

Real Property Registration Act

(Act No. 123 of June 18, 2004)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to secure the rights of citizens by providing for a system concerning registrations to be made to notify the public of descriptions of real property and rights relating to real property, thereby contributing to the safe and smooth conduct of transactions.

(Definitions)

Article 2 In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

- (i) real property: land or building;
- (ii) description of real property: matters to be registered as prescribed in Article 27, item (i), item (iii) or item (iv), items of Article 34, paragraph (1), Article 43, paragraph (1), items of Article 44, paragraph (1) or items of Article 58, paragraph (1), which relate to real property;
- (iii) registration of a description: a registration concerning a description of real property;
- (iv) registration of a right: a registration concerning any of the rights listed in the items of the following Article, which relate to real property;
- (v) registration record: an electromagnetic record (meaning a record made in an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used in information processing by computers; the same shall apply hereinafter) which is prepared pursuant to the provision of Article 12 in relation to a registration of a description or registration of a right for each parcel of land or each building;
- (vi) matters to be registered: matters to be registered in a registration record pursuant to the provisions of this Act;
- (vii) heading section: the part of a registration record in which a registration of a description is recorded;
- (viii) rights section: the part of a registration record in which a registration of a right is recorded;
- (ix) registry: a book in which a registration record is recorded, and which is prepared by means of a magnetic disk (including an object that can record certain matters securely by equivalent means; the same shall apply hereinafter);
- (x) heading-section owner: a person recorded in the heading section of a registration record of real property for which there is no registration of ownership, as the owner of the real property;
- (xi) registered (right) holder: a person recorded in the rights section of a registration record as the holder of any of the rights listed in the items of the following Article

- (xii) person entitled to register: a person who is to receive any benefit directly in terms of registration by making a registration of a right, excluding a person who is to receive any benefit indirectly;
- (xiii) person obliged to register: a registered right holder who is to suffer any detriment directly in terms of registration by making a registration of a right, excluding a registered right holder who is to suffer any detriment indirectly;
- (xiv) information for registration identification: a code and other information to be used, in cases where a registered right holder files an application for a registration pursuant to the provision of the main clause of Article 22, in order to confirm that said registered right holder him/herself files an application for the registration, with which the registered right holder can be identified;
- (xv) registration of change: a registration to be made, in cases where there has been a change to any of the matters to be registered, in order to change such matter;
- (xvi) registration of correction: a registration to be made, in cases where there is an error or omission regarding any of the matters to be registered, in order to correct such matter;
- (xvii) parcel number: a number assigned to each parcel of land pursuant to the provision of Article 35;
- (xviii) land category: a category according to the use of land, which is specified by Ordinance of the Ministry of Justice set forth in Article 34, paragraph (2);
- (xix) parcel area: the area of a parcel of land, which is specified by Ordinance of the Ministry of Justice set forth in Article 34, paragraph (2);
- (xx) heading registration: the first registration of a description to be made in the heading section in relation to the real property;
- (xxi) building number: a number assigned to each building pursuant to the provision of Article 45;
- (xxii) condominium unit: a structurally divided portion of a building, which can be used independently as a residence, store, office or warehouse or any other building, and which constitutes a proprietary element as prescribed in Article 2, paragraph (3) of the Act on Building Unit Ownership, etc. (Act No. 69 of 1962; hereinafter referred to as the "Condominium Unit Ownership Act") (including those portions regarded as common elements pursuant to the provision of Article 4, paragraph (2) of the Condominium Unit Ownership Act)
- (xxiii) annex building: a building annexed to another building for which there is a heading registration, and which is registered as forming a single building together with such registered building
- (xxiv) mortgage securities: mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act (Act No. 15 of 1931)

(Registrable Rights, etc.)

Article 3 A registration shall be made with regard to a description of real property or with regard to the preservation, etc. of the following rights relating to real property (the "preservation, etc." means the preservation, establishment, transfer, change, restriction on disposition, or extinction of a right; the same shall apply in paragraph (2) of the following Article and Article 105, item (i)):

- (i) ownership;
- (ii) superficies;
- (iii) farming right
- (iv) servitude;
- (v) statutory lien;
- (vi) pledge;
- (vii) mortgage;
- (viii) right of lease; and
- (ix) right of quarrying (meaning a right of quarrying prescribed in the Quarrying Act (Act No. 291 of 1950); the same shall apply in Article 50 and Article 82)

(Order of Priority of Rights)

Article 4 (1) The order of priority of rights registered in relation to the same real property shall, unless otherwise provided for in laws and regulations, follow the chronological order of registration.

(2) The order of priority of accessory registrations (meaning a registration of a right to be made in relation to an existing registration of a right, which is intended to change or correct such existing registration of the right, or to transfer the registered right other than ownership or preserve, etc. any right established over such registered right other than ownership, and which needs to be publicly notified as forming a single registration together with said existing registration of the right; hereinafter the same shall apply in this paragraph and Article 66) shall follow the order of priority of the corresponding principal registrations (meaning an existing registration of a right to which an accessory registration is attached; hereinafter the same shall apply in this paragraph), and the order of priority of accessory registrations attached to the same principal registration shall follow the chronological order of the accessory registrations.

(Third Party Ineligible to Assert the Lack of Registration)

Article 5 (1) A third party who has interfered with the filing of an application for a registration by fraud or duress may not assert the lack of the registration.

(2) A third party who has an obligation to file an application for a registration on

behalf of another may not assert the lack of the registration; provided, however, that this shall not apply if the cause of registration (meaning a fact or juridical act that is the cause of a registration) regarding such another's registration occurred after the cause of registration regarding the third party's own registration occurred.

Chapter II Registry Office and Registrar

(Registry Office)

Article 6 (1) Registration affairs shall be administered by the Legal Affairs Bureau or District Legal Affairs Bureau or the branch bureau thereof or the branch office of any of those bureaus (hereinafter simply referred to as the "registry office"), which has jurisdiction over the location of the real property in question.

(2) Where real property extends over the jurisdictional districts of two or more registry offices, the Minister of Justice or the Director of the relevant Legal Affairs Bureau or District Legal Affairs Bureau shall, as provided for by Ordinance of the Ministry of Justice, designate the registry office that should take charge of administering the registration affairs relating to the real property.

(3) In the case prescribed in the preceding paragraph, an application for a registration may be filed with any one of those two or more registry offices, until one of them is designated under said paragraph.

(Delegation of Affairs)

Article 7 The Minister of Justice may delegate affairs that are subject to the jurisdiction of one registry office to another registry office.

(Suspension of Affairs)

Article 8 In the event that a registry office is obliged to suspend its affairs for some reason, the Minister of Justice may specify a period for and order the suspension of the affairs of the registry office.

(Registrar)

Article 9 The affairs of a registry office shall be handled by a registrar (meaning a person appointed by the Director of the Legal Affairs Bureau or District Legal Affairs Bureau from among officials of the Ministry of Justice who work at the registry office; the same shall apply hereinafter).

(Disqualification of Registrar)

Article 10 When a registrar or a registrar's spouse or relative within the fourth

degree of kinship (including a person who was a registrar's spouse or relative within the fourth degree of kinship; hereinafter the same shall apply in this Article) is the applicant for a registration, such registrar may not make the registration. The same shall apply when a registrar or a registrar's spouse or relative within the fourth degree of kinship files an application for a registration as a representative of the applicants.

Chapter III Registration Record, etc.

(Registration)

Article 11 A registration shall be made through the process in which a registrar records matters to be registered in a registry.

(Preparation of Registration Record)

Article 12 A registration record shall be prepared separately for the heading section and the rights section.

(Loss and Restoration of Registration Record)

Article 13 When the whole or part of a registration record is lost, the Minister of Justice may specify a certain period and order a registrar to take the necessary measures to restore the registration record.

(Map, etc.)

Article 14 (1) A registry office shall keep maps and building location pictures.

(2) A map as set forth in the preceding paragraph shall be prepared for each parcel of land or each group of two or more parcels of land, and it shall clearly define the boundaries and indicate the parcel number of each parcel of land.

(3) A building location picture set forth in paragraph (1) shall be prepared for each building or each group of two or more buildings, and it shall indicate the position and building number of each building.

(4) Notwithstanding the provision of paragraph (1), a registry office, until it has a map pursuant to the provision of said paragraph, may keep a drawing equivalent to a map instead.

(5) A drawing equivalent to a map as set forth in the preceding paragraph shall indicate the position, shape and parcel number for each parcel of land or each group of two or more parcels of land.

(6) A map and building location picture set forth in paragraph (1) and a drawing equivalent to a map set forth in paragraph (4) may be recorded in an electromagnetic record.

(Delegation to Ordinance of the Ministry of Justice)

Article 15 In addition to what is provided for in this Chapter, recording methods to be employed for registries and registration records as well as for maps, building location pictures and drawings equivalent to maps, and other necessary matters concerning registration affairs shall be prescribed by Ordinance of the Ministry of Justice.

Chapter IV Registration Procedure

Section 1 General Provisions

(Registration upon Application by the Party or upon Commission)

Article 16 (1) Unless otherwise provided for in laws and regulations, no registration may be made without an application filed by a party concerned or a commission issued by a government agency or public office.

(2) The provisions of Article 2, item (xiv), Article 5, Article 6, paragraph (3), Article 10, and this Chapter (excluding this Article, Article 27, Article 28, Article 32, Article 34, Article 35, Article 41, Article 43 to Article 46, Article 51, paragraph (5) and paragraph (6), Article 53, paragraph (2), Article 56, Article 58, paragraph (1) and paragraph (4), Article 59, item (i), item (iii) to item (vi) and item (viii), Article 66, Article 67, Article 71, Article 73, paragraph (1), item (ii) to item (iv), paragraph (2) and paragraph (3), Article 76, Article 78 to Article 86, Article 88, Article 90 to Article 92, Article 94, Article 95, paragraph (1), Article 96, Article 97, Article 98, paragraph (2), Article 101, Article 102, Article 106, Article 108, Article 112, Article 114 to Article 117, and Article 118, paragraph (2), paragraph (5) and paragraph (6)) shall apply mutatis mutandis to a registration procedure to be performed as commissioned by a government agency or public office.

