

○東京都が東京信用保証協会に対し交付する補助金に係る回収納付金を受け取る権利の放棄に関する条例

Ordinance on Forfeiture of Rights to Receive Recovery Payments Pertaining to Subsidies
Issued by Tokyo Metropolitan Government to Tokyo Guarantee

平成二〇年一〇月一四日

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平成二六年三月三十一日条例第六六号

平成二八年三月三十一日条例第五一号

平成三〇年一二月二七日条例第一一八号

令和三年一〇月二〇日条例第九二号

Amendments:

Ordinance No. 121 of October 14, 2008

Ordinance No. 58 of March 31, 2010

Ordinance No. 103 of June 27, 2012

Ordinance No. 108 of June 14, 2013

Ordinance No. 66 of March 31, 2014

Ordinance No. 51 of March 31, 2016

Ordinance No. 118 of December 27, 2018

Ordinance No. 92 of October 20, 2021

東京都が東京信用保証協会に対し交付する補助金に係る回収納付金を受け取る権利の放棄に関する条例を公布する。

The Tokyo Metropolitan government hereby promulgates the Ordinance on Forfeiture of Rights to Receive Recovery Payments Pertaining to Subsidies Issued by Tokyo Metropolitan Government to Tokyo Guarantee.

東京都が東京信用保証協会に対し交付する補助金に係る回収納付金を受け取る権利の放棄に関する条例

Ordinance on Forfeiture of Rights to Receive Recovery Payments Pertaining to Subsidies
Issued by Tokyo Metropolitan Government to Tokyo Guarantee

(目的)

(Purpose)

第一条 この条例は、東京信用保証協会(以下「保証協会」という。)が中小企業者等に対

する求償権を行使して回収金を取得した場合に生じる東京都(以下「都」という。)に納入すべき納付金を受け取る権利の放棄に関する事項を定め、もって中小企業者等の事業の再生の促進を図ることを目的とする。

Article 1

The purpose of this ordinance is to specify matters on the forfeiture of rights to receive payments to be made to the Tokyo Metropolitan Government (hereinafter referred to as “TMG”) that arise when Tokyo Guarantee (hereinafter referred to as “Guarantee”) executes its right to reimbursement towards small- and medium-sized enterprise, etc. to acquire recovery and, by specifying those matters, to facilitate the promotion of the rehabilitation of the businesses of small- and medium-sized enterprises, etc.

(定義)

(Definitions)

第二条 この条例において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

Article 2 For the purpose of this ordinance, the meanings of the terms listed in the following items are as prescribed respectively in those items.

一 中小企業者等 信用保証協会法(昭和二十八年法律第百九十六号)第二十条第四項の中小企業者等をいう。

(1) “Small- and Medium-Sized Enterprises, Etc.” Refers to small- and medium-sized enterprises, etc. under Article 20, paragraph (4) of the Credit Guarantee Association Act (Act No. 196 of 1953).

二 求償権 保証協会が信用保証協会法第八条第一項の業務方法書に従い中小企業者等に対する融資に係る債務の保証をした場合において、その保証に係る債務(以下「保証債務」という。)を履行することにより取得する中小企業者等に対する債権をいう。

(2) “Right to Reimbursement” Refers to claims towards Small- and Medium-Sized Enterprises, Etc. acquired by Guarantee by performing obligations pertaining to the guarantee of obligations for loans to those Small- and Medium-Sized Enterprises, Etc. in accordance with operational procedures under Article 8, paragraph (1) of the Credit Guarantee Association Act in cases where Guarantee has made such guarantees.

三 求償権の放棄等 求償権の放棄又は不等価譲渡(求償権の金額に満たない額での譲渡をいう。)をいう。

(3) “Forfeiture of Right to Reimbursement, Etc.” Refers to the forfeiture or nonequivalent transfer (refers to a transfer that is less than the amount of the right to reimbursement) of rights to reimbursement.

四 損失補助契約 都と保証協会との間の契約であって、保証協会が保証債務を履行し

た際に生じた損失に対して都が補助を行うことを定めたものをいう。

- (4) “Loss Assistance Agreement” Refers to agreements between TMG and Guarantee that specify that TMG will assist with losses incurred upon the performance of guaranteed obligations by Guarantee.

五 回収納付金 保証協会が、損失補助契約の対象となる保証債務に係る求償権を行使することによって回収金を取得した場合において、当該回収金のうち都に納入しなければならないものをいう。

- (5) “Recovery Payments” Refers to recovery that Guarantee must pay to TMG when it has acquired said recovery by exercising its right to reimbursement pertaining to the guaranteed obligations subject to the Loss Assistance Agreement.

