。

(2) A reorganization plan does not affect any rights held by an unsecured or secured reorganization creditor against the guarantor of a reorganizing company or any other person that owes debts jointly with the reorganizing company, and any security provided by persons other than the reorganizing company in the interest of the unsecured or secured reorganization creditor.

（更生債権等の免責等）

(Discharge from an Unsecured or Secured Reorganization Claim)

第二百九十五条　更生計画認可の決定があったときは、次に掲げる権利を除き、更生会社は、全ての更生債権等につきその責任を免れ、社員の権利及び更生会社の財産を目的とする担保権は全て消滅する。

Article 295 (1) If the court issues an order confirming a reorganization plan, the reorganizing company is discharged from its liability for all an unsecured or secured reorganization claim, except for the following rights, and any rights of members and any security interest on the assets of the reorganizing company is extinguished:

一　更生計画の定め又はこの章の規定によって認められた権利

(i) rights approved pursuant to the provisions of the reorganization plan or provisions of this Chapter;

二　更生手続開始後に更生会社の取締役等（取締役、会計参与、監査役、代表取締役、執行役、代表執行役、清算人又は代表清算人をいう。）又は使用人であった者で、更生計画認可の決定後も引き続きこれらの職に在職しているものの退職手当の請求権

(ii) a claim to the severance pay of a person that was a director, etc. (meaning director, accounting advisor, company auditor, representative director, executive officer, representative executive officer, liquidator or representative liquidator) or employee of the reorganizing company after the commencement of reorganization proceedings and remains in such a position even after the order confirming the reorganization plan;

三　第二百五十一条第二号に規定する更生手続開始前の罰金等の請求権

(iii) a claim to fines, etc. arising prior to the commencement of reorganization proceedings prescribed in Article 251, item (ii); and

四　租税等の請求権（共助対象外国租税の請求権を除く。）のうち、これを免れ、若しくは免れようとし、不正の行為によりその還付を受け、又は徴収して納付し、若しくは納入すべきものを納付せず、若しくは納入しなかったことにより、更生手続開始後懲役若しくは罰金に処せられ、又は国税犯則取締法第十四条第一項（地方税

法において準用する場合を含む。）の規定による通告の旨を履行した場合における、免れ、若しくは免れようとし、還付を受け、又は納付せず、若しくは納入しなかった額の租税等の請求権で届出のないもの

(iv) among rights to impose taxes or other charges (excluding a claim for a Foreign Tax Subject to Mutual Assistance), in cases where a sentence to imprisonment with required labor or a fine is imposed after the commencement of reorganization proceedings for evading or attempting to evade tax, etc., or receiving a tax, etc. refund through misconduct, or failing to pay or deliver tax, etc. that should have been collected and paid or delivered, or the subject of notification is performed under the provisions of Article 14, paragraph (1) of the National Tax Violations Control Act (including as applied mutatis mutandis pursuant to the Local Tax Act), the right to impose taxes or other charges in the amount of which evasion was performed or attempted, refunded or not paid or delivered for which there is no filing of a proof.

２　前項の規定にかかわらず、共助対象外国租税の請求権についての同項の規定による免責及び担保権の消滅の効力は、租税条約等実施特例法第十一条第一項の規定による共助との関係においてのみ主張することができる。

(2) Notwithstanding the provisions of the preceding paragraph, the effect of discharge and extinguishment of security interests under the provisions of that paragraph with regard to a claim for a Foreign Tax Subject to Mutual Assistance may be asserted only in relation to the mutual assistance under the provisions of Article 11, paragraph (1) of the Act on Special Provisions for Enforcement of Tax Treaties, etc.

３　会社更生法第二百四条第二項の規定は、相互会社の更生手続において更生計画認可の決定があった場合における第一項第三号及び第四号に掲げる請求権について準用する。

(3) The provisions of Article 204, paragraph (2) of the Corporate Reorganization Act apply mutatis mutandis to the rights to claim referred to in paragraph (1), items (iii) and (iv) if the court issues an order confirming the reorganization plan during the reorganization proceedings of a Mutual Company.

（届出をした更生債権者等の権利の変更等）

(Modification of Rights of Holders of Filed Unsecured or Secured Reorganization Claims)

第二百九十六条　会社更生法第二百五条第一項、第二項及び第五項並びに第二百六条から第二百八条までの規定は、相互会社の更生手続における更生計画認可の決定について準用する。この場合において、同法第二百五条第二項中「更生債権者等」とあるのは「更生債権者等又は社員」と、同項及び同法第二百六条第二項中「更生債権等」とあるのは「更生債権等又は社員権」と、同項中「第二百三条第一項第四号に掲げる持分会社、同項第五号に掲げる会社」とあるのは「更生特例法第二百九十四条第一項第

四号及び第五号に掲げる株式会社、同項第六号に規定する新相互会社」と、「及び」とあるのは「並びに」と、同法第二百七条中「第百六十九条第一項」とあるのは「更生特例法第二百六十条第三項において準用する第百六十九条第一項」と、同法第二百八条中「第五十条第一項」とあるのは「更生特例法第二百一条において準用する第五十条第一項」と、「第二十四条第一項第二号」とあるのは「更生特例法第百八十四条において準用する第二十四条第一項第二号」と、「第五十条第五項」とあるのは「更生特例法第二百一条において準用する第五十条第五項」と読み替えるものとする。

Article 296 The provisions of Article 205, paragraphs (1), (2) and (5) and Article 206 to Article 208 of the Corporate Reorganization Act apply mutatis mutandis to the order confirming the reorganization plan during the reorganization proceedings of a Mutual Company. In this case, the phrase "unsecured or secured reorganization creditor" in Article 205, paragraph (2) of that Act is deemed to be replaced with "unsecured or secured reorganization creditor or member"; the phrase "an unsecured or secured reorganization claim" in that paragraph and Article 206, paragraph (2) of that Act is deemed to be replaced with "an unsecured or secured reorganization claim or membership rights"; the phrase "Membership Company referred to in Article 203, paragraph (1), item (iv), company referred to in item (v) of that paragraph" in that paragraph is deemed to be replaced with "Stock Company referred to in Article 294, paragraph (1), items (iv) and (v) of the Act on Special Measures, New Mutual Company prescribed in item (vi) of that paragraph"; the phrase "and" is deemed to be replaced with "and"; the phrase "Article 169, paragraph (1)" in Article 207 of that Act is deemed to be replaced with "Article 169, paragraph (1) as applied mutatis mutandis pursuant to Article 260, paragraph (3) of the Act on Special Measures"; the phrase "Article 50, paragraph (1)" in Article 208 of that Act is deemed to be replaced with "Article 50, paragraph (1) as applied mutatis mutandis pursuant to Article 201 of the Act on Special Measures"; the phrase "Article 24, paragraph (1), item (ii)" is deemed to be replaced with "Article 24, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures"; and the phrase "Article 50, paragraph (5)" is deemed to be replaced with "Article 50, paragraph (5) as applied mutatis mutandis pursuant to Article 201 of the Act on Special Measures".

第二款　更生計画の遂行
Subsection 2 Implementation of a Reorganization Plan

（更生計画の遂行）

(Implementation of the Reorganization Plan)

第二百九十七条　会社更生法第二百九条（第三項を除く。）の規定は、相互会社の更生手続における更生計画について準用する。この場合において、同条第一項中「更生会

社」とあるのは「更生特例法第百六十九条第七項に規定する更生会社（更生特例法第百九十七条第一項に規定する組織変更後株式会社を含む。）」と、同条第二項中「第二百三条第一項第五号に掲げる会社」とあるのは「更生特例法第二百九十四条第一項第五号に掲げる株式会社及び同項第六号に規定する新相互会社」と、同条第四項中「第七十二条第四項前段」とあるのは「更生特例法第二百十一条において準用する第七十二条第四項前段」と、同項第二号中「第百五十一条第一項本文」とあるのは「更生特例法第二百五十五条において準用する第百五十一条第一項本文」と読み替えるものとする。

Article 297 (1) The provisions of Article 209 (excluding paragraph (3)) of the Corporate Reorganization Act apply mutatis mutandis to a reorganization plan in the reorganization proceedings of a Mutual Company. In this case, the phrase "reorganizing company" in paragraph (1) of that Article is deemed to be replaced with "reorganizing company prescribed in Article 169, paragraph (7) of the Act on Special Measures (including Converted Stock Company prescribed in Article 197, paragraph (1) of the Act on Special Measures)"; the phrase "company referred to in Article 203, paragraph (1), item (v)" in paragraph (2) of that Article is deemed to be replaced with "Stock Company referred to in Article 294, paragraph (1), item (v) of the Act on Special Measures and New Mutual Company prescribed in item (vi) of that paragraph"; the phrase "the first sentence of Article 72, paragraph (4)" in paragraph (4) of that Article is deemed to be replaced with "the first sentence of Article 72, paragraph (4) as applied mutatis mutandis pursuant to Article 211 of the Act on Special Measures"; and the phrase "the main clause of Article 151, paragraph (1)" in item (ii) of that paragraph is deemed to be replaced with "the main clause of Article 151, paragraph (1) as applied mutatis mutandis pursuant to Article 255 of the Act on Special Measures".

2　会社更生法第二百九条第三項の規定は、新相互会社に対する管財人の報告徴収及び検査について準用する。この場合において、同項中「会計監査人、業務を執行する社員」とあるのは、「会計監査人」と読み替えるものとする。

(2) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to requests for reports and inspections of a New Mutual Company by a trustee. In this case, the phrase "accounting auditor, member that executes business" in that paragraph is deemed to be replaced with "accounting auditor".

3　会社更生法第二百九条第三項の規定は、組織変更後株式会社に対する管財人及び調査委員の報告徴収及び検査並びに第二百九十四条第一項第五号に掲げる株式会社に対する管財人の報告徴収及び検査について準用する。この場合において、同法第二百九条第三項中「会計監査人、業務を執行する社員」とあるのは、「会計監査人」と読み替えるものとする。

(3) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to requests for reports and inspections of a

Converted Stock Company by a trustee and examiner and requests for reports and inspections of a Stock Company by a trustee referred to in Article 294, paragraph (1), item (v). In this case, the phrase "accounting auditor, member that executes business" in Article 209, paragraph (3) of that Act is deemed to be replaced with "accounting auditor".

（社員総会の決議等に関する法令の規定等の排除）

(Exclusion of Provisions of Laws and Regulations on a Resolution of a General Meeting of Members)

第二百九十八条　更生計画の遂行については、保険業法その他の法令又は定款の規定にかかわらず、更生会社、組織変更後株式会社、新相互会社又は新株式会社の社員総会（総代会を設けているときは、総代会）の決議、株主総会の決議その他の機関の決定を要しない。

Article 298 (1) Notwithstanding the provisions of the Insurance Business Act or any other laws and regulations or the articles of incorporation, implementing a reorganization plan does not require a resolution of a general meeting of members (or a general meeting if it is held), resolution of the shareholders meeting or any other order of authorities of a reorganizing company, Converted Stock Company, New Mutual Company or new Stock Company.

２　更生計画の遂行については、会社法その他の法令の規定にかかわらず、組織変更後株式会社又は新株式会社の株主は、組織変更後株式会社又は新株式会社に対し、自己の有する株式を買い取ることを請求することができない。

(2) For the implementation of a reorganization plan, notwithstanding the provisions of the Companies Act or any other laws and regulations, shareholders of a Converted Stock Company or new Stock Company may not request the Converted Stock Company or new Stock Company to purchase their holdings of shares.

３　更生計画の遂行については、会社法第八百二十八条第一項各号（保険業法第三十条の十五、第五十七条第六項、第六十条の二第五項及び第百七十一条において準用する場合を含む。以下この項において同じ。）及び第二項各号並びに第八百二十九条並びに保険業法第九十六条の十六第一項及び第二項の規定にかかわらず、更生会社、組織変更後株式会社、新相互会社又は新株式会社の社員等（保険業法第八十四条の二第二項に規定する社員等をいう。）、株主等（会社法第八百二十八条第二項第一号に規定する株主等をいう。）、新株予約権者、破産管財人又は債権者は、会社法第八百二十八条第一項各号に掲げる行為の無効の訴え若しくは保険業法第九十六条の十六第一項の組織変更の無効の訴え又は会社法第八百二十九条各号に掲げる行為が存在しないことの確認の訴えを提起することができない。

(3) For the implementation of a reorganization plan, notwithstanding the provisions of the items of Article 828, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 30-15, Article 57, paragraph (6), Article 60-2, paragraph (5) and Article 171 of the Insurance

Business Act; hereinafter the same applies in this paragraph), the items of Article 828, paragraph (2) and Article 829 of the Companies Act and Article 96-16, paragraphs (1) and (2) of the Insurance Business Act, member, etc. (meaning member, etc. prescribed in the Article 84-2, paragraph (2) of the Insurance Business Act), shareholder, etc. (meaning shareholder, etc. prescribed in Article 828, paragraph (2), item (i) of the Companies Act), holder of share options, bankruptcy trustee or creditor of a reorganizing company, Converted Stock Company, New Mutual Company or new Stock Company may not file any lawsuit for nullification of any acts set forth in the items of Article 828, paragraph (1) of the Companies Act or any lawsuit for nullification of entity conversion referred to in Article 96-16, paragraph (1) of the Insurance Business Act or any an action for declaratory judgment of absence of any acts set forth in the items of Article 829 of the Companies Act.

（更生会社の取締役等に関する特例）

(Special Provisions on a Director of a Reorganizing Company)

第二百九十九条　第二百六十一条の規定により更生計画において取締役（更生会社が監査等委員会設置会社である場合にあっては、監査等委員である取締役又はそれ以外の取締役。以下この項及び次項において同じ。）、会計参与、監査役、代表取締役、各委員会の委員、執行役、代表執行役、会計監査人、清算人又は代表清算人の氏名又は名称を定めたときは、これらの者は、更生計画認可の決定の時に、それぞれ、取締役、会計参与、監査役、代表取締役、各委員会の委員、執行役、代表執行役、会計監査人、清算人又は代表清算人となる。

Article 299 (1) When the name of any director (in cases where the Company under Reorganization is a Company with a Supervisory Committee, the director that is a Supervisory Committee Member, or the director that is not a Supervisory Committee Member; hereinafter the same applies in this paragraph and the following paragraph), accounting advisor, company auditor, representative director, committee members of each committee, executive officer, representative executive officer, accounting auditor, liquidator or representative liquidator is specified in a reorganization plan pursuant to the provisions of Article 261, these respective persons become a director, accounting advisor, company auditor, representative director, committee members of each committee, executive officer, representative executive officer, accounting auditor, liquidator or representative liquidator at the time of the order confirming the reorganization plan.

２　第二百六十一条の規定により更生計画において取締役、会計参与、監査役、執行役、会計監査人又は清算人の選任の方法を定めたときは、これらの者の選任は、更生計画に定める方法による。

(2) When the means of appointment of any director, accounting advisor, company auditor, executive officer, accounting auditor or liquidator is specified in a

reorganization plan pursuant to the provisions of Article 261, these persons are appointed by the means specified in the reorganization plan.

3　第二百六十一条第一項第一号から第三号まで若しくは第七号又は第二項第二号の規定により更生計画において代表取締役、各委員会の委員、代表執行役又は代表清算人の選定の方法を定めたときは、これらの者の選定は、更生計画に定める方法による。

(3) When the means of selection of a representative director, committee member of each member, representative executive officer or representative liquidator is specified in a reorganization plan pursuant to the provisions of Article 261, paragraph (1), items (i) to (iii) or (vii) or, paragraph (2), item (ii), these persons are selected by the means specified in the reorganization plan.

4　更生会社の従前の取締役、会計参与、監査役、執行役、会計監査人又は清算人は、更生計画認可の決定の時に退任する。ただし、第一項の規定により引き続き取締役、会計参与、監査役、執行役、会計監査人又は清算人となることを妨げない。

(4) Any existing director, accounting advisor, company auditor, executive officer, accounting auditor or liquidator of a reorganizing company resigns at the time of the order confirming the reorganization plan; provided, however, that they are not precluded from continuing to serve as a director, accounting advisor, company auditor, executive officer, accounting auditor or liquidator pursuant to the provisions of paragraph (1).

5　前項の規定は、更生会社の従前の代表取締役、各委員会の委員、代表執行役又は代表清算人について準用する。

(5) The provisions of the preceding paragraph apply mutatis mutandis to any existing representative director, committee members of each committee, representative executive officer or representative liquidator of a reorganizing company.

6　第一項から第三項までの規定により取締役、会計参与、監査役、執行役、会計監査人又は清算人に選任された者の任期及びこれらの規定により代表取締役、各委員会の委員、代表執行役又は代表清算人に選定された者の任期は、更生計画の定めるところによる。

(6) The term of office of a person appointed as a director, accounting advisor, company auditor, executive officer, accounting auditor or liquidator pursuant to the provisions of paragraphs (1) to (3) and a person selected as representative director, committee members of each committee, representative executive officer or representative liquidator pursuant to these provisions is as specified in a reorganization plan.

（基金償却積立金の取崩しに関する特例）

(Special Provisions on the Reduction of Reserves for the Redemption of Funds)

第三百条　第二百六十二条第二号の規定により更生計画において更生会社の基金償却積立金の取崩しをすることを定めた場合には、保険業法第五十七条第四項の規定は、適用しない。

Article 300 In cases where the reduction of the reserve for redemption of funds by a reorganizing company is specified in a reorganization plan pursuant to the provisions of Article 262, item (ii), the provisions of Article 57, paragraph (4) of the Insurance Business Act do not apply.

（定款の変更に関する特例）

(Special Provisions on Amendment of the Articles of Incorporation)

第三百一条　会社更生法第二百十三条の規定は、第二百六十二条第三号の規定により相互会社の更生手続における更生計画において更生会社の定款を変更することを定めた場合について準用する。

Article 301 The provisions of Article 213 of the Corporate Reorganization Act apply mutatis mutandis to the cases where the amendment of the articles of incorporation by a reorganizing company is specified in a reorganization plan in the reorganization proceedings of a Mutual Company pursuant to the provisions of Article 262, item (iii).

（事業譲渡等に関する特例）

(Special Provisions on Business Transfers)

第三百一条の二　第二百六十二条第四号の規定により更生計画において事業譲渡等（保険業法第六十二条の二第一項第一号又は第二号に掲げる行為に限る。）をすることを定めた場合には、同法第二十一条第一項において準用する会社法第二十三条の二の規定は、更生会社の債権者については、適用しない。

Article 301-2 In cases where the implementation of business transfer, etc. (limited to the acts set forth in Article 62-2, paragraph (1), item (i) or (ii) of the Insurance Business Act) is provided in a reorganization plan pursuant to the provisions of Article 262, item (iv), the provisions of Article 23-2 of the Companies Act as applied mutatis mutandis pursuant to Article 21, paragraph (1) of the Insurance Business Act do not apply to creditors of a reorganizing company.

（保険契約の移転等に関する特例）

(Special Provisions on Transfer of Insurance Contracts)

第三百二条　第二百六十二条第五号の規定により更生計画において更生会社が同号に掲げる行為をすることを定めた場合には、保険業法第百三十六条の二、第百三十七条及び第百三十八条第二項（これらの規定を同法第二百七十二条の二十九において準用する場合を含む。）の規定は、適用しない。

Article 302 (1) In cases where the performance of an act referred to in Article 262, item (v) by a reorganizing company is specified in a reorganization plan pursuant to the provisions of that item, the provisions of Article 136-2, Article 137 and Article 138, paragraph (2) of the Insurance Business Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article

272-29 of that Act) do not apply.

2　前項に規定する場合における更生会社に対する保険業法第百三十八条第一項（同法第二百七十二条の二十九において準用する場合を含む。）の規定の適用については、同項中「第百三十六条第一項の決議」とあるのは、「保険契約の移転を内容とする更生計画認可の決定」とする。

(2) For the purpose of application of the provisions of Article 138, paragraph (1) of the Insurance Business Act to a reorganizing company in the case prescribed in the preceding paragraph (including as applied mutatis mutandis pursuant to Article 272-29 of that Act), the phrase "resolution under Article 136, paragraph (1)" in that paragraph is deemed to be replaced with "order confirming a reorganization plan specifying transfer of insurance contracts".

3　第一項に規定する場合において、第二百六十二条第四号の規定により更生計画において更生会社が事業の譲渡をすることを定めたときにおける当該更生会社に対する保険業法第百四十三条第一項の規定の適用については、同項中「保険金信託業務を行う相互会社が保険契約の全部に係る保険契約の移転の決議をした場合で、当該保険金信託業務に係る事業の譲渡について社員総会（総代会を設けているときは、総代会）又は取締役会の決議をした」とあるのは「保険金信託業務を行う相互会社について保険契約の全部に係る保険契約の移転及び当該保険金信託業務に係る事業の譲渡を内容とする更生計画認可の決定があった」と、「当該決議をした」とあるのは「当該決定のあった」と、「当該決議の」とあるのは「当該決定の」とする。

(3) In the case prescribed in paragraph (1), for the purpose of application of the provisions of Article 143, paragraph (1) of the Insurance Business Act to the reorganizing company when the transfer of business by a reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 262, item (iv), the phrase "a Mutual Company carrying out the insurance premium trust business has adopted a resolution on the transfer of all insurance contracts, and the general meeting of members (or the general meeting, where the company has it) or the meeting of the board of directors has adopted a resolution on the transfer of a business including the insurance premium trust business" is deemed to be replaced with "the order confirming the reorganization plan is made with respect to a Mutual Company carrying out the insurance premium trust business, specifying the transfer of insurance contracts involving all insurance contracts and the transfer of business in relation to the insurance premium trust business"; the phrase "of the latter resolution" is deemed to be replaced with "of the order"; and the phrase "the resolution" is deemed to be replaced with "the order".

（基金の募集に関する特例）

(Special Provisions on Solicitation of Additional Funds)

第三百三条　第二百六十三条第三号の規定により更生計画において更生債権者等又は社員に対して同号の基金の拠出の割当てを受ける権利を与える旨を定めた場合には、更

生会社は、これらの者に対し、次に掲げる事項を通知し、かつ、当該権利を有する更生債権者等の更生債権等につき無記名式の社債券が発行されているとき、又は社債、株式等の振替に関する法律（平成十三年法律第七十五号）第百十七条において準用する同法第四章の規定（同法その他の法令において準用する場合を含む。）の適用があるときは、次に掲げる事項を公告しなければならない。

Article 303 (1) In cases where the granting of the right to receive the allotment of the contribution to the funds referred to in Article 263, item (iii) to an unsecured or secured reorganization creditor or a member is specified in the reorganization plan pursuant to the provisions of that item, a reorganizing company must make notification of the following particulars to the unsecured or secured reorganization creditor or the member, and when bearer form Bond certificates are issued for an unsecured or secured reorganization claim of the unsecured or secured reorganization creditor that holds the relevant right, or when the provisions of Chapter IV of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. (Act No. 75 of 2001) as applied mutatis mutandis pursuant to Article 117 of that Act (including as applied mutatis mutandis pursuant to that Act or any other laws and regulations) is applied, make a public notice of the following particulars:

一　当該更生債権者等又は社員が割当てを受ける権利を有する基金の拠出の内容

(i) the content of the contribution to the funds of which the unsecured or secured reorganization creditor or member holds the right to receive the allotment;

二　第二百六十三条第三号の期日

(ii) the date referred to in Article 263, item (iii); and

三　第二百六十三条第三号の基金の拠出の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of the contribution to the funds referred to in Article 263, item (iii) may be assigned.

2　前項の規定による通知又は公告は、同項第二号の期日の二週間前にしなければならない。

(2) The notice or public notice under the provisions of the preceding paragraph must be given two weeks before the date referred to in item (ii) of that paragraph.

3　第二百六十三条第三号の基金の拠出の割当てを受ける権利を有する者は、更生会社が第一項の規定による通知又は公告をしたにもかかわらず、同項第二号の期日までに基金の拠出の申込みをしないときは、当該権利を失う。

(3) A person that holds the right to receive the allotment of the contribution to the funds referred to in Article 263, item (iii) loses the right when, despite the fact that the reorganizing company gave notice or public notice under the provisions of paragraph (1), they fail to make an offer of contribution to the funds by the date referred to in item (ii) of that paragraph.

4　第一項に規定する場合において、第二百六十三条第三号の基金の拠出の割当てを受ける権利を有する更生債権者等又は社員がその割当てを受ける基金の額に一円に満たない端数があるときは、これを切り捨てるものとする。

(4) In the case prescribed in paragraph (1), in cases where the amount of the contribution to the funds to be allotted to an unsecured or secured reorganization creditor or member that holds the right to receive the allotment of the contribution to the funds referred to in Article 263, item (iii) includes a fraction less than one yen, the fraction is rounded down to zero.

（募集社債を引き受ける者の募集に関する特例）

(Special Provisions on the Solicitation of Subscribers for Bonds for Subscription)

第三百四条　第二百六十四条第四号の規定により更生計画において更生債権者等又は社員に対して同号の募集社債の割当てを受ける権利を与える旨を定めた場合には、更生会社は、これらの者に対し、次に掲げる事項を通知し、かつ、当該権利を有する更生債権者等の更生債権等につき無記名式の社債券が発行されているとき、又は社債、株式等の振替に関する法律第百十七条において準用する同法第四章の規定（同法その他の法令において準用する場合を含む。）の適用があるときは、当該事項を公告しなければならない。

Article 304 (1) In cases where the granting of the right to receive the allotment of Bonds for subscription referred to in Article 264, item (iv) to an unsecured or secured reorganization creditor or a member is specified in the reorganization plan pursuant to the provisions of that item, a reorganizing company must notify the unsecured or secured reorganization creditor or the member of the following particulars, and when bearer form Bond certificates are issued for an unsecured or secured reorganization claim of the unsecured or secured reorganization creditor that holds the relevant right, or when the provisions of Chapter IV of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. as applied mutatis mutandis pursuant to Article 117 of that Act (including as applied mutatis mutandis pursuant to that Act or any other laws and regulations) is applied, make a public notice of the following particulars:

一　当該更生債権者等又は社員が割当てを受ける募集社債の種類及び種類ごとの各社債の金額の合計額

(i) the classes of Bonds for subscription to be allotted to the unsecured or secured reorganization creditor or member, and the total amount for each class of Bonds for subscription;

二　第二百六十四条第四号の期日

(ii) the date referred to in Article 264, item (iv); and

三　第二百六十四条第四号の募集社債の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of Bonds

for subscription referred to in Article 264, item (iv) may be assigned.

2　前項の規定による通知又は公告は、同項第二号の期日の二週間前にしなければならない。

(2) The notice or public notice under the provisions of the preceding paragraph must be given two weeks before the date referred to in item (ii) of that paragraph.

3　第二百六十四条第四号の募集社債の割当てを受ける権利を有する者は、更生会社が第一項の規定による通知又は公告をしたにもかかわらず、同項第二号の期日までに募集社債の引受けの申込みをしないときは、当該権利を失う。

(3) A person that holds the right to receive the allotment of Bonds for subscription referred to in Article 264, item (iv) loses the right when, despite the fact that the reorganizing company gave notice or public notice under the provisions of paragraph (1), the person fails to apply to subscribe for Bonds for subscription by the date referred to in item (ii) of that paragraph.

4　第一項に規定する場合において、第二百六十四条第四号の募集社債の割当てを受ける権利を有する更生債権者等又は社員がその割当てを受ける募集社債の数に一に満たない端数があるときは、これを切り捨てるものとする。

(4) In the case prescribed in paragraph (1), in cases where the number of Bonds for subscription to be allotted to an unsecured or secured reorganization creditor or member that holds the right to receive the allotment of Bonds for subscription referred to in Article 264, item (iv) includes a fraction less than one unit, the fraction is rounded down to the nearest whole number.

（更生債権者等又は社員の権利の消滅と引換えにする基金の拠出の割当て等に関する特例）

(Special Provisions on Allotment of Contribution to Funds in Exchange for Extinguishment of a Right of an Unsecured or Secured Reorganization Creditor or Member)

第三百五条　第二百六十五条第一項の規定により更生計画において更生債権者等又は社員の権利の全部又は一部の消滅と引換えに基金の拠出の割当てをすることを定めた場合には、更生債権者等又は社員は、更生計画認可の決定の時に、同項第三号に掲げる事項についての定めに従い、同号の基金の拠出者となる。

Article 305　(1) In cases where the allotment of the contribution to the funds in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor or member is specified in the reorganization plan pursuant to the provisions of Article 265, paragraph (1), the unsecured or secured reorganization creditor or member becomes the fund contributor referred to in item (iii) of that Article, in accordance with the provisions on the particulars set forth in that item, at the time of the order confirming the reorganization plan.

2　第二百六十五条第二項の規定により更生計画において更生債権者等又は社員の権利

の全部又は一部の消滅と引換えに社債を発行することを定めた場合には、更生債権者等又は社員は、更生計画認可の決定の時に、同項第七号に掲げる事項についての定めに従い、同号の社債の社債権者となる。

(2) In cases where the issuance of bonds in exchange for the extinguishment of the whole or part of the right of an unsecured or secured reorganization creditor or member is specified in the reorganization plan pursuant to the provisions of Article 265, paragraph (2), the unsecured or secured reorganization creditor or member becomes the bondholder of bonds referred to in item (vii) of that paragraph, in accordance with the provisions on the particulars set forth in that item, at the time of the order confirming the reorganization plan.

（組織変更に関する特例）

(Special Provisions on Entity Conversion)

第三百六条　第二百六十六条第一項の規定により更生計画において更生会社が組織変更をすることを定めた場合において、同項第四号イに掲げる事項についての定めがあるときは、更生債権者等は、組織変更がその効力を生ずる日に、同項第五号に掲げる事項についての定めに従い、同項第四号イの株式の株主となる。

Article 306 (1) In cases where an entity conversion of a reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 266, paragraph (1), if there is any provision on the particulars set forth in item (iv), (a) of that paragraph, the unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item (iv), (a) of that paragraph, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the entity conversion comes into effect.

２　会社更生法第二百十一条第一項から第三項まで及び第六項の規定は、第二百六十六条第一項の規定により更生計画において更生会社が組織変更をすることを定めた場合について準用する。この場合において、同法第二百十一条第一項及び第二項中「第百七十三条」とあるのは「更生特例法第二百六十六条第一項第二号又は第三号」と、同条第一項、第三項及び第六項中「各委員会」とあるのは「各委員会（更生特例法第二百六十一条第一項第三号に規定する各委員会をいう。）」と、同条第一項中「、会計監査人、清算人又は代表清算人」とあり、並びに同条第二項及び第六項中「、会計監査人又は清算人」とあるのは「又は会計監査人」と、同条第一項中「更生計画認可の決定の」とあるのは「組織変更の効力が生じた」と、同条第三項中「第百七十三条第一項第二号から第四号まで若しくは第八号又は第二項第二号」とあるのは「更生特例法第二百六十六条第一項第三号ロ、ニ又はホ」と、同項及び同条第六項中「、代表執行役又は代表清算人」とあるのは「又は代表執行役」と読み替えるものとする。

(2) The provisions of Article 211, paragraphs (1) to (3) and (6) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the entity conversion of a reorganizing company is specified in the reorganization plan

pursuant to the provisions of Article 266, paragraph (1). In this case, the phrase "Article 173" in Article 211, paragraphs (1) and (2) of that Act is deemed to be replaced with "Article 266, paragraph (1), item (ii) or (iii) of the Act on Special Measures"; the phrase "each committee" in paragraphs (1), (3) and (6) of that Article is deemed to be replaced with "each committee (meaning each committee prescribed in Article 261, paragraph (1), item (iii) of the Act on Special Measures)"; the phrase ", accounting auditor, liquidator or representative liquidator" in paragraph (1) of that Article and the phrase ", accounting auditor or liquidator" in paragraphs (2) and (6) of that Article is deemed to be replaced with "or accounting auditor"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that the entity conversion came into effect"; the phrase "Article 173, paragraph (1), items (ii) to (iv) or (viii) or, paragraph (2), item (ii)" in paragraph (3) of that Article is deemed to be replaced with "Article 266, paragraph (1), item (iii), (b), (d) or (e) of the Act on Special Measures"; and the phrase ", representative executive officer or representative liquidator" in that paragraph and paragraph (6) of that Article is deemed to be replaced with "or representative executive officer".

3　第二百六十六条第一項の規定により更生計画において更生会社が組織変更をすることを定めた場合には、保険業法第八十七条及び第八十八条の規定は、適用しない。

(3) In cases where an entity conversion of a reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 266, paragraph (1), the provisions of Article 87 and Article 88 of the Insurance Business Act do not apply.

（組織変更時発行株式の発行に関する特例）

(Special Provisions on Shares Issued on Entity Conversion)

第三百七条　会社更生法第二百十五条第二項から第五項までの規定は、第二百六十六条第一項第七号の規定により更生計画において更生債権者等又は社員に対して同号の組織変更時発行株式の割当てを受ける権利を与える旨を定めた場合について準用する。この場合において、同法第二百十五条第二項中「無記名式の新株予約権証券若しくは無記名式の」とあるのは「無記名式の」と、「第四章」とあるのは「第百十七条において準用する同法第四章」と、同項第二号及び第三号並びに同条第四項及び第五項中「第百七十五条第三号」とあるのは「更生特例法第二百六十六条第一項第七号」と読み替えるものとする。

Article 307　(1) The provisions of Article 215, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the granting of the right to receive the allotment of Shares Issued on Entity Conversion referred to in Article 266, paragraph (1), item (vii) to an unsecured or secured reorganization creditor or member is specified in the reorganization plan pursuant to the provisions of that item. In this case, the phrase "bearer

form Share Option certificates or bearer form" in Article 215, paragraph (2) of that Act is deemed to be replaced with "bearer form"; the phrase "Chapter IV" is deemed to be replaced with "Chapter IV of that Act as applied mutatis mutandis pursuant to Article 117"; and the phrase "Article 175, item (iii)" in items (ii) and (iii) of that paragraph and paragraphs (4) and (5) of that Article is deemed to be replaced with "Article 266, paragraph (1), item (vii) of the Act on Special Measures".

２　更生計画において更生会社が組織変更時発行株式を発行することを定めた場合には、保険業法第九十六条の四において準用する会社法第二百七条、第二百十二条（第一項第一号を除く。）及び第二百十三条（第一項第一号及び第三号を除く。）、保険業法第九十六条の四の二において準用する会社法第二百十三条の二並びに保険業法第九十六条の四の三の規定は、適用しない。

(2) In cases where the issuance of Shares Issued on Entity Conversion by the reorganizing company is specified in the reorganization plan, the provisions of Article 207, Article 212 (excluding paragraph (1), item (i)) and Article 213 (excluding paragraph (1), items (i) and (iii)) of the Companies Act as applied mutatis mutandis pursuant to Article 96-4 of the Insurance Business Act, Article 213-2 of the Companies Act as applied mutatis mutandis pursuant to Article 96-4-2 of the Insurance Business Act and Article 96-4-3 of the Insurance Business Act do not apply.

３　第一項に規定する場合において、組織変更時発行株式のうち割当てをすることができなかったものがあるときは、第二百六十六条第一項第九号の規定により更生計画に定められた組織変更に関する条件に反しない限り、当該組織変更時発行株式を発行しないで組織変更をすることができる。ただし、会社法第三十七条第三項の規定に反しない場合に限る。

(3) In the case prescribed in paragraph (1), when there are any Shares Issued on Entity Conversion that could not be allotted, an entity conversion may be conducted without issuing the Shares Issued on Entity Conversion unless it violates the conditions concerning the entity conversion specified in the reorganization plan pursuant to the provisions of Article 266, paragraph (1), item (ix); provided, however, that this is limited to cases where it does not violate the provisions of Article 37, item (3) of the Companies Act.

（組織変更後株式会社の募集株式を引き受ける者の募集に関する特例）

(Special Provisions on Solicitation of Subscribers for Shares for Subscription)

第三百八条　会社更生法第二百十五条第一項の規定は、第二百六十六条第二項において準用する同法第百七十五条の規定により更生計画において組織変更後株式会社が募集株式を引き受ける者の募集をすることを定めた場合において、株主に対して会社法第二百二条第一項第一号の募集株式の割当てを受ける権利を与える旨の定款の定めがあるときについて準用する。

Article 308 (1) The provisions of Article 215, paragraph (1) of the Corporate

Reorganization Act apply mutatis mutandis to the cases where the solicitation of subscribers for Shares for Subscription by a Converted Stock Company is specified in the reorganization plan pursuant to the provisions of Article 175 of that Act as applied mutatis mutandis pursuant to Article 266, paragraph (2), when there is a provision in the articles of incorporation to the effect that the right to receive the allotment of Shares for Subscription referred to in Article 202, paragraph (1), item (i) of the Companies Act is to be granted to shareholders.

2　第二百六十六条第二項において準用する会社更生法第百七十五条第三号の規定により更生計画において更生債権者等又は社員に対して同号の募集株式の割当てを受ける権利を与える旨を定めた場合には、組織変更後株式会社は、これらの者に対し、次に掲げる事項を通知し、かつ、当該権利を有する更生債権者等の更生債権等につき無記名式の社債券が発行されているとき、又は社債、株式等の振替に関する法律第百十七条において準用する同法第四章の規定（同法その他の法令において準用する場合を含む。）の適用があるときは、次に掲げる事項を公告しなければならない。

(2) In cases where the granting of the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act to an unsecured or secured reorganization creditor or a member is specified in the reorganization plan pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 266, paragraph (2), the Converted Stock Company must make notification of the following particulars to the unsecured or secured reorganization creditor or the member, and, when bearer form Bond certificates are issued for an unsecured or secured reorganization claim of the unsecured or secured reorganization creditor that holds the relevant right or when the provisions of Chapter IV of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. as applied mutatis mutandis pursuant to Article 117 of that Act (including as applied mutatis mutandis pursuant to that Act or any other laws and regulations) is applied, must make a public notice of the following particulars:

一　当該更生債権者等又は社員が割当てを受ける募集株式の数（種類株式発行会社にあっては、募集株式の種類及び数）

(i) the number of Shares for Subscription to be allotted to the unsecured or secured reorganization creditor or member (in the case of a company with class shares, the classes of Shares for Subscription and the number of shares of each class);

二　第二百六十六条第二項において準用する会社更生法第百七十五条第三号の期日

(ii) the date referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2); and

三　第二百六十六条第二項において準用する会社更生法第百七十五条第三号の募集株式の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) may be assigned.

3　前項の規定による通知又は公告は、同項第二号の期日の二週間前にしなければならない。

(3) The notice or public notice under the provisions of the preceding paragraph must be given two weeks before the date referred to in item (ii) of that paragraph.

4　第二百六十六条第二項において準用する会社更生法第百七十五条第三号の募集株式の割当てを受ける権利を有する者は、組織変更後株式会社が第二項の規定による通知又は公告をしたにもかかわらず、同項第二号の期日までに募集株式の引受けの申込みをしないときは、当該権利を失う。

(4) A person that holds the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) loses the right when, despite the fact that a Converted Stock Company gave notice or public notice under the provisions of paragraph (2), the person fails to apply to subscribe for Shares for Subscription by the date referred to in item (ii) of that paragraph.

5　第二項に規定する場合において、第二百六十六条第二項において準用する会社更生法第百七十五条第三号の募集株式の割当てを受ける権利を有する更生債権者等又は社員がその割当てを受ける募集株式の数に一株に満たない端数があるときは、これを切り捨てるものとする。

(5) In the case prescribed in paragraph (2), in cases where the number of Shares for Subscription to be allotted to an unsecured or secured reorganization creditor or member that holds the right to receive the allotment of Shares for Subscription referred to in Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) includes a fraction less than one unit, the fraction is rounded down to the nearest whole number.

6　第一項に規定する場合には、会社法第百九十九条第五項、第二百七条、第二百十条及び第二編第二章第八節第六款の規定は、適用しない。

(6) In the case prescribed in paragraph (1), the provisions of Article 199, paragraph (5), Article 207, Article 210 and Part II, Chapter II, Section 8, Subsection 6 of the Companies Act do not apply.

（組織変更後株式会社の募集新株予約権を引き受ける者の募集に関する特例）

(Special Provisions on Solicitation of Subscribers for Share Options for Subscription of Converted Stock Company)

第三百九条　会社更生法第二百十五条第一項の規定は、第二百六十六条第二項において

準用する同法第百七十六条の規定により更生計画において組織変更後株式会社が募集新株予約権を引き受ける者の募集をすることを定めた場合において、株主に対して会社法第二百四十一条第一項第一号の募集新株予約権の割当てを受ける権利を与える旨の定款の定めがあるときについて準用する。

Article 309 (1) The provisions of Article 215, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the solicitation of subscribers for Share Options for Subscription by a Converted Stock Company is specified in the reorganization plan pursuant to the provisions of Article 176 of that Act as applied mutatis mutandis pursuant to Article 266, paragraph (2), when there is a provision in the articles of incorporation to the effect that the right to receive the allotment of Share Options for Subscription referred to in Article 241, paragraph (1), item (i) of the Companies Act is to be granted to shareholders.

2　第二百六十六条第二項において準用する会社更生法第百七十六条第三号の規定により更生計画において更生債権者等又は社員に対して同号の募集新株予約権の割当てを受ける権利を与える旨を定めた場合には、組織変更後株式会社は、これらの者に対し、次に掲げる事項を通知し、かつ、当該権利を有する更生債権者等の更生債権等につき無記名式の社債券が発行されているとき、又は社債、株式等の振替に関する法律第百十七条において準用する同法第四章の規定（同法その他の法令において準用する場合を含む。）の適用があるときは、次に掲げる事項を公告しなければならない。

(2) In cases where the granting of the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act to an unsecured or secured reorganization creditor or a member is specified in the reorganization plan pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 266, paragraph (2), the Converted Stock Company must make notification of the following particulars to the unsecured or secured reorganization creditor or the member, and, when bearer form Bond certificates are issued for an unsecured or secured reorganization claim of the unsecured or secured reorganization creditor that holds the relevant right or when the provisions of Chapter IV of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. as applied mutatis mutandis pursuant to Article 117 of that Act (including as applied mutatis mutandis pursuant to that Act or any other laws and regulations) is applied, must make a public notice of the following particulars:

一　当該更生債権者等又は社員が割当てを受ける募集新株予約権の内容及び数

(i) the description and number of Share Options for Subscription to be allotted to the unsecured or secured reorganization creditor or member;

二　第二百六十六条第二項において準用する会社更生法第百七十六条第三号の期日

(ii) the date referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2); and

三　第二百六十六条第二項において準用する会社更生法第百七十六条第三号の募集新株予約権の割当てを受ける権利を譲り渡すことができる旨

(iii) a statement to the effect that the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) may be assigned.

3　前項の規定による通知又は公告は、同項第二号の期日の二週間前にしなければならない。

(3) The notice or public notice under the provisions of the preceding paragraph must be given two weeks before the date referred to in item (ii) of that paragraph.

4　第二百六十六条第二項において準用する会社更生法第百七十六条第三号の募集新株予約権の割当てを受ける権利を有する者は、組織変更後株式会社が第二項の規定による通知又は公告をしたにもかかわらず、同項第二号の期日までに募集新株予約権の引受けの申込みをしないときは、当該権利を失う。

(4) A person that holds the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) loses the right when, despite the fact that a Converted Stock Company gave notice or public notice under the provisions of paragraph (2), the person fails to apply to subscribe for Share Options for Subscription by the date referred to in item (ii) of that paragraph.

5　第二項に規定する場合において、第二百六十六条第二項において準用する会社更生法第百七十六条第三号の募集新株予約権の割当てを受ける権利を有する更生債権者等又は社員がその割当てを受ける募集新株予約権の数に一に満たない端数があるときは、これを切り捨てるものとする。

(5) In the case prescribed in paragraph (2), in cases where the number of Share Options for Subscription to be allotted to an unsecured or secured reorganization creditor or member that holds the right to receive the allotment of Share Options for Subscription referred to in Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) includes a fraction less than one unit, the fraction is rounded down to the nearest whole number.

6　第二百六十六条第二項において準用する会社更生法第百七十六条の規定により更生計画において組織変更後株式会社が募集新株予約権を引き受ける者の募集をすることを定めた場合には、会社法第二百三十八条第五項、第二百四十七条、第二百八十五条第一項第一号及び第二号、第二百八十六条、第二百八十六条の二第一項第一号並びに第二百八十六条の三の規定は、適用しない。

(6) In cases where the solicitation of subscribers for Share Options for Subscription by a Converted Stock Company is specified in the reorganization plan pursuant to the provisions of Article 176 of that Act as applied mutatis

mutandis pursuant to Article 266, paragraph (2), the provisions of Article 238, paragraph (5) Article 247, Article 285, paragraph (1), items (i) and (ii), Article 286, Article 286-2, paragraph (1), item (i) and Article 286-3 of the Companies Act do not apply.

7　前項に規定する場合において、更生手続終了前に会社法第二百三十六条第一項第三号に掲げる事項についての定めのある新株予約権が行使されたときは、同法第二百八十四条の規定は、適用しない。

(7) In the case prescribed in the preceding paragraph, when share options with provisions on particulars set forth in Article 236, paragraph (1), item (iii) of the Companies Act are exercised before the end of reorganization proceedings, the provisions of Article 284 of that Act do not apply.

（組織変更後株式会社の募集社債を引き受ける者の募集に関する特例）

(Special Provisions on Solicitation of Subscribers for Bonds for Subscription of a Converted Stock Company)

第三百十条　第二百六十六条第二項において準用する会社更生法第百七十七条第四号の規定により更生計画において更生債権者等又は社員に対して同号の募集社債の割当てを受ける権利を与える旨を定めた場合には、組織変更後株式会社は、これらの者に対し、次に掲げる事項を通知し、かつ、当該権利を有する更生債権者等の更生債権等につき無記名式の社債券が発行されているとき、又は社債、株式等の振替に関する法律第百十七条において準用する同法第四章の規定（同法その他の法令において準用する場合を含む。）の適用があるときは、当該事項を公告しなければならない。

Article 310 (1) In cases where the granting of the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act to an unsecured or secured reorganization creditor or a member is specified in the reorganization plan pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 266, paragraph (2), the Converted Stock Company must notify the unsecured or secured reorganization creditor or the member of the following particulars, and when bearer form Bond certificates are issued for an unsecured or secured reorganization claim of the unsecured or secured reorganization creditor that holds the relevant right, or when the provisions of Chapter IV of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. as applied mutatis mutandis pursuant to Article 117 of that Act (including as applied mutatis mutandis pursuant to that Act or any other laws and regulations) is applied, make a public notice of the following particulars:

一　当該更生債権者等又は社員が割当てを受ける募集社債の種類及び種類ごとの各社債の金額の合計額

(i) the classes of Bonds for subscription to be allotted to the unsecured or secured reorganization creditor or member, and the total amount for each class of Bonds for subscription;

二　第二百六十六条第二項において準用する会社更生法第百七十七条第四号の期日
(ii) the date referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2); and
三　第二百六十六条第二項において準用する会社更生法第百七十七条第四号の募集社債の割当てを受ける権利を譲り渡すことができる旨
(iii) a statement to the effect that the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) may be assigned.

2　前項の規定による通知又は公告は、同項第二号の期日の二週間前にしなければならない。

(2) The notice or public notice under the provisions of the preceding paragraph must be given two weeks before the date referred to in item (ii) of that paragraph.

3　第二百六十六条第二項において準用する会社更生法第百七十七条第四号の募集社債の割当てを受ける権利を有する者は、組織変更後株式会社が第一項の規定による通知又は公告をしたにもかかわらず、同項第二号の期日までに募集社債の引受けの申込みをしないときは、当該権利を失う。

(3) A person that holds the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) loses the right when, despite the fact that a Converted Stock Company gave notice or public notice under the provisions of paragraph (1), the person fails to apply to subscribe for Bonds for subscription by the date referred to in item (ii) of that paragraph.

4　第一項に規定する場合において、第二百六十六条第二項において準用する会社更生法第百七十七条第四号の募集社債の割当てを受ける権利を有する更生債権者等又は社員がその割当てを受ける募集社債の数に一に満たない端数があるときは、これを切り捨てるものとする。

(4) In the case prescribed in paragraph (1), in cases where the number of Bonds for subscription to be allotted to an unsecured or secured reorganization creditor or member that holds the right to receive the allotment of Bonds for subscription referred to in Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2) includes a fraction less than one unit, the fraction is rounded down to the nearest whole number.

（組織変更株式交換に関する特例）

(Special Provisions on Share Exchanges on Entity Conversion)

第三百十一条　第二百六十七条の規定により更生計画において更生会社が組織変更株式

交換をすることを定めた場合において、同条第二号イに掲げる事項についての定めがあるときは、更生債権者等は、組織変更がその効力を生ずる日（次項において「効力発生日」という。）に、同条第三号に掲げる事項についての定めに従い、同条第二号イの株式の株主となる。

Article 311 (1) In cases where share exchange on entity conversion by a reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 267, if there is any provision on the particulars set forth in item (ii), (a) of that Article, the unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item (ii), (a) of that Article, in accordance with the provisions on the particulars set forth in item (iii) of that Article, on the day on which the entity conversion comes into effect (hereinafter referred to as the "effective date" in this Article).

２　第二百六十七条の規定により更生計画において組織変更株式交換をすることを定めた場合において、次の各号に掲げる場合には、更生会社の社員は、効力発生日に、同条第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(2) In cases where the share exchange on entity conversion is specified in the reorganization plan pursuant to the provisions of Article 267, in the cases set forth in each of the following items, the members of the reorganizing company become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that Article, on the effective date:

一　第二百六十七条第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is a provision on the particulars set forth in Article 267, item (iv), (a), the bondholder of bonds referred to in (a) of that item;

二　第二百六十七条第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is a provision on the particulars set forth in Article 267, item (iv), (b), the holder of share options referred to in (b) of that item; and

三　第二百六十七条第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is a provision on the particulars set forth in Article 267, item (iv), (c), the bondholder of bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

（組織変更株式移転に関する特例）

(Special Provisions on a Share Transfer on Entity Conversion)

第三百十二条　第二百六十八条の規定により更生計画において更生会社が組織変更株式

移転をすることを定めた場合において、同条第二号イに掲げる事項についての定めがあるときは、更生債権者等は、組織変更株式移転設立完全親会社の成立の日に、同条第三号に掲げる事項についての定めに従い、同条第二号イの株式の株主となる。

Article 312 (1) In cases where a share transfer on entity conversion by a reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 268, if there is any provision on the particulars set forth in item (ii), (a) of that Article, an unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item, item (ii), (a) of that Article, in accordance with the provisions on the particulars set forth in item (iii) of that Article, on the date of the establishment of a Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion.

2　第二百六十八条の規定により更生計画において組織変更株式移転をすることを定めた場合において、次の各号に掲げる場合には、更生会社の社員は、組織変更株式移転設立完全親会社の成立の日に、同条第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(2) In cases where the share transfer on entity conversion is specified in the reorganization plan pursuant to the provisions of Article 268, in the cases set forth in each of the following items, the members of the reorganizing company become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that Article, on the date of the establishment of the Wholly Owning Parent Company Formed by Share Transfer on Entity Conversion:

一　第二百六十八条第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is any provision on the particulars set forth in Article 268, item (iv), (a), the bondholder of bonds referred to in (a) of that item;

二　第二百六十八条第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is any provision on the particulars set forth in Article 268, item (iv), (b), the holder of share options referred to in (b) of that item; and

三　第二百六十八条第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is any provision on the particulars set forth in Article 268, item (iv), (c), the bondholder of bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

（解散に関する特例）

(Special Provisions on Dissolution)

第三百十三条　第二百六十九条において準用する会社更生法第百七十八条本文の規定により更生計画において更生会社が解散することを定めた場合には、更生会社は、更生計画に定める時期に解散する。

Article 313 (1) In cases where the dissolution of a reorganizing company is specified in the reorganization plan pursuant to the provisions of the main clause of Article 178 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 269, the reorganizing company is dissolved at the time specified in the reorganization plan.

２　前項の場合には、保険業法第百五十六条の二及び第百五十七条の規定は、適用しない。

(2) In the case referred to in the preceding paragraph, the provisions of Article 156-2 and Article 157 of the Insurance Business Act do not apply.

（吸収合併に関する特例）

(Special Provisions on Absorption-Type Mergers)

第三百十四条　第二百七十条第一項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、吸収合併がその効力を生ずる日（以下この条において「効力発生日」という。）に、同項第三号に掲げる事項についての定めに従い、同項第二号の基金の拠出者となる。

Article 314 (1) In cases where the Absorption-Type Merger prescribed in Article 270, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii) of that paragraph, the unsecured or secured reorganization creditor becomes the fund contributor referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Absorption-Type Merger comes into effect (hereinafter referred to as the "effective date" in this Article).

２　第二百七十条第一項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、同項第四号に掲げる事項についての定めがあるときは、更生会社の社員は、効力発生日に、同項第五号に掲げる事項についての定めに従い、同項第四号の社債の社債権者となる。

(2) In cases where the Absorption-Type Merger prescribed in Article 270, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (iv) of that paragraph, the members of the reorganizing company become the bondholders of bonds referred to in item (iv) of that paragraph, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the effective date.

３　第二百七十条第一項の規定により更生計画において更生会社が同項に規定する吸収

合併をすることを定めた場合には、保険業法第六十一条の八第二項において準用する会社法第七百四十条の規定並びに保険業法第百六十五条の十五、第百六十五条の十六の二及び第百六十五条の十七の規定は、更生会社については、適用しない。

(3) In cases where the Absorption-Type Merger prescribed in Article 270, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 740 of the Companies Act as applied mutatis mutandis pursuant to Article 61-8, paragraph (2) of the Insurance Business Act and the provisions of Article 165-15, Article 165-16-2 and Article 165-17 of the Insurance Business Act do not apply to the reorganizing company.

4　第二百七十条第二項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、同項第二号イに掲げる事項についての定めがあるときは、更生債権者等は、効力発生日に、同項第三号に掲げる事項についての定めに従い、同項第二号イの株式の株主となる。

(4) In cases where the Absorption-Type Merger prescribed in Article 270, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii), (a) of that paragraph, the unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item (ii), (a) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the effective date.

5　第二百七十条第二項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、次の各号に掲げる場合には、更生会社の基金の拠出者又は社員は、効力発生日に、同項第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(5) In cases where the Absorption-Type Merger prescribed in Article 270, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the fund contributors or members of the reorganizing company become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the effective date:

一　第二百七十条第二項第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is a provision on the particulars set forth in Article 270, paragraph (2), item (iv), (a), the bondholder of bonds referred to in (a) of that item;

二　第二百七十条第二項第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is a provision on the particulars set forth in Article 270, paragraph (2), item (iv), (b), the holder of share options referred to in (b)

of that item; and

三　第二百七十条第二項第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is a provision on the particulars set forth in Article 270, paragraph (2), item (iv), (c), the bondholder of bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

6　前項に規定する場合には、保険業法第六十一条の八第二項において準用する会社法第七百四十条の規定並びに保険業法第百六十五条の十五、第百六十五条の十六の二及び第百六十五条の十七の規定は、更生会社については、適用しない。

(6) In the case prescribed in the preceding paragraph, the provisions of Article 740 of the Companies Act as applied mutatis mutandis pursuant to Article 61-8, paragraph (2) of the Insurance Business Act and the provisions of Article 165-15, Article 165-16-2 and Article 165-17 of the Insurance Business Act do not apply to a reorganizing company.

7　第二百七十条第三項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、吸収合併消滅会社の社員は、効力発生日に、同項第三号に掲げる事項についての定めに従い、同項第二号の社債の社債権者となる。

(7) In cases where the Absorption-Type Merger prescribed in Article 270, paragraph (3) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii) of that paragraph, the members of a Company Disappearing in an Absorption-Type Merger become the bondholders of the bonds referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the effective date.

8　第二百七十条第三項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合には、保険業法第六十一条の八第二項において準用する会社法第七百四十条の規定、保険業法第百六十五条の十九の規定並びに同法第百六十五条の二十において準用する同法第百六十五条の十六の二及び十七の規定は、更生会社については、適用しない。

(8) In cases where the Absorption-Type Merger prescribed in Article 270, paragraph (3) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 740 of the Companies Act as applied mutatis mutandis pursuant to Article 61-8, paragraph (2) of the Insurance Business Act, Article 165-19 of the Insurance Business Act, and Articles 165-16-2 and 165-17 of the Insurance Business Act as applied mutatis mutandis pursuant to Article 165-20 of that Act do not apply to the reorganizing company.

（新設合併に関する特例）

(Special Provisions on a Consolidation-Type Merger)

第三百十五条　第二百七十一条第一項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、新設合併設立会社の成立の日に、同項第三号に掲げる事項についての定めに従い、同項第二号の基金の拠出者となる。

Article 315 (1) In cases where the Consolidation-Type Merger prescribed in Article 271, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii) of that paragraph, an unsecured or secured reorganization creditor becomes the fund contributor referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which a Company Established by Consolidation-Type Merger is established.

2　第二百七十一条第一項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第四号に掲げる事項についての定めがあるときは、新設合併消滅会社の社員は、新設合併設立会社の成立の日に、同項第五号に掲げる事項についての定めに従い、同項第四号の社債の社債権者となる。

(2) In cases where the Consolidation-Type Merger prescribed in Article 271, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (iv) of that paragraph, the members of a Company Disappearing in a Consolidation-Type Merger become the bondholders of bonds referred to in item (iv) of that paragraph, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the Company Established by Consolidation-Type Merger is established.

3　第二百七十一条第一項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合には、保険業法第六十一条の八第二項において準用する会社法第七百四十条の規定並びに保険業法第百六十五条の十五、第百六十五条の十六の二及び第百六十五条の十七の規定は、更生会社については、適用しない。

(3) In cases where the Consolidation-Type Merger prescribed in Article 271, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 740 of the Companies Act as applied mutatis mutandis pursuant to Article 61-8, paragraph (2) of the Insurance Business Act and the provisions of Article 165-15, Article 165-16-2 and Article 165-17 of the Insurance Business Act do not apply to a reorganizing company.

4　第二百七十一条第二項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めが

あるときは、更生債権者等は、新設合併設立会社の成立の日に、同項第三号に掲げる事項についての定めに従い、同項第二号の株式の株主となる。

(4) In cases where the Consolidation-Type Merger prescribed in Article 271, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there is any provision on the particulars set forth in item (ii) of that paragraph, the unsecured or secured reorganization creditor becomes the shareholder of the shares referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which a Company Established by Consolidation-Type Merger is established.

5　第二百七十一条第二項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、次の各号に掲げる場合には、新設合併消滅会社の基金の拠出者若しくは社員又は株主は、新設合併設立会社の成立の日に、同項第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(5) In cases where the Consolidation-Type Merger prescribed in Article 271, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the fund contributors, members or shareholders of a Company Disappearing in a Consolidation-Type Merger become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the Company Established by Consolidation-Type Merger is established:

一　第二百七十一条第二項第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is a provision on the particulars set forth in Article 271, paragraph (2), item (iv), (a), the bondholder of bonds referred to in (a) of that item;

二　第二百七十一条第二項第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is a provision on the particulars set forth in Article 271, paragraph (2), item (iv), (b), the holder of share options referred to in (b) of that item; and

三　第二百七十一条第二項第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is a provision on the particulars set forth in Article 271, paragraph (2), item (iv), (c), the bondholder of bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

6　前項に規定する場合には、保険業法第六十一条の八第二項において準用する会社法第七百四十条の規定並びに保険業法第百六十五条の十五、第百六十五条の十六の二及

び第百六十五条の十七の規定は、更生会社については、適用しない。

(6) In the case prescribed in the preceding paragraph, the provisions of Article 740 of the Companies Act as applied mutatis mutandis pursuant to Article 61-8, paragraph (2) of the Insurance Business Act and the provisions of Article 165-15, Article 165-16-2 and Article 165-17 of the Insurance Business Act do not apply to a reorganizing company.

（新相互会社又は新株式会社の設立に関する特例）

(Special Provisions on Establishment of New Mutual Company or New Stock Company)

第三百十六条　第二百七十二条本文の規定又は第二百七十三条において準用する会社更生法第百八十三条本文の規定により更生計画において新相互会社又は新株式会社を設立することを定めた場合には、当該新相互会社又は新株式会社（以下この条において「新法人」という。）についての発起人の職務は、管財人が行う。

Article 316 (1) In cases where the establishment of a New Mutual Company or a new Stock Company is specified in the reorganization plan pursuant to the provisions of the main clause of Article 272 or the provisions of the main clause of Article 183 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 273, the duties of the incorporator concerning the New Mutual Company or new Stock Company (hereinafter referred to as a "New Corporation" in this Article) is performed by the trustee.

２　前項に規定する場合においては、新法人の定款は、裁判所の認証を受けなければ、その効力を生じない。

(2) In the case prescribed in the preceding paragraph, the articles of incorporation of the New Corporation do not come into effect unless the certification of the court has been obtained.

３　第一項に規定する場合には、新法人の創立総会における決議は、その内容が更生計画の趣旨に反しない限り、することができる。

(3) In the case prescribed in paragraph (1), a resolution of the organizational meeting of the New Corporation may be adopted only if the content of the resolution does not defeat the purpose of the reorganization plan.

４　第一項に規定する場合において、新法人が成立しなかったときは、更生会社は、管財人が同項の規定により新法人の設立に関してした行為についてその責任を負い、新法人の設立に関して支出した費用を負担する。

(4) In the case prescribed in paragraph (1), when the New Corporation is not established, a reorganizing company is responsible for any act performed by the trustee in relation to the establishment of the New Corporation pursuant to the provisions of that paragraph and bears the expenses disbursed in relation to the establishment of the New Corporation.

５　第二百九十九条第一項から第三項までの規定は第一項に規定する場合において新相互会社を設立するときにおける設立時取締役等の選任又は選定について、同条第六項

の規定は新相互会社の設立時取締役等が新相互会社の成立後において新相互会社取締役等となった場合における当該新相互会社取締役等の任期について、第三百三条の規定は更生債権者等又は社員に対して新相互会社の基金の拠出の割当てを受ける権利を与える場合について、第三百四条の規定は新相互会社の募集社債を引き受ける者の募集について、第三百五条の規定は更生債権者等又は社員の権利の消滅と引換えにする新相互会社の設立時の基金の拠出の割当て又は社債の発行について、それぞれ準用する。この場合において、第二百九十九条第一項及び第二項中「第二百六十一条」とあるのは「第二百七十二条第七号又は第八号」と、同条第一項中「更生計画認可の決定の」とあるのは「新相互会社が成立した」と、同条第三項中「第二百六十一条第一項第一号から第三号まで若しくは第七号又は第二項第二号」とあるのは「第二百七十二条第八号ロ、ニ又はホ」と、第三百三条第一項、第三項及び第四項中「第二百六十三条第三号」とあるのは「第二百七十二条第四号」と、同条第一項及び第三項並びに第三百四条第一項及び第三項中「更生会社」とあるのは「新相互会社」と、同条第一項、第三項及び第四項中「第二百六十四条第四号」とあるのは「第二百七十二条第十号」と、第三百五条中「更生計画認可の決定の」とあるのは「新相互会社が成立した」と、同条第一項中「第二百六十五条第一項」とあり、及び同条第二項中「第二百六十五条第二項」とあるのは「第二百七十二条第十一号」と、同条第一項中「同項第三号」とあり、及び同条第二項中「同項第七号」とあるのは「同号」と読み替えるものとする。

(5) The provisions of Article 299, paragraphs (1) to (3) apply mutatis mutandis to the appointment or selection of the Director at Incorporation, etc. at the time of establishment of a New Mutual Company in the case prescribed in paragraph (1); the provisions of paragraph (6) of that Article apply mutatis mutandis to the term of office of director, etc. of the New Mutual Company in cases where a Director at Incorporation, etc. of the New Mutual Company becomes the director, etc. of the New Mutual Company after the establishment of the New Mutual Company; the provisions of Article 303 apply mutatis mutandis to the cases where the right to receive the allotment of the contribution to the funds of the New Mutual Company is to be granted to the unsecured or secured reorganization creditor or member; the provisions of Article 304 apply mutatis mutandis to the solicitation of subscribers for Bonds for subscription of the New Mutual Company; and the provisions of Article 305 apply mutatis mutandis to the allotment of the contribution to the funds or the issue of bonds at the time of establishment of the New Mutual Company in exchange for the extinguishment of the right of the unsecured or secured reorganization creditor or member. In this case, the phrase "Article 261" in Article 299, paragraphs (1) and (2) is deemed to be replaced with "Article 272, item (vii) or (viii)"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that a New Mutual Company was established"; the phrase "Article 261, paragraph (1), items (i) to (iii) or (vii) or paragraph (2), item (ii)" in paragraph (3) of that Article is deemed to be replaced with "Article 272, item (viii), (b), (d) or (e)"; the phrase "Article 263,

paragraph (iii)" in Article 303, paragraphs (1), (3) and (4) is deemed to be replaced with "Article 272, item (iv)"; the phrase "reorganizing company" in paragraphs (1) and (3) of that Article and Article 304, paragraphs (1) and (3) is deemed to be replaced with "New Mutual Company"; the phrase "Article 264, item (iv)" in paragraphs (1), (3) and (4) of that Article is deemed to be replaced with "Article 272, item (x)"; the phrase "of the order confirming the reorganization plan" in paragraph Article 305 is deemed to be replaced with "that a New Mutual Company was established"; the phrase "Article 265, paragraph (1)" in paragraph (1) of that Article and the phrase "Article 265, paragraph (2)" in paragraph (2) of that Article is deemed to be replaced with "Article 272, item (xi)"; and the phrase "item (iii) of that paragraph" in paragraph (1) of that Article and the phrase "item (vii) of that paragraph" in paragraph (2) of that Article is deemed to be replaced with "that item".

6　会社更生法第二百十一条第一項から第三項までの規定は第一項に規定する場合において新株式会社を設立するときにおける設立時取締役等（第二百七十三条において準用する同法第百八十三条第十号に規定する設立時取締役等をいう。以下この項において同じ。）の選任又は選定について、同法第二百十一条第六項の規定は新株式会社の設立時取締役等が新株式会社の成立後において新会社取締役等（同号に規定する新会社取締役等をいう。以下この項において同じ。）となった場合における当該新会社取締役等の任期について、それぞれ準用する。この場合において、同法第二百十一条第一項及び第二項中「第百七十三条」とあるのは「更生特例法第二百七十三条において準用する第百八十三条第八号又は第九号」と、同条第一項及び第三項中「各委員会」とあるのは「各委員会（更生特例法第二百六十一条第一項第三号に規定する各委員会をいう。）」と、同条第一項中「更生計画認可の決定の」とあるのは「新株式会社（更生特例法第二百九十四条第一項第五号に規定する新株式会社をいう。）が成立した」と、同条第三項中「第百七十三条第一項第二号から第四号まで若しくは第八号又は第二項第二号」とあるのは「更生特例法第二百七十三条において準用する第百八十三条第九号イ又はホ」と読み替えるものとする。

(6) The provisions of Article 211, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to the appointment or selection of Director at Incorporation, etc. (meaning Director at Incorporation, etc. prescribed in Article 183, item (x) of that Act as applied mutatis mutandis pursuant to Article 273; hereinafter the same applies in this paragraph) at the time of incorporation of a new Stock Company in the case prescribed in paragraph (1), and the provisions of Article 211, paragraph (6) of that Act apply mutatis mutandis to the term of office of director of new company, etc. (meaning director of new company, etc. prescribed in that item; hereinafter the same applies in this paragraph) in cases where a Director at Incorporation, etc. of the new Stock Company becomes the director of new company, etc. after the incorporation of the new Stock Company. In this case, the phrase "Article 173" in Article 211, paragraphs (1) and (2) of that Act is deemed to be replaced with

"Article 183, item (viii) or (ix) as applied mutatis mutandis pursuant to Article 273 of the Act on Special Measures"; the phrase "each committee" in paragraphs (1) and (3) of that Article is deemed to be replaced with "each committee (meaning each committee prescribed in Article 261, paragraph (1), item (iii) of the Act on Special Measures)"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that the new Stock Company (meaning new Stock Company prescribed in Article 294, paragraph (1), item (v) of the Act on Special Measures) was incorporated"; the phrase "Article 173, paragraph (1), items (ii) to (iv) or (viii) or paragraph (2), item (ii)" in paragraph (3) of that Article is deemed to be replaced with "Article 183, item (ix), (a) or (e) as applied mutatis mutandis pursuant to Article 273 of the Act on Special Measures".