(Non-Extinction of the Authority of Representation)

Article 17 The authority vested in an agent privately appointed by a person applying for a registration shall not be extinguished on the following grounds:

- (i) the death of the principal;
- (ii) the extinction by merger of a juridical person which is the principal;
- (iii) the termination of duties concerning a trust assigned to the trustee who is the principal; and
- (iv) the death of a statutory agent, or the extinction or modification of his/her authority of representation

(Application Method)

Article 18 An application for a registration shall be filed by providing a registry office with the information specified by Cabinet Order as necessary matters for applying for a registration, including the matters necessary for identifying the

real property, the name of the applicant, and the purpose of registration (hereinafter referred to as "application information"), by any of the following methods:

- (i) the method of using an electronic data processing system (meaning an electronic data processing system wherein the computer (including input-output devices; hereinafter the same shall apply in this item) used in the registry office is connected, by way of telecommunications lines, to the computer used by the applicant or his/her agent), as provided for by Ordinance of the Ministry of Justice; or
- (ii) the method of submitting a document stating the application information (including a magnetic disk on which the whole or part of the application information is recorded as provided for by Ordinance of the Ministry of Justice)

(Receipt)

Article 19 (1) When application information is provided for a registry office pursuant to the provision of the preceding Article, a registrar shall, as provided for by Ordinance of the Ministry of Justice, receive an application for a registration pertaining to said application information.

(2) Where two or more applications are filed in relation to the same real property, and if the chronological order thereof is uncertain, those applications shall be deemed to have been filed simultaneously.

(3) A registrar, when he/she has received an application, shall assign a receipt number to the application. In this case, when two or more applications are filed simultaneously in relation to the same real property (including cases where these applications shall be deemed to have been filed simultaneously pursuant to the provision of the preceding paragraph), the registrar shall assign the same receipt number to these applications.

(Order of Making Registrations)

Article 20 When two or more applications for registrations of rights are filed in relation to the same real property, a registrar shall make the registrations according to the order of the receipt numbers assigned to these applications.

(Notice of Information for Registration Identification)

Article 21 Where an applicant him/herself becomes a registered right holder by making a certain registration, when a registrar has completed the registration, the registrar shall, as provided for by Ordinance of the Ministry of Justice, promptly give notice of the information for registration identification pertaining to said registration to the applicant; provided, however, that this shall not apply in cases where the applicant has made a notification in advance

to the effect that he/she does not wish to be given notice of information for registration identification, and in other cases specified by Ordinance of the Ministry of Justice.

(Provision of Information for Registration Identification)

Article 22 In cases where a person entitled to register and a person obliged to register jointly file an application for a registration of a right, and in other cases where a registered right holder files an application for a registration specified by Cabinet Order, the applicant shall provide the information for registration identification, which is held by the person obliged to register (or in the case of an application for a registration specified by Cabinet Order, the registered right holder; the same shall apply in paragraph (1) and paragraph (2) of the following Article and the items of paragraph (4) of said Article), along with the application information; provided, however, that this shall not apply in cases where no notice of information for registration identification is given pursuant to the provision of the proviso to the preceding Article, and in other cases where the applicant has justifiable grounds for being unable to provide the information for registration identification.

(Advance Notice, etc.)

Article 23 (1) Where an applicant files an application prescribed in the preceding Article, and if he/she is unable to provide information for registration identification pursuant to the provision of the proviso to said Article, the registrar shall, by a method specified by Ordinance of the Ministry of Justice, give notice to the person obliged to register as prescribed in said Article to the effect that the application has been filed and that if the person considers the content of the application to be true, he/she should make a notification to that effect by a method specified by Ordinance of the Ministry of Justice within a period specified by Ordinance of the Ministry of Justice. In this case, within said period, the registrar may not make a registration for which the application has been filed, unless such notification is made.

(2) Where an application for a registration set forth in the preceding paragraph relates to ownership, and if a registration of change has been made with regard to the address of the person obliged to register set forth in said paragraph, except in cases specified by Ordinance of the Ministry of Justice, the registrar shall, before making a registration based on the application set forth in said paragraph, give notice under the provision of said paragraph and also give further notice of the filing of the application to the previous address of the person obliged to register as recorded in the registration record, by a method specified by Ordinance of the Ministry of Justice.

(3) The provisions of the preceding two paragraphs shall not apply where the

registrar shall be required to dismiss the application pursuant to the provision of Article 25 (excluding item (x)).

(4) The provision of paragraph (1) shall not apply in the case prescribed in said paragraph, if any of the following items applies:

- (i) where the application has been filed by an agent who is qualified to act as an agent for applying for a registration in the course of trade, and when the registrar has received from the agent the necessary information for confirming, as provided for by Ordinance of the Ministry of Justice, that the applicant is the person obliged to register as set forth in paragraph (1), and finds the content of such information to be appropriate;
- (ii) when a notary (including an official of the Ministry of Justice engaged in the duties of a notary pursuant to the provision of Article 8 of the Notary Act (Act No. 53 of 1908)) has, with regard to a document or electromagnetic record in which the application information pertaining to the application (in the case of an application filed by a privately appointed agent, the information certifying the agent's authority) is stated or recorded, issued a necessary certification for confirming that the applicant is the person obliged to register set forth in paragraph (1), and the registrar finds the content of such certification to be appropriate.

(Identity Confirmation by Registrar)

Article 24 (1) Where an application for a registration is filed, and when a registrar finds that there are reasonable grounds to suspect that the application is filed by a person other than the one who should be the applicant, the registrar shall, except where he/she should dismiss the application pursuant to the provision of the following Article, examine whether or not the applicant has the authority to apply, by requesting the applicant or his/her representative or agent to appear, asking questions of them, or requesting them to present documents or provide any other necessary information.

(2) If the applicant or his/her representative or agent prescribed in the preceding paragraph resides in a remote place or the registrar finds it appropriate for other reasons, the registrar may commission a registrar of another registry office to conduct the examination set forth in said paragraph.

(Dismissal of Application)

Article 25 In the following cases, a registrar shall dismiss an application for a registration, by a decision stating the reasons therefor; provided, however, that this shall not apply where defects in the application can be corrected, and where the applicant has corrected them within a reasonable period specified by the registrar:

- (i) where the location of the real property for which the application is filed is

- not subject to the jurisdiction of the registry office which has received the application;
- (ii) where the purpose of the application is to make a registration of matters other than the matters to be registered (including those matters to be registered in a registration record pursuant to the provisions of other laws and regulations);
 - (iii) where the registration for which the application is filed already exists;
 - (iv) where the application is filed by a person without the authority to apply;
 - (v) where the application information or the method employed to provide it does not conform to the method specified pursuant to the provisions of an order issued under this Act or of other laws and regulations;
 - (vi) where the real property or the right designated in the purpose of registration, which is stated in the application information, is inconsistent with the registration record;
 - (vii) where the name or address of the person obliged to register (in the cases referred to in Article 65, Article 77, Article 89, paragraph (1) (including in the cases where applied mutatis mutandis pursuant to Article 89, paragraph (2) (including in the cases where applied mutatis mutandis pursuant to Article 95, paragraph (2)) and Article 95, paragraph (2)), Article 93 (including in the cases where applied mutatis mutandis pursuant to Article 95, paragraph (2)) or the first sentence of Article 110, the registered right holder), which is stated in the application information, is inconsistent with the registration record;
 - (viii) where the content of the application information is inconsistent with the content of the information certifying the cause of registration prescribed in Article 61;
 - (ix) where the information required to be provided along with the application information pursuant to the provisions of the main clause of Article 22 or Article 61 or of an order issued under this Act or of other laws and regulation is not provided;
 - (x) where the notification set forth in Article 23, paragraph (1) is not made within the period prescribed in said paragraph;
 - (xi) where the description of the real property for which an application for a registration of a description is filed is inconsistent with the results of the examination conducted by the registrar pursuant to the provision of Article 29;
 - (xii) where no registration and license tax is paid; and
 - (xiii) in addition to the cases listed in the preceding items, in cases specified by Cabinet Order as cases where the registration should not be made

(Delegation to Cabinet Order)

Article 26 In addition to what is provided for in this Chapter, the method for providing application information, the necessary information to be provided along with the application information and the method for providing it, and other necessary matters concerning the procedure of filing an application for registration shall be prescribed by Cabinet Order.

Section 2 Registration of Description

Subsection 1 General Rules

(Matters to Be Registered for Registration of Description)

Article 27 The matters to be registered for a registration of a description of land and a building shall be as follows:

- (i) the cause of registration and the date thereof;
- (ii) the date of registration;
- (iii) in the case of real property for which there is no registration of ownership (excluding a building for which there is a registration of categorization as a common element (meaning a common element prescribed in Article 4, paragraph (2) of the Condominium Unit Ownership Act; the same shall apply hereinafter) or a registration of categorization as a common element of a housing complex (meaning a common element of a housing complex prescribed in Article 67, paragraph (1) of the Condominium Unit Ownership Act; the same shall apply hereinafter)), the name and address of the owner, and if there are two or more owners, each owner's share;
- (iv) in addition to what is listed in the preceding three items, the matters specified by Ordinance of the Ministry of Justice as being necessary for identifying the real property

(Registration of Description by the Registrar's Own Authority)

Article 28 A registration of a description may be made by a registrar by his/her own authority.