(回収納付金を受け取る権利の放棄)

(Forfeiture of Right to Receive Recovery Payments)

第三条 知事は、保証協会から、損失補助契約の対象となる保証債務に係る求償権の放棄等の申出を受けた場合は、当該申出が次に掲げる計画又は要請のいずれかに基づくものであって、かつ、当該求償権の放棄等が当該計画又は要請に係る中小企業者等の事業の再生に資すると認めるときは、当該求償権に係る回収納付金を受け取る権利を放棄することができる。

Article 3 If the Governor is presented with an offer from Guarantee to forfeit, etc. its right to reimbursement pertaining to the guaranteed obligations subject to the Loss Assistance Agreement, when said offer is based on either the plan or request listed below and the Governor finds the forfeiture, etc. of that right to reimbursement to contribute to the rehabilitation of the businesses of Small- and Medium-Sized Enterprises, Etc. pertaining to that plan or request, the Governor may forfeit the right to receive recovery payments pertaining to that right to reimbursement.

一 産業競争力強化法(平成二十五年法律第九十八号)第百三十五条第一項の中小企業再生支援協議会が同条第五項の規定に基づき決定した事項等に従い同法第百三十四条第二項に規定する認定支援機関(第六号において単に「認定支援機関」という。)が行う同項第一号に規定する支援に基づき策定された再生に関する計画

- (1) Plan for revitalization formulated based on the support provided for in Article 134, paragraph (2), item (i) of the Act on Strengthening Industrial Competitiveness (Act No. 98 of 2013) conducted by an approved support institution provided for in the same paragraph (hereinafter referred to as “Approved Support Institution”) in accordance with matters, etc. determined by a Small and Medium-sized Enterprise Revitalization Support Council under Article 135, paragraph 1 of said Act based on the provisions of paragraph (5) of the same Article

二 独立行政法人中小企業基盤整備機構(以下この号において「中小機構」という。)が産業競争力強化法第百四十条第一号の規定により出資を行った投資事業有限責任組合

の支援又は同条第二号の規定により中小機構が行う同法第百三十四条第二項第一号に規定する支援に基づき策定された再生に関する計画

- (2) Plan for revitalization formulated based on the support of an investment limited partnership in which the Small and Medium-sized Enterprise Revitalization Support Council (hereinafter referred to as “Council”) makes a contribution pursuant to Article 140, item (i) of the Act on Strengthening Industrial Competitiveness or the support provided for in Article 134, paragraph (2), item (i) of said Act conducted by the Council pursuant to item (ii) of the same Article

三 金融機能の再生のための緊急措置に関する法律(平成十年法律第百三十二号)第五十三条第一項第二号に規定する特定協定銀行である株式会社整理回収機構の支援に基づき策定された再生に関する計画

- (3) Plan for revitalization formulated based on the support of The Resolution and Collection Corporation, a specified agreement bank prescribed in Article 53, paragraph (1), item (ii) of the Act on Emergency Measures for the Revitalization of the Financial Functions (Act No. 132 of 1998)

四 株式会社地域経済活性化支援機構が株式会社地域経済活性化支援機構法(平成二十一年法律第六十三号)第二十五条第四項の規定による再生支援決定又は同法第三十二条の二第三項の規定による特定支援決定を行った事業者に係る再生に関する計画

- (4) Plan for revitalization pertaining to business operators for whom the Regional Economy Vitalization Corporation of Japan makes a decision to support revitalization under Article 25, paragraph (4) of the Act on Regional Economy Vitalization Corporation of Japan (Act No. 63 of 2009) or makes a decision to provide specified support under Article 32-2, paragraph (3) of said Act

五 株式会社東日本大震災事業者再生支援機構が株式会社東日本大震災事業者再生支援機構法(平成二十三年法律第百十三号)第十九条第四項の規定により支援決定を行った事業者に係る再生に関する計画

- (5) Plan for revitalization pertaining to business operators for whom the Organization for Supporting the Turnaround of Businesses Damaged by the Great East Japan Earthquake make a decision to provide support under Article 19, paragraph (4) of the Act on the Organization for Supporting the Turnaround of Businesses Damaged by the Great East Japan Earthquake (Act No. 113 of 2011)

六 認定支援機関が産業復興相談センター事業として行う、産業復興機構(独立行政法人中小企業基盤整備機構が産業競争力強化法第百四十条第一号の規定により出資を行った投資事業有限責任組合であるものに限る。)に対する債権買取りの要請