7　第三百八条第二項から第五項までの規定は更生債権者等又は社員に対して第二百七十三条において準用する会社更生法第百八十三条第五号の新株式会社の設立時募集株式（会社法第五十八条第一項に規定する設立時募集株式をいう。以下この章において同じ。）の割当てを受ける権利を与える場合について、第三百九条及び第三百十条の規定は新株式会社の募集新株予約権又は募集社債を引き受ける者の募集について、会社更生法第二百十七条の二の規定は更生債権者等又は社員の権利の消滅と引換えにする新株式会社の設立時発行株式、新株予約権又は社債の発行について、それぞれ準用する。この場合において、第三百八条第二項及び第四項、第三百九条第二項及び第四項並びに第三百十条第一項及び第三項中「組織変更後株式会社」とあるのは「新株式会社」と、第三百八条第二項第二号及び第三号、第四項並びに第五項中「第二百六十六条第二項において準用する会社更生法第百七十五条第三号」とあるのは「第二百七十三条において準用する会社更生法第百八十三条第五号」と、第三百九条第一項中「第二百六十六条第二項において準用する同法第百七十六条」とあるのは「第二百七十三条において準用する同法第百八十三条第十一号」と、同条第二項、第四項及び第五項中「第二百六十六条第二項において準用する会社更生法第百七十六条第三号」とあり、並びに同条第六項中「第二百六十六条第二項において準用する会社更生法第百七十六条」とあるのは「第二百七十三条において準用する会社更生法第百八十三条第十一号」と、第三百十条第一項、第三項及び第四項中「第二百六十六条第二項において準用する会社更生法第百七十七条第四号」とあるのは「第二百七十三条において準用する会社更生法第百八十三条第十二号」と、同法第二百十七条の二第一項中「第百七十七条の二第一項」及び「同項第三号」とあり、同条第二項中「第百七十七条の二第二項」及び「同項第六号」とあり、並びに同条第三項中「第百七十七条の二第三項」及び「同項第七号」とあるのは「更生特例法第二百七十三条において準用する第百八十三条第十三号」と、同条中「又は株主」とあるのは「又は社員」と、「更生計画認可の決定の」とあるのは「新株式会社（更生特例法第二百九十四条第一項第五号に規定する新株式会社をいう。）が成立した」と読み替えるものとする。

(7) The provisions of Article 308, paragraphs (2) to (5) apply mutatis mutandis to the cases where the unsecured or secured reorganization creditor or member is to be granted the right to receive the allotment of Shares Solicited at

Incorporation (meaning Shares Solicited at Incorporation prescribed in Article 58, paragraph (1) of the Companies Act; hereinafter the same applies in this Chapter) of a new Stock Company referred to in Article 183, item (v) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 273; the provisions of Article 309 and Article 310 apply mutatis mutandis to the solicitation of subscribers for Share Options for Subscription or Bonds for subscription of a new Stock Company; and the provisions of Article 217-2 of the Corporate Reorganization Act apply mutatis mutandis to the issue of Shares Issued at Incorporation, share options or bonds of a new Stock Company in exchange for the extinguishment of the right of the unsecured or secured reorganization creditor or member. In this case, the phrase "Converted Stock Company" in Article 308, paragraphs (2) and (4), Article 309, paragraphs (2) and (4) and Article 310, paragraphs (1) and (3) is deemed to be replaced with "new Stock Company"; the phrase "Article 175, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2)" in Article 308, paragraph (2), items (ii) and (iii), paragraphs (4) and (5) is deemed to be replaced with "Article 183, item (v) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 273"; the phrase "Article 176 of that Act as applied mutatis mutandis pursuant to Article 266, paragraph (2)" in Article 309, paragraph (1) is deemed to be replaced with "Article 183, item (xi) of that Act as applied mutatis mutandis pursuant to Article 273"; the phrase "Article 176, item (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2)" in paragraphs (2), (4) and (5) of that Article and the phrase "Article 176 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2)" in paragraph (6) of that Article is deemed to be replaced with "Article 183, item (xi) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 273"; the phrase "Article 177, item (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 266, paragraph (2)" in Article 310, paragraphs (1), (3) and (4) is deemed to be replaced with "Article 183, item (xii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 273"; the terms "Article 177-2, paragraph (1)" and "item (iii) of that paragraph" in Article 217-2, paragraph (1) of that Act, the terms "Article 177-2, paragraph (2)" and "item (vi) of that paragraph" in paragraph (2) of that Article, and "Article 177-2, paragraph (3)" and "item (vii) of that paragraph" in paragraph (3) of that Article is deemed to be replaced with "Article 183, item (xiii) as applied mutatis mutandis pursuant to Article 273 of the Act on Special Measures"; the phrase "or shareholders" in that Article is deemed to be replaced with "or member"; and the phrase "of the order confirming the reorganization plan" is deemed to be replaced with "that the new Stock Company (meaning new Stock Company prescribed in Article

294, paragraph (1), item (v) of the Act on Special Measures) was incorporated".

8　第一項に規定する場合において新相互会社を設立することを定めたときは、保険業法第二十二条第二項、第二十三条第一項第九号及び第四項、第二十四条第二項、第二十八条第一項第一号（公証人の氏名に係る部分に限る。）及び第二号（同法第二十三条第一項第九号に係る部分に限る。）、第三十条の七第一項第一号（公証人の氏名に係る部分に限る。）及び第二号（同法第二十三条第一項第九号に係る部分に限る。）、第三十条の八第一項、第三十条の十第一項及び第八項、第三十条の十一（同条第一項第一号及び第二号に掲げる事項に係る部分に限る。）並びに第三十条の十四の規定は、適用しない。

(8) When the establishment of a New Mutual Company is specified in the case prescribed in paragraph (1), the provisions of Article 22, paragraph (2), Article 23, paragraph (1), item (ix) and paragraph (4), Article 24, paragraph (2), Article 28, paragraph (1), item (i) (limited to the part in relation to the name of the notary) and (ii) (limited to the part in relation to Article 23, paragraph (1), item (ix) of the Insurance Business Act), Article 30-7, paragraph (1), items (i) (limited to the part in relation to the name of the notary) and (ii) (limited to the part in relation to Article 23, paragraph (1), item (ix) of that Act), Article 30-8, paragraph (1), Article 30-10, paragraphs (1) and (8), Article 30-11 (limited to the part in relation to the particulars set forth in paragraph (1), items (i) and (ii) of that Article) and Article 30-14 of the Insurance Business Act do not apply.

9　第一項に規定する場合において新株式会社を設立することを定めたときは、会社法第二十五条第一項第一号及び第二項、第二十六条第二項、第二十七条第五号、第三十条、第二編第一章第三節（第三十七条第三項を除く。）、第四節（第三十九条を除く。）、第五節及び第六節、第五十条、第五十一条、同章第八節、第五十八条、第五十九条第一項第一号（公証人の氏名に係る部分に限る。）、第二号（同法第二十七条第五号及び第三十二条第一項各号に掲げる事項に係る部分に限る。）及び第三号、第六十五条第一項、第八十八条から第九十条まで、第九十三条及び第九十四条（これらの規定中同法第九十三条第一項第一号及び第二号に掲げる事項に係る部分に限る。）並びに第百三条の規定は、適用しない。

(9) When the incorporation of a new Stock Company is specified in the case prescribed in paragraph (1), the provisions of Article 25, paragraph (1), item (i) and paragraph (2), Article 26, paragraph (2), Article 27, item (v), Article 30, Part II Chapter I Section 3 (excluding Article 37, paragraph (3)), Section 4 (excluding Article 39), Sections 5 and 6, Article 50, Article 51, Section 8 of that Chapter, Article 58, Article 59, paragraph (1), items (i) (limited to the part in relation to the name of the notary) and (ii) (limited to the part in relation to the particulars set forth in Article 27, item (v) and the items of Article 32, paragraph (1) of the Companies Act) and (iii), Article 65, paragraph (1), Article 88 to Article 90 inclusive, Article 93 and Article 94 (limited to the part in relation to the particulars set forth in Article 93, paragraph (1), items (i) and

(ii) of that Act in the same provisions) and Article 103 of the Companies Act do not apply.

（組織変更後相互会社等に異動した者の退職手当の取扱い）

(Handling of Severance Pay of Persons Transferred to a Converted Mutual Company)

第三百十七条　更生手続開始後に更生会社の第二百九十五条第一項第二号に規定する取締役等又は使用人であった者で、更生計画の定めにより更生会社の組織が変更された際又は新相互会社若しくは新株式会社が設立された際に更生会社を退職し、かつ、引き続き組織変更後株式会社の同号に規定する取締役等若しくは使用人又は新相互会社若しくは新株式会社の同号に規定する取締役等若しくは使用人となったものは、更生会社から退職手当の支給を受けることができない。

Article 317 (1) A person that was a director, etc. or an employee prescribed in Article 295, paragraph (1), item (ii) of a reorganizing company after the commencement of reorganization proceedings, retired from the reorganizing company upon entity conversion of the reorganizing company or upon the establishment of a New Mutual Company or new Stock Company as specified in the reorganization plan and successively became a director, etc. or an employee prescribed in that item of a Converted Stock Company or director, etc. or an employee prescribed in that item of the New Mutual Company or new Stock Company may not receive the payment of a severance pay from the reorganizing company.

２　前項に規定する者の更生会社における在職期間は、退職手当の計算については、組織変更後株式会社、新相互会社又は新株式会社における在職期間とみなす。

(2) The period of service of the person prescribed in the preceding paragraph at the reorganizing company for the calculation of severance pay is deemed to be the period of service at the Converted Stock Company, New Mutual Company or new Stock Company.

（管轄の特例）

(Special Provisions on Jurisdictions)

第三百十八条　更生計画において更生会社が組織変更をすることを定めた場合における保険業法第九十条第三項において準用する会社法第二百三十四条第二項の規定による許可の申立てに係る事件は、保険業法第九十条第三項において準用する会社法第八百六十八条第一項の規定にかかわらず、更生手続が終了するまでの間は、更生裁判所が管轄する。

Article 318 Notwithstanding the provisions of Article 868, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 90, paragraph (3) of the Insurance Business Act, cases in relation to the petition for permission under the provisions of Article 234, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 90, paragraph (3) of the

Insurance Business Act in cases where the entity conversion of a reorganizing company is specified in the reorganization plan are under the jurisdiction of the reorganization court until the end of reorganization proceedings.

（基金の拠出等の割当てを受ける権利の譲渡）

(Assignment of Rights to Receive the Allotment of Contributions to Funds)

第三百十九条　更生計画の定めによって更生債権者等又は社員に対して更生会社又は新相互会社の基金の拠出又は募集社債の割当てを受ける権利が与えられた場合には、当該権利は、これを他に譲渡することができる。

Article 319 (1) In cases where the right to receive the allotment of the contribution to the funds or Bonds for subscription of a reorganizing company or New Mutual Company was granted to an unsecured or secured reorganization creditor or member as specified in the reorganization plan, the relevant right may be assigned to another person.

２　更生計画の定めによって更生債権者等又は社員に対して組織変更後株式会社又は新株式会社の募集株式、組織変更時発行株式若しくは設立時募集株式、募集新株予約権又は募集社債の割当てを受ける権利が与えられた場合には、当該権利は、これを他に譲渡することができる。

(2) In cases where the right to receive the allotment of Shares for Subscription, Shares Issued upon Entity Conversion, Shares Solicited at Incorporation, Share Options for Subscription or Bonds for subscription of a Converted Stock Company or new Stock Company was granted to an unsecured or secured reorganization creditor or member as specified in the reorganization plan, the relevant right may be assigned to another person.

（私的独占の禁止及び公正取引の確保に関する法律の特例）

(Special Provisions on the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade)

第三百二十条　会社更生法第二百二十九条の規定は、更生債権者等又は社員が組織変更後株式会社又は更生計画の定めにより設立される株式会社の株式を更生計画の定めによって取得する場合について準用する。

Article 320 The provisions of Article 229 of the Corporate Reorganization Act apply mutatis mutandis to the cases where, as specified in a reorganization plan, an unsecured or secured reorganization creditor or member is to acquire shares of a Converted Stock Company or a Stock Company incorporated as specified in the reorganization plan.

（許可、認可等に基づく権利の承継）

(Succession to Rights Based on Permission, Confirmation)

第三百二十一条　更生計画において更生会社が行政庁から得ていた許可、認可、免許その他の処分に基づく権利及び義務を新相互会社又は新株式会社に移転することを定め

たときは、当該新相互会社又は当該新株式会社は、他の法令の規定にかかわらず、その権利及び義務を承継する。

Article 321 When the transfer of rights and duties based on permission, confirmation, license or any other disposition obtained from an administrative agency by a reorganizing company to a New Mutual Company or new Stock Company is specified in the reorganization plan, notwithstanding the provisions of any other laws and regulations, the New Mutual Company or new Stock Company succeeds to the rights and duties.

（法人税法等の特例）

(Special Provisions on the Corporation Tax Act)

第三百二十一条の二　更生計画において新相互会社又は新株式会社が更生会社の租税等の請求権に係る債務を承継することを定めたときは、当該新相互会社又は当該新株式会社は当該債務を履行する義務を負い、更生会社は当該債務を免れる。

Article 321-2 (1) When the succession to obligations subject to the right to impose taxes or other charges of a reorganizing company by a New Mutual Company or a new Stock Company is specified in the reorganization plan, the New Mutual Company or new Stock Company is liable to perform the obligations, and the reorganizing company is relieved from the obligations.

２　更生手続開始の決定があったときは、更生会社の事業年度は、その開始の時に終了し、これに続く事業年度は、更生計画認可の時（その時までに更生手続が終了したときは、その終了の日）に終了するものとする。ただし、法人税法第十三条第一項ただし書及び地方税法第七十二条の十三第四項の規定の適用を妨げない。

(2) When an order commencing reorganization proceedings is made, the business year of a reorganizing company is to end at the time of the commencement thereof, and the subsequent business year is to end at the time when the reorganization plan is confirmed (when reorganization proceedings are closed by that time, the day on which the reorganization proceedings were closed); provided, however, that this does not preclude the application of the provisions of the proviso to Article 13, paragraph (1) of the Corporation Tax Act and Article 72-13, paragraph (4) of the Local Tax Act.

３　更生手続開始の時に続く更生会社の事業年度又は連結事業年度の法人税及び事業税については、法人税法第七十一条又は第八十一条の十九及び地方税法第七十二条の二十六の規定は、適用しない。

(3) The provisions of Article 71 or Article 81-19 the Corporation Tax Act and Article 72-26 of the Local Tax Act do not apply to corporation tax or business tax for the business year or the consolidated business year of a reorganizing company that is continuing at the time of commencement of reorganization proceedings.

第三款　更生計画の変更

Subsection 3 Modification of a Reorganization Plan

第三百二十二条　会社更生法第二百三十三条第一項から第五項までの規定は、相互会社の更生計画認可の決定があった後やむを得ない事由で更生計画に定める事項を変更する必要が生じた場合について準用する。

Article 322 (1) The provisions of Article 233, paragraphs (1) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the need to modify any particulars specified in the reorganization plan arises due to unavoidable circumstances after the order confirming the reorganization plan of a Mutual Company.

２　前項において準用する会社更生法第二百三十三条第五項に規定する決定に対しては、即時抗告をすることができる。

(2) An immediate appeal may be filed against the order prescribed in Article 233, paragraph (5) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding paragraph.

３　第二百九十三条第二項及び会社更生法第二百二条第二項から第五項までの規定は、前項の場合について準用する。この場合において、第二百九十三条第二項中「前項において準用する会社更生法第二百二条第一項」とあるのは「第三百二十二条第二項」と、同法第二百二条第二項中「第百六十八条第一項第四号から第六号まで」とあるのは「更生特例法第二百六十条第一項第四号又は第六号」と、同条第五項中「第十三条」とあるのは「更生特例法第百七十七条」と読み替えるものとする。

(3) The provisions of Article 293, paragraph (2) and Article 202, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the phrase "Article 202, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding paragraph" in Article 293, paragraph (2) is deemed to be replaced with "Article 322, paragraph (2)"; the phrase "Article 168, paragraph (1), items (iv) to (vi)" in Article 202, paragraph (2) of that Act is deemed to be replaced with "Article 260, paragraph (1), item (iv) or (vi) of the Act on Special Measures"; and the phrase "Article 13" in paragraph (5) of that Article is deemed to be replaced with "Article 177 of the Act on Special Measures".

４　会社更生法第七十二条第七項の規定は、更生計画の変更により第二百十一条において準用する同法第七十二条第四項前段の規定による更生計画の定めが取り消された場合について準用する。この場合において、同法第七十二条第七項中「第十条第四項」とあるのは、「更生特例法第百七十五条において準用する第十条第四項」と読み替えるものとする。

(4) The provisions of Article 72, paragraph (7) of the Corporate Reorganization Act apply mutatis mutandis to the cases where the provisions of the reorganization plan are revoked under the provisions of the first sentence of Article 72, paragraph (4) of that Act as applied mutatis mutandis pursuant to

Article 211 due to the modification of the reorganization plan. In this case, the phrase "Article 10, paragraph (4)" in Article 72, paragraph (7) of that Act is deemed to be replaced with "Article 10, paragraph (4) as applied mutatis mutandis pursuant to Article 175 of the Act on Special Measures".

第九節　更生手続の終了
Section 9 End of Reorganization Proceedings
第一款　更生手続の終了事由
Subsection 1 Grounds to End Reorganization Proceedings

第三百二十三条　会社更生法第二百三十四条の規定は、相互会社の更生手続の終了について準用する。この場合において、同条第二号中「第四十四条第一項」とあるのは、「更生特例法第百九十六条において準用する第四十四条第一項」と読み替えるものとする。

Article 323 The provisions of Article 234 of the Corporate Reorganization Act apply mutatis mutandis to the end of the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 44, paragraph (1)" in item (ii) of that Article is deemed to be replaced with "Article 44, paragraph (1) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures".

第二款　更生計画認可前の更生手続の終了
Subsection 2 Ending Reorganization Proceedings before Confirmation of a Reorganization Plan
第一目　更生計画不認可の決定
Division 1 Order Disconfirming a Reorganization Plan

（不認可の決定が確定した場合の更生債権者表等の記載の効力）

(Effect of Entries in Schedule of Unsecured or Secured Reorganization Creditor once an Order of Disconfirmation Becomes Final and Binding)

第三百二十四条　会社更生法第二百三十五条の規定は、相互会社の更生手続において更生計画不認可の決定が確定した場合について準用する。この場合において、同条第一項中「更生債権等については」とあるのは「更生債権等又は社員権については」と、同条第二項中「第百四十七条第二項、第百四十八条第四項又は第百四十九条第三項後段」とあるのは「更生特例法第二百五十四条において準用する第百四十七条第二項、第百四十八条第四項又は第百四十九条第三項後段」と読み替えるものとする。

Article 324 The provisions of Article 235 of the Corporate Reorganization Act apply mutatis mutandis once the order disconfirming the reorganization plan becomes final and binding during the reorganization proceedings of a Mutual Company. In this case, the phrase "for an unsecured or secured reorganization claim" in paragraph (1) of that Article is deemed to be replaced with "for an

unsecured or secured reorganization claim or membership rights"; the phrase "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3)" in paragraph (2) of that Article is deemed to be replaced with "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3) as applied mutatis mutandis pursuant to Article 254 of the Act on Special Measures".

第二目　更生計画認可前の更生手続の廃止
Division 2 Discontinuing Reorganization Proceedings before Confirmation of a Reorganization Plan

（更生が困難な場合の更生手続廃止等）

(Discontinuing Reorganization Proceedings Due to Difficulty Reorganizing)

第三百二十五条　会社更生法第二百三十六条、第二百三十七条及び第二百三十八条第一項から第五項までの規定は、相互会社の更生手続における更生手続廃止の決定について準用する。この場合において、同法第二百三十六条第三号中「第百九十八条第一項本文」とあるのは「更生特例法第二百八十九条において準用する第百九十八条第一項本文」と、同法第二百三十七条第一項中「第百三十八条第一項」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項」と、「第十七条第一項」とあるのは「更生特例法第百八十条第一項」と、同法第二百三十八条第三項中「第十三条」とあるのは「更生特例法第百七十七条」と読み替えるものとする。

Article 325 (1) The provisions of Article 236, Article 237 and Article 238, paragraphs (1) to (5) of the Corporate Reorganization Act apply mutatis mutandis to an order of discontinuance of reorganization proceedings in the reorganization proceedings of a Mutual Company. In this case, the phrase "the main clause of Article 198, paragraph (1)" in Article 236, item (iii) of that Act is deemed to be replaced with "the main clause of Article 198, paragraph (1) as applied mutatis mutandis pursuant to Article 289 of the Act on Special Measures"; the phrase "Article 138, paragraph (1)" in Article 237, paragraph (1) of that Act is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 17, paragraph (1)" is deemed to be replaced with "Article 180, paragraph (1) of the Act on Special Measures"; and the phrase "Article 13" in Article 238, paragraph (3) of that Act is deemed to be replaced with "Article 177 of the Act on Special Measures".

２　会社更生法第二百三十五条の規定は、前項において準用する同法第二百三十六条又は第二百三十七条の規定による更生手続廃止の決定が確定した場合について準用する。この場合において、同法第二百三十五条第一項中「更生債権等については」とあるのは「更生債権等又は社員権については」と、同条第二項中「第百四十七条第二項、第百四十八条第四項又は第百四十九条第三項後段」とあるのは「更生特例法第二百五十四条において準用する第百四十七条第二項、第百四十八条第四項又は第百四十九条第

三項後段」と読み替えるものとする。

(2) The provisions of Article 235 of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order of discontinuance of reorganization proceedings becomes final and binding under the provisions of Article 236 or Article 237 of that Act as applied mutatis mutandis pursuant to the preceding paragraph. In this case, the phrase "for an unsecured or secured reorganization claim" in Article 235, paragraph (1) of that Act is deemed to be replaced with "for an unsecured or secured reorganization claim or membership rights"; the phrase "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3)" in paragraph (2) of that Article is deemed to be replaced with "Article 147, paragraph (2), Article 148, paragraph (4) or the second sentence of Article 149, paragraph (3) as applied mutatis mutandis pursuant to Article 254 of the Act on Special Measures".

第三款　更生計画認可後の更生手続の終了

Subsection 3 Ending Reorganization Proceedings after Confirmation of a Reorganization Plan

第一目　更生手続の終結

Division 1 Conclusion of Reorganization Proceedings

（更生手続終結の決定）

(Order Concluding Reorganization Proceedings)

第三百二十六条　会社更生法第二百三十九条の規定は、相互会社の更生手続における更生手続終結の決定について準用する。

Article 326 The provisions of Article 239 of the Corporate Reorganization Act apply mutatis mutandis to an order concluding the reorganization proceedings of a Mutual Company.

（更生手続終結後の更生債権者表等の記載の効力）

(Effect of Entries in Schedule of Unsecured or Secured Reorganization Creditor after the Conclusion of Reorganization Proceedings)

第三百二十七条　会社更生法第二百四十条の規定は、相互会社の更生手続における更生手続終結後の更生債権者表及び更生担保権者表の記載の効力について準用する。

Article 327 The provisions of Article 240 of the Corporate Reorganization Act apply mutatis mutandis to the effect of entries in the schedule of reorganization creditors and the schedule of secured reorganization creditors after the conclusion of the reorganization proceedings of a Mutual Company.

第二目　更生計画認可後の更生手続の廃止

Division 2 Discontinuing Reorganization Proceedings after Confirmation of a Reorganization Plan

第三百二十八条　会社更生法第二百四十一条第一項から第三項までの規定は、相互会社の更生手続廃止の決定について準用する。

Article 328 (1) The provisions of Article 241, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to an order of discontinuance of reorganization proceedings for a Mutual Company.

２　会社更生法第二百三十八条第一項から第三項までの規定は前項において準用する同法第二百四十一条第一項の規定による更生手続廃止の決定をした場合について、同法第二百三十八条第四項の規定は当該決定を取り消す決定が確定した場合について、同法第二百四十条の規定は前項において準用する同法第二百四十一条第一項の規定による更生手続廃止の決定が確定した場合について、それぞれ準用する。この場合において、同法第二百三十八条第三項中「第十三条」とあるのは、「更生特例法第百七十七条」と読み替えるものとする。

(2) The provisions of Article 238, paragraphs (1) to (3) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order of discontinuance of reorganization proceedings is made under the provisions of Article 241, paragraph (1) of that Act as applied mutatis mutandis pursuant to the preceding paragraph, the provisions of Article 238, paragraph (4) of that Act apply mutatis mutandis to the cases where an order to revoke the order becomes final and binding, and the provisions of Article 240 of that Act apply mutatis mutandis to the cases where an order of discontinuance of reorganization proceedings becomes final and binding under the provisions of Article 241, paragraph (1) of that Act as applied mutatis mutandis pursuant to the preceding paragraph. In this case, the phrase "Article 13" in Article 238, paragraph (3) of that Act is deemed to be replaced with "Article 177 of the Act on Special Measures".

第十節　外国倒産処理手続がある場合の特則
Section 10 Special Provisions If Foreign Insolvency Proceedings Are Underway

（外国管財人との協力）

(Cooperation with Foreign Trustees)

第三百二十九条　会社更生法第二百四十二条の規定は、相互会社の更生手続において更生会社についての外国倒産処理手続（外国で開始された手続であって、破産手続又は再生手続に相当するものをいう。以下この節において同じ。）がある場合について準用する。

Article 329 The provisions of Article 242 of the Corporate Reorganization Act apply mutatis mutandis if foreign insolvency proceedings (meaning proceedings commenced in a foreign state, which are equivalent to bankruptcy proceedings or rehabilitation proceedings; hereinafter the same applies in this Section) are

underway, in the reorganization proceedings of a Mutual Company, in respect of the reorganizing company.

（更生手続の開始原因の推定）

(Presumption of Cause to Commence Reorganization Proceedings)

第三百三十条　会社更生法第二百四十三条の規定は、相互会社についての外国倒産処理手続がある場合について準用する。この場合において、同条中「第十七条第一項」とあるのは、「更生特例法第百八十条第一項」と読み替えるものとする。

Article 330 The provisions of Article 243 of the Corporate Reorganization Act apply mutatis mutandis to the cases where there are foreign insolvency proceedings for a Mutual Company. In this case, the phrase "Article 17, paragraph (1)" in that Article is deemed to be replaced with "Article 180, paragraph (1) of the Act on Special Measures".

（外国管財人の権限等）

(Authority of a Foreign Trustee)

第三百三十一条　会社更生法第二百四十四条及び第二百四十五条第一項の規定は、相互会社の外国倒産処理手続における外国管財人（外国倒産処理手続において相互会社の財産の管理及び処分をする権利を有する者をいう。）について準用する。この場合において、同法第二百四十四条第一項中「第十七条第一項第一号」とあるのは「更生特例法第百八十条第一項第一号」と、同条第二項及び第三項中「第二百四十二条第一項」とあるのは「更生特例法第三百二十九条において準用する第二百四十二条第一項」と、同項中「第百八十四条第一項」とあるのは「更生特例法第二百七十七条において準用する第百八十四条第一項」と、同条第四項中「第四十三条第一項」とあるのは「更生特例法第百九十六条において準用する第四十三条第一項」と読み替えるものとする。

Article 331 (1) The provisions of Article 244 and Article 245, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to a foreign trustee in foreign insolvency proceedings for a Mutual Company (meaning a person that has a right to administer and dispose of the assets of the Mutual Company in foreign insolvency proceedings). In this case, the phrase "Article 17, paragraph (1), item (i)" in Article 244, paragraph (1) of that Act is deemed to be replaced with "Article 180, paragraph (1), item (i) of the Act on Special Measures"; the phrase "Article 242, paragraph (1)" in paragraphs (2) and (3) of that Article is deemed to be replaced with "Article 242, paragraph (1) as applied mutatis mutandis pursuant to Article 329 of the Act on Special Measures"; the phrase "Article 184, paragraph (1)" in that paragraph is deemed to be replaced with "Article 184, paragraph (1) as applied mutatis mutandis pursuant to Article 277 of the Act on Special Measures"; and the phrase "Article 43, paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant to Article 196 of the Act

on Special Measures".

２　会社更生法第二百四十五条第二項及び第三項の規定は、相互会社の更生手続における管財人について準用する。

(2) The provisions of Article 245, paragraphs (2) and (3) of the Corporate Reorganization Act apply mutatis mutandis to a trustee in the reorganization proceedings of a Mutual Company.

第十一節　更生手続と他の倒産処理手続との間の移行等

Section 11 Transfers Between Reorganization Proceedings and Other Insolvency Proceedings

第一款　破産手続から更生手続への移行

Subsection 1 Transfer from Bankruptcy Proceedings to Reorganization Proceedings

（破産管財人による更生手続開始の申立て）

(Petitions to Commence Reorganization Proceedings Filed by Bankruptcy Trustee)

第三百三十一条の二　会社更生法第二百四十六条の規定は、破産者である相互会社に第百八十条第一項に規定する更生手続開始の原因となる事実がある場合について準用する。この場合において、同法第二百四十六条第四項中「第二十条第一項」とあるのは、「更生特例法第百八十三条において準用する第二十条第一項」と読み替えるものとする。

Article 331-2　The provisions of Article 246 of the Corporate Reorganization Act apply mutatis mutandis if there is a fact constituting cause to commence reorganization proceedings as prescribed in Article 180, paragraph (1) in connection with a Mutual Company that is a bankrupt. In this case, the phrase "Article 20, paragraph (1)" in Article 246, paragraph (4) of that Act is deemed to be replaced with "Article 20, paragraph (1) as applied mutatis mutandis pursuant to Article 183 of the Act on Special Measures".

（更生債権の届出を要しない旨の決定）

(Order Not Requiring Filing of Proofs of a Reorganization Claim)

第三百三十一条の三　裁判所は、更生手続開始の決定をする場合において、第二百一条において準用する会社更生法第五十条第一項の規定により中止することとなる破産手続において届出があった破産債権の内容及び原因、破産法第百二十五条第一項本文に規定する異議等のある破産債権の数、当該破産手続における配当の有無その他の事情を考慮して相当と認めるときは、当該決定と同時に、更生債権であって当該破産手続において破産債権としての届出があったもの（同法第九十七条第四号に規定する租税等の請求権及び同条第六号に規定する罰金等の請求権を除く。）を有する更生債権者は当該更生債権の届出をすることを要しない旨の決定をすることができる。

Article 331-3　(1) Where the court makes an order commencing reorganization

proceedings, when it finds it appropriate while taking into consideration the content and cause of each bankruptcy claim filed in the bankruptcy proceedings to be stayed pursuant to the provisions of Article 50, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 201, the number of denied/disputed bankruptcy claims prescribed in the main clause of Article 125, paragraph (1) of the Bankruptcy Act, whether or not any liquidating distribution will be made through the bankruptcy proceedings, and any other circumstances concerned, it may make an order, upon making the order commencing a reorganization, to the effect that reorganization creditors that hold a reorganization claim that have been filed as bankruptcy claims in the bankruptcy proceedings (excluding the right to impose taxes or other charges as prescribed in Article 97, item (iv) of that Act and right to claim a fine, etc. prescribed in item (vi) of that Article) are not required to file a proof of the reorganization claim.

2　会社更生法第二百四十七条第二項から第五項までの規定は、前項の規定による決定があった場合について準用する。この場合において、同条第二項中「第四十三条第一項」とあるのは「更生特例法第百九十六条において準用する第四十三条第一項」と、同条第三項及び第五項中「第百三十八条第一項」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項」と、同条第四項第一号及び第二号中「第百三十八条第一項第一号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第一号」と、同項第三号及び第四号中「第百三十八条第一項第二号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第二号」と読み替えるものとする。

(2) The provisions of Article 247, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order under the provisions of the preceding paragraph is made. In this case, the phrase "Article 43, paragraph (1)" in paragraph (2) of that Article is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures"; the phrase "Article 138, paragraph (1)" in paragraphs (3) and (5) of that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (i)" in paragraph (4), items (i) and (ii) of that Article is deemed to be replaced with "Article 138, paragraph (1), item (i) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; and the phrase "Article 138, paragraph (1), item (ii)" in items (iii) and (iv) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

第二款　再生手続から更生手続への移行

Subsection 2 Transfer from Rehabilitation Proceedings to Reorganization Proceedings

（再生手続における管財人による更生手続開始の申立て）

(Petitions to Commence Reorganization Proceedings Filed by a Trustee in Rehabilitation Proceedings)

第三百三十一条の四　会社更生法第二百四十八条の規定は、再生債務者である相互会社に第百八十条第一項に規定する更生手続開始の原因となる事実がある場合について準用する。この場合において、同法第二百四十八条第三項中「第二百四十六条第三項」とあるのは「更生特例法第三百三十一条の二において準用する第二百四十六条第三項」と、同条第四項中「第二十条第一項」とあるのは「更生特例法第百八十三条において準用する第二十条第一項」と読み替えるものとする。

Article 331-4 The provisions of Article 248 of the Corporate Reorganization Act apply mutatis mutandis if there is a fact constituting cause to commence reorganization proceedings as prescribed in Article 180, paragraph (1) in connection with a Mutual Company that is a rehabilitation debtor. In this case, the phrase "Article 246, paragraph (3)" in Article 248, paragraph (3) of that Act is deemed to be replaced with "Article 246, paragraph (3) as applied mutatis mutandis pursuant to Article 331-2 of the Act on Special Measures"; and the phrase "Article 20, paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 20, paragraph (1) as applied mutatis mutandis pursuant to Article 183 of the Act on Special Measures".

（更生債権の届出を要しない旨の決定）

(Order Not Requiring Filing of Proofs of a Reorganization Claim)

第三百三十一条の五　裁判所は、更生手続開始の決定をする場合において、第二百一条において準用する会社更生法第五十条第一項の規定により中止することとなる再生手続において届出があった再生債権の内容及び原因、民事再生法第百五条第一項本文に規定する異議等のある再生債権の数、再生計画による権利の変更の有無及び内容その他の事情を考慮して相当と認めるときは、当該決定と同時に、更生債権であって当該再生手続において再生債権としての届出があったもの（同法第九十七条第一号に規定する再生手続開始前の罰金等を除く。）を有する更生債権者は当該更生債権の届出をすることを要しない旨の決定をすることができる。

Article 331-5 (1) Where the court makes an order commencing reorganization proceedings, when it finds it appropriate while taking into consideration the content and cause of each rehabilitation claim filed in the rehabilitation proceedings to be stayed pursuant to the provisions of Article 50, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 201, the number of denied/disputed rehabilitation claims prescribed in the main clause of Article 105, paragraph (1) of the Civil Rehabilitation Act, whether or not any right will be modified by a rehabilitation plan and the

content of the modification, and any other circumstances concerned, it may make an order, upon making the order commencing a reorganization, to the effect that reorganization creditors that hold a reorganization claim that have been filed as rehabilitation claims in the rehabilitation proceedings (excluding fines, etc. arising prior to the commencement of rehabilitation proceedings prescribed in Article 97, item (i) of that Act) are not required to file a proof of the reorganization claim.

2　会社更生法第二百四十九条第二項から第五項までの規定は、前項の規定による決定があった場合について準用する。この場合において、同条第二項中「第四十三条第一項」とあるのは「更生特例法第百九十六条において準用する第四十三条第一項」と、同条第三項及び第五項中「第百三十八条第一項」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項」と、同条第四項第一号及び第二号中「第百三十八条第一項第一号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第一号」と、同項第三号中「第百三十八条第一項第二号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第二号」と読み替えるものとする。

(2) The provisions of Article 249, paragraphs (2) to (5) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order under the provisions of the preceding paragraph is made. In this case, the phrase "Article 43, paragraph (1)" in paragraph (2) of that Article is deemed to be replaced with "Article 43, paragraph (1) as applied mutatis mutandis pursuant to Article 196 of the Act on Special Measures"; the phrase "Article 138, paragraph (1)" in paragraphs (3) and (5) of that Article is deemed to be replaced with "Article 138, paragraph (1) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (i)" in paragraph (4), items (i) and (ii) of that Article is deemed to be replaced with "Article 138, paragraph (1), item (i) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; and the phrase "Article 138, paragraph (1), item (ii)" in item (iii) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

第三款　更生手続から破産手続への移行
Subsection 3 Transfer from Reorganization Proceedings to Bankruptcy Proceedings

（更生手続開始の決定があった場合の破産事件の移送）

(Transfer of a Bankruptcy Case in the Event of an Order Commencing Reorganization Proceedings)

第三百三十一条の六　裁判所（破産事件を取り扱う一人の裁判官又は裁判官の合議体をいう。）は、破産手続開始の前後を問わず、同一の債務者につき更生手続開始の決定

があった場合において、当該破産事件を処理するために相当であると認めるときは、職権で、当該破産事件を更生裁判所に移送することができる。

Article 331-6 Where, before or after the commencement of bankruptcy proceedings, an order commencing reorganization proceedings is made against the same debtor, the court (meaning a judge or panel of judges in charge of the bankruptcy case), when it finds it appropriate in order to handle the bankruptcy case, by its own authority, may transfer the bankruptcy case to the reorganization court.

（更生手続終了前の破産手続開始の申立て等）

(Petition for Commencement of Bankruptcy Proceedings Prior to the Closing of Reorganization Proceedings)

第三百三十一条の七　破産手続開始前の更生会社について更生手続開始の決定の取消し、更生手続廃止又は更生計画不認可の決定があった場合には、第二百一条において準用する会社更生法第五十条第一項の規定にかかわらず、当該決定の確定前においても、更生裁判所に当該更生会社についての破産手続開始の申立てをすることができる。破産手続開始後の更生会社について更生計画認可の決定により破産手続が効力を失った後に第三百二十八条第一項において準用する同法第二百四十一条第一項の規定による更生手続廃止の決定があった場合も、同様とする。

Article 331-7 (1) Where, with regard to the reorganizing company against which bankruptcy proceedings have not yet been commenced, an order of revocation of the order commencing reorganization proceedings, or an order of discontinuance of reorganization proceedings, or the court issues an order disconfirming the reorganization plan, notwithstanding the provisions of Article 50, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 201, a petition for commencement of bankruptcy proceedings may be filed with the reorganization court against the reorganizing company even before the respective order becomes final and binding. The same applies where, after the bankruptcy proceedings commenced against the reorganizing company have ceased to be effective as a result of the order confirming the reorganization plan, an order of discontinuance of reorganization proceedings under the provisions of Article 241, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 328, paragraph (1) is made.

２　前項前段の規定は、同項前段に規定する更生会社について既に開始された再生手続がある場合については、適用しない。

(2) The provisions of the first sentence of the preceding paragraph do not apply to the cases where rehabilitation proceedings have already commenced for a reorganizing company prescribed in the first sentence of that paragraph.

３　第一項の規定による破産手続開始の申立てに係る破産手続開始の決定は、同項前段に規定する決定又は同項後段の更生手続廃止の決定が確定した後でなければ、するこ

とができない。

(3) An order to commence bankruptcy proceedings based on the petition for commencement of bankruptcy proceedings filed under the provisions of paragraph (1) may not be made unless the order prescribed in the first sentence of that paragraph or an order of discontinuance of reorganization proceedings referred to in the second sentence of that paragraph becomes final and binding.

（更生手続の終了に伴う職権による破産手続開始の決定）

(Order to Commence Bankruptcy Proceedings by the Court's Authority at the End of Reorganization Proceedings)

第三百三十一条の八　破産手続開始前の相互会社について第三百二十三条において準用する会社更生法第二百三十四条第一号から第四号までに掲げる事由のいずれかが生じた場合において、裁判所は、当該相互会社に破産手続開始の原因となる事実があると認めるときは、職権で、破産法に従い、破産手続開始の決定をすることができる。ただし、当該相互会社について既に開始された再生手続がある場合は、この限りでない。

Article 331-8 (1) Where, with regard to the Mutual Company against which bankruptcy proceedings have not yet been commenced, the court, when it finds that a fact constituting the grounds referred to in Article 234, items (i) to (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 323 exists with regard to the Mutual Company, by its own authority, may make an order to commence bankruptcy proceedings in accordance with the Bankruptcy Act; provided, however, that this does not apply to the cases where rehabilitation proceedings have already been commenced for the Mutual Company.

２　破産手続開始後の更生会社について更生計画認可の決定により破産手続が効力を失った後に第三百二十八条第一項において準用する会社更生法第二百四十一条第一項の規定による更生手続廃止の決定が確定した場合には、裁判所は、職権で、破産法に従い、破産手続開始の決定をしなければならない。ただし、前条第一項後段の規定による破産手続開始の申立てに基づいて破産手続開始の決定をする場合は、この限りでない。

(2) Where, after the bankruptcy proceedings commenced against the reorganizing company have ceased to be effective as a result of the order confirming the reorganization plan, an order of discontinuance of reorganization proceedings under the provisions of Article 241, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 328, paragraph (1) becomes final and binding, the court, by its own authority, must make an order to commence bankruptcy proceedings in accordance with the Bankruptcy Act; provided, however, that this does not apply where the court makes an order to commence bankruptcy proceedings based on a petition for commencement of bankruptcy proceedings under the provisions of the second

sentence of paragraph (1) of the preceding Article.

（更生手続の終了等に伴う破産手続開始前の保全処分等）

(Provisional Remedy Prior to Commencement of Bankruptcy Proceedings at the End of Reorganization Proceedings)

第三百三十一条の九　裁判所は、次に掲げる場合において、必要があると認めるときは、職権で、破産法第二十四条第一項の規定による中止の命令、同法第二十五条第二項に規定する包括的禁止命令、同法第二十八条第一項の規定による保全処分、同法第九十一条第二項に規定する保全管理命令又は同法第百七十一条第一項の規定による保全処分（以下この条及び第三百三十一条の十二第四項において「保全処分等」という。）を命ずることができる。

Article 331-9 (1) In the following cases, the court, when it finds it necessary, by its own authority, may issue a stay order under the provisions of Article 24, paragraph (1) of the Bankruptcy Act, comprehensive prohibition order prescribed in Article 25, paragraph (2) of that Act, provisional remedy under the provisions of Article 28, paragraph (1) of that Act, Provisional Administration Order prescribed in Article 91, paragraph (2) of that Act or provisional remedy under the provisions of Article 171, paragraph (1) of that Act (hereinafter referred to as a "provisional remedy or other measures" in this Article and Article 331-12, paragraph (4)):

一　破産手続開始前の相互会社につき更生手続開始の申立ての棄却の決定があった場合

(i) where, with regard to the Mutual Company against which bankruptcy proceedings have not yet been commenced, an order of dismissal with prejudice on the merits of a petition to commence reorganization proceedings is made;

二　破産手続開始前の更生会社につき更生手続開始の決定の取消し、更生手続廃止又は更生計画不認可の決定が確定した場合

(ii) where, with regard to the reorganizing company against which bankruptcy proceedings have not yet been commenced, an order of revocation of the order commencing reorganization proceedings, an order of discontinuance of reorganization proceedings or an order disconfirming the reorganization plan becomes final and binding; or

三　破産手続開始後の更生会社につき更生計画認可の決定により破産手続が効力を失った後に第三百二十八条第一項において準用する会社更生法第二百四十一条第一項の規定による更生手続廃止の決定が確定した場合

(iii) where, after the bankruptcy proceedings commenced against the reorganizing company have ceased to be effective as a result of an order confirming the reorganization plan, an order of discontinuance of reorganization proceedings under the provisions of Article 241, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant

to Article 328, paragraph (1) becomes final and binding.

２　裁判所は、前項第一号又は第二号の規定による保全処分等を命じた場合において、前条第一項本文の規定による破産手続開始の決定をしないこととしたときは、遅滞なく、当該保全処分等を取り消さなければならない。

(2) If the court, after ordering a provisional remedy or other measures under the provisions of item (i) or (ii) of the preceding paragraph, has decided not to make an order to commence bankruptcy proceedings under the provisions of the main clause of paragraph (1) of the preceding Article, it must revoke the provisional remedy or other measures without delay.

３　第一項第一号の規定による保全処分等は、同号に規定する決定を取り消す決定があったときは、その効力を失う。

(3) The provisional remedy or other measures under the provisions of paragraph (1), item (i) ceases to be effective when an order to revoke the order prescribed in that item is made.

４　破産法第二十四条第四項、第二十五条第六項、第二十八条第三項、第九十一条第五項及び第百七十一条第四項の規定にかかわらず、第二項の規定による決定に対しては、即時抗告をすることができない。

(4) Notwithstanding the provisions of Article 24, paragraph (4), Article 25, paragraph (6), Article 28, paragraph (3), Article 91, paragraph (5) and Article 171, paragraph (4) of the Bankruptcy Act, no immediate appeal may be filed against an order made under the provisions of paragraph (2).

（更生手続の終了に伴う破産手続における破産法の適用関係）

(Application of the Bankruptcy Act in Bankruptcy Proceedings at the End of Reorganization Proceedings)

第三百三十一条の十　破産手続開始前の相互会社に関する次に掲げる場合における破産法の関係規定（破産法第七十一条第一項第四号並びに第二項第二号及び第三号、第七十二条第一項第四号並びに第二項第二号及び第三号、第百六十条（第一項第一号を除く。）、第百六十二条（第一項第二号を除く。）、第百六十三条第二項、第百六十四条第一項（同条第二項において準用する場合を含む。）、第百六十六条並びに第百六十七条第二項（同法第百七十条第二項において準用する場合を含む。）の規定をいう。第三項において同じ。）の適用については、更生手続開始の申立て等（更生手続開始の申立て、更生手続開始によって効力を失った特別清算の手続における特別清算開始の申立て、更生計画認可の決定により効力を失った再生手続における再生手続開始の申立て又は破産法第二百六十五条の罪に該当することとなる当該相互会社の取締役、執行役若しくはこれらに準ずる者の行為をいう。以下この項において同じ。）は、当該更生手続開始の申立て等の前に破産手続開始の申立てがないときに限り、破産手続開始の申立てとみなす。

Article 331-10 (1) In the following cases concerning the Mutual Company against which bankruptcy proceedings have not yet been commenced, for the purpose of application of the relevant provisions of the Bankruptcy Act (meaning the

provisions of Article 71, paragraph (1), item (iv) and paragraph (2), items (ii) and (iii), Article 72, paragraph (1), item (iv) and paragraph (2), items (ii) and (iii), Article 160 (excluding paragraph (1), item (i)), Article 162 (excluding paragraph (1), item (ii)), Article 163, paragraph (2), Article 164, paragraph (1) (including cases where applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 166 and Article 167, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 170, paragraph (2) of that Act) of the Bankruptcy Act; the same applies in paragraph (3)), a petition to commence reorganization proceedings or other such procedures (meaning a petition to commence reorganization proceedings, petition for commencement of special liquidation in special liquidation proceedings that have ceased to be effective as a result of the commencement of reorganization proceedings, petition for commencement of rehabilitation proceedings in rehabilitation proceedings that have ceased to be effective as a result of an order confirming the reorganization plan, or any act conducted by a director or executive officer of the Mutual Company or any other person equivalent thereto, which is to constitute the crime referred to in Article 265 of the Bankruptcy Act; hereinafter the same applies in this paragraph) is deemed to be a petition for commencement of bankruptcy proceedings only where no petition for commencement of bankruptcy proceedings has been filed prior to the petition to commence reorganization proceedings or other such procedures:

一　第三百三十一条の八第一項本文の規定による破産手続開始の決定があった場合

(i) where an order to commence bankruptcy proceedings is made under the provisions of the main clause of Article 331-8, paragraph (1);

二　更生手続開始の申立ての棄却の決定の確定前にされた破産手続開始の申立てに基づき、当該決定の確定後に破産手続開始の決定があった場合

(ii) where, based on a petition for commencement of bankruptcy proceedings filed before an order of dismissal with prejudice on the merits of a petition to commence reorganization proceedings becomes final and binding, an order to commence bankruptcy proceedings is made after the order of dismissal becomes final and binding;

三　更生手続開始の決定前にされた破産手続開始の申立てに基づき、第三百二十三条において準用する会社更生法第二百三十四条第二号若しくは第三号に掲げる事由の発生後又は第三百二十五条第一項において準用する同法第二百三十六条若しくは第二百三十七条第一項の規定による更生手続廃止の決定の確定後に、破産手続開始の決定があった場合

(iii) where, based on a petition for commencement of bankruptcy proceedings filed before an order to commence reorganization proceedings is made, an order to commence bankruptcy proceedings is made after any grounds referred to in Article 234, item (ii) or (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 323 have arisen, or after

an order of discontinuance of reorganization proceedings under the provisions of Article 236 or Article 237, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 325, paragraph (1) becomes final and binding; or

四　第三百三十一条の七第一項前段の規定による破産手続開始の申立てに基づき、破産手続開始の決定があった場合

(iv) where, based on a petition for commencement of bankruptcy proceedings filed under the provisions of the first sentence of Article 331-7, paragraph (1), an order to commence bankruptcy proceedings is made.

2　更生計画不認可又は更生手続廃止の決定の確定による更生手続の終了に伴い前項各号に規定する破産手続開始の決定があった場合における破産法第百七十六条前段の規定の適用については、次に掲げる決定の日を同条前段の破産手続開始の日とみなす。

(2) For the purpose of application of the provisions of the first sentence of Article 176 of the Bankruptcy Act in cases where an order to commence bankruptcy proceedings prescribed in the items of the preceding paragraph is made at the end of reorganization proceedings as a result of an order of disconfirmation of the reorganization plan or order of discontinuance of reorganization proceedings becoming final and binding, the respective dates on which the following orders are made is deemed to be the date of commencement of bankruptcy proceedings referred to in the first sentence of that Article:

一　更生手続開始の決定

(i) order commencing reorganization proceedings;

二　更生計画認可の決定により効力を失った再生手続における再生手続開始の決定

(ii) order to commence rehabilitation proceedings that have ceased to be effective in the rehabilitation proceedings as a result of an order confirming the reorganization plan.

3　破産手続開始後の更生会社について第三百三十一条の七第一項後段の規定による破産手続開始の申立てに基づいて破産手続開始の決定があった場合又は第三百三十一条の八第二項の規定による破産手続開始の決定があった場合における破産法の関係規定の適用については、更生計画認可の決定によって効力を失った破産手続における破産手続開始の申立てがあった時に破産手続開始の申立てがあったものとみなす。

(3) For the purpose of application of the relevant provisions of the Bankruptcy Act in cases where, with regard to the reorganizing company against which bankruptcy proceedings have been commenced, an order to commence bankruptcy proceedings is made based on a petition for commencement of bankruptcy proceedings filed under the provisions of the second sentence of Article 331-7, paragraph (1) or an order to commence bankruptcy proceedings is made under the provisions of Article 331-8, paragraph (2), it is deemed that a petition for commencement of bankruptcy proceedings was filed at the time when the petition for commencement of bankruptcy proceedings in the bankruptcy proceedings that ceased to be effective as a result of an order

confirming the reorganization plan had been filed.

4　前項に規定する破産手続開始の決定があった場合における破産法第百七十六条前段の規定の適用については、更生計画認可の決定によって効力を失った破産手続における破産手続開始の日を同条前段の破産手続開始の日とみなす。

(4) For the purpose of application of the provisions of the first sentence of Article 176 of the Bankruptcy Act in cases where an order to commence bankruptcy proceedings prescribed in the preceding paragraph is made, the date of commencement of bankruptcy proceedings in the bankruptcy proceedings that have ceased to be effective as a result of an order confirming the reorganization plan is deemed to be the date of commencement of bankruptcy proceedings referred to in the first sentence of that Article.

5　第一項各号又は第三項に規定する破産手続開始の決定があった場合における破産法第百四十八条第一項第三号の規定の適用については、同号中「包括的禁止命令」とあるのは「包括的禁止命令若しくは金融機関等の更生手続の特例等に関する法律第百八十四条において準用する会社更生法第二十五条第二項に規定する包括的禁止命令」と、「期間がある」とあるのは「期間又は金融機関等の更生手続の特例等に関する法律第二百一条において準用する会社更生法第五十条第二項の規定により国税滞納処分をすることができない期間がある」とする。

(5) For the purpose of application of the provisions of Article 148, paragraph (1), item (iii) of the Bankruptcy Act in cases where an order to commence bankruptcy proceedings prescribed in the items of paragraph (1) or paragraph (3) is made, the phrase "comprehensive prohibition order" in that item is deemed to be replaced with "comprehensive prohibition order or comprehensive prohibition order prescribed in Article 25, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 184 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions"; the phrase "there is a period" is deemed to be replaced with "there is a period or a period during which a procedure for collection of national tax delinquency cannot be enforced pursuant to the provisions of Article 50, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 201 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

6　前項に規定する破産手続開始の決定があった場合には、共益債権（更生手続が開始されなかった場合における第二百六条第一項において準用する会社更生法第六十二条第二項に規定する請求権並びに第二百四十一条第一項及び第四項に規定する請求権を含む。第三百三十一条の十三において同じ。）は、財団債権とする。破産手続開始後の相互会社について第三百二十三条において準用する会社更生法第二百三十四条第一号から第三号までに掲げる事由の発生又は第三百二十五条第一項において準用する同法第二百三十六条若しくは第二百三十七条第一項の規定による更生手続廃止の決定の確定によって破産手続が続行された場合も、同様とする。

(6) Where an order to commence bankruptcy proceedings prescribed in the

preceding paragraph is made, common-benefit claims (including the rights to claim prescribed in Article 62, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 206, paragraph (1) and the rights to claim prescribed in Article 241, paragraphs (1) and (4) in cases where reorganization proceedings is not commenced; the same applies in Article 331-13) are claims on the estate. The same applies where bankruptcy proceedings commenced against the Mutual Company against which bankruptcy proceedings are continued as a result of any of the grounds referred to in Article 234, items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 323 arising or an order of discontinuance of reorganization proceedings under the provisions of Article 236 or Article 237, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 325, paragraph (1) becoming final and binding.

（破産債権の届出を要しない旨の決定）

(Order Not Requiring Filing of Proofs of Bankruptcy Claims)

第三百三十一条の十一　裁判所（破産事件を取り扱う一人の裁判官又は裁判官の合議体をいう。）は、前条第一項各号又は第三項に規定する破産手続開始の決定をする場合において、終了した更生手続において届出があった更生債権等の内容及び原因並びに議決権の額、第二百五十五条において準用する会社更生法第百五十一条第一項本文に規定する異議等のある更生債権等の数、更生計画による権利の変更の有無及び内容その他の事情を考慮して相当と認めるときは、当該決定と同時に、破産債権であって当該更生手続において更生債権等としての届出があったもの（租税等の請求権及び第二百五十一条第二号に規定する更生手続開始前の罰金等の請求権を除く。）を有する破産債権者は当該破産債権の届出をすることを要しない旨の決定をすることができる。

Article 331-11 (1) Where the court (meaning a judge or panel of judges in charge of the bankruptcy case) makes an order to commence bankruptcy proceedings prescribed in the items of paragraph (1) or in paragraph (3) of the preceding Article, when it finds it appropriate while taking into consideration the content and cause of each reorganization claim, etc. as well as the amount of the voting rights as filed in the reorganization proceedings that are closed, the number of denied/disputed an unsecured or secured reorganization claim prescribed in the main clause of Article 151, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 255, whether or not any right will be modified by a reorganization plan and the content of the modification, and any other circumstances concerned, it may make an order, upon making the order to commence bankruptcy proceedings, to the effect that bankruptcy creditors that hold bankruptcy claims that have been filed as an unsecured or secured reorganization claim in the reorganization proceedings (excluding the right to impose taxes or other charges and right to claim fines, etc. prescribed in Article 251, item (ii) arising prior to the commencement of reorganization

proceedings) are not required to file a proof of the bankruptcy claims.

2　会社更生法第二百五十五条第二項から第六項までの規定は、前項の規定による決定があった場合について準用する。この場合において、同条第四項第一号中「第百三十六条第一項第三号ロからニまで」とあるのは「更生特例法第二百四十七条第一項において準用する第百三十六条第一項第三号ロからニまで」と、「第百三十八条第一項第三号又は第二項第三号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第三号又は第二項第三号」と、同項第二号から第四号までの規定中「第百三十八条第一項第一号又は第二項第一号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第一号又は第二項第一号」と、同項第三号中「第百三十六条第一項第一号、第二号又は第三号イ」とあるのは「更生特例法第二百四十七条第一項において準用する第百三十六条第一項第一号、第二号又は第三号イ」と、同項第四号中「第百三十六条第二項第一号から第三号まで」とあるのは「更生特例法第二百四十七条第一項において準用する第百三十六条第二項第一号から第三号まで」と、同項第五号及び第六号中「第百三十八条第一項第二号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第二号」と、同項第七号中「第百三十八条第一項第三号」とあるのは「更生特例法第二百四十八条において準用する第百三十八条第一項第三号」と読み替えるものとする。

(2) The provisions of Article 255, paragraphs (2) to (6) of the Corporate Reorganization Act apply mutatis mutandis to the cases where an order under the provisions of the preceding paragraph is made. In this case, the phrase "136, paragraph (1), item (iii), (b) to (d)" in paragraph (4), item (i) of that Article is deemed to be replaced with "136, paragraph (1), item (iii), (b) to (d) as applied mutatis mutandis pursuant to Article 247, paragraph (1) of the Act on Special Measures"; the phrase "Article 138, paragraph (1), items (iii) or paragraph (2), item (iii)" is deemed to be replaced with "Article 138, paragraph (1), item (iii) or paragraph (2), item (iii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (i) or paragraph (2), item (i)" in the provisions of items (ii) to (iv) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (i) or paragraph (2), item (i) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; the phrase "Article 136, paragraph (1), item (i), (ii) or (iii), (a)" in item (iii) of that paragraph is deemed to be replaced with "Article 136, paragraph (1), item (i), (ii) or (iii), (a) as applied mutatis mutandis pursuant to Article 247, paragraph (1) of the Act on Special Measures"; the phrase "Article 136, paragraph (2), items (i) to (iii)" in item (iv) of that paragraph is deemed to be replaced with "Article 136, paragraph (2), items (i) to (iii) as applied mutatis mutandis pursuant to Article 247, paragraph (1) of the Act on Special Measures"; the phrase "Article 138, paragraph (1), item (ii)" in items (v) and (vi) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures"; and the phrase

"Article 138, paragraph (1), item (iii)" in item (vii) of that paragraph is deemed to be replaced with "Article 138, paragraph (1), item (iii) as applied mutatis mutandis pursuant to Article 248 of the Act on Special Measures".

（否認の請求を認容する決定に対する異議の訴え等の取扱い）

(Handling of Actions against an Order to Uphold a Request for Avoidance)

第三百三十一条の十二　第三百二十三条において準用する会社更生法第二百三十四条第三号又は第四号に掲げる事由が生じた場合において、第三百三十一条の十第一項各号又は第三項に規定する破産手続開始の決定があったときは、第二百二条において準用する同法第五十二条第四項の規定により中断した第二百二十六条において準用する同法第九十七条第一項の訴えに係る訴訟手続は、破産管財人においてこれを受け継ぐことができる。この場合においては、受継の申立ては、相手方もすることができる。

Article 331-12 (1) In cases where any of the events referred to in Article 234, item (iii) or (iv) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 323 occurs, when an order to commence bankruptcy proceedings prescribed in the items of Article 331-10, paragraph (1) or paragraph (3) of that Article is made, a bankruptcy trustee may take over court proceedings in relation to an action referred to in Article 97, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 226 that is discontinued pursuant to the provisions of Article 52, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 202. In this case, the other party may also file a petition for taking over the court proceedings.

２　前項の場合においては、相手方の管財人に対する訴訟費用請求権は、財団債権とする。

(2) In the case referred to in the preceding paragraph, the other party's right to claim court costs against a trustee is a claim on the estate.

３　第一項の場合において、第二百二条において準用する会社更生法第五十二条第四項の規定により中断した第二百二十六条において準用する同法第九十七条第一項の訴えに係る訴訟手続について第一項の規定による受継があるまでに破産手続が終了したときは、当該訴訟手続は、終了する。

(3) In the case referred to in paragraph (1), if the bankruptcy proceedings are closed before the court proceedings in relation to an action referred to in Article 97, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 226 that is discontinued pursuant to the provisions of Article 52, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 202 is taken over under the provisions of paragraph (1), the relevant court proceedings are closed.

４　第二百二条において準用する会社更生法第五十二条第四項の規定により中断した第二百二十六条において準用する同法第九十七条第一項の訴えに係る訴訟手続であって破産手続開始前の相互会社についての更生事件に係るものは、その中断の日から一月（その期間中に第三百三十一条の九第一項第一号若しくは第二号の規定による保全処

分等又は第三百三十一条の十第二項各号に掲げる破産手続開始の申立てに係る破産手続における保全処分等がされていた期間があるときは、当該期間を除く。）以内に第三百三十一条の十第一項各号に規定する破産手続開始の決定がされていないときは、終了する。

(4) Court proceedings in an action referred to in Article 97, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 226, which are discontinued pursuant to the provisions of Article 52, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 202 and pertains to a reorganization case involving the Mutual Company against which bankruptcy proceedings have not yet been commenced, are closed if an order to commence bankruptcy proceedings prescribed in the items of Article 331-10, paragraph (1) is not made within one month from the date of discontinuance thereof (if, for a certain part of the one-month period, a provisional remedy or other measures is issued under the provisions of Article 331-9, paragraph (1), item (i) or (ii) or a provisional remedy or other measures is issued in bankruptcy proceedings based on a petition for commencement of bankruptcy proceedings referred to in the items of Article 331-10, paragraph (2), that part of the period is excluded).

5　第二百五十五条において準用する会社更生法第百六十三条第一項の規定により引き続き係属するものとされる第二百五十五条において準用する同法第百五十一条第一項本文に規定する更生債権等査定申立ての手続及び第二百五十五条において準用する同法第百五十三条第一項に規定する価額決定の申立ての手続は、第三百三十一条の十第一項各号又は第三項に規定する破産手続開始の決定があったときは、終了するものとする。この場合においては、第二百五十五条において準用する同法第百六十三条第三項の規定は、適用しない。

(5) The proceedings for petition for reorganization claim, etc. assessment prescribed in the main clause of Article 151, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 255, which are to continue to be pending pursuant to the provisions of Article 163, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 255, and the proceedings for petition for valuation prescribed in Article 153, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 255 is closed when an order to commence bankruptcy proceedings prescribed in the items of Article 331-10, paragraph (1) or (3) is made. In this case, the provisions of Article 163, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 255 do not apply.

6　第四項の規定は、第二百五十五条において準用する会社更生法第百六十三条第四項の規定により中断した第二百五十五条において準用する同法第百五十二条第一項に規定する更生債権等査定異議の訴えに係る訴訟手続であって破産手続開始前の相互会社についての更生事件に係るものについて準用する。

(6) The provisions of paragraph (4) apply mutatis mutandis to court proceedings

in relation to an action to oppose assessment of an unsecured or secured reorganization claim prescribed in Article 152, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 255, which is discontinued pursuant to the provisions of Article 163, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 255, and pertains to a reorganization case involving the Mutual Company against which bankruptcy proceedings have not yet been commenced.

第四款　更生手続の終了に伴う再生手続の続行
Subsection 4 Continuation of Rehabilitation Proceedings Once Reorganization Proceedings End

第三百三十一条の十三　相互会社について再生事件が係属している場合において、第三百二十三条において準用する会社更生法第二百三十四条第一号から第三号までに掲げる事由の発生又は第三百二十五条第一項において準用する同法第二百三十六条若しくは第二百三十七条第一項の規定による更生手続廃止の決定の確定によって再生手続が続行されたときは、共益債権は、再生手続における共益債権とする。

Article 331-13　Where a rehabilitation case involving a Mutual Company is pending, when rehabilitation proceedings are continued as a result of any of the events referred to in Article 234, items (i) to (iii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 323 arising or an order of discontinuance of reorganization proceedings under the provisions of Article 236 or Article 237, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 325, paragraph (1) becoming final and binding, common-benefit claims are common-benefit claims in rehabilitation proceedings.

第十二節　雑則
Section 12 Miscellaneous Provisions

（更生会社についての登記の嘱託等）

(Requesting a Registration for a Reorganizing Company)

第三百三十二条　更生手続開始の決定があったときは、裁判所書記官は、職権で、遅滞なく、更生手続開始の登記を更生会社の主たる事務所の所在地の登記所に嘱託しなければならない。

Article 332　(1) When an order commencing reorganization proceedings is made, a court clerk, by their own authority, without delay, must commission the registry office having jurisdiction over the location of the principal office of a reorganizing company to make a registration to commence reorganization proceedings.

2　前項の登記には、管財人の氏名又は名称及び住所、管財人がそれぞれ単独にその職

務を行うことについて第二百十条において準用する会社更生法第六十九条第一項ただし書の許可があったときはその旨並びに管財人が職務を分掌することについて同項ただし書の許可があったときはその旨及び各管財人が分掌する職務の内容をも登記しなければならない。

(2) The registration referred to in the preceding paragraph must include the name and address of each trustee, if the permission referred to in the proviso to Article 69, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 210 is granted for independent performance of duties by each trustee, a statement to that effect, and if the permission referred to in the proviso to that paragraph is granted for division of duties among trustees, a statement to that effect and the contents of the duties assigned to each trustee.

3　第一項の規定は、前項に規定する事項に変更が生じた場合について準用する。

(3) The provisions of paragraph (1) apply mutatis mutandis where there is a change to any of the particulars prescribed in the preceding paragraph.

4　開始前会社について保全管理命令又は監督命令がされたときは、裁判所書記官は、職権で、遅滞なく、保全管理命令又は監督命令の登記を開始前会社の主たる事務所の所在地の登記所に嘱託しなければならない。

(4) When a Provisional Administration Order or Supervision Order is issued against a company awaiting reorganization proceedings, a court clerk, by their own authority, without delay, must commission the registry office having jurisdiction over the location of the principal office of the company awaiting reorganization proceedings to make a registration of the Provisional Administration Order or Supervision Order.

5　前項の登記には、次の各号に掲げる区分に応じ、それぞれ当該各号に定める事項をも登記しなければならない。

(5) When making the registration referred to in the preceding paragraph, the particulars specified in each of the following items must also be registered for the categories of registrations set forth in the respective items:

一　前項に規定する保全管理命令の登記　保全管理人の氏名又は名称及び住所、保全管理人がそれぞれ単独にその職務を行うことについて第百八十九条第一項において準用する会社更生法第六十九条第一項ただし書の許可があったときはその旨並びに保全管理人が職務を分掌することについて同項ただし書の許可があったときはその旨及び各保全管理人が分掌する職務の内容

(i) a Registration of Provisional Administration Order prescribed in the preceding paragraph: the name and address of each provisional administrator, if the permission referred to in the proviso to Article 69, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 189, paragraph (1) is granted for independent performance of duties by each provisional administrator, a statement to that effect, and if the permission referred to in the proviso to that paragraph is

granted for division of duties among provisional administrators, a statement to that effect and the contents of the duties assigned to each provisional administrator; and

二　前項に規定する監督命令の登記　監督委員の氏名又は名称及び住所並びに第百九十条第二項の規定により指定された行為

(ii) a Registration of Supervision Order prescribed in the preceding paragraph: the name and address of each supervisor, and acts designated pursuant to the provisions of Article 190, paragraph (2).