(Examination by Registrar)

- Article 29 (1) Where an application for a registration of a description is filed pursuant to the provision of Article 18, or where a registrar intends to make a registration of a description by his/her own authority pursuant to the provision of the preceding Article, the registrar may, when he/she finds it necessary, examine the matters concerning the description of the real property.
- (2) Where a registrar conducts the examination set forth in the preceding paragraph and when he/she finds it necessary, he/she may, only during the period from sunrise to sunset, inspect the real property, request the owner of the real property or other persons concerned to present a document or matters

that are recorded in an electromagnetic record and indicated by a method specified by Ordinance of the Ministry of Justice, or ask questions of these persons. In this case, the registrar shall carry his/her identification card and present it when requested to do so by any person concerned.

(Application by General Successor)

Article 30 Where it is possible for a heading-section owner or registered holder of ownership to be an applicant for a registration of a description, if there is an inheritance or other general succession with regard to the heading-section owner or registered holder of ownership, his/her heir(s) or other general successor(s) may file an application for the registration of the description.

(Registration of Change or Registration of Correction Regarding the Name, etc. of Heading-Section Owner)

Article 31 For a registration of change or a registration of correction regarding the name or address of a heading-section owner, no person other than the heading-section owner may file an application.

(Registration Procedure Concerning Change to Heading-Section Owner, etc.)

Article 32 No registration may be made with regard to a change to a heading-section owner or his/her share unless a registration of preservation of ownership is made in relation to the real property, and subsequently a procedure for registration of transfer of the ownership is performed.

(Registration of Correction Regarding Heading-Section Owner, etc.)

Article 33 (1) Where the owner of real property is not the same as the heading-section owner of said real property, no person other than the owner of the real property may file an application for a registration of correction regarding the heading-section owner.

(2) In the case referred to in the preceding paragraph, the owner of the real property may not file an application without the consent of the heading-section owner.

(3) For a registration of correction regarding the share of a co-owner who is a heading-section owner of real property, no person other than said co-owner may file an application.

(4) A co-owner who makes a registration of correction set forth in the preceding paragraph may not file an application without the consent of the other co-owner(s) whose share is to be corrected as a result of the registration of correction.

Subsection 2 Registration of Description of Land

(Matters to Be Registered for Registration of Description of Land)

Article 34 (1) In addition to what is listed in the items of Article 27, the matters to be registered for a registration of a description of land shall be as follows:

- (i) the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where the land is located;
- (ii) the parcel number;
- (iii) the land category; and
- (iv) the parcel area

(2) The necessary matters concerning the land category set forth in item (iii) of the preceding paragraph and the parcel area set forth in item (iv) of said paragraph shall be prescribed by Ordinance of the Ministry of Justice.

(Parcel Number)

Article 35 A registry office shall, as provided for by Ordinance of the Ministry of Justice, specify the districts in which parcel numbers should be assigned (referred to as the "numbered districts" in Article 39, paragraph (2) and Article 41, item (ii)), and assign a parcel number to each parcel of land in such districts.

(Application for Heading Registration of Land)

Article 36 A person who has acquired ownership of newly created land or land for which there is no heading registration shall file an application for a heading registration within one month from the date of the acquisition of ownership.

(Application for Registration of Change of the Land Category or Parcel Area)

Article 37 (1) If there has been a change to the land category or parcel area, the heading-section owner or registered holder of ownership shall file an application for a registration of change regarding the land category or parcel area within one month from the day on which such change occurred.

(2) A person who has become a heading-section owner or registered holder of ownership after there has been a change to the land category or parcel area shall file an application for a registration of change regarding the land category or parcel area within one month from the day on which a registration of correction regarding the heading-section owner or registration of ownership was made with respect to such person.

(Application for Registration of Correction of the Heading Section of Land)

Article 38 For a registration of correction regarding the matters to be registered as listed in Article 27, item (i), item (ii) or item (iv) (in the case of the matters

set forth in item (iv), limited to those specified by Ordinance of the Ministry of Justice) or Article 34, paragraph (1), item (i), item (iii) or item (iv), no person other than the heading-section owner or registered holder of ownership may file an application.

(Registration of Parcel Subdivision or Parcel Consolidation)

Article 39 (1) No person other than the heading-section owner or registered holder of ownership may file an application for registration of a parcel subdivision or parcel consolidation.

(2) Even in the absence of the application set forth in the preceding paragraph, when part of a parcel of land has come to fall within a different land category or a different numbered district (including the smallest district called "aza" which is not a numbered district; the same shall apply in Article 41, item (ii)), a registrar shall, by his/her own authority, make a registration of a subdivision of such parcel of land.

(3) Even in the absence of the application set forth in paragraph (1), when a registrar finds it necessary in order to prepare a map set forth in Article 14, paragraph (1), he/she may, by his/her own authority, make a registration of a parcel subdivision or parcel consolidation, only where no objection is made by the heading-section owner or registered holder of ownership prescribed in paragraph (1).

(Registration of Extinction of Right upon Parcel Subdivision)

Article 40 Where a registrar makes a registration of a parcel subdivision in relation to the land for which there is a registration of a right other than a registration of ownership, and when he/she is provided with, in addition to the application information regarding the registration of the parcel subdivision, information certifying that the registered holder of the right pertaining to said registration of the right (in cases where said registration of the right is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) has consented to cause the right to be extinguished for any of the subdivisions of the land (in cases where there is a registration concerning a third party's right established over said right, the information certifying that the third party has given consent must also be provided), he/she shall, as provided for by Ordinance of the Ministry of Justice, make a registration to the effect that said right has been extinguished in relation to the land for which the consent has been given.

(Restriction on Registration of Parcel Consolidation)

Article 41 None of the following registrations of parcel consolidation may be made:

- (i) a registration of consolidation of parcels of land that do not adjoin each other;
- (ii) a registration of consolidation of parcels of land which fall within different land categories or different numbered districts;
- (iii) a registration of consolidation of parcels of land which belong to different heading-section owners or different registered holders of ownership;
- (iv) a registration of consolidation of parcels of land where the heading-section owners or registered holders of ownership have different shares;
- (v) a registration of consolidation of a parcel of land for which there is no registration of ownership and another parcel of land for which there is a registration of ownership; and
- (vi) a registration of consolidation of parcels of lands where there is a registration of a right other than a registration of ownership in relation to either parcel of land (excluding a parcel of land for which there is a registration of a right specified by Ordinance of the Ministry of Justice as a registration that may be included in the registration record for the consolidated land)

(Application for Registration of Loss of Land)

Article 42 In the event of the loss of land, the heading-section owner or registered holder of ownership shall file an application for a registration of the loss of the land within one month from the date of the loss.

(Registration of Land within a River Area)

Article 43 (1) The matters to be registered for a registration of a description of land within a river area set forth in Article 6, paragraph (1) of the River Act (Act No. 167 of 1964)(including cases where applied mutatis mutandis pursuant to Article 100, paragraph (1) of said Act; the same shall apply in item (i)) shall include, in addition to what is listed in the items of Article 27 and the items of Article 34, paragraph (1), a statement to the effect that the land in question is the land set forth in item (i), and in the case of the land listed in item (ii) to item (v), also include each of the statements specified in the respective items:

- (i) land within a river area as set forth in Article 6, paragraph (1) of the River Act;
- (ii) land within a special area of a high-grade bank as set forth in Article 6, paragraph (2) of the River Act (including cases where applied mutatis mutandis pursuant to Article 100, paragraph (1) of said Act);
- (iii) land within a greenbelt area as set forth in Article 6, paragraph (3) of the River Act (including cases where applied mutatis mutandis pursuant to Article 100, paragraph (1) of said Act);

- (iv) land within a specified greenbelt area as set forth in Article 26, paragraph (4) of the River Act (including cases where applied mutatis mutandis pursuant to Article 100, paragraph (1) of said Act); and
 - (v) land within a three-dimensional river area as set forth in Article 58-2, paragraph (2) of the River Act (including cases where applied mutatis mutandis pursuant to Article 100, paragraph (1) of said Act)
- (2) When the whole or part of land has become land within a river area as set forth in item (i) of the preceding paragraph, land within a special area of a high-grade bank as set forth in item (ii) of said paragraph, land within a greenbelt area as set forth in item (iii) of said paragraph, land within a specified greenbelt area as set forth in item (iv) of said paragraph or land within a three-dimensional river area as set forth in item (v) of said paragraph, the river administrator shall commission a registry office to make a registration to that effect without delay.
- (3) When the whole or part of land has ceased to be land within a river area as set forth in paragraph (1), item (i), land within a special area of a high-grade bank as set forth in item (ii) of said paragraph, land within a greenbelt area as set forth in item (iii) of said paragraph, land within a specified greenbelt area as set forth in item (iv) of said paragraph or land within a three-dimensional river area as set forth in item (v) of said paragraph, the river administrator shall commission a registry office to cancel the registration to that effect without delay.
- (4) When commissioning a registration pursuant to the provisions of the preceding two paragraphs in relation to part of land, the river administrator may commission a registry office to make a registration of the parcel subdivision of the land on behalf of the heading-section owner or registered holder of ownership of the land or their heirs or other general successors.
- (5) When the whole of land within a river area as set forth in each item of paragraph (1) is lost, the river administrator shall commission a registry office to make a registration of loss of the land without delay.
- (6) When part of land within a river area as set forth in each item of paragraph (1) is lost, the river administrator shall commission a registry office to make a registration of change regarding the parcel area of said land without delay.