- (6) Requests for factoring to organizations for industry promotion (limited to investment limited partnerships that the Organization for Small & Medium Enterprises and Regional Innovation made a contribution to pursuant to Article 140, item (i) of the Act on Strengthening Industrial

Competitiveness) conducted by an Approved Support Institution as part of an industrial promotion and consultation center business

七 産業競争力強化法第二条第二十項に規定する特定認証紛争解決事業者が行う同条第二十一項に規定する特定認証紛争解決手続に基づき策定された再生に関する計画

(7) Plan for revitalization formulated based on Specified Certified Dispute Resolution Procedures prescribed in Article 2, paragraph (21) of the Act on Strengthening Industrial Competitiveness that are conducted by a Specified Certified Dispute Resolution Business prescribed in paragraph (20) of the same Article

八 私的整理に関するガイドラインとして知事が認めるものに基づき策定された再建に関する計画

(8) Plan for reconstruction formulated based on items recognized by the Governor as guidelines on voluntary liquidation

九 特定債務等の調整の促進のための特定調停に関する法律(平成十一年法律第一百五十八号)第二条第三項に規定する特定調停による事業の再生のための手続として知事が認めるものに基づき策定された再生に関する計画

(9) Plan for revitalization formulated based on items recognized by the Governor as procedures for the revitalization of businesses through Special Conciliation prescribed in Article 2, paragraph (3) of the Act on Special Conciliation for Expediting Arrangement of Specified Debts (Act No. 158 of 1999)

(平二二条例五四・平二四条例一〇三・平二五条例一〇八・平二六条例六六・平二八条例五一・平三〇条例一一八・令三条例九二・一部改正)

(Partial amendment of Ordinance No. 54 of 2010, Ordinance No. 103 of 2012, Ordinance No. 108 of 2013, Ordinance No. 66 of 2014, Ordinance No. 51 of 2016, Ordinance No. 118 of 2018, and Ordinance No. 92 of 2021)

(意見聴取)

(Hearing of Opinions)

第四条 知事は、前条の規定により回収納付金を受け取る権利を放棄しようとする場合は、あらかじめ、中小企業者等の事業の再生について専門的知識を有する者の意見を聴くものとする。

Article 4 If the Governor intends to forfeit the right to receive recovery payments pursuant to the preceding Article, the Governor shall ask the opinions of parties with specialized knowledge anew regarding the revitalization of the businesses of Small- and Medium-Sized Enterprises, Etc.

(報告)

(Reporting)

第五条 知事は、第三条の規定により回収納付金を受け取る権利を放棄したときは、これを東京都議会に報告しなければならない。

Article 5 When the Governor has forfeited the right to receive recovery payments pursuant to Article 3, the Governor must report such to the Tokyo Metropolitan Assembly.

(委任)

(Entrustment)

第六条 この条例の施行について必要な事項は、知事が定める。

Article 6 Matters required in the performance of this ordinance will be specified by the Governor.

附 則

Supplementary Provisions

この条例は、公布の日から施行する。

This ordinance will come into effect on the promulgation date.

附 則(平成二二年条例第五四号)

Supplementary Provisions (Ordinance No. 54 of 2010)

この条例は、公布の日から施行する。

This ordinance will come into effect on the promulgation date.

附 則(平成二四年条例第一〇三号)

Supplementary Provisions (Ordinance No. 103 of 2012)

この条例は、公布の日から施行する。

This ordinance will come into effect on the promulgation date.

附 則(平成二五年条例第一〇八号)

Supplementary Provisions (Ordinance No. 108 of 2013)

この条例は、公布の日から施行する。

This ordinance will come into effect on the promulgation date.

附 則(平成二六年条例第六六号)

Supplementary Provisions (Ordinance No. 66 of 2014)

この条例は、公布の日から施行する。

This ordinance will come into effect on the promulgation date.

附 則(平成二八年条例第五一号)

Supplementary Provisions (Ordinance No. 51 of 2016)

この条例は、公布の日から施行する。+

This ordinance will come into effect on the promulgation date.

附 則(平成三〇年条例第一一八号)

Supplementary Provisions (Ordinance No. 118 of 2018)

この条例は、公布の日から施行する。

This ordinance will come into effect on the promulgation date.

附 則(令和三年条例第九二号)

Supplementary Provisions (Ordinance No. 92 of October 92, 2021)

この条例は、公布の日から施行する。

This ordinance will come into effect on the promulgation date.