6　第四項の規定は、同項に規定する裁判の変更若しくは取消しがあった場合又は前項に規定する事項に変更が生じた場合について準用する。

(6) The provisions of paragraph (4) apply mutatis mutandis where a judicial decision prescribed in that paragraph is changed or revoked or there is a change to any of the particulars prescribed in the preceding paragraph.

7　第一項の規定は、更生計画認可の決定があった場合又は第三百二十三条において準用する会社更生法第二百三十四条第二号から第五号までに掲げる事由が生じた場合について準用する。

(7) The provisions of paragraph (1) apply mutatis mutandis if the court issues an order confirming the reorganization plan or on the occurrence of any of the events referred to in Article 234, items (ii) to (v) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 323.

8　登記官は、第一項の規定により更生手続開始の登記をする場合において、更生会社について特別清算開始の登記があるときは、職権で、その登記を抹消しなければならない。

(8) A registrar, when making a registration of the commencement of reorganization proceedings pursuant to the provisions of paragraph (1), by their own authority, must cancel a registration of the commencement of special liquidation proceedings against the reorganizing company, if there is any such registration.

9　登記官は、第七項の規定により更生手続開始の決定の取消しの登記をする場合において、前項の規定により抹消した登記があるときは、職権で、その登記を回復しなければならない。

(9) A registrar, when making a registration of the revocation of an order commencing reorganization proceedings pursuant to the provisions of paragraph (7), by their own authority, must restore a registration cancelled pursuant to the provisions of the preceding paragraph, if there is any such registration.

１０　第八項の規定は更生計画認可の登記をする場合における破産手続開始又は再生手続開始の登記について、前項の規定は更生計画認可の決定を取り消す決定が確定した場合におけるこの項において準用する第八項の規定により抹消した登記について、それぞれ準用する。

(10) The provisions of paragraph (8) apply mutatis mutandis to a registration of

the commencement of bankruptcy proceedings or commencement of rehabilitation proceedings in the case of registering the confirmation of a reorganization plan, and the provisions of the preceding paragraph apply mutatis mutandis to a registration cancelled pursuant to the provisions of paragraph (8) as applied mutatis mutandis pursuant to this paragraph in cases where an order to revoke the order confirming the reorganization plan becomes final and binding.

第三百三十三条　第二百十一条において準用する会社更生法第七十二条第四項前段の規定により更生会社の機関がその権限を回復したときは、裁判所書記官は、職権で、遅滞なく、その旨の登記を更生会社の主たる事務所の所在地の登記所に嘱託しなければならない。

Article 333 (1) When the powers of the authorities of a reorganizing company pursuant to the provisions of the first sentence of Article 72, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 211 are restored, a court clerk, by their own authority, without delay, must commission the registry office having jurisdiction over the location of the principal office of the reorganizing company to make a registration to that effect.

２　前項の規定は、第二百十一条において準用する会社更生法第七十二条第四項前段の規定による更生計画の定め又は裁判所の決定が取り消された場合について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to the cases where provisions of the reorganization plan under the first sentence of Article 72, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 211 or an order by the court is revoked.

（登記のある権利についての登記の嘱託等）

(Requesting the Registration of Registered Rights)

第三百三十四条　次に掲げる場合には、裁判所書記官は、職権で、遅滞なく、当該保全処分の登記を嘱託しなければならない。

Article 334 (1) In the following cases, a court clerk, by their own authority, without delay, must commission a registration of the provisional remedy concerned:

一　開始前会社に属する権利で登記がされたものに関し第百八十五条（第百九十六条において準用する会社更生法第四十四条第二項において準用する場合を含む。）において準用する同法第二十八条第一項の規定による保全処分があったとき。

(i) where a provisional remedy under the provisions of Article 28, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 185 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196) is issued with respect to any registered right that belongs to the

company awaiting reorganization proceedings;

二　登記のある権利に関し第百九十四条の二第一項若しくは第百九十五条第一項（これらの規定を第百九十六条において準用する会社更生法第四十四条第二項において準用する場合を含む。）の規定又は第二百二十八条において準用する同法第九十九条第一項の規定による保全処分があったとき。

(ii) where a provisional remedy under the provisions of Article 194-2, paragraph (1) or Article 195, paragraph (1) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 44, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 196) or the provisions of Article 99, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 228 is issued with regard to any registered right.

2　前項の規定は、同項に規定する保全処分の変更若しくは取消しがあった場合又は当該保全処分が効力を失った場合について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis where the provisional remedy prescribed in that paragraph is changed or revoked or the provisional remedy ceases to be effective.

3　裁判所書記官は、更生手続開始の決定があった場合において、更生会社に属する権利で登記がされたものについて保険業法第百八十四条において準用する会社法第九百三十八条第三項（保険業法第百八十四条において準用する会社法第九百三十八条第四項において準用する場合を含む。）の規定による登記があることを知ったときは、職権で、遅滞なく、その登記の抹消を嘱託しなければならない。

(3) Where an order commencing reorganization proceedings is made, when a court clerk learns that a registration under the provisions of Article 938, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 184 of the Insurance Business Act (including as applied mutatis mutandis pursuant to Article 938, paragraph (4) of the Companies Act as applied mutatis mutandis pursuant to Article 184 of the Insurance Business Act) exists with regard to a registered right belonging to a reorganizing company, the court clerk must commission the cancellation of the registration by their own authority, without delay.

4　前項の規定による登記の抹消がされた場合において、更生手続開始の決定を取り消す決定が確定したときは、裁判所書記官は、職権で、遅滞なく、同項の規定により抹消された登記の回復を嘱託しなければならない。

(4) Where a registration is cancelled under the provisions of the preceding paragraph, when an order to revoke the order commencing reorganization proceedings has become final and binding, a court clerk, by their own authority, without delay, must commission restoration of the registration cancelled pursuant to the provisions of that paragraph.

（更生計画の遂行等に関する登記の嘱託等）

(Requesting a Registration in Connection with the Implementation of the Reorganization Plan)

第三百三十五条　第三百三十二条第一項の規定は、更生計画の遂行又はこの章の規定により更生手続終了前に更生会社又は更生計画の定めにより設立される相互会社について登記すべき事項が生じた場合について準用する。この場合において、保険業法第六十四条第三項において準用する会社法第九百三十条第二項各号に掲げる事項について登記すべき事項が生じたときは、第三百三十二条第一項中「主たる事務所」とあるのは、「主たる事務所及び従たる事務所」と読み替えるものとする。

Article 335 (1) The provisions of Article 332, paragraph (1) apply mutatis mutandis to the cases where any particulars that should be registered arise with regard to a reorganizing company or Mutual Company to be established as specified in a reorganization plan before the implementation of the reorganization plan or the end of reorganization proceedings pursuant to the provisions of this Chapter. In this case, when any particulars that should be registered arise with respect to the particulars set forth in the items of Article 930, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 64, paragraph (3) of the Insurance Business Act, the phrase "principal office" in Article 332, paragraph (1) is deemed to be replaced with "principal office and secondary office".

２　会社更生法第二百五十八条第一項の規定は、更生計画の遂行又はこの章の規定により更生手続終了前に組織変更後株式会社又は更生計画の定めにより設立される株式会社について登記すべき事項が生じた場合について準用する。

(2) The provisions of Article 258, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the cases where any particulars that should be registered arise with regard to a Converted Stock Company or Stock Company to be incorporated as specified in a reorganization plan before the implementation of the reorganization plan or the end of reorganization proceedings pursuant to the provisions of this Chapter.

３　更生会社が他の相互会社又は株式会社と合併をする場合において、裁判所書記官が次に掲げる登記を嘱託するときは、合併の相手方である他の相互会社又は株式会社の解散の登記をも嘱託しなければならない。

(3) Where a reorganizing company is to merge with a Mutual Company or a Stock Company, when a court clerk commissions the following registrations, the registration of the dissolution of the other Mutual Company or Stock Company which is the other party to the merger must also be commissioned:

一　吸収合併後存続する更生会社の吸収合併による変更の登記

(i) registration of modification due to an Absorption-Type Merger of the reorganizing company surviving the Absorption-Type Merger;

二　新設合併により設立する相互会社又は株式会社の新設合併による設立の登記

(ii) registration of establishment due to Consolidation-Type Merger of the Mutual Company or Stock Company to be established as a result of the

Consolidation-Type Merger.

4　第一項及び第二項の規定は、他の相互会社又は株式会社が更生会社と合併して合併後存続する場合における更生会社の解散の登記については、適用しない。

(4) The provisions of paragraphs (1) and (2) do not apply to the registration of dissolution of a reorganizing company in cases where the other Mutual Company or Stock Company survives after the merger with the reorganizing company.

5　前条第一項の規定は、更生計画の遂行により更生手続終了前に登記のある権利の得喪又は変更が生じた場合について準用する。ただし、更生会社、更生債権者等、社員、組織変更後株式会社、更生計画の定めにより設立される相互会社及び更生計画の定めにより設立される株式会社以外の者を権利者とする登記については、この限りでない。

(5) The provisions of paragraph (1) of the preceding Article apply mutatis mutandis to the cases where the acquisition, loss or modification of a registered right occurs before the end of reorganization proceedings as a result of the implementation of a reorganization plan; provided, however, that this does not apply to the registration of anyone other than a reorganizing company, unsecured or secured reorganization creditor, member, Converted Stock Company, Mutual Company established as specified in a reorganization plan and a Stock Company incorporated as specified in a reorganization plan as the holder of the right.

（否認の登記）

(Registration of Avoidance)

第三百三十六条　会社更生法第二百六十二条の規定は、相互会社の更生手続における否認の登記について準用する。この場合において、同条第六項中「第二百三十四条第二号若しくは第三号」とあるのは「更生特例法第三百二十三条において準用する第二百三十四条第二号若しくは第三号」と、「第二百三十六条若しくは第二百三十七条第一項」とあるのは「更生特例法第三百二十五条第一項において準用する第二百三十六条若しくは第二百三十七条第一項」と読み替えるものとする。

Article 336　The provisions of Article 262 of the Corporate Reorganization Act apply mutatis mutandis to a registration of avoidance in the reorganization proceedings of a Mutual Company. In this case, the phrase "Article 234, item (ii) or (iii)" in paragraph (6) of that Article is deemed to be replaced with "Article 234, item (ii) or (iii) as applied mutatis mutandis pursuant to Article 323 of the Act on Special Measures"; the phrase "Article 236 or Article 237, paragraph (1)" is deemed to be replaced with "Article 236 or Article 237, paragraph (1) as applied mutatis mutandis pursuant to Article 325, paragraph (1) of the Act on Special Measures".

（登記嘱託書等の添付書面等）

(Documents to Be Attached to a Paper-Based Request for Registration)

第三百三十七条　この章の規定による登記の嘱託情報若しくは申請情報と併せて提供することが必要な情報又は嘱託書若しくは申請書に添付すべき書面その他のものは、政令で定める。

Article 337 Information that needs to be provided along with request information or application information on registration under the provisions of this Chapter, or documents that should be attached to the written commission or written application are specified by Cabinet Order.

（登録免許税の特例）

(Special Provisions on Registration and License Tax)

第三百三十八条　第三百三十二条から第三百三十四条までの規定並びに第三百三十六条において準用する会社更生法第二百六十二条の規定による登記については、登録免許税を課さない。

Article 338 (1) Registration and license tax is not imposed on the registrations under the provisions of Article 332 to Article 334 and the provisions of Article 262 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 336.

２　更生計画において更生会社が吸収合併をすることを定めた場合における当該吸収合併による資本金の増加の登記の登録免許税の税率は、登録免許税法第九条の規定にかかわらず、千分の一（吸収合併により増加した資本金の額のうち、更生債権者等に株式を交付する部分に相当する金額以外の金額に対応する部分については、千分の三・五）とする。

(2) The tax rate of the Registration and license tax for the registration of the increase in stated capital as a result of an Absorption-Type Merger of a reorganizing company in cases where the Absorption-Type Merger is specified in a reorganization plan is one one-thousandth (0.35% of the portion of the amount of stated capital increased as a result of the Absorption-Type Merger that does not correspond to the amount equivalent to the delivery of shares to unsecured or secured reorganization creditor), notwithstanding the provisions of Article 9 of the Registration and License Tax Act.

３　更生計画において更生会社が新設合併をすることを定めた場合における当該新設合併による株式会社の設立の登記の登録免許税の税率は、登録免許税法第九条の規定にかかわらず、千分の一（資本金の額のうち、同法別表第一第二十四号（一）ホの税率欄に規定する部分に相当する金額（更生債権者等に株式を交付する部分に相当する金額を除く。）に対応する部分については、千分の三・五）とする。

(3) The tax rate of the Registration and license tax for the registration of the incorporation of a Stock Company as a result of a Consolidation-Type Merger of a reorganizing company in cases where the Consolidation-Type Merger is specified in a reorganization plan is one one-thousandth (0.35% of the portion of the amount of stated capital that corresponds to the portion prescribed in the tax rate column of Article 24, item (i), (e) of Appended Table 1 of that Act

(excluding amount equivalent to the delivery of shares to unsecured or secured reorganization creditor)), notwithstanding the provisions of Article 9 of the Registration and License Tax Act.

4　更生計画において更生会社が組織変更をすることを定めた場合における当該組織変更による株式会社の設立の登記の登録免許税の税率は、登録免許税法第九条の規定にかかわらず、千分の一（資本金の額のうち、更生債権者等に株式を交付する部分に相当する金額以外の金額に対応する部分については、千分の三・五）とする。

(4) The tax rate of the Registration and license tax for the registration of the incorporation of a Stock Company as a result of an entity conversion of a reorganizing company in cases where the conversion is specified in a reorganization plan is one one-thousandth (0.35% of the portion of the amount of stated capital that does not correspond to the amount equivalent to the delivery of shares to unsecured or secured reorganization creditor), notwithstanding the provisions of Article 9 of the Registration and License Tax Act.

5　更生計画において組織変更後株式会社が株式を発行することを定めた場合における資本金の増加の登記の登録免許税の税率は、登録免許税法第九条の規定にかかわらず、千分の三・五とする。

(5) The tax rate of the Registration and license tax for the registration of the increase in stated capital in cases where the issue of shares of a Converted Stock Company is specified in a reorganization plan is 0.35%, notwithstanding the provisions of Article 9 of the Registration and License Tax Act.

6　会社更生法第二百六十四条第三項の規定は、第二百六十七条の規定により更生計画において更生会社が組織変更株式交換をすることを定めた場合における組織変更株式交換による資本金の増加の登記の登録免許税の税率について準用する。

(6) The provisions of Article 264, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to the tax rate of the Registration and license tax for the registration of the increase in stated capital as a result of share exchange on entity conversion in cases where share exchange on entity conversion by a reorganizing company is specified in a reorganization plan pursuant to the provisions of Article 267.

7　会社更生法第二百六十四条第四項の規定は、第二百六十八条の規定により更生計画において更生会社が組織変更株式移転をすることを定めた場合における当該組織変更株式移転による株式会社の設立の登記の登録免許税の税率について準用する。

(7) The provisions of Article 264, paragraph (4) of the Corporate Reorganization Act apply mutatis mutandis to the tax rate of the Registration and license tax for the registration of the incorporation of a new Stock Company as a result of a share transfer on entity conversion by a reorganizing company in cases where the share transfer on entity conversion is specified in a reorganization plan pursuant to the provisions of Article 268.

8　会社更生法第二百六十四条第七項の規定は、相互会社の更生手続における更生計画

において新株式会社を設立することを定めた場合における新株式会社の設立の登記の登録免許税の税率について準用する。

(8) The provisions of Article 264, paragraph (7) of the Corporate Reorganization Act apply mutatis mutandis to the tax rate of the Registration and license tax for the registration of the incorporation of a new Stock Company in cases where the incorporation of a new Stock Company is specified in a reorganization plan in the reorganization proceedings of a Mutual Company.

9　会社更生法第二百六十四条第八項の規定は、相互会社の更生手続における更生計画において新相互会社又は当該更生計画の定めにより設立された株式会社が更生会社から不動産又は船舶に関する権利の移転又は設定を受けることを定めた場合におけるその移転又は設定の登記の登録免許税の税率について準用する。

(9) The provisions of Article 264, paragraph (8) of the Corporate Reorganization Act apply mutatis mutandis to the tax rate of the Registration and license tax for the registration of the transfer or establishment of a right on real property or a vessel in cases where the transfer or establishment of the right from a reorganizing company to a New Mutual Company or a Stock Company incorporated as specified in a reorganization plan in the reorganization proceedings of a Mutual Company is specified in the reorganization plan.

（登録への準用）

(Application Mutatis Mutandis to Registration)

第三百三十九条　第三百三十四条、第三百三十五条第五項、第三百三十六条において準用する会社更生法第二百六十二条、第三百三十七条及び前条第一項の規定は、登録のある権利について準用する。

Article 339　The provisions of Article 334, Article 335, paragraph (5), Article 262 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 336, Article 337 and paragraph (1) of the preceding Article apply mutatis mutandis to registered rights.

第三百四十条　削除

Article 340　Deleted

第四章　金融機関等の更生手続の特例

Chapter IV Special Provisions on the Reorganization Proceedings of Financial Institutions and Similar Entities

第一節　銀行の更生手続の特例

Section 1 Special Provisions on the Reorganization Proceedings of Banks

第一款　総則

Subsection 1 General Provisions

（定義）

(Definitions)

第三百四十一条　この節において「更生会社」とは、会社更生法第二条第七項に規定する更生会社であって、銀行であるものをいう。

Article 341 (1) The term "reorganizing company" as used in this Section means a reorganizing company as prescribed in Article 2, paragraph (7) of the Corporate Reorganization Act that is a bank.

２　この節において「更生債権者等」とは、会社更生法第二条第十三項に規定する更生債権者等をいう。

(2) The term "unsecured and secured reorganization creditors" as used in this Section means unsecured and secured reorganization creditors as prescribed in Article 2, paragraph (13) of the Corporate Reorganization Act.

３　この節において「更生計画」とは、会社更生法第二条第二項に規定する更生計画をいう。

(3) The term "reorganization plan" as used in this Section means a reorganization plan as prescribed in Article 2, paragraph (2) of the Corporate Reorganization Act.

４　この節において「更生手続」とは、会社更生法第二条第一項に規定する更生手続をいう。

(4) The term "reorganization proceedings" as used in this Section means reorganization proceedings as prescribed in Article 2, paragraph (1) of the Corporate Reorganization Act.

５　この節において「裁判所」とは、会社更生法第二条第五項に規定する裁判所をいう。

(5) The term "court" as used in this Section means a court as prescribed in Article 2, paragraph (5) of the Corporate Reorganization Act.

（銀行についての会社更生法の規定の適用）

(Application of Provisions of the Corporate Reorganization Act to Banks)

第三百四十二条　銀行についての会社更生法の次の表の上欄に掲げる規定の適用については、これらの規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

Article 342 In applying the provisions of the Corporate Reorganization Act set forth in the left-hand column of the table below to banks, the terms and phrases in these provisions set forth in the middle column of that table is deemed to be replaced with the terms and phrases set forth in the right-hand column of that table:

第十一条第一項 Article 11, paragraph (1)	を含む。） (including...)	を含む。）及び金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号。以下「更生特例法」という。） (including...) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996; hereinafter referred to as the "Act on Special Measures")
第十四条 Article 14	この法律 this Act	この法律並びに更生特例法第四章第一節、第三節及び第四節 this Act and Chapter 4, Sections 1, 3, and 4 of the Act on Special Measures
第四十五条第一項 Article 45, paragraph (1)	行う conduct...	行い、又は更生計画の定めにより更生会社がその組織を変更した後の信用金庫（以下「転換後信用金庫」という。）について更生特例法第三十二条第一項各号に掲げる行為を行う conduct... or conduct the acts set forth in the items of Article 32, paragraph (1) of the Act on Special Measures with regard to a Shinkin Bank formed as a result of an entity conversion of a reorganizing company in accordance with the Reorganization Plan (hereinafter referred to as a "Converted Shinkin Bank").
第四十五条第一項第七号 Article 45, paragraph (1), item (vii)	持分会社 Membership Company	持分会社若しくは信用金庫 Membership Company or Shinkin Bank

第四十五条第二項 Article 45, paragraph (2)	更生会社 reorganizing company	更生会社又は転換後信用金庫 reorganizing company or Converted Shinkin Bank
第七十七条第二項 Article 77, paragraph (2)	（会社法第二条第三号 (Article 2, item (iii) of the Companies Act	（銀行法（昭和五十六年法律第五十九号）第二条第八項又は長期信用銀行法（昭和二十七年法律第百八十七号）第十三条の二第二項 (Article 2, paragraph (8) of the Banking Act (Act No. 59 of 1981) or Article 13-2, paragraph (2) of the Long Term Credit Bank Act (Act No. 187 of 1952)
第八十一条第二項 Article 81, paragraph (2)	若しくは更生計画 or Reorganization Plan	、転換後信用金庫若しくは更生計画 , Converted Shinkin Bank or Reorganization Plan
	会社に to a company	会社若しくは協同組織金融機関（更生特例法第二条第二項に規定する協同組織金融機関をいう。以下同じ。）に to a company or Cooperative Financial Institution (meaning a Cooperative Financial Institution prescribed in Article 2, paragraph (2) of the Act on Special Measures; the same applies hereinafter)
	持分を interest	持分若しくは転換後信用金庫若しくは更生計画の定めにより設立された協同組織金融機関の持分を interest, or interest in a Converted Shinkin Bank or a Cooperative Financial Institution established in accordance with the Reorganization Plan

第百六十七条第二項 Article 167, paragraph (2)	設立 Establishment	設立、協同組織金融機関の設立 Establishment, Establishment of a Cooperative Financial Institution
第百八十五条第一項 Article 185, paragraph (1)	継続し to continue to operate	継続し（組織を変更する場合を含む。） to continue to operate (including cases of entity conversion)
	株式会社の of a Stock Company	株式会社若しくは協同組織金融機関の of a Stock Company or Cooperative Financial Institution
第百九十九条第二項第五号 Article 199, paragraph (2), item (v)	会社 company	会社又は協同組織金融機関 company or Cooperative Financial Institution
第二百三条第一項第四号 Article 203, paragraph (1), item (iv)	持分会社 Membership Company	持分会社又は転換後信用金庫 Membership Company or Converted Shinkin Bank
第二百三条第一項第五号 Article 203, paragraph (1), item (v)	又は第百八十三条 or Article 183	若しくは第百八十三条 or Article 183

	設立される会社 companies established	設立される会社又は更生計画の定めるところにより更生特例法第三百四十六条において準用する更生特例法第百三条第一項に規定する条項により設立される協同組織金融機関（以下「新協同組織金融機関」という。） companies established or Cooperative Financial Institutions established in accordance with the Reorganization Plan pursuant to the clauses prescribed in Article 103, paragraph (1) of the Act on Special Measures as applied mutatis mutandis pursuant to Article 346 of the Act on Special Measures (hereinafter referred to as "New Cooperative Financial Institutions")
第二百四条第一項第一号 Article 204, paragraph (1), item (i)	この法律 this Act	この法律の規定若しくは更生特例法第四章第一節 provisions of this Act or Chapter 4, Section 1 of the Act on Special Measures
第二百六条第二項 Article 206, paragraph (2)	持分会社、同項第五号に掲げる会社 Membership Companies, companies set forth in item (v) of that paragraph	持分会社又は転換後信用金庫、同項第五号に掲げる会社又は新協同組織金融機関 Membership Companies or Converted Shinkin Banks, companies set forth in item (v) of that paragraph, or New Cooperative Financial Institutions
第二百九条第一項 Article 209, paragraph (1)	更生会社 reorganizing company	更生会社（転換後信用金庫を含む。） reorganizing company (including Converted Shinkin Bank)

第二百九条第二項 Article 209, paragraph (2)	会社 company	会社又は新協同組織金融機関 company or New Cooperative Financial Institution
第二百九条第三項 Article 209, paragraph (3)	会社 company	会社又は新協同組織金融機関 company or New Cooperative Financial Institution
	執行役 executive officers	執行役、理事、監事 executive officers, board members, inspectors
第二百九条第四項第一号 Article 209, paragraph (4), item (i)	この法律 this Act	この法律の規定若しくは更生特例法第四章第一節 provisions of this Act or Chapter 4, Section 1 of the Act on Special Measures
第二百十条第一項 Article 210, paragraph (1)	株式会社 Stock Company	株式会社若しくは新協同組織金融機関 Stock Company or New Cooperative Financial Institution

第二百十条第三項 Article 210, paragraph (3)	第八百二十八条、第八百二十九条及び Articles 828, 829 and	第八百二十八条第一項各号（中小企業等協同組合法（昭和二十四年法律第百八十一号）第三十二条、信用金庫法（昭和二十六年法律第二百三十八号）第二十八条、労働金庫法（昭和二十八年法律第二百二十七号）第二十八条並びに金融機関の合併及び転換に関する法律（昭和四十三年法律第八十六号）第五十三条第一項及び第六十五条第一項において準用する場合を含む。以下この項において同じ。）及び第二項各号、第八百二十九条並びに items of Article 828, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 32 of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949), Article 28 of the Shinkin Bank Act (Act No. 238 of 1951), Article 28 of the Labor Bank Act (Act No. 227 of 1953), and Article 53, paragraph (1) and Article 65, paragraph (1) of the Act on Financial Institutions' Merger and Conversion (Act No. 86 of 1968); hereinafter the same applies in this paragraph), items of Article 828, paragraph (2), Article 829, and

	株式会社 Stock Company	株式会社、転換後信用金庫若しくは新協同組織金融機関 Stock Company, Converted Shinkin Bank or New Cooperative Financial Institution
	同法第八百二十八条第二項第一号 Article 828, paragraph (2), item (i) of that Act	会社法第八百二十八条第二項第一号 Article 828, paragraph (2), item (i) of the Companies Act
	新株予約権者 holders of share options	新株予約権者、組合員等（更生特例法第二条第十項に規定する組合員等をいう。）、理事、監事 holders of share options, Partners or Members (meaning Partners or Members prescribed in Article 2, paragraph (10) of the Act on Special Measures), board members, inspectors
第二百三十二条第一項 Article 232, paragraph (1)	新会社が new company	新会社又は更生特例法第三百五十四条第一項に規定する新協同組織金融機関が new company or New Cooperative Financial Institution prescribed in Article 354, paragraph (1) of the Act on Special Measures
	新会社は new company	新会社又は当該新協同組織金融機関は company or the New Cooperative Financial Institution
第二百四十一条第三項 Article 241, paragraph (3)	及びこの法律 and this Act	並びにこの法律の規定及び更生特例法第四章第一節 and the provisions of this Act and Chapter 4, Section 1 of the Act on Special Measures

第二百六十一条第一項 Article 261, paragraph (1)	この法律 this Act	この法律の規定若しくは更生特例法第四章第一節 provisions of this Act or Chapter 4, Section 1 of the Act on Special Measures
第二百六十一条第二項 Article 261, paragraph (2)	他の会社 another company	他の会社又は協同組織金融機関 another company or Cooperative Financial Institution
第二百六十一条第二項第二号 Article 261, paragraph (2), item (ii)	会社 company	会社又は信用金庫 company or Shinkin Bank
第二百六十一条第三項 Article 261, paragraph (3)	他の会社 another company	他の会社又は信用金庫 another company or Shinkin Bank
第二百六十一条第六項 Article 261, paragraph (6)	及び and	、転換後信用金庫並びに , Converted Shinkin Bank, and
	会社 company	会社及び協同組織金融機関 companies and Cooperative Financial Institutions
第二百六十四条第八項 Article 264, paragraph (8)	株式会社 Stock Company	株式会社又は協同組織金融機関 Stock Company or Cooperative Financial Institution

第二款　更生計画の条項に関する特例
Subsection 2 Special Provisions on the Provisions of a Reorganization Plan

（吸収合併）

(Absorption-Type Mergers)

第三百四十三条　吸収合併（更生会社（普通銀行であるものに限る。）が消滅する吸収合併（合併転換法第二条第四項に規定する吸収合併をいう。以下この節において同じ。）であって、吸収合併後存続する金融機関（以下この節において「吸収合併存続金融機関」という。）が信用金庫であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 343 (1) The following particulars must be specified in the clauses on an Absorption-Type Merger (limited to Absorption-Type Merger (meaning

Absorption-Type Merger prescribed in Article 2, paragraph (4) of the Merger and Conversion Act; hereinafter the same applies in this Section) where the reorganizing company (but only one that is an Ordinary Bank) disappears and the Financial Institution Surviving an Absorption-Type Merger (hereinafter referred to as a "Financial Institution Surviving an Absorption-Type Merger" in this Section) is a Shinkin Bank; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　吸収合併存続金融機関が吸収合併に際して更生債権者等に対して出資等（協同組織金融機関の出資又は金銭をいう。以下この節において同じ。）を交付するときは、当該出資等についての次に掲げる事項

(ii) when a Financial Institution Surviving an Absorption-Type Merger delivers a Contribution, etc. (meaning Contribution or money of the Cooperative Financial Institution; hereinafter the same applies in this Section) to unsecured and secured reorganization creditors at the time of the Absorption-Type Merger, the following particulars concerning the Contribution, etc.:

イ　当該出資等が吸収合併存続金融機関の出資であるときは、当該出資の口数又はその算定方法（吸収合併存続金融機関の会員となることができない更生債権者等がある場合にあっては、当該更生債権者等に対して交付する金銭の額又はその算定方法を含む。）並びに当該吸収合併存続金融機関の資本金及び準備金の額に関する事項

(a) when the Contribution, etc. is a Contribution of the Financial Institution Surviving an Absorption-Type Merger, the number of units of the Contribution or the means of calculating the number (in cases where there are unsecured and secured reorganization creditors that cannot become members of the Financial Institution Surviving an Absorption-Type Merger, including the amount of money delivered to those unsecured and secured reorganization creditors or the means of calculating the amount), and particulars concerning the amount of the stated capital and reserve funds of the Financial Institution Surviving an Absorption-Type Merger; and

ロ　当該出資等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Contribution, etc. is money, the amount of the money or the means of calculating the amount;

三　前号に規定する場合には、更生債権者等に対する同号の出資等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of Contribution, etc. referred to in that item to unsecured and secured reorganization creditors.

２　吸収合併（更生会社が吸収合併存続金融機関となるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses on Absorption-Type Merger (limited to Absorption-Type Merger where the reorganizing company becomes the Financial Institution Surviving an Absorption-Type Merger; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　更生会社が吸収合併に際して吸収合併により消滅する金融機関（以下この節において「吸収合併消滅金融機関」という。）の組合員等に対して当該更生会社の社債等（社債又は新株予約権をいう。以下この節において同じ。）を交付するときは、当該社債等についての次に掲げる事項

(ii) when a reorganizing company delivers its Bonds, etc. (meaning Bonds or share options; hereinafter the same applies in this Section) to Partners or Members of the Financial Institution that disappears as a result of the Absorption-Type Merger (hereinafter referred to as a "Financial Institution Disappearing in an Absorption-Type Merger" in this Section) at the time of the Absorption-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が更生会社の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the reorganizing company (other than one in relation to bonds with share options), the classes of the bonds, and the total amount of the Bonds for each class or the means of calculating the amount;

ロ　当該社債等が更生会社の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the reorganizing company (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が更生会社の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the reorganizing company, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

三　前号に規定する場合には、吸収合併消滅金融機関の組合員等に対する同号の社債等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds, etc. referred to in that item to Partners or Members of the Financial Institution Disappearing in an Absorption-Type Merger.

（新設合併）

(Consolidation-Type Merger)

第三百四十四条　新設合併（更生会社が消滅する新設合併（合併転換法第二条第五項に規定する新設合併をいう。以下この節において同じ。）であって、新設合併により設立する金融機関（以下この節において「新設合併設立金融機関」という。）が株式会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 344 (1) The following particulars must be specified in the clauses on Consolidation-Type Merger (limited to Consolidation-Type Merger (meaning Consolidation-Type Merger prescribed in Article 2, paragraph (5) of the Merger and Conversion Act; hereinafter the same applies in this Section) where the reorganizing company disappears and the Financial Institution established by the Consolidation-Type Merger (hereinafter referred to as a "Financial Institution Established by Consolidation-Type Merger" in this Section) is a Stock Company; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立金融機関が新設合併に際して更生債権者等に対して当該新設合併設立金融機関の株式を交付するときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該新設合併設立金融機関の資本金及び準備金の額に関する事項

(ii) when a Financial Institution Established by Consolidation-Type Merger delivers its shares to unsecured and secured reorganization creditors at the time of the Consolidation-Type Merger, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Financial Institution Established by Consolidation-Type Merger;

三　前号に規定する場合には、更生債権者等に対する同号の株式の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of shares referred to in that item to unsecured and secured reorganization creditors;

四　新設合併設立金融機関が新設合併に際して新設合併により消滅する金融機関（以下この節において「新設合併消滅金融機関」という。）の株主又は組合員等に対して当該新設合併設立金融機関の社債等を交付するときは、当該社債等についての次

に掲げる事項

(iv) when a Financial Institution Established by Consolidation-Type Merger delivers its Bonds, etc. to shareholders or Partners or Members of a Financial Institution that disappears as a result of the Consolidation-Type Merger (hereinafter referred to as a "Financial Institution Disappearing in a Consolidation-Type Merger" in this Section) at the time of the Consolidation-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が新設合併設立金融機関の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Financial Institution Established by Consolidation-Type Merger (other than one with regard to bonds with share options), the classes of the bonds, and the total amount of the Bonds for each class or the means of calculating the amount;

ロ　当該社債等が新設合併設立金融機関の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Financial Institution Established by Consolidation-Type Merger (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が新設合併設立金融機関の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Financial Institution Established by Consolidation-Type Merger, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、新設合併消滅金融機関の株主又は組合員等に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds, etc. referred to in that item to shareholders or Partners or Members of the Financial Institution Disappearing in a Consolidation-Type Merger.

２　新設合併（更生会社（普通銀行であるものに限る。）が消滅する新設合併であって、新設合併設立金融機関が信用金庫であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses relating to Consolidation-Type Merger (limited to Consolidation-Type Merger where the reorganizing company (but only one that is an Ordinary Bank) disappears and the Financial Institution Established by Consolidation-Type Merger is a

Shinkin Bank; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立金融機関が新設合併に際して更生債権者等に対して当該新設合併設立金融機関の出資を交付するときは、当該出資の口数又はその算定方法（新設合併設立金融機関の会員となることができない更生債権者等がある場合にあっては、当該更生債権者等に対して交付する金銭の額又はその算定方法を含む。）並びに当該新設合併設立金融機関の資本金及び準備金の額に関する事項

(ii) when a Financial Institution Established by Consolidation-Type Merger delivers its Contribution to unsecured and secured reorganization creditors at the time of the Consolidation-Type Merger, the number of units of the Contribution or the means of calculating the number (in cases where there are unsecured and secured reorganization creditors that cannot become members of the Financial Institution Established by Consolidation-Type Merger, including the amount of money delivered to those unsecured and secured reorganization creditors or the means of calculating the amount), and particulars concerning the amount of the stated capital and reserve funds of the Financial Institution Established by Consolidation-Type Merger; and

三　前号に規定する場合には、更生債権者等に対する同号の出資の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of Contribution referred to in that item to unsecured and secured reorganization creditors.

（転換）

(Conversion)

第三百四十五条　転換（合併転換法第二条第七項に規定する転換であって、更生会社（普通銀行であるものに限る。）が信用金庫となるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 345 (1) The following particulars must be specified in the clauses relating to Conversion (limited to Conversions which are prescribed in Article 2, paragraph (7) of the Merger and Conversion Act and where the reorganizing company (but only one that is an Ordinary Bank) is a Shinkin Bank; hereinafter the same applies in this paragraph):

一　転換計画において定めるべき事項（合併転換法第五十六条第一項第三号及び第四号に掲げる事項を除く。）

(i) particulars that should be specified in the Conversion plan (excluding particulars set forth in Article 56, paragraph (1), items (iii) and (iv) of the Merger and Conversion Act);

二　転換後信用金庫（合併転換法第五十六条第一項第一号に規定する転換後信用金庫をいう。以下この節において同じ。）の理事、監事及び会計監査人についての次に定める事項

(ii) the following particulars concerning any board member, inspector and accounting auditor of the Converted Shinkin Bank (meaning Converted Shinkin Bank prescribed in Article 56, paragraph (1) of the Merger and Conversion Act; hereinafter the same applies in this Section):

イ　転換後信用金庫の理事及び代表理事の氏名又はその選任若しくは選定の方法及び任期

(a) the name or means of appointment or selection and term of office of any board member and Representative Board Member of the Converted Shinkin Bank;

ロ　転換後信用金庫の監事の氏名又はその選任の方法及び任期

(b) the name or means of appointment and term of office of any inspector of the Converted Shinkin Bank; and

ハ　転換後信用金庫が特定金庫（信用金庫法第三十八条の二第三項に規定する特定金庫をいう。）である場合には、転換後信用金庫の会計監査人の氏名若しくは名称又はその選任の方法及び任期

(c) in cases where the Converted Shinkin Bank is a specified bank (meaning specified bank prescribed in Article 38-2, paragraph (3) of the Shinkin Bank Act), the name or means of appointment and term of office of any accounting auditor of the Converted Shinkin Bank;

三　転換後信用金庫が転換に際して更生債権者等に対して出資等を交付するときは、当該出資等についての次に掲げる事項

(iii) when a Converted Shinkin Bank delivers a Contribution, etc. to unsecured and secured reorganization creditors at the time of the Conversion, the following particulars concerning the Contribution, etc.:

イ　当該出資等が転換後信用金庫の出資であるときは、当該出資の口数又はその算定方法（転換後信用金庫の会員となることができない更生債権者等がある場合にあっては、当該更生債権者等に対して交付する金銭の額又はその算定方法を含む。）並びに当該転換後信用金庫の資本金及び準備金の額に関する事項

(a) when the Contribution, etc. is a Contribution of the Converted Shinkin Bank, the number of units of the Contribution or the means of calculating the number (in cases where there are unsecured and secured reorganization creditors that cannot become members of the Converted Shinkin Bank, including the amount of money delivered to those unsecured and secured reorganization creditors or the means of calculating the amount), and particulars concerning the amount of the stated capital and reserve funds of the Converted Shinkin Bank; and

ロ　当該出資等が金銭であるときは、当該金銭の額又はその算定方法

(b) when the Contribution, etc. is money, the amount of the money or the

means of calculating the amount;

四　前号に規定する場合には、更生債権者等に対する同号の出資等の割当てに関する事項

(iv) in the case prescribed in the preceding item, particulars concerning the allotment of Contribution, etc. referred to in that item to unsecured and secured reorganization creditors.

2　第九十六条（第二号及び第三号（第二号に係る部分に限る。）を除く。）の規定は、転換後信用金庫の出資の受入れに関する条項について準用する。この場合において、同条第四号中「第百二十六条において準用する会社更生法」とあるのは「会社更生法」と、「組合員等と」とあるのは「会員と」と、「組合員等の」とあるのは「株主の」と、同条第五号及び第六号中「組合員等」とあるのは「株主」と読み替えるものとする。

(2) The provisions of Article 96 (excluding item (ii) and item (iii) (limited to the part in relation to item (ii))) apply mutatis mutandis to the clauses on the receipt of Contributions of the Converted Shinkin Bank. In this case, the terms "Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 126", "Partners or Members", and "of the Partners or Members" in item (iv) of that Article is deemed to be replaced with "Corporate Reorganization Act", "members", and "of the shareholders", respectively, and the phrase "Partners or Members" in items (v) and (vi) of that Article is deemed to be replaced with "shareholders".

3　第一項第二号イ及びロの任期は、一年を超えることができない。

(3) The term of office referred to in paragraph (1), item (ii), (a) and (b) may not exceed one year.

（新協同組織金融機関の設立）

(Establishment of a New Cooperative Financial Institution)

第三百四十六条　第百三条の規定は、銀行の更生手続における協同組織金融機関の設立に関する条項について準用する。この場合において、同条第一項第三号中「第百二十六条において準用する会社更生法」とあるのは「会社更生法」と、「又は組合員等」とあるのは「又は株主」と、同項第四号、第五号及び第九号中「組合員等」とあるのは「株主」と、同項第六号中「更生協同組織金融機関」とあるのは「更生会社（第三百四十一条第一項に規定する更生会社をいう。）」と読み替えるものとする。

Article 346　The provisions of Article 103 apply mutatis mutandis to the clauses concerning the Establishment of a Cooperative Financial Institution in the reorganization proceedings of banks. In this case, the terms "Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 126" and "or Partners or Members" in paragraph (1), item (iii) of that Article is deemed to be replaced with "Corporate Reorganization Act" and "or shareholders", respectively; the phrase "Partners or Members" in items (iv), (v) and (ix) of that paragraph is deemed to be replaced with "shareholders"; and the phrase

"reorganizing cooperative financial institution" in item (vi) of that paragraph is deemed to be replaced with "reorganizing company (meaning reorganizing company prescribed in Article 341, paragraph (1))".

第三百四十七条　削除
Article 347 Deleted

第三百四十八条　削除
Article 348 Deleted

第三款　更生計画の遂行に関する特例
Subsection 3 Special Provisions on the Implementation of a Reorganization Plan

（事業の譲渡等に関する特例）
(Special Provisions on Transfers of Business)

第三百四十九条　会社更生法第百七十四条第六号の規定により更生計画において更生会社が事業の全部の譲渡若しくは譲受け又は事業の一部の譲渡若しくは譲受けをすることを定めた場合には、銀行法第三十四条及び第三十五条の規定は、更生会社については、適用しない。

Article 349 In the case where the reorganization plan prescribes the transfer or acquisition of the whole or part of the business by the reorganizing company pursuant to the provisions of Article 174, item (vi) of the Corporate Reorganization Act, the provisions of Articles 34 and 35 of the Banking Act do not apply to the reorganizing company.

（吸収合併に関する特例）
(Special Provisions on Absorption-Type Mergers)

第三百五十条　第三百四十三条第一項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、同項第二号イに掲げる事項についての定めがあるときは、更生債権者等は、吸収合併がその効力を生ずる日（以下この条において「効力発生日」という。）に、同項第三号に掲げる事項についての定めに従い、吸収合併存続金融機関の会員となる。

Article 350 (1) In cases where the Absorption-Type Merger prescribed in Article 343, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (ii), (a) of that paragraph, the unsecured and secured reorganization creditors become members of the Financial Institution Surviving an Absorption-Type Merger, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Absorption-Type Merger comes into effect (hereinafter

referred to as the "effective date" in this Article).

2　第三百四十三条第一項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合には、合併転換法第二十一条、第二十三条（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第二十六条の規定は、更生会社については、適用しない。

(2) In cases where the Absorption-Type Merger prescribed in Article 343, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Articles 21, 23 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options), and 26 of the Merger and Conversion Act do not apply to the reorganizing company.

3　第三百四十三条第二項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、次の各号に掲げる場合には、吸収合併消滅金融機関の組合員等は、効力発生日に、同項第三号に掲げる事項についての定めに従い、当該各号に定める者となる。

(3) In cases where the Absorption-Type Merger prescribed in Article 343, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the Partner or Member of the Financial Institution Disappearing in an Absorption-Type Merger becomes the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the effective date:

一　第三百四十三条第二項第二号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is a provision on the particulars set forth in Article 343, paragraph (2), item (ii), (a), the bondholder of Bonds referred to in (a) of that item;

二　第三百四十三条第二項第二号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is a provision on the particulars set forth in Article 343, paragraph (2), item (ii), (b), the holder of share options referred to in (b) of that item; and

三　第三百四十三条第二項第二号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is a provision on the particulars set forth in Article 343, paragraph (2), item (ii), (c), the bondholder of Bonds in relation to bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

4　前項に規定する場合には、合併転換法第二十八条の規定並びに合併転換法第三十一条において準用する合併転換法第二十三条（登録株式質権者及び登録新株予約権質権

者に対する通知に係る部分を除く。）及び第二十六条の規定は、更生会社については、適用しない。

(4) In the case prescribed in the preceding paragraph, the provisions of Article 28 of the Merger and Conversion Act and the provisions of Articles 23 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options) and 26 of the Merger and Conversion Act as applied mutatis mutandis pursuant to Article 31 of the Merger and Conversion Act do not apply to the reorganizing company.

（新設合併に関する特例）

(Special Provisions on Consolidation-Type Mergers)

第三百五十一条　第三百四十四条の規定により更生計画において更生会社が新設合併をすることを定めた場合には、更生会社についての設立委員の職務は、管財人が行う。

Article 351 (1) In cases where the Consolidation-Type Merger by a reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 344, duties of the organizing committee member concerning the reorganizing company are performed by the trustee.

２　第三百四十四条第一項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、新設合併設立金融機関の成立の日に、同項第三号に掲げる事項についての定めに従い、同項第二号の株式の株主となる。

(2) In cases where the Consolidation-Type Merger prescribed in Article 344, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (ii) of that paragraph, the unsecured and secured reorganization creditors become the shareholders of the shares referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Financial Institution Established by Consolidation-Type Merger is established.

３　第三百四十四条第一項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、次の各号に掲げる場合には、新設合併消滅金融機関の株主又は組合員等は、新設合併設立金融機関の成立の日に、同項第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(3) In cases where the Consolidation-Type Merger prescribed in Article 344, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the shareholders or Partners or Members of the Financial Institution Disappearing in a Consolidation-Type Merger become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the Financial Institution Established by Consolidation-Type Merger is

established:

一　第三百四十四条第一項第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is a provision on the particulars set forth in Article 344, paragraph (1), item (iv), (a), the bondholder of Bonds referred to in (a) of that item;

二　第三百四十四条第一項第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is a provision on the particulars set forth in Article 344, paragraph (1), item (iv), (b), the holder of share options referred to in (b) of that item; and

三　第三百四十四条第一項第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is a provision on the particulars set forth in Article 344, paragraph (1), item (iv), (c), the bondholder of Bonds in relation to bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

4　前項に規定する場合には、合併転換法第二十一条、第二十三条（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第二十六条の規定は、更生会社については、適用しない。

(4) In the case prescribed in the preceding paragraph, the provisions of Articles 21, 23 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options) and 26 of the Merger and Conversion Act do not apply to the reorganizing company.

5　第三百四十四条第二項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、新設合併設立金融機関の成立の日に、同項第三号に掲げる事項についての定めに従い、新設合併設立金融機関の会員となる。

(5) In cases where the Consolidation-Type Merger prescribed in Article 344, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (ii) of that paragraph, the unsecured and secured reorganization creditors become members of the Financial Institution Established by Consolidation-Type Merger, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Financial Institution Established by Consolidation-Type Merger is established.

6　第三百四十四条第二項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合には、合併転換法第二十一条、第二十三条（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第二十六条

の規定は、更生会社については、適用しない。

(6) In cases where the Consolidation-Type Merger prescribed in Article 344, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Articles 21, 23 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options), and 26 of the Merger and Conversion Act do not apply to the reorganizing company.

（転換に関する特例）

(Special Provisions on Conversion)

第三百五十二条　第三百四十五条第一項の規定により更生計画において更生会社が同項に規定する転換をすることを定めた場合において、同項第三号イに掲げる事項についての定めがあるときは、更生債権者等は、転換がその効力を生ずる日に、同項第四号に掲げる事項についての定めに従い、転換後信用金庫の会員となる。

Article 352 (1) In cases where the Conversion prescribed in Article 345, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (iii), (a) of that paragraph, the unsecured and secured reorganization creditors become members of the Converted Shinkin Bank, in accordance with the provisions on the particulars set forth in item (iv) of that paragraph, on the day on which the Conversion comes into effect.

2　第百二十九条第一項から第三項まで及び第六項の規定は、第三百四十五条第一項の規定により更生計画において更生会社が同項に規定する転換をすることを定めた場合について準用する。この場合において、第百二十九条第一項及び第二項中「第九十四条」とあるのは「第三百四十五条第一項第二号」と、同条第一項中「、会計監査人、清算人又は代表清算人」とあり、並びに同条第二項及び第六項中「、会計監査人又は清算人」とあるのは「又は会計監査人」と、同条第一項中「更生計画認可の決定の」とあるのは「転換の効力が生じた」と、同条第三項中「第九十四条第一項第一号又は第二項第一号」とあるのは「第三百四十五条第一項第二号イ」と、同項及び同条第六項中「代表理事又は代表清算人」とあるのは「代表理事」と読み替えるものとする。

(2) The provisions of Article 129, paragraphs (1) to (3) and (6) apply mutatis mutandis to the cases where the Conversion prescribed in Article 345, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph. In this case, the phrase "Article 94" in Article 129, paragraphs (1) and (2) is deemed to be replaced with "Article 345, paragraph (1), item (ii)"; the terms ", accounting auditor, liquidator or representative liquidator" in paragraph (1) of that Article and ", accounting auditor or liquidator" in paragraphs (2) and (6) of that Article is deemed to be replaced with "or accounting auditor"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed

to be replaced with "that the Conversion came into effect"; the phrase "Article 94, paragraph (1), item (i) or paragraph (2), item (i)" in paragraph (3) of that Article is deemed to be replaced with "Article 345, paragraph (1), item (ii), (a)"; and the phrase "Representative Board Member or representative liquidator" in that paragraph and paragraph (6) of that Article is deemed to be replaced with "Representative Board Member".

3　第三百四十五条第一項の規定により更生計画において更生会社が同項に規定する転換をすることを定めた場合には、合併転換法第五十八条において準用する合併転換法第二十一条、第二十三条（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第二十六条の規定は、適用しない。

(3) In cases where the Conversion prescribed in Article 345, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Articles 21, 23 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options), and 26 of the Merger and Conversion Act as applied mutatis mutandis pursuant to Article 58 of the Merger and Conversion Act do not apply.

4　第二項の規定により選任された転換後信用金庫の理事及び監事の任期については、合併転換法第五十六条第六項の規定は、適用しない。

(4) The provisions of Article 56, paragraph (6) of the Merger and Conversion Act do not apply to the term of office of any board member and inspector of the Converted Shinkin Bank appointed pursuant to the provisions of paragraph (2).

5　会社更生法第二百九条第三項の規定は、転換後信用金庫に対する管財人及び調査委員の報告徴収及び検査について準用する。この場合において、同項中「設立時取締役、設立時監査役、取締役、会計参与、監査役、執行役、会計監査人、業務を執行する社員」とあるのは、「理事、監事、会計監査人」と読み替えるものとする。

(5) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to the request for reports and inspections to the Converted Shinkin Bank by the trustee and the examiner. In this case, the phrase "Director at Incorporation, Auditor at Incorporation, director, accounting advisor, company auditor, executive officer, accounting auditor, member that executes business" in that paragraph is deemed to be replaced with "board member, inspector, accounting auditor".

（転換後信用金庫の出資の受入れに関する特例）

(Special Provisions on Receipt of Contributions of a Converted Shinkin Bank)

第三百五十三条　第百三十三条の規定は、第三百四十五条第二項において準用する第九十六条第五号の規定により更生計画において更生債権者等又は株主に対して同号の出資の割当てを受ける権利を与える旨を定めた場合について準用する。この場合において、第百三十三条第一項及び第三項中「更生協同組織金融機関」とあるのは「転換後信用金庫」と、同条第一項中「通知しなければ」とあるのは「通知し、かつ、当該権

利を有する更生債権者等の更生債権等につき無記名式の新株予約権証券若しくは無記名式の社債券が発行されているとき、又は社債、株式等の振替に関する法律第四章の規定（同法その他の法令において準用する場合を含む。）の適用があるときは、次に掲げる事項を公告しなければ」と、同項第一号及び第三号並びに同条第四項中「組合員等」とあるのは「株主」と、同条第一項第二号及び第三号、第三項並びに第四項中「第九十六条第五号」とあるのは「第三百四十五条第二項において準用する第九十六条第五号」と、同条第二項及び第三項中「通知」とあるのは「通知又は公告」と読み替えるものとする。

Article 353 The provisions of Article 133 apply mutatis mutandis to the cases where the reorganization plan specifies that the unsecured and secured reorganization creditors or shareholders are to be granted the right to receive the allotment of Contributions referred to in Article 96, item (v) pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 345, paragraph (2). In this case, the phrase "reorganizing cooperative financial institution" in Article 133, paragraphs (1) and (3) is deemed to be replaced with "Converted Shinkin Bank"; the phrase "must notify them of the following particulars" in paragraph (1) of that Article is deemed to be replaced with "must notify them of the following particulars and in cases where bearer form Share Option certificates or bearer form bond certificates are issued with regard to the reorganization claim, etc. of the unsecured and secured reorganization creditors that have the relevant rights or where the provisions of Chapter 4 of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. (including as applied mutatis mutandis pursuant to that Act or other laws and regulations) apply, must give a public notice of the following particulars"; the phrase "Partners or Members" in items (i) and (iii) of that paragraph and paragraph (4) of that Article is deemed to be replaced with "shareholders"; the phrase "Article 96, item (v)" in paragraphs (1), items (ii) and (iii), (3), and (4) of that Article is deemed to be replaced with "Article 96, item (v) as applied mutatis mutandis pursuant to Article 345, paragraph (2)"; and the phrase "notice" in paragraphs (2) and (3) of that Article is deemed to be replaced with "notice or public notice".

（新協同組織金融機関の設立に関する特例）

(Special Provisions on Establishment of a New Cooperative Financial Institution)

第三百五十四条　第三百四十六条において準用する第百三条第一項の規定により更生計画において協同組織金融機関を設立することを定めた場合には、当該協同組織金融機関（以下この条において「新協同組織金融機関」という。）についての発起人の職務は、管財人が行う。

Article 354 (1) In cases where the incorporation of a Cooperative Financial Institution is specified in the reorganization plan pursuant to the provisions of

Article 103, paragraph (1) as applied mutatis mutandis pursuant to Article 346, the duties of the incorporator concerning the Cooperative Financial Institution (hereinafter referred to as a "New Cooperative Financial Institution" in this Article) are performed by the trustee.

2　前項に規定する場合には、新協同組織金融機関の定款は、裁判所の認証を受けなければ、その効力を生じない。

(2) In the case prescribed in the preceding paragraph, the articles of incorporation of the New Cooperative Financial Institution do not come into effect unless the certification of the court has been obtained.

3　第一項に規定する場合には、新協同組織金融機関の創立総会における決議は、その内容が更生計画の趣旨に反しない限り、することができる。

(3) In the case prescribed in paragraph (1), a resolution of the organizational meeting of the New Cooperative Financial Institution may be adopted only if the content of the resolution does not defeat the purpose of the reorganization plan.

4　第一項に規定する場合において、新協同組織金融機関が成立しなかったときは、更生会社は、管財人が同項の規定により新協同組織金融機関の設立に関してした行為についてその責任を負い、新協同組織金融機関の設立に関して支出した費用を負担する。

(4) In the case prescribed in paragraph (1), when the New Cooperative Financial Institution is not established, the reorganizing company is responsible for any act performed by the trustee in relation to the incorporation of the New Cooperative Financial Institution pursuant to the provisions of that paragraph and bear the expenses disbursed in relation to the incorporation of the New Cooperative Financial Institution.

5　第百二十九条第一項から第三項まで及び第六項の規定は第一項に規定する場合における理事、監事、代表理事及び会計監査人の選任又は選定及び任期について、第百三十三条の規定は更生債権者等又は株主に対して新協同組織金融機関の出資の割当てを受ける権利を与える場合について、第百三十四条の規定は更生債権者等又は株主の権利の消滅と引換えにする新協同組織金融機関の出資の受入れについて、それぞれ準用する。この場合において、第百二十九条第一項及び第二項中「第九十四条」とあるのは「第三百四十六条において準用する第百三条第一項第七号又は第八号」と、同条第一項中「、会計監査人、清算人又は代表清算人」とあり、並びに同条第二項及び第六項中「、会計監査人又は清算人」とあるのは「又は会計監査人」と、同条第一項及び第百三十四条中「更生計画認可の決定の」とあるのは「新協同組織金融機関が成立した」と、第百二十九条第三項中「第九十四条第一項第一号又は第二項第一号」とあるのは「第三百四十六条において準用する第百三条第一項第七号」と、同項及び同条第六項中「代表理事又は代表清算人」とあるのは「代表理事」と、第百三十三条第一項、第三項及び第四項中「第九十六条第五号」とあるのは「第三百四十六条において準用する第百三条第一項第四号」と、同条第一項及び第三項中「更生協同組織金融機関」とあるのは「新協同組織金融機関」と、同条第一項中「通知しなければ」とあるのは「通知し、かつ、当該権利を有する更生債権者等の更生債権等につき無記名式の新株

予約権証券若しくは無記名式の社債券が発行されているとき、又は社債、株式等の振替に関する法律第四章の規定（同法その他の法令において準用する場合を含む。）の適用があるときは、次に掲げる事項を公告しなければ」と、同項第一号及び第三号並びに同条第四項中「組合員等」とあるのは「株主」と、同条第二項及び第三項中「通知」とあるのは「通知又は公告」と、第百三十四条中「第九十七条」とあるのは「第三百四十六条において準用する第百三条第一項第九号」と、「又は組合員等」とあるのは「又は株主」と、「同条第二号」とあるのは「同号」と読み替えるものとする。

(5) The provisions of Article 129, paragraphs (1) to (3) and (6) apply mutatis mutandis to the appointment or selection and term of office of any board member, inspector, Representative Board Member and accounting auditor in the case prescribed in paragraph (1); the provisions of Article 133 apply mutatis mutandis to cases where the right to receive the allotment of Contributions of the New Cooperative Financial Institution is to be granted to the unsecured and secured reorganization creditors or shareholder; and the provisions of Article 134 apply mutatis mutandis to the receipt of Contributions of the New Cooperative Financial Institution in exchange for the extinction of the right of the unsecured and secured reorganization creditors or shareholder. In this case, the phrase "Article 94" in Article 129, paragraphs (1) and (2) is deemed to be replaced with "Article 103, paragraph (1), item (vii) or (viii) as applied mutatis mutandis pursuant to Article 346"; the phrase ", accounting auditor, liquidator or representative liquidator" in paragraph (1) of that Article and the phrase ", accounting auditor or liquidator" in paragraphs (2) and (6) of that Article is deemed to be replaced with "or accounting auditor"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article and Article 134 is deemed to be replaced with "that the New Cooperative Financial Institution was established"; the phrase "Article 94, paragraph (1), item (i) or paragraph (2), item (i)" in Article 129, paragraph (3) is deemed to be replaced with "Article 103, paragraph (1), item (vii) as applied mutatis mutandis pursuant to Article 346"; the phrase "Representative Board Member or representative liquidator" in that paragraph and paragraph (6) of that Article is deemed to be replaced with "Representative Board Member"; the phrase "Article 96, item (v)" in Article 133, paragraph (1), (3) and (4) is deemed to be replaced with "Article 103, paragraph (1), item (iv) as applied mutatis mutandis pursuant to Article 346"; the phrase "reorganizing cooperative financial institution" in paragraphs (1) and (3) of that Article is deemed to be replaced with "New Cooperative Financial Institution"; the phrase "must notify them of the following particulars" in paragraph (1) of that Article is deemed to be replaced with "must notify them of the following particulars and in cases where bearer form Share Option certificates or bearer form bond certificates are issued with regard to the reorganization claim, etc. of the unsecured and secured reorganization creditors that have the relevant rights or where the

provisions of Chapter 4 of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. (including as applied mutatis mutandis pursuant to that Act or other laws and regulations) apply, must give a public notice of the following particulars"; the phrase "Partners or Members" in items (i) and (iii) of that paragraph is deemed to be replaced with "shareholders"; the phrase "notice" in paragraphs (2) and (3) of that Article is deemed to be replaced with "notice or public notice"; and the terms "Article 97", "or Partners or Members", and "item (ii) of that Article" is deemed to be replaced with "Article 103, paragraph (1), item (ix) as applied mutatis mutandis pursuant to Article 346", "or shareholders" and "that item".

6　第一項に規定する場合には、中小企業等協同組合法第二十四条第一項、信用金庫法第二十二条第一項並びに第二十三条第二項及び第五項又は労働金庫法第二十二条第一項及び第二十三条第二項の規定は、適用しない。

(6) In the case prescribed in paragraph (1), the provisions of Article 24, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 22, paragraph (1) and Article 23, paragraphs (2) and (5) of the Shinkin Bank Act or Article 22, paragraph (1) and Article 23, paragraph (2) of the Labor Bank Act do not apply.

7　会社更生法第二百九条第三項の規定は、新協同組織金融機関に対する管財人の報告徴収及び検査について準用する。この場合において、同項中「設立時取締役、設立時監査役、取締役、会計参与、監査役、執行役、会計監査人、業務を執行する社員」とあるのは、「理事、監事、会計監査人」と読み替えるものとする。

(7) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to the request for reports and inspections to New Cooperative Financial Institutions by the trustee. In this case, the phrase "Director at Incorporation, Auditor at Incorporation, director, accounting advisor, company auditor, executive officer, accounting auditor, member that executes business" in that paragraph is deemed to be replaced with "board member, inspector, accounting auditor".

（転換後信用金庫等に異動した者の退職手当の取扱い）

(Handling of Severance Pay of Persons Transferred to a Converted Shinkin Bank)

第三百五十四条の二　更生手続開始後に更生会社の取締役、会計参与、監査役、代表取締役、執行役、代表執行役又は使用人であった者で、更生計画の定めにより更生会社の組織が変更された際又は前条第一項に規定する新協同組織金融機関が設立された際に更生会社を退職し、かつ、引き続き転換後信用金庫又は当該新協同組織金融機関の理事、監事、代表理事又は使用人となったものは、更生会社から退職手当の支給を受けることができない。

Article 354-2 (1) A person that was a director, accounting advisor, auditor, representative director, executive officer, representative executive officer, or

employee of a reorganizing company after the commencement of reorganization proceedings, retired from the reorganizing company upon entity conversion of the reorganizing company or upon the incorporation of a New Cooperative Financial Institution prescribed in paragraph (1) of the preceding Article as specified in the reorganization plan and successively became a board member, inspector, Representative Board Member, or an employee of the Converted Shinkin Bank or the New Cooperative Financial Institution may not receive the payment of a severance pay from the reorganizing company.

２　前項に規定する者の更生会社における在職期間は、退職手当の計算については、転換後信用金庫又は前条第一項に規定する新協同組織金融機関における在職期間とみなす。

(2) The period of service of the person prescribed in the preceding paragraph at the reorganizing company for the calculation of severance pay is deemed to be the period of service at the Converted Shinkin Bank or the New Cooperative Financial Institution prescribed in paragraph (1) of the preceding Article.

（出資等の割当てを受ける権利の譲渡）

(Assignment of a Right to Receive the Allotment of Contributions)

第三百五十四条の三　更生計画の定めによって更生債権者等又は株主に対して転換後信用金庫又は第三百五十四条第一項に規定する新協同組織金融機関の出資の割当てを受ける権利が与えられた場合には、当該権利は、転換後信用金庫又は当該新協同組織金融機関の承諾を得て、これを組合員等又はその資格を有する者に譲渡することができる。

Article 354-3 In cases where the right to receive the allotment of Contributions of a Converted Shinkin Bank or a New Cooperative Financial Institution prescribed in Article 354, paragraph (1) was granted to unsecured and secured reorganization creditors or shareholder as specified in the reorganization plan, the relevant right may be assigned to the Partner or Member or a person that is qualified therefor with the approval of the Converted Shinkin Bank or the New Cooperative Financial Institution.

第四款　雑則
Subsection 4 Miscellaneous Provisions

（更生計画の遂行に関する登記の嘱託）

(Requesting a Registration for the Implementation of a Reorganization Plan)

第三百五十五条　会社更生法第二百五十八条第一項の規定は、更生計画の遂行又は同法の規定若しくはこの節の規定により更生手続終了前に転換後信用金庫又は更生計画の定めにより設立される協同組織金融機関について登記すべき事項が生じた場合について準用する。この場合において、中小企業等協同組合法第九十三条第二項各号、信用金庫法第七十四条第二項各号又は労働金庫法第七十八条第二項各号に掲げる事項につ

いて登記すべき事項が生じたときは、会社更生法第二百五十八条第一項中「本店（外国に本店があるときは、日本における営業所。第四項及び次条第一項において同じ。）」とあるのは、「主たる事務所及び従たる事務所」と読み替えるものとする。

Article 355 (1) The provisions of Article 258, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to cases where the implementation of the reorganization plan or the provisions of that Act or the provisions of this Section give rise, before the end of reorganization proceedings, to particulars requiring registration concerning the Converted Shinkin Bank or the Cooperative Financial Institution to be established in accordance with the reorganization plan. In this case, if they give rise to particulars requiring registration concerning particulars set forth in the items of Article 93, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act, the items of Article 74, paragraph (2) of the Shinkin Bank Act, or the items of Article 78, paragraph (2) of the Labor Bank Act, the phrase "head office (if the head office is located in a foreign state, the business office in Japan; the same applies in paragraph (4) and paragraph (1) of the following Article)" in Article 258, paragraph (1) of the Corporate Reorganization Act is deemed to be replaced with "principal office and secondary office".

２　転換後信用金庫の出資の総口数及び総額の変更の登記の嘱託に関する前項において準用する会社更生法第二百五十八条第一項の規定の適用については、同項中「遅滞なく」とあるのは、「毎事業年度末日現在により、事業年度終了後、遅滞なく」とする。

(2) In applying the provisions of Article 258, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to the preceding paragraph concerning the request for registration of a change in the total number of units or amount of Contribution in a Converted Shinkin Bank, the phrase "without delay" in that paragraph is deemed to be replaced with "as of the last day of each business year, without delay after the last day of the business year".

（登記嘱託書等の添付書面等）

(Documents to Be Attached to a Written Commission of Registration)

第三百五十六条　この節の規定による登記の嘱託書又は申請書に添付すべき書面その他のものは、政令で定める。

Article 356 Documents and other items to be attached to a paper-based request or paper-based application for registration prescribed in this Section are specified by Cabinet Order.

第一節の二　株式会社商工組合中央金庫の更生手続の特例

Section 1-2 Special Provisions on the Reorganization Proceedings of the Shoko Chukin Bank Limited

第三百五十六条の二　株式会社商工組合中央金庫についての会社更生法の次の表の上欄に掲げる規定の適用については、これらの規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

Article 356-2 In applying the provisions of the Corporate Reorganization Act set forth in the left-hand column of the table below to the Shoko Chukin Bank Limited, the terms and phrases in these provisions set forth in the middle column of that table is deemed to be replaced with the terms and phrases set forth in the right-hand column of that table:

第十一条第一項 Article 11, paragraph (1)	を含む。） (including...)	を含む。）及び金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号。以下「更生特例法」という。） (including...) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996; hereinafter referred to as the "Act on Special Measures")
第十四条 Article 14	この法律 this Act	この法律並びに更生特例法第四章第一節の二、第三節及び第四節 this Act and Chapter 4, Sections 1-2, 3, and 4 of the Act on Special Measures
第七十七条第二項 Article 77, paragraph (2)	（会社法第二条第三号 (Article 2, item (iii) of the Companies Act	（株式会社商工組合中央金庫法（平成十九年法律第七十四号）第二十三条第二項 (Article 23, paragraph (2) of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007)

第二節　保険業を営む株式会社の更生手続の特例

Section 2 Special Provisions on the Reorganization Proceedings of Stock Companies Carrying on Insurance Business

第一款　総則

Subsection 1 General Provisions

（定義）

(Definitions)

第三百五十七条　この節において「更生手続」とは、会社更生法第二条第一項に規定する更生手続をいう。

Article 357 (1) The term "reorganization proceedings" as used in this Section means reorganization proceedings as prescribed in Article 2, paragraph (1) of the Corporate Reorganization Act.

２　この節において「更生会社」とは、会社更生法第二条第七項に規定する更生会社であって、保険業を営むものをいう。

(2) The term "reorganizing company" as used in this Section means a reorganizing company as prescribed in Article 2, paragraph (7) of the Corporate Reorganization Act that carries on the Insurance Business.