Subsection 3 Registration of Description of Building

(Matters to Be Registered for Registration of Description of Building)

Article 44 (1) In addition to what is listed in the items of Article 27, the matters to be registered for a registration of a description of a building shall be as follows:

- (i) the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura")

- and "aza" where the building is located and the parcel number of the land where the building is located (in the case of a building which is a condominium unit, the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where the condominium to which the building belongs as its unit is located, and the parcel number of the land where the condominium is located);
- (ii) the building number;
 - (iii) the type, structure and floor area of the building;
 - (iv) if the building has a name, the name of the building;
 - (v) if the building has any annex building, the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where the annex building is located and the parcel number of the land where the annex building is located (in the case of an annex building which is a condominium unit, the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where the condominium to which the building belongs as its unit is located, and the parcel number of the land where the condominium is located), and the type, structure and floor area of the annex building;
 - (vi) if the building exists as a common element or a common element of a housing complex, a statement to that effect;
 - (vii) if the building or annex building exists as a condominium unit, the structure and floor area of the condominium to which the building or annex building belongs as its unit;
 - (viii) if the building or annex building exists as a condominium unit, and the condominium to which the building belongs as its unit has a name, the name of the condominium; and
 - (ix) if the building or annex building exists as a condominium unit, and a right to use the site of the condominium prescribed in Article 2, paragraph (6) of the Condominium Unit Ownership Act (limited to those registered), which may not be disposed of separately from the proprietary elements owned by the unit owner pursuant to the provision of the main clause of Article 22, paragraph (1) of the Condominium Unit Ownership Act (including cases where applied mutatis mutandis pursuant to paragraph (3) of said Article) (hereinafter referred to as a "right of site"), is attached to the condominium unit, the right of site
- (2) The necessary matters concerning the type, structure and floor area of the building set forth in item (iii), item (v) and item (vii) of the preceding paragraph shall be prescribed by Ordinance of the Ministry of Justice.

(Building Number)

Article 45 A registry office shall, as provided for by Ordinance of the Ministry of Justice, assign a building number to each building.

(Registration of Categorization as a Right of Site)

Article 46 When a registrar makes the first registration of a description in the heading section in relation to a right of site to a condominium unit, he/she shall, by his/her own authority, make a registration with regard to the registration record of the land on which the right of site is established, to the effect that the ownership, superficies or other right registered in the registration record is categorized as a right of site.

(Application for Heading Registration of Building)

Article 47 (1) A person who has acquired ownership of a newly constructed building or a building other than a condominium unit for which there is no heading registration, shall file an application for a heading registration within one month from the date of the acquisition of ownership.

(2) Where a building which is to exist as a condominium unit is newly constructed, if there is an inheritance or other general succession with regard to its owner, his/her heir(s) and other general successor(s) may also file an application for a heading registration relating to the building by designating the predecessor as the heading-section owner.

(Application Method for Heading Registration of a Building Which Exists as a Condominium Unit)

Article 48 (1) Where a building is newly constructed as a condominium to which a condominium unit belongs or where a condominium unit is newly constructed so that it adjoins a building for which there is no heading registration and they constitute a condominium, an application for a heading registration relating to the relevant condominium unit shall be filed along with an application for a heading registration relating to other condominium unit(s) of such newly constructed building or the condominium to which the relevant condominium unit now belongs.

(2) In the case referred to in the preceding paragraph, the owner of the relevant condominium unit may file an application for a heading registration relating to other condominium unit(s) on behalf of the owner(s) of the other condominium unit(s).

(3) Where a condominium unit is newly constructed so that it adjoins a building (excluding a condominium unit) for which there is a heading registration, an application for a heading registration relating to the condominium unit shall be filed along with an application for a registration of change of the heading section relating to the building for which there is a heading registration.

(4) In the case referred to in the preceding paragraph, the owner of the condominium unit may file an application for a registration of change of the

heading section relating to the building for which there is a heading registration, on behalf of the heading-section owner or registered holder of ownership of the building for which there is a heading registration or their heir(s) or other general successor(s).

(Application for Registration, etc. by reason of Combination)

Article 49 (1) Where two or more buildings are combined into a single building, and if any of the following items applies, the person specified in each respective item shall, within one month from the date of such combination, file applications for a heading registration of a building relating to the building resulting from the combination and for cancellation of the registration of the heading section of a building relating to the buildings that existed prior to the combination (hereinafter collectively referred to as a "registration, etc. by reason of combination"). In this case, an application for a registration of ownership shall also be filed, while designating the owner of the building for which there is no heading registration in the case set forth in item (ii), the heading-section owner of the building for which there is a heading registration (excluding the building for which there is a registration of ownership; hereinafter the same shall apply in this Article) in the case set forth in item (iv), and the owner of the building for which there is no heading registration and the heading-section owner of the building for which there is a heading registration in the case set forth in item (vi), as the registered right holder for the building resulting from the combination, when each respective item applies:

- (i) where the two or more buildings that existed prior to the combination only include a building(s) for which there is no registration and a building(s) for which there is a heading registrations: the owner of the building for which there is no heading registration or the heading-section owner of the building for which there is a heading registration;
- (ii) where the two or more buildings that existed prior to the combination only include a building(s) for which there is no heading registration and a building(s) for which there is a registration of ownership: the owner of the building for which there is no heading registration or the registered holder of ownership of the building for which there is a registration of ownership;
- (iii) where all of the two or more buildings that existed prior to the combination are buildings for which there are heading registrations: any of the heading-section owners of the buildings;
- (iv) where the two or more buildings that existed prior to the combination only include a building(s) for which there is a heading registration and a building(s) for which there is a registration of ownership: the heading-section owner of the building for which there is a heading registration or the

- registered holder of ownership of the building for which there is a registration of ownership;
- (v) where all of the two or more buildings that existed prior to the combination are buildings for which there are registrations of ownership: any of the registered holders of ownership of the buildings; or
 - (vi) where the three or more buildings that existed prior to the combination only include a building(s) for which there is no heading registration, a building(s) for which there is a heading registration, and a building(s) for which there is a registration of ownership: the owner of the building for which there is no heading registration, the heading-section owner of the building for which there is a heading registration or the registered holder of ownership of the building for which there is a registration of ownership
- (2) Where two or more buildings are combined into a single building and there is no heading registration for any of the buildings that existed prior to the combination, the provisions of Article 47 and of paragraph (1) and paragraph (2) of the preceding Article shall apply mutatis mutandis to an application for a heading registration relating to those buildings. In this case: the phrase "A person who has acquired ownership of a newly constructed building or a building other than a condominium unit for which there is no heading registration" in Article 47, paragraph (1) shall be deemed to be replaced with "Where two or more buildings, for any of which there is no heading registration, are combined into a single building, or where such building resulting from the combination is a building other than a condominium unit for which there is no heading registration, the person who owns the building resulting from the combination at the time of the combination in the former case or the person who has acquired ownership from the person who owns a building at the time of the combination in the latter case"; the phrase "Where a building which is to exist as a condominium unit is newly constructed" in Article 47, paragraph (2) and the phrase "Where a building is newly constructed as a condominium to which a condominium unit belongs or where a condominium unit is newly constructed so that it adjoins a building for which there is no heading registration and they constitute a condominium" in paragraph (1) of the preceding Article shall be deemed to be replaced with "Where two or more buildings, for any of which there is no heading registration, are combined into a single condominium unit"; the phrase "such newly constructed building or the condominium to which the relevant condominium unit now belongs" in paragraph (1) of the preceding Article shall be deemed to be replaced with "the condominium to which the unit resulting from the combination belongs."
- (3) In the cases listed in paragraph (1), item (i), item (ii) or item (vi), if a person has acquired, after the two or more buildings (in the case set forth in item (vi), the three or more buildings) are combined into a single building, a share in the

building resulting from the combination which is equivalent to the ownership of any of the buildings that existed prior to the combination for which there is no heading regulation, from the owner of the relevant building that existed prior to the combination for which there is no heading registration, such person shall file an application for a registration by reason of combination within one month from the date of the acquisition of the share.

- (4) In the cases listed in the items of paragraph (1), if a person has become, after the two or more buildings (in the case set forth in item (vi), the three or more buildings) are combined into a single building, the heading-section owner of any of the buildings that existed prior to the combination for which there is a heading registration or the registered holder of ownership of any of the buildings that existed prior to the combination for which there is a registration of ownership, such person shall file an application for a registration by reason of combination within one month from the day on which a registration of correction regarding the heading-section owner or registration of ownership was made with respect to such person.

(Registration of Extinction of Right upon Combination)

Article 50 Where a registrar makes a registration, etc. by reason of combination in relation to a building for which there is a registration of a right other than a registration of ownership, etc. (meaning ownership, superficies, farming right, servitude and the right of quarrying; hereinafter the same shall apply in this Subsection and Article 118, paragraph (5)), and when he/she is provided with, in addition to the application information regarding the registration, etc. by reason of combination, the information certifying that the registered holder of the right pertaining to said registration of the right (in cases where said registration of the right is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) has consented to cause the right to be extinguished for the building resulting from the combination (in cases where there is a registration concerning a third party's right established over said right, the information certifying that the third party has given consent must also be provided), he/she shall, as provided for by Ordinance of the Ministry of Justice, make a registration to the effect that said right has been extinguished.

(Registration of Change of the Heading Section of a Building)

Article 51 (1) If there has been a change to any of the matters to be registered listed in the items of Article 44, paragraph (1) (excluding item (ii) and item (vi)), the heading-section owner or registered holder of ownership (in the case of a building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing

complex, the owner) shall file an application for a registration of change regarding such matter within one month from the day on which such change occurred.

- (2) A person who has become a heading-section owner or registered holder of ownership after there was a change to any of the matters to be registered as set forth in the preceding paragraph shall file an application for a registration of change regarding such matter within one month from the day on which a registration of correction regarding the heading-section owner or registration of ownership was made with respect to such person.
- (3) If a registration of categorization as a common element or registration of categorization as a common element of a housing complex has been made after there was a change to any of the matters to be registered as set forth in paragraph (1), the owner (excluding the persons who should file an application for registration pursuant to the provisions of the preceding two paragraphs) shall file an application for a registration of change regarding such matter within one month from the day on which the registration of categorization as a common element or registration of categorization as a common element of a housing complex was made.
- (4) A person who has acquired the ownership of a building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex after there was a change to any of the matters to be registered as set forth in paragraph (1) (excluding the persons who should file an application for registration pursuant to the provision of the preceding paragraph) shall file an application for a registration of change regarding such matter within one month from the date of the acquisition of ownership.
- (5) In the case of a building which is a condominium unit, a registration of change regarding any of the matters to be registered as listed in Article 44, paragraph (1), item (i) (limited to the matters pertaining to a building which is a condominium unit) or item (vii) to item (ix) (with regard to the matter set forth in item (ix), limited to the one specified by Ordinance of the Ministry of Justice; the same shall apply in the following paragraph and Article 53, paragraph (2)) shall have the effect of a registration of change made in relation to other condominium unit(s) which belongs to the same condominium together with the condominium unit pertaining to said registration.
- (6) In the case referred to in the preceding paragraph, when a registration of change has been made with regard to any of the matters to be registered as set forth in said paragraph, a registrar shall, by his/her own authority, make a registration of change regarding such matter with respect to other condominium unit(s) which belongs to the relevant condominium.

(Registration of Change of the Heading Section of a Building Which Has Become a Condominium Unit)

Article 52 (1) Where a condominium unit is newly constructed so that it adjoins a building (excluding a condominium unit) for which there is a heading registration and they constitute a condominium, and this has caused the building for which there is a heading registration to become a condominium unit, an application for a registration of change of the heading section relating to said building for which there is a heading registration shall be filed along with an application for a heading registration relating to such newly constructed condominium unit.

(2) In the case referred to in the preceding paragraph, the heading-section owner or registered holder of ownership of the building for which there is a heading registration may file an application for a heading registration relating to the newly constructed condominium unit on behalf of the owner of the newly constructed condominium unit.

(3) Where two or more buildings (excluding condominium units) for each of which there is a heading registration have become condominium units that adjoin one another as a result of an extension or any other construction, applications for registrations of change of the heading section relating to such two or more buildings for each of which there is a heading registration shall be filed at one time.

(4) In the case referred to in the preceding paragraph, the heading-section owner or registered holder of ownership of any one of those two or more buildings for each of which there is a heading registration may file an application(s) for registration(s) of the heading section relating to other building(s) for each of which there is a heading registration, on behalf of the heading-section owner or registered holder of ownership of such other building for each of which there is a heading registration or their heir(s) or other general successor(s).

(Registration of Correction of the Heading Section of a Building)

Article 53 (1) For a registration of correction regarding the matters to be registered as listed in Article 27, item (i), item (ii) or item (iv) (in the case of the matters set forth in item (iv), limited to those specified by Ordinance of the Ministry of Justice) or the items of Article 44, paragraph (1) (excluding item (ii) and item (vi)), no person other than the heading-section owner or registered holder of ownership (in the case of a building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex, the owner) may file an application.

(2) In the case of a building which is a condominium unit, the provisions of Article 51, paragraph (5) and paragraph (6) shall apply mutatis mutandis to a registration of correction of the heading section regarding any of the matters to

be registered as prescribed in paragraph (5) of said Article.

(Registration of Separation, Division into Units or Merger of Building)

Article 54 (1) No person other than the heading-section owner or registered holder of ownership may file an application for any of the following registrations:

- (i) a registration of separation of buildings (meaning a registration to separate an annex building of a building for which there is a heading registration from the registration record of said building for which there is a heading registration, and make the annex building into a single separate building in a registration record; the same shall apply hereinafter);
 - (ii) a registration of division into units (meaning a registration to make a portion of a building for which there is a heading registration or annex building into a condominium unit in a registration record on condition that such portion can be regarded as a condominium unit; the same shall apply hereinafter); and
 - (iii) a registration of merger of buildings: (meaning a registration to make a building for which there is a heading registration into an annex building of another building for which there is a heading registration in a registration record, or a registration to merge a condominium unit for which there is a heading registration with another condominium unit adjoining the former for which there is a heading registration or its annex building, and make them into a single building in a registration record; the same shall apply hereinafter)
- (2) For a registration of separation of buildings or registration of division into units in relation to a building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex, no person other than the owner of the building may file an application.
- (3) The provision of Article 40 shall apply mutatis mutandis when making a registration of separation of buildings or registration of division into units in relation to a building for which there is a registration of a right other than a registration of ownership, etc.

(Specified Registration)

Article 55 (1) Where a registrar, in relation to a condominium unit with a registered right of site (meaning a condominium unit for which a right of site is registered; the same shall apply in Article 73, paragraph (1) and paragraph (3), Article 74, paragraph (2), and Article 76, paragraph (1)) for which there is a specified registration (meaning a registration of a right other than a registration of ownership, etc., which shall have the effect of a registration

made relating to a right of site pursuant to the provision of Article 73, paragraph (1); hereinafter the same shall apply in this Article), makes a registration of change of the registered right of site on the grounds that it has become possible to dispose of the registered right of site set forth in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner, when he/she is provided with, in addition to the application information regarding the registration of change, information certifying that the registered holder of the right pertaining to the specified registration (in cases where the specified registration is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) has consented to cause the right pertaining to the specified registration to be extinguished, after the registration of change is made, for said condominium unit or the land on which the registered right of site existed (in cases where there is a registration concerning a third party's right established over said right pertaining to the specified registration, the information certifying that the third party has given consent must also be provided), he/she shall, as provided for by Ordinance of the Ministry of Justice, make a registration to the effect that said right pertaining to the specified registration has been extinguished in relation to said condominium unit or land for which the consent has been given.

- (2) The provision of the preceding paragraph shall apply *mutatis mutandis* to a registration of correction of the heading section relating to a condominium unit for which there is a specified registration, which is to be made by reason of the non-existence of a right of site. In this case, the phrase "makes a registration of change of the registered right of site on the grounds that it has become possible to dispose of the registered right of site set forth in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner" in said paragraph shall be deemed to be replaced with "makes a registration of correction of the heading section by reason of the non-existence of a right of site," and the phrase "the registration of change" in said paragraph shall be deemed to be replaced with "the registration of correction."
- (3) The provision of paragraph (1) shall apply *mutatis mutandis* to a registration, etc. by reason of combination or registration of merger of buildings in cases where a condominium unit for which there is a specified registration becomes a condominium unit without a right of site as a result of its combination or merger with another building. In this case, the phrase "makes a registration of change of the registered right of site on the grounds that it has become possible to dispose of the registered right of site set forth in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner" in said paragraph shall be deemed to be replaced with "makes a registration, etc. by reason of combination or registration of merger of buildings in cases where

the condominium unit for which there is a specified registration becomes a condominium unit without a right of site as a result of its combination or merger with another building," and the phrase "the registration of change" in said paragraph shall be deemed to be replaced with "the registration, etc. by reason of combination or registration of merger of buildings."

- (4) The provision of paragraph (1) shall apply mutatis mutandis to a registration of loss of a condominium unit for which there is a specified registration. In this case, in said paragraph, the phrase "makes a registration of change of the registered right of site on the grounds that it has become possible to dispose of the registered right of site set forth in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner" shall be deemed to be replaced with "makes a registration of loss of the condominium unit," the phrase "the registration of change" shall be deemed to be replaced with "the registration of loss of the condominium unit," the phrase "said condominium unit or the land on which the registered right of site existed" shall be deemed to be replaced with "the land on which the registered right of site existed," and the phrase "said condominium unit or land for which the consent has been given" shall be deemed to be replaced with "said land."

(Restriction on Registration of Merger of Buildings)

Article 56 None of the following registrations of merger of buildings may be made:

- (i) a registration of merger of buildings for each of which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex;
- (ii) a registration of merger of buildings which belong to different heading-section owners or different registered holders of ownership;
- (iii) a registration of merger of buildings where the heading-section owners or registered holders of ownership have different shares;
- (iv) a registration of merger of a building for which there is no registration of ownership and another building for which there is a registration of ownership; and
- (v) a registration of merger of buildings where there is a registration of a right other than a registration of ownership in relation to either or both buildings (excluding a building for which there is a registration of a right specified by Ordinance of the Ministry of Justice as a registration that may be included in the registration record for the building resulting from the merger)

(Application for Registration of Loss of a Building)

Article 57 In the event of the loss of a building, the heading-section owner or registered holder of ownership (in the case of a building for which there is a

registration of categorization as a common element or registration of categorization as a common element of a housing complex, the owner) shall file an application for a registration of loss of the building within one month from the date of the loss.

(Registration of Categorization as a Common Element, etc.)

Article 58 (1) In addition to what is listed in the items of Article 27 (excluding item (iii)) and the items of Article 44, paragraph (1) (excluding item (vi)), the matters to be registered for a registration of a description of a building for making a registration of categorization as a common element or registration of categorization as a common element of a housing complex shall be as follows:

- (i) in the case of a registration of categorization as a common element, if the building that constitutes a common element of a condominium is made available for common use by unit owners of another condominium, a statement to that effect; and
 - (ii) in the case of a registration of categorization as a common element of a housing complex, any building owned by the persons eligible for common use of said common element of the housing complex (if such building is a condominium unit, the condominium to which the building belongs as its unit)
- (2) For a registration of categorization as a common element or registration of categorization as a common element of a housing complex, no person other than the heading-section owner or registered holder of ownership of the building for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is to be made may file an application.
- (3) For a registration of categorization as a common element or registration of categorization as a common element of a housing complex, if there is a registration of a right other than a registration of ownership, etc. for the building which is a common element or common element of a housing complex, no application may be filed without the consent of the registered holder of the right pertaining to said registration of the right (in cases where said registration of the right is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) (in cases where there is a registration concerning a third party's right established over said right, the consent of the third party must also be obtained).
- (4) When a registrar makes a registration of categorization as a common element or registration of categorization as a common element of a housing complex, he/she shall, by his/her own authority, cancel the registration of the heading-section owner or registration of the right in relation to the building.

- (5) For a registration of change or registration of correction regarding any of the matters to be registered as listed in the items of paragraph (1), no person other than the owner of the building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex may file an application.
- (6) Where the owner of a building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex has abolished the regulation that categorizes the building as a common element or common element of a housing complex, he/she shall file an application for a heading registration of the building within one month from the date of the abolition of the regulation.
- (7) A person who has acquired ownership of the building after the abolition of the regulation set forth in the preceding paragraph shall file an application for a heading registration of the building within one month from the date of the acquisition of ownership.