３　この節において「更生債権者等」とは、会社更生法第二条第十三項に規定する更生債権者等をいう。

(3) The term "unsecured and secured reorganization creditors" as used in this Section means unsecured and secured reorganization creditors as prescribed in Article 2, paragraph (13) of the Corporate Reorganization Act.

４　この節において「更生計画」とは、会社更生法第二条第二項に規定する更生計画をいう。

(4) The term "reorganization plan" as used in this Section means a reorganization plan as prescribed in Article 2, paragraph (2) of the Corporate Reorganization Act.

５　この節において「裁判所」とは、会社更生法第二条第五項に規定する裁判所をいう。

(5) The term "court" as used in this Section means a court as prescribed in Article 2, paragraph (5) of the Corporate Reorganization Act.

（保険業を営む株式会社についての会社更生法の規定の適用）

(Application of Provisions of the Corporate Reorganization Act to Stock Companies Carrying on the Insurance Business)

第三百五十八条　保険業を営む株式会社についての会社更生法の次の表の上欄に掲げる規定の適用については、これらの規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

Article 358 In applying the provisions of the Corporate Reorganization Act set forth in the left-hand column of the table below to stock companies carrying on the Insurance Business, the terms and phrases in these provisions set forth in the middle column of that table is deemed to be replaced with the terms and phrases set forth in the right-hand column of that table:

第十一条第一項 Article 11, paragraph (1)	を含む。） (including...)	を含む。）及び金融機関等の更生手続の特例等に関する法律（以下「更生特例法」という。） (including...) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (hereinafter referred to as the "Act on Special Measures")
第十四条 Article 14	この法律 this Act	この法律並びに更生特例法第四章第二節、第三節及び第六節 this Act and Chapter 4, Sections 2, 3, and 6 of the Act on Special Measures

第四十五条第一項 Article 45, paragraph (1)	行う conduct...	行い、又は更生計画の定めにより更生会社がその組織を変更した後の相互会社（更生特例法第二条第六項に規定する相互会社をいう。以下同じ。）（以下「組織変更後相互会社」という。）について更生特例法第百九十七条第一項各号に掲げる行為を行う conduct... or conduct the acts listed set forth in the items of Article 197, paragraph (1) of the Special Treatment Act Act on Special Measures with regard to a Mutual Company (meaning a Mutual Company prescribed in Article 2, paragraph (6) of the Special Treatment Act Act on Special Measures; the same shall apply applies hereinafter) formed as a result of an entity conversion of a Company under Reorganization reorganizing company in accordance with the Reorganization Plan (hereinafter referred to as a "Converted Mutual Company").
第四十五条第一項第七号 Article 45, paragraph (1), item (vii)	持分会社 Membership Company	持分会社若しくは相互会社 Membership Company or Mutual Company

	株式交換若しくは株式移転 share exchange or share transfer	株式交換（保険業法（平成七年法律第百五号）第九十六条の五第一項に規定する組織変更株式交換を含む。）、株式移転（相互会社と共にする同法第九十六条の八第一項に規定する組織変更株式移転を含む。）若しくは保険契約の移転（同法第百三十五条第一項（同法第二百七十二条の二十九において準用する場合を含む。）の保険契約の移転をいう。以下同じ。） share exchange (including share exchange on Entity Conversion prescribed in Article 96-5, paragraph (1) of the Insurance Business Act (Act No. 105 of 1995)), share transfer (including share transfer on Entity Conversion prescribed in Article 96-5, paragraph (1) of that Act conducted jointly with a Mutual Company) or transfer of insurance contracts (meaning transfer of insurance contracts prescribed in Article 135, paragraph (1) of that Act (including the cases where applied mutatis mutandis pursuant to Article 272-29 of that Act); the same applies hereinafter)

第四十五条第二項 Article 45, paragraph (2)	更生会社 reorganizing company	更生会社又は組織変更後相互会社 Company under Reorganization reorganizing company or Converted Mutual Company
第七十七条第二項 Article 77, paragraph (2)	子会社（会社法第二条第三号に規定する子会社 subsidiary company (meaning a subsidiary company prescribed in Article 2, item (iii) of the Companies Act	実質子会社（保険業法第三十三条の二第一項に規定する実質子会社 de facto substantive subsidiary company (meaning a de facto substantive subsidiary company prescribed in Article 33-2, paragraph (1) of the Insurance Business Act
第八十一条第二項 Article 81, paragraph (2)	若しくは更生計画 or Reorganization Plan	、組織変更後相互会社若しくは更生計画 , Converted Mutual Company or Reorganization Plan
	会社に to a company	会社若しくは相互会社に to a company or Mutual Company
	持分を interest	持分若しくは組織変更後相互会社若しくは更生計画の定めにより設立された相互会社の社員権を interest or membership rights of a Converted Mutual Company or a Mutual Company established in accordance with the Reorganization Plan

第百六十七条第二項 Article 167, paragraph (2)	掲げる行為 acts set forth in	掲げる行為、業務及び財産の管理の委託（保険業法第百四十四条第一項に規定する業務及び財産の管理の委託をいう。） acts set forth in..., entrustment of business and property administration (meaning entrustment of business and property administration prescribed in 144, paragraph (1) of the Insurance Business Act)
	設立 Establishment	設立、相互会社の設立 Establishment, the Establishment of a Mutual Company
第百八十五条第一項 Article 185, paragraph (1)	継続し to continue to operate	継続し（組織を変更する場合を含む。） to continue to operate (including cases of entity conversion)
	若しくは株式会社の設立 or the Establishment of a Stock Company	、株式会社若しくは相互会社の設立若しくは保険契約の移転 , the Establishment of a Stock Company or Mutual Company or transfer of insurance contracts
第百九十九条第二項第五号 Article 199, paragraph (2), item (v)	会社 company	会社又は相互会社 company or Mutual Company
第二百三条第一項第四号 Article 203, paragraph (1), item (iv)	持分会社 Membership Company	持分会社又は相互会社 Membership Company or Mutual Company
第二百三条第一項第五号 Article 203, paragraph (1), item (v)	又は第百八十三条 or Article 183	若しくは第百八十三条 or Article 183

	設立される会社 companies established	設立される会社又は更生計画の定めるところにより更生特例法第三百六十三条において準用する更生特例法第二百七十二条に規定する条項により設立される相互会社（以下「新相互会社」という。） companies established or Mutual Companies established in accordance with the Reorganization Plan pursuant to the clauses prescribed in Article 272 of the Act on Special Measures as applied mutatis mutandis pursuant to Article 363 of the Act on Special Measures (hereinafter referred to as "New Mutual Companies")
第二百四条第一項第一号 Article 204, paragraph (1), item (i)	この法律 this Act	この法律の規定若しくは更生特例法第四章第二節 provisions of this Act or Chapter 4, Section 2 of the Act on Special Measures
第二百六条第二項 Article 206, paragraph (2)	持分会社、同項第五号に掲げる会社 Membership Companies, companies set forth in item (v) of that paragraph	持分会社又は相互会社、同項第五号に掲げる会社又は新相互会社 Membership Companies or Mutual Companies, companies set forth in item (v) of that paragraph, or New Mutual Companies
第二百九条第一項 Article 209, paragraph (1)	更生会社 reorganizing company	更生会社（組織変更後相互会社を含む。） reorganizing company (including Converted Mutual Company)
第二百九条第二項 Article 209, paragraph (2)	会社 company	会社又は新相互会社 company or New Mutual Company

第二百九条第三項 Article 209, paragraph (3)	会社 company	会社又は新相互会社 company or New Mutual Company
第二百九条第四項第一号 Article 209, paragraph (4), item (i)	この法律 this Act	この法律の規定若しくは更生特例法第四章第二節 provisions of this Act or Chapter 4, Section 2 of the Act on Special Measures
第二百十条第一項 Article 210, paragraph (1)	株式会社 Stock Company	株式会社若しくは新相互会社 Stock Company or New Mutual Company
第二百十条第三項 Article 210, paragraph (3)	第八百二十八条、第八百二十九条及び第八百四十六条の二 Articles 828, 829 and Article 846-2	第八百二十八条第一項各号（保険業法第三十条の十五及び第百七十一条において準用する場合を含む。以下この項において同じ。）及び第二項各号、第八百二十九条並びに第八百四十六条の二並びに保険業法第八十四条の二 the items of Article 828, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Articles 30-15 and 171 of the Insurance Business Act; hereinafter the same applies in this paragraph) and the items of paragraph (2) of that Article, Article 829, Article 846-2 of the Companies Act and Article 84-2 of the Insurance Business Act
	株式会社 Stock Company	株式会社、組織変更後相互会社若しくは新相互会社 Stock Company, Converted Mutual Company, or New Mutual Company
	同法 that Act	会社法 the Companies Act

	新株予約権者 holders of share options	新株予約権者、社員等（保険業法第八十四条の二第二項に規定する社員等をいう。） holders of share options, Members, etc. (meaning Members, etc. prescribed in Article 84-2, paragraph (2) of the Insurance Business Act)
	訴え、 an action seeking invalidation of any of the acts listed in the items of Article 828, paragraph (1) of that Act	訴え若しくは保険業法第八十四条の二第一項の組織変更の無効の訴え、 a lawsuit for invalidation of any of the acts listed in the items of Article 828, paragraph (1) of that Act, or a lawsuit for nullification of entity conversion prescribed in Article 84-2, paragraph (1) of the Insurance Business Act,
第二百十二条 Article 212	の規定は the provisions of	の規定並びに保険業法第十六条及び第十七条の規定は the provisions of... and the provisions of Articles 16 and 17 of the Insurance Business Act
第二百二十条第二項 Article 220, paragraph (2)	の規定 the provisions of	の規定並びに保険業法第百六十五条の二十四（第九項を除く。）の規定 the provisions of... and the provisions of Article 165-24 (excluding paragraph (9)) of the Insurance Business Act
第二百二十条第六項 Article 220, paragraph (6)	の規定は the provisions of	の規定並びに保険業法第百六十五条の二十四（第九項を除く。）の規定は the provisions of... and the provisions of Article 165-24 (excluding paragraph (9)) of the Insurance Business Act

第二百二十一条第二項 Article 221, paragraph (2)	の規定 the provisions of	の規定並びに保険業法第百六十五条の二十四（第九項を除く。）の規定 the provisions of... and the provisions of Article 165-24 (excluding paragraph (9)) of the Insurance Business Act
第二百二十二条第一項 Article 222, paragraph (1)	の規定は the provisions of	の規定並びに保険業法第百七十三条の四（第十項及び第十二項を除く。）の規定は the provisions of... and the provisions of Article 173-4 (excluding paragraphs (10) and (12)) of the Insurance Business Act
第二百二十二条第三項 Article 222, paragraph (3)	の規定は the provisions of	の規定並びに保険業法第百七十三条の四（第十項及び第十二項を除く。）の規定は the provisions of... and the provisions of Article 173-4 (excluding paragraphs (10) and (12)) of the Insurance Business Act
第二百二十三条第一項 Article 223, paragraph (1)	の規定は the provisions of	の規定並びに保険業法第百七十三条の四（第十項及び第十二項を除く。）の規定は the provisions of... and the provisions of Article 173-4 (excluding paragraphs (10) and (12)) of the Insurance Business Act
第二百三十二条第一項 Article 232, paragraph (1)	新会社が new company	新会社又は更生特例法第三百七十二条第一項に規定する新相互会社が new company or New Mutual Company prescribed in Article 372, paragraph (1) of the Act on Special Measures

	新会社は new company	新会社又は当該新相互会社は new company or the New Mutual Company
第二百四十一条第三項 Article 241, paragraph (3)	及びこの法律 and this Act	並びにこの法律の規定及び更生特例法第四章第二節 and the provisions of this Act and Chapter 4, Section 2 of the Act on Special Measures
第二百六十一条第一項 Article 261, paragraph (1)	この法律 this Act	この法律の規定若しくは更生特例法第四章第二節 provisions of this Act or Chapter 4, Section 2 of the Act on Special Measures
第二百六十一条第二項 Article 261, paragraph (2)	他の会社 another company	他の会社又は相互会社 another company or Mutual Company
第二百六十一条第二項第二号 Article 261, paragraph (2), item (ii)	設立する会社 companies established	設立する会社又は相互会社 companies or Mutual Companies established
第二百六十一条第三項 Article 261, paragraph (3)	他の会社 another company	他の会社又は相互会社 another company or Mutual Company
第二百六十一条第六項 Article 261, paragraph (6)	及び and	、組織変更後相互会社並びに , Converted Mutual Company, and
	設立される会社 companies established	設立される会社及び相互会社 companies or Mutual Companies established
第二百六十四条第八項 Article 264, paragraph (8)	株式会社 Stock Company	株式会社又は相互会社 Stock Company or Mutual Company

第二款　更生計画の条項に関する特例
Subsection 2 Special Provisions on the Provisions of a Reorganization Plan

（保険契約の移転等）

(Transfer of Insurance Contracts)

第三百五十九条　次に掲げる行為に関する条項においては、更生手続が行われていない

場合に当該行為を行うとすれば株主総会の決議が必要となる事項を定めなければならない。

Article 359 In the clauses relating to the following acts, the particulars requiring a resolution of a shareholders meeting must be specified if any of these acts is to be carried out when reorganization proceedings have not been commenced:

一　保険契約の移転をし、又は保険契約の移転を受けること。

(i) making a transfer of insurance contracts or receiving a transfer of insurance contracts; and

二　業務及び財産の管理の委託

(ii) entrustment of business and property administration.

（組織変更）

(Entity Conversion)

第三百六十条　組織変更（保険業法第六十八条第三項に規定する組織変更をいう。以下この節において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 360 (1) The following particulars must be specified in the clauses on entity conversion (meaning entity conversion prescribed in Article 68, paragraph (3) of the Insurance Business Act; hereinafter the same applies in this Section):

一　組織変更計画において定めるべき事項

(i) particulars that should be specified in the entity conversion plan;

二　組織変更後の相互会社（以下この節において「組織変更後相互会社」という。）の取締役の氏名又はその選任の方法及び任期並びに組織変更後相互会社が監査等委員会設置会社（保険業法第四条第一項第三号に規定する監査等委員会設置会社をいう。次号ニにおいて同じ。）である場合には監査等委員（同法第二条第十九項に規定する監査等委員をいう。）である取締役又はそれ以外の取締役のいずれであるかの別

(ii) the name or means of appointment and term of office of the directors of the Mutual Company after the entity conversion (hereinafter referred to as a "Converted Mutual Company" in this Section), and, in cases where the Converted Mutual Company is a Company with Supervisory Committee (meaning a Company with Supervisory Committee prescribed in Article 4, paragraph (1), item (iii) of the Insurance Business Act; the same applies in item (d) of the following item), whether or not the director is a Supervisory Committee Member (meaning a Supervisory Committee Member prescribed in Article 2, paragraph (19) of that Act);

三　次のイからホまでに掲げる場合の区分に応じ、当該イからホまでに定める事項

(iii) the particulars specified in (a) to (e) below for the categories of cases respectively prescribed therein:

イ　組織変更後相互会社が会計参与設置会社（保険業法第五条の二第一項第二号に規定する会計参与設置会社をいう。）である場合　会計参与の氏名若しくは名称又はその選任の方法及び任期

(a) in cases where the Converted Mutual Company is a company with accounting advisors (meaning company with accounting advisors prescribed in Article 5-2, paragraph (1), item (ii) of the Insurance Business Act), the name or means of appointment and term of office of the accounting advisors;

ロ　組織変更後相互会社が監査役設置会社（保険業法第三十条の十一第一項に規定する監査役設置会社をいう。）である場合　代表取締役及び監査役の氏名又はその選任若しくは選定の方法及び任期

(b) in cases where the Converted Mutual Company is a company with company auditors (meaning company with company auditors prescribed in Article 30-18, paragraph (1) of the Insurance Business Act), the name or means of appointment or selection and term of office of the representative director and the company auditors;

ハ　組織変更後相互会社が会計監査人設置会社（保険業法第五十三条の二十二第三項に規定する会計監査人設置会社をいう。）である場合　会計監査人の氏名若しくは名称又はその選任の方法及び任期

(c) in cases where the Converted Mutual Company is a company with accounting auditors (meaning company with accounting auditors prescribed in Article 53-22, paragraph (3) of the Insurance Business Act), the name or means of appointment and term of office of the accounting auditors; and

ニ　組織変更後相互会社が監査等委員会設置会社である場合　代表取締役の氏名又はその選定の方法及び任期

(d) in cases where the Converted Mutual Company is a Company with Supervisory Committee, the name or means of appointment and term of office of the representative director;

ホ　組織変更後相互会社が指名委員会等設置会社（保険業法第四条第一項第三号に規定する指名委員会等設置会社をいう。）である場合　各委員会（同法第五十三条の二十四第一項に規定する各委員会をいう。）の委員、執行役及び代表執行役の氏名又はその選任若しくは選定の方法及び任期

(e) in cases where the Converted Mutual Company is a Company with Nominating Committee, etc. (meaning a Company with Nominating Committee, etc. prescribed in Article 4, paragraph (1), item (iii) of the Insurance Business Act), the name or means of appointment or selection and term of office of the members of each committee (meaning each committee prescribed in Article 53-24, paragraph (1) of that Act), the executive officers, and the representative executive officer;

四　組織変更後相互会社が組織変更に際して更生債権者等を当該組織変更後相互会社

の基金の拠出者とするときは、基金の額又はその算定方法

(iv) when unsecured and secured reorganization creditors become the fund contributors of the Converted Mutual Company upon its entity conversion, the amount of the funds or the means of calculating the amount; and

五　前号に規定する場合には、更生債権者等に対する同号の基金の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of funds referred to in that item to unsecured and secured reorganization creditors.

2　第二百六十三条の規定は組織変更後相互会社の基金の募集に関する条項について、第二百六十四条の規定は組織変更後相互会社の募集社債を引き受ける者の募集に関する条項について、それぞれ準用する。この場合において、第二百六十三条第二号及び第二百六十四条第三号中「第二百九十六条において準用する会社更生法」とあるのは「会社更生法」と、第二百六十三条第二号から第四号まで及び第二百六十四条第三号から第五号までの規定中「社員」とあるのは「株主」と、第二百六十三条第三号及び第二百六十四条第四号中「更生会社」とあるのは「組織変更後相互会社」と読み替えるものとする。

(2) The provisions of Article 263 and the provisions of Article 264 apply mutatis mutandis to clauses relating to the solicitation of additional funds of a Converted Mutual Company and clauses relating to the solicitation of subscribers for Bonds for subscription of a Converted Mutual Company, respectively. In this case, the phrase "the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 296" in Article 263, item (ii) and Article 264, item (iii) is deemed to be replaced with "the Corporate Reorganization Act"; the phrase "members" in the provisions of Article 263, items (ii) to (iv) and Article 264, items (iii) to (v) is deemed to be replaced with "shareholders"; and the phrase "reorganizing company" in Article 263, item (iii) and Article 264, item (iv) is deemed to be replaced with "Converted Mutual Company".

（吸収合併）

(Absorption-Type Mergers)

第三百六十一条　吸収合併（更生会社が消滅する吸収合併（保険業法第百六十条に規定する吸収合併をいう。以下この節において同じ。）であって、吸収合併後存続する会社（以下この条において「吸収合併存続会社」という。）が相互会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 361 (1) The following particulars must specified in the clauses relating to Absorption-Type Merger (limited to Absorption-Type Merger (meaning Absorption-Type Merger prescribed in Article 160 of the Insurance Business Act; hereinafter the same applies in this Section) where the reorganizing

company disappears and the company surviving the Absorption-Type Merger (hereinafter referred to as a "Company Surviving an Absorption-Type Merger" in this Section) is a Mutual Company; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　吸収合併存続会社が吸収合併に際して更生債権者等を当該吸収合併存続会社の基金の拠出者とするときは、基金の額又はその算定方法

(ii) when unsecured and secured reorganization creditors become the fund contributors of the Company Surviving an Absorption-Type Merger upon an Absorption-Type Merger, the amount of the funds or the means of calculating the amount; and

三　前号に規定する場合には、更生債権者等に対する同号の基金の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of funds referred to in that item to unsecured and secured reorganization creditors.

2　吸収合併（更生会社が吸収合併存続会社となるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses relating to Absorption-Type Merger (limited to Absorption-Type Merger where the reorganizing company becomes the Company Surviving an Absorption-Type Merger; hereinafter the same applies in this paragraph):

一　吸収合併契約において定めるべき事項

(i) particulars that should be specified in the Absorption-Type Merger Agreement;

二　更生会社が吸収合併に際して吸収合併により消滅する会社（以下この節において「吸収合併消滅会社」という。）の基金の拠出者又は社員に対して当該更生会社の社債等（社債又は新株予約権をいう。以下この節において同じ。）を交付するときは、当該社債等についての次に掲げる事項

(ii) when a reorganizing company delivers its Bonds, etc. (meaning Bonds or share options; hereinafter the same applies in this Section) to fund contributors or members of the company that disappears as a result of the Absorption-Type Merger (hereinafter referred to as a "Company Disappearing in an Absorption-Type Merger" in this Section) at the time of the Absorption-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が更生会社の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the reorganizing company (other than one with regard to bonds with share options), the classes of the bonds, and the total amount of the Bonds for each class or the means of calculating the amount;

ロ　当該社債等が更生会社の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the reorganizing company (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が更生会社の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the reorganizing company, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

三　前号に規定する場合には、吸収合併消滅会社の基金の拠出者又は社員に対する同号の社債等の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds, etc. referred to in that item to fund contributors or members of the Company Disappearing in an Absorption-Type Merger.

（新設合併）

(Consolidation-Type Mergers)

第三百六十二条　新設合併（更生会社が消滅する新設合併（保険業法第百六十一条第一項に規定する新設合併をいう。以下この節において同じ。）であって、新設合併により設立する会社（以下この節において「新設合併設立会社」という。）が株式会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

Article 362 (1) The following particulars must be specified in the clauses relating to Consolidation-Type Merger (limited to Consolidation-Type Merger (meaning Consolidation-Type Merger prescribed in Article 161, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this Section) where the reorganizing company disappears and the company established by the Consolidation-Type Merger (hereinafter referred to as a "Company Established by Consolidation-Type Merger" in this Section) is a Stock Company; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立会社が新設合併に際して更生債権者等に対して当該新設合併設立会

社の株式を交付するときは、当該株式の数（種類株式発行会社にあっては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該新設合併設立会社の資本金及び準備金の額に関する事項

(ii) when a Company Established by Consolidation-Type Merger delivers its shares to unsecured and secured reorganization creditors at the time of the Consolidation-Type Merger, the number of the shares (in the case of a company with class shares, the classes of shares and the number of shares for each class) or the means of calculating the number, and particulars concerning the amount of the stated capital and reserve funds of the Company Established by Consolidation-Type Merger;

三　前号に規定する場合には、更生債権者等に対する同号の株式の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of shares referred to in that item to unsecured and secured reorganization creditors;

四　新設合併設立会社が新設合併に際して新設合併により消滅する会社（以下この節において「新設合併消滅会社」という。）の株主又は基金の拠出者若しくは社員に対して当該新設合併設立会社の社債等を交付するときは、当該社債等についての次に掲げる事項

(iv) when a Company Established by Consolidation-Type Merger delivers its Bonds, etc. to shareholders or fund contributors or members of a company that disappears as a result of the Consolidation-Type Merger (hereinafter referred to as a "Company Disappearing in a Consolidation-Type Merger" in this Section) at the time of the Consolidation-Type Merger, the following particulars concerning the Bonds, etc.:

イ　当該社債等が新設合併設立会社の社債（新株予約権付社債についてのものを除く。）であるときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(a) when the Bonds, etc. are the bonds of the Company Established by Consolidation-Type Merger (other than one with regard to bonds with share options), the classes of the bonds, and the total amount of the Bonds for each class or the means of calculating the amount;

ロ　当該社債等が新設合併設立会社の新株予約権（新株予約権付社債に付されたものを除く。）であるときは、当該新株予約権の内容及び数又はその算定方法

(b) when the Bonds, etc. are the share options of the Company Established by Consolidation-Type Merger (other than one attached to bonds with share options), the description and number of the share options or the means of calculating the number; and

ハ　当該社債等が新設合併設立会社の新株予約権付社債であるときは、当該新株予約権付社債についてのイに規定する事項及び当該新株予約権付社債に付された新株予約権についてのロに規定する事項

(c) when the Bonds, etc. are the bonds with share options of the Company Established by Consolidation-Type Merger, particulars prescribed in (a) concerning the relevant bonds with share options and particulars prescribed in (b) concerning share options attached to the relevant bonds with share options;

五　前号に規定する場合には、新設合併消滅会社の株主又は基金の拠出者若しくは社員に対する同号の社債等の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds, etc. referred to in that item to shareholders or fund contributors or members of the Company Disappearing in a Consolidation-Type Merger.

２　新設合併（更生会社が消滅する新設合併であって、新設合併設立会社が相互会社であるものに限る。以下この項において同じ。）に関する条項においては、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the clauses relating to Consolidation-Type Merger (limited to Consolidation-Type Merger where the reorganizing company disappears and the Company Established by the Consolidation-Type Merger is a Mutual Company; hereinafter the same applies in this paragraph):

一　新設合併契約において定めるべき事項

(i) particulars that should be specified in the Consolidation-Type Merger Agreement;

二　新設合併設立会社が新設合併に際して更生債権者等を当該新設合併設立会社の基金の拠出者とするときは、基金の額又はその算定方法

(ii) when unsecured and secured reorganization creditors become the fund contributors of the Company Established by Consolidation-Type Merger upon a Consolidation-Type Merger, the amount of the funds or the means of calculating the amount; and

三　前号に規定する場合には、更生債権者等に対する同号の基金の割当てに関する事項

(iii) in the case prescribed in the preceding item, particulars concerning the allotment of funds referred to in that item to unsecured and secured reorganization creditors;

四　新設合併設立会社が新設合併に際して新設合併消滅会社の社員に対して当該新設合併設立会社の社債を交付するときは、当該社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(iv) when a Company Established by Consolidation-Type Merger delivers its bonds to the members of the Company Disappearing in a Consolidation-Type Merger at the time of the Consolidation-Type Merger, the classes of the bonds, and the total amount of the bonds for each class or the means of calculating the amount; and

五　前号に規定する場合には、新設合併消滅会社の社員に対する同号の社債の割当てに関する事項

(v) in the case prescribed in the preceding item, particulars concerning the allotment of Bonds referred to in that item to members of the Company Disappearing in a Consolidation-Type Merger.

（新相互会社の設立）

(Establishment of a New Mutual Company)

第三百六十三条　第二百七十二条の規定は、保険業を営む株式会社の更生手続における相互会社の設立に関する条項について準用する。この場合において、同条第三号中「第二百九十六条において準用する会社更生法」とあるのは「会社更生法」と、同号から同条第五号まで及び同条第十一号中「社員」とあるのは「株主」と読み替えるものとする。

Article 363 The provisions of Article 272 apply mutatis mutandis to the clauses concerning the Establishment of a Mutual Company in the reorganization proceedings of stock companies carrying on the Insurance Business. In this case, the phrase "Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 296" in item (iii) of that Article is deemed to be replaced with "Corporate Reorganization Act" and the phrase "members" in that item to item (v) of that Article inclusive and item (xi) of that Article is deemed to be replaced with "shareholders".

第三百六十四条　削除

Article 364 Deleted

第三百六十五条　削除

Article 365 Deleted

第三款　更生計画の遂行に関する特例

Subsection 3 Special Provisions on the Implementation of a Reorganization Plan

（保険契約の移転に関する特例）

(Special Provisions on the Transfer of Insurance Contracts)

第三百六十六条　第三百二条第一項及び第二項の規定は、更生計画において更生会社が第三百五十九条第一号に掲げる行為をすることを定めた場合について準用する。

Article 366 The provisions of Article 302, paragraphs (1) and (2) apply mutatis mutandis to the cases where the acts set forth in Article 359, item (i) by a reorganizing company are specified in the reorganization plan.

（組織変更に関する特例）

(Special Provisions on Entity Conversion)

第三百六十七条　第三百六十条第一項の規定により更生計画において更生会社が組織変更をすることを定めた場合において、同項第四号に掲げる事項についての定めがあるときは、更生債権者等は、組織変更がその効力を生ずる日に、同項第五号に掲げる事項についての定めに従い、同項第四号の基金の拠出者となる。

Article 367 (1) In cases where the entity conversion of the reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 360, paragraph (1), if there are any provisions on the particulars set forth in item (iv) of that paragraph, the unsecured and secured reorganization creditors become the fund contributors referred to in item (iv) of that paragraph, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the entity conversion comes into effect.

２　第二百九十九条第一項から第三項まで及び第六項の規定は、第三百六十条第一項の規定により更生計画において更生会社が組織変更をすることを定めた場合について準用する。この場合において、第二百九十九条第一項及び第二項中「第二百六十一条」とあるのは「第三百六十条第一項第二号又は第三号」と、同条第一項中「、会計監査人、清算人又は代表清算人」とあり、並びに同条第二項及び第六項中「、会計監査人又は清算人」とあるのは「又は会計監査人」と、同条第一項中「更生計画認可の決定の」とあるのは「組織変更の効力が生じた」と、同条第三項中「第二百六十一条第一項第一号から第三号まで若しくは第七号又は第二項第二号」とあるのは「第三百六十条第一項第三号ロ、ニ又はホ」と、同項及び同条第六項中「、代表執行役又は代表清算人」とあるのは「又は代表執行役」と読み替えるものとする。

(2) The provisions of Article 299, paragraphs (1) to (3) and (6) apply mutatis mutandis to the cases where the entity conversion of the reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 360, paragraph (1). In this case, the phrase "Article 261" in Article 299, paragraphs (1) and (2) is deemed to be replaced with "Article 360, paragraph (1), item (ii) or (iii)"; the terms ", accounting auditor, liquidator or representative liquidator" in paragraph (1) of that Article and ", accounting auditor or liquidator" in paragraphs (2) and (6) of that Article is deemed to be replaced with "or accounting auditor"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that the entity conversion came into effect"; the phrase "Article 261, paragraph (1), items (i) to (iii) or (vii) or paragraph (2), item (ii)" in paragraph (3) of that Article is deemed to be replaced with "Article 360, paragraph (1), item (iii), (b), (d) or (e)"; and the phrase ", representative executive officer or representative liquidator" in that paragraph and paragraph (6) of that Article is deemed to be replaced with "or representative executive officer".

３　第三百六十条第一項の規定により更生計画において更生会社が組織変更をすることを定めた場合には、会社法第七百四十条の規定並びに保険業法第六十九条の二、第七十条及び第七十二条から第七十九条までの規定は、適用しない。

(3) In cases where the entity conversion of the reorganizing company is specified in the reorganization plan pursuant to the provisions of Article 360, paragraph (1), the provisions of Article 740 of the Companies Act and the provisions of Article 69-2, Article 70, and Articles 72 to 79 of the Insurance Business Act do not apply.

4　会社更生法第二百九条第三項の規定は、組織変更後相互会社に対する管財人及び調査委員の報告徴収及び検査について準用する。この場合において、同項中「設立時取締役、設立時監査役、取締役」とあるのは「取締役」と、「会計監査人、業務を執行する社員」とあるのは「会計監査人」と読み替えるものとする。

(4) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to the request for reports and inspections to a Converted Mutual Company by the trustee and the examiner. In this case, the terms "Director at Incorporation, Auditor at Incorporation, director" and "accounting auditor, member that executes business" in that paragraph is deemed to be replaced with "director" and "accounting auditor", respectively.

（組織変更後相互会社の基金の募集に関する特例）

(Special Provisions on Solicitation of Additional Funds of Converted Mutual Company)

第三百六十八条　第三百三条の規定は、第三百六十条第二項において準用する第二百六十三条第三号の規定により更生計画において更生債権者等又は株主に対して組織変更後相互会社の基金の拠出の割当てを受ける権利を与える旨を定めた場合について準用する。この場合において、第三百三条第一項及び第三項中「更生会社」とあるのは「組織変更後相互会社」と、同条第一項中「無記名式の」とあるのは「無記名式の新株予約権証券若しくは無記名式の」と、「第百十七条において準用する同法第四章」とあるのは「第四章」と、同項第一号及び同条第四項中「社員」とあるのは「株主」と、同条第一項第二号及び第三号、第三項並びに第四項中「第二百六十三条第三号」とあるのは「第三百六十条第二項において準用する第二百六十三条第三号」と読み替えるものとする。

Article 368 The provisions of Article 303 apply mutatis mutandis to the cases where the reorganization plan specifies that the unsecured and secured reorganization creditors or shareholders are to be granted the right to receive the allotment of Contribution to the funds of the Converted Mutual Company pursuant to the provisions of Article 263, item (iii) as applied mutatis mutandis pursuant to Article 360, paragraph (2). In this case, the phrase "reorganizing company" in Article 303, paragraphs (1) and (3) is deemed to be replaced with "Converted Mutual Company"; the terms "bearer form" and "Chapter 4 of that Act as applied mutatis mutandis pursuant to Article 117" in paragraph (1) of that Article is deemed to be replaced with "bearer form Share Option certificates or bearer form" and "Chapter 4", respectively; the phrase "members" in item (i) of that paragraph and paragraph (4) of that Article is

deemed to be replaced with "shareholders"; and the phrase "Article 263, item (iii)" in paragraphs (1), items (ii) and (iii), (3) and (4) of that Article is deemed to be replaced with "Article 263, item (iii) as applied mutatis mutandis pursuant to Article 360, paragraph (2)".

（組織変更後相互会社の募集社債を引き受ける者の募集に関する特例）

(Special Provisions on Solicitation of Subscribers for Bonds for Subscription of a Converted Mutual Company)

第三百六十九条　会社更生法第二百十七条の規定は、第三百六十条第二項において準用する第二百六十四条第四号の規定により更生計画において更生債権者等又は株主に対して募集社債の割当てを受ける権利を与える旨を定めた場合について準用する。この場合において、同法第二百十七条第一項及び第三項中「更生会社」とあるのは「組織変更後相互会社」と、同条第一項第二号及び第三号、第三項並びに第四項中「第百七十七条第四号」とあるのは「更生特例法第三百六十条第二項において準用する更生特例法第二百六十四条第四号」と読み替えるものとする。

Article 369 The provisions of Article 217 of the Corporate Reorganization Act apply mutatis mutandis to the cases where the reorganization plan specifies that the unsecured and secured reorganization creditors or shareholders are to be granted the right to receive the allotment of Bonds for subscription referred to in Article 264, item (iv) pursuant to the provisions of that item as applied mutatis mutandis pursuant to Article 360, paragraph (2). In this case, the phrase "reorganizing company" in Article 217, paragraphs (1) and (3) is deemed to be replaced with "Converted Mutual Company"; and the phrase "Article 177, item (iv)" in paragraphs (1), items (ii) and (iii), (3), and (4) of that Article is deemed to be replaced with "Article 264, item (iv) of the Act on Special Measures as applied mutatis mutandis pursuant to Article 360, paragraph (2) of the Act on Special Measures".

（吸収合併に関する特例）

(Special Provisions on Absorption-Type Mergers)

第三百七十条　第三百六十一条第一項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、吸収合併がその効力を生ずる日（以下この条において「効力発生日」という。）に、同項第三号に掲げる事項についての定めに従い、同項第二号の基金の拠出者となる。

Article 370 (1) In cases where the Absorption-Type Merger prescribed in Article 361, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (ii) that paragraph, the unsecured and secured reorganization creditors become the fund contributors prescribed in item (ii) of that paragraph, in accordance with the provisions on the particulars

set forth in item (iii) of that paragraph, on the day on which the Absorption-Type Merger comes into effect (hereinafter referred to as the "effective date" in this Article).

2　第三百六十一条第一項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合には、会社法第七百四十条の規定並びに保険業法第百六十五条の二、第百六十五条の三の二、第百六十五条の四（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第百六十五条の七の規定は、更生会社については、適用しない。

(2) In cases where the Absorption-Type Merger prescribed in Article 361, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 740 of the Companies Act and the provisions of Articles 165-2, 165-3-2, 165-4 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options), and 165-7 of the Insurance Business Act do not apply to the reorganizing company.

3　第三百六十一条第二項の規定により更生計画において更生会社が同項に規定する吸収合併をすることを定めた場合において、次の各号に掲げる場合には、吸収合併消滅会社の基金の拠出者又は社員は、効力発生日に、同項第三号に掲げる事項についての定めに従い、当該各号に定める者となる。

(3) In cases where the Absorption-Type Merger prescribed in Article 361, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the fund contributors or members of the Company Disappearing in an Absorption-Type Merger become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the effective date:

一　第三百六十一条第二項第二号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there is a provision on the particulars set forth in Article 361, paragraph (2), item (ii), (a), the bondholder of Bonds referred to in (a) of that item;

二　第三百六十一条第二項第二号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there is a provision on the particulars set forth in Article 361, paragraph (2), item (ii), (b), the holder of share options referred to in (b) of that item; and

三　第三百六十一条第二項第二号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there is a provision on the particulars set forth in Article 361, paragraph (2), item (ii), (c), the bondholder of Bonds in relation to bonds

with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

4　前項に規定する場合には、会社法第七百四十条の規定、保険業法第百六十五条の九及び第百六十五条の十一の二の規定並びに同法第百六十五条の十二において準用する同法第百六十五条の四（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第百六十五条の七の規定は、更生会社については、適用しない。

(4) In the case prescribed in the preceding paragraph, the provisions of Article 740 of the Companies Act, the provisions of Articles 165-9 and 165-11-2 of the Insurance Business Act, and the provisions of Articles 165-4 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options) and 165-7 of that Act as applied mutatis mutandis pursuant to Article 165-12 of that Act do not apply to the reorganizing company.

（新設合併に関する特例）

(Special Provisions on Consolidation-Type Mergers)

第三百七十一条　第三百六十二条第一項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、新設合併設立会社の成立の日に、同項第三号に掲げる事項についての定めに従い、同項第二号の株式の株主となる。

Article 371　(1) In cases where the Consolidation-Type Merger prescribed in Article 362, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (ii) of that paragraph, the unsecured and secured reorganization creditors become the shareholders of shares referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Company Established by Consolidation-Type Merger is established.

2　第三百六十二条第一項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、次の各号に掲げる場合には、新設合併消滅会社の株主又は基金の拠出者若しくは社員は、新設合併設立会社の成立の日に、同項第五号に掲げる事項についての定めに従い、当該各号に定める者となる。

(2) In cases where the Consolidation-Type Merger prescribed in Article 362, paragraph (1) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, in the cases set forth in each of the following items, the shareholders or contributors to the funds or members of the Company Disappearing in a Consolidation-Type Merger become the persons prescribed in the respective items, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the Company Established by Consolidation-Type Merger is

established:

一　第三百六十二条第一項第四号イに掲げる事項についての定めがある場合　同号イの社債の社債権者

(i) in cases where there are any provisions on the particulars set forth in Article 362, paragraph (1), item (vi), (a), the bondholder of Bonds referred to in (a) of that item;

二　第三百六十二条第一項第四号ロに掲げる事項についての定めがある場合　同号ロの新株予約権の新株予約権者

(ii) in cases where there are any provisions on the particulars set forth in Article 362, paragraph (1), item (vi), (b), the holder of share options referred to in (b) of that item; and

三　第三百六十二条第一項第四号ハに掲げる事項についての定めがある場合　同号ハの新株予約権付社債についての社債の社債権者及び当該新株予約権付社債に付された新株予約権の新株予約権者

(iii) in cases where there are any provisions on the particulars set forth in Article 362, paragraph (1), item (vi), (c), the bondholder of Bonds in relation to bonds with share options referred to in (c) of that item and the holder of share options attached to the bonds with share options.

3　前項に規定する場合には、会社法第七百四十条の規定並びに保険業法第百六十五条の二、第百六十五条の三の二、第百六十五条の四（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第百六十五条の七の規定は、更生会社については、適用しない。

(3) In the case prescribed in the preceding paragraph, the provisions of Article 740 of the Companies Act and the provisions of Articles 165-2, 165-3-2, 165-4 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options), and 165-7 of the Insurance Business Act do not apply to the Companies under Reorganization.

4　第三百六十二条第二項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第二号に掲げる事項についての定めがあるときは、更生債権者等は、新設合併設立会社の成立の日に、同項第三号に掲げる事項についての定めに従い、同項第二号の基金の拠出者となる。

(4) In cases where the Consolidation-Type Merger prescribed in Article 362, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (ii) of that paragraph, the unsecured and secured reorganization creditors become the fund contributors referred to in item (ii) of that paragraph, in accordance with the provisions on the particulars set forth in item (iii) of that paragraph, on the day on which the Company Established by Consolidation-Type Merger is established.

5　第三百六十二条第二項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合において、同項第四号に掲げる事項についての定めが

あるときは、新設合併消滅会社の社員は、新設合併設立会社の成立の日に、同項第五号に掲げる事項についての定めに従い、同項第四号の社債の社債権者となる。

(5) In cases where the Consolidation-Type Merger prescribed in Article 362, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, if there are any provisions on the particulars set forth in item (iv) of that paragraph, members of the Company Disappearing in a Consolidation-Type Merger become the bondholders of Bonds referred to in item (iv) of that paragraph, in accordance with the provisions on the particulars set forth in item (v) of that paragraph, on the day on which the Company Established by Consolidation-Type Merger is established.

6　第三百六十二条第二項の規定により更生計画において更生会社が同項に規定する新設合併をすることを定めた場合には、会社法第七百四十条の規定並びに保険業法第百六十五条の二、第百六十五条の三の二、第百六十五条の四（登録株式質権者及び登録新株予約権質権者に対する通知に係る部分を除く。）及び第百六十五条の七の規定は、更生会社については、適用しない。

(6) In cases where the Consolidation-Type Merger prescribed in Article 362, paragraph (2) by a reorganizing company is specified in the reorganization plan pursuant to the provisions of that paragraph, the provisions of Article 740 of the Companies Act and the provisions of Articles 165-2, 165-3-2, 165-4 (excluding the part in relation to the notice to registered pledgees of shares and registered pledgees of share options), and 165-7 of the Insurance Business Act do not apply to the reorganizing company.

（新相互会社の設立に関する特例）

(Special Provisions on Establishment of a New Mutual Company)

第三百七十二条　第三百六十三条において準用する第二百七十二条本文の規定により更生計画において相互会社を設立することを定めた場合には、当該相互会社（以下この条において「新相互会社」という。）についての発起人の職務は、管財人が行う。

Article 372 (1) In cases where the Establishment of a Mutual Company is specified in the reorganization plan pursuant to the provisions of the main clause of Article 272 as applied mutatis mutandis pursuant to Article 363, duties of the incorporator concerning the Mutual Company (hereinafter referred to as a "New Mutual Company" in this Article) are performed by the trustee.

2　前項に規定する場合においては、新相互会社の定款は、裁判所の認証を受けなければ、その効力を生じない。

(2) In the case prescribed in the preceding paragraph, the articles of Establishment of the New Mutual Company do not come into effect unless the certification of the court has been obtained.

3　第一項に規定する場合には、新相互会社の創立総会における決議は、その内容が更

生計画の趣旨に反しない限り、することができる。

(3) In the case prescribed in paragraph (1), a resolution of the organizational meeting of the New Mutual Company may be adopted only if the content of the resolution does not defeat the purpose of the reorganization plan.

4　第一項に規定する場合において、新相互会社が成立しなかったときは、更生会社は、管財人が同項の規定により新相互会社の設立に関してした行為についてその責任を負い、新相互会社の設立に関して支出した費用を負担する。

(4) In the case prescribed in paragraph (1), when the New Mutual Company is not established, the reorganizing company is responsible for any act performed by the trustee in relation to the Establishment of the New Mutual Company pursuant to the provisions of that paragraph and bears the expenses disbursed in relation to the Establishment of the New Mutual Company.

5　第二百九十九条第一項から第三項までの規定は第一項に規定する場合における新相互会社の設立時取締役等（第三百六十三条において準用する第二百七十二条第九号に規定する設立時取締役等をいう。以下この項において同じ。）の選任又は選定について、第二百九十九条第六項の規定は新相互会社の設立時取締役等が新相互会社の成立後において新相互会社取締役等（同号に規定する新相互会社取締役等をいう。以下この項において同じ。）となった場合における当該新相互会社取締役等の任期について、第三百三条の規定は更生債権者等又は株主に対して新相互会社の基金の拠出の割当てを受ける権利を与える場合について、第三百四条の規定は新相互会社の募集社債を引き受ける者の募集について、第三百五条の規定は更生債権者等又は株主の権利の消滅と引換えにする新相互会社の設立時の基金の拠出の割当て又は社債の発行について、それぞれ準用する。この場合において、第二百九十九条第一項及び第二項中「第二百六十一条」とあるのは「第三百六十三条において準用する第二百七十二条第七号又は第八号」と、同条第一項中「更生計画認可の決定の」とあるのは「新相互会社が成立した」と、同条第三項中「第二百六十一条第一項第一号から第三号まで若しくは第七号又は第二項第二号」とあるのは「第三百六十三条において準用する第二百七十二条第八号ロ、ニ又はホ」と、第三百三条第一項、第三項及び第四項中「第二百六十三条第三号」とあるのは「第三百六十三条において準用する第二百七十二条第四号」と、同条第一項及び第三項並びに第三百四条第一項及び第三項中「更生会社」とあるのは「新相互会社」と、第三百三条第一項及び第三百四条第一項中「無記名式の」とあるのは「無記名式の新株予約権証券若しくは無記名式の」と、「第百十七条において準用する同法第四章」とあるのは「第四章」と、第三百三条第一項第一号及び第四項、第三百四条第一項及び第四項並びに第三百五条中「社員」とあるのは「株主」と、第三百四条第一項、第三項及び第四項中「第二百六十四条第四号」とあるのは「第三百六十三条において準用する第二百七十二条第十号」と、第三百五条中「更生計画認可の決定の」とあるのは「新相互会社が成立した」と、同条第一項中「第二百六十五条第一項」とあり、及び同条第二項中「第二百六十五条第二項」とあるのは「第三百六十三条において準用する第二百七十二条第十一号」と、同条第一項中「同項第三号」とあり、及び同条第二項中「同項第七号」とあるのは「同号」と読み替えるものとする。

(5) The provisions of Article 299, paragraph (1) to (3) apply mutatis mutandis to the appointment or selection of any Director at Incorporation, etc. (meaning Director at Incorporation, etc. prescribed in Article 272, item (ix) as applied mutatis mutandis pursuant to Article 363; hereinafter the same applies in this paragraph) in the case prescribed in paragraph (1); the provisions of Article 299, paragraph (6) apply mutatis mutandis to the term of office of directors, etc. of the New Mutual Company in cases where any Director at Incorporation, etc. of the New Mutual Company become the directors, etc. of the New Mutual Company (meaning directors, etc. of the New Mutual Company prescribed in that item; hereinafter the same applies in this paragraph) after the Establishment of the New Mutual Company; the provisions of Article 303 apply mutatis mutandis to cases where the right to receive the allotment of Contributions to the fund of the New Mutual Company is to be granted to the unsecured and secured reorganization creditors or shareholder; the provisions of Article 304 apply mutatis mutandis to the solicitation of subscribers for Bonds for Subscription of the New Mutual Company; and the provisions of Article 305 apply mutatis mutandis to the allotment of Contributions to the fund or the issue of Bonds at the time of Establishment of the New Mutual Company in exchange for the extinction of the right of the unsecured and secured reorganization creditors or shareholder. In this case, the phrase "Article 261" in Article 299, paragraph (1) and (2) is deemed to be replaced with "Article 272, item (vii) or (viii) as applied mutatis mutandis pursuant to Article 363"; the phrase "of the order confirming the reorganization plan" in paragraph (1) of that Article is deemed to be replaced with "that the New Mutual Company was established"; the terms "Article 261, paragraph (1), items (i) to (iii) or (vii) or paragraph (2), item (ii)" in paragraph (3) of that Article is deemed to be replaced with "Article 272, item (viii), (b), (d) or (e) as applied mutatis mutandis pursuant to Article 363"; the phrase "Article 263, item (iii)" in Article 303, paragraphs (1), (3) and (4) is deemed to be replaced with "Article 272, item (iv) as applied mutatis mutandis pursuant to Article 363"; the phrase "reorganizing company" in paragraphs (1) and (3) of that Article and Article 304, paragraphs (1) and (3) is deemed to be replaced with "New Mutual Company"; the terms "bearer form" and "Chapter 4 of that Act as applied mutatis mutandis pursuant to Article 117" in Article 303, paragraph (1) and Article 304, paragraph (1) is deemed to be replaced with "bearer form Share Option certificates or bearer form" and "Chapter 4", respectively; the phrase "member" in Article 303, paragraph (1), item (i) and paragraph (4), Article 304, paragraphs (1) and (4), and Article 305 is deemed to be replaced with "shareholder"; the phrase "Article 264, item (iv)" in Article 304, paragraphs (1), (3) and (4) is deemed to be replaced with "Article 272, item (x) as applied mutatis mutandis pursuant to Article 363"; the phrase "of the order

confirming the reorganization plan" in Article 305 is deemed to be replaced with "that the New Mutual Company was established"; the terms "Article 265, paragraph (1)" in paragraph (1) of that Article and "Article 265, paragraph (2)" in paragraph (2) of that Article is deemed to be replaced with "Article 272, item (xi) as applied mutatis mutandis pursuant to Article 363"; and the terms "item (iii) of that paragraph" in paragraph (1) of that Article and "item (vii) of that paragraph" in paragraph (2) of that Article is deemed to be replaced with "that item".

6　第一項に規定する場合には、保険業法第二十二条第二項、第二十三条第一項第九号及び第四項、第二十四条第二項、第二十八条第一項第一号（公証人の氏名に係る部分に限る。）及び第二号（同法第二十三条第一項第九号に係る部分に限る。）、第三十条の七第一項第一号（公証人の氏名に係る部分に限る。）及び第二号（同法第二十三条第一項第九号に係る部分に限る。）、第三十条の八第一項、第三十条の十第一項及び第八項、第三十条の十一（同条第一項第一号及び第二号に掲げる事項に係る部分に限る。）並びに第三十条の十四の規定は、適用しない。

(6) In the case prescribed in paragraph (1), the provisions of Article 22, paragraph (2), Article 23, paragraph (1), item (ix) and paragraph (4), Article 24, paragraph (2), Article 28, paragraph (1), items (i) (limited to the part in relation to the name of the notary) and (ii) (limited to the part in relation to the particulars set forth in Article 23, paragraph (1), item (ix) of the Insurance Business Act), Article 30-7, paragraph (1), item (i) (limited to the part in relation to the name of the notary) and (ii) (limited to the part in relation to Article 23, paragraph (1), item (ix) of that Act), Article 30-8, paragraph (1), Article 30-10, paragraphs (1) and (8), Article 30-11 (limited to the part in relation to the particulars set forth in paragraph (1), items (i) and (ii) of that Article) and Article 30-14 of the Insurance Business Act do not apply.

7　会社更生法第二百九条第三項の規定は、新相互会社に対する管財人の報告徴収及び検査について準用する。この場合において、同項中「会計監査人、業務を執行する社員」とあるのは、「会計監査人」と読み替えるものとする。

(7) The provisions of Article 209, paragraph (3) of the Corporate Reorganization Act apply mutatis mutandis to the request for reports and inspections to a New Mutual Company by the trustee. In this case, the terms "accounting auditor, member that executes business" in that paragraph is deemed to be replaced with "accounting auditor".

（組織変更後相互会社等に異動した者の退職手当の取扱い）

(Handling of Severance Pay of Persons Transferred to a Converted Mutual Company)

第三百七十三条　更生手続開始後に更生会社の取締役、会計参与、監査役、代表取締役、執行役、代表執行役又は使用人であった者で、更生計画の定めにより更生会社の組織が変更された際又は前条第一項に規定する新相互会社が設立された際に更生会社を退

職し、かつ、引き続き組織変更後相互会社又は当該新相互会社の取締役、会計参与、監査役、代表取締役、執行役、代表執行役又は使用人となったものは、更生会社から退職手当の支給を受けることができない。

Article 373 (1) A person that was a director, accounting advisor, auditor, representative director, executive officer, representative executive officer, or employee of a reorganizing company after the commencement of reorganization proceedings, retired from the reorganizing company upon its entity conversion or upon the Establishment of a New Mutual Company prescribed in paragraph (1) of the preceding Article as specified in the reorganization plan and successively became a director, accounting advisor, auditor, representative director, executive officer, representative executive officer, or an employee of the Converted Mutual Company or the New Mutual Company may not receive the payment of severance pay from the reorganizing company.

２　前項に規定する者の更生会社における在職期間は、退職手当の計算については、組織変更後相互会社又は前条第一項に規定する新相互会社における在職期間とみなす。

(2) The period of service of the person prescribed in the preceding paragraph at the reorganizing company for the calculation of severance pay is deemed to be the period of service at the Converted Mutual Company or the New Mutual Company prescribed in paragraph (1) of the preceding Article.

（基金の拠出等の割当てを受ける権利の譲渡）

(Assignment of the Right to Receive the Allotment of Contributions to Funds)

第三百七十三条の二　更生計画の定めによって更生債権者等又は株主に対して組織変更後相互会社又は第三百七十二条第一項に規定する新相互会社の基金の拠出又は募集社債の割当てを受ける権利が与えられた場合には、当該権利は、これを他に譲渡することができる。

Article 373-2 In cases where the right to receive the allotment of Contribution to the funds or Bonds for subscription of a Converted Mutual Company or New Mutual Company prescribed in Article 372, paragraph (1) was granted to unsecured and secured reorganization creditors or shareholders as specified in the reorganization plan, the relevant right may be assigned to another person.

第四款　雑則
Subsection 4 Miscellaneous Provisions

（更生計画の遂行に関する登記の嘱託）

(Requesting a Registration for the Implementation of a Reorganization Plan)

第三百七十四条　会社更生法第二百五十八条第一項の規定は、更生計画の遂行又は同法の規定若しくはこの節の規定により更生手続終了前に組織変更後相互会社又は更生計画の定めにより設立される相互会社について登記すべき事項が生じた場合について準用する。この場合において、保険業法第六十四条第三項において準用する会社法第九

百三十条第二項各号に掲げる事項について登記すべき事項が生じたときは、会社更生法第二百五十八条第一項中「本店（外国に本店があるときは、日本における営業所。第四項及び次条第一項において同じ。）」とあるのは、「主たる事務所及び従たる事務所」と読み替えるものとする。

Article 374 The provisions of Article 258, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to cases where the implementation of the reorganization plan or the provisions of that Act or the provisions of this Section give rise, before the end of reorganization proceedings, to particulars requiring registration concerning the Converted Mutual Company or the Mutual Company to be established in accordance with the reorganization plan. In this case, if they give rise to particulars requiring registration concerning particulars set forth in the items of Article 930, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 64, paragraph (3) of the Insurance Business Act, the phrase "head office (if the head office is located in a foreign state, the business office in Japan; the same applies in paragraph (4) and paragraph (1) of the following Article)" in Article 258, paragraph (1) of the Corporate Reorganization Act is deemed to be replaced with "principal office and secondary office".

（登記嘱託書等の添付書面等）

(Documents to Be Attached to a Written Commission of a Registration)

第三百七十五条　この節の規定による登記の嘱託書又は申請書に添付すべき書面その他のものは、政令で定める。

Article 375 Documents and other items to be attached to a paper-based request or paper-based application for registration prescribed in this Section are specified by Cabinet Order.

第三節　監督庁による更生手続開始の申立て等

Section 3 Petitions to Commence Reorganization Proceedings or Other Such Procedures by the Supervisory Agency

（定義）

(Definitions)

第三百七十六条　この節から第六節までにおいて「更生手続」、「更生事件」、「更生債権者等」、「裁判所」、「更生債権等」、「更生債権者」、「更生債権」又は「更生計画」とは、株式会社についてはそれぞれ会社更生法第二条に規定する更生手続、更生事件、更生債権者等、裁判所、更生債権等、更生債権者、更生債権又は更生計画をいい、協同組織金融機関についてはそれぞれ第四条に規定する更生手続、更生事件、更生債権者等、裁判所、更生債権等、更生債権者、更生債権又は更生計画をいい、相互会社についてはそれぞれ第百六十九条に規定する更生手続、更生事件、更生債権者等、裁判所、更生債権等、更生債権者、更生債権又は更生計画をいう。

Article 376 The terms "reorganization proceedings", "reorganization case", "unsecured and secured reorganization creditors", "court", "an unsecured or secured reorganization claim", "reorganization creditors", "a reorganization claim", or "reorganization plan" as used in this Section to Section 6 mean: with regard to stock companies, reorganization proceedings, reorganization case, unsecured and secured reorganization creditors, court, an unsecured or secured reorganization claim, reorganization creditors, a reorganization claim, or reorganization plan, respectively, prescribed in Article 2 of the Corporate Reorganization Act; with regard to Cooperative Financial Institutions, reorganization proceedings, reorganization case, unsecured and secured reorganization creditors, court, an unsecured or secured reorganization claim, reorganization creditors, a reorganization claim, or reorganization plan, respectively, prescribed in Article 4; and with regard to Mutual Companies, reorganization proceedings, reorganization case, unsecured and secured reorganization creditors, court, an unsecured or secured reorganization claim, reorganization creditors, a reorganization claim, or reorganization plan, respectively, prescribed in Article 169.

（更生手続開始の申立て等）

(Petitions to Commence Reorganization Proceedings or Other Such Procedures)

第三百七十七条　監督庁は、金融機関、外国銀行支店に係る外国銀行（銀行法第十条第二項第八号に規定する外国銀行をいう。以下同じ。）、銀行持株会社、長期信用銀行持株会社、金融商品取引業者（金融商品取引法第二条第九項に規定する金融商品取引業者をいう。）、指定親会社、保険会社、保険持株会社及び少額短期保険業者（以下この節において「金融機関等」という。）に破産手続開始の原因となる事実が生ずるおそれがあるときは、当該金融機関等について更生手続開始の申立てをすることができる。

Article 377 (1) When a fact constituting grounds for the commencement of bankruptcy proceedings is likely to arise in relation to a Financial Institution, Foreign Bank (meaning the Foreign Bank prescribed in Article 10, paragraph (2), item (viii) of the Banking Act; the same applies hereinafter) in relation to Foreign Bank Branch, Bank Holding Company, Long-Term Credit Bank Holding Company, Financial Instruments Business Operator (meaning the Financial Instruments Business Operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act), Designated Parent Company, Insurance Company, Insurance Holding Company or Small Amount and Short Term Insurance Provider (hereinafter referred to as a "financial institution or similar entity" in this Section), the Supervisory Agency may file a petition to commence reorganization proceedings of the financial institution or similar entity.

2　監督庁は、前項の規定により金融機関、外国銀行支店に係る外国銀行、銀行持株会

社及び長期信用銀行持株会社の更生手続開始の申立てをすることが信用秩序の維持に重大な影響を与えるおそれがあると認めるときは、あらかじめ、信用秩序の維持を図るために必要な措置に関し、財務大臣に協議しなければならない。ただし、当該更生手続開始の申立てが株式会社商工組合中央金庫についてのものである場合は、この限りでない。

(2) When the Supervisory Agency finds that the maintenance of an orderly credit system may be materially affected if it files a petition to commence reorganization proceedings of a Financial Institution, Foreign Bank in relation to Foreign Bank Branch, Bank Holding Company or Long-Term Credit Bank Holding Company pursuant to the provisions of the preceding paragraph, it must consult in advance with the Minister of Finance about measures necessary for the maintenance of an orderly financial system; provided, however, that this does not apply to the cases where the petition to commence reorganization proceedings is for the Shoko Chukin Bank Limited.

3　監督庁は、第一項の規定により金融商品取引業者及び指定親会社の更生手続開始の申立てをすることが有価証券の流通に重大な影響を与えるおそれがあると認めるときは、あらかじめ、有価証券の流通の円滑を図るために必要な措置に関し、財務大臣に協議しなければならない。

(3) When the Supervisory Agency finds that continuing the smooth distribution of securities may be significantly affected if it files a petition to commence reorganization proceedings of a Financial Instruments Business Operator or Designated Parent Company pursuant to the provisions of paragraph (1), it must consult in advance with the Minister of Finance about measures necessary for continuing the smooth distribution of securities.

4　監督庁は、第一項の規定により保険会社、保険持株会社及び少額短期保険業者の更生手続開始の申立てをすることが保険業に対する信頼性の維持に重大な影響を与えるおそれがあると認めるときは、あらかじめ、保険業に対する信頼性の維持を図るために必要な措置に関し、財務大臣に協議しなければならない。

(4) When the Supervisory Agency finds that the maintenance of the reliability of the Insurance Business may be materially affected if it files a petition to commence reorganization proceedings of an Insurance Company, Insurance Holding Company or Small Amount and Short Term Insurance Provider pursuant to the provisions of paragraph (1), it must consult in advance with the Minister of Finance about measures necessary for maintaining the reliability of the Insurance Business.

5　第一項の規定により監督庁が更生手続開始の申立てをするときは、会社更生法第二十条第一項（第十八条及び第百八十三条において準用する場合を含む。）の規定は、適用しない。

(5) In cases where the Supervisory Agency files a petition to commence reorganization proceedings pursuant to the provisions of paragraph (1), the provisions of Article 20, paragraph (1) (including as applied mutatis mutandis

pursuant to Articles 18 and 183) of the Corporate Reorganization Act do not apply.

6　会社更生法第二十二条第二項（第十八条及び第百八十三条において準用する場合を含む。）の規定は、第一項の規定により監督庁が更生手続開始の申立てをした場合について準用する。

(6) The provisions of Article 22, paragraph (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Articles 18 and 183) apply mutatis mutandis to the cases where the Supervisory Agency files a petition to commence reorganization proceedings pursuant to the provisions of paragraph (1).

（更生手続開始の申立てを棄却する決定に対する抗告）

(Appeals Against an Order to Dismiss with Prejudice on the Merits Petitions to Commence Reorganization Proceedings)

第三百七十八条　監督庁は、会社更生法第九条前段（第九条及び第百七十四条において準用する場合を含む。以下この節において同じ。）の規定にかかわらず、前条第一項の規定による更生手続開始の申立てを棄却する決定に対して、即時抗告をすることができる。

Article 378　Notwithstanding the provisions of the first sentence of Article 9 of Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Articles 9 and 174), the Supervisory Agency may file an immediate appeal against an order to dismiss with prejudice on the merits a petition to commence reorganization proceedings filed pursuant to the provisions of paragraph (1) of the preceding Article.

（監督庁への通知）

(Notice to the Supervisory Agency)

第三百七十九条　金融機関等について更生手続開始の申立てがあったとき（第三百七十七条第一項の規定により監督庁が更生手続開始の申立てをしたときを除く。）は、裁判所書記官は、監督庁にその旨を通知しなければならない。

Article 379　The court clerk must notify the Supervisory Agency when a petition to commence the reorganization proceedings of a financial institution or similar entity is filed (unless the Supervisory Agency filed the petition to commence reorganization proceedings pursuant to the provisions of Article 377, paragraph (1)).

（他の手続の中止命令等の申立て等）

(Petition for an Order to Stay Other Procedures)

第三百八十条　金融機関等について更生手続開始の申立てがあった場合においては、監督庁は、会社更生法第二十四条第一項又は第二十五条第一項（これらの規定を第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含

む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による申立てをすることができる。

Article 380 (1) When a petition to commence reorganization proceedings of a financial institution or similar entity is filed, the Supervisory Agency may file a petition under the provisions of Article 24, paragraph (1) or Article 25, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act).

２　前項に規定する場合においては、監督庁は、会社更生法第九条前段の規定にかかわらず、同法第二十四条第一項若しくは第二項（これらの規定を第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による中止の命令、同法第二十四条第四項（第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による決定、同法第二十四条第五項（第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による取消しの命令、同法第二十五条第一項（第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による禁止の命令、同法第二十五条第四項（第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による決定、同法第二十五条第五項（第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による取消しの命令又は同法第二十七条第一項（第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の申立てについての裁判に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency may, notwithstanding the provisions of the first sentence of Article 9 of the Corporate Reorganization Act, file an immediate appeal against a stay order under the provisions of Article 24, paragraph (1) or (2) of that Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act); an order under the provisions of Article 24, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act); an revocation order under the provisions of Article 24, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act); an prohibition order under the provisions of Article 25, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act); an order under the provisions of Article 25, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act); and an revocation order under the provisions of Article 25, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act) or a judicial decision on a petition under the provisions of Article 27, paragraph

(1) of that Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act).

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（保全処分の申立て等）

(Petition for a Provisional Remedy or Other Measures)

第三百八十一条　金融機関等について更生手続開始の申立てがあった場合においては、監督庁は、会社更生法第二十八条第一項（第二十条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十五条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。次項において同じ。）の規定による申立てをすることができる。

Article 381 (1) When a petition to commence reorganization proceedings of a financial institution or similar entity is filed, the Supervisory Agency may file a petition under the provisions of Article 28, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 185 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act; the same applies in the following paragraph).

2　前項に規定する場合においては、監督庁は、会社更生法第九条前段の規定にかかわらず、同法第二十八条第一項の規定による保全処分又は同条第二項（第二十条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十五条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency, notwithstanding the provisions of the first sentence of Article 9 of the Corporate Reorganization Act, may file an immediate appeal against a provisional remedy under the provisions of Article 28, paragraph (1) of that Act or an order under the provisions of paragraph (2) of that Article (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis

mutandis pursuant to Article 31) and Article 185 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act).

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（保全管理命令の申立て等）

(Petition for a Provisional Administration Order)

第三百八十二条　金融機関等について更生手続開始の申立てがあった場合においては、監督庁は、第二十二条第一項（第三十一条において準用する会社更生法第四十四条第二項において準用する場合を含む。次項において同じ。）若しくは第百八十七条第一項（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。次項において同じ。）又は同法第三十条第一項（同法第四十四条第二項において準用する場合を含む。次項において同じ。）の規定による申立てをすることができる。

Article 382 (1) When a petition to commence reorganization proceedings of a financial institution or similar entity is filed, the Supervisory Agency may file a petition under the provisions of Article 22, paragraph (1) (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31; the same applies in the following paragraph) or Article 187, paragraph (1) (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196; the same applies in the following paragraph), or Article 30, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act; the same applies in the following paragraph).

2　前項に規定する場合においては、監督庁は、会社更生法第九条前段の規定にかかわらず、第二十二条第一項若しくは第百八十七条第一項若しくは同法第三十条第一項の処分又は同法第三十条第三項（第二十二条第三項（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百八十七条第三項（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency, notwithstanding the provisions of the first sentence of Article 9 of the Corporate Reorganization Act, may file an immediate appeal against a disposition under the provisions of Article 22, paragraph (1) or Article 187, paragraph (1) or Article 30, paragraph (1) of that Act or an order under the provisions of Article 30, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to Article 22, paragraph (3) (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis

mutandis pursuant to Article 31) and Article 187, paragraph (3) (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act).

３　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（監督命令の申立て等）

(Petition for a Supervision Order)

第三百八十三条　金融機関等について更生手続開始の申立てがあった場合においては、監督庁は、第二十五条第一項（第三十一条において準用する会社更生法第四十四条第二項において準用する場合を含む。次項において同じ。）若しくは第百九十条第一項（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。次項において同じ。）又は同法第三十五条第一項（同法第四十四条第二項において準用する場合を含む。次項において同じ。）の規定による申立てをすることができる。

Article 383 (1) When a petition to commence reorganization proceedings of a financial institution or similar entity is filed, the Supervisory Agency may file a petition under the provisions of Article 25, paragraph (1) (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31; the same applies in the following paragraph) or Article 190 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196; the same applies in the following paragraph), or Article 35, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act; the same applies in the following paragraph).