Section 3 Registration of Right

Subsection 1 General Rules

(Matters to Be Registered for Registration of Right)

Article 59 The matters to be registered for a registration of a right shall be as follows:

- (i) the purpose of registration;
- (ii) the date of receipt of the application and the receipt number;
- (iii) the cause of registration and the date thereof;
- (iv) the name and address of the holder of the right pertaining to the registration, and if there are two or more registered right holders, each holder's share;
- (v) if there is a provision concerning the extinction of the right designated in the purpose of registration, such provision;
- (vi) if there is a provision on prohibition of partition of property in co-ownership (meaning a provision to prohibit the partition of property in co-ownership or a property right other than ownership, which is created in cases where a contract is concluded to the effect that partition will not be conducted with respect to property in co-ownership or a property right other than ownership pursuant to the provision of the proviso to Article 256, paragraph (1) of the Civil Code (Act No. 89 of 1896) (including cases where applied mutatis mutandis pursuant to Article 264 of said Code) or where the decedent, by will, prohibited the partition of property in co-ownership or a property right other than ownership pursuant to the provision of Article 908 of said Code, or an adjudication made by a family court under the provision

of Article 907, paragraph (3) of said Code to prohibit the division of property in co-ownership or a property right other than ownership which is included in a person's estate; the same shall apply in Article 65), such provision;

(vii) if there is a person who has filed the application for registration on behalf of another pursuant to the provisions of Article 423 of the Civil Code or other laws and regulations (hereinafter referred to as the "subrogee"), the name and address of the subrogee and the cause of subrogation; and

(viii) in addition to what is listed in item (ii), the matters specified by Ordinance of the Ministry of Justice as being necessary for clarifying the order of priority of the rights

(Joint Application)

Article 60 Unless otherwise provided for in laws and regulations, an application for a registration of a right shall be filed jointly by a person entitled to register and a person obliged to register.

(Provision of Information Certifying the Cause of Registration)

Article 61 When filing an application for a registration of a right, the applicant shall, unless otherwise provided for in laws and regulations, provide the information certifying the cause of registration along with the application information.

(Application by General Successor)

Article 62 Where it is possible for a person entitled to register, person obliged to register or registered right holder to be an applicant for a registration of a right, if there is an inheritance or other general succession with regard to the person entitled to register, person obliged to register or registered right holder, his/her heir(s) or other general successor(s) may file an application for the registration of the right.

(Registration, etc. by Judgment)

Article 63 (1) Notwithstanding the provisions of Article 60, Article 65 or Article 89, paragraph (1) (including cases where applied mutatis mutandis pursuant to paragraph (2) of said Article (including cases where applied mutatis mutandis pursuant to Article 95, paragraph (2)) and Article 95, paragraph (2)), for a registration based on a final and binding judgment to order either of the persons who should file an application jointly pursuant to these provisions to perform the registration procedure, the application may be filed independently by the other person who should jointly file the application.

(2) An application for a registration of transfer of a right as a result of inheritance or merger of a juridical person may be filed independently by the

person entitled to register.

(Registration of Change or Registration of Correction Regarding the Name, etc. of Registered Right Holder)

Article 64 (1) An application for a registration of change or registration of correction regarding the name or address of a registered right holder may be filed independently by the registered right holder.

(2) Where mortgage securities are issued, an application for a registration of change or registration of correction regarding the name or address of the obligor may be filed independently by the obligor.

(Registration of a Provision on Prohibition of Partition of Property in Co-Ownership)

Article 65 An application for a registration of change of a right subject to a provision on the prohibition of partition of property in co-ownership shall be filed jointly by all registered right holders who are co-owners of the right.

(Registration of Change or Registration of Correction of Right)

Article 66 A registration of change or registration of correction of a right may be made in the form of an accessory registration, only in cases where a third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the registration of change or registration of correction of a right; hereinafter the same shall apply in this Article) gives consent and where there is no such third party.

(Correction of Registration)

Article 67 (1) A registrar, when he/she has found any error or omission regarding a registration of a right, shall give notice to the person entitled to register and person obliged to register (or the registered right holder if there is no person entitled to register and no person obliged to register; the same shall apply in paragraph (3) and Article 71, paragraph (1)) to that effect without delay; provided, however, that if there are two or more persons entitled to register, persons obliged to register or registered right holders, respectively, it shall be sufficient to give notice to any one of the respective persons.

(2) In the case referred to in the preceding paragraph, if the error or omission regarding the registration has been caused by a mistake committed by a registrar, the registrar shall correct the registration without delay, with the permission of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau who supervises the registrar; provided, however, that if there is a third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the correction of the

registration; hereinafter the same shall apply in this paragraph), this provision shall apply only when such third party gives consent.

- (3) When a registrar has corrected the registration as set forth in the preceding paragraph, he/she shall give notice to the person entitled to register and person obliged to register to that effect. In this case, the provision of the proviso to paragraph (1) shall apply mutatis mutandis.
- (4) The notice set forth in paragraph (1) and the preceding paragraph shall also be given to the subrogee. In this case, the provision of the proviso to paragraph (1) shall apply mutatis mutandis.

(Cancellation of Registration)

Article 68 An application for cancellation of a registration of a right, if there is any third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the cancellation of the registration; hereinafter the same shall apply in this Article), may be filed only when such third party gives consent.

(Cancellation of Registration upon Death or Dissolution)

Article 69 Where there is a registration to the effect that the registered right is to be extinguished upon the death of a particular person or the dissolution of a particular juridical person, and when said right is extinguished upon such death or dissolution, the person entitled to register may, notwithstanding the provision of Article 60, independently file an application for cancellation of the registration of said right.

(Cancellation of Registration When the Whereabouts of the Person Obligated to Register Is Unknown)

Article 70 (1) When a person entitled to register is unable to file an application for cancellation of a registration of a right jointly with the person obliged to register due to the whereabouts of the person obliged to register being unknown, he/she may file a petition for public notification prescribed in Article 141 of the Non-Contentious Cases Procedure Act (Act No. 14 of 1898).

- (2) In the case referred to in the preceding paragraph, when an order of nullification of right prescribed in Article 148, paragraph (1) of the Non-Contentious Cases Procedure Act is made, the person entitled to register may, notwithstanding the provision of Article 60, independently file an application for cancellation of the registration set forth in the preceding paragraph.
- (3) In the case prescribed in paragraph (1), when the person entitled to register has provided the information specified by Cabinet Order as information certifying the extinction of the claim secured by the registered statutory lien, pledge or mortgage, the person entitled to register may, notwithstanding the

provision of Article 60, independently file an application for cancellation of a registration of such security interest. In the case prescribed in said paragraph, the same shall apply when twenty years have passed since the due date of the secured claim and money equivalent to the total of the amounts of the secured claim, interest thereon, and damage arising from default has been deposited.

(Cancellation of Registration by the Registrar's Own Authority)

- Article 71 (1) When a registrar has found, after completing a registration of a right, that the registration falls under Article 25, item (i) to item (iii) or item (xiii), he/she shall specify a period not exceeding one month and give notice to the person entitled to register, person obliged to register and any third party who has an interest in the registration to the effect that the registration will be cancelled unless any person who has an objection to the cancellation of the registration files an objection in writing within such period.
- (2) When the domicile or residence of any of the persons who should be given notice is unknown, the registrar shall, as provided for by Ordinance of the Ministry of Justice, give public notice of the information of which the person should be notified, in lieu of giving notice to him/her as set forth in the preceding paragraph.
- (3) Where there is a person who has filed an objection set forth in paragraph (1), the registrar shall, when he/she finds the objection to be groundless, make a decision to dismiss the objection, or when he/she finds the objection to be well-grounded, make a decision to declare to that effect, and give notice to the person who has filed the objection.
- (4) If no person has filed an objection set forth in paragraph (1) or the registrar has dismissed such objection pursuant to the provision of the preceding paragraph, the registrar shall, by his/her own authority, cancel the registration prescribed in paragraph (1).

(Restoration of Cancelled Registration)

Article 72 An application for restoration of a cancelled registration (limited to a registration of a right), if there is any third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the cancellation of the registration; hereinafter the same shall apply in this Article), may be filed only when such third party gives consent.

(Registration, etc. Relating to Condominium Unit with Registered Right of Site)

Article 73 (1) A registration of a right pertaining to ownership of or a security interest (meaning a general statutory lien, pledge or mortgage; hereinafter the

same shall apply in this Article) in a condominium unit with a registered right of site shall have the effect of a registration made relating to the right of site to the land for which a registration of categorization as a right of site has been made pursuant to the provision of Article 46; provided, however, that this shall not apply to the following registrations:

- (i) a registration of a right pertaining to the ownership of or a security interest in a condominium unit with a registered right of site, which was made before the right of site for the condominium unit was registered (in the case of a registration of a right pertaining to a security interest, this shall not apply to such a registration of which the purpose, etc. (meaning the purpose of registration, the date of receipt of the application and the receipt number, and the cause for registration and the date thereof; hereinafter the same shall apply in this item) is the same as the purpose, etc. of the registration of the right pertaining to the security interest made in relation to the right to land that has been categorized as a right of site);
 - (ii) a provisional registration pertaining to ownership of a condominium unit with a registered right of site, which was made after the right of site for the condominium unit was registered and for which the cause of registration occurred before the right of site for the condominium unit became effective;
 - (iii) A registration of a right pertaining to a pledge or mortgage on a condominium unit with a registered right of site, which was made after the right of site for the condominium unit was registered and for which the cause of registration occurred before the right of site for the condominium unit became effective; and
 - (iv) a registration of a right pertaining to ownership of or a pledge or mortgage on a condominium unit with a registered right of site, which was made after the right of site for the condominium unit was registered and when the cause of registration occurred after the right of site for the condominium unit became effective (excluding cases where the proprietary elements owned by a unit owner and the right of site pertaining to these proprietary elements may not be disposed of separately under the provision of the main clause of Article 22, paragraph (1) of the Condominium Unit Ownership Act (including cases where applied mutatis mutandis pursuant to paragraph (3) of said Article) (such cases shall hereinafter be referred to as the "cases where separate disposition is prohibited" in this Article))
- (2) Neither a registration of transfer of a right of site nor a registration of a right pertaining to a security interest established on a right of site may be made in relation to the land for which a registration of categorization as a right of site has been made pursuant to the provision of Article 46; provided, however, that this shall not apply to such a registration for which the cause of registration occurred after the right of site was established to said land (excluding the

cases where a separate disposition is prohibited), or to a provisional registration of a right of site or registration of a right pertaining to a pledge or mortgage where the cause of registration occurred before the right of site was established over the land.