２　前項に規定する場合においては、監督庁は、会社更生法第九条前段の規定にかかわらず、第二十五条第一項若しくは第百九十条第一項若しくは同法第三十五条第一項の処分又は同法第三十五条第四項（第二十五条第三項（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び第百九十条第三項（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）並びに同法第四十四条第二項において準用する場合を含む。）の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency, notwithstanding the provisions of the first sentence of Article 9 of the Corporate Reorganization Act, may file an immediate appeal against a disposition under the provisions of Article 25, paragraph (1) or Article 190, paragraph (1) or Article 35, paragraph (1) of that Act or an order under the provisions of Article 35, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 25, paragraph (3) (including as applied mutatis

mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 190, paragraph (3) (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196), and Article 44, paragraph (2) of that Act).

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（更生事件の通知の特例）

(Special Provisions on Notice of a Reorganization Case)

第三百八十三条の二　金融機関等に係る更生事件についての会社更生法第四十二条第二項（第三十一条及び第百九十六条において準用する場合を含む。）の規定の適用については、知れている更生債権者等の数が千人以上であるものとみなす。

Article 383-2　For the purpose of application of the provisions of Article 42, paragraph (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Articles 31 and 196) to reorganization cases in relation to financial institution or similar entity, the number of known unsecured and secured reorganization creditors is deemed to be 1,000 or more.

第四節　預金保険機構の権限

Section 4 Authority of the Deposit Insurance Corporation of Japan

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第三百八十四条　裁判所は、金融機関について更生手続開始の決定をしようとするときは、あらかじめ、会社更生法第四十二条第一項（第三十一条において準用する場合を含む。）の規定により定める更生債権等の届出をすべき期間について、預金保険機構（以下「機構」という。）の意見を聴かなければならない。

Article 384　If the court intends to issue an order commencing reorganization proceedings of a Financial Institution, it must hear the opinion of the Deposit Insurance Corporation of Japan (hereinafter referred to as a "Corporation") in advance about the period during which a proof of an unsecured or secured reorganization claim should be filed as specified pursuant to the provisions of Article 42, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 31).

（包括的禁止命令に関する通知の特例）

(Special Provisions on a Notice of a Comprehensive Prohibition Order)

第三百八十五条　金融機関について会社更生法第二十六条第一項（第十九条（第三十一条において準用する同法第四十四条第二項において準用する場合を含む。）及び同法

第四十四条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、当該金融機関について更生手続開始の決定がされたとすれば更生債権者となる預金者等（預金等債権に係る債権者をいう。以下同じ。）に対しては、同法第二十六条第一項の規定による通知をすることを要しない。

Article 385 (1) When an order under the provisions of Article 26, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 19 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 31) and Article 44, paragraph (2) of that Act; hereinafter the same applies in this Article) is made against a Financial Institution, the notice under the provisions of Article 26, paragraph (1) of that Act is not required to be given to the depositors and similar creditors (meaning creditors in relation to Deposits and Other Claims; the same applies hereinafter) that would have become reorganization creditors if an order commencing reorganization proceedings had been made against the Financial Institution.

２　前項に規定する場合においては、機構に対して、会社更生法第二十六条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice of the main text of the order under Article 26, paragraph (1) of the Corporate Reorganization Act must be given to the Corporation.

（更生手続開始の決定等に関する通知の特例）

(Special Provisions on Notice of an Order Commencing Reorganization Proceedings)

第三百八十六条　金融機関について更生手続開始の決定をしたときは、更生債権者である預金者等に対しては、会社更生法第四十三条第三項第一号（第三十一条において準用する場合を含む。）の規定による通知をすることを要しない。

Article 386 (1) When an order commencing reorganization proceedings has been made against a Financial Institution, the notice under the provisions of Article 43, paragraph (3), item (i) (including as applied mutatis mutandis pursuant to Article 31) of that Act is not required to be given to depositors and similar creditors that are reorganization creditors.

２　前項に規定する場合においては、機構に対して、会社更生法第四十三条第一項及び第二項（これらの規定を第三十一条において準用する場合を含む。）の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice to the Corporation of the particulars of which a public notice must be made pursuant to the provisions of Article 43, paragraphs (1) and (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 31) must be given.

３　金融機関の更生手続において、第三百九十二条第一項の規定による預金者表の提出

があるまでに、会社更生法第四十三条第一項第二号若しくは第三号（これらの規定を第三十一条において準用する場合を含む。次項において同じ。）に掲げる事項に変更を生じた場合（同号に掲げる事項にあっては、更生債権等の届出をすべき期間に変更を生じた場合に限る。）又は更生手続開始の決定を取り消す決定が確定した場合においては、更生債権者である預金者等であって同法第百三十八条第一項（第八十一条において準用する場合を含む。）の規定による届出をしていないものに対しては、同法第四十三条第五項（第三十一条において準用する場合を含む。）において準用する同法第四十三条第三項第一号の規定又は同法第四十四条第三項本文（第三十一条において準用する場合を含む。）の規定による通知をすることを要しない。

(3) In reorganization proceedings of a Financial Institution, where there is a change to the particulars referred to in Article 43, paragraph (1), item (ii) or (iii) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 31; the same applies in the following paragraph) before the schedule of depositors is submitted pursuant to the provisions of Article 392, paragraph (1) (for the particulars referred to in that item, limited to cases where there is any change to the period for which an unsecured or secured reorganization claim should be filed) or where an order to revoke the order commencing reorganization proceedings becomes final and binding, the notice under the provisions of Article 43, paragraph (3), item (i) of that Act as applied mutatis mutandis pursuant to Article 43, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 31) or the provisions of the main clause of Article 44, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to Article 31) is not required to be given to depositors and similar creditors that are reorganization creditors and have not filed the particulars specified in the provisions of Article 138, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 81).

4　前項に規定する場合においては、機構に対して、会社更生法第四十三条第一項第二号若しくは第三号に掲げる事項（同号に掲げる事項にあっては、更生債権等の届出をすべき期間に限る。）について生じた変更の内容又は更生手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同法第四十二条第二項（第三十一条において準用する場合を含む。）の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, a notice to the Corporation of the details of the change to the particulars referred to in Article 43, paragraph (1), item (ii) or (iii) of the Corporate Reorganization Act (for the particulars referred to in that item, limited to the period for which an unsecured or secured reorganization claim should be filed) or the main text of the order to revoke the order commencing reorganization proceedings must be given; provided, however, that this does not apply to the case where an order under Article 42, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 31) is made.

（事業の譲渡）

(Business Transfers)

第三百八十七条　裁判所は、金融機関の更生手続において第三十三条第二項又は会社更生法第四十六条第二項の許可をする場合には、機構の意見を聴かなければならない。

Article 387 The court, when granting the permission referred to in Article 33, paragraph (2) or Article 46, paragraph (2) of the Corporate Reorganization Act in reorganization proceedings of a Financial Institution, must hear the opinion of the Corporation.

（財産状況報告集会）

(Meeting for Reporting the Status of Assets)

第三百八十八条　金融機関の更生手続における会社更生法第八十五条第一項（第五十六条において準用する場合を含む。）に規定する関係人集会においては、裁判所は、機構から、管財人の選任並びに当該金融機関の業務及び財産の管理に関する事項につき、意見を聴かなければならない。

Article 388 In a meeting of persons concerned prescribed in Article 85, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 56) in reorganization proceedings of a Financial Institution, the court must hear the opinion of the Corporation about the appointment of a trustee and the particulars concerning the business and assets management of the Financial Institution.

（関係人集会の期日の通知）

(Notice of the Date of a Meeting of Persons Concerned)

第三百八十九条　裁判所書記官は、金融機関の更生手続において、債権届出期間（会社更生法第百三十八条第一項（第八十一条において準用する場合を含む。）に規定する債権届出期間をいう。以下この節において同じ。）の満了前に関係人集会が招集された場合においては、機構に対し、当該関係人集会の期日を通知しなければならない。ただし、同法第四十二条第二項（第三十一条において準用する場合を含む。）の決定があったときは、この限りでない。

Article 389 A court clerk must, where a meeting of persons concerned is convened before the expiration of the period for filing a proof of claim (meaning period for filing a proof of claim prescribed in Article 138, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 81); hereinafter the same applies in this Section) in reorganization proceedings of a Financial Institution, give a notice to the Corporation of the date of the meeting of persons concerned; provided, however, that this does not apply to the case where an order under Article 42, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 31) is made.

（更生債権者委員会）

(Reorganization Creditors Committees)

第三百九十条　機構が第三百九十二条第一項の規定による預金者表の提出をする前における第六十七条第一項及び会社更生法第百十七条第一項並びに同条第四項（第六十七条第一項において準用する場合を含む。以下この項において同じ。）の規定の適用については、第六十七条第一項及び同法第百十七条第一項中「更生債権者をもって」とあるのは「更生債権者（預金保険機構を含む。）をもって」と、同条第四項中「更生債権者の申立て」とあるのは「更生債権者（預金保険機構を含む。）の申立て」とする。

Article 390 (1) For the purpose of application of the provisions of Article 67, paragraph (1) and Article 117, paragraph (1) of the Corporate Reorganization Act and paragraph (4) of that Article (including as applied mutatis mutandis pursuant to Article 67, paragraph (1); hereinafter the same applies in this paragraph) before the submission of the schedule of depositors by the Corporation pursuant to the provisions of Article 392, paragraph (1), the phrase "of reorganization creditors" in Article 67, paragraph (1) and Article 117, paragraph (1) of that Act is deemed to be replaced with "of reorganization creditors (including the Deposit Insurance Corporation of Japan)" and the phrase "petition by reorganization creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by reorganization creditors (including the Deposit Insurance Corporation of Japan)".

２　第三百九十六条の規定は、機構が会社更生法第百十七条第二項（第六十七条第一項において準用する場合を含む。）に規定する更生債権者委員会を構成する者である場合について準用する。この場合において、第三百九十六条中「機構代理預金者」とあるのは、「預金者等」と読み替えるものとする。

(2) The provisions of Article 396 apply mutatis mutandis to the cases where the Corporation is a member of the reorganization creditors committee prescribed in Article 117, paragraph (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 67, paragraph (1)). In this case, the phrase "Depositors Represented by the Corporation" in Article 396 is deemed to be replaced with "depositors and similar creditors"

（預金者表の作成及び縦覧等）

(Preparation and Public Inspection of a Depositor Schedule)

第三百九十一条　機構は、第三百八十六条第二項の規定による通知を受けたときは、遅滞なく、知れている更生債権である預金等債権（機構が債権者であるものを除く。）について、第八十六条第二項又は会社更生法第百四十四条第二項に規定する事項を記載した預金者表を作成しなければならない。

Article 391 (1) The Corporation must, upon receiving the notice under Article 386, paragraph (2), prepare a schedule of depositors stating the particulars prescribed in Article 86, paragraph (2) or Article 144, paragraph (2) of the Corporate Reorganization Act with respect to the Deposits and Other Claims

that are known a reorganization claim (other than one whose creditor is the Corporation), without delay.

2　機構は、預金者表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、預金者表を預金者等の縦覧に供しなければならない。

(2) When the Corporation has prepared a schedule of depositors, it must immediately give a public notice to that effect and of the place where it is made available for public inspection and make the schedule of depositors available for public inspection by depositors and similar creditors until the day immediately preceding the last day of the period for filing a proof of claim.

3　前項の規定による預金者表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date of commencement of public inspection of a schedule of depositors under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

4　機構は、預金者表を縦覧に供することを開始した後、当該預金者表に記載されていない預金等債権（機構が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該預金者表に、当該預金等債権に係る第一項に規定する事項の記載の追加をしなければならない。当該預金者表に記載されている預金等債権について当該預金等債権に係る債権者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Corporation, after making a schedule of depositors available for public inspection, becomes aware that there are Deposits and Other Claims (other than one whose creditor is the Corporation) not stated in the schedule of depositors, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the Deposits and Other Claims to the schedule of depositors. The same applies to cases when the Corporation becomes aware that the statement regarding the Deposits and Other Claims stated in the schedule of depositors should be changed in the interest of the creditors in relation to the Deposits and Other Claims.

5　機構は、預金者表を縦覧に供することを開始した後でも、当該預金者表に記載されている預金者等の承諾を得て、当該預金者等に係る預金等債権について、その記載を削除し、又は当該預金者等の不利益となる記載の変更を行うことができる。ただし、当該預金者表に記載されている預金者等に係る預金等債権を、預金保険法第五十八条第一項若しくは第三項の規定により取得し、又は同法第七十条の規定により買い取った場合において、当該預金等債権について、その記載を削除し、又は当該預金者等の不利益となる記載の変更を行うときは、当該預金者等の承諾を要しない。

(5) The Corporation may, even after making a schedule of depositors available for public inspection, with the approval of the depositors and similar creditors stated in the schedule of depositors, delete a statement regarding the Deposits

and Other Claims in relation to the depositors and similar creditors or change a statement that is detrimental to the interest of the depositors and similar creditors; provided, however, that in cases where the Corporation has acquired pursuant to the provisions of Article 58, paragraph (1) or (3) of the Deposit Insurance Act or purchased pursuant to the provisions of Article 70 of that Act the Deposits and Other Claims in relation to the depositors and similar creditors stated in the schedule of depositors, the Corporation may, without the approval of the depositors and similar creditors, delete a statement regarding the Deposits and Other Claims or change a statement that is detrimental to the interest of the depositors and similar creditors

（預金者表の提出）

(Submission of a Depositor Schedule)

第三百九十二条　機構は、債権届出期間の末日に、前条の規定により作成した預金者表を裁判所に提出しなければならない。

Article 392 (1) The Corporation must submit a schedule of depositors prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

２　前条第四項前段の規定は、機構が、預金者表を裁判所に提出した後、当該預金者表に記載されていない預金等債権（機構が債権者であるもの及び既に預金者等が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Corporation becomes aware that there are Deposits and Other Claims (other than one whose creditor is the Corporation and those that have already been filed with the court by depositors and similar creditors) not stated in a schedule of depositors after submitting it to the court.

３　前項において準用する前条第四項前段の規定による記載の追加は、更生計画案を決議に付する旨の決定がされた後は、することができない。

(3) The addition of a statement prescribed in the first sentence of paragraph (4) of the preceding Article may not be made after an order to refer the proposed reorganization plan to a resolution is made.

４　機構は、第一項の規定による預金者表の提出又は第二項において準用する前条第四項前段の規定による記載の追加をする場合においては、会社更生法第百三十八条第一項各号（第八十一条において準用する場合を含む。）に掲げる事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(4) The Corporation, when it submits a schedule of depositors under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article, must file with the court the particulars referred to in the items of Article 138, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant

to Article 81) (excluding the particulars prescribed in paragraph (1) of the preceding Article).

（預金者表の提出の効果）

(Effect of Submission of a Depositor Schedule)

第三百九十三条　会社更生法の規定又は第二章の規定の適用については、前条第一項の規定により提出された預金者表に記載されている預金等債権（預金者等が当該提出があるまでに同法第百三十八条第一項（第八十一条において準用する場合を含む。）の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第三百九十一条第四項前段の規定による記載の追加に係る預金等債権については同法第百三十九条第一項（第八十一条において準用する場合を含む。）の規定による届出があったものとみなす。

Article 393　For the purpose of application of the provisions of the Corporate Reorganization Act or the provisions of Chapter 2, Deposits and Other Claims stated in a schedule of depositors submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by depositors and similar creditors pursuant to the provisions of Article 138, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 81) before the submission) are deemed to have been filed within the period for filing a proof of claim; and the Deposits and Other Claims in relation to the addition of a statement under the provisions of the first sentence of Article 391, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are deemed to have been filed under the provisions of Article 139, paragraph (1) of that Article (including as applied mutatis mutandis pursuant to Article 81).

（預金者等の参加）

(Participation of Depositors)

第三百九十四条　前条の規定により届出があったものとみなされる預金等債権（機構が会社更生法第百四十一条（第八十三条において準用する場合を含む。）の規定による届出名義の変更を受けたものを除く。以下この条及び次条において同じ。）に係る債権者は、自ら更生手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、更生債権の確定に関する裁判手続に関する行為については、この限りでない。

Article 394　(1) If a creditor in relation to the Deposits and Other Claims (other than one for which the transfer of the title of holder of a filed claim under the provisions of Article 141 of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 83) has been made with the Corporation; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed under the provisions of the preceding Article intends to personally participate in reorganization

proceedings, the creditor must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize a reorganization claim.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、更生手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given until the end of reorganization proceedings.

３　参加の届出があったときは、裁判所は、これを機構に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of same to the Corporation.

４　参加の届出をした預金者等は、前条の規定により届出があったものとみなされる当該預金者等に係る預金等債権の全部をもって自ら更生手続に参加するものとする。

(4) A depositor or similar creditor that gave a Participation Notice is to personally participate in reorganization proceedings by with regard to the whole of Deposits and Other Claims in relation to the depositor or similar creditor that are deemed to have been filed under the provisions of the preceding Article.

（預金保険機構の権限）

(Powers of the Deposit Insurance Corporation of Japan)

第三百九十五条　機構は、第三百九十三条の規定により届出があったものとみなされる預金等債権に係る債権者（参加の届出をした預金者等を除く。以下この節において「機構代理預金者」という。）のために、当該機構代理預金者に係る預金等債権（以下この節において「機構代理債権」という。）をもって、更生手続に属する一切の行為（更生債権等の調査において、機構が異議を述べた機構代理債権に係る更生債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、機構代理債権に係る届出を取り下げ、若しくは機構代理債権に関する届出に係る事項について当該機構代理債権に係る機構代理預金者の不利益となる変更を加えようとするとき、又は機構代理債権に係る更生債権等査定申立て（会社更生法第百五十一条第一項（第八十八条において準用する場合を含む。）に規定する更生債権等査定申立てをいう。）を取り下げ、若しくは機構代理債権に係る更生債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟行為をしようとするときは、当該機構代理債権に係る機構代理預金者の授権がなければならない。

Article 395　A Corporation must conduct any and all acts involved in reorganization proceedings (other than acts involved in the court proceedings to finalize the a reorganization claim that constitute Claims Represented by the Corporation (as defined below) to which the Corporation has raised objection in the investigation of an unsecured or secured reorganization claim) in the interest of the creditors in relation to the Deposits and Other Claims that are deemed to have been filed under the provisions of Article 393

(excluding depositors and similar creditors that gave a Participation Notice; hereinafter referred to as "Depositors Represented by the Corporation" in this Section) with regard to Deposits and Other Claims in relation to the Depositors Represented by the Corporation (hereinafter referred to as "Claims Represented by the Corporation" in this Section); provided, however, that in order to withdraw the filing of a proof in relation to Claims Represented by the Corporation or change the particulars that have been filed concerning Claims Represented by the Corporation in a manner detrimental to the interest of Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation or withdraw a petition for reorganization claim, etc. assessment (meaning a petition for reorganization claim, etc. assessment prescribed in Article 151, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 88)) in relation to Claims Represented by the Corporation or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action to finalize a reorganization claim in relation to Claims Represented by the Corporation, the delegation of power from Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation is required.

（預金保険機構の義務）

(Obligations of the Deposit Insurance Corporation of Japan)

第三百九十六条　機構は、機構代理預金者のために、公平かつ誠実に前条の行為をしなければならない。

Article 396 (1) The Corporation must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Depositors Represented by the Corporation.

２　機構は、機構代理預金者に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Corporation must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Depositors Represented by the Corporation.

（届出に係る事項の変更）

(Change to the Particulars Pertaining to Filing)

第三百九十七条　機構は、機構代理債権に関する届出に係る事項について当該機構代理債権に係る機構代理預金者の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 397 (1) When the Corporation becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Corporation should be changed in the interest of the Depositors Represented by the

Corporation in relation to the Claims Represented by the Corporation, it must change those particulars in relation to the filing without delay.

２　第三百九十二条第三項の規定は、前項の変更について準用する。

(2) The provisions of Article 392, paragraph (3) apply mutatis mutandis to the change referred to in the preceding paragraph.

３　第一項の規定による変更は、会社更生法の規定又は第二章の規定の適用については、この章に別段の定めがある場合を除き、同法第百三十九条第五項（第八十一条において準用する場合を含む。）の規定による変更とみなす。

(3) The change under the provisions of paragraph (1) is, for the purpose of application of the provisions of the Corporate Reorganization Act or the provisions of Chapter 2, deemed to be the change under the provisions of Article 139, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 81) unless otherwise provided for in this Chapter.

（特別調査期間の費用）

(Expenses for Special Periods for Investigation)

第三百九十八条　機構代理債権に係る会社更生法第百四十八条第一項（第八十七条において準用する場合を含む。）に規定する特別調査期間（以下この条において「特別調査期間」という。）に関する費用は、同法第百四十八条第二項（第八十七条において準用する場合を含む。）の規定にかかわらず、機構の負担とする。ただし、機構は、同法第九十二条（第六十条において準用する場合を含む。）の規定により原状に復した預金等債権について調査するため特別調査期間が定められた場合その他の相当の事由がある場合には、機構代理預金者に当該費用の全部又は一部の償還を求めることができる。

Article 398　Any expenses relating to the Special Period for Investigation prescribed in Article 148, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 87) in relation to Claims Represented by the Corporation (hereinafter referred to as a "Special Period for Investigation" in this Article) are, notwithstanding the provisions of Article 148, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 87), borne by the Corporation; provided, however, that the Corporation may, in the case where a Special Period for Investigation is set for the examination of the Deposits and Other Claims that have been restored to their original state pursuant to the provisions of Article 92 of that Act (including as applied mutatis mutandis pursuant to Article 60) or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Depositors Represented by the Corporation.

（異議の通知）

(Notice of an Objection)

第三百九十九条　更生債権等の調査において、機構代理債権の内容について管財人が認

めず、又は届出をした更生債権者等（会社更生法第四十二条第二項（第三十一条において準用する場合を含む。）に規定する届出をした更生債権者等をいう。）若しくは株主若しくは組合員等が異議を述べた場合（機構が当該機構代理債権について異議を述べた場合を除く。）には、機構は、遅滞なく、その旨を当該機構代理債権に係る機構代理預金者に通知しなければならない。

Article 399 (1) Where, in an investigation of an unsecured or secured reorganization claim, a trustee has disapproved the details of Claims Represented by the Corporation or an objection has been made with regard to the details by any holder of filed an unsecured or secured reorganization claim (meaning holder of the filed an unsecured or secured reorganization claim prescribed in Article 42, paragraph (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 31)) or shareholders or Partners or Members (excluding the case where the Corporation has raised objection with regard to the Claims Represented by the Corporation), the Corporation must, without delay, give a notice to that effect to the Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation.

２　更生債権等の調査において、機構が機構代理債権の内容について異議を述べた場合には、裁判所書記官は、これを当該機構代理債権に係る機構代理預金者に通知しなければならない。

(2) Where, in an investigation of an unsecured or secured reorganization claim, the Corporation has raised objection with regard to the details of Claims Represented by the Corporation, a court clerk must give a notice of this to the Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation.

（議決権の行使のための通知及び公告）

(Notices and Public Notices for the Exercise of Voting Rights)

第四百条　機構は、更生計画案又は変更計画案についての議決権行使の方法として会社更生法第百八十九条第二項第一号（第百十三条において準用する場合を含む。）に掲げる方法が定められた場合において、機構代理預金者のために議決権を行使しようとするときは、当該更生計画案又は変更計画案が決議に付される最初の関係人集会の期日の二週間前までに、同意しようとする更生計画案又は変更計画案の内容又はその要旨を機構代理預金者（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

Article 400 (1) Where a means referred to in Article 189, paragraph (2), item (i) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 113) is set as a means for exercising voting rights concerning a proposed reorganization plan or proposed modification, if the Corporation intends to exercise voting rights on behalf of Depositors Represented by the Corporation, it must, by two weeks prior to the date of the

first meeting of persons concerned a resolution of which the proposed reorganization plan or proposed modification is referred to, give a notice to Depositors Represented by the Corporation (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed reorganization plan or proposed modification to which it intends to give consent.

２　機構は、更生計画案又は変更計画案についての議決権行使の方法として会社更生法第百八十九条第二項第二号又は第三号（これらの規定を第百十三条において準用する場合を含む。）に掲げる方法が定められた場合において、機構代理預金者のために議決権を行使しようとするときは、同法第百八十九条第二項第二号（第百十三条において準用する場合を含む。）に規定する期間の末日の二週間前までに、同意しようとする更生計画案又は変更計画案の内容又はその要旨を機構代理預金者（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

(2) Where the means referred to in Article 189, paragraph (2), item (ii) or (iii) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 113) are set as means for exercising voting rights concerning a proposed reorganization plan or proposed modification, if the Corporation intends to exercise voting rights on behalf of Depositors Represented by the Corporation, it must, by two weeks prior to the last day of the period prescribed in Article 189, paragraph (2), item (ii) of that Act (including as applied mutatis mutandis pursuant to Article 113), give a notice to Depositors Represented by the Corporation (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed reorganization plan or proposed modification to which it intends to give consent.

（預金保険機構がする通知等）

(Notice by the Deposit Insurance Corporation of Japan)

第四百一条　第三百九十九条第一項及び前条の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 401 (1) The notice given under the provisions of Article 399, paragraph (1) and the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　会社更生法第十条第一項及び第二項の規定は、第三百九十一条第二項及び前条の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Corporate Reorganization Act apply mutatis mutandis to the public notice under the provisions of Article 391, paragraph (2) and the preceding Article.

（決済債務の弁済等の許可）

(Permission of the Performance of Settlement of Obligations)

第四百二条　更生手続開始の決定があった金融機関に対し預金保険法第六十九条の三第一項（同法第百二十七条において準用する場合を含む。）の規定による資金の貸付けを行う旨の決定があるときは、会社更生法第四十七条第一項（第三十四条において準用する場合を含む。）の規定にかかわらず、裁判所は、管財人の申立てにより、預金保険法第六十九条の三第一項に規定する決済債務の弁済又は同法第百二十七条において準用する同項に規定する預金等の払戻しを許可することができる。

Article 402 (1) Where an order to the effect that loans of funds must be granted to a Financial Institution against which an order commencing reorganization proceedings was made pursuant to the provisions of Article 69-3, paragraph (1) of the Deposit Insurance Act (including as applied mutatis mutandis pursuant to Article 127 of that Act) has been made, the court may, notwithstanding the provisions of Article 47, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 34), upon the petition of a trustee, grant permission of the performance of settlement obligations under Article 69-3, paragraph (1) of the Deposit Insurance Act or the repayment of deposits, etc. under the provisions of that paragraph as applied mutatis mutandis pursuant to Article 127 of that Act.

２　裁判所は、前項の許可と同時に、弁済を行う決済債務の種類又は払戻しを行う預金等の種別、弁済又は払戻し（以下この条、第四百七十三条第二項及び第三項並びに第五百十三条第二項及び第三項において「弁済等」という。）の限度額及び弁済等をする期間（当該期間の末日は、債権届出期間の末日より前の日でなければならないものとする。）を定めなければならない。

(2) The court must, upon granting permission pursuant to the provisions of the preceding paragraph, specify the type of the settlement obligations to be performed or the type of the deposits, etc. to be repaid, a limit of performance or repayment (hereinafter referred to as a "performance, etc." in this Article, Article 473, paragraphs (2) and (3), and Article 513, paragraphs (2) and (3)), and a period in which the performance, etc. is to be made (the last day of the period must precede the last day of the period for filing a proof of claim).

３　裁判所は、前項の規定により、弁済を行う決済債務の種類又は払戻しを行う預金等の種別、弁済等の限度額及び弁済等をする期間を定めるときは、あらかじめ、機構の意見を聴かなければならない。

(3) The court must, when specifying the type of the settlement obligations to be performed or the type of the deposits, etc. to be repaid, a limit of performance, etc. and a period in which the performance, etc. to be made pursuant to the provisions of the preceding paragraph, hear the opinion of the Corporation in advance.

第五節　投資者保護基金の権限
Section 5 Authority of the Investor Protection Fund

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第四百三条　裁判所は、金融商品取引業者について更生手続開始の決定をしようとするときは、あらかじめ、会社更生法第四十二条第一項の規定により定める更生債権等の届出をすべき期間について、投資者保護基金（金融商品取引法第七十九条の二十一に規定する投資者保護基金であって、当該金融商品取引業者が加入しているものをいう。以下「基金」という。）の意見を聴かなければならない。

Article 403　If the court intends to issue an order commencing reorganization proceedings of a Financial Instruments Business Operator, it must hear the opinion of the Investor Protection Fund (meaning the Investor Protection Fund prescribed in Article 79-21 of the Financial Instruments and Exchange Act in which the Financial Instruments Business Operator participates; hereinafter referred to as a "Fund") in advance about the period for which a proof of an unsecured or secured reorganization claim should be filed as specified pursuant to the provisions of Article 42, paragraph (1) of the Corporate Reorganization Act.

（包括的禁止命令に関する通知の特例）

(Special Provisions on Notices of a Comprehensive Prohibition Order)

第四百四条　金融商品取引業者について会社更生法第二十六条第一項（同法第四十四条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、当該金融商品取引業者について更生手続開始の決定がされたとすれば更生債権者となる顧客（顧客債権に係る債権者をいう。以下同じ。）に対しては、同法第二十六条第一項の規定による通知をすることを要しない。

Article 404　(1) When an order under the provisions of Article 26, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act; hereinafter the same applies in this Article) is made against a Financial Instruments Business Operator, the notice under the provisions of Article 26, paragraph (1) of that Act is not required to be given to the Customers (meaning creditors in relation to Customer Claims; the same applies hereinafter) that would have become reorganization creditors if an order commencing reorganization proceedings had been made against the Financial Instruments Business Operator.

２　前項に規定する場合においては、基金に対して、会社更生法第二十六条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice of the main text of the order under Article 26, paragraph (1) of the Corporate Reorganization Act to the Fund.

（更生手続開始の決定等に関する通知の特例）

(Special Provisions on Notices of an Order Commencing Reorganization

Proceedings)

第四百五条　金融商品取引業者について更生手続開始の決定をしたときは、更生債権者である顧客に対しては、会社更生法第四十三条第三項第一号の規定による通知をすることを要しない。

Article 405 (1) When the court has made an order commencing reorganization proceedings against a Financial Instruments Business Operator, the notice under the provisions of Article 43, paragraph (3), item (i) of that Act is not required to be given to Customers that are reorganization creditors.

２　前項に規定する場合においては、基金に対して、会社更生法第四十三条第一項及び第二項の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice to the Fund of the particulars of which a public notice should make pursuant to the provisions of Article 43, paragraphs (1) and (2) of the Corporate Reorganization Act.

３　金融商品取引業者の更生手続において、第四百十一条第一項の規定による顧客表の提出があるまでに、会社更生法第四十三条第一項第二号若しくは第三号に掲げる事項に変更を生じた場合（同号に掲げる事項にあっては、更生債権等の届出をすべき期間に変更を生じた場合に限る。）又は更生手続開始の決定を取り消す決定が確定した場合においては、更生債権者である顧客であって同法第百三十八条第一項の規定による届出をしていないものに対しては、同法第四十三条第五項において準用する同条第三項第一号の規定又は同法第四十四条第三項本文の規定による通知をすることを要しない。

(3) In reorganization proceedings of a Financial Instruments Business Operator, where there is any change to the particulars referred to in Article 43, paragraph (1), item (ii) or (iii) of the Corporate Reorganization Act before the customer list is submitted pursuant to the provisions of Article 411, paragraph (1) (for the particulars referred to in that item, limited to cases where there is any change to the period for which a proof of an unsecured or secured reorganization claim should be filed) or where an order to revoke the order commencing reorganization proceedings becomes final and binding, the notice under the provisions of paragraph (3), item (i) of that Article as applied mutatis mutandis pursuant to Article 43, paragraph (5) of that Act or the provisions of the main clause of Article 44, paragraph (3) of that Act is not required to be given to Customers that are reorganization creditors and have not filed the particulars specified in the provisions of Article 138, paragraph (1) of that Act.

４　前項に規定する場合においては、基金に対して、会社更生法第四十三条第一項第二号若しくは第三号に掲げる事項（同号に掲げる事項にあっては、更生債権等の届出をすべき期間に限る。）について生じた変更の内容又は更生手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同法第四十二条第二項の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, the court must give a notice to the Fund of the details of the change to the particulars referred to in Article 43, paragraph (1), item (ii) or (iii) of the Corporate Reorganization Act (for the particulars referred to in that item, limited to the period for which a proof of an unsecured or secured reorganization claim should be filed) or the main text of the order to revoke the order commencing reorganization proceedings; provided, however, that this does not apply to the case where an order under Article 42, paragraph (2) of that Act has been made.

（事業等の譲渡）

(Transfers of Business)

第四百六条　裁判所は、金融商品取引業者の更生手続において会社更生法第四十六条第二項の許可をする場合には、基金の意見を聴かなければならない。

Article 406 The court, when granting the permission referred to in Article 46, paragraph (2) of the Corporate Reorganization Act in reorganization proceedings of a Financial Instruments Business Operator, must hear the opinion of the Fund.

（財産状況報告集会）

(Meetings for Reporting the Status of Assets)

第四百七条　金融商品取引業者の更生手続における会社更生法第八十五条第一項に規定する関係人集会においては、裁判所は、基金から、管財人の選任並びに当該金融商品取引業者の業務及び財産の管理に関する事項につき、意見を聴かなければならない。

Article 407 In a meeting of persons concerned prescribed in Article 85, paragraph (1) of the Corporate Reorganization Act in reorganization proceedings of a Financial Instruments Business Operator, the court must hear the opinion of the Fund about the appointment of a trustee and the particulars concerning the business and assets management of the Financial Instruments Business Operator.

（関係人集会の期日の通知）

(Notice of the Date of a Meeting of Persons Concerned)

第四百八条　裁判所書記官は、金融商品取引業者の更生手続において、債権届出期間（会社更生法第百三十八条第一項に規定する債権届出期間をいう。以下この節において同じ。）の満了前に関係人集会が招集された場合においては、基金に対し、当該関係人集会の期日を通知しなければならない。ただし、同法第四十二条第二項の決定があったときは、この限りでない。

Article 408 A court clerk must, where a meeting of persons concerned is convened before the expiration of the period for filing a proof of claim (meaning period for filing a proof of claim prescribed in Article 138, paragraph (1) of the Corporate Reorganization Act; hereinafter the same applies in this Section) in

reorganization proceedings of a Financial Instruments Business Operator, give a notice to the Fund of the date of the meeting of persons concerned; provided, however, that this does not apply to the case where an order under Article 42, paragraph (2) of that Act has been made.

（更生債権者委員会）

(Reorganization Creditors Committees)

第四百九条　基金が第四百十一条第一項の規定による顧客表の提出をする前における会社更生法第百十七条第一項及び第四項の規定の適用については、同条第一項中「更生債権者をもって」とあるのは「更生債権者（投資者保護基金（金融商品取引法第七十九条の二十一に規定する投資者保護基金であって、更生会社が加入しているものをいう。以下この条において同じ。）を含む。）をもって」と、同条第四項中「更生債権者の申立て」とあるのは「更生債権者（投資者保護基金を含む。）の申立て」とする。

Article 409 (1) For the purpose of application of the provisions of Article 117, paragraphs (1) and (4) of the Corporate Reorganization Act before the submission of the customer list by the Fund pursuant to the provisions of Article 411, paragraph (1), the phrase "of reorganization creditors" in paragraph (1) of that Article is deemed to be replaced with "of reorganization creditors (including the Investor Protection Fund (meaning the Investor Protection Fund prescribed in Article 79-21 of the Financial Instruments and Exchange Act in which the reorganizing company participates; hereinafter the same applies in this Article))" and the phrase "petition by reorganization creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by reorganization creditors (including the Investor Protection Fund)".

２　第四百十五条の規定は、基金が会社更生法第百十七条第二項に規定する更生債権者委員会を構成する者である場合について準用する。この場合において、第四百十五条中「基金代理顧客」とあるのは、「顧客」と読み替えるものとする。

(2) The provisions of Article 415 apply mutatis mutandis to the cases where the Fund is a member of the reorganization creditors committee prescribed in Article 117, paragraph (2) of the Corporate Reorganization Act. In this case, the phrase "Customers Represented by the Fund" in Article 415 is deemed to be replaced with "Customers".

（顧客表の作成及び縦覧等）

(Preparation and Public Inspection of Customer Lists)

第四百十条　基金は、第四百五条第二項の規定による通知を受けたときは、遅滞なく、知れている更生債権である顧客債権（基金が債権者であるものを除く。）について、会社更生法第百四十四条第二項に規定する事項を記載した顧客表を作成しなければならない。

Article 410 (1) The Fund must, upon receiving the notice under Article 405, paragraph (2), prepare a schedule of depositors stating the particulars

prescribed in Article 144, paragraph (2) of the Corporate Reorganization Act with respect to the Customer Claims that are known a reorganization claim (other than one whose creditor is the Fund), without delay.

２　基金は、顧客表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、顧客表を顧客の縦覧に供しなければならない。

(2) When the Fund has prepared a customer list, it must immediately give a public notice to that effect and of the place where it is made available for public inspection and make the customer list available for public inspection by Customers until the day immediately preceding the last day of the period for filing a proof of claim.

３　前項の規定による顧客表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date of commencement of public inspection of a customer list under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

４　基金は、顧客表を縦覧に供することを開始した後、当該顧客表に記載されていない顧客債権（基金が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該顧客表に、当該顧客債権に係る第一項に規定する事項の記載の追加をしなければならない。当該顧客表に記載されている顧客債権について当該顧客債権に係る債権者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Fund, after the making a customer list available for public inspection, becomes aware that there are Customer Claims (other than one whose creditor is the Fund) not stated in the customer list, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the Customer Claims to the customer list. The same applies to cases when the Fund becomes aware that the statement regarding the Customer Claims stated in the customer list should be changed in the interest of the creditors in relation to the Customer Claims.

５　基金は、顧客表を縦覧に供することを開始した後でも、当該顧客表に記載されている顧客の承諾を得て、当該顧客に係る顧客債権について、その記載を削除し、又は当該顧客の不利益となる記載の変更を行うことができる。ただし、当該顧客表に記載されている顧客に係る顧客債権を、金融商品取引法第七十九条の五十七第四項の規定により取得した場合において、当該顧客債権について、その記載を削除し、又は当該顧客の不利益となる記載の変更を行うときは、当該顧客の承諾を要しない。

(5) The Fund may, even after making a customer list available for public inspection, with the approval of the Customers stated in the customer list, delete a statement regarding the Customer Claims in relation to those customers or change a statement that is detrimental to the interest of those customers; provided, however, that in cases where the Fund has acquired the

Customer Claims in relation to the Customers stated in the customer list pursuant to the provisions of Article 79-57, paragraph (4) of the Financial Instruments and Exchange Act, the Fund may, without the approval of those customers, delete a statement regarding the Customer Claims or change a statement that is detrimental to the interest of those customers.

（顧客表の提出）

(Submission of a Customer List)

第四百十一条　基金は、債権届出期間の末日に、前条の規定により作成した顧客表を裁判所に提出しなければならない。

Article 411 (1) The Fund must submit a customer list prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

２　前条第四項前段の規定は、基金が、顧客表を裁判所に提出した後、当該顧客表に記載されていない顧客債権（基金が債権者であるもの及び既に顧客が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Fund becomes aware that there are Customer Claims (other than one whose creditor is the Fund and those that have already been filed with the court by Customers) not stated in a customer list after submitting it to the court.

３　前項において準用する前条第四項前段の規定による記載の追加は、更生計画案を決議に付する旨の決定がされた後は、することができない。

(3) The addition of a statement prescribed in the first sentence of paragraph (4) of the preceding Article may not be made after an order to refer the proposed reorganization plan to a resolution is made.

４　基金は、第一項の規定による顧客表の提出又は第二項において準用する前条第四項前段の規定による記載の追加をする場合においては、会社更生法第百三十八条第一項各号に掲げる事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(4) The Fund, when it submits a customer list under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article, must file with the court the particulars referred to in the items of Article 138, paragraph (1) of the Corporate Reorganization Act (excluding the particulars prescribed in paragraph (1) of the preceding Article).

５　金融商品取引業者の更生手続についての会社更生法第十四条第一項の規定の適用については、同項中「この法律（この法律において準用する他の法律を含む。）」とあるのは、「この法律（この法律において準用する他の法律を含む。）及び金融機関等の更生手続の特例等に関する法律」とする。

(5) For the purpose of application of the provisions of Article 14, paragraph (1) of the Corporate Reorganization Act to reorganization proceedings of a Financial

Instruments Business Operator, the phrase "this Act (including other Acts as applied mutatis mutandis pursuant to this Act)" in that paragraph is deemed to be replaced with "this Act (including other Acts as applied mutatis mutandis pursuant to this Act) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

（顧客表の提出の効果）

(Effect of the Submission of a Customer List)

第四百十二条　会社更生法の規定の適用については、前条第一項の規定により提出された顧客表に記載されている顧客債権（顧客が当該提出があるまでに同法第百三十八条第一項の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第四百十条第四項前段の規定による記載の追加に係る顧客債権については同法第百三十九条第一項の規定による届出があったものとみなす。

Article 412　For the purpose of application of the provisions of the Corporate Reorganization Act, Customer Claims stated in a customer list submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by Customers pursuant to the provisions of Article 138, paragraph (1) of that Act before the submission) are deemed to have been filed within the period for filing a proof of claim; and the Customer Claims in relation to the addition of a statement under the provisions of the first sentence of Article 410, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are deemed to have been filed under the provisions of Article 139, paragraph (1) of that Article.

（顧客の参加）

(Participation of Customers)

第四百十三条　前条の規定により届出があったものとみなされる顧客債権（基金が会社更生法第百四十一条の規定による届出名義の変更を受けたものを除く。以下この条及び次条において同じ。）に係る債権者は、自ら更生手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、更生債権の確定に関する裁判手続に関する行為については、この限りでない。

Article 413　(1) If a creditor in relation to the Customer Claims (other than one for which a transfer of the title of the holder of filed claims under the provisions of Article 141 of the Corporate Reorganization Act have been made with the Fund; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed under the provisions of the preceding Article intends to personally participate in reorganization proceedings, the creditor must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize a reorganization claim.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、更生手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given until the end of reorganization proceedings.

３　参加の届出があったときは、裁判所は、これを基金に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of this to the Fund.

４　参加の届出をした顧客は、前条の規定により届出があったものとみなされる当該顧客に係る顧客債権の全部をもって自ら更生手続に参加するものとする。

(4) A customer that gave a Participation Notice is to personally participate in reorganization proceedings with regard to the all Customer Claims in relation to the customer that are deemed to have been filed under the provisions of the preceding Article.

（投資者保護基金の権限）

(Powers of an Investor Protection Fund)

第四百十四条　基金は、第四百十二条の規定により届出があったものとみなされる顧客債権に係る債権者（参加の届出をした顧客を除く。以下この節において「基金代理顧客」という。）のために、当該基金代理顧客に係る顧客債権（以下この節において「基金代理債権」という。）をもって、更生手続に属する一切の行為（更生債権等の調査において、基金が異議を述べた基金代理債権に係る更生債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、基金代理債権に係る届出を取り下げ、若しくは基金代理債権に関する届出に係る事項について当該基金代理債権に係る基金代理顧客の不利益となる変更を加えようとするとき、又は基金代理債権に係る更生債権等査定申立て（会社更生法第百五十一条第一項に規定する更生債権等査定申立てをいう。）を取り下げ、若しくは基金代理債権に係る更生債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟行為をしようとするときは、当該基金代理債権に係る基金代理顧客の授権がなければならない。

Article 414　The Fund must perform any and all acts involved in reorganization proceedings (other than acts involved in court proceedings to finalize the a reorganization claim that constitute Claims Represented by the Fund (as defined below) to which the Fund has raised objection in the investigation of an unsecured or secured reorganization claim) in the interest of the creditors in relation to the Customer Claims that are deemed to have been filed under the provisions of Article 412 (other than customers that gave a Participation Notice; hereinafter referred to as "Customers Represented by the Fund" in this Section) with regard to Customer Claims in relation to the Customers Represented by the Fund (hereinafter referred to as "Claims Represented by the Fund" in this Section); provided, however, that in order to withdraw the

filing of a proof in relation to Claims Represented by the Fund or change the particulars that have been filed concerning Claims Represented by the Fund in a manner detrimental to Customers Represented by the Fund in relation to the Claims Represented by the Fund, or to withdraw a petition for reorganization claim, etc. assessment (meaning a petition for reorganization claim, etc. assessment prescribed in Article 151, paragraph (1) of the Corporate Reorganization Act) in relation to Claims Represented by the Fund or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action concerning the determination of a reorganization claim in relation to Claims Represented by the Fund, the delegation of power from Customers Represented by the Fund in relation to the Claims Represented by the Fund is required.

（投資者保護基金の義務）

(Obligations of an Investor Protection Funds)

第四百十五条　基金は、基金代理顧客のために、公平かつ誠実に前条の行為をしなければならない。

Article 415 (1) The Fund must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Customers Represented by the Fund.

２　基金は、基金代理顧客に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Fund must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Customers Represented by the Fund.

（届出に係る事項の変更）

(Change to the Particulars in Relation to Filing)

第四百十六条　基金は、基金代理債権に関する届出に係る事項について当該基金代理債権に係る基金代理顧客の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 416 (1) When the Fund becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Fund should be changed in the interest of the Customers Represented by the Fund in relation to the Claims Represented by the Fund, it must change those particulars in relation to the filing without delay.

２　第四百十一条第三項の規定は、前項の変更について準用する。

(2) The provisions of Article 411, paragraph (3) apply mutatis mutandis to the change referred to in the preceding paragraph.

３　第一項の規定による変更は、会社更生法の規定の適用については、この章に別段の定めがある場合を除き、同法第百三十九条第五項の規定による変更とみなす。

(3) The change under the provisions of paragraph (1) is, for the purpose of

application of the provisions of the Corporate Reorganization Act, deemed to be the change under the provisions of Article 139, paragraph (5) of that Act unless otherwise provided for in this Chapter.

（特別調査期間の費用）

(Expenses for Special Periods for Investigation)

第四百十七条　基金代理債権に係る会社更生法第百四十八条第一項に規定する特別調査期間（以下この条において「特別調査期間」という。）に関する費用は、同法第百四十八条第二項の規定にかかわらず、基金の負担とする。ただし、基金は、同法第九十二条の規定により原状に復した顧客債権について調査するため特別調査期間が定められた場合その他の相当の事由がある場合には、基金代理顧客に当該費用の全部又は一部の償還を求めることができる。

Article 417　Any expenses relating to the Special Period for Investigation prescribed in Article 148, paragraph (1) of the Corporate Reorganization Act in relation to Claims Represented by the Fund (hereinafter referred to as a "Special Period for Investigation" in this Article) is, notwithstanding the provisions of Article 148, paragraph (2) of that Act, borne by the Fund; provided, however, that the Fund may, in the case where a Special Period for Investigation is set for the examination of the Customer Claims that have been restored to their original state pursuant to the provisions of Article 92 of that Act or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Customers Represented by the Fund.

（異議の通知）

(Notice of an Objection)

第四百十八条　更生債権等の調査において、基金代理債権の内容について管財人が認めず、又は届出をした更生債権者等（会社更生法第四十二条第二項に規定する届出をした更生債権者等をいう。）若しくは株主が異議を述べた場合（基金が当該基金代理債権について異議を述べた場合を除く。）には、基金は、遅滞なく、その旨を当該基金代理債権に係る基金代理顧客に通知しなければならない。

Article 418　(1) Where, in an investigation of an unsecured or secured reorganization claim, a trustee has disapproved the details of Claims Represented by the Fund or an objection has been made with regard to the details by any holder of filed an unsecured or secured reorganization claim (meaning holder of filed an unsecured or secured reorganization claim prescribed in Article 42, paragraph (2) of the Corporate Reorganization Act) or shareholder (excluding the case where the Fund has raised objection with regard to the Claims Represented by the Fund), the Fund must, without delay, give a notice to that effect to the Customers Represented by the Fund in relation to the Claims Represented by the Fund.

2　更生債権等の調査において、基金が基金代理債権の内容について異議を述べた場合

には、裁判所書記官は、これを当該基金代理債権に係る基金代理顧客に通知しなければならない。

(2) Where, in an investigation of an unsecured or secured reorganization claim, the Fund has raised objection with regard to the details of Claims Represented by the Fund, a court clerk must give a notice of same to the Customers Represented by the Fund in relation to the Claims Represented by the Fund.

（議決権の行使のための通知及び公告）

(Notices and Public Notices for the Exercise of Voting Rights)

第四百十九条　基金は、更生計画案又は変更計画案についての議決権行使の方法として会社更生法第百八十九条第二項第一号に掲げる方法が定められた場合において、基金代理顧客のために議決権を行使しようとするときは、当該更生計画案又は変更計画案が決議に付される最初の関係人集会の期日の二週間前までに、同意しようとする更生計画案又は変更計画案の内容又はその要旨を基金代理顧客（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

Article 419 (1) Where a means referred to in Article 189, paragraph (2), item (i) of the Fund Reorganization Act is set as a means for exercising voting rights concerning a proposed reorganization plan or proposed modification, if the Corporation intends to exercise voting rights on behalf of Customers Represented by the Fund, it must, by two weeks prior to the date of the first meeting of persons concerned, a resolution of which the proposed reorganization plan or proposed modification is referred to, give a notice to Customers Represented by the Fund (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed reorganization plan or proposed modification to which it intends to give consent.

２　基金は、更生計画案又は変更計画案についての議決権行使の方法として会社更生法第百八十九条第二項第二号又は第三号に掲げる方法が定められた場合において、基金代理顧客のために議決権を行使しようとするときは、同項第二号に規定する期間の末日の二週間前までに、同意しようとする更生計画案又は変更計画案の内容又はその要旨を基金代理顧客（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

(2) Where the means referred to in Article 189, paragraph (2), item (ii) or (iii) of the Fund Reorganization Act are set as the means for exercising voting rights concerning a proposed reorganization plan or proposed modification, if the Fund intends to exercise voting rights on behalf of Customers Represented by the Fund, it must, by two weeks prior to the last day of the period prescribed in item (ii) of that paragraph, give a notice to Customers Represented by the Fund (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed reorganization plan or proposed modification to which it intends to give consent.

（投資者保護基金がする通知等）

(Notices by the Investor Protection Fund)

第四百二十条　第四百十八条第一項及び前条の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 420 (1) The notice given under the provisions of Article 418, paragraph (1) and the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　会社更生法第十条第一項及び第二項の規定は、第四百十条第二項及び前条の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Corporate Reorganization Act apply mutatis mutandis to the public notice given under the provisions of Article 410, paragraph (2) and the preceding Article.

第六節　保険契約者保護機構の権限等

Section 6 Authority of the Policyholders Protection Corporation

第一款　保険契約者保護機構の権限

Subsection 1 Authority of the Policyholders Protection Corporation

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第四百二十一条　裁判所は、保険会社について更生手続開始の決定をしようとするときは、あらかじめ、会社更生法第四十二条第一項（第百九十六条において準用する場合を含む。）の規定により定める更生債権等の届出をすべき期間について、保険契約者保護機構（保険業法第二百五十九条に規定する保険契約者保護機構であって、当該保険会社が加入しているものをいう。以下「保護機構」という。）の意見を聴かなければならない。

Article 421 If the court intends to issue an order commencing reorganization proceedings of an Insurance Company, it must hear the opinion of the Policyholders Protection Corporation (meaning the Policyholders Protection Corporation prescribed in Article 259 of the Insurance Business Act in which the Insurance Company participates; hereinafter referred to as a "Protection Corporation") in advance about the period for which a proof of an unsecured or secured reorganization claim should be filed as specified pursuant to the provisions of Article 42, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 196).

（包括的禁止命令に関する通知の特例）

(Special Provisions on Notices of a Comprehensive Prohibition Order)

第四百二十二条　保険会社について会社更生法第二十六条第一項（第百八十四条（第百九十六条において準用する同法第四十四条第二項において準用する場合を含む。）及

び同法第四十四条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、当該保険会社について更生手続開始の決定がされたとすれば更生債権者となる保険契約者等（保険契約者その他の保険契約に係る権利（保険契約者が相互会社の社員であるときは、社員権を含む。以下この節において同じ。）を有する者をいう。以下この節において同じ。）に対しては、同法第二十六条第一項の規定による通知をすることを要しない。

Article 422 (1) When an order under the provisions of Article 26, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 184 (including as applied mutatis mutandis pursuant to Article 44, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 196) and Article 44, paragraph (2) of that Act; hereinafter the same applies in this Article) is made against an Insurance Company, the notice under the provisions of Article 26, paragraph (1) of that Act is not required to be given to Policyholders, etc. (meaning policyholders and other persons that have a right in relation to an insurance contract (where the policyholder is a member of a Mutual Company, including membership rights; hereinafter the same applies in this Section); hereinafter the same applies in this Section) that would have become reorganization creditors if an order commencing reorganization proceedings had been made against the Insurance Company.

２　前項に規定する場合においては、保護機構に対して、会社更生法第二十六条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice of the main text of the order under Article 26, paragraph (1) of the Corporate Reorganization Act must be given to the Protection Corporation.

（更生手続開始の決定等に関する通知の特例）

(Special Provisions on Notice of an Order Commencing Reorganization Proceedings)

第四百二十三条　保険会社について更生手続開始の決定をしたときは、更生債権者である保険契約者等に対しては、会社更生法第四十三条第三項第一号（第百九十六条において準用する場合を含む。）の規定による通知をすることを要しない。

Article 423 (1) When an order commencing reorganization proceedings against an Insurance Company has been made, the notice under the provisions of Article 43, paragraph (3), item (i) (including as applied mutatis mutandis pursuant to Article 196) of that Act is not required to be given to Policyholders, etc. that are reorganization creditors.

２　前項に規定する場合においては、保護機構に対して、会社更生法第四十三条第一項及び第二項（これらの規定を第百九十六条において準用する場合を含む。）の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice of the particulars of which a public notice should be made pursuant to the provisions of Article 43,

paragraphs (1) and (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 196) must be given to the Protection Corporation.

3　保険会社の更生手続において、第四百二十九条第一項の規定による保険契約者表の提出があるまでに、会社更生法第四十三条第一項第二号若しくは第三号（これらの規定を第百九十六条において準用する場合を含む。次項において同じ。）に掲げる事項に変更を生じた場合（同号に掲げる事項にあっては、更生債権等の届出をすべき期間に変更を生じた場合に限る。）又は更生手続開始の決定を取り消す決定が確定した場合においては、更生債権者である保険契約者等であって同法第百三十八条第一項（第二百四十八条において準用する場合を含む。）の規定による届出をしていないものに対しては、同法第四十三条第五項（第百九十六条において準用する場合を含む。）において準用する同法第四十三条第三項第一号の規定又は同法第四十四条第三項本文（第百九十六条において準用する場合を含む。）の規定による通知をすることを要しない。

(3) In reorganization proceedings of an Insurance Company, where there is any change to the particulars referred to in Article 43, paragraph (1), item (ii) or (iii) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 196; the same applies in the following paragraph) before a list of insurance policyholders is submitted pursuant to the provisions of Article 429, paragraph (1) (for the particulars referred to in that item, limited to cases where there is a change to the period for which a proof of an unsecured or secured reorganization claim should be filed) or where an order to revoke the order commencing reorganization proceedings becomes final and binding, the notice under the provisions of Article 43, paragraph (3), item (i) of that Act as applied mutatis mutandis pursuant to Article 43, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 196) or the provisions of the main clause of Article 44, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to Article 196) is not required to be given to Policyholders, etc. that are reorganization creditors and have not filed the particulars specified in the provisions of Article 138, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 248).

4　前項に規定する場合においては、保護機構に対して、会社更生法第四十三条第一項第二号若しくは第三号に掲げる事項（同号に掲げる事項にあっては、更生債権等の届出をすべき期間に限る。）について生じた変更の内容又は更生手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同法第四十二条第二項（第百九十六条において準用する場合を含む。）の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, the court must give a notice to the Protection Corporation of the details of the change to the particulars referred to in Article 43, paragraph (1), item (ii) or (iii) of the Corporate Reorganization Act (for the particulars referred to in that item, limited to the period for which a proof of an unsecured or secured

reorganization claim should be filed) or the main text of the order to revoke the order commencing reorganization proceedings; provided, however, that this does not apply to the case where an order under Article 42, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 196) is made.

（事業等の譲渡）

(Transfers of Business)

第四百二十四条　裁判所は、保険会社の更生手続において第百九十八条第二項又は会社更生法第四十六条第二項の許可をする場合には、保護機構の意見を聴かなければならない。

Article 424 The court, when granting the permission referred to in Article 198, paragraph (2) or Article 46, paragraph (2) of the Corporate Reorganization Act in reorganization proceedings of an Insurance Company, must hear the opinion of the Protection Corporation.

（財産状況報告集会）

(Meeting for Reporting the Status of Assets)

第四百二十五条　保険会社の更生手続における会社更生法第八十五条第一項（第二百二十二条において準用する場合を含む。）に規定する関係人集会においては、裁判所は、保護機構から、管財人の選任並びに当該保険会社の業務及び財産の管理に関する事項につき、意見を聴かなければならない。

Article 425 In a meeting of persons concerned prescribed in Article 85, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 222) in reorganization proceedings of an Insurance Company, the court must hear the opinion of the Protection Corporation about the appointment of a trustee and the particulars concerning the business and assets management of the Insurance Company.

（関係人集会の期日の通知）

(Notice of the Date of a Meeting of Persons Concerned)

第四百二十六条　裁判所書記官は、保険会社の更生手続において、債権届出期間（会社更生法第百三十八条第一項（第二百四十八条において準用する場合を含む。）に規定する債権届出期間をいう。以下この節において同じ。）の満了前に関係人集会が招集された場合においては、保護機構に対し、当該関係人集会の期日を通知しなければならない。ただし、同法第四十二条第二項（第百九十六条において準用する場合を含む。）の決定があったときは、この限りでない。

Article 426 A court clerk must, where a meeting of persons concerned is convened before the expiration of the period for filing a proof of claim (meaning period for filing a proof of claim prescribed in Article 138, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant

to Article 248); hereinafter the same applies in this Section) in reorganization proceedings of an Insurance Company, give a notice to the Protection Corporation of the date of the meeting of persons concerned; provided, however, that this does not apply to the case where an order under Article 42, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 196) is made.

（更生債権者委員会）

(Reorganization Creditors Committees)

第四百二十七条　保護機構が第四百二十九条第一項の規定による保険契約者表の提出をする前における第二百三十三条第一項及び会社更生法第百十七条第一項並びに同条第四項（第二百三十三条第一項において準用する場合を含む。以下この項において同じ。）の規定の適用については、第二百三十三条第一項及び同法第百十七条第一項中「更生債権者をもって」とあるのは「更生債権者（保険契約者保護機構（保険業法第二百五十九条に規定する保険契約者保護機構であって、更生会社が加入しているものをいう。以下この条において同じ。）を含む。）をもって」と、同条第四項中「更生債権者の申立て」とあるのは「更生債権者（保険契約者保護機構を含む。）の申立て」とする。

Article 427 (1) For the purpose of application of the provisions of Article 233, paragraph (1) and Article 117, paragraph (1) of the Corporate Reorganization Act and paragraph (4) of that Article (including as applied mutatis mutandis pursuant to Article 233, paragraph (1); hereinafter the same applies in this paragraph) before the submission of the list of insurance policyholders by the Protection Corporation pursuant to the provisions of Article 429, paragraph (1), the phrase "of reorganization creditors" in Article 233, paragraph (1) and Article 117, paragraph (1) of that Act is deemed to be replaced with "of reorganization creditors (including the Policyholders Protection Corporation (meaning the Policyholders Protection Corporation prescribed in Article 259 of the Insurance Business Act in which the reorganizing company participates))" and the phrase "petition by reorganization creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by reorganization creditors (including the Policyholders Protection Corporation)".

２　第四百三十三条の規定は、保護機構が会社更生法第百十七条第二項（第二百三十三条第一項において準用する場合を含む。）に規定する更生債権者委員会を構成する者である場合について準用する。この場合において、第四百三十三条中「保護機構代理保険契約者」とあるのは、「保険契約者等」と読み替えるものとする。

(2) The provisions of Article 433 apply mutatis mutandis to the cases where the Protection Corporation is a member of the reorganization creditors committee prescribed in Article 117, paragraph (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 233, paragraph (1)). In this case, the phrase "Policyholders Represented by the Protection

Corporation" in Article 433 is deemed to be replaced with "Policyholders, etc."

（保険契約者表の作成及び縦覧等）

(Preparation and Public Inspection of Lists of Insurance Policyholders)

第四百二十八条　保護機構は、第四百二十三条第二項の規定による通知を受けたときは、遅滞なく、知れている更生債権である保険契約に係る権利（保護機構が債権者であるものを除く。）について、第二百五十三条第二項又は会社更生法第百四十四条第二項に規定する事項を記載した保険契約者表を作成しなければならない。

Article 428 (1) The Protection Corporation must, upon receiving the notice under Article 423, paragraph (2), prepare a list of insurance policyholders stating the particulars prescribed in Article 253, paragraph (2) or Article 144, paragraph (2) of the Corporate Reorganization Act with respect to the rights in relation to insurance contracts that are known a reorganization claim (other than one whose creditor is the Protection Corporation), without delay.

２　保護機構は、保険契約者表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、保険契約者表を保険契約者等の縦覧に供しなければならない。

(2) When the Protection Corporation has prepared a list of insurance policyholders, it must immediately give a public notice to that effect and of the place where it is made available for public inspection and make the list of insurance policyholders available for public inspection by Policyholders, etc. until the day immediately preceding the last day of the period for filing a proof of claim.

３　前項の規定による保険契約者表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date of commencement of a public inspection of a list of insurance policyholders under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

４　保護機構は、保険契約者表を縦覧に供することを開始した後、当該保険契約者表に記載されていない保険契約に係る権利（保護機構が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該保険契約者表に、当該保険契約に係る権利に係る第一項に規定する事項の記載の追加をしなければならない。当該保険契約者表に記載されている保険契約に係る権利について当該保険契約に係る権利を有する者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Protection Corporation, after making a list of insurance policyholders available for public inspection, becomes aware that there are rights in relation to insurance contracts (other than one whose creditor is the Protection Corporation) not stated in the list of insurance policyholders, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the rights in relation to insurance contracts to the

list of insurance policyholders. The same applies to cases when the Protection Corporation becomes aware that the statement regarding the rights in relation to insurance contracts stated in the list of insurance policyholders should be changed in the interest of the persons that have the rights in relation to insurance contracts.

5　保護機構は、保険契約者表を縦覧に供することを開始した後でも、当該保険契約者表に記載されている保険契約者等の承諾を得て、当該保険契約者等に係る保険契約に係る権利について、その記載を削除し、又は当該保険契約者等の不利益となる記載の変更を行うことができる。ただし、当該保険契約者表に記載されている保険契約者等に係る保険契約に係る権利を、保険業法第二百七十条の六の八の規定により買い取った場合において、当該保険契約に係る権利について、その記載を削除し、又は当該保険契約者等の不利益となる記載の変更を行うときは、当該保険契約者等の承諾を要しない。

(5) The Protection Corporation may, even after making a list of insurance policyholders available for public inspection, with the approval of the Policyholders, etc. stated in the list of insurance policyholders, delete a statement regarding the rights in relation to insurance contracts in relation to the Policyholders, etc. or change a statement that is detrimental to the interest of the Policyholders, etc.; provided, however, that in cases where the Protection Corporation has purchased the rights in relation to insurance contracts in relation to the Policyholders, etc. stated in the list of insurance policyholders pursuant to the provisions of Article 270-6-8 of the Insurance Business Act, the Protection Corporation may, without the approval of the Policyholders, etc., delete a statement regarding the rights in relation to insurance contracts or change a statement that is detrimental to the interest of the Policyholders, etc.

（保険契約者表の提出）

(Submission of List of Insurance Policyholders)

第四百二十九条　保護機構は、債権届出期間の末日に、前条の規定により作成した保険契約者表を裁判所に提出しなければならない。

Article 429 (1) The Protection Corporation must submit a list of insurance policyholders prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

2　前条第四項前段の規定は、保護機構が、保険契約者表を裁判所に提出した後、当該保険契約者表に記載されていない保険契約に係る権利（保護機構が債権者であるもの及び既に保険契約者等が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Protection Corporation becomes aware that there are rights in relation to insurance contracts (other than one whose creditor is the Protection Corporation and those that have already been

filed with the court by Policyholders, etc.) not stated in a list of insurance policyholders after submitting it to the court.

3　前項において準用する前条第四項前段の規定による記載の追加は、更生計画案を決議に付する旨の決定がされた後は、することができない。

(3) The addition of a statement prescribed in the first sentence of paragraph (4) of the preceding Article may not be made after an order to refer the proposed reorganization plan to a resolution is made.

4　保護機構は、第一項の規定による保険契約者表の提出又は第二項において準用する前条第四項前段の規定による記載の追加をする場合においては、会社更生法第百三十八条第一項各号（第二百四十八条において準用する場合を含む。）に掲げる事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(4) The Protection Corporation, when it submits a list of insurance policyholders under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article, must file with the court the particulars referred to in the items of Article 138, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 248) (excluding the particulars prescribed in paragraph (1) of the preceding Article).

（保険契約者表の提出の効果）

(Effect of Submission of a List of Insurance Policyholders)

第四百三十条　会社更生法の規定又は前章の規定の適用については、前条第一項の規定により提出された保険契約者表に記載されている保険契約に係る権利（保険契約者等が当該提出があるまでに同法第百三十八条第一項（第二百四十八条において準用する場合を含む。）の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第四百二十八条第四項前段の規定による記載の追加に係る保険契約に係る権利については同法第百三十九条第一項（第二百四十八条において準用する場合を含む。）の規定による届出があったものとみなす。

Article 430　For the purpose of application of the provisions of the Corporate Reorganization Act or the provisions of the preceding Chapter, the rights in relation to insurance contracts stated in a list of insurance policyholders submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by Policyholders, etc. pursuant to the provisions of Article 138, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 248) before the submission) are deemed to have been filed within the period for filing a proof of claim; and the rights in relation to insurance contracts in relation to the addition of a statement under the provisions of the first sentence of Article 428, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are deemed to have been filed under the provisions of Article 139, paragraph (1) of that Article (including as applied mutatis mutandis pursuant to Article 248).

（保険契約者等の参加）

(Participation of Policyholders)

第四百三十一条　前条の規定により届出があったものとみなされる保険契約に係る権利（保護機構が会社更生法第百四十一条（第二百五十条において準用する場合を含む。）の規定による届出名義の変更を受けたものを除く。以下この条及び次条において同じ。）を有する者は、自ら更生手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、更生債権の確定に関する裁判手続に関する行為については、この限りでない。

Article 431 (1) If a person that has rights in relation to insurance contracts (other than one for which the transfer of the title of holder of a filed claim under the provisions of Article 141 of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 250) has been made with the Protection Corporation; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed under the provisions of the preceding Article intends to personally participate in reorganization proceedings, the person must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize a reorganization claim.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、更生手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given until the end of reorganization proceedings.

３　参加の届出があったときは、裁判所は、これを保護機構に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of same to the Protection Corporation.

４　参加の届出をした保険契約者等は、前条の規定により届出があったものとみなされる当該保険契約者等に係る保険契約に係る権利の全部をもって自ら更生手続に参加するものとする。

(4) A Policyholder, etc. that gave a Participation Notice is to personally participate in reorganization proceedings with regard to the whole of the rights in relation to insurance contracts in relation to the Policyholder, etc. that are deemed to have been filed under the provisions of the preceding Article.