- (3) For a condominium unit with a registered right of site, neither a registration of ownership for which the cause of registration is a transfer of ownership of the condominium unit alone nor a registration of a right pertaining to a security interest established over the condominium unit alone may be made; provided, however, that this shall not apply to a registration for which the cause of registration occurred after the right of site for the condominium unit became effective (excluding the cases where a separate disposition is prohibited), or to a provisional registration of ownership of the condominium unit alone or a registration of a right pertaining to a pledge or mortgage over the condominium unit alone for which the cause of registration occurred before the right of site for the condominium unit became effective.

Subsection 2 Registration of Ownership

(Registration of Preservation of Ownership)

Article 74 (1) No person other than those listed in the following may file an application for a registration of preservation of ownership:

- (i) the heading-section owner or his/her heir(s) or other general successor(s);
 - (ii) a person who is confirmed by a final and binding judgment to hold ownership; and
 - (iii) a person who has acquired ownership through expropriation (meaning expropriation under the provisions of the Land Expropriation Act (Act No. 219 of 1951) or other Acts; the same shall apply in Article 118, paragraph (1) and paragraph (3) to paragraph (5))
- (2) In the case of a condominium unit, a person who has acquired ownership from the heading-section owner may also file an application for registration set forth in the preceding paragraph. In this case, if a registered right of site is attached to the condominium unit, such person shall obtain consent from the registered holder of the right of site.

(Registration of Preservation of Ownership Required for Real Property Without Heading Registration)

Article 75 When a registrar makes a registration of preservation of ownership, based on an application filed by the person set forth in paragraph (1), item (ii) or item (iii) of the preceding Article, in relation to real property for which there is no heading registration, he/she shall make a registration of a description of real property with respect to such real property, which is specified by

Ordinance of the Ministry of Justice.

(Matters to Be Registered for Registration of Ownership)

Article 76 (1) When making a registration of preservation of ownership, there shall be no requirement to register the cause of registration and the date thereof, notwithstanding the provision of Article 59, item (iii); provided, however, that this shall not apply when making a registration of preservation of ownership of a condominium unit with a registered right pursuant to the provision of Article 74, paragraph (2).

(2) When a registrar makes a registration of restriction on the disposition of ownership, upon commission, in relation to real property for which there is no registration of ownership, he/she shall, by his/her own authority, make a registration of preservation of ownership.

(3) The provision of the preceding Article shall apply mutatis mutandis when making a registration of registration on the disposition of ownership, upon commission, in relation to real property for which there is no heading registration.

(Cancellation of Registration of Ownership)

Article 77 An application for cancellation of a registration of ownership may be filed independently by the registered holder of ownership only where there is no registration of transfer of ownership.

Subsection 3 Registration of Usufruct

(Matters to Be Registered for Registration of Superficies)

Article 78 In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a superficies shall be as follows:

(i) the purpose of the establishment of the superficies;

(ii) if there is a provision on rent and the period of payment thereof, such provision;

(iii) if there is a provision on the duration or a provision set forth in the first sentence of Article 22, or Article 23, paragraph (1) of the Land and Building Lease Act (Act No. 90 of 1991), such provision;

(iv) if the purpose of the establishment of the superficies is to own a building prescribed in Article 23, paragraph (1) or paragraph (2) of the Land and Building Lease Act, a statement to that effect; and

(v) in the case of the establishment of a superficies prescribed in the first sentence of Article 269-2, paragraph (1) of the Civil Code, the vertical limits of the underground or overhead space subject to the superficies, and if there is a provision set forth in the second sentence of said paragraph, such

provision

(Matters to Be Registered for Registration of Farming Right)

Article 79 In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a farming right shall be as follows:

- (i) rent;
- (ii) if there is a provision on the duration or the period of payment of rent, such provision;
- (iii) if there is a provision set forth in the proviso to Article 272 of the Civil Code, such provision; and
- (iv) in addition to what is prescribed in the preceding two items, if there is a provision concerning rights or obligations of the farming right holder, such provision

(Matters to Be Registered for Registration of Servitude)

Article 80 (1) In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a servitude in relation to the servient land (meaning the servient land prescribed in Article 285, paragraph (1) of the Civil Code; hereinafter the same shall apply in this Article) shall be as follows:

- (i) the dominant land (meaning the dominant land prescribed in Article 281, paragraph (1) of the Civil Code; hereinafter the same shall apply in this Article);
 - (ii) the purpose and scope of the establishment of the servitude;
 - (iii) if there is a special provision as set forth in the proviso to Article 281, paragraph (1) or the proviso to Article 285, paragraph (1) of the Civil Code, or there is a provision set forth in Article 286 of said Code, such provision
- (2) When making a registration set forth in the preceding paragraph, there shall be no requirement to register the name and address of the easement holder, notwithstanding the provision of Article 59, item (iv).
- (3) When there is no registration of ownership in relation to the dominant land, a registration of establishment of a servitude may not be made in relation to the servient land.
- (4) When a registrar has made a registration of establishment of a servitude in relation the servient land, he/she shall, by his/her own authority, register the matters specified by Ordinance of the Ministry of Justice in relation to the dominant land.

(Matters to Be Registered for Registration, etc. of Right of Lease)

Article 81 In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a right of lease or sublease of a leased thing shall be as follows:

- (i) rent;
- (ii) if there is a provision on the duration or the period of payment of rent, such provision;
- (iii) if there is a provision permitting the assignment of the right of lease or sublease of the leased thing, such provision;
- (iv) if there is any security deposit, a statement to that effect;
- (v) if the lessor is a person who has limited capacity to dispose of property or person who has no authority to dispose of property, a statement to that effect;
- (vi) if the purpose of the establishment of the right of lease of land is to own a building, a statement to that effect;
- (vii) in the case prescribed in the preceding item, if the building falls within the scope of building prescribed in Article 23, paragraph (1) or paragraph (2) of the Land and Building Lease Act, a statement to that effect; and
- (viii) if there is a provision set forth in the first sentence of Article 22, Article 23, paragraph (1), the first sentence of Article 38, paragraph (1), or Article 39, paragraph (1) of the Land and Building Lease Act or a provision set forth in Article 56 of the Act on Stable Supply of Residences for the Elderly (Act No. 26 of 2001), such provision

(Matters to Be Registered for Registration of Right of Quarrying)

Article 82 In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a right of quarrying shall be as follows:

- (i) the duration; and
- (ii) the content of the right of quarrying, and if there is a provision on the quarry royalty or the period of payment thereof, such provision

Subsection 4 Registration of Security Interest, etc.

(Matters to Be Registered for Registration of Security Interest)

Article 83 (1) In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a statutory lien, pledge or sub-pledge, or mortgage shall be as follows:

- (i) the amount of the claim secured (in the case of a claim the amount of which is not fixed, the value thereof);
- (ii) the name and address of the obligor;
- (iii) if the security interest is established on a right other than ownership, such right;
- (iv) if the security interest is established on rights for two or more pieces of real property, these pieces of real property and rights; and
- (v) in the case of a registration of a pledge or sub-pledge or a mortgage

established to secure a claim the amount set forth in item (i) of which is designated in a foreign currency, the maximum amount secured as indicated in the Japanese currency

- (2) In order to clarify the matters listed in item (iv) of the preceding paragraph, a registrar may, as provided by Ordinance of the Ministry of Justice, prepare an inventory of joint security.

(Matters to Be Registered for Registration of Transfer of Security Interest upon Partial Assignment of the Secured Claim, etc.)

Article 84 In the event of the assignment or payment by subrogation of part of a secured claim, the matters to be registered for a registration of transfer of the statutory lien, pledge or sub-pledge, or mortgage shall be, in addition to what is listed in the items of Article 59, the amount of such part of the claim assigned or paid by subrogation.

(Registration of Preservation of Statutory Lien on Construction Work for Real Property)

Article 85 When making a registration of preservation of a statutory lien on construction work for real property, the estimated amount of the construction costs shall be registered as the amount of the claim secured as set forth in Article 83, paragraph (1), item (i).

(Registration of Preservation of Statutory Lien on Construction Work for Real Property in the case of Construction of a New Building)

Article 86 (1) When making a registration for preservation of a statutory lien on construction work for real property in the case of constructing a new building, the person who is to be the owner of the building shall be deemed to be the person obliged to register. In this case, the provision of the main clause of Article 22 shall not apply.

- (2) In addition to what is listed in the items of Article 59 and the items of Article 83, paragraph (1) (excluding item (iii)), the matters to be registered for the registration set forth in the preceding paragraph shall be as follows:

(i) a statement to the effect that the building to be newly constructed and the type, structure and floor area of said building are in accordance with the specification; and

(ii) the name and address of the person obliged to register

- (3) The provision of item (i) of the preceding paragraph shall apply mutatis mutandis to a registration of preservation of a statutory lien on construction work for real property in the case of constructing a new annex building of a building for which there is a registration of ownership.