（保険契約者保護機構の権限）

(Authority of the Policyholders Protection Corporation)

第四百三十二条　保護機構は、第四百三十条の規定により届出があったものとみなされる保険契約に係る権利を有する者（参加の届出をした保険契約者等を除く。以下この節において「保護機構代理保険契約者」という。）のために、当該保護機構代理保険契約者に係る保険契約に係る権利（以下この節において「保護機構代理債権」とい

う。）をもって、更生手続に属する一切の行為（次に掲げる保護機構代理債権に係る更生債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、保護機構代理債権に係る届出を取り下げ、若しくは保護機構代理債権に関する届出に係る事項について当該保護機構代理債権に係る保護機構代理保険契約者の不利益となる変更を加えようとするとき、又は保護機構代理債権に係る更生債権等査定申立て（会社更生法第百五十一条第一項（第二百五十五条において準用する場合を含む。）に規定する更生債権等査定申立てをいう。）を取り下げ、若しくは保護機構代理債権に係る更生債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟行為をしようとするときは、当該保護機構代理債権に係る保護機構代理保険契約者の授権がなければならない。

Article 432 The Protection Corporation is to perform any and all acts involved in reorganization proceedings (other than acts involved in court proceedings to finalize a reorganization claim that constitute the following Claims Represented by the Protection Corporation (as defined below)) in the interest of the persons that have rights in relation to insurance contracts that are deemed to have been filed under the provisions of Article 430 (excluding Policyholders, etc. that gave a Participation Notice; hereinafter referred to as "Policyholders Represented by the Protection Corporation" in this Section) with regard to rights in relation to insurance contracts in relation to the Policyholders Represented by the Protection Corporation (hereinafter referred to as "Claims Represented by the Protection Corporation" in this Section); provided, however, that in order to withdraw the filing of a proof in relation to Claims Represented by the Protection Corporation or change the particulars that have been filed concerning Claims Represented by the Protection Corporation in a manner detrimental to the interest of Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation or withdraw a petition for reorganization claim, etc. assessment (meaning a petition for reorganization claim, etc. assessment prescribed in Article 151, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 255)) in relation to Claims Represented by the Protection Corporation or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action concerning the determination of a reorganization claim in relation to Claims Represented by the Protection Corporation, the delegation of power from Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation is required:

一　保険金請求権

(i) insurance claims;

二　損害をてん補することを請求する権利（前号に掲げるものを除く。）

(ii) the right to demand compensation for losses (other than the right set forth in the preceding item); and

三　更生債権等の調査において、保護機構が異議を述べた保護機構代理債権
(iii) claims Represented by the Protection Corporation to which the Protection Corporation has raised objection in the investigation of an unsecured or secured reorganization claim.

（保険契約者保護機構の義務）
(Obligations of the Policyholders Protection Corporation)

第四百三十三条　保護機構は、保護機構代理保険契約者のために、公平かつ誠実に前条の行為をしなければならない。

Article 433 (1) The Protection Corporation must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Policyholders Represented by the Protection Corporation.

２　保護機構は、保護機構代理保険契約者に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Protection Corporation must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Policyholders Represented by the Protection Corporation.

（届出に係る事項の変更）
(Change to the Particulars Relating to Filing)

第四百三十四条　保護機構は、保護機構代理債権に関する届出に係る事項について当該保護機構代理債権に係る保護機構代理保険契約者の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 434 (1) When the Protection Corporation becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Protection Corporation should be changed in the interest of the Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation, it must change those particulars in relation to the filing without delay.

２　第四百二十九条第三項の規定は、前項の変更について準用する。

(2) The provisions of Article 429, paragraph (3) apply mutatis mutandis to the change referred to in the preceding paragraph.

３　第一項の規定による変更は、会社更生法の規定又は前章の規定の適用については、この章に別段の定めがある場合を除き、同法第百三十九条第五項（第二百四十八条において準用する場合を含む。）の規定による変更とみなす。

(3) The change under the provisions of paragraph (1) is, for the purpose of application of the provisions of the Corporate Reorganization Act or the provisions of the preceding Chapter, deemed to be the change under the provisions of Article 139, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 248) unless otherwise provided for in

this Chapter.

（特別調査期間の費用）

(Expenses for Special Periods for Investigation)

第四百三十五条　保護機構代理債権に係る会社更生法第百四十八条第一項（第二百五十四条において準用する場合を含む。）に規定する特別調査期間（以下この条において「特別調査期間」という。）に関する費用は、同法第百四十八条第二項（第二百五十四条において準用する場合を含む。）の規定にかかわらず、保護機構の負担とする。ただし、保護機構は、同法第九十二条（第二百二十六条において準用する場合を含む。）の規定により原状に復した保険契約に係る債権について調査するため特別調査期間が定められた場合その他の相当の事由がある場合には、保護機構代理保険契約者に当該費用の全部又は一部の償還を求めることができる。

Article 435　Any expenses relating to the Special Period for Investigation prescribed in Article 148, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 254) in relation to Claims Represented by the Protection Corporation (hereinafter referred to as a "Special Period for Investigation" in this Article) are, notwithstanding the provisions of Article 148, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 254), borne by the Protection Corporation; provided, however, that the Protection Corporation may, in the case where a Special Period for Investigation is set for the examination of the claims in relation to insurance contracts that have been restored to their original state pursuant to the provisions of Article 92 of that Act (including as applied mutatis mutandis pursuant to Article 226) or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Policyholders Represented by the Protection Corporation.

（異議の通知）

(Notice of an Objection)

第四百三十六条　更生債権等の調査において、保護機構代理債権の内容について管財人が認めず、又は届出をした更生債権者等（会社更生法第四十二条第二項（第百九十六条において準用する場合を含む。）に規定する届出をした更生債権者等をいう。）若しくは株主若しくは社員が異議を述べた場合（保護機構が当該保護機構代理債権について異議を述べた場合を除く。）には、保護機構は、遅滞なく、その旨を当該保護機構代理債権に係る保護機構代理保険契約者に通知しなければならない。

Article 436　(1) Where, in an investigation of an unsecured or secured reorganization claim, a trustee has disapproved the details of Claims Represented by the Protection Corporation or an objection has been made with regard to the details by any holder(s) of filed an unsecured or secured reorganization claim (meaning holder of the filed an unsecured or secured reorganization claim prescribed in Article 42, paragraph (2) of the Corporate

Reorganization Act (including as applied mutatis mutandis pursuant to Article 196)) or shareholder or member (excluding the case where the Protection Corporation has raised objection with regard to the Claims Represented by the Protection Corporation), the Protection Corporation must, without delay, give a notice to that effect to the Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation.

2　更生債権等の調査において、保護機構が保護機構代理債権の内容について異議を述べた場合には、裁判所書記官は、これを当該保護機構代理債権に係る保護機構代理保険契約者に通知しなければならない。

(2) Where, in an investigation of an unsecured or secured reorganization claim, the Protection Corporation has raised objection with regard to the details of Claims Represented by the Protection Corporation, a court clerk must give a notice of same to the Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation.

（議決権の行使のための通知及び公告）

(Notices and Public Notices for the Exercise of Voting Rights)

第四百三十七条　保護機構は、更生計画案又は変更計画案についての議決権行使の方法として会社更生法第百八十九条第二項第一号（第二百八十二条において準用する場合を含む。）に掲げる方法が定められた場合において、保護機構代理保険契約者のために議決権を行使しようとするときは、当該更生計画案又は変更計画案が決議に付される最初の関係人集会の期日の二週間前までに、同意しようとする更生計画案又は変更計画案の内容又はその要旨を保護機構代理保険契約者（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

Article 437 (1) Where a means referred to in Article 189, paragraph (2), item (i) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 282) is set as a means for exercising voting rights concerning a proposed reorganization plan or proposed modification, if the Protection Corporation intends to exercise voting rights on behalf of the Policyholders Represented by the Protection Corporation, it must, by two weeks prior to the date of the first meeting of persons concerned to which a resolution of the proposed reorganization plan or proposed modification is referred, give a notice to Policyholders Represented by the Protection Corporation (other than ones that are unable to exercise voting rights), and give a public notice of the content or gist of the proposed reorganization plan or proposed modification to which it intends to give consent.

2　保護機構は、更生計画案又は変更計画案についての議決権行使の方法として会社更生法第百八十九条第二項第二号又は第三号（これらの規定を第二百八十二条において準用する場合を含む。）に掲げる方法が定められた場合において、保護機構代理保険契約者のために議決権を行使しようとするときは、同法第百八十九条第二項第二号

（第二百八十二条において準用する場合を含む。）に規定する期間の末日の二週間前までに、同意しようとする更生計画案又は変更計画案の内容又はその要旨を保護機構代理保険契約者（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

(2) Where the means referred to in Article 189, paragraph (2), item (ii) or (iii) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 282) are set as means for exercising voting rights concerning a proposed reorganization plan or proposed modification, if the Protection Corporation intends to exercise voting rights on behalf of Policyholders Represented by the Protection Corporation, it must, by two weeks prior to the last day of the period prescribed in Article 189, paragraph (2), item (ii) of that Act (including as applied mutatis mutandis pursuant to Article 282), give a notice to Policyholders Represented by the Protection Corporation (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed reorganization plan or proposed modification to which it intends to give consent.

（保険契約者保護機構がする通知等）

(Notices by Policyholders Protection Corporation)

第四百三十八条　第四百三十六条第一項及び前条の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 438 (1) The notice given under the provisions of Article 436, paragraph (1) and the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　会社更生法第十条第一項及び第二項の規定は、第四百二十八条第二項及び前条の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Corporate Reorganization Act apply mutatis mutandis to the public notice given under the provisions of Article 428, paragraph (2) and the preceding Article.

第二款　保険会社の更生手続における保険契約の取扱い等
Subsection 2 Handling of Insurance Contracts during the Reorganization Proceedings of an Insurance Company

（管財人の解除権に関する特例）

(Special Provisions on a Trustee's Right to Terminate)

第四百三十九条　保険会社を保険者とする保険契約（再保険契約を除く。）については、会社更生法第六十一条第一項から第四項まで（第二百六条第一項において準用する場合を含む。）の規定は、適用しない。

Article 439 The provisions of Article 61, paragraphs (1) to (4) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article

206, paragraph (1)) do not apply to insurance contracts (excluding reinsurance contracts) in which an Insurance Company is the insurer.

（補償対象保険金の弁済に関する特例）

(Special Provisions on Performance of Covered Insurance Claims)

第四百四十条　保険会社について更生手続開始の決定があった場合において、当該保険会社は、保護機構と保険業法第二百七十条の六の七第三項の規定による契約を締結したときは、会社更生法第四十七条第一項（第百九十九条において準用する場合を含む。）の規定にかかわらず、保険業法第二百七十条の三第二項第一号に規定する補償対象契約（第四百四十五条第二項及び第四項並びに第五百四十六条第一項において「補償対象契約」という。）に係る保険金請求権その他の政令で定める権利（以下この条から第四百四十二条まで、第五百四十六条及び第五百四十七条において「保険金請求権等」という。）に係る更生債権者の請求に基づき、同法第二百四十五条第一号に規定する補償対象保険金（第五百四十六条第一項において「補償対象保険金」という。）に係る債務の弁済をすることができる。

Article 440 (1) Where an order commencing reorganization proceedings of an Insurance Company has been made, and when the Insurance Company concludes a contract under the provisions of Article 270-6-7, paragraph (3) of the Insurance Business Act with the Protection Corporation, notwithstanding the provisions of Article 47, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 199), it may perform obligations in relation to covered insurance claims prescribed in Article 245, item (i) of that Act (referred to as "Covered Insurance Claims" in Article 546, paragraph (1)) based on the claim by the reorganization creditors in relation to the insurance claims in relation to the Covered Insurance Contracts prescribed in Article 270-3, paragraph (2), item (i) of the Insurance Business Act (referred to as "Covered Insurance Contracts" in Article 445, paragraphs (2) and (4) and Article 546, paragraph (1)) and any other rights specified by Cabinet Order (hereinafter referred to as "Insurance Claims, etc." in this Article to Article 442, Article 546, and Article 547).

２　債権届出期間経過後更生計画認可の決定前に前項の規定による請求がされた保険金請求権等については、当該保険金請求権等に係る更生債権者は、その請求をした後二週間の不変期間内に、会社更生法第百三十八条若しくは第百三十九条第一項（これらの規定を第二百四十八条において準用する場合を含む。）の規定による届出、同法第百三十九条第五項（第二百四十八条において準用する場合を含む。）の規定による届出事項の変更又は同法第百四十一条（第二百五十条において準用する場合を含む。）の規定による届出名義の変更（以下「届出等」という。）をしなければならない。

(2) For the Insurance Claims, etc. for which the claim under the provisions of the preceding paragraph is made after the expiration of the period for filing a proof of claim, but before the order confirming the reorganization plan, the reorganization creditors in relation to the Insurance Claims, etc. must, within

an unextendable period of two weeks after making the claim, file the particulars referred to in Article 138 or Article 139, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 248), change the notified particulars pursuant to the provisions of Article 139, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 248), or transfer the title of the holder of a filed claim pursuant to the provisions of Article 141 of that Act (including as applied mutatis mutandis pursuant to Article 250) (hereinafter referred to as "Filing, etc.").

3　更生債権者は、第一項の規定により弁済を受けた場合であっても、その弁済を受ける前の債権の全部をもって更生手続に参加することができる。

(3) A reorganization creditor, even where they have received payment under the provisions of paragraph (1), may participate in reorganization proceedings with regard to the whole of claims as of the time before receiving the payment.

4　第一項の規定により弁済を受けた更生債権者は、同じ性質の権利を有する他の更生債権者が自己の受けた弁済と同一の割合の弁済を受けるまでは、更生手続により、弁済を受けることができない。

(4) A reorganization creditor that received payment under the provisions of paragraph (1) may not receive any payment through reorganization proceedings until other reorganization creditors that have rights of the same nature receive payment of the same proportion.

5　前項の更生債権者は、第一項の規定により弁済を受けた債権の部分については、議決権を行使することができない。

(5) The reorganization creditor referred to in the preceding paragraph may not exercise voting rights with respect to the part of claims for which they received payment under the provisions of paragraph (1).

第四百四十一条　保険会社は、前条第一項の規定による請求があったときは、遅滞なく、当該請求に係る保険金請求権等について第四百二十八条第一項に規定する事項を保護機構に通知しなければならない。

Article 441　When an Insurance Company receives a claim under the provisions of paragraph (1) of the preceding Article, it must give a notice to the Protection Corporation of the particulars prescribed in Article 428, paragraph (1) with respect to Insurance Claims, etc. in relation to the claim without delay.

（保険契約に係る権利の届出に関する特例）

(Special Provisions on Filling of Rights in Relation to Insurance Contracts)

第四百四十二条　保険契約者が更生債権である保険契約に係る権利について届出等をしたときは、更生計画において、更生債権である当該保険契約に係る権利であって届出等がなかったもの（当該保険契約者以外の者が有するものを含み、第四百四十条第一項の規定による請求に係る保険金請求権等を除く。）についても、第二百五十九条第

一項第一号又は会社更生法第百六十七条第一項第一号の事項に関する条項を定めなければならない。

Article 442 (1) Where a policyholder made a Filing, etc. with respect to the rights in relation to insurance contracts that are a reorganization claim, the reorganization plan must have clauses relating to the particulars referred to in Article 259, paragraph (1), item (i) or Article 167, paragraph (1), item (i) of the Corporate Reorganization Act also with respect to the rights in relation to insurance contracts that are a reorganization claim for which no Filing, etc. has been made (including those held by a person other than the policyholder and excluding Insurance Claims, etc. in relation to the claim under Article 440, paragraph (1)).

2　前項の規定は、保険契約に係る権利を有する者（保険契約者を除く。）が、届出等をすることを妨げない。この場合における届出等は、保険事故の発生その他の事由により当該権利が生じた後にするものとする。

(2) The provisions of the preceding paragraph do not preclude a person that has rights in relation to insurance contracts (excluding policyholders) from making a Filing, etc. A Filing, etc. in this case is to be made after the relevant rights arise due to the occurrence of an insured event or for any other reason.

（保険契約に係る権利の調査及び確定に関する特例）

(Special Provisions on Investigating and Finalizing Rights under Insurance Contracts)

第四百四十三条　第四百四十条第二項の規定による届出等がされた場合又は前条第二項の規定による届出等が債権届出期間経過後更生計画認可の決定前にされた場合においては、当該届出等に係る権利については、会社更生法第百四十五条から第百四十八条の二まで（これらの規定を第二百五十四条において準用する場合を含む。）の規定は、適用しない。

Article 443 (1) Where a Filing, etc. under the provisions of Article 440, paragraph (2) is made or where a Filing, etc. under the provisions of paragraph (2) of the preceding Article is made after the expiration of the period for filing a proof of claim, but before the order confirming the reorganization plan is made, the provisions of Article 145 to Article 148-2 of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 254) do not apply to the rights in relation to the Filing, etc.

2　前項の届出等があった場合には、裁判所は、当該届出等に係る更生債権等の調査を行うため、直ちに、その旨を、管財人及び保険会社に通知しなければならない。

(2) Where a Filing, etc. referred to in the preceding paragraph is made, the court must, for the purpose of conducting an investigation of an unsecured or secured reorganization claim in relation to the Filing, etc., immediately give a notice to that effect to the trustee and the Insurance Company.

3　管財人は、前項の規定による通知があった日から二週間以内に、裁判所に対し、書

面で、第一項の届出等に係る権利についての会社更生法第百四十六条第二項各号（保険会社が相互会社である場合にあっては、第二百五十四条において準用する同法第百四十六条第二項各号）に掲げる区分に応じ当該各号に定める事項について、異議を述べることができる。保険会社が当該届出等に係る権利の内容について異議を述べる場合についても、同様とする。

(3) The trustee may, within two weeks from the day on which the notice under the provisions of the preceding paragraph is given, make an objection to the court in writing with regard to the particulars prescribed in the items of Article 146, paragraph (2) of the Corporate Reorganization Act (in the case where the Insurance Company is a Mutual Company, the items of Article 146, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 254) for the categories referred to in the respective items with regard to the rights in relation to the Filing, etc. under paragraph (1). The same applies to the cases where the Insurance Company makes an objection to the details of the rights in relation to the Filing, etc.

4　前項前段の規定による異議があったときは、裁判所書記官は、直ちに、その旨を、第一項の届出等に係る権利に係る債権者に通知しなければならない。

(4) When an objection is made pursuant to the provisions of the first sentence of the preceding paragraph, a court clerk must immediately give a notice to that effect to the creditors in relation to the rights pertaining to the Filing, etc. referred to in paragraph (1).

5　第三項前段の管財人の異議があった権利に対する会社更生法第百五十一条第二項（第二百五十五条において準用する場合を含む。以下この項において同じ。）の規定の適用については、同項中「前項本文に規定する異議等のある更生債権等に係る調査期間の末日又は第百四十九条第四項の通知」とあるのは、「金融機関等の更生手続の特例等に関する法律第四百四十三条第四項の規定による通知」とする。

(5) For the purpose of application of the provisions of Article 151, paragraph (2) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 255; hereinafter the same applies in this paragraph) to the rights to which the trustee made an objection under the first sentence of paragraph (3), the phrase "the last day of the period for investigation of an unsecured or secured reorganization claim to which an objection was raised as prescribed in the main clause of the preceding paragraph or the notice under Article 149, paragraph (4)" in that paragraph is deemed to be replaced with "the notice under the provisions of Article 443, paragraph (4) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

（保険契約者の保険契約に係る債権の評価）

(Valuation of Claims Regarding Insurance Contracts of Policyholders)

第四百四十四条　会社更生法第百三十六条第一項第三号（第二百四十七条第一項において準用する場合を含む。）に規定する更生手続開始の時における評価額は、保険契約

者の保険契約に係る債権（更生手続開始の時において既に保険事故の発生その他の事由により保険金請求権その他の政令で定める権利（以下この条において「保険金請求権等」という。）が生じている保険契約（当該保険金請求権等に係る支払により消滅することとなるものに限る。）に係る債権を除く。）については、生命保険会社（保険業法第二条第三項に規定する生命保険会社をいう。次条第三項において同じ。）及び外国生命保険会社等（保険業法第二条第八項に規定する外国生命保険会社等をいう。次条第三項において同じ。）にあっては第一号に掲げる金額とし、損害保険会社（保険業法第二条第四項に規定する損害保険会社をいう。）及び外国損害保険会社等（保険業法第二条第九項に規定する外国損害保険会社等をいう。）にあっては第二号及び第三号に掲げる金額の合計額とする。

Article 444 The estimated amount as of the time of the commencement of reorganization proceedings as prescribed in Article 136, paragraph (1), item (iii) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 247, paragraph (1)) is, with regard to the claims in relation to insurance contracts of policyholders (excluding claims in relation to insurance contracts for which insurance claims and any other right specified by Cabinet Order have arisen due to the occurrence of an insured event or for any other reason (hereinafter referred to as "Insurance Claims, etc." in this Article) as of the time of the commencement of reorganization proceedings (limited to those to be extinguished upon payment in relation to the Insurance Claims, etc.)), the amount referred to in item (i) in the case of a Life Insurance Company (meaning Life Insurance Company prescribed in Article 2, paragraph (3) of the Insurance Business Act; the same applies in paragraph (3) of the following Article) and a Foreign Life Insurance Company, etc. (meaning Foreign Life Insurance Company prescribed in Article 2, paragraph (8) of the Insurance Business Act; the same applies in paragraph (3) of the following Article) and the sum total of the amounts referred to in items (ii) and (iii) in the case of a Non-Life Insurance Company (meaning Non-Life Insurance Company prescribed in Article 2, paragraph (4) of the Insurance Business Act) and Foreign Non-Life Insurance Company, etc. (meaning Foreign Non-Life Insurance Company prescribed in Article 2, paragraph (9) of the Insurance Business Act):

一　更生手続開始の時において被保険者のために積み立てた金額

(i) the amount of money reserved for the insured as of the time of the commencement of reorganization proceedings;

二　未経過期間（保険契約に定めた保険期間のうち、更生手続開始の時において、まだ経過していない期間をいう。）に対応する保険料の金額

(ii) any unearned premium (referring to the insurance premium paid for that part of the period of insurance stipulated in an insurance contract which had not lapsed by the time of the commencement of reorganization proceedings); and

三　更生手続開始の時において払戻積立金として積み立てた金額

(iii) the amount of money reserved as a reserve for refund as of the time of the commencement of reorganization proceedings.

（保険会社の更生計画）

(Reorganization Plan of an Insurance Company)

第四百四十五条　第二百六十条第一項又は会社更生法第百六十八条第一項の規定は、更生計画で同種の保険契約に係る債権を変更する場合において、責任準備金の積立方式及び予定死亡率その他の責任準備金の計算の基礎となるべき係数の水準について、同一の水準を用いることを妨げるものと解してはならない。

Article 445 (1) In cases where the reorganization plan changes claims in relation to the same class of insurance contracts, the provisions of Article 260, paragraph (1) or Article 168, paragraph (1) of the Corporate Reorganization Act must not be interpreted as precluding the use of the same levels for the means of funding the policy reserve and the levels of the coefficients that should constitute the basis for calculating the amount of the policy reserve, such as expected mortality.

2　第二百六十条第一項又は会社更生法第百六十八条第一項の規定は、更生計画において、保険会社の更生手続開始後（裁判所が会社更生法第二十八条第一項（第百八十五条において準用する場合を含む。）の規定により保険会社が更生債権者等に対して弁済その他の債務を消滅させる行為をすることを禁止する旨の保全処分を命じた場合にあっては、当該保全処分がされた後）に発生する解約返戻金及び保険業法第二百五十条第一項に規定する内閣府令・財務省令で定める給付金に係る債権（同法第二百四十五条第二号に規定する特定補償対象契約（第四項において「特定補償対象契約」という。）以外の補償対象契約に係るものに限る。）について、その他の保険契約に係る債権に比して不利な条件を定めることを妨げるものと解してはならない。

(2) The provisions of Article 260, paragraph (1) or Article 168, paragraph (1) of the Corporate Reorganization Act must not be interpreted as precluding the reorganization plan from setting disadvantageous terms and conditions for claims in relation to cancellation refunds arising after the commencement of reorganization proceedings of an Insurance Company (in the case where the court, pursuant to the provisions of Article 28, paragraph (1) of the Corporate Reorganization Act (including as applied mutatis mutandis pursuant to Article 185), has issued a provisional remedy to prohibit the Insurance Company from carrying out payment or any other act that extinguishes obligations to unsecured and secured reorganization creditors, after the provisional remedy is issued) and benefits prescribed in Article 250, paragraph (1) of the Insurance Business Act as those specified by Cabinet Office Order or Ministry of Finance Order (limited to those in relation to Covered Insurance Contracts other than specified Covered Insurance Contract prescribed in Article 245, paragraph (ii) of that Act (referred to as a "specified Covered Insurance Contract" in

paragraph (4))) as compared with other claims in relation to insurance contracts.

3　第二百六十条第一項又は会社更生法第百六十八条第一項の規定は、更生計画において、運用実績連動型保険契約（保険業法第百条の五第一項に規定する運用実績連動型保険契約をいう。）に係る債権について、その他の保険契約に係る債権に比して有利な条件を定めることを妨げるものと解してはならない。

(3) The provisions of Article 260, paragraph (1) or Article 168, paragraph (1) of the Corporate Reorganization Act must not be interpreted as precluding the reorganization plan from setting advantageous terms and conditions for claims in relation to performance-linked insurance contracts (meaning performance-linked insurance contracts prescribed in Article 100-5, paragraph (1) of the Insurance Business Act) as compared with other claims in relation to insurance contracts.

4　保険契約（特定補償対象契約以外の補償対象契約に限る。以下この項において同じ。）に係る債権のうち保険会社の更生手続開始後に収入した保険料により積み立てるべき責任準備金に対応する保険契約者の保険契約に係る債権の部分については、更生計画において減免その他権利に影響を及ぼす定めをすることができない。

(4) The reorganization plan may not set a reduction or release or any other clause that affects rights with respect to the part of claims in relation to insurance contracts (limited to Covered Insurance Contracts other than specified Covered Insurance Contracts; hereinafter the same applies in this paragraph) of policyholders corresponding to the policy reserve that should be reserved from insurance premiums received after the commencement of reorganization proceedings of an Insurance Company.

第五章　金融機関等の再生手続の特例

Chapter V Special Provisions on Rehabilitation Proceedings in Financial Institutions and Similar Entities

第一節　監督庁による再生手続開始の申立て等

Section 1 Supervisory Agency Petitions to Commence Rehabilitation Proceedings

（再生手続開始の申立て等）

(Petition to Commence Rehabilitation Proceedings)

第四百四十六条　監督庁は、金融機関、外国銀行支店に係る外国銀行、銀行持株会社、長期信用銀行持株会社、信用金庫連合会、信用協同組合連合会、労働金庫連合会、金融商品取引業者（金融商品取引法第二条第九項に規定する金融商品取引業者をいう。）、指定親会社及び保険持株会社（以下この節において「金融機関等」という。）に破産手続開始の原因となる事実の生ずるおそれがあるときは、裁判所に対し、再生手続開始の申立てをすることができる。

Article 446 (1) When a fact constituting the grounds for the commencement of

bankruptcy proceedings is likely to occur to a Financial Institution, Foreign Bank in relation to Foreign Bank Branch, Bank Holding Company, Long-Term Credit Bank Holding Company, federation of Shinkin Banks, federation of credit cooperatives, federation of labor banks, Financial Instruments Business Operator (meaning the Financial Instruments Business Operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act), Designated Parent Company or Insurance Holding Company (referred to as the "financial institution or similar entity" in this Section), the Supervisory Agency may file a petition to the court for commencement of rehabilitation proceedings.

2　第三百七十七条第二項の規定は監督庁が前項の規定によりする金融機関、外国銀行支店に係る外国銀行、銀行持株会社、長期信用銀行持株会社、信用金庫連合会、信用協同組合連合会及び労働金庫連合会の再生手続開始の申立てについて、同条第三項の規定は監督庁が前項の規定によりする金融商品取引業者及び指定親会社の再生手続開始の申立てについて、同条第四項の規定は監督庁が前項の規定によりする保険持株会社の再生手続開始の申立てについて、それぞれ準用する。

(2) The provisions of Article 377, paragraph (2) apply mutatis mutandis to a petition for commencement of rehabilitation proceedings of a Financial Institution, Foreign Bank in relation to Foreign Bank Branch, Bank Holding Company, Long-Term Credit Bank Holding Company, federation of Shinkin Banks, federation of credit cooperatives or federation of labor banks filed by the Supervisory Agency pursuant to the provisions of the preceding paragraph; the provisions of paragraph (3) of that Article apply mutatis mutandis to a petition for commencement of rehabilitation proceedings of a Financial Instruments Business Operator or Designated Parent Company filed by the Supervisory Agency pursuant to the provisions of the preceding paragraph; and the provisions of paragraph (4) of that Article apply mutatis mutandis to a petition for commencement of rehabilitation proceedings of an Insurance Holding Company filed by the Supervisory Agency pursuant to the provisions of the preceding paragraph.

3　第一項の規定により監督庁が再生手続開始の申立てをするときは、民事再生法第二十三条第一項の規定は、適用しない。

(3) If the Supervisory Agency files a petition for commencement of rehabilitation proceedings pursuant to the provisions of paragraph (1), the provisions of Article 23, paragraph (1) of the Civil Rehabilitation Act do not apply.

（再生手続開始の申立てを棄却する決定に対する抗告）

(Appeal against an Order to Dismiss with Prejudice on the Merits a Petition to Commence Rehabilitation Proceedings)

第四百四十七条　監督庁は、民事再生法第九条前段の規定にかかわらず、前条第一項の規定による再生手続開始の申立てを棄却する決定に対して、即時抗告をすることができる。

Article 447 Notwithstanding the provisions of the first sentence of Article 9 of the Civil Rehabilitation Act, the Supervisory Agency may file an immediate appeal against an order to dismiss with prejudice on the merits a petition for commencement of rehabilitation proceedings filed pursuant to the provisions of paragraph (1) of the preceding Article.

（監督庁への通知）

(Notice to the Supervisory Agency)

第四百四十八条　金融機関等について再生手続開始の申立てがあったとき（第四百四十六条第一項の規定により監督庁が再生手続開始の申立てをしたときを除く。）は、裁判所書記官は、監督庁にその旨を通知しなければならない。

Article 448 When a petition to commence rehabilitation proceedings in a financial institution or similar entity is filed (excluding cases where the Supervisory Agency filed a petition for commencement of rehabilitation proceedings pursuant to the provisions of Article 446, paragraph (1)), a court clerk must give a notice to the Supervisory Agency to that effect.

（他の手続の中止命令等の申立て等）

(Petition for an Order to Stay Other Procedures)

第四百四十九条　金融機関等について再生手続開始の申立てがあった場合においては、監督庁は、民事再生法第二十六条第一項又は第二十七条第一項（これらの規定を同法第三十六条第二項において準用する場合を含む。）の規定による申立てをすることができる。

Article 449 (1) If a petition to commence rehabilitation proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 26, paragraph (1) or Article 27, paragraph (1) of the Civil Rehabilitation Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act).

２　前項に規定する場合においては、監督庁は、民事再生法第九条前段の規定にかかわらず、同法第二十六条第一項（同法第三十六条第二項において準用する場合を含む。）の規定による中止の命令、同法第二十六条第二項（同法第三十六条第二項において準用する場合を含む。）の規定による決定、同法第二十六条第三項（同法第三十六条第二項において準用する場合を含む。）の規定による取消しの命令、同法第二十七条第一項（同法第三十六条第二項において準用する場合を含む。）の規定による禁止の命令、同法第二十七条第三項（同法第三十六条第二項において準用する場合を含む。）の規定による決定、同法第二十七条第四項（同法第三十六条第二項において準用する場合を含む。）の規定による取消しの命令又は同法第二十九条第一項（同法第三十六条第二項において準用する場合を含む。）の申立てについての裁判に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency may, notwithstanding the provisions of the first sentence of Article 9 of the

Civil Rehabilitation Act, file an immediate appeal against: a stay order under the provisions of Article 26, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act); an order under the provisions of Article 26, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act); a revocation order under the provisions of Article 26, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act); a prohibition order under the provisions of Article 27, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act); an order under the provisions of Article 27, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act); a revocation order under the provisions of Article 27, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act); or a judicial decision on a petition under the provisions of Article 29, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act).

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（保全処分の申立て等）

(Petition for a Provisional Remedy or Other Measures)

第四百五十条　金融機関等について再生手続開始の申立てがあった場合においては、監督庁は、民事再生法第三十条第一項（同法第三十六条第二項において準用する場合を含む。次項において同じ。）の規定による申立てをすることができる。

Article 450 (1) If a petition to commence rehabilitation proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 30, paragraph (1) of the Civil Rehabilitation Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act; the same applies in the following paragraph).

2　前項に規定する場合においては、監督庁は、民事再生法第九条前段の規定にかかわらず、同法第三十条第一項の規定による保全処分又は同条第二項（同法第三十六条第二項において準用する場合を含む。）の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency may, notwithstanding the provisions of the first sentence of Article 9 of the Civil Rehabilitation Act, file an immediate appeal against a provisional remedy under the provisions of Article 30, paragraph (1) of that Act or an order under the provisions of paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act).

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（保全管理命令の申立て等）

(Petition for a Provisional Administration Order)

第四百五十一条　金融機関等について再生手続開始の申立てがあった場合においては、監督庁は、民事再生法第七十九条第一項（同条第三項において準用する場合を含む。次項において同じ。）の規定による申立てをすることができる。

Article 451 (1) If a petition to commence rehabilitation proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 79, paragraph (1) of the Civil Rehabilitation Act (including as applied mutatis mutandis pursuant to paragraph (3) of that Article; the same applies in the following paragraph).

２　前項に規定する場合においては、監督庁は、民事再生法第九条前段の規定にかかわらず、同法第七十九条第一項の処分又は同条第四項の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency may, notwithstanding the provisions of the first sentence of Article 9 of the Civil Rehabilitation Act, file an immediate appeal against a disposition under Article 79, paragraph (1) of that Act or an order under the provisions of paragraph (4) of that Article.

３　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（担保権の実行手続の中止命令の申立て）

(Petition for an Order to Suspend Exercise of Security Interest)

第四百五十二条　金融機関等について再生手続開始の申立てがあった場合においては、監督庁は、再生手続開始の決定前に限り、民事再生法第三十一条第一項の規定による申立てをすることができる。

Article 452 In cases where a petition for commencement of rehabilitation proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 31, paragraph (1) of the Civil Rehabilitation Act only prior to an order to commence rehabilitation proceedings.

（管理命令の申立て等）

(Petition for an Administration Order)

第四百五十三条　金融機関等について再生手続開始の申立てがあった場合においては、監督庁は、民事再生法第六十四条第一項の規定による申立てをすることができる。

Article 453 (1) In cases where a petition for commencement of rehabilitation

proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 64, paragraph (1) of the Civil Rehabilitation Act.

２　前項に規定する場合においては、監督庁は、民事再生法第九条前段の規定にかかわらず、同法第六十四条第一項の処分及び同条第四項の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency may, notwithstanding the provisions of the first sentence of Article 9 of the Civil Rehabilitation Act, file an immediate appeal against a disposition under Article 64, paragraph (1) of that Act or an order under the provisions of paragraph (4) of that Article.

３　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（事業の譲渡に関する信用金庫法等の特例）

(Special Provisions on the Shinkin Bank Act Concerning Transfers of Business)

第四百五十四条　民事再生法第四十三条（第八項を除く。）の規定は、協同組織金融機関について準用する。この場合において、同条第一項中「株式会社」とあるのは「協同組織金融機関（金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）第二条第二項に規定する協同組織金融機関をいう。）」と、「会社法第四百六十七条第一項第一号から第二号の二までに掲げる行為（以下この項及び第八項において「事業等の譲渡」という。）」とあり、及び「事業等の譲渡」とあるのは「事業の全部又は一部の譲渡」と、「同条第一項」とあるのは「信用金庫法（昭和二十六年法律第二百三十八号）第四十八条の三及び第五十八条第一項、中小企業等協同組合法（昭和二十四年法律第百八十一号）第五十三条及び第五十七条の三第一項並びに労働金庫法（昭和二十八年法律第二百二十七号）第五十三条及び第六十二条第一項」と、「株主総会の決議による承認」とあるのは「総会又は総代会の議決」と、同条第二項及び第六項中「株主」とあるのは「会員又は組合員」と、同条第四項中「株主に」とあるのは「会員若しくは組合員に」と、「株主名簿」とあるのは「会員名簿若しくは組合員名簿」と、「株主が」とあるのは「会員若しくは組合員が」と読み替えるものとする。

Article 454　The provisions of Article 43 of the Civil Rehabilitation Act (excluding paragraph (8)) apply mutatis mutandis to Cooperative Financial Institutions. In this case, the phrase "Stock Company" in paragraph (1) of that Article is deemed to be replaced with "Cooperative Financial Institution (meaning Cooperative Financial Institution prescribed in Article 2, paragraph (2) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996))"; the phrases "the acts prescribed in Article 467, paragraph (1), items (i) to (ii)-2 of the Companies Act (hereinafter referred to as a "Transfer of Business, etc." in this paragraph and paragraph (8))" and

"Transfer of Business, etc." in that paragraph is deemed to be replaced with "transfer of the whole or part of its business"; the terms "paragraph (1) of that Article" and "approval by a resolution of a shareholders meeting" is deemed to be replaced with "Article 48-3 and Article 58, paragraph (1) of the Shinkin Bank Act (Act No. 238 of 1951), Article 53 and Article 57-3, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949), and Article 53 and Article 62, paragraph (1) of the Labor Bank Act (Act No. 227 of 1953)" and "resolution at a general meeting of Partners or Members or the general meeting", respectively; the phrase "shareholders" in paragraphs (2) and (6) of that Article is deemed to be replaced with "members or partners"; and the terms "to shareholders", "the shareholder registry", and "by shareholders" is deemed to be replaced with "to members or partners", "the member registry or partner registry", and "by members or partners", respectively.

（再生事件の管轄、移送及び通知の特例）

(Special Provisions on Jurisdictions, Transfers, and Notices of Rehabilitation Cases)

第四百五十五条　金融機関等に係る再生事件についての民事再生法第五条第八項及び第九項並びに第七条第四号ロ及びハの規定の適用については、再生債権者の数が千人以上であるものとみなす。

Article 455 (1) For the purpose of application of the provisions of Article 5, paragraphs (8) and (9) and Article 7, item (iv), (b) and (c) of the Civil Rehabilitation Act to rehabilitation cases in relation to a financial institution or similar entity, the number of rehabilitation creditors is deemed to be 1,000 or more.

２　金融機関等に係る再生事件についての民事再生法第三十四条第二項の規定の適用については、知れている再生債権者の数が千人以上であるものとみなす。

(2) For the purpose of application of the provisions of Article 34, paragraph (2) of the Civil Rehabilitation Act to rehabilitation cases in relation to financial institution or similar entity, the number of known rehabilitation creditors is deemed to be 1,000 or more.

第四百五十六条　削除

Article 456 Deleted

第二節　預金保険機構の権限

Section 2 Authority of the Deposit Insurance Corporation of Japan

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第四百五十七条　裁判所は、金融機関について再生手続開始の決定をしようとするときは、あらかじめ、民事再生法第三十四条第一項の規定により定める再生債権の届出をすべき期間について、機構の意見を聴かなければならない。

Article 457 If the court intends to issue an order to commence rehabilitation proceedings of a Financial Institution, it must hear the opinion of the Corporation in advance about the period during which a proof of rehabilitation claims should be filed as specified pursuant to the provisions of Article 34, paragraph (1) of the Civil Rehabilitation Act.

（包括的禁止命令に関する通知の特例）

(Special Provisions on Notices of a Comprehensive Prohibition Order)

第四百五十八条　金融機関について民事再生法第二十八条第一項（同法第三十六条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、再生債権者である預金者等に対しては、同法第二十八条第一項の規定による通知をすることを要しない。

Article 458 (1) When an order under the provisions of Article 28, paragraph (1) of the Civil Rehabilitation Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act; hereinafter the same applies in this Article) is made against a Financial Institution, the notice under the provisions of Article 28, paragraph (1) of that Act is not required to be given to depositors and similar creditors that are rehabilitation creditors.

２　前項に規定する場合においては、機構に対して、民事再生法第二十八条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice of the main text of an order under Article 28, paragraph (1) of the Civil Rehabilitation Act must be given to the Corporation.

（再生手続開始の決定等に関する通知の特例）

(Special Provisions on Notice of an Order Commencing Rehabilitation Proceedings)

第四百五十九条　金融機関について再生手続開始の決定をしたときは、再生債権者である預金者等に対しては、民事再生法第三十五条第三項第一号の規定による通知をすることを要しない。

Article 459 (1) When the court has made an order to commence rehabilitation proceedings against a Financial Institution, the notice under the provisions of Article 35, paragraph (3), item (i) of the Civil Rehabilitation Act is not required to be given to depositors and similar creditors that are rehabilitation creditors.

２　前項に規定する場合においては、機構に対して、民事再生法第三十五条第一項及び第二項の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice to the Corporation of the particulars of which a public notice should be

made pursuant to the provisions of Article 35, paragraphs (1) and (2) of the Civil Rehabilitation Act.

3　金融機関の再生手続において、第四百六十三条第一項の規定による預金者表の提出があるまでに、民事再生法第三十四条第一項の規定により定めた再生債権の届出をすべき期間に変更を生じた場合又は再生手続開始の決定を取り消す決定が確定した場合においては、再生債権者である預金者等であって同法第九十四条第一項の規定による届出をしていないものに対しては、同法第三十五条第五項において準用する同条第三項第一号の規定又は同法第三十七条本文の規定による通知をすることを要しない。

(3) In rehabilitation proceedings of a Financial Institution, where there is a change to the period for which a proof of rehabilitation claims should be filed as specified pursuant to the provisions of Article 34, paragraph (1) of the Civil Rehabilitation Act, or an order to revoke the order to commence rehabilitation proceedings becomes final and binding, before a schedule of depositors is submitted pursuant to the provisions of Article 463, paragraph (1), the notice under the provisions of paragraph (3), item (i) of that Article as applied mutatis mutandis pursuant to Article 35, paragraph (5) of that Act or the provisions of the main clause of Article 37 of that Act is not required to be given to depositors and similar creditors that are rehabilitation creditors and have not filed the particulars specified in the provisions of Article 94, paragraph (1) of that Act.

4　前項に規定する場合においては、機構に対して、民事再生法第三十四条第一項の規定により定めた再生債権の届出をすべき期間について生じた変更の内容又は再生手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同条第二項の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, the court must give a notice to the Corporation of the details of the change to the period for which a proof of an unsecured or secured reorganization claim should be filed as specified pursuant to the provisions of Article 34, paragraph (1) of the Civil Rehabilitation Act or the main text of the order to revoke the order to commence rehabilitation proceedings; provided, however, that this does not apply to the case where an order under paragraph (2) of that Article has been made.

（債権者集会の期日の通知）

(Notice of the Date of a Meeting of Creditors)

第四百六十条　裁判所書記官は、金融機関の再生手続において、債権届出期間（民事再生法第九十四条第一項に規定する債権届出期間をいう。以下この章において同じ。）の満了前に債権者集会が招集された場合においては、機構に対し、当該債権者集会の期日を通知しなければならない。ただし、同法第三十四条第二項の決定があったときは、この限りでない。

Article 460　A court clerk must, where a meeting of creditors is convened before

the expiration of the period for filing a proof of claim (meaning period for filing a proof of claim prescribed in Article 94, paragraph (1) of the Civil Rehabilitation Act; hereinafter the same applies in this Chapter) in rehabilitation proceedings of a Financial Institution, give a notice to the Corporation of the date of the meeting of creditors; provided, however, that this does not apply to cases where an order under Article 34, paragraph (2) of that Act has been made.

（債権者委員会）

(Creditors Committees)

第四百六十一条　機構が第四百六十三条第一項の規定による預金者表の提出をする前における民事再生法第百十七条第一項及び第四項の規定の適用については、同条第一項中「再生債権者をもって」とあるのは「再生債権者（預金保険機構を含む。）をもって」と、同条第四項中「再生債権者の申立て」とあるのは「再生債権者（預金保険機構を含む。）の申立て」とする。

Article 461 (1) For the purpose of application of the provisions of Article 117, paragraph (1) and (4) of the Civil Rehabilitation Act before the submission of a schedule of depositors by the Corporation pursuant to the provisions of Article 463, paragraph (1), the phrase "of rehabilitation creditors" in paragraph (1) of that Article is deemed to be replaced with "of rehabilitation creditors (including the Deposit Insurance Corporation of Japan)" and the phrase "petition by rehabilitation creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by rehabilitation creditors (including the Deposit Insurance Corporation of Japan)".

２　第四百六十七条の規定は、機構が民事再生法第百十七条第二項に規定する債権者委員会を構成する者である場合について準用する。この場合において、第四百六十七条中「機構代理預金者」とあるのは、「預金者等」と読み替えるものとする。

(2) The provisions of Article 467 apply mutatis mutandis to the cases where the Corporation is a member of the creditors committee prescribed in Article 117, paragraph (2) of the Civil Rehabilitation Act. In this case, the phrase "Depositors Represented by the Corporation" in Article 467 is deemed to be replaced with "depositors and similar creditors".

（預金者表の作成及び縦覧等）

(Preparation and Public Inspection of a Depositor Schedule)

第四百六十二条　機構は、第四百五十九条第二項の規定による通知を受けたときは、遅滞なく、知れている再生債権である預金等債権（機構が債権者であるものを除く。）について、民事再生法第九十九条第二項に規定する事項を記載した預金者表を作成しなければならない。

Article 462 (1) The Corporation must, upon receiving the notice under Article 459, paragraph (2), prepare a schedule of depositors stating the particulars

prescribed in Article 99, paragraph (2) of the Civil Rehabilitation Act with respect to the Deposits and Other Claims that are known rehabilitation claims (other than one whose creditor is the Corporation), without delay.

2　機構は、預金者表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、預金者表を預金者等の縦覧に供しなければならない。

(2) When the Corporation has prepared a schedule of depositors, it must immediately give a public notice to that effect and of the place where it is made available for public inspection and make the schedule of depositors available for public inspection by depositors and similar creditors until the day immediately preceding the last day of the period for filing a proof of claim.

3　前項の規定による預金者表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date of commencement of public inspection of a schedule of depositors under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

4　機構は、預金者表を縦覧に供することを開始した後、当該預金者表に記載されていない預金等債権（機構が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該預金者表に、当該預金等債権に係る第一項に規定する事項の記載の追加をしなければならない。当該預金者表に記載されている預金等債権について当該預金等債権に係る債権者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Corporation, after making a schedule of depositors available for public inspection, becomes aware that there are Deposits and Other Claims (other than one whose creditor is the Corporation) not stated in the schedule of depositors, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the Deposits and Other Claims to the schedule of depositors. The same applies to cases when the Corporation becomes aware that the statement regarding the Deposits and Other Claims stated in the schedule of depositors should be changed in the interest of the creditors in relation to the Deposits and Other Claims.

5　機構は、預金者表を縦覧に供することを開始した後でも、当該預金者表に記載されている預金者等の承諾を得て、当該預金者等に係る預金等債権について、その記載を削除し、又は当該預金者等の不利益となる記載の変更を行うことができる。ただし、当該預金者表に記載されている預金者等に係る預金等債権を、預金保険法第五十八条第一項若しくは第三項の規定により取得し、又は同法第七十条の規定により買い取った場合において、当該預金等債権について、その記載を削除し、又は当該預金者等の不利益となる記載の変更を行うときは、当該預金者等の承諾を要しない。

(5) The Corporation may, even after making a schedule of depositors available for public inspection, with the approval of the depositors and similar creditors

stated in the schedule of depositors, delete a statement regarding the Deposits and Other Claims in relation to the depositors and similar creditors or change a statement that is detrimental to the interest of the depositors and similar creditors; provided, however, that in cases where the Corporation has acquired pursuant to the provisions of Article 58, paragraph (1) or (3) of the Deposit Insurance Act or purchased pursuant to the provisions of Article 70 of that Act the Deposits and Other Claims in relation to the depositors and similar creditors stated in the schedule of depositors, the Corporation may, without the approval of the depositors and similar creditors, delete a statement regarding the Deposits and Other Claims or change a statement that is detrimental to the interest of the depositors and similar creditors

（預金者表の提出）

(Submission of a Depositor Schedule)

第四百六十三条　機構は、債権届出期間の末日に、前条の規定により作成した預金者表を裁判所に提出しなければならない。

Article 463 (1) The Corporation must submit a schedule of depositors prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

２　前条第四項前段の規定は、機構が、預金者表を裁判所に提出した後、当該預金者表に記載されていない預金等債権（機構が債権者であるもの及び既に預金者等が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Corporation becomes aware that there are Deposits and Other Claims (other than one whose creditor is the Corporation and those that have already been filed with the court by depositors and similar creditors) not stated in a schedule of depositors after submitting it to the court.

３　前項において準用する前条第四項前段の規定による記載の追加は、再生計画案を決議に付する旨の決定がされた後は、することができない。

(3) The addition of a statement prescribed in the first sentence of paragraph (4) of the preceding Article may not be made after an order to refer the proposed rehabilitation plan to a resolution is made.

４　機構は、第一項の規定による預金者表の提出又は第二項において準用する前条第四項前段の規定による記載の追加をする場合においては、民事再生法第九十四条第一項に規定する事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(4) The Corporation, when it submits a schedule of depositors under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article, must file with the court the particulars prescribed in the items of Article 94, paragraph (1) of the Civil

Rehabilitation Act (excluding the particulars prescribed in paragraph (1) of the preceding Article).

5　金融機関の再生手続についての民事再生法第十六条第一項の規定の適用については、同項中「この法律（この法律において準用する他の法律を含む。）」とあるのは、「この法律（この法律において準用する他の法律を含む。）及び金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）」とする。

(5) For the purpose of application of the provisions of Article 16, paragraph (1) of the Civil Rehabilitation Act to rehabilitation proceedings of a Financial Institution, the phrase "this Act (including other Acts as applied mutatis mutandis pursuant to this Act)" in that paragraph is deemed to be replaced with "this Act (including other Acts as applied mutatis mutandis pursuant to this Act) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996)".

（預金者表の提出の効果）

(Effect of Submission of a Depositor Schedule)

第四百六十四条　民事再生法の規定の適用については、前条第一項の規定により提出された預金者表に記載されている預金等債権（預金者等が当該提出があるまでに同法第九十四条第一項の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第四百六十二条第四項前段の規定による記載の追加に係る預金等債権については同法第九十五条第一項の規定による届出の追完があったものとみなす。

Article 464　For the purpose of application of the provisions of the Civil Rehabilitation Act, Deposits and Other Claims stated in a schedule of depositors submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by depositors and similar creditors pursuant to the provisions of Article 94, paragraph (1) of that Act before the submission) are deemed to have been filed within the period for filing a proof of claim; and the filing of the Deposits and Other Claims in relation to the addition of a statement under the provisions of the first sentence of Article 462, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is deemed to have been subsequently completed pursuant to the provisions of Article 95, paragraph (1) of that Article.

（預金者等の参加）

(Participation of Depositors)

第四百六十五条　前条の規定により届出又は届出の追完があったものとみなされる預金等債権（機構が民事再生法第九十六条の規定による届出名義の変更を受けたものを除く。以下この条及び次条において同じ。）に係る債権者は、自ら再生手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、再生債権の確

定に関する裁判手続に関する行為については、この限りでない。

Article 465 (1) If a creditor in relation to the Deposits and Other Claims (other than one for which the transfer of the title of holder of a filed claim under the provisions of Article 96 of the Civil Rehabilitation Act has been made with the Corporation; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed or whose filing is deemed to have been subsequently completed under the provisions of the preceding Article intends to personally participate in rehabilitation proceedings, the creditor must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize rehabilitation claims.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、再生手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given until the close of rehabilitation proceedings.

３　参加の届出があったときは、裁判所は、これを機構に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of same to the Corporation.

４　参加の届出をした預金者等は、前条の規定により届出又は届出の追完があったものとみなされる当該預金者等に係る預金等債権の全部をもって自ら再生手続に参加するものとする。

(4) A depositor or similar creditor that gave a Participation Notice is to personally participate in rehabilitation proceedings with regard to the whole of Deposits and Other Claims in relation to the depositor or similar creditor that are deemed to have been filed or whose filing is deemed to have been subsequently completed under the provisions of the preceding Article.

（預金保険機構の権限）

(Powers of the Deposit Insurance Corporation of Japan)

第四百六十六条　機構は、第四百六十四条の規定により届出又は届出の追完があったものとみなされる預金等債権に係る債権者（参加の届出をした預金者等を除く。以下この節において「機構代理預金者」という。）のために、当該機構代理預金者に係る預金等債権（以下この節において「機構代理債権」という。）をもって、再生手続に属する一切の行為（再生債権の調査において、機構が異議を述べた機構代理債権に係る再生債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、機構代理債権に係る届出を取り下げ、若しくは機構代理債権に関する届出に係る事項について当該機構代理債権に係る機構代理預金者の不利益となる変更を加えようとするとき、又は機構代理債権に係る民事再生法第百五条第一項本文の査定の申立てを取り下げ、若しくは機構代理債権に係る再生債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟行為をしようとするときは、当該機構代理債権に係る機構代理預金者の授権がなければならない。

Article 466 The Corporation must conduct any and all acts involved in rehabilitation proceedings (other than acts involved in court proceedings to finalize the rehabilitation claims that constitute Claims Represented by the Corporation (as defined below) to which the Corporation has raised an objection in the investigation of rehabilitation claims) in the interest of the creditors in relation to the Deposits and Other Claims that are deemed to have been filed or whose filing is deemed to have been subsequently completed under the provisions of Article 464 (excluding depositors and similar creditors that gave a Participation Notice; hereinafter referred to as "Depositors Represented by the Corporation" in this Section) with regard to Deposits and Other Claims in relation to the Depositors Represented by the Corporation (hereinafter referred to as "Claims Represented by the Corporation" in this Section); provided, however, that in order to withdraw the filing of a proof in relation to Claims Represented by the Corporation or change the particulars that have been filed concerning Claims Represented by the Corporation in a manner detrimental to the interest of Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation or withdraw a petition for rehabilitation claim assessment in relation to Claims Represented by the Corporation under the main clause of Article 105, paragraph (1) of the Civil Rehabilitation Act or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action concerning the determination of rehabilitation claims in relation to Claims Represented by the Corporation, the delegation of power from Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation is required.

（預金保険機構の義務）

(Obligations of the Deposit Insurance Corporation of Japan)

第四百六十七条　機構は、機構代理預金者のために、公平かつ誠実に前条の行為をしなければならない。

Article 467 (1) The Corporation must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Depositors Represented by the Corporation.

２　機構は、機構代理預金者に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Corporation must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Depositors Represented by the Corporation.

（届出に係る事項の変更）

(Change to the Particulars Pertaining to a Filing)

第四百六十八条　機構は、機構代理債権に関する届出に係る事項について当該機構代理債権に係る機構代理預金者の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 468 (1) When the Corporation becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Corporation should be changed in the interest of the Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation, it must change those particulars in relation to the filing without delay.

２　第四百六十三条第三項の規定は、前項の変更について準用する。

(2) The provisions of Article 463, paragraph (3) apply mutatis mutandis to the change referred to in the preceding paragraph.

３　第一項の規定による変更は、民事再生法の規定の適用については、この章に別段の定めがある場合を除き、同法第九十五条第五項の規定による変更とみなす。

(3) The change under the provisions of paragraph (1) is, for the purpose of application of the provisions of the Civil Rehabilitation Act, deemed to be the change under the provisions of Article 95, paragraph (5) of that Act unless otherwise provided for in this Chapter.

（特別調査期間の費用）

(Expenses for Special Periods for Investigation)

第四百六十九条　機構代理債権に係る民事再生法第百三条第一項に規定する特別調査期間（以下この章において「特別調査期間」という。）に関する費用は、同条第二項の規定にかかわらず、機構の負担とする。ただし、機構は、同法第百三十三条の規定により原状に復した預金等債権について調査するため特別調査期間が定められた場合その他の相当の事由がある場合には、機構代理預金者に当該費用の全部又は一部の償還を求めることができる。

Article 469 Any expenses relating to the Special Period for Investigation prescribed in Article 103, paragraph (1) of the Civil Rehabilitation Act in relation to Claims Represented by the Corporation (hereinafter referred to as a "Special Period for Investigation" in this Chapter) are, notwithstanding the provisions of paragraph (2) of that Article, borne by the Corporation; provided, however, that the Corporation may, in the case where a Special Period for Investigation is set for the examination of the Deposits and Other Claims that have been restored to their original state pursuant to the provisions of Article 133 of that Act or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Depositors Represented by the Corporation.

（異議の通知）

(Notice of an Objection)

第四百七十条　再生債権の調査において、機構代理債権の内容について再生債務者等

（民事再生法第二条第二号に規定する再生債務者等をいう。以下この章において同じ。）が認めず、又は届出再生債権者（同法第百二条第一項に規定する届出再生債権者をいう。以下この章において同じ。）が異議を述べた場合（機構が当該機構代理債権について異議を述べた場合を除く。）には、機構は、遅滞なく、その旨を当該機構代理債権に係る機構代理預金者に通知しなければならない。

Article 470 (1) Where, in an investigation of rehabilitation claims, a Rehabilitation Debtor, etc. (meaning Rehabilitation Debtor, etc. prescribed in Article 2, item (ii) of the Civil Rehabilitation Act; hereinafter the same applies in this Chapter) has disapproved the details of Claims Represented by the Corporation or an objection has been made with regard to the details by any holder of filed rehabilitation claims (meaning holder of filed rehabilitation claims prescribed in Article 102, paragraph (1) of that Act; hereinafter the same applies in this Chapter) (excluding the case where the Corporation has raised objection with regard to the Claims Represented by the Corporation), the Corporation must, without delay, give a notice to that effect to the Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation.

２　再生債権の調査において、機構が機構代理債権の内容について異議を述べた場合には、裁判所書記官は、これを当該機構代理債権に係る機構代理預金者に通知しなければならない。

(2) Where, in an investigation of rehabilitation claims, the Corporation has raised objection with regard to the details of Claims Represented by the Corporation, a court clerk must give a notice of same to the Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation.

（議決権の行使のための通知及び公告）

(Notices and Public Notices for the Exercise of Voting Rights)

第四百七十一条　機構は、再生計画案又は変更計画案についての議決権行使の方法として民事再生法第百六十九条第二項第一号に掲げる方法が定められた場合において、機構代理預金者のために議決権を行使しようとするときは、当該再生計画案又は変更計画案が決議に付される最初の債権者集会の期日の二週間前までに、同意しようとする再生計画案又は変更計画案の内容又はその要旨を機構代理預金者（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

Article 471 (1) Where a means referred to in Article 169, paragraph (2), item (i) of the Civil Rehabilitation Act is set as a means for exercising voting rights concerning a proposed rehabilitation plan or proposed modification, if the Corporation intends to exercise voting rights on behalf of Depositors Represented by the Corporation, it must, by two weeks prior to the date of the first meeting of creditors to which a resolution of the proposed rehabilitation plan or proposed modification is referred, give a notice to Depositors

Represented by the Corporation (other than ones that are unable to exercise voting rights), and give a public notice of the content or gist of the proposed rehabilitation plan or proposed modification to which it intends to give consent.

２　機構は、再生計画案又は変更計画案についての議決権行使の方法として民事再生法第百六十九条第二項第二号又は第三号に掲げる方法が定められた場合において、機構代理預金者のために議決権を行使しようとするときは、同項第二号に規定する期間の末日の二週間前までに、同意しようとする再生計画案又は変更計画案の内容又はその要旨を機構代理預金者（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

(2) Where the means referred to in Article 169, paragraph (2), item (ii) or (iii) of the Civil Rehabilitation Act are set as means for exercising voting rights concerning a proposed rehabilitation plan or proposed modification, if the Corporation intends to exercise voting rights on behalf of Depositors Represented by the Corporation, it must, by two weeks prior to the last day of the period prescribed in item (ii) of that paragraph, give a notice to Depositors Represented by the Corporation (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed rehabilitation plan or proposed modification to which it intends to give consent.

３　機構は、機構代理預金者のために民事再生法第二百十一条第一項又は同法第二百十七条第一項の再生計画案についての同意並びに再生債権の調査及び確定の手続を経ないことについての同意をしようとするときは、その二週間前までに、当該再生計画案の内容を機構代理預金者に通知するとともに、公告しなければならない。

(3) If the Corporation seeks to give consent, on behalf of Depositors Represented by the Corporation, to the proposed rehabilitation plan under Article 211, paragraph (1) of the Civil Rehabilitation Act or Article 217, paragraph (1) of that Act or to consent to no procedure to investigate or finalize rehabilitation claims being conducted, it must give a notice to Depositors Represented by the Corporation, and give a public notice of the content of the proposed rehabilitation plan at least two weeks prior to the date of the consent.

（預金保険機構がする通知等）

(Notice by the Deposit Insurance Corporation of Japan)

第四百七十二条　第四百七十条第一項及び前条の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 472 (1) The notice given under the provisions of Article 470, paragraph (1) and the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　民事再生法第十条第一項及び第二項の規定は、第四百六十二条第二項及び前条の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Civil Rehabilitation Act apply mutatis mutandis to the public notice given under the provisions of

Article 462, paragraph (2) and the preceding Article.

（決済債務の弁済等の許可）

(Permission of the Performance of Settlement of Obligations)

第四百七十三条　再生手続開始の決定があった金融機関に対し預金保険法第六十九条の三第一項（同法第百二十七条において準用する場合を含む。）の規定による資金の貸付けを行う旨の決定があるときは、民事再生法第八十五条第一項の規定にかかわらず、裁判所は、再生債務者等の申立てにより、預金保険法第六十九条の三第一項に規定する決済債務の弁済又は同法第百二十七条において準用する同項に規定する預金等の払戻しを許可することができる。

Article 473 (1) Where an order to the effect that loans of funds are granted to a Financial Institution against which an order to commence rehabilitation proceedings was made pursuant to the provisions of Article 69-3, paragraph (1) of the Deposit Insurance Act (including as applied mutatis mutandis pursuant to Article 127 of that Act) has been made, the court may, notwithstanding the provisions of Article 85, paragraph (1) of the Civil Rehabilitation Act, upon the petition of a Rehabilitation Debtor, etc., grant permission of the performance of settlement obligations under Article 69-3, paragraph (1) of the Deposit Insurance Act or the repayment of deposits, etc. under the provisions of that paragraph as applied mutatis mutandis pursuant to Article 127 of that Act.

２　裁判所は、前項の許可と同時に、弁済を行う決済債務の種類又は払戻しを行う預金等の種別、弁済等の限度額及び弁済等をする期間（当該期間の末日は、債権届出期間の末日より前の日でなければならないものとする。）を定めなければならない。

(2) The court must, upon granting permission pursuant to the provisions of the preceding paragraph, specify the type of the settlement obligations to be performed or the type of the deposits, etc. to be repaid, a limit of performance, etc., and a period in which the performance, etc. is to be made (the last day of the period must precede the last day of the period for filing a proof of claim).

３　裁判所は、前項の規定により、弁済を行う決済債務の種類又は払戻しを行う預金等の種別、弁済等の限度額及び弁済等をする期間を定めるときは、あらかじめ、機構の意見を聴かなければならない。

(3) The court must, when specifying the type of the settlement obligations to be performed or the time of the deposits, etc. to be repaid, a limit of performance, etc. and a period in which the performance, etc. must be made pursuant to the provisions of the preceding paragraph, hear the opinion of the Corporation in advance.

第三節　投資者保護基金の権限
Section 3 Authority of the Investor Protection Fund

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第四百七十四条　裁判所は、金融商品取引業者について再生手続開始の決定をしようとするときは、あらかじめ、民事再生法第三十四条第一項の規定により定める再生債権の届出をすべき期間について、基金の意見を聴かなければならない。

Article 474 If the court intends to issue an order to commence rehabilitation proceedings of a Financial Instruments Business Operator, it must hear the opinion of the Fund in advance about the period during which a proof of rehabilitation claims should be filed as specified pursuant to the provisions of Article 34, paragraph (1) of the Civil Rehabilitation Act.

（包括的禁止命令に関する通知の特例）

(Special Provisions on a Notice of a Comprehensive Prohibition Order)

第四百七十五条　金融商品取引業者について民事再生法第二十八条第一項（同法第三十六条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、再生債権者である顧客に対しては、同法第二十八条第一項の規定による通知をすることを要しない。

Article 475 (1) When an order under the provisions of Article 28, paragraph (1) of the Civil Rehabilitation Act (including as applied mutatis mutandis pursuant to Article 36, paragraph (2) of that Act; hereinafter the same applies in this Article) is made against a Financial Instruments Business Operator, the notice under the provisions of Article 28, paragraph (1) of that Act is not required to be given to customers that are rehabilitation creditors.

2　前項に規定する場合においては、基金に対して、民事再生法第二十八条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice of the main text of the order under Article 28, paragraph (1) of the Civil Rehabilitation Act to the Fund.

（再生手続開始の決定等に関する通知の特例）

(Special Provisions on Notice of an Order Commencing Rehabilitation Proceedings)

第四百七十六条　金融商品取引業者について再生手続開始の決定をしたときは、再生債権者である顧客に対しては、民事再生法第三十五条第三項第一号の規定による通知をすることを要しない。

Article 476 (1) When the court has made an order to commence rehabilitation proceedings against a Financial Instruments Business Operator, the notice under the provisions of Article 35, paragraph (3), item (i) of the Civil Rehabilitation Act is not required to be given to customers that are rehabilitation creditors.

2　前項に規定する場合においては、基金に対して、民事再生法第三十五条第一項及び第二項の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice to the Fund of the particulars of which a public notice should be made pursuant to the provisions of Article 35, paragraphs (1) and (2) of the Civil Rehabilitation Act.

3　金融商品取引業者の再生手続において、第四百八十条第一項の規定による顧客表の提出があるまでに、民事再生法第三十四条第一項の規定により定めた再生債権の届出をすべき期間に変更を生じた場合又は再生手続開始の決定を取り消す決定が確定した場合においては、再生債権者である顧客であって同法第九十四条第一項の規定による届出をしていないものに対しては、同法第三十五条第五項において準用する同条第三項第一号の規定又は同法第三十七条本文の規定による通知をすることを要しない。

(3) In rehabilitation proceedings of a Financial Instruments Business Operator, where there is a change to the period for which a proof of rehabilitation claims should be filed as specified pursuant to the provisions of Article 34, paragraph (1) of the Civil Rehabilitation Act, or an order to revoke the order to commence rehabilitation proceedings becomes final and binding, before a customer list is submitted pursuant to the provisions of Article 480, paragraph (1), the notice under the provisions of paragraph (3), item (i) of that Article as applied mutatis mutandis pursuant to Article 35, paragraph (5) of that Act or the provisions of the main clause of Article 37 of that Act is not required to be given to customers that are rehabilitation creditors and have not filed the particulars specified in the provisions of Article 94, paragraph (1) of that Act.

4　前項に規定する場合においては、基金に対して、民事再生法第三十四条第一項の規定により定めた再生債権の届出をすべき期間について生じた変更の内容又は再生手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同条第二項の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, the court must give a notice to the Fund of the details of the change to the period for which a proof of an unsecured or secured reorganization claim should be filed as specified pursuant to the provisions of Article 34, paragraph (1) of the Civil Rehabilitation Act or the main text of the order to revoke the order to commence rehabilitation proceedings; provided, however, that this does not apply to the case where an order under paragraph (2) of that Article has been made.

（債権者集会の期日の通知）

(Notice of the Date of a Meeting of Creditors)

第四百七十七条　裁判所書記官は、金融商品取引業者の再生手続において、債権届出期間の満了前に債権者集会が招集された場合においては、基金に対し、当該債権者集会の期日を通知しなければならない。ただし、民事再生法第三十四条第二項の決定があったときは、この限りでない。

Article 477　A court clerk must, where a meeting of creditors is convened before

the expiration of the period for filing a proof of claim in rehabilitation proceedings of a Financial Instruments Business Operator, give a notice to the Fund of the date of the meeting of creditors; provided, however, that this does not apply to the case where an order under Article 34, paragraph (2) of the Civil Rehabilitation Act has been made.

（債権者委員会）

(Creditors Committees)

第四百七十八条　基金が第四百八十条第一項の規定による顧客表の提出をする前における民事再生法第百十七条第一項及び第四項の規定の適用については、同条第一項中「再生債権者をもって」とあるのは「再生債権者（投資者保護基金（金融商品取引法（昭和二十三年法律第二十五号）第七十九条の二十一に規定する投資者保護基金であって、再生債務者が加入しているものをいう。以下この条において同じ。）を含む。）をもって」と、同条第四項中「再生債権者の申立て」とあるのは「再生債権者（投資者保護基金を含む。）の申立て」とする。

Article 478 (1) For the purpose of application of the provisions of Article 117, paragraphs (1) and (4) of the Civil Rehabilitation Act before the submission of a customer list by the Fund pursuant to the provisions of Article 480, paragraph (1), the phrase "of rehabilitation creditors" in paragraph (1) of that Article is deemed to be replaced with "of rehabilitation creditors (including the Investor Protection Fund (meaning the Investor Protection Fund prescribed in Article 79-21 of the Financial Instruments and Exchange Act (Act No. 25 of 1948) in which the rehabilitation debtor participates; hereinafter the same applies in this Article))" and the phrase "petition by rehabilitation creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by rehabilitation creditors (including the Investor Protection Fund)".

２　第四百八十四条の規定は、基金が民事再生法第百十七条第二項に規定する債権者委員会を構成する者である場合について準用する。この場合において、第四百八十四条中「基金代理顧客」とあるのは、「顧客」と読み替えるものとする。

(2) The provisions of Article 484 apply mutatis mutandis to the cases where the Fund is a member of the creditors committee prescribed in Article 117, paragraph (2) of the Civil Rehabilitation Act. In this case, the phrase "Customers Represented by the Fund" in Article 484 is deemed to be replaced with "customers".

（顧客表の作成及び縦覧等）

(Preparation and Public Inspections of Customer Lists)

第四百七十九条　基金は、第四百七十六条第二項の規定による通知を受けたときは、遅滞なく、知れている再生債権である顧客債権（基金が債権者であるものを除く。）について、民事再生法第九十九条第二項に規定する事項を記載した顧客表を作成しなければならない。

Article 479 (1) The Fund must, upon receiving the notice under Article 476, paragraph (2), prepare a customer list stating the particulars prescribed in Article 99, paragraph (2) of the Civil Rehabilitation Act with respect to the Customer Claims that are known rehabilitation claims (other than one whose creditor is the Fund), without delay.

２　基金は、顧客表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、顧客表を顧客の縦覧に供しなければならない。

(2) When the Fund has prepared a customer list, it must immediately give a public notice to that effect and of the place where it is made available for public inspection and make the customer list available for public inspection by customers until the day immediately preceding the last day of the period for filing a proof of claim.

３　前項の規定による顧客表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date of commencement of public inspection of a customer list under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

４　基金は、顧客表を縦覧に供することを開始した後、当該顧客表に記載されていない顧客債権（基金が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該顧客表に、当該顧客債権に係る第一項に規定する事項の記載の追加をしなければならない。当該顧客表に記載されている顧客債権について当該顧客債権に係る債権者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Fund, after the making a customer list available for public inspection, becomes aware that there are Customer Claims (other than one whose creditor is the Fund) not stated in the customer list, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the Customer Claims to the customer list. The same applies to cases when the Fund becomes aware that the statement regarding the Customer Claims stated in the customer list should be changed in the interest of the creditors to which the Customer Claims relate.

５　基金は、顧客表を縦覧に供することを開始した後でも、当該顧客表に記載されている顧客の承諾を得て、当該顧客に係る顧客債権について、その記載を削除し、又は当該顧客の不利益となる記載の変更を行うことができる。ただし、当該顧客表に記載されている顧客に係る顧客債権を、金融商品取引法第七十九条の五十七第四項の規定により取得した場合において、当該顧客債権について、その記載を削除し、又は当該顧客の不利益となる記載の変更を行うときは、当該顧客の承諾を要しない。

(5) The Fund may, even after making a customer list available for public inspection, with the approval of the customers stated in the customer list, delete a statement regarding the Customer Claims relating to those customers

or change a statement that is detrimental to the interest of those customers; provided, however, that in cases where the Fund has acquired the Customer Claims in relation to the customers stated in the customer list pursuant to the provisions of Article 79-57, paragraph (4) of the Financial Instruments and Exchange Act, the Fund may, without the approval of those customers, delete a statement regarding the Customer Claims or change a statement that is detrimental to the interest of those customers.

（顧客表の提出）

(Submission of a Customer List)

第四百八十条　基金は、債権届出期間の末日に、前条の規定により作成した顧客表を裁判所に提出しなければならない。

Article 480 (1) The Fund must submit a customer list prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

２　前条第四項前段の規定は、基金が、顧客表を裁判所に提出した後、当該顧客表に記載されていない顧客債権（基金が債権者であるもの及び既に顧客が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Fund becomes aware that there are Customer Claims (other than one whose creditor is the Fund and those that have already been filed with the court by customers) not stated in a customer list after submitting it to the court.

３　前項において準用する前条第四項前段の規定による記載の追加は、再生計画案を決議に付する旨の決定がされた後は、することができない。

(3) The addition of a statement prescribed in the first sentence of paragraph (4) of the preceding Article may not be made after an order to refer the proposed rehabilitation plan to a resolution is made.

４　基金は、第一項の規定による顧客表の提出又は第二項において準用する前条第四項前段の規定による記載の追加をする場合においては、民事再生法第九十四条第一項に規定する事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(4) The Fund, when it submits a customer list under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to paragraph (2), must file with the court the particulars prescribed in the items of Article 94, paragraph (1) of the Civil Rehabilitation Act (excluding the particulars prescribed in paragraph (1) of the preceding Article).

５　金融商品取引業者の再生手続についての民事再生法第十六条第一項の規定の適用については、同項中「この法律（この法律において準用する他の法律を含む。）」とあるのは、「この法律（この法律において準用する他の法律を含む。）及び金融機関等

の更生手続の特例等に関する法律」とする。

(5) For the purpose of application of the provisions of Article 16, paragraph (1) of the Civil Rehabilitation Act to rehabilitation proceedings of a Financial Instruments Business Operator, the phrase "this Act (including other Acts as applied mutatis mutandis pursuant to this Act)" in that paragraph is deemed to be replaced with "this Act (including other Acts as applied mutatis mutandis pursuant to this Act) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

（顧客表の提出の効果）

(Effect of the Submission of Customer Lists)

第四百八十一条　民事再生法の規定の適用については、前条第一項の規定により提出された顧客表に記載されている顧客債権（顧客が当該提出があるまでに同法第九十四条第一項の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第四百七十九条第四項前段の規定による記載の追加に係る顧客債権については同法第九十五条第一項の規定による届出の追完があったものとみなす。

Article 481　For the purpose of application of the provisions of the Civil Rehabilitation Act, Customer Claims stated in a customer list submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by customers pursuant to the provisions of Article 94, paragraph (1) of that Act before the submission) are deemed to have been filed within the period for filing a proof of claim; and the filing of the Customer Claims in relation to the addition of a statement under the provisions of the first sentence of Article 479, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is deemed to have been subsequently completed pursuant to the provisions of Article 95, paragraph (1) of that Article.

（顧客の参加）

(Customer Participation)

第四百八十二条　前条の規定により届出又は届出の追完があったものとみなされる顧客債権（基金が民事再生法第九十六条の規定による届出名義の変更を受けたものを除く。以下この条及び次条において同じ。）に係る債権者は、自ら再生手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、再生債権の確定に関する裁判手続に関する行為については、この限りでない。

Article 482　(1) If a creditor in relation to the Customer Claims (other than one for which the transfer of the title of holder of a filed claim under the provisions of Article 96 of the Civil Rehabilitation Act has been made with the Fund; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed or whose filing is deemed to have been subsequently

completed under the provisions of the preceding Article intends to personally participate in rehabilitation proceedings, the creditor must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize rehabilitation claims.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、再生手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given until the close of rehabilitation proceedings.

３　参加の届出があったときは、裁判所は、これを基金に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of this to the Fund.

４　参加の届出をした顧客は、前条の規定により届出又は届出の追完があったものとみなされる当該顧客に係る顧客債権の全部をもって自ら再生手続に参加するものとする。

(4) A customer that gave a Participation Notice is to personally participate in rehabilitation proceedings with regard to all of the Customer Claims in relation to the customer, that are deemed to have been filed or whose filing is deemed to have been subsequently completed under the provisions of the preceding Article.

（投資者保護基金の権限）

(Authority of the Investor Protection Fund)

第四百八十三条　基金は、第四百八十一条の規定により届出又は届出の追完があったものとみなされる顧客債権に係る債権者（参加の届出をした顧客を除く。以下この節において「基金代理顧客」という。）のために、当該基金代理顧客に係る顧客債権（以下この節において「基金代理債権」という。）をもって、再生手続に属する一切の行為（再生債権の調査において、基金が異議を述べた基金代理債権に係る再生債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、基金代理債権に係る届出を取り下げ、若しくは基金代理債権に関する届出に係る事項について当該基金代理債権に係る基金代理顧客の不利益となる変更を加えようとするとき、又は基金代理債権に係る民事再生法第百五条第一項本文の査定の申立てを取り下げ、若しくは基金代理債権に係る再生債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟行為をしようとするときは、当該基金代理債権に係る基金代理顧客の授権がなければならない。

Article 483　The Fund must perform any and all acts involved in rehabilitation proceedings (other than acts involved in court proceedings to finalize the rehabilitation claims that constitute Claims Represented by the Fund (as defined below) to which the Fund has raised an objection in the investigation of rehabilitation claims) in the interest of the creditors in relation to the Customer Claims that are deemed to have been filed or whose filing is deemed to have been subsequently completed under the provisions of Article 481 (other

than customers that gave a Participation Notice; hereinafter referred to as "Customers Represented by the Fund" in this Section) with regard to Customer Claims in relation to the Customers Represented by the Fund (hereinafter referred to as "Claims Represented by the Fund" in this Section); provided, however, that in order to withdraw the filing of a proof in relation to Claims Represented by the Fund or change the particulars that have been filed concerning Claims Represented by the Fund in a manner detrimental to the interest of Customers Represented by the Fund in relation to the Claims Represented by the Fund or withdraw a petition for rehabilitation claim assessment in relation to Claims Represented by the Fund under the main clause of Article 105, paragraph (1) of the Civil Rehabilitation Act or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action concerning the determination of rehabilitation claims in relation to Claims Represented by the Fund, the delegation of power from Customers Represented by the Fund in relation to the Claims Represented by the Fund is required.

（投資者保護基金の義務）

(Obligations of the Investor Protection Fund)

第四百八十四条　基金は、基金代理顧客のために、公平かつ誠実に前条の行為をしなければならない。

Article 484 (1) The Fund must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Customers Represented by the Fund.

２　基金は、基金代理顧客に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Fund must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Customers Represented by the Fund.

（届出に係る事項の変更）

(Change to the Particulars Pertaining to Filing)

第四百八十五条　基金は、基金代理債権に関する届出に係る事項について当該基金代理債権に係る基金代理顧客の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 485 (1) When the Fund becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Fund should be changed in the interest of the Customers Represented by the Fund in relation to the Claims Represented by the Fund, it must change those particulars in relation to the filing without delay.

２　第四百八十条第三項の規定は、前項の変更について準用する。

(2) The provisions of Article 480, paragraph (3) apply mutatis mutandis to the

change referred to in the preceding paragraph.

3　第一項の規定による変更は、民事再生法の規定の適用については、この章に別段の定めがある場合を除き、同法第九十五条第五項の規定による変更とみなす。

(3) The change under the provisions of paragraph (1) is, for the purpose of application of the provisions of the Civil Rehabilitation Act, deemed to be the change under the provisions of Article 95, paragraph (5) of that Act unless otherwise provided for in this Chapter.

（特別調査期間の費用）

(Expenses for Special Periods for Investigation)

第四百八十六条　基金代理債権に係る特別調査期間に関する費用は、民事再生法第百三条第二項の規定にかかわらず、基金の負担とする。ただし、基金は、同法第百三十三条の規定により原状に復した顧客債権について調査するため特別調査期間が定められた場合その他の相当の事由がある場合には、基金代理顧客に当該費用の全部又は一部の償還を求めることができる。

Article 486　Any expenses relating to the Special Period for Investigation in relation to Claims Represented by the Fund are, notwithstanding the provisions of Article 103, paragraph (2) of the Civil Rehabilitation Act, borne by the Fund; provided, however, that the Fund may, in the case where a Special Period for Investigation is set for the examination of the Customer Claims that have been restored to their original state pursuant to the provisions of Article 133 of that Act or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Customers Represented by the Fund.

（異議の通知）

(Notice of an Objection)

第四百八十七条　再生債権の調査において、基金代理債権の内容について再生債務者等が認めず、又は届出再生債権者が異議を述べた場合（基金が当該基金代理債権について異議を述べた場合を除く。）には、基金は、遅滞なく、その旨を当該基金代理債権に係る基金代理顧客に通知しなければならない。

Article 487　(1) Where, in an investigation of rehabilitation claims, a Rehabilitation Debtor, etc. has disapproved the details of Claims Represented by the Fund or an objection has been made with regard to the details by any holder of filed rehabilitation claims (excluding the case where the Fund has raised objection with regard to the Claims Represented by the Fund), the Fund must, without delay, give a notice to that effect to the Customers Represented by the Fund in relation to the Claims Represented by the Fund.

2　再生債権の調査において、基金が基金代理債権の内容について異議を述べた場合には、裁判所書記官は、これを当該基金代理債権に係る基金代理顧客に通知しなければならない。

(2) Where, in an investigation of rehabilitation claims, the Fund has raised objection with regard to the details of Claims Represented by the Fund, a court clerk must give a notice of same to the Customers Represented by the Fund in relation to the Claims Represented by the Fund.

（議決権の行使のための通知及び公告）

(Notices and Public Notices for the Exercise of Voting Rights)

第四百八十八条　基金は、再生計画案又は変更計画案についての議決権行使の方法として民事再生法第百六十九条第二項第一号に掲げる方法が定められた場合において、基金代理顧客のために議決権を行使しようとするときは、当該再生計画案又は変更計画案が決議に付される最初の債権者集会の期日の二週間前までに、同意しようとする再生計画案又は変更計画案の内容又はその要旨を基金代理顧客（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

Article 488 (1) Where a means referred to in Article 169, paragraph (2), item (i) of the Civil Rehabilitation Act is set as a means for exercising voting rights concerning a proposed rehabilitation plan or proposed modification, if the Fund intends to exercise voting rights on behalf of Customers Represented by the Fund, it must, by two weeks prior to the date of the first meeting of creditors to which a resolution of the proposed rehabilitation plan or proposed modification is referred, give a notice to Customers Represented by the Fund (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed rehabilitation plan or proposed modification to which it intends to give consent.

2　基金は、再生計画案又は変更計画案についての議決権行使の方法として民事再生法第百六十九条第二項第二号又は第三号に掲げる方法が定められた場合において、基金代理顧客のために議決権を行使しようとするときは、同項第二号に規定する期間の末日の二週間前までに、同意しようとする再生計画案又は変更計画案の内容又はその要旨を基金代理顧客（議決権を行使することができない者を除く。）に通知するとともに、公告しなければならない。

(2) Where the means referred to in Article 169, paragraph (2), item (ii) or (iii) of the Civil Rehabilitation Act are set as means for exercising voting rights concerning a proposed rehabilitation plan or proposed modification, if the Fund intends to exercise voting rights on behalf of Customers Represented by the Fund, it must, by two weeks prior to the last day of the period prescribed in item (ii) of that paragraph, give a notice to Customers Represented by the Fund (other than ones that are unable to exercise voting rights), and give a public notice of the content or outline of the proposed rehabilitation plan or proposed modification to which it intends to give consent.

3　基金は、基金代理顧客のために民事再生法第二百十一条第一項又は同法第二百十七条第一項の再生計画案についての同意並びに再生債権の調査及び確定の手続を経ないことについての同意をしようとするときは、その二週間前までに、当該再生計画案の

内容を基金代理顧客に通知するとともに、公告しなければならない。

(3) If the Fund seeks to consent, on behalf of Customers Represented by the Fund, to the proposed rehabilitation plan under Article 211, paragraph (1) of the Civil Rehabilitation Act or Article 217, paragraph (1) of that Act or to consent to no procedure to investigate or determine rehabilitation claims being conducted, it must give a notice to Customers Represented by the Fund, and give a public notice of the content of the proposed rehabilitation plan at least two weeks prior to the date of the consent.

（投資者保護基金がする通知等）

(Notices by the Investor Protection Fund)

第四百八十九条　第四百八十七条第一項及び前条の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 489 (1) The notice given under the provisions of Article 487, paragraph (1) and the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　民事再生法第十条第一項及び第二項の規定は、第四百七十九条第二項及び前条の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Civil Rehabilitation Act apply mutatis mutandis to the public notice given under the provisions of Article 479, paragraph (2) and the preceding Article.

第六章　金融機関等の破産手続の特例

Chapter VI Special Provisions on Bankruptcy Proceedings in Financial Institutions and Similar Entities

第一節　監督庁による破産手続開始の申立て等

Section 1 Supervisory Agency Petitions to Commence Bankruptcy Proceedings

（破産手続開始の申立て等）

(Petition for Commencement of Bankruptcy Proceedings)

第四百九十条　監督庁は、金融機関、外国銀行支店に係る外国銀行、銀行持株会社、長期信用銀行持株会社、信用金庫連合会、信用協同組合連合会、労働金庫連合会、金融商品取引業者（金融商品取引法第二条第九項に規定する金融商品取引業者をいう。）、指定親会社、保険会社、保険持株会社及び少額短期保険業者（以下この節において「金融機関等」という。）に破産手続開始の原因となる事実があるときは、破産手続開始の申立てをすることができる。

Article 490 (1) When a fact constituting the grounds for the commencement of bankruptcy proceedings has occurred to a Financial Institution, Foreign Bank in relation to a Foreign Bank Branch, Bank Holding Company, Long-Term Credit Bank Holding Company, federation of Shinkin Banks, federation of

credit cooperatives, federation of labor banks, Financial Instruments Business Operator (meaning Financial Instruments Business Operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act), Designated Parent Company, Insurance Company, Insurance Holding Company Insurance Company, or Small Amount and Short Term Insurance Provider (hereinafter referred to as a "financial institution or similar entity" in this Section), the Supervisory Agency may file a petition for commencement of bankruptcy proceedings.

2　第三百七十七条第二項の規定は監督庁が前項の規定によりする金融機関、外国銀行支店に係る外国銀行、銀行持株会社、長期信用銀行持株会社、信用金庫連合会、信用協同組合連合会及び労働金庫連合会の破産手続開始の申立てについて、同条第三項の規定は監督庁が前項の規定によりする金融商品取引業者及び指定親会社の破産手続開始の申立てについて、同条第四項の規定は監督庁が前項の規定によりする保険会社、保険持株会社及び少額短期保険業者の破産手続開始の申立てについて、それぞれ準用する。

(2) The provisions of Article 377, paragraph (2) apply mutatis mutandis to a petition for commencement of bankruptcy proceedings of a Financial Institution, Foreign Bank in relation to Foreign Bank Branch, Bank Holding Company, Long-Term Credit Bank Holding Company, federation of Shinkin Banks, federation of credit cooperatives or federation of labor banks filed by the Supervisory Agency pursuant to the provisions of the preceding paragraph; the provisions of paragraph (3) of that Article apply mutatis mutandis to a petition for commencement of bankruptcy proceedings of a Financial Instruments Business Operator or Designated Parent Company filed by the Supervisory Agency pursuant to the provisions of the preceding paragraph; and the provisions of paragraph (4) of that Article apply mutatis mutandis to a petition for commencement of bankruptcy proceedings of an Insurance Company, Insurance Holding Company or Small Amount and Short Term Insurance Provider filed by the Supervisory Agency pursuant to the provisions of the preceding paragraph.

3　第一項の規定により監督庁が破産手続開始の申立てをするときは、破産法第二十条第二項及び第二十三条第一項前段の規定は、適用しない。

(3) If the Supervisory Agency files a petition for commencement of bankruptcy proceedings pursuant to the provisions of paragraph (1), the provisions of Article 20, paragraph (2) and the first sentence of Article 23, paragraph (1) of the Bankruptcy Act do not apply.

（破産手続開始の申立てを棄却する決定に対する抗告）

(Appeal against an Order to Dismiss with Prejudice on the Merits a Petition to Commence Bankruptcy Proceedings)

第四百九十一条　監督庁は、破産法第九条前段の規定にかかわらず、前条第一項の規定

による破産手続開始の申立てを棄却する決定に対して、即時抗告をすることができる。
Article 491 Notwithstanding the provisions of the first sentence of Article 9 of the Bankruptcy Act, the Supervisory Agency may file an immediate appeal against an order to dismiss with prejudice on the merits a petition for commencement of bankruptcy proceedings filed pursuant to the provisions of paragraph (1) of the preceding Article.

（監督庁への通知）
(Notice to the Supervisory Agency)
第四百九十二条　金融機関等について破産手続開始の申立てがあったとき（第四百九十条第一項の規定により監督庁が破産手続開始の申立てをしたときを除く。）は、裁判所書記官は、監督庁にその旨を通知しなければならない。
Article 492 When a petition for commencement of bankruptcy proceedings in a financial institution or similar entity is filed (excluding cases where the Supervisory Agency filed a petition for commencement of bankruptcy proceedings pursuant to the provisions of Article 490, paragraph (1)), a court clerk must notify the Supervisory Agency of this.

（他の手続の中止命令等の申立て等）
(Petition for an Order to Stay Other Procedures)
第四百九十三条　金融機関等について破産手続開始の申立てがあった場合においては、監督庁は、破産法第二十四条第一項又は第二十五条第一項（これらの規定を同法第三十三条第二項において準用する場合を含む。）の規定による申立てをすることができる。
Article 493 (1) In cases where a petition for commencement of bankruptcy proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 24, paragraph (1) or Article 25, paragraph (1) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act).
２　前項に規定する場合においては、監督庁は、破産法第九条前段の規定にかかわらず、同法第二十四条第一項（同法第三十三条第二項において準用する場合を含む。）の規定による中止の命令、同法第二十四条第二項（同法第三十三条第二項において準用する場合を含む。）の規定による決定、同法第二十四条第三項（同法第三十三条第二項において準用する場合を含む。）の規定による取消しの命令、同法第二十五条第一項（同法第三十三条第二項において準用する場合を含む。）の規定による禁止の命令、同法第二十五条第四項（同法第三十三条第二項において準用する場合を含む。）の規定による決定、同法第二十五条第五項（同法第三十三条第二項において準用する場合を含む。）の規定による取消しの命令又は同法第二十七条第一項（同法第三十三条第二項において準用する場合を含む。）の申立てについての裁判に対して、即時抗告をすることができる。
(2) In the case prescribed in the preceding paragraph, the Supervisory Agency

may, notwithstanding the provisions of the first sentence of Article 9 of the Bankruptcy Act, file an immediate appeal against: a stay order under the provisions of Article 24, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act); an order under the provisions of Article 24, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act); a revocation order under the provisions of Article 24, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act); a prohibition order under the provisions of Article 25, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act); an order under the provisions of Article 25, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act); a revocation order under the provisions of Article 25, paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act); or a judicial decision on a petition under the provisions of Article 27, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act).

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（保全処分の申立て等）

(Petition for a Provisional Remedy or Other Measures)

第四百九十四条　金融機関等について破産手続開始の申立てがあった場合においては、監督庁は、破産法第二十八条第一項（同法第三十三条第二項において準用する場合を含む。次項において同じ。）の規定による申立てをすることができる。

Article 494 (1) In cases where a petition for commencement of bankruptcy proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 28, paragraph (1) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act; the same applies in the following paragraph).

2　前項に規定する場合においては、監督庁は、破産法第九条前段の規定にかかわらず、同法第二十八条第一項の規定による保全処分又は同条第二項（同法第三十三条第二項において準用する場合を含む。）の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency may, notwithstanding the provisions of the first sentence of Article 9 of the Bankruptcy Act, file an immediate appeal against a provisional remedy under the provisions of Article 28, paragraph (1) of that Act or an order under the provisions of paragraph (2) of that Act (including as applied mutatis mutandis

pursuant to Article 33, paragraph (2) of that Act).

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（保全管理命令の申立て等）

(Petition for a Provisional Administration Order)

第四百九十五条　金融機関等について破産手続開始の申立てがあった場合においては、監督庁は、破産法第九十一条第一項（同条第三項において準用する場合を含む。次項において同じ。）の規定による申立てをすることができる。

Article 495 (1) In cases where a petition for commencement of bankruptcy proceedings in a financial institution or similar entity has been filed, the Supervisory Agency may file a petition under the provisions of Article 91, paragraph (1) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to paragraph (3) of that Article; the same applies in the following paragraph).

2　前項に規定する場合においては、監督庁は、破産法第九条前段の規定にかかわらず、同法第九十一条第一項の規定による処分又は同条第四項の規定による決定に対して、即時抗告をすることができる。

(2) In the case prescribed in the preceding paragraph, the Supervisory Agency may, notwithstanding the provisions of the first sentence of Article 9 of the Bankruptcy Act, file an immediate appeal against a disposition under the provisions of Article 91, paragraph (1) of that Act or an order under the provisions of paragraph (4) of that Article.

3　前項の即時抗告は、執行停止の効力を有しない。

(3) The immediate appeal referred to in the preceding paragraph does not have the effect of a stay of execution.

（破産事件の管轄、移送及び通知の特例）

(Special Provisions on Jurisdiction, Transfer, and Notice of a Bankruptcy Case)

第四百九十六条　金融機関等に係る破産事件についての破産法第五条第八項及び第九項並びに第七条第四号ロ及びハの規定の適用については、破産手続開始の決定がされたとすれば破産債権となるべき債権を有する債権者（破産手続開始の決定後にあっては、破産債権者）の数が千人以上であるものとみなす。

Article 496 (1) For the purpose of application of the provisions of Article 5, paragraphs (8) and (9) and Article 7, item (iv), (b) and (c) of the Bankruptcy Act to bankruptcy cases in relation to financial institution or similar entity, the number of creditors that have claims that would have become bankruptcy claims if an order to commence bankruptcy proceedings had been made (after an order to commence bankruptcy proceedings, bankruptcy creditors) is deemed to be 1,000 or more.

２　金融機関等に係る破産事件についての破産法第三十一条第五項の規定の適用については、知れている破産債権者の数が千人以上であるものとみなす。

(2) For the purpose of application of the provisions of Article 31, paragraph (5) of the Bankruptcy Act to bankruptcy cases in relation to financial institution or similar entity, the number of known bankruptcy creditors is deemed to be 1,000 or more.

第二節　預金保険機構の権限
Section 2 Authority of the Deposit Insurance Corporation of Japan

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第四百九十七条　裁判所は、金融機関について破産手続開始の決定をしようとするときは、あらかじめ、破産法第三十一条第一項第一号の規定により定める破産債権の届出をすべき期間について、機構の意見を聴かなければならない。

Article 497 If the court intends to issue an order to commence bankruptcy proceedings of a Financial Institution, it must hear the opinion of the Corporation in advance about the period for which a proof of bankruptcy claims should be filed as specified pursuant to the provisions of Article 31, paragraph (1), item (i) of the Bankruptcy Act.

（包括的禁止命令に関する通知の特例）

(Special Provisions on a Notice of a Comprehensive Prohibition Order)

第四百九十八条　金融機関について破産法第二十六条第一項（同法第三十三条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、預金者等に対しては、同法第二十六条第一項の規定による通知をすることを要しない。

Article 498 (1) When an order under the provisions of Article 26, paragraph (1) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act; hereinafter the same applies in this Article) has been made against a Financial Institution, the notice under the provisions of Article 26, paragraph (1) of that Act is not required to be given to depositors and similar creditors

２　前項に規定する場合においては、機構に対して、破産法第二十六条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice of the main text of the order under Article 26, paragraph (1) of the Bankruptcy Act must be given to the Corporation.

（破産手続開始の決定等に関する通知の特例）

(Special Provisions on a Notice of an Order Commencing Bankruptcy

Proceedings)

第四百九十九条　金融機関について破産手続開始の決定をしたときは、破産債権者である預金者等に対しては、破産法第三十二条第三項第一号の規定による通知をすることを要しない。

Article 499 (1) When the court has made an order to commence bankruptcy proceedings against a Financial Institution, the notice under the provisions of Article 32, paragraph (3), item (i) of the Bankruptcy Act is not required to be given to depositors and similar creditors that are bankruptcy creditors.

2　前項に規定する場合においては、機構に対して、破産法第三十二条第一項及び第二項の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice of the particulars of which a public notice should be made pursuant to the provisions of Article 32, paragraphs (1) and (2) of the Bankruptcy Act must be given to the Corporation.

3　金融機関の破産手続において、第五百四条第一項の規定による預金者表の提出があるまでに、破産法第三十二条第一項第二号若しくは第三号に掲げる事項に変更を生じた場合（同号に掲げる事項にあっては、同法第三十一条第一項第一号の期間又は同項第二号の期日に変更を生じた場合に限る。）又は破産手続開始の決定を取り消す決定が確定した場合においては、破産債権者である預金者等であって同法第百十一条第一項の規定による届出をしていないものに対しては、同法第三十二条第五項において準用する同条第三項第一号の規定又は同法第三十三条第三項本文の規定による通知をすることを要しない。

(3) In bankruptcy proceedings of a Financial Institution, where there is a change to the particulars referred to in Article 32, item (1), (ii) or (iii) of the Bankruptcy Act (for the particulars referred to in that item, limited to cases where there is a change to the period referred to in Article 31, paragraph (1), item (i) of that Act or the date referred to in item (ii) of that paragraph), or an order to revoke the order to commence bankruptcy proceedings becomes final and binding, before a schedule of depositors is submitted pursuant to the provisions of Article 504, paragraph (1), the notice under the provisions of paragraph (3), item (i) of that Article as applied mutatis mutandis pursuant to Article 32, paragraph (5) of that Act or the provisions of the main clause of Article 33, paragraph (3) of that Act is not required to be given to depositors and similar creditors that are bankruptcy creditors and have not filed the particulars specified in the provisions of Article 111, paragraph (1) of that Act.

4　前項に規定する場合においては、機構に対して、破産法第三十二条第一項第二号若しくは第三号に掲げる事項（同号に掲げる事項にあっては、同法第三十一条第一項第一号の期間又は同項第二号の期日に限る。）について生じた変更の内容又は破産手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同法第三十一条第五項の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, a notice of the details of the change to the particulars referred to in Article 32, paragraph (1), item (ii)

or (iii) of the Bankruptcy Act (for the particulars referred to in that item, limited to the period referred to in Article 31, paragraph (1), item (i) of that Act or the date referred to in item (ii) of that paragraph) or the main text of the order to revoke the order of commencement of bankruptcy proceedings must be given to the Corporation; provided, however, that this does not apply to the case where an order under Article 31, paragraph (5) of that Act has been made.

（少額配当受領申出に関する通知）

(Notices Concerning an Offer to Receive a Small-Amount Distribution)

第五百条　機構は、前条第二項の規定による通知を受けたときは、破産債権者である預金者等に対し、遅滞なく、自己に対する配当額の合計額が破産法第百十一条第一項第四号に規定する最高裁判所規則で定める額に満たない場合においても配当金を受領する意思（以下この章において「少額配当受領の意思」という。）があるときは債権届出期間（同項に規定する債権届出期間をいう。以下この章において同じ。）の末日の前日までに機構に申し出るべき旨を通知しなければならない。

Article 500　The Corporation must, upon receiving the notice under the provisions of paragraph (2) of the preceding Article, give a notice to depositors and similar creditors that are bankruptcy creditors without delay to the effect that if they have the intention of receiving distribution money, even when the total amount of distribution given to them is less than the amount specified by Rules of the Supreme Court as prescribed in Article 111, paragraph (1), item (iv) of the Bankruptcy Act (hereinafter referred to as an "Intention of Receiving a Small-Amount Distribution" in this Chapter), they must notify the Corporation to that effect by the day immediately preceding the last day of the period for filing a proof of claim (meaning period for filing a proof of claim prescribed in that paragraph; hereinafter the same applies in this Chapter).

（債権者集会の期日の通知）

(Notice of a Date of a Meeting of Creditors)

第五百一条　裁判所書記官は、金融機関の破産手続において、債権届出期間の満了前に債権者集会が招集された場合においては、機構に対し、当該債権者集会の期日を通知しなければならない。ただし、破産法第三十一条第五項の決定があったときは、この限りでない。

Article 501　A court clerk must, where a meeting of creditors is convened before the expiration of the period for filing a proof of claim in bankruptcy proceedings of a Financial Institution, give a notice to the Corporation of the date of the meeting of creditors; provided, however, that this does not apply to the case where an order under Article 31, paragraph (5) of the Bankruptcy Act has been made.

（債権者委員会）

(Creditors Committees)

第五百二条　機構が第五百四条第一項の規定による預金者表の提出をする前における破産法第百四十四条第一項及び第四項の規定の適用については、同条第一項中「破産債権者をもって」とあるのは「破産債権者（預金保険機構を含む。）をもって」と、同条第四項中「破産債権者の申立て」とあるのは「破産債権者（預金保険機構を含む。）の申立て」とする。

Article 502 (1) For the purpose of application of the provisions of Article 144, paragraph (1) and (4) of the Bankruptcy Act before the submission of a schedule of depositors by the Corporation pursuant to the provisions of Article 504, paragraph (1), the phrase "of bankruptcy creditors" in paragraph (1) of that Article is deemed to be replaced with "of bankruptcy creditors (including the Deposit Insurance Corporation of Japan)" and the phrase "petition by bankruptcy creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by bankruptcy creditors (including the Deposit Insurance Corporation of Japan)".

２　第五百八条の規定は、機構が破産法第百四十四条第二項に規定する債権者委員会を構成する者である場合について準用する。この場合において、第五百八条中「機構代理預金者」とあるのは、「預金者等」と読み替えるものとする。

(2) The provisions of Article 508 apply mutatis mutandis to the cases where the Corporation is a member of the creditors committee prescribed in Article 144, paragraph (2) of the Bankruptcy Act. In this case, the phrase "Depositors Represented by the Corporation" in Article 508 is deemed to be replaced with "depositors and similar creditors"

（預金者表の作成及び縦覧等）

(Preparation and Public Inspection of Schedule of Depositors)

第五百三条　機構は、第四百九十九条第二項の規定による通知を受けたときは、遅滞なく、知れている破産債権である預金等債権（機構が債権者であるものを除く。）について、破産法第百十五条第二項に規定する事項を記載した預金者表を作成しなければならない。

Article 503 (1) The Corporation must, upon receiving the notice under Article 499, paragraph (2), prepare a schedule of depositors stating the particulars prescribed in Article 115, paragraph (2) of the Bankruptcy Act with respect to the Deposits and Other Claims that are known bankruptcy claims (other than one whose creditor is the Corporation), without delay.

２　機構は、預金者表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、預金者表を預金者等の縦覧に供しなければならない。

(2) When the Corporation has prepared a schedule of depositors, it must immediately give a public notice to that effect and of the place where it is made available for public inspection and make the schedule of depositors available

for public inspection by depositors and similar creditors until the day immediately preceding the last day of the period for filing a proof of claim.

3　前項の規定による預金者表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date of commencement of public inspection of the schedule of depositors under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

4　機構は、預金者表を縦覧に供することを開始した後、当該預金者表に記載されていない預金等債権（機構が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該預金者表に、当該預金等債権に係る第一項に規定する事項の記載の追加をしなければならない。当該預金者表に記載されている預金等債権について当該預金等債権に係る債権者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Corporation, after making a schedule of depositors available for public inspection, becomes aware that there are Deposits and Other Claims (other than one whose creditor is the Corporation) not stated in the schedule of depositors, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the Deposits and Other Claims to the schedule of depositors. The same applies to cases when the Corporation becomes aware that the statement regarding the Deposits and Other Claims stated in the schedule of depositors should be changed in the interest of the creditors in relation to the Deposits and Other Claims.

5　機構は、預金者表を縦覧に供することを開始した後、当該預金者表に記載されている預金等債権に係る債権者から、少額配当受領の意思がある旨の申出（以下この章において「少額配当受領申出」という。）があったときは、当該預金者表に、その旨の記載の追加をしなければならない。

(5) The Corporation must, if it receives an offer from a creditor in relation to Deposits and Other Claims stated in the schedule of depositors to the effect that they have the Intention of Receiving Small Amount Distribution (hereinafter referred to as a "Small Amount Distribution Receiving Offer" in this Chapter) after making the schedule of depositors available for public inspection, add a statement to that effect to the schedule of depositors.

6　機構は、預金者表を縦覧に供することを開始した後でも、当該預金者表に記載されている預金者等の承諾を得て、当該預金者等に係る預金等債権について、その記載を削除し、又は当該預金者等の不利益となる記載の変更を行うことができる。ただし、当該預金者表に記載されている預金者等に係る預金等債権を、預金保険法第五十八条第一項若しくは第三項の規定により取得し、又は同法第七十条の規定により買い取った場合において、当該預金等債権について、その記載を削除し、又は当該預金者等の不利益となる記載の変更を行うときは、当該預金者等の承諾を要しない。

(6) The Corporation may, even after making a schedule of depositors available for

public inspection, with the approval of the depositors and similar creditors stated in the schedule of depositors, delete a statement regarding the Deposits and Other Claims in relation to the depositors and similar creditors or change a statement that is detrimental to the interest of the depositors and similar creditors; provided, however, that in cases where the Corporation has acquired pursuant to the provisions of Article 58, paragraph (1) or (3) of the Deposit Insurance Act or purchased pursuant to the provisions of Article 70 of that Act the Deposits and Other Claims in relation to the depositors and similar creditors stated in the schedule of depositors, the Corporation may, without the approval of the depositors and similar creditors, delete a statement regarding the Deposits and Other Claims or change a statement that is detrimental to the interest of the depositors and similar creditors

（預金者表の提出）

(Submission of Depositor Schedules)

第五百四条　機構は、債権届出期間の末日に、前条の規定により作成した預金者表を裁判所に提出しなければならない。

Article 504 (1) The Corporation must submit a schedule of depositors prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

２　前条第四項前段の規定は、機構が、預金者表を裁判所に提出した後、当該預金者表に記載されていない預金等債権（機構が債権者であるもの及び既に預金者等が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Corporation becomes aware that there are Deposits and Other Claims (other than one whose creditor is the Corporation and those that have already been filed with the court by depositors and similar creditors) not stated in a schedule of depositors after submitting it to the court.

３　機構は、第一項の規定による預金者表の提出又は前項において準用する前条第四項前段の規定による記載の追加をする場合においては、破産法第百十一条第一項各号に掲げる事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(3) The Corporation, when it submits the schedule of depositors under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph, must file with the court the particulars referred to in the items of Article 111, paragraph (1) of the Bankruptcy Act (excluding the particulars prescribed in paragraph (1) of the preceding Article).

４　前条第五項の規定は、機構が預金者表を裁判所に提出した後、少額配当受領申出が

あった場合について準用する。

(4) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the case where Corporation received a Small Amount Distribution Receiving Offer after submitting a schedule of depositors to the court.

5　金融機関の破産手続についての破産法第十一条第一項の規定の適用については、同項中「この法律（この法律において準用する他の法律を含む。）」とあるのは、「この法律（この法律において準用する他の法律を含む。）及び金融機関等の更生手続の特例等に関する法律」とする。

(5) For the purpose of application of the provisions of Article 11, paragraph (1) of the Bankruptcy Act to bankruptcy proceedings of a Financial Institution, the phrase "this Act (including other Acts as applied mutatis mutandis pursuant to this Act)" in that paragraph is deemed to be replaced with "this Act (including other Acts as applied mutatis mutandis pursuant to this Act) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

（預金者表の提出の効果）

(Effect of Submission of Depositor Schedules)

第五百五条　破産法の規定の適用については、前条第一項の規定により提出された預金者表に記載されている預金等債権（預金者等が当該提出があるまでに同法第百十一条第一項の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第五百三条第四項前段の規定による記載の追加に係る預金等債権については、当該記載の追加が同法第百十二条第一項に規定する一般調査期間（以下この章において「一般調査期間」という。）の満了前又は同項に規定する一般調査期日（以下この章において「一般調査期日」という。）の終了前の記載の追加であるときは債権届出期間の経過後であって一般調査期間の満了前又は一般調査期日の終了前に届出があったものと、当該記載の追加が一般調査期間の経過後又は一般調査期日の終了後の記載の追加であるときは同項の規定による届出があったものとみなす。

Article 505　For the purpose of application of the provisions of the Bankruptcy Act, Deposits and Other Claims stated in a schedule of depositors submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by depositors and similar creditors pursuant to the provisions of Article 111, paragraph (1) of that Act before the submission) are deemed to have been filed within the period for filing a proof of claim; and the Deposits and Other Claims in relation to the addition of a statement under the provisions of the first sentence of Article 503, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are, if the statement is added prior to the expiration of the ordinary period for investigation prescribed in Article 112, paragraph (1) of that Act (hereinafter referred to as an "Ordinary Period for Investigation" in this Chapter) or the close of the ordinary date of investigation prescribed in that paragraph

(hereinafter referred to as an "Ordinary Date of Investigation" in this Chapter), deemed to have been filed after the expiration of the period for filing a proof of claim, but prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, and are, if the statement is added after the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to have been filed under the provisions of that paragraph.

（預金者等の参加）

(Participation of Depositors)

第五百六条　前条の規定により届出があったものとみなされる預金等債権（機構が破産法第百十三条第一項の規定による届出名義の変更を受けたものを除く。以下この条及び次条において同じ。）に係る債権者は、自ら破産手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、破産債権の確定に関する裁判手続に関する行為については、この限りでない。

Article 506 (1) If a creditor in relation to the Deposits and Other Claims (other than one for which a transfer of the title of the holder of a filed claim under the provisions of Article 113, paragraph (1) of the Bankruptcy Act has been made with the Corporation; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed under the provisions of the preceding Article intends to personally participate in bankruptcy proceedings, the creditor must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize bankruptcy claims.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、破産手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given until the close of bankruptcy proceedings.

３　参加の届出があったときは、裁判所は、これを機構に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of same to the Corporation.

４　参加の届出をした預金者等は、前条の規定により届出があったものとみなされる当該預金者等に係る預金等債権の全部をもって自ら破産手続に参加するものとする。

(4) A depositor or similar creditor that personally gave a Participation Notice is to participate in bankruptcy proceedings with regard to the whole of Deposits and Other Claims in relation to the depositor or similar creditor that are deemed to have been filed under the provisions of the preceding Article.

（預金保険機構の権限）

(Powers of the Deposit Insurance Corporation of Japan)

第五百七条　機構は、第五百五条の規定により届出があったものとみなされる預金等債権に係る債権者（参加の届出をした預金者等を除く。以下この節において「機構代理預金者」という。）のために、当該機構代理預金者に係る預金等債権（以下この節において「機構代理債権」という。）をもって、破産手続に属する一切の行為（破産債権の調査において、機構が異議を述べた機構代理債権に係る破産債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、機構代理債権に係る届出を取り下げ、若しくは機構代理債権に関する届出に係る事項について当該機構代理債権に係る機構代理預金者の不利益となる変更を加えようとするとき、又は機構代理債権に係る破産債権査定申立て（破産法第百二十五条第一項に規定する破産債権査定申立てをいう。以下この章において同じ。）を取り下げ、若しくは機構代理債権に係る破産債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟行為をしようとするときは、当該機構代理債権に係る機構代理預金者の授権がなければならない。

Article 507　The Corporation is to conduct any and all acts involved in bankruptcy proceedings (other than acts involved in court proceedings to finalize bankruptcy claims in relation to Claims Represented by the Corporation (as defined below) to which the Corporation has raised objection in the investigation of bankruptcy claims) in the interest of the creditors in relation to the Deposits and Other Claims that are deemed to have been filed under the provisions of Article 505 (excluding depositors and similar creditors that gave a Participation Notice; hereinafter referred to as "Depositors Represented by the Corporation" in this Section) with regard to Deposits and Other Claims in relation to the Depositors Represented by the Corporation (hereinafter referred to as "Claims Represented by the Corporation" in this Section); provided, however, that in order to withdraw the filing of a proof in relation to Claims Represented by the Corporation or change the particulars that have been filed concerning Claims Represented by the Corporation in a manner detrimental to the interest of Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation or withdraw a petition for bankruptcy claim assessment (meaning petition for bankruptcy claim assessment prescribed in Article 125, paragraph (1) of the Bankruptcy Act; hereinafter the same applies in this Chapter) in relation to Claims Represented by the Corporation or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action concerning the determination of bankruptcy claims in relation to Claims Represented by the Corporation, the delegation of power from Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation is required.

（預金保険機構の義務）
(Obligations of the Deposit Insurance Corporation of Japan)

第五百八条　機構は、機構代理預金者のために、公平かつ誠実に前条の行為をしなければならない。

Article 508 (1) The Corporation must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Depositors Represented by the Corporation.

２　機構は、機構代理預金者に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Corporation must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Depositors Represented by the Corporation.

（届出に係る事項の変更）

(Change to the Particulars Pertaining to Filing)

第五百九条　機構は、機構代理債権に関する届出に係る事項について当該機構代理債権に係る機構代理預金者の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 509 (1) When the Corporation becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Corporation should be changed in the interest of the Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation, it must change those particulars in relation to the filing without delay.

２　前項の規定による変更は、破産法の規定の適用については、この章に別段の定めがある場合を除き、当該変更が一般調査期間の満了前又は一般調査期日の終了前の変更であるときは債権届出期間の経過後であって一般調査期間の満了前又は一般調査期日の終了前にされた届出事項の変更と、当該変更が一般調査期間の経過後又は一般調査期日の終了後の変更であるときは同法第百十二条第四項の規定による変更とみなす。

(2) For the purpose of application of the provisions of the Bankruptcy Act to the change under the provisions of the preceding paragraph, the change is, if it arises prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to be the change to the filed particulars that arises after the expiration of the period for filing a proof of claim, but prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation; and the change is, if it arises after the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to be the change under the provisions of Article 112, paragraph (4) of that Act, unless otherwise provided for in this Chapter.

（特別調査期間又は特別調査期日の費用）

(Expenses for a Special Period for Investigation or Special Date of Investigation)

第五百十条　機構代理債権に係る破産法第百十九条第一項に規定する特別調査期間（以下この章において「特別調査期間」という。）又は同法第百二十二条第一項に規定する特別調査期日（以下この章において「特別調査期日」という。）に関する費用は、同法第百十九条第三項（同法第百二十二条第二項において準用する場合を含む。）の規定にかかわらず、機構の負担とする。ただし、機構は、同法第百六十九条の規定により原状に復した預金等債権について調査するため特別調査期間又は特別調査期日が定められた場合その他の相当の事由がある場合には、機構代理預金者に当該費用の全部又は一部の償還を求めることができる。

Article 510 Any expenses relating to the Special Period for Investigation prescribed in Article 119, paragraph (1) of the Bankruptcy Act (hereinafter referred to as a "Special Period for Investigation" in this Chapter) or the special date of investigation prescribed in Article 122, paragraph (1) of that Act (hereinafter referred to as a "Special Date of Investigation" in this Chapter) in relation to Claims Represented by the Corporation are, notwithstanding the provisions of Article 119, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to Article 122, paragraph (2) of that Act), borne by the Corporation; provided, however, that the Corporation may, in the case where a Special Period for Investigation or Special Date of Investigation is set for the examination of the Deposits and Other Claims that have been restored to their original state pursuant to the provisions of Article 169 of that Act or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Depositors Represented by the Corporation.

（異議の通知）

(Notice of an Objection)

第五百十一条　破産債権の調査において、機構代理債権の額等（破産法第百二十五条第一項に規定する額等をいう。以下この章において同じ。）について破産管財人が認めず、又は届出をした破産債権者（同法第三十一条第五項に規定する届出をした破産債権者をいう。以下この章において同じ。）が異議を述べた場合（機構が当該機構代理債権について異議を述べた場合を除く。）には、機構は、遅滞なく、その旨を当該機構代理債権に係る機構代理預金者に通知しなければならない。

Article 511 (1) Where, in an investigation of bankruptcy claims, a bankruptcy trustee has disapproved the amount, etc. (meaning amount, etc. prescribed in Article 125, paragraph (1) of the Bankruptcy Act; hereinafter the same applies in this Chapter) of Claims Represented by the Corporation or an objection has been made with regard to the amount, etc. by any holder of filed bankruptcy claims (meaning holder of filed bankruptcy claims prescribed in Article 31, paragraph (5) of that Act; hereinafter the same applies in this Chapter) (excluding the case where the Corporation has raised objection with regard to the Claims Represented by the Corporation), the Corporation must, without delay, give a notice to that effect to the Depositors Represented by the

Corporation in relation to the Claims Represented by the Corporation.

２　破産債権の調査において、機構が機構代理債権の額等について異議を述べた場合には、裁判所書記官は、これを当該機構代理債権に係る機構代理預金者に通知しなければならない。

(2) Where, in an investigation of bankruptcy claims, the Corporation has raised objection with regard to the amount, etc. of Claims Represented by the Corporation, a court clerk must give a notice of same to the Depositors Represented by the Corporation in relation to the Claims Represented by the Corporation.

（預金保険機構がする通知等）

(Notice by the Deposit Insurance Corporation of Japan)

第五百十二条　第五百条及び前条第一項の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 512 (1) The notice given under the provisions of Article 500 and paragraph (1) of the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　破産法第十条第一項及び第二項の規定は、第五百三条第二項の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Bankruptcy Act apply mutatis mutandis to the public notice given under the provisions of Article 503, paragraph (2).

（決済債務の弁済等の許可）

(Permission of the Performance of Settlement Obligations)

第五百十三条　破産手続開始の決定を受けた金融機関に対し預金保険法第六十九条の三第一項（同法第百二十七条において準用する場合を含む。）の規定による資金の貸付けを行う旨の決定があるときは、破産法第百条第一項の規定にかかわらず、裁判所は、破産管財人の申立てにより、預金保険法第六十九条の三第一項に規定する決済債務の弁済又は同法第百二十七条において準用する同項に規定する預金等の払戻しを許可することができる。

Article 513 (1) Where an order to the effect that loans of funds are granted to a Financial Institution against which an order to commence bankruptcy proceedings was made pursuant to the provisions of Article 69-3, paragraph (1) of the Deposit Insurance Act (including as applied mutatis mutandis pursuant to Article 127 of that Act) has been made, the court may, notwithstanding the provisions of Article 100, paragraph (1) of the Bankruptcy Act, upon the petition of a bankruptcy trustee, grant permission of the performance of settlement obligations under Article 69-3, paragraph (1) of the Deposit Insurance Act or the repayment of deposits, etc. under the provisions of that paragraph as applied mutatis mutandis pursuant to Article 127 of that Act.

２　裁判所は、前項の許可と同時に、弁済を行う決済債務の種類又は払戻しを行う預金等の種別、弁済等の限度額及び弁済等をする期間（当該期間の末日は、債権届出期間の末日より前の日でなければならないものとする。）を定めなければならない。

(2) The court must, upon granting permission pursuant to the provisions of the preceding paragraph, specify the type of the settlement obligations to be performed or the type of the deposits, etc. to be repaid, a limit of performance, etc., and a period in which the performance, etc. is made (the last day of the period must precede the last day of the period for filing a proof of claim).

３　裁判所は、前項の規定により、弁済を行う決済債務の種類又は払戻しを行う預金等の種別、弁済等の限度額及び弁済等をする期間を定めるときは、あらかじめ、機構の意見を聴かなければならない。

(3) The court must, when specifying the type of the settlement obligations to be performed or the type of the deposits, etc. to be repaid, a limit of performance, etc. and a period in which the performance, etc. is made pursuant to the provisions of the preceding paragraph, hear the opinion of the Corporation in advance.

第三節　投資者保護基金の権限
Section 3 Authority of the Investor Protection Fund

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第五百十四条　裁判所は、金融商品取引業者について破産手続開始の決定をしようとするときは、あらかじめ、破産法第三十一条第一項第一号の規定により定める破産債権の届出をすべき期間について、基金の意見を聴かなければならない。

Article 514　If the court intends to issue an order to commence bankruptcy proceedings of a Financial Instruments Business Operator, it must hear the opinion of the Fund in advance about the period for which a proof of bankruptcy claims should be filed as specified pursuant to the provisions of Article 31, paragraph (1), item (i) of the Bankruptcy Act.

（包括的禁止命令に関する通知の特例）

(Special Provisions on Notice of a Comprehensive Prohibition Order)

第五百十五条　金融商品取引業者について破産法第二十六条第一項（同法第三十三条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、顧客に対しては、同法第二十六条第一項の規定による通知をすることを要しない。

Article 515　(1) When an order under the provisions of Article 26, paragraph (1) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act; hereinafter the same applies in this Article) is made against a Financial Instruments Business Operator, the notice

under the provisions of Article 26, paragraph (1) of that Act is required to be given to customers.

２　前項に規定する場合においては、基金に対して、破産法第二十六条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice of the main text of the order under Article 26, paragraph (1) of the Bankruptcy Act to the Fund.

（破産手続開始の決定等に関する通知の特例）

(Special Provisions on Notice of an Order to Commence Bankruptcy Proceedings)

第五百十六条　金融商品取引業者について破産手続開始の決定をしたときは、破産債権者である顧客に対しては、破産法第三十二条第三項第一号の規定による通知をすることを要しない。

Article 516 (1) When an order to commence bankruptcy proceedings against a Financial Instruments Business Operator has been made, the notice under the provisions of Article 32, paragraph (3), item (i) of the Bankruptcy Act is not required to be given to customers that are bankruptcy creditors.

２　前項に規定する場合においては、基金に対して、破産法第三十二条第一項及び第二項の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, a notice to the Fund of the particulars of which a public notice should be made pursuant to the provisions of Article 32, paragraphs (1) and (2) of the Bankruptcy Act must be given.

３　金融商品取引業者の破産手続において、第五百二十一条第一項の規定による顧客表の提出があるまでに、破産法第三十二条第一項第二号若しくは第三号に掲げる事項に変更を生じた場合（同号に掲げる事項にあっては、同法第三十一条第一項第一号の期間又は同項第二号の期日に変更を生じた場合に限る。）又は破産手続開始の決定を取り消す決定が確定した場合においては、破産債権者である顧客であって同法第百十一条第一項の規定による届出をしていないものに対しては、同法第三十二条第五項において準用する同条第三項第一号の規定又は同法第三十三条第三項本文の規定による通知をすることを要しない。

(3) In bankruptcy proceedings of a Financial Instruments Business Operator, where there is a change to the particulars referred to in Article 32, paragraph (1), item (ii) or (iii) of the Bankruptcy Act (for the particulars referred to in that item, limited to cases where there is any change to the period referred to in Article 31, paragraph (1), item (i) of that Act or the date referred to in item (ii) of that paragraph), or an order to revoke the order to commence bankruptcy proceedings becomes final and binding, before the customer list is submitted pursuant to the provisions of Article 521, paragraph (1), the notice under the provisions of paragraph (3), item (i) of that Article as applied mutatis mutandis pursuant to Article 32, paragraph (5) of that Act or the provisions of the main

clause of Article 33, paragraph (3) of that Act is not required to be given to customers that are bankruptcy creditors and have not filed the particulars specified in the provisions of Article 111, paragraph (1) of that Act.

４　前項に規定する場合においては、基金に対して、破産法第三十二条第一項第二号若しくは第三号に掲げる事項（同号に掲げる事項にあっては、同法第三十一条第一項第一号の期間又は同項第二号の期日に限る。）について生じた変更の内容又は破産手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同法第三十一条第五項の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, a notice of the details of the change to the particulars referred to in Article 32, paragraph (1), item (ii) or (iii) of the Bankruptcy Act (for the particulars referred to in that item, limited to the period referred to in Article 31, paragraph (1), item (i) of that Act or the date referred to in item (ii) of that paragraph) or the main text of the order to revoke the order to commence bankruptcy proceedings must be given to the Fund; provided, however, that this does not apply to the case where an order under Article 31, paragraph (5) of that Act has been made.

（少額配当受領申出に関する通知）

(Notices Concerning an Offer to Receive a Small-Amount Distribution)

第五百十七条　基金は、前条第二項の規定による通知を受けたときは、破産債権者である顧客に対し、遅滞なく、少額配当受領の意思があるときは債権届出期間の末日の前日までに基金に申し出るべき旨を通知しなければならない。

Article 517　The Fund must, upon receiving the notice under the provisions of paragraph (2) of the preceding Article, give a notice to customers that are bankruptcy creditors without delay to the effect that if they have the Intention of Receiving a Small-Amount Distribution, they should notify the Fund to that effect by the day immediately preceding the last day of the period for filing a proof of claim.

（債権者集会の期日の通知）

(Notice of the Date of a Meeting of Creditors)

第五百十八条　裁判所書記官は、金融商品取引業者の破産手続において、債権届出期間の満了前に債権者集会が招集された場合においては、基金に対し、当該債権者集会の期日を通知しなければならない。ただし、破産法第三十一条第五項の決定があったときは、この限りでない。

Article 518　A court clerk must, where a meeting of creditors is convened before the expiration of the period for filing a proof of claim in bankruptcy proceedings of a Financial Instruments Business Operator, give a notice to the Fund of the date of the meeting of creditors; provided, however, that this does not apply to cases where an order under Article 31, paragraph (5) of the Bankruptcy Act has been made.

（債権者委員会）

(Creditors Committees)

第五百十九条　基金が第五百二十二条第一項の規定による顧客表の提出をする前における破産法第百四十四条第一項及び第四項の規定の適用については、同条第一項中「破産債権者をもって」とあるのは「破産債権者（投資者保護基金（金融商品取引法（昭和二十三年法律第二十五号）第七十九条の二十一に規定する投資者保護基金であって、破産者が破産手続開始の時に加入しているものをいう。以下この条において同じ。）を含む。）をもって」と、同条第四項中「破産債権者の申立て」とあるのは「破産債権者（投資者保護基金を含む。）の申立て」とする。

Article 519 (1) For the purpose of application of the provisions of Article 144, paragraph (1) and (4) of the Bankruptcy Act before the submission of a customer list by the Fund pursuant to the provisions of Article 522, paragraph (1), the phrase "of bankruptcy creditors" in paragraph (1) of that Article is deemed to be replaced with "of bankruptcy creditors (including the Investor Protection Fund (meaning the Investor Protection Fund prescribed in Article 79-21 of the Financial Instruments and Exchange Act (Act No. 25 of 1948) in which the bankrupt participates as of the time of the commencement of bankruptcy proceedings; hereinafter the same applies in this Article))" and the phrase "petition by bankruptcy creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by bankruptcy creditors (including the Investor Protection Fund)".

２　第五百二十五条の規定は、基金が破産法第百四十四条第二項に規定する債権者委員会を構成する者である場合について準用する。この場合において、第五百二十五条中「基金代理顧客」とあるのは、「顧客」と読み替えるものとする。

(2) The provisions of Article 525 apply mutatis mutandis to the cases where the Fund is a member of the creditors committee prescribed in Article 144, paragraph (2) of the Bankruptcy Act. In this case, the phrase "Customers Represented by the Fund" in Article 525 is deemed to be replaced with "customers".

（顧客表の作成及び縦覧等）

(Preparation and Public Inspection of Customer Lists)

第五百二十条　基金は、第五百十六条第二項の規定による通知を受けたときは、遅滞なく、知れている破産債権である顧客債権（基金が債権者であるものを除く。）について、破産法第百十五条第二項に規定する事項を記載した顧客表を作成しなければならない。

Article 520 (1) The Fund must, upon receiving the notice under Article 516, paragraph (2), prepare a customer list stating the particulars prescribed in Article 115, paragraph (2) of the Bankruptcy Act with respect to the Customer Claims that are known bankruptcy claims (other than one whose creditor is the

Fund), without delay.

2　基金は、顧客表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、顧客表を顧客の縦覧に供しなければならない。

(2) When the Fund has prepared a customer list, it must immediately give a public notice to that effect and of the place where it is made available for public inspection, and make the customer list available for public inspection by customers until the day immediately preceding the last day of the period for filing a proof of claims.

3　前項の規定による顧客表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date to commence public inspection of the customer list under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

4　基金は、顧客表を縦覧に供することを開始した後、当該顧客表に記載されていない顧客債権（基金が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該顧客表に、当該顧客債権に係る第一項に規定する事項の記載の追加をしなければならない。当該顧客表に記載されている顧客債権について当該顧客債権に係る債権者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Fund, after making a customer list available for public inspection, becomes aware that there are Customer Claims (other than one whose creditor is the Fund) not stated in the customer list, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the Customer Claims to the customer list. The same applies to cases when the Fund becomes aware that the statement regarding the Customer Claims stated in the customer list should be changed in the interest of the creditors in relation to the Customer Claims.

5　基金は、顧客表を縦覧に供することを開始した後、当該顧客表に記載されている顧客債権に係る債権者から、少額配当受領申出があったときは、当該顧客表に、その旨の記載の追加をしなければならない。

(5) The Corporation must, if it receives a Small Amount Distribution Receiving Offer from a creditor in relation to Customer Claims stated in a customer list after making the customer list available for public inspection, add a statement to that effect to the customer list.

6　基金は、顧客表を縦覧に供することを開始した後でも、当該顧客表に記載されている顧客の承諾を得て、当該顧客に係る顧客債権について、その記載を削除し、又は当該顧客の不利益となる記載の変更を行うことができる。ただし、当該顧客表に記載されている顧客に係る顧客債権を、金融商品取引法第七十九条の五十七第四項の規定により取得した場合において、当該顧客債権について、その記載を削除し、又は当該顧客の不利益となる記載の変更を行うときは、当該顧客の承諾を要しない。

(6) The Fund may, even after making a customer list available for public inspection, with the approval of the customers stated in the customer list, delete a statement regarding the Customer Claims in relation to those customers or change a statement that is detrimental to the interest of those customers; provided, however, that in cases where the Fund has acquired the Customer Claims in relation to the customers stated in the customer list pursuant to the provisions of Article 79-57, paragraph (4) of the Financial Instruments and Exchange Act, the Fund may, without the approval of those customers, delete a statement regarding the Customer Claims or change a statement that is detrimental to the interest of those customers.

（顧客表の提出）

(Submission of Customer Lists)

第五百二十一条　基金は、債権届出期間の末日に、前条の規定により作成した顧客表を裁判所に提出しなければならない。

Article 521 (1) The Fund must submit a customer list prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

２　前条第四項前段の規定は、基金が、顧客表を裁判所に提出した後、当該顧客表に記載されていない顧客債権（基金が債権者であるもの及び既に顧客が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Fund becomes aware that there are Customer Claims (other than one whose creditor is the Fund and those that have already been filed with the court by customers) not stated in a customer list after submitting it to the court.

３　基金は、第一項の規定による顧客表の提出又は前項において準用する前条第四項前段の規定による記載の追加をする場合においては、破産法第百十一条第一項各号に掲げる事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(3) The Fund, when it submits a customer list under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph, must file with the court the particulars referred to in the items of Article 111, paragraph (1) of the Bankruptcy Act (excluding the particulars prescribed in paragraph (1) of the preceding Article).

４　前条第五項の規定は、基金が顧客表を裁判所に提出した後、少額配当受領申出があった場合について準用する。

(4) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the case where the Fund received a Small Amount Distribution Receiving Offer after submitting a customer list to the court.

５　金融商品取引業者の破産手続についての破産法第十一条第一項の規定の適用につい

ては、同項中「この法律（この法律において準用する他の法律を含む。）」とあるのは、「この法律（この法律において準用する他の法律を含む。）及び金融機関等の更生手続の特例等に関する法律」とする。

(5) For the purpose of application of the provisions of Article 11, paragraph (1) of the Bankruptcy Act to bankruptcy proceedings of a Financial Instruments Business Operator, the phrase "this Act (including other Acts as applied mutatis mutandis pursuant to this Act)" in that paragraph is deemed to be replaced with "this Act (including other Acts as applied mutatis mutandis pursuant to this Act) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

（顧客表の提出の効果）

(Effect of the Submission of a Customer List)

第五百二十二条　破産法の規定の適用については、前条第一項の規定により提出された顧客表に記載されている顧客債権（顧客が当該提出があるまでに同法第百十一条第一項の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第五百二十条第四項前段の規定による記載の追加に係る顧客債権については、当該記載の追加が一般調査期間の満了前又は一般調査期日の終了前の記載の追加であるときは債権届出期間の経過後であって一般調査期間の満了前又は一般調査期日の終了前に届出があったものと、当該記載の追加が一般調査期間の経過後又は一般調査期日の終了後の記載の追加であるときは同法第百十二条第一項の規定による届出があったものとみなす。

Article 522　For the purpose of application of the provisions of the Bankruptcy Act, Customer Claims stated in a customer list submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by customers pursuant to the provisions of Article 111, paragraph (1) of that Act before the submission) are deemed to have been filed within the period for filing a proof of claim; and the Customer Claims in relation to the addition of a statement under the provisions of the first sentence of Article 520, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are, if the statement is added prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to have been filed after the expiration of the period for filing a proof of claim, but prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, and are, if the statement is added after the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to have been filed under the provisions of Article 112, paragraph (1) of that Act.

（顧客の参加）

(Participation of Customers)

第五百二十三条　前条の規定により届出があったものとみなされる顧客債権（基金が破産法第百十三条第一項の規定による届出名義の変更を受けたものを除く。以下この条及び次条において同じ。）に係る債権者は、自ら破産手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、破産債権の確定に関する裁判手続に関する行為については、この限りでない。

Article 523 (1) If a creditor in relation to the Customer Claims (other than one for which a transfer of the title of the holder of a filed claim under the provisions of Article 113, paragraph (1) of the Bankruptcy Act has been made with the Fund; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed under the provisions of the preceding Article intends to personally participate in bankruptcy proceedings, the creditor must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize bankruptcy claims.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、破産手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given until the close of bankruptcy proceedings.

３　参加の届出があったときは、裁判所は、これを基金に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of this to the Fund.

４　参加の届出をした顧客は、前条の規定により届出があったものとみなされる当該顧客に係る顧客債権の全部をもって自ら破産手続に参加するものとする。

(4) A customer that gave a Participation Notice is to personally participate in bankruptcy proceedings with regard to the all Customer Claims regarding the customer that are deemed to have been filed under the provisions of the preceding Article.

（投資者保護基金の権限）

(Powers of the Investor Protection Fund)

第五百二十四条　基金は、第五百二十二条の規定により届出があったものとみなされる顧客債権に係る債権者（参加の届出をした顧客を除く。以下この節において「基金代理顧客」という。）のために、当該基金代理顧客に係る顧客債権（以下この節において「基金代理債権」という。）をもって、破産手続に属する一切の行為（破産債権の調査において、基金が異議を述べた基金代理債権に係る破産債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、基金代理債権に係る届出を取り下げ、若しくは基金代理債権に関する届出に係る事項について当該基金代理債権に係る基金代理顧客の不利益となる変更を加えようとするとき、又は基金代理債権に係る破産債権査定申立てを取り下げ、若しくは基金代理債権に係る破産債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟

行為をしようとするときは、当該基金代理債権に係る基金代理顧客の授権がなければならない。

Article 524 The Fund must perform any and all acts involved in bankruptcy proceedings (other than acts involved in court proceedings to finalize bankruptcy claims in relation to Claims Represented by the Fund (as defined below) to which the Fund has raised objection in the investigation of bankruptcy claims) in the interest of the creditors in relation to the Customer Claims that are deemed to have been filed under the provisions of Article 522 (other than customers that gave a Participation Notice; hereinafter referred to as "Customers Represented by the Fund" in this Section) with regard to Customer Claims in relation to the Customers Represented by the Fund (hereinafter referred to as "Claims Represented by the Fund" in this Section); provided, however, that in order to withdraw the filing of a proof in relation to Claims Represented by the Fund or change the particulars that have been filed concerning Claims Represented by the Fund in a manner detrimental to the interest of Customers Represented by the Fund in relation to the Claims Represented by the Fund or withdraw a petition for bankruptcy claim assessment in relation to Claims Represented by the Fund or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action concerning the determination of bankruptcy claims in relation to Claims Represented by the Fund, the delegation of power from Customers Represented by the Fund in relation to the Claims Represented by the Fund is required.

（投資者保護基金の義務）

(Obligations of the Investor Protection Fund)

第五百二十五条　基金は、基金代理顧客のために、公平かつ誠実に前条の行為をしなければならない。

Article 525 (1) The Fund must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Customers Represented by the Fund.

２　基金は、基金代理顧客に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Fund must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Customers Represented by the Fund.

（届出に係る事項の変更）

(Change to the Particulars Pertaining to Filing)

第五百二十六条　基金は、基金代理債権に関する届出に係る事項について当該基金代理債権に係る基金代理顧客の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 526 (1) When the Fund becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Fund should be changed in the interest of the Customers Represented by the Fund in relation to the Claims Represented by the Fund, it must change those particulars in relation to the filing without delay.

２　前項の規定による変更は、破産法の規定の適用については、この章に別段の定めがある場合を除き、当該変更が一般調査期間の満了前又は一般調査期日の終了前の変更であるときは債権届出期間の経過後であって一般調査期間の満了前又は一般調査期日の終了前にされた届出事項の変更と、当該変更が一般調査期間の経過後又は一般調査期日の終了後の変更であるときは同法第百十二条第四項の規定による変更とみなす。

(2) For the purpose of application of the provisions of the Bankruptcy Act to the change under the provisions of the preceding paragraph, the change is, if it arises prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to be the change to the filed particulars that arises after the expiration of the period for filing a proof of claim, but prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation; and the change is, if it arises after the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to be the change under the provisions of Article 112, paragraph (4) of that Act, unless otherwise provided for in this Chapter.

（特別調査期間又は特別調査期日の費用）

(Expenses for Special Periods for Investigation or Special Dates of Investigation)

第五百二十七条　基金代理債権に係る特別調査期間又は特別調査期日に関する費用は、破産法第百十九条第三項（同法第百二十二条第二項において準用する場合を含む。）の規定にかかわらず、基金の負担とする。ただし、基金は、同法第百六十九条の規定により原状に復した顧客債権について調査するため特別調査期間又は特別調査期日が定められた場合その他の相当の事由がある場合には、基金代理顧客に当該費用の全部又は一部の償還を求めることができる。

Article 527 Any expenses relating to the Special Period for Investigation or Special Date of Investigation in relation to Claims Represented by the Fund are, notwithstanding the provisions of Article 119, paragraph (3) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 122, paragraph (2) of that Act), borne by the Fund; provided, however, that the Fund may, in the case where a Special Period for Investigation or Special Date of Investigation is set for the examination of the Customer Claims that have been restored to their original state pursuant to the provisions of Article 169 of that Act or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Customers Represented by the Fund.

（異議の通知）

(Notice of an Objection)

第五百二十八条　破産債権の調査において、基金代理債権の額等について破産管財人が認めず、又は届出をした破産債権者が異議を述べた場合（基金が当該基金代理債権について異議を述べた場合を除く。）には、基金は、遅滞なく、その旨を当該基金代理債権に係る基金代理顧客に通知しなければならない。

Article 528 (1) Where, in an investigation of bankruptcy claims, a bankruptcy trustee has disapproved the amount, etc. of Claims Represented by the Fund or an objection has been made with regard to the details by any holder of filed bankruptcy claims (excluding cases where the Fund has raised objection with regard to the Claims Represented by the Fund), the Fund must, without delay, give a notice to that effect to the Customers Represented by the Fund regarding the Claims Represented by the Fund.

２　破産債権の調査において、基金が基金代理債権の額等について異議を述べた場合には、裁判所書記官は、これを当該基金代理債権に係る基金代理顧客に通知しなければならない。

(2) Where, in an investigation of bankruptcy claims, the Fund has raised an objection with regard to the amount, etc. of Claims Represented by the Fund, a court clerk must give a notice of same to the Customers Represented by the Fund in relation to the Claims Represented by the Fund.

（投資者保護基金がする通知等）

(Notices by the Investor Protection Fund)

第五百二十九条　第五百十七条及び前条第一項の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 529 (1) The notice given under the provisions of Article 517 and paragraph (1) of the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　破産法第十条第一項及び第二項の規定は、第五百二十条第二項の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Bankruptcy Act apply mutatis mutandis to the public notice given under the provisions of Article 520, paragraph (2).

第四節　保険契約者保護機構の権限

Section 4 Authority of the Policyholders Protection Corporation

（届出期間を定める場合の特例）

(Special Provisions on Cases Where a Period for Filing Is Specified)

第五百三十条　裁判所は、保険会社について破産手続開始の決定をしようとするときは、

あらかじめ、破産法第三十一条第一項第一号の規定により定める破産債権の届出をすべき期間について、保護機構の意見を聴かなければならない。

Article 530 If the court intends to issue an order to commence bankruptcy proceedings of an Insurance Company, it must hear the opinion of the Protection Corporation in advance about the period during which a proof of bankruptcy claims should be filed as specified pursuant to the provisions of Article 31, paragraph (1), item (i) of the Bankruptcy Act.

（包括的禁止命令に関する通知の特例）

(Special Provisions on a Notice of a Comprehensive Prohibition Order)

第五百三十一条　保険会社について破産法第二十六条第一項（同法第三十三条第二項において準用する場合を含む。以下この条において同じ。）に規定する決定があった場合には、保険契約者等（保険契約者その他の保険契約に係る権利を有する者をいう。以下この節において同じ。）に対しては、同法第二十六条第一項の規定による通知をすることを要しない。

Article 531 (1) When an order under the provisions of Article 26, paragraph (1) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (2) of that Act; hereinafter the same applies in this Article) is made against an Insurance Company, the notice under the provisions of Article 26, paragraph (1) of that Act is not required to be given to the Policyholders, etc. (meaning policyholders and other persons that have a right in relation to an insurance contract; hereinafter the same applies in this Section).

２　前項に規定する場合においては、保護機構に対して、破産法第二十六条第一項の決定の主文を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice of the main text of an order under Article 26, paragraph (1) of the Bankruptcy Act to the Protection Corporation.

（破産手続開始の決定等に関する通知の特例）

(Special Provisions on a Notice of an Order Commencing Bankruptcy Proceedings)

第五百三十二条　保険会社について破産手続開始の決定をしたときは、破産債権者である保険契約者等に対しては、破産法第三十二条第三項第一号の規定による通知をすることを要しない。

Article 532 (1) When the court has made an order to commence bankruptcy proceedings against an Insurance Company, the notice under the provisions of Article 32, paragraph (3), item (i) of the Bankruptcy Act is not required to be given to Policyholders, etc. that are bankruptcy creditors.

２　前項に規定する場合においては、保護機構に対して、破産法第三十二条第一項及び第二項の規定により公告すべき事項を通知しなければならない。

(2) In the case prescribed in the preceding paragraph, the court must give a notice to the Protection Corporation of the particulars of which a public notice should make pursuant to the provisions of Article 32, paragraphs (1) and (2) of the Bankruptcy Act.

3　保険会社の破産手続において、第五百三十七条第一項の規定による保険契約者表の提出があるまでに、破産法第三十二条第一項第二号若しくは第三号に掲げる事項に変更を生じた場合（同号に掲げる事項にあっては、同法第三十一条第一項第一号の期間又は同項第二号の期日に変更を生じた場合に限る。）又は破産手続開始の決定を取り消す決定が確定した場合においては、破産債権者である保険契約者等であって同法第百十一条第一項の規定による届出をしていないものに対しては、同法第三十二条第五項において準用する同条第三項第一号の規定又は同法第三十三条第三項本文の規定による通知をすることを要しない。

(3) In bankruptcy proceedings of an Insurance Company, where there is a change to the particulars referred to in Article 32, paragraph (1), item (ii) or (iii) of the Bankruptcy Act (for the particulars referred to in that item, limited to cases where there is a change to the period referred to in Article 31, paragraph (1), item (i) of that Act or the date referred to in item (ii) of that paragraph), or an order to revoke the order to commence bankruptcy proceedings becomes final and binding, before the list of insurance policyholders is submitted pursuant to the provisions of Article 537, paragraph (1), the notice under the provisions of paragraph (3), item (i) of that Article as applied mutatis mutandis pursuant to Article 32, paragraph (5) of that Act or the provisions of the main clause of Article 33, paragraph (3) of that Act is not required to be given to Policyholders, etc. that are bankruptcy creditors and have not filed the particulars specified in the provisions of Article 111, paragraph (1) of that Act.

4　前項に規定する場合においては、保護機構に対して、破産法第三十二条第一項第二号若しくは第三号に掲げる事項（同号に掲げる事項にあっては、同法第三十一条第一項第一号の期間又は同項第二号の期日に限る。）について生じた変更の内容又は破産手続開始の決定を取り消す決定の主文を通知しなければならない。ただし、同法第三十一条第五項の決定があったときは、この限りでない。

(4) In the case prescribed in the preceding paragraph, a notice of the details of the change to the particulars referred to in Article 32, paragraph (1), item (ii) or (iii) of the Bankruptcy Act (for the particulars referred to in that item, limited to the period referred to in Article 31, paragraph (1), item (i) of that Act or the date referred to in item (ii) of that paragraph) or the main text of the order to revoke the order to commence bankruptcy proceedings must be given to the Protection Corporation; provided, however, that this does not apply to cases where an order under Article 31, paragraph (5) of that Act has been made.

（少額配当受領申出に関する通知）

(Notices Concerning an Offer to Receive a Small-Amount Distribution)

第五百三十三条　保護機構は、前条第二項の規定による通知を受けたときは、破産債権者である保険契約者等に対し、遅滞なく、少額配当受領の意思があるときは債権届出期間の末日の前日までに保護機構に申し出るべき旨を通知しなければならない。

Article 533 The Protection Corporation must, upon receiving the notice under the provisions of paragraph (2) of the preceding Article, give a notice to Policyholders, etc. that are bankruptcy creditors without delay to the effect that if they have the Intention of Receiving a Small-Amount Distribution, they must notify the Protection Corporation to that effect by the day immediately preceding the last day of the period for filing a proof of claim.

（債権者集会の期日の通知）

(Notices of the Date of a Meeting of Creditors)

第五百三十四条　裁判所書記官は、保険会社の破産手続において、債権届出期間の満了前に債権者集会が招集された場合においては、保護機構に対し、当該債権者集会の期日を通知しなければならない。ただし、破産法第三十一条第五項の決定があったときは、この限りでない。

Article 534 A court clerk must, where a meeting of creditors is convened before the expiration of the period for filing a proof of claim in bankruptcy proceedings of an Insurance Company, give a notice to the Protection Corporation of the date of the meeting of creditors; provided, however, that this does not apply to cases where an order under Article 31, paragraph (5) of the Bankruptcy Act has been made.

（債権者委員会）

(Creditors Committees)

第五百三十五条　保護機構が第五百三十七条第一項の規定による保険契約者表の提出をする前における破産法第百四十四条第一項及び第四項の規定の適用については、同条第一項中「破産債権者をもって」とあるのは「破産債権者（保険契約者保護機構（保険業法（平成七年法律第百五号）第二百五十九条に規定する保険契約者保護機構であって、破産者が破産手続開始の時に加入しているものをいう。以下この条において同じ。）を含む。）をもって」と、同条第四項中「破産債権者の申立て」とあるのは「破産債権者（保険契約者保護機構を含む。）の申立て」とする。

Article 535 (1) For the purpose of application of the provisions of Article 144, paragraph (1) and (4) of the Bankruptcy Act before the submission of a list of insurance policyholders by the Protection Corporation pursuant to the provisions of Article 537, paragraph (1), the phrase "of bankruptcy creditors" in paragraph (1) of that Article is deemed to be replaced with "of bankruptcy creditors (including the Policyholders Protection Corporation (meaning the Policyholders Protection Corporation prescribed in Article 259-21 of the Insurance Business Act (Act No. 105 of 1995) in which the bankrupt participates as of the time of the commencement of bankruptcy proceedings;

hereinafter the same applies in this Article))" and the phrase "petition by bankruptcy creditors" in paragraph (4) of that Article is deemed to be replaced with "petition by bankruptcy creditors (including the Policyholders Protection Corporation)".

２　第五百四十一条の規定は、保護機構が破産法第百四十四条第二項に規定する債権者委員会を構成する者である場合について準用する。この場合において、第五百四十一条中「保護機構代理保険契約者」とあるのは、「保険契約者等」と読み替えるものとする。

(2) The provisions of Article 541 apply mutatis mutandis to the cases where the Protection Corporation is a member of the creditors committee prescribed in Article 144, paragraph (2) of the Bankruptcy Act. In this case, the phrase "Policyholders Represented by the Protection Corporation" in Article 541 is deemed to be replaced with "Policyholders, etc."

（保険契約者表の作成及び縦覧等）

(Preparation and Public Inspection of Lists of Insurance Policyholders)

第五百三十六条　保護機構は、第五百三十二条第二項の規定による通知を受けたときは、遅滞なく、知れている保険契約に係る権利（保護機構が債権者であるものを除く。）について、破産法第百十五条第二項に規定する事項を記載した保険契約者表を作成しなければならない。

Article 536 (1) The Protection Corporation must, upon receiving the notice under Article 532, paragraph (2), prepare a list of insurance policyholders stating the particulars prescribed in Article 115, paragraph (2) of the Bankruptcy Act with respect to the known rights in relation to insurance contracts (other than one whose creditor is the Protection Corporation), without delay.

２　保護機構は、保険契約者表を作成したときは、直ちに、その旨及び縦覧の場所を公告するとともに、債権届出期間の末日の前日までの間、保険契約者表を保険契約者等の縦覧に供しなければならない。

(2) When the Protection Corporation has prepared a list of insurance policyholders, it must immediately give a public notice to that effect and of the place where it is made available for public inspection and make the list of insurance policyholders available for public inspection by Policyholders, etc. until the day immediately preceding the last day of the period for filing a proof of claim.

３　前項の規定による保険契約者表の縦覧の開始の日は、債権届出期間の末日の前日の二週間以上前の日でなければならない。

(3) The date of commencement of public inspection of a list of insurance policyholders under the provisions of the preceding paragraph must be the day at least two weeks before the day immediately preceding the last day of the period for filing a proof of claim.

４　保護機構は、保険契約者表を縦覧に供することを開始した後、当該保険契約者表に

記載されていない保険契約に係る権利（保護機構が債権者であるものを除く。）があることを知ったときは、遅滞なく、当該保険契約者表に、当該保険契約に係る権利に係る第一項に規定する事項の記載の追加をしなければならない。当該保険契約者表に記載されている保険契約に係る権利について当該保険契約に係る権利を有する者の利益となる記載の変更を行うべきことを知ったときも、同様とする。

(4) When the Protection Corporation, after making a list of insurance policyholders available for public inspection, becomes aware that there are rights in relation to insurance contracts (other than one whose creditor is the Protection Corporation) not stated in the list of insurance policyholders, it must, without delay, add the statement of the particulars prescribed in paragraph (1) in relation to the rights in relation to insurance contracts to the list of insurance policyholders. The same applies to cases when the Protection Corporation becomes aware that the statement regarding the rights in relation to insurance contracts stated in the list of insurance policyholders should be changed in the interest of the persons that have the rights in relation to insurance contracts.

5　保護機構は、保険契約者表を縦覧に供することを開始した後、当該保険契約者表に記載されている保険契約に係る権利を有する者から、少額配当受領申出があったときは、当該保険契約者表に、その旨の記載の追加をしなければならない。

(5) The Protection Corporation must, if it receives a Small Amount Distribution Receiving Offer from a person that has rights in relation to insurance contracts stated in a customer list after making the list of insurance policyholders available for public inspection, add a statement to that effect to the list of insurance policyholders.

6　保護機構は、保険契約者表を縦覧に供することを開始した後でも、当該保険契約者表に記載されている保険契約者等の承諾を得て、当該保険契約者等に係る保険契約に係る権利について、その記載を削除し、又は当該保険契約者等の不利益となる記載の変更を行うことができる。ただし、当該保険契約者表に記載されている保険契約者等に係る保険契約に係る権利を、保険業法第二百七十条の六の八の規定により買い取った場合において、当該保険契約に係る権利について、その記載を削除し、又は当該保険契約者等の不利益となる記載の変更を行うときは、当該保険契約者等の承諾を要しない。

(6) The Protection Corporation may, even after making a list of insurance policyholders available for public inspection, with the approval of the Policyholders, etc. stated in the list of insurance policyholders, delete a statement regarding the rights in relation to insurance contracts in relation to the Policyholders, etc. or change a statement that is detrimental to the interest of the Policyholders, etc.; provided, however, that in cases where the Protection Corporation has purchased the rights in relation to insurance contracts in relation to the Policyholders, etc. stated in the list of insurance policyholders pursuant to the provisions of Article 270-6-8 of the Insurance Business Act, the

Protection Corporation may, without the approval of the Policyholders, etc., delete a statement regarding the rights in relation to insurance contracts or change a statement that is detrimental to the interest of the Policyholders, etc.

（保険契約者表の提出）

(Submission of Lists of Insurance Policyholders)

第五百三十七条　保護機構は、債権届出期間の末日に、前条の規定により作成した保険契約者表を裁判所に提出しなければならない。

Article 537 (1) The Protection Corporation must submit a list of insurance policyholders prepared pursuant to the provisions of the preceding Article to the court on the last day of the period for filing a proof of claim.

２　前条第四項前段の規定は、保護機構が、保険契約者表を裁判所に提出した後、当該保険契約者表に記載されていない保険契約に係る権利（保護機構が債権者であるもの及び既に保険契約者等が裁判所に届け出ているものを除く。）があることを知った場合について準用する。

(2) The provisions of the first sentence of paragraph (4) of the preceding Article apply mutatis mutandis to the cases where the Protection Corporation becomes aware that there are rights in relation to insurance contracts (other than one whose creditor is the Protection Corporation and those that have already been filed with the court by Policyholders, etc.) not stated in a list of insurance policyholders after submitting it to the court.

３　保護機構は、第一項の規定による保険契約者表の提出又は前項において準用する前条第四項前段の規定による記載の追加をする場合においては、破産法第百十一条第一項各号に掲げる事項（前条第一項に規定する事項を除く。）を裁判所に届け出なければならない。

(3) The Protection Corporation, when it submits a list of insurance policyholders under the provisions of paragraph (1) or adds a statement under the provisions of the first sentence of paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph, must file with the court the particulars referred to in the items of Article 111, paragraph (1) of the Bankruptcy Act (excluding the particulars prescribed in paragraph (1) of the preceding Article).

４　前条第五項の規定は、保護機構が保険契約者表を裁判所に提出した後、少額配当受領申出があった場合について準用する。

(4) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the case where the Protection Corporation received a Small Amount Distribution Receiving Offer after submitting a list of insurance policyholders to the court.

５　保険会社の破産手続についての破産法第十一条第一項の規定の適用については、同項中「この法律（この法律において準用する他の法律を含む。）」とあるのは、「この法律（この法律において準用する他の法律を含む。）及び金融機関等の更生手続の

特例等に関する法律」とする。

(5) For the purpose of application of the provisions of Article 11, paragraph (1) of the Bankruptcy Act to bankruptcy proceedings of an Insurance Company, the phrase "this Act (including other Acts as applied mutatis mutandis pursuant to this Act)" in that paragraph is deemed to be replaced with "this Act (including other Acts as applied mutatis mutandis pursuant to this Act) and the Act on Special Measures for the Reorganization Proceedings of Financial Institutions".

（保険契約者表の提出の効果）

(Effect of the Submission of Lists of Insurance Policyholders)

第五百三十八条　破産法の規定の適用については、前条第一項の規定により提出された保険契約者表に記載されている保険契約に係る権利（保険契約者等が当該提出があるまでに同法第百十一条第一項の規定により届け出たものを除く。）については債権届出期間内に届出があったものと、前条第二項において準用する第五百三十六条第四項前段の規定による記載の追加に係る保険契約に係る権利については、当該記載の追加が一般調査期間の満了前又は一般調査期日の終了前の記載の追加であるときは債権届出期間の経過後であって一般調査期間の満了前又は一般調査期日の終了前に届出があったものと、当該記載の追加が一般調査期間の経過後又は一般調査期日の終了後の記載の追加であるときは同法第百十二条第一項の規定による届出があったものとみなす。

Article 538 For the purpose of application of the provisions of the Bankruptcy Act, the rights in relation to insurance contracts stated in a list of insurance policyholders submitted pursuant to the provisions of paragraph (1) of the preceding Article (other than ones that have been filed by Policyholders, etc. pursuant to the provisions of Article 111, paragraph (1) of that Act before the submission) are deemed to have been filed within the period for filing a proof of claim; and the rights in relation to insurance contracts in relation to the addition of a statement under the provisions of the first sentence of Article 536, paragraph (4) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are, if the statement is added prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to have been filed after the expiration of the period for filing a proof of claim, but prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, and are, if the statement is added after the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to have been filed under the provisions of Article 112, paragraph (1) of that Act.

（保険契約者等の参加）

(Participation of Policyholders)

第五百三十九条　前条の規定により届出があったものとみなされる保険契約に係る権利（保護機構が破産法第百十三条第一項の規定による届出名義の変更を受けたものを除

く。以下この条及び次条において同じ。）に係る債権者は、自ら破産手続に参加しようとするときは、その旨を裁判所に届け出なければならない。ただし、破産債権の確定に関する裁判手続に関する行為については、この限りでない。

Article 539 (1) If a creditor in relation to the rights in relation to insurance contracts (other than one for which a transfer of the title of the holder of a filed claim under the provisions of Article 113, paragraph (1) of the Bankruptcy Act has been made with the Protection Corporation; hereinafter the same applies in this Article and the following Article) that are deemed to have been filed under the provisions of the preceding Article intends to personally participate in bankruptcy proceedings, the creditor must notify the court to that effect; provided, however, that this does not apply to acts involved in court proceedings to finalize bankruptcy claims.

２　前項の規定による届出（以下この条及び次条において「参加の届出」という。）は、破産手続が終了するまでの間、することができる。

(2) The notice under the provisions of the preceding paragraph (hereinafter referred to as a "Participation Notice" in this Article and the following Article) may be given up until the closing of bankruptcy proceedings.

３　参加の届出があったときは、裁判所は、これを保護機構に通知しなければならない。

(3) The court must, when a Participation Notice is given, give a notice of this to the Protection Corporation.

４　参加の届出をした保険契約者等は、前条の規定により届出があったものとみなされる当該保険契約者等に係る保険契約に係る権利の全部をもって自ら破産手続に参加するものとする。

(4) A Policyholder, etc. that gave a Participation Notice is to personally participate in bankruptcy proceedings with regard to all of the rights in relation to insurance contracts regarding the Policyholder, etc. that are deemed to have been filed under the provisions of the preceding Article.

（保険契約者保護機構の権限）

(Authority of the Policyholders Protection Corporation)

第五百四十条　保護機構は、第五百三十八条の規定により届出があったものとみなされる保険契約に係る権利を有する者（参加の届出をした保険契約者等を除く。以下この節において「保護機構代理保険契約者」という。）のために、当該保護機構代理保険契約者に係る保険契約に係る権利（以下この節において「保護機構代理債権」という。）をもって、破産手続に属する一切の行為（次に掲げる保護機構代理債権に係る破産債権の確定に関する裁判手続に関する行為を除く。）をするものとする。ただし、保護機構代理債権に係る届出を取り下げ、若しくは保護機構代理債権に関する届出に係る事項について当該保護機構代理債権に係る保護機構代理保険契約者の不利益となる変更を加えようとするとき、又は保護機構代理債権に係る破産債権査定申立てを取り下げ、若しくは保護機構代理債権に係る破産債権の確定に関する訴訟において民事訴訟法第三十二条第二項第一号若しくは第二号に掲げる訴訟行為をしようとするとき

は、当該保護機構代理債権に係る保護機構代理保険契約者の授権がなければならない。

Article 540 The Protection Corporation must perform any and all acts involved in bankruptcy proceedings (other than acts involved in court proceedings to finalize the bankruptcy claims that constitute the following Claims Represented by the Protection Corporation (as defined below)) in the interest of the persons that have rights in relation to insurance contracts that are deemed to have been filed under the provisions of Article 538 (excluding Policyholders, etc. that gave a Participation Notice; hereinafter referred to as "Policyholders Represented by the Protection Corporation" in this Section) with regard to rights in relation to insurance contracts in relation to the Policyholders Represented by the Protection Corporation (hereinafter referred to as "Claims Represented by the Protection Corporation" in this Section); provided, however, that in order to withdraw the filing of a proof in relation to Claims Represented by the Protection Corporation or change the particulars that have been filed concerning Claims Represented by the Protection Corporation in a manner detrimental to the interest of Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation or withdraw a petition for bankruptcy claim assessment in relation to Claims Represented by the Protection Corporation or perform any of the procedural acts set forth in Article 32, paragraph (2), item (i) or (ii) of the Code of Civil Procedure in an action concerning the determination of bankruptcy claims in relation to Claims Represented by the Protection Corporation, the delegation of power from Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation is required:

一　保険金請求権

(i) insurance claims;

二　損害をてん補することを請求する権利（前号に掲げるものを除く。）

(ii) the right to demand compensation for losses (other than the right set forth in the preceding item); and

三　破産債権の調査において、保護機構が異議を述べた保護機構代理債権

(iii) claims Represented by the Protection Corporation to which the Protection Corporation has raised objection in the investigation of bankruptcy claims.

（保険契約者保護機構の義務）

(Obligations of the Policyholders Protection Corporation)

第五百四十一条　保護機構は、保護機構代理保険契約者のために、公平かつ誠実に前条の行為をしなければならない。

Article 541 (1) The Protection Corporation must conduct the acts referred to in the preceding Article in a fair and sincere manner in the interest of Policyholders Represented by the Protection Corporation.

２　保護機構は、保護機構代理保険契約者に対し、善良な管理者の注意をもって前条の行為をしなければならない。

(2) The Protection Corporation must conduct the acts referred to in the preceding Article with the due care of a prudent manager for Policyholders Represented by the Protection Corporation.

（届出に係る事項の変更）

(Changes to the Particulars Pertaining to Filing)

第五百四十二条　保護機構は、保護機構代理債権に関する届出に係る事項について当該保護機構代理債権に係る保護機構代理保険契約者の利益となる変更を加えるべきことを知ったときは、遅滞なく、当該届出に係る事項について変更を加えなければならない。

Article 542 (1) When the Protection Corporation becomes aware that any of the particulars in relation to the filing relating to Claims Represented by the Protection Corporation should be changed in the interest of the Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation, it must change those particulars in relation to the filing without delay.

２　前項の規定による変更は、破産法の規定の適用については、この章に別段の定めがある場合を除き、当該変更が一般調査期間の満了前又は一般調査期日の終了前の変更であるときは債権届出期間の経過後であって一般調査期間の満了前又は一般調査期日の終了前にされた届出事項の変更と、当該変更が一般調査期間の経過後又は一般調査期日の終了後の変更であるときは同法第百十二条第四項の規定による変更とみなす。

(2) For the purpose of application of the provisions of the Bankruptcy Act to the change under the provisions of the preceding paragraph, the change is, if it arises prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to be the change to the filed particulars that arises after the expiration of the period for filing a proof of claim, but prior to the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation; and the change is, if it arises after the expiration of the Ordinary Period for Investigation or the close of the Ordinary Date of Investigation, deemed to be the change under the provisions of Article 112, paragraph (4) of that Act, unless otherwise provided for in this Chapter.

（特別調査期間又は特別調査期日の費用）

(Expenses for Special Periods for Investigation or Special Dates of Investigation)

第五百四十三条　保護機構代理債権に係る特別調査期間又は特別調査期日に関する費用は、破産法第百十九条第三項（同法第百二十二条第二項において準用する場合を含む。）の規定にかかわらず、保護機構の負担とする。ただし、保護機構は、同法第百

六十九条の規定により原状に復した保険契約に係る権利について調査するため特別調査期間又は特別調査期日が定められた場合その他の相当の事由がある場合には、保護機構代理保険契約者に当該費用の全部又は一部の償還を求めることができる。

Article 543 Any expenses relating to the Special Period for Investigation or Special Date of Investigation in relation to Claims Represented by the Protection Corporation are, notwithstanding the provisions of Article 119, paragraph (3) of the Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 122, paragraph (2) of that Act), borne by the Protection Corporation; provided, however, that the Protection Corporation may, in the case where a Special Period for Investigation or Special Date of Investigation is set for the examination of the rights in relation to insurance contracts that have been restored to their original state pursuant to the provisions of Article 169 of that Act or where there are other reasonable grounds, claim reimbursement of the whole or part of the expenses from Policyholders Represented by the Protection Corporation.

（異議の通知）

(Notice of an Objection)

第五百四十四条　破産債権の調査において、保護機構代理債権の額等について破産管財人が認めず、又は届出をした破産債権者が異議を述べた場合（保護機構が当該保護機構代理債権について異議を述べた場合を除く。）には、保護機構は、遅滞なく、その旨を当該保護機構代理債権に係る保護機構代理保険契約者に通知しなければならない。

Article 544 (1) Where, in an investigation of bankruptcy claims, a bankruptcy trustee has disapproved the amount, etc. of Claims Represented by the Protection Corporation or an objection has been made with regard to the details by any holder of filed bankruptcy claims (excluding the case where the Protection Corporation has raised objection with regard to the Claims Represented by the Protection Corporation), the Protection Corporation must, without delay, give a notice to that effect to the Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation.

2　破産債権の調査において、保護機構が保護機構代理債権の額等について異議を述べた場合には、裁判所書記官は、これを当該保護機構代理債権に係る保護機構代理保険契約者に通知しなければならない。

(2) Where, in an investigation of bankruptcy claims, the Protection Corporation has raised objection with regard to the amount, etc. of Claims Represented by the Protection Corporation, a court clerk must give a notice of same to the Policyholders Represented by the Protection Corporation in relation to the Claims Represented by the Protection Corporation.

（保険契約者保護機構がする通知等）

(Notices by Policyholders Protection Corporation)

第五百四十五条　第五百三十三条及び前条第一項の規定による通知は、その通知が通常到達すべきであった時に、到達したものとみなす。

Article 545 (1) The notice given under the provisions of Article 533 and paragraph (1) of the preceding Article is deemed to have been delivered when the notice should have normally arrived.

２　破産法第十条第一項及び第二項の規定は、第五百三十六条第二項の規定による公告について準用する。

(2) The provisions of Article 10, paragraphs (1) and (2) of the Bankruptcy Act apply mutatis mutandis to the public notice given under the provisions of Article 536, paragraph (2).

（補償対象保険金の弁済に関する特例）

(Special Provisions on Payment of Covered Insurance Claims)

第五百四十六条　保険会社について破産手続開始の決定があった場合において、当該保険会社は、保護機構と保険業法第二百七十条の六の七第三項の規定による契約を締結したときは、破産法第百条第一項の規定にかかわらず、補償対象契約に係る保険金請求権等に係る破産債権者の請求に基づき、補償対象保険金に係る債務の弁済をすることができる。

Article 546 (1) Where an order to commence bankruptcy proceedings of an Insurance Company has been made, and when the Insurance Company concludes a contract under the provisions of Article 270-6-7, paragraph (3) of the Insurance Business Act with the Protection Corporation, notwithstanding the provisions of Article 100, paragraph (1) of the Bankruptcy Act, it may perform obligations in relation to covered insurance claims based on the claim by the bankruptcy creditors in relation to Insurance Claims, etc. in relation to Covered Insurance Contracts.

２　破産債権者は、前項の規定により弁済を受けた場合であっても、その弁済を受ける前の債権の全部をもって破産手続に参加することができる。

(2) A bankruptcy creditor, even where they have received payment under the provisions of the preceding paragraph, may participate in bankruptcy proceedings with regard to all of the claims as of the time before receiving the payment.

３　第一項の規定により弁済を受けた破産債権者は、他の破産債権者が自己の受けた弁済と同一の割合の弁済を受けるまでは、破産手続により、弁済を受けることができない。

(3) A bankruptcy creditor that received payment under the provisions of paragraph (1) may not receive any payment through bankruptcy proceedings until other bankruptcy creditors receive payment of the same proportion as the bankruptcy creditor did.

４　前項の破産債権者は、第一項の規定により弁済を受けた債権の部分については、議

決権を行使することができない。
(4) The bankruptcy creditor referred to in the preceding paragraph may not exercise voting rights with respect to the part of claims for which they received payment under the provisions of paragraph (1).

第五百四十七条　保険会社は、前条第一項の規定による請求があったときは、遅滞なく、当該請求に係る保険金請求権等について第五百三十六条第一項に規定する事項を保護機構に通知しなければならない。
Article 547 When an Insurance Company receives a claim under the provisions of paragraph (1) of the preceding Article, it must give a notice to the Protection Corporation of the particulars prescribed in Article 536, paragraph (1) with respect to Insurance Claims, etc. in relation to the claim without delay.

第七章　雑則
Chapter VII Miscellaneous Provisions

（権限の委任）
(Delegation of Authority)
第五百四十八条　内閣総理大臣は、この法律による権限（政令で定めるものを除く。）を金融庁長官に委任する。
Article 548 The Prime Minister delegates their authority under this Act (other than one specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

第八章　罰則
Chapter VIII Penal Provisions

（詐欺更生罪）
(Crime of Fraudulent Reorganization)
第五百四十九条　第四条第一項に規定する更生手続の開始の前後を問わず、債権者、協同組織金融機関に係る担保権者（協同組織金融機関の財産につき特別の先取特権、質権、抵当権又は商法若しくは会社法の規定による留置権を有する者をいう。以下この章において同じ。）又は組合員等を害する目的で、次の各号のいずれかに該当する行為をした者は、協同組織金融機関について第三十一条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときは、十年以下の懲役若しくは千万円以下の罰金に処し、又はこれを併科する。情を知って、第四号に掲げる行為の相手方となった者も、第三十一条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときは、同様とする。
Article 549 (1) A person that, before or after the commencement of reorganization proceedings prescribed in Article 4, paragraph (1), for the purpose of harming creditors, secured creditors of a Cooperative Financial

Institution (meaning persons that have special statutory liens, pledges, mortgages, or rights of retention provided for in the provisions of the Commercial Code or the Companies Act with respect to the assets of a Cooperative Financial Institution; hereinafter the same applies in this Chapter), or Partners or Members, has conducted any of the acts set forth in the following items will be punished by imprisonment with required labor for not more than ten years or a fine of not more than 10 million yen, or both, when an order commencing reorganization proceedings under the provisions of Article 41, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31 against the Cooperative Financial Institution becomes final and binding. The same applies to a person that has knowingly served as the other party to the act referred to in item (iv), when an order commencing reorganization proceedings prescribed in Article 41, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31 becomes final and binding:

一　協同組織金融機関の財産を隠匿し、又は損壊する行為

(i) an act of concealing or damaging the Cooperative Financial Institution;

二　協同組織金融機関の財産の譲渡又は債務の負担を仮装する行為

(ii) an act of faking the transfer of the Cooperative Financial Institution's assets or assumption of debts;

三　協同組織金融機関の財産の現状を改変して、その価格を減損する行為

(iii) an act of altering the existing status of the Cooperative Financial Institution's assets, thereby reducing its value; and

四　協同組織金融機関の財産を債権者、協同組織金融機関に係る担保権者若しくは組合員等の不利益に処分し、又は債権者、協同組織金融機関に係る担保権者若しくは組合員等に不利益な債務を協同組織金融機関が負担する行為

(iv) an act of disposing of the Cooperative Financial Institution's assets in a manner disadvantageous to creditors, secured creditors in relation to the Cooperative Financial Institution, or Partners or Members, or an act, committed by the Cooperative Financial Institution, of assuming debts disadvantageous to creditors, secured creditors in relation to the Cooperative Financial Institution, or Partners or Members.

2　前項に規定するもののほか、協同組織金融機関について第三十一条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定がされ、又は第二十二条第二項に規定する保全管理命令が発せられたことを認識しながら、債権者、協同組織金融機関に係る担保権者又は組合員等を害する目的で、第四条第一項に規定する更生手続における管財人の承諾その他の正当な理由がなく、その協同組織金融機関の財産を取得し、又は第三者に取得させた者も、前項と同様とする。

(2) Beyond what is prescribed in the preceding paragraph, the provisions of the preceding paragraph also apply to a person who, knowing that an order commencing reorganization proceedings prescribed in Article 41, paragraph (1)

of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31 is made or Provisional Administration Order prescribed in Article 22, paragraph (2) is issued against a Cooperative Financial Institution, for the purpose of harming creditors, secured creditors in relation to the Cooperative Financial Institution, or Partners or Members, has acquired the Cooperative Financial Institution's assets or has had a third party acquire it, without the consent of a trustee in reorganization proceedings prescribed in Article 4, paragraph (1) or any other justifiable grounds.

3　第百六十九条第一項に規定する更生手続の開始の前後を問わず、債権者、相互会社に係る担保権者（相互会社の財産につき特別の先取特権、質権、抵当権又は商法若しくは会社法の規定による留置権を有する者をいう。以下この章において同じ。）又は社員を害する目的で、次の各号のいずれかに該当する行為をした者も、相互会社について第百九十六条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときは、第一項と同様とする。情を知って、第四号に掲げる行為の相手方となった者も、第百九十六条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときは、同様とする。

(3) The provisions of paragraph (1) also apply to a person who, before or after the commencement of reorganization proceedings prescribed in Article 169, paragraph (1), for the purpose of harming creditors, secured creditors in relation to a Mutual Company (meaning persons that have special statutory liens, pledges, mortgages, or rights of retention provided for in the provisions of the Commercial Code or the Companies Act with respect to the assets of a Mutual Company; hereinafter the same applies in this Chapter), or members, has conducted any of the acts set forth in the following items, when an order commencing reorganization proceedings under the provisions of Article 41, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 196 against a Mutual Company becomes final and binding. The same applies to a person that has knowingly served as the other party to the act referred to in item (iv), when an order commencing reorganization proceedings prescribed in Article 41, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 196 becomes final and binding:

一　相互会社の財産を隠匿し、又は損壊する行為

(i) an act of concealing or damaging the Mutual Company;

二　相互会社の財産の譲渡又は債務の負担を仮装する行為

(ii) an act of faking the transfer of the Mutual Company's assets or assumption of debts;

三　相互会社の財産の現状を改変して、その価格を減損する行為

(iii) an act of altering the existing status of the Mutual Company's assets, thereby reducing its value; and

四　相互会社の財産を債権者、相互会社に係る担保権者若しくは社員の不利益に処分

し、又は債権者、相互会社に係る担保権者若しくは社員に不利益な債務を相互会社が負担する行為

(iv) an act of disposing of the Mutual Company's assets in a manner disadvantageous to creditors, secured creditors in relation to the Mutual Company, or members, or an act, committed by the Mutual Company, of assuming debts disadvantageous to creditors, secured creditors in relation to the Mutual Company, or members.

4　前項に規定するもののほか、相互会社について第百九十六条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定がされ、又は第百八十七条第二項に規定する保全管理命令が発せられたことを認識しながら、債権者、相互会社に係る担保権者又は社員を害する目的で、第百六十九条第一項に規定する更生手続における管財人の承諾その他の正当な理由がなく、その相互会社の財産を取得し、又は第三者に取得させた者も、第一項と同様とする。

(4) Beyond what is prescribed in the preceding paragraph, the provisions of paragraph (1) also apply to a person who, knowing that an order commencing reorganization proceedings prescribed in Article 41, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 196 is made or Provisional Administration Order prescribed in Article 187, paragraph (2) is issued against a Mutual Company, for the purpose of harming creditors, secured creditors in relation to the Mutual Company, or members, has acquired the Mutual Company's assets or has had a third party acquire it, without the consent of a trustee in reorganization proceedings prescribed in Article 169, paragraph (1) or any other justifiable grounds.

（特定の債権者等に対する担保の供与等の罪）

(Crime of Providing Securities to a Specific Creditor)

第五百五十条　協同組織金融機関の代表者、代理人、使用人その他の従業者が、第四条第一項に規定する更生手続の開始の前後を問わず、その協同組織金融機関の業務に関し、特定の債権者又は協同組織金融機関に係る担保権者に対するその協同組織金融機関の債務について、他の債権者又は協同組織金融機関に係る担保権者を害する目的で、担保の供与又は債務の消滅に関する行為であってその協同組織金融機関の義務に属せず又はその方法若しくは時期がその協同組織金融機関の義務に属しないものをし、協同組織金融機関について第三十一条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときは、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

Article 550 (1) Where a representative person, agent, employee or other worker of a Cooperative Financial Institution, before or after the commencement of reorganization proceedings prescribed in Article 4, paragraph (1), in connection with the business of the Cooperative Financial Institution, with regard to its debt to a specific creditor or secured creditor in relation to the Cooperative Financial Institution, for the purpose of harming other creditors or secured

creditors in relation to the Cooperative Financial Institution, has conducted an act concerning the provisions of security or extinguishment of debt that is not included in the scope of the Cooperative Financial Institution's obligation in terms of the act itself or the means or time of performance of the act, and an order commencing reorganization proceedings under the provisions of Article 41, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 31 against the Cooperative Financial Institution has become final and binding, the representative person, agent, employee or worker will be punished by imprisonment with required labor for not more than five years or a fine of not more than five million yen, or both.

2　相互会社の代表者、代理人、使用人その他の従業者が、第百六十九条第一項に規定する更生手続の開始の前後を問わず、その相互会社の業務に関し、特定の債権者又は相互会社に係る担保権者に対するその相互会社の債務について、他の債権者又は相互会社に係る担保権者を害する目的で、担保の供与又は債務の消滅に関する行為であってその相互会社の義務に属せず又はその方法若しくは時期がその相互会社の義務に属しないものをし、相互会社について第百九十六条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときも、前項と同様とする。

(2) The provisions of preceding paragraph also apply to a representative person, agent, employee or other worker of a Mutual Company who, before or after the commencement of reorganization proceedings prescribed in Article 169, paragraph (1), in connection with the business of the Mutual Company, with regard to its debt to a specific creditor or secured creditor in relation to the Mutual Company, for the purpose of harming other creditors or secured creditors in relation to the Mutual Company, has conducted an act concerning the provisions of security or extinguishment of debt that is not included in the scope of the Mutual Company's obligations in terms of the act itself or the means or time of performance of the act, and an order commencing reorganization proceedings under the provisions of Article 41, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 196 against the Mutual Company has become final and binding.

（管財人等の特別背任罪）

(Crime of a Special Breach of Trust by a Trustee)

第五百五十一条　第四条第一項に規定する更生手続における管財人、管財人代理、保全管理人、保全管理人代理、監督委員又は調査委員が、自己若しくは第三者の利益を図り又は債権者、協同組織金融機関に係る担保権者若しくは組合員等に損害を加える目的で、その任務に背く行為をし、債権者、協同組織金融機関に係る担保権者又は組合員等に財産上の損害を加えたときは、十年以下の懲役若しくは千万円以下の罰金に処し、又はこれを併科する。

Article 551 (1) Where a trustee, trustee representative, provisional administrator, provisional administrator representative, supervisor, or

examiner in reorganization proceedings prescribed in Article 4, paragraph (1), for the purpose of promoting their own interest or the interest of a third party, or inflicting damage on creditors, secured creditors in relation to a Cooperative Financial Institution, or Partners or Members, has committed an act in breach of their duty and caused financial loss to creditors, secured creditors in relation to a Cooperative Financial Institution, or Partners or Members, the trustee, trustee representative, provisional administrator, provisional administrator representative, supervisor, or examiner will be punished by imprisonment with required labor for not more than ten years or a fine of not more than ten million yen, or both.

2　第百六十九条第一項に規定する更生手続における管財人、管財人代理、保全管理人、保全管理人代理、監督委員又は調査委員が、自己若しくは第三者の利益を図り又は債権者、相互会社に係る担保権者若しくは社員に損害を加える目的で、その任務に背く行為をし、債権者、相互会社に係る担保権者又は社員に財産上の損害を加えたときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply to a trustee, trustee representative, provisional administrator, provisional administrator representative, supervisor, or examiner in reorganization proceedings prescribed in Article 169, paragraph (1) who, for the purpose of promoting their own interest or the interest of a third party, or inflicting damage on creditors, secured creditors in relation to a Mutual Company, or members, has committed an act in breach of their duty and caused financial loss to creditors, secured creditors in relation to a Mutual Company, or members.

3　第四条第一項又は第百六十九条第一項に規定する更生手続における管財人、保全管理人、監督委員又は調査委員（以下この項において「管財人等」という。）が法人であるときは、前二項の規定は、管財人等の職務を行う役員又は職員に適用する。

(3) Where a trustee, provisional administrator, supervisor, or examiner in reorganization proceedings prescribed in Article 4, paragraph (1) or Article 169, paragraph (1) (hereinafter referred to as a "Trustee, etc." in this paragraph) is a corporation, the provisions of the preceding two paragraphs apply to its officer or official that performs the duties of a Trustee, etc.

（報告及び検査の拒絶等の罪）

(Crime of Refusing Reports and Inspections)

第五百五十二条　第四条第六項に規定する開始前協同組織金融機関、同条第七項に規定する更生協同組織金融機関、第百二十四条第一項第四号に掲げる転換後協同組織金融機関若しくは転換後銀行、同項第五号に規定する新協同組織金融機関又は同項第六号に規定する新株式会社（第三項において「開始前協同組織金融機関等」という。）の設立時取締役、設立時監査役、理事、取締役、会計参与、監事、監査役、執行役、会計監査人、清算人若しくは使用人その他の従業者若しくはこれらの者であった者又は発起人であった者が、第二十四条第一項、第二十八条、第四十九条若しくは第七十三

条において準用する会社更生法第七十七条第一項の規定又は第百二十七条第二項若しくは第三項において準用する同法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときは、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 552 (1) A person that is or was a Director at Incorporation, an Auditor at Incorporation, board member, director, accounting advisor, inspector, company auditor, executive officer, accounting auditor, liquidator, or employee or any other worker or that was an incorporator of a cooperative financial institution awaiting reorganization proceedings prescribed in Article 4, paragraph (6), reorganizing cooperative financial institution prescribed in paragraph (7) of that Article, converted cooperative financial institution or converted bank referred to in Article 124, paragraph (1), item (iv), new Cooperative Financial Institution prescribed in item (v) of that paragraph, or new Stock Company prescribed in item (vi) of that paragraph (referred to as a "cooperative financial institution or similar entity awaiting reorganization proceedings" in paragraph (3)), and has refused to give a report under the provisions of Article 77, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 24, paragraph (1), Article 28, Article 49 or Article 73 or under the provisions of Article 209, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 127, paragraph (2) or (3) or given a false report will be punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both.

2　前項に規定する者の代表者、代理人、使用人その他の従業者（第四項及び第六項において「代表者等」という。）が、前項に規定する者の業務に関し、第二十四条第一項、第二十八条、第四十九条若しくは第七十三条において準用する会社更生法第七十七条第一項の規定又は第百二十七条第二項若しくは第三項において準用する同法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply to a representative person, agent, employee or other worker (referred to as a "representative person, etc." in paragraphs (4) and (6)) of any of the persons prescribed in the preceding paragraph who, in connection with the business of those persons, has refused to give a report under the provisions of Article 77, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 24, paragraph (1), Article 28, Article 49 or Article 73 or under the provisions of Article 209, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 127, paragraph (2) or (3) or given a false report.

3　第一項に規定する者（同項に規定するこれらの者であった者を除く。）が、その開始前協同組織金融機関等の業務に関し、第二十四条第一項、第二十八条、第四十九条若しくは第七十三条において準用する会社更生法第七十七条第一項の規定又は第百二十七条第二項若しくは第三項において準用する同法第二百九条第三項の規定による検

査を拒んだときも、第一項と同様とする。

(3) The provisions of paragraph (1) also apply to a person prescribed in paragraph (1) (other than one that was any of those persons as prescribed in that paragraph) who, in connection with the business of the cooperative financial institution or similar entity awaiting reorganization proceedings has refused an inspection under the provisions of Article 77, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 24, paragraph (1), Article 28, Article 49 or Article 73 or under the provisions of Article 209, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 127, paragraph (2) or (3).

4　第四条第六項に規定する開始前協同組織金融機関又は同条第七項に規定する更生協同組織金融機関の子会社（協同組合による金融事業に関する法律第四条第一項、信用金庫法第三十二条第六項又は労働金庫法第三十二条第五項に規定する子会社をいう。以下この項において同じ。）の代表者等が、その子会社の業務に関し、第二十四条第一項、第二十八条、第四十九条又は第七十三条において準用する会社更生法第七十七条第二項の規定による報告若しくは検査を拒み、又は虚偽の報告をしたときも、第一項と同様とする。

(4) The provisions of paragraph (1) also apply to a representative person, etc. of a subsidiary company (meaning a subsidiary company prescribed in Article 4, paragraph (1) of the Act on Financial Businesses by Cooperative, Article 32, paragraph (6) of the Shinkin Bank Act, or Article 32, paragraph (5) of the Labor Bank Act; hereinafter the same applies in this paragraph) of a cooperative financial institution awaiting reorganization proceedings as prescribed in Article 4, paragraph (6) or reorganizing cooperative financial institution prescribed in paragraph (7) of that Article who, in connection with the business of the subsidiary company, has refused to give a report or refused an inspection under the provisions of Article 77, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 24, paragraph (1), Article 28, Article 49 or Article 73 or given a false report.

5　第三百四十五条第一項第二号に規定する転換後信用金庫又は第三百五十四条第一項に規定する新協同組織金融機関（第七項において「転換後信用金庫等」という。）の理事、監事、会計監査人、清算人若しくは使用人その他の従業者又はこれらの者であった者が、第三百五十二条第五項又は第三百五十四条第七項において準用する会社更生法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときも、第一項と同様とする。

(5) The provisions of paragraph (1) also apply to a person that is or was a board member, inspector, accounting auditor, liquidator, or employee or other worker of a Converted Shinkin Bank prescribed in Article 345, paragraph (1), item (ii) or new Cooperative Financial Institution prescribed in Article 354, paragraph (1) (referred to as a "Converted Shinkin Bank, etc." in paragraph (7)) and has refused to give a report under the provisions of Article 209, paragraph (3) of

the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 352, paragraph (5) or Article 354, paragraph (7) or given a false report.

6　前項に規定する者の代表者等が、同項に規定する者の業務に関し、第三百五十二条第五項又は第三百五十四条第七項において準用する会社更生法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときも、第一項と同様とする。

(6) The provisions of paragraph (1) also apply to a representative person, etc. of any of the persons prescribed in the preceding paragraph who, in connection with the business of those persons, has refused to give a report under the provisions of Article 209, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 352, paragraph (5) or Article 354, paragraph (7) or given a false report.

7　第五項に規定する者（同項に規定するこれらの者であった者を除く。）が、その転換後信用金庫等の業務に関し、第三百五十二条第五項又は第三百五十四条第七項において準用する会社更生法第二百九条第三項の規定による検査を拒んだときも、第一項と同様とする。

(7) The provisions of paragraph (1) also apply to a person prescribed in paragraph (5) (other than one that was any of those persons as prescribed in that paragraph) who, in connection with the business of the Converted Shinkin Bank, etc., has refused an inspection under the provisions of Article 209, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 352, paragraph (5) or Article 354, paragraph (7).

第五百五十三条　第百六十九条第六項に規定する開始前会社、同条第七項に規定する更生会社、第二百九十四条第一項第四号に掲げる組織変更後株式会社、同項第五号に規定する株式会社若しくは新株式会社又は同項第六号に規定する新相互会社（第三項において「開始前会社等」という。）の設立時取締役、設立時監査役、取締役、会計参与、監査役、執行役、会計監査人、清算人若しくは使用人その他の従業者若しくはこれらの者であった者又は発起人であった者が、第百八十九条第一項、第百九十三条、第二百十五条若しくは第二百三十九条において準用する会社更生法第七十七条第一項の規定又は第二百九十七条第二項若しくは第三項において準用する同法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときは、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 553 (1) A person that is or was a Director at Incorporation, an Auditor at Incorporation, director, accounting advisor, company auditor, executive officer, accounting auditor, liquidator, or employee or any other worker or that was an incorporator of a company awaiting reorganization proceedings prescribed in Article 169, paragraph (6), reorganizing company prescribed in paragraph (7) of that Article, Converted Stock Company referred to in Article 294, paragraph (1), item (iv), Stock Company or new Stock Company prescribed in item (v) of that paragraph, or New Mutual Company prescribed in item (vi) of that paragraph (referred to as a "company awaiting reorganization proceedings or

other such company" in paragraph (3)), that has refused to give a report under the provisions of Article 77, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 189, paragraph (1), Article 193, Article 215 or Article 239 or under the provisions of Article 209, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 297, paragraph (2) or (3) or given a false report will be punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both.

2　前項に規定する者の代表者、代理人、使用人その他の従業者（第四項及び第六項において「代表者等」という。）が、前項に規定する者の業務に関し、第百八十九条第一項、第百九十三条、第二百十五条若しくは第二百三十九条において準用する会社更生法第七十七条第一項の規定又は第二百九十七条第二項若しくは第三項において準用する同法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply to a representative person, agent, employee or other worker (referred to as a "representative person, etc." in paragraphs (4) and (6)) of any of the persons prescribed in the preceding paragraph who, in connection with the business of those persons, has refused to give a report under the provisions of Article 77, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 189, paragraph (1), Article 193, Article 215 or Article 239 or under the provisions of Article 209, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 297, paragraph (2) or (3) or given a false report.

3　第一項に規定する者（同項に規定するこれらの者であった者を除く。）が、その開始前会社等の業務に関し、第百八十九条第一項、第百九十三条、第二百十五条若しくは第二百三十九条において準用する会社更生法第七十七条第一項の規定又は第二百九十七条第二項若しくは第三項において準用する同法第二百九条第三項の規定による検査を拒んだときも、第一項と同様とする。

(3) The provisions of paragraph (1) also apply to a person prescribed in paragraph (1) (other than one that was any of those persons as prescribed in that paragraph) who, in connection with the business of the company awaiting reorganization proceedings or other such company, has refused an inspection under the provisions of Article 77, paragraph (1) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 189, paragraph (1), Article 193, Article 215 or Article 239 or under the provisions of Article 209, paragraph (3) of that Act as applied mutatis mutandis pursuant to Article 297, paragraph (2) or (3).

4　第百六十九条第六項に規定する開始前会社又は同条第七項に規定する更生会社の実質子会社（保険業法第三十三条の二第一項に規定する実質子会社をいう。以下この項において同じ。）の代表者等が、その実質子会社の業務に関し、第百八十九条第一項、第百九十三条、第二百十五条又は第二百三十九条において準用する会社更生法第七十

七条第二項の規定による報告若しくは検査を拒み、又は虚偽の報告をしたときも、第一項と同様とする。

(4) The provisions of paragraph (1) also apply to a representative person, etc. of a substantivesubsidiary company (meaning asubstantive subsidiary company prescribed in Article 33-2, paragraph (1) of the Insurance Business Act; hereinafter the same applies in this paragraph) of a company awaiting reorganization proceedings prescribed in Article 169, paragraph (6) or reorganizing company prescribed in paragraph (7) of that Article who, in connection with the business of the substantivesubsidiary company, has refused to give a report or refused an inspection under the provisions of Article 77, paragraph (2) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 189, paragraph (1), Article 193, Article 215 or Article 239 or given a false report.

5　第三百六十条第一項第二号に規定する組織変更後相互会社又は第三百七十二条第一項に規定する新相互会社（第七項において「組織変更後相互会社等」という。）の取締役、会計参与、監査役、執行役、会計監査人、清算人若しくは使用人その他の従業者又はこれらの者であった者が、第三百六十七条第四項又は第三百七十二条第七項において準用する会社更生法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときも、第一項と同様とする。

(5) The provisions of paragraph (1) also apply to a person that is or was a director, accounting advisor, company auditor, executive officer, accounting auditor, liquidator, or employee or other worker of a Converted Mutual Company prescribed in Article 360, paragraph (1), item (ii) or New Mutual Company prescribed in Article 372, paragraph (1) (referred to as a "Converted Mutual Company, etc." in paragraph (7)) and has refused to give a report under the provisions of Article 209, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 367, paragraph (4) or Article 372, paragraph (7) or given a false report.

6　前項に規定する者の代表者等が、同項に規定する者の業務に関し、第三百六十七条第四項又は第三百七十二条第七項において準用する会社更生法第二百九条第三項の規定による報告を拒み、又は虚偽の報告をしたときも、第一項と同様とする。

(6) The provisions of paragraph (1) also apply to a representative person, etc. of any of the persons prescribed in the preceding paragraph who, in connection with the business of those persons, has refused to give a report under the provisions of Article 209, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 367, paragraph (4) or Article 372, paragraph (7) or given a false report.

7　第五項に規定する者（同項に規定するこれらの者であった者を除く。）が、その組織変更後相互会社等の業務に関し、第三百六十七条第四項又は第三百七十二条第七項において準用する会社更生法第二百九条第三項の規定による検査を拒んだときも、第一項と同様とする。

(7) The provisions of paragraph (1) also apply to a person prescribed in paragraph (5) (other than one that was any of those persons as prescribed in that paragraph) who, in connection with the business of the Converted Mutual Company, etc., has refused an inspection under the provisions of Article 209, paragraph (3) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 367, paragraph (4) or Article 372, paragraph (7).

（業務及び財産の状況に関する物件の隠滅等の罪）

(Crime of Spoliation of Items Concerning the Status of Business and Assets)

第五百五十四条　第四条第一項に規定する更生手続の開始の前後を問わず、債権者、協同組織金融機関に係る担保権者又は組合員等を害する目的で、協同組織金融機関の業務及び財産の状況に関する帳簿、書類その他の物件を隠滅し、偽造し、又は変造した者は、協同組織金融機関について第三十一条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときは、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 554 (1) A person who, before or after the commencement of reorganization proceedings prescribed in Article 4, paragraph (1), for the purpose of harming creditors, secured creditors in relation to a Cooperative Financial Institution, or Partners or Members, has spoliated, forged or altered books, documents or any other items concerning the status of a Cooperative Financial Institution's business and assets will be punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both, when an order commencing reorganization proceedings prescribed in Article 41, paragraph (1) of the as applied mutatis mutandis pursuant to Article 31 against the Cooperative Financial Institution becomes final and binding.

２　第百六十九条第一項に規定する更生手続の開始の前後を問わず、債権者、相互会社に係る担保権者又は社員を害する目的で、相互会社の業務及び財産の状況に関する帳簿、書類その他の物件を隠滅し、偽造し、又は変造した者も、相互会社について第百九十六条において準用する会社更生法第四十一条第一項に規定する更生手続開始の決定が確定したときは、前項と同様とする。

(2) The provisions of the preceding paragraph also apply to a person who, before or after the commencement of reorganization proceedings prescribed in Article 169, paragraph (1), for the purpose of harming creditors, secured creditors in relation to a Mutual Company, or members, has spoliated, forged or altered books, documents or any other objects concerning the status of a Mutual Company's business and assets, when an order commencing reorganization proceedings prescribed in Article 41, paragraph (1) of the as applied mutatis mutandis pursuant to Article 196 against the Mutual Company becomes final and binding.

（管財人等に対する職務妨害の罪）

(Crime of Obstructing a Trustee from Conducting Duties)

第五百五十五条　偽計又は威力を用いて、第四条第一項又は第百六十九条第一項に規定する更生手続における管財人、管財人代理、保全管理人、保全管理人代理、監督委員又は調査委員の職務を妨害した者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 555　A person who, by the use of fraudulent means or force, has obstructed the a trustee, trustee representative, provisional administrator, provisional administrator representative, supervisor, or examiner from performance of their duties in reorganization proceedings prescribed in Article 4, paragraph (1) or Article 169, paragraph (1) will be punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both.

（収賄罪）

(Crime of Accepting a Bribe)

第五百五十六条　第四条第一項又は第百六十九条第一項に規定する更生手続における管財人、管財人代理、保全管理人、保全管理人代理、監督委員、調査委員又は法律顧問（第四十四条又は第二百十条において準用する会社更生法第七十一条の法律顧問をいう。次項において同じ。）が、その職務に関し、賄賂を収受し、又はその要求若しくは約束をしたときは、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 556　(1) Where a trustee, trustee representative, provisional administrator, provisional administrator representative, supervisor, examiner, or legal advisor (meaning legal advisor prescribed in Article 71 of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 44 or Article 210; the same applies in the following paragraph) in reorganization proceedings prescribed in Article 4, paragraph (1) or Article 169, paragraph (1), in connection with their duties, has accepted, solicited or promised to accept a bribe, the trustee, trustee representative, provisional administrator, provisional administrator representative, supervisor, examiner, or legal advisor will be punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both.

２　前項の場合において、その管財人、管財人代理、保全管理人、保全管理人代理、監督委員、調査委員又は法律顧問が不正の請託を受けたときは、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

(2) In the case referred to in the preceding paragraph, where the trustee, trustee representative, provisional administrator, provisional administrator representative, supervisor, examiner, or legal advisor has agreed to perform an act in response to an unlawful request, they will be punished by imprisonment with required labor for not more than five years or a fine of not more than five

million yen, or both.

3　第一項の更生手続における管財人、保全管理人、監督委員又は調査委員（以下この条において「管財人等」という。）が法人である場合において、管財人等の職務を行うその役員又は職員が、その管財人等の職務に関し、賄賂を収受し、又はその要求若しくは約束をしたときは、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。管財人等が法人である場合において、その役員又は職員が、その管財人等の職務に関し、管財人等に賄賂を収受させ、又はその供与の要求若しくは約束をしたときも、同様とする。

(3) Where a trustee, provisional administrator, supervisor, or examiner (hereinafter referred to as a "Trustee, etc." in this Article) in reorganization proceedings referred to in paragraph (1) is a corporation, if its officer or official that performs the duties of a Trustee, etc., in connection with the duties of the Trustee, etc., has accepted, solicited or promised to accept a bribe, the officer or official will be punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both. The same applies where a Trustee, etc. is a corporation, and its officer or official, in connection with the duties of a Trustee, etc., has caused the Trustee, etc. to accept or solicit or promise to accept a bribe.

4　前項の場合において、その役員又は職員が不正の請託を受けたときは、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

(4) In the case referred to in the preceding paragraph, where the officer or official has agreed to perform an act in response to an unlawful request, the officer or official will be punished by imprisonment with required labor for not more than five years or a fine of not more than five million yen, or both.

5　第一項の更生手続における第四条第十三項若しくは第百六十九条第十三項に規定する更生債権者等、組合員等、社員若しくは代理委員又はこれらの者の代理人、役員若しくは職員が、関係人集会の期日における議決権の行使又は第百十三条若しくは第二百八十二条において準用する会社更生法第百八十九条第二項第二号に規定する書面等投票による議決権の行使に関し、不正の請託を受けて、賄賂を収受し、又はその要求若しくは約束をしたときは、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

(5) Where unsecured and secured reorganization creditors prescribed in Article 4, paragraph (13) or Article 169, paragraph (13) in reorganization proceedings referred to in paragraph (1), Partner or Member, member or representative or their agent, officer or official, in connection with the exercise of a voting right on the date of a meeting of persons concerned or exercise of a voting right by voting by document, etc. prescribed in Article 189, paragraph (2), item (ii) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 113 or Article 282, has accepted, solicited or promised to accept a bribe while agreeing to perform an act in response to an unlawful request, the unsecured and secured reorganization creditors, Partner or Member, member

or representative or their agent, officer or official will be punished by imprisonment with required labor for not more than five years or a fine of not more than five million yen, or both.

6　前各項の場合において、犯人又は法人である管財人等が収受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

(6) In the cases referred to in the preceding paragraphs, a bribe accepted by the offender or by the Trustee, etc. that is a corporation will be confiscated. If all or part of the bribe cannot be confiscated, an equivalent value thereof will be collected.

（贈賄罪）

(Crime of Offering a Bribe)

第五百五十七条　前条第一項又は第三項に規定する賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 557 (1) A person that has given, offered or promised to offer a bribe prescribed in paragraph (1) or paragraph (3) of the preceding Article will be punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both.

2　前条第二項、第四項又は第五項に規定する賄賂を供与し、又はその申込み若しくは約束をした者は、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

(2) A person that has given, offered or promised to offer a bribe prescribed in paragraph (2), paragraph (4) or paragraph (5) of the preceding Article will be punished by imprisonment with required labor for not more than five years or a fine of not more than five million yen, or both.

（国外犯）

(Crimes Committed Outside Japan)

第五百五十八条　第五百四十九条、第五百五十条、第五百五十四条、第五百五十五条及び前条の罪は、刑法（明治四十年法律第四十五号）第二条の例に従う。

Article 558 (1) The crimes referred to in Article 549, Article 550, Article 554, Article 555 and the preceding Article are handled according to Article 2 of the Penal Code (Act No. 45 of 1907).

2　第五百五十一条及び第五百五十六条（第五項を除く。）の罪は、刑法第四条の例に従う。

(2) The crimes referred to in Article 551 and Article 556 (excluding paragraph (5)) are handled according to Article 4 of the Penal Code.

3　第五百五十六条第五項の罪は、日本国外において同項の罪を犯した者にも適用する。

(3) The crime referred to in Article 556, paragraph (5) also applies to a person that has committed the crime outside Japan.

（両罰規定）

(Dual Criminal Liability Provision)

第五百五十九条　法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関し、第五百四十九条、第五百五十条、第五百五十二条（第一項及び第五項を除く。）、第五百五十三条（第一項及び第五項を除く。）、第五百五十四条、第五百五十五条又は第五百五十七条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 559 When the representative person of a corporation, or an agent, employee or any other worker of a corporation or individual, in connection with the business or assets of the corporation or individual, has committed a violation of Article 549, Article 550, Article 552 (excluding paragraphs (1) and (5)), Article 553 (excluding paragraphs (1) and (5)), Article 554, Article 555, or Article 557, not only will the offender be punished, but also the corporation or individual will be punished by a fine prescribed in the respective Articles.

（過料）

(Civil Fines)

第五百六十条　第四条第七項に規定する更生協同組織金融機関又はその更生協同組織金融機関の事業の更生のために債務を負担し、又は担保を提供する者は、第百二十七条第一項において準用する会社更生法第二百九条第四項の規定による裁判所の命令に違反した場合には、百万円以下の過料に処する。

Article 560 (1) A person that owes a debt or provides security for a reorganizing cooperative financial institution prescribed in Article 4, paragraph (7) or for the reorganization of its business will, if the person violates a court order under the provisions of Article 209, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 127, paragraph (1), be punished by a civil fine of not more than one million yen.

２　第百六十九条第七項に規定する更生会社又はその更生会社の事業の更生のために債務を負担し、又は担保を提供する者は、第二百九十七条第一項において準用する会社更生法第二百九条第四項の規定による裁判所の命令に違反した場合も、前項と同様とする。

(2) The provisions of the preceding paragraph also apply to a person that owes a debt or provides securities to a reorganizing company prescribed in Article 169, paragraph (7) or for the reorganization of its business and violates a court order under the provisions of Article 209, paragraph (4) of the Corporate Reorganization Act as applied mutatis mutandis pursuant to Article 297, paragraph (1).