(Registration upon Completion of Construction of a Building)

Article 87 (1) Where a registration set forth in paragraph (1) of the preceding Article has been made, when the construction of the building is completed, the owner of the building shall file an application for a registration of preservation of ownership without delay.

(2) Where a registration set forth in paragraph (3) of the preceding Article has been made, when the construction of the annex building is completed, the registered holder of ownership of the building to which the annex building belongs shall file an application for a registration of change of the heading section of the building by reason of the construction of the annex building without delay.

(Matters to Be Registered for Registration of Mortgage)

Article 88 (1) In addition to what is listed in the items of Article 59 and the items of Article 83, paragraph (1), the matters to be registered for a registration of a mortgage (excluding a revolving mortgage (meaning a mortgage under the provision of Article 398-2, paragraph (1) of the Civil Code; the same shall apply hereinafter)) shall be as follows:

(i) if there is a provision concerning interest, such provision;

(ii) if there is a provision on the amount of compensation for damage prescribed in Article 375, paragraph (2) of the Civil Code, such provision;

(iii) if there is any condition attached to the claim secured, such condition;

(iv) if there is a special provision as set forth in the proviso to Article 370 of the Civil Code, such provision;

(v) if there is a provision on the issue of mortgage securities, such provision;
and

(vi) in cases where there is a provision set forth in the preceding item and if there is a further provision on the due date of payment or place of payment of principal or interest, such latter provision

(2) In addition to what is listed in the items of Article 59 and the items of Article 83, paragraph (1) (excluding item (i)), the matters to be registered for a registration of a revolving mortgage shall be as follows:

(i) the scope of claims to be secured and the maximum amount;

(ii) if there is a special provision as set forth in the proviso to Article 370 of the Civil Code, such provision;

(iii) if there is a provision on the date on which principal to be secured is to be determined, such provision; and

(iv) if there is a provision set forth in the proviso to Article 398-14, paragraph (1) of the Civil Code, such provision

(Registration of Change of the Order of Priority of Mortgages, etc.)

Article 89 (1) An application for a registration of change of the order of priority of mortgages shall be filed jointly by the registered holders of the mortgages of which the order of priority is to be changed.

(2) The provision of the preceding paragraph shall apply mutatis mutandis to an application for a registration of a provision set forth in the proviso to Article 398-14, paragraph (1) of the Civil Code, if there is such a provision.

(Registration of Disposition of Mortgage)

Article 90 The provisions of Article 83 and Article 88 shall apply mutatis mutandis to a registration to be made when furnishing a mortgage as security for another claim or assigning or waiving a mortgage pursuant to the provision of Article 376, paragraph (1) of the Civil Code.

(Registration of Subrogation of Joint Mortgage)

Article 91 (1) In addition to what is listed in the items of Article 59, the matters to be registered for a registration of subrogation under the provision of Article 393 of the Civil Code shall be the right relating to the real property from which the senior mortgagee has received payment, the value of such real property, and the amount of payment received.

(2) The provisions of Article 83 and Article 88 shall apply mutatis mutandis to the registration set forth in the preceding paragraph.

(Restriction on Registration of Agreement on Inheritance between the Heirs and the Mortgagor)

Article 92 A registration of an agreement set forth in Article 398-8, paragraph (1) or paragraph (2) of the Civil Code may not be made until after a registration of transfer of the revolving mortgage or a registration of change of the debtor by reason of inheritance has been made.

(Registration of Determination of Principal of Revolving Mortgage)

Article 93 Where principal to be secured by a revolving mortgage has been determined pursuant to the provisions of Article 398-19, paragraph (2) or Article 398-20, paragraph (1), item (iii) or item (iv) of the Civil Code, an application for a registration of such determination of principal may, notwithstanding the provision of Article 60, be filed independently by the registered holder of the revolving mortgage; provided, however, that where principal to be secured by a revolving mortgage has been determined pursuant to the provision of Article 398-20, paragraph (1), item (iii) or item (iv) of the Civil Code, an application for a registration of such determination of principal shall be filed along with an application for a registration of acquisition of the revolving mortgage or the right established thereon.

(Registration of Mortgage Securities)

- Article 94 (1) When a registrar has issued mortgage securities, he/she shall, by his/her own authority, make a registration of the issue of mortgage securities.
- (2) Where an application set forth in Article 1, paragraph (2) of the Mortgage Securities Act was filed with a registry office, and when a registrar of another registry office has prepared mortgage securities as commissioned under Article 5, paragraph (2) of said Act, the registrar of the latter registry office shall, by his/her own authority, make a registration of the preparation of mortgage securities.
- (3) In the case referred to in the preceding paragraph, the registrar of the registry office who received the application set forth in said paragraph shall commission the other registry office set forth in said paragraph, if he/she has issued mortgage securities, to make a registration of the issue of mortgage securities, and if he/she has dismissed the application set forth in said paragraph, to cancel the registration of the preparation of mortgage securities.
- (4) When a registration of an issue of mortgage securities has been made as commissioned under the provision of the preceding paragraph in relation to the real property for which a registration of the preparation of mortgage securities was made under the provision of paragraph (2), the registration of the issue of mortgage securities shall be effective retroactively as of the time when the registration of the preparation of mortgage securities was made.

(Matters to Be Registered for Registration of Pledge, etc.)

- Article 95 (1) In addition to what is listed in the items of Article 59 and the items of Article 83, paragraph (1), the matters to be registered for a registration of a pledge or sub-pledge shall be as follows:
- (i) if there is a provision on the duration, such provision;
 - (ii) if there is a provision concerning interest, such provision;
 - (iii) if there is a provision on a penalty or the amount of compensation, such provision;
 - (iv) if there is any condition attached to the claim secured, such condition;
 - (v) if there is a special provision as set forth in the proviso to Article 346 of the Civil Code, such provision;
 - (vi) if there is a special provision regarding the act of establishment pursuant to the provision of Article 359 of the Civil Code (limited to the cases prescribed in Article 356 or Article 357 of said Code), such provision; and
 - (vii) if there is a special provision as set forth in the proviso to Article 370 of the Civil Code as applied mutatis mutandis pursuant to Article 361 of said Code, such provision
- (2) The provisions of Article 88, paragraph (2) and Article 89 to Article 93 shall

apply mutatis mutandis to a pledge. In this case, the term "Article 88" in Article 90 and Article 91, paragraph (2) shall be deemed to be replaced with "Article 95, paragraph (1), or Article 88, paragraph (2) as applied mutatis mutandis pursuant to Article 95, paragraph (2)."

(Matters to Be Registered for Registration of Special Agreement on Redemption)

Article 96 In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a special agreement on redemption shall be the purchase price and contract cost paid by the buyer, and if there is a provision on the period for redemption, such provision.

Subsection 5 Registration of Trust

(Matters to Be Registered for Registration of Trust)

Article 97 (1) In addition to what is listed in the items of Article 59, the matters to be registered for a registration of a trust shall be as follows:

- (i) the name and address of the settlor, trustee, and beneficiary, respectively;
- (ii) the conditions on the designation of the beneficiary, or if there is a provision on the method of specifying the beneficiary, such provision;
- (iii) if there is a trust administrator, the name and address thereof;
- (iv) if there is a beneficiary's agent, the name and address thereof;
- (v) if the trust is a trust issuing a beneficiary certificate as prescribed in Article 185, paragraph (3) of the Trust Act (Act No. 108 of 2006), a statement to that effect;
- (vi) if the trust is a trust not specifying the beneficiary as prescribed in Article 258, paragraph (1) of the Trust Act, a statement to that effect;
- (vii) if the trust is a charitable trust prescribed in Article 1 of the Act on Charitable Trusts (Act No. 62 of 1922), a statement to that effect;
- (viii) the purpose of the trust;
- (ix) the administration method for the trust property;
- (x) the grounds for termination of the trust; and
- (xi) other trust clauses

(2) If any of the matters listed in item (ii) to item (vi) of the preceding paragraph has been registered, there shall be no requirement to register the name and address of the beneficiary set forth in item (i) of said paragraph (in cases where the matters set forth in item (iv) of said paragraph have been registered, limited to the beneficiary for whom the beneficiary's agent acts).

(3) In order to clarify the matters listed in the items of paragraph (1), a registrar may, as provided by Ordinance of the Ministry of Justice, prepare an inventory of trust.

(Application Method for Registration of Trust)

- Article 98 (1) An application for a registration of a trust shall be filed simultaneously with an application for a registration of preservation, establishment, transfer or change of a right pertaining to the trust.
- (2) An application for a registration of a trust may be filed independently by the trustee.
- (3) An application for a registration of change of a right as a result of a trust established by the method set forth in Article 3, item (iii) of the Trust Act may be filed independently by the trustee.

(Application for Registration of Trust by Subrogation)

Article 99 The beneficiary or settlor of a trust may file an application for a registration of the trust on behalf of the trustee.

(Registration, etc. by reason of Change of Trustee)

- Article 100 (1) When the trustee's duties have been terminated due to the trustee's death, an order for commencement of guardianship or commencement of curatorship given to the trustee, order of commencement of bankruptcy proceedings given to the trustee, the trustee's dissolution by reasons other than the merger of a juridical person, or a dismissal order given to the trustee by the court or competent government agency (including a national government administrative agency to which the authority of the competent government agency is delegated, and a prefectural executive agency that administers affairs under the jurisdiction of said competent government agency; the same shall apply in Article 102, paragraph (2)), and a new trustee has been appointed, an application for a registration of transfer of a right as a result of the change of the trustee in relation to the real property that is included in the trust property may be filed independently by the newly appointed trustee, notwithstanding the provision of Article 60.
- (2) Where there are two or more trustees, if the duties of at least one of the trustees have been terminated due to any of the causes prescribed in the preceding paragraph, an application for a registration of the transfer of a right as a result of the termination of the duties of such trustee in relation to the real property that is included in the trust property may be filed independently by another one of the trustees, notwithstanding the provision of Article 60.

(Registration of Change of a Trust by the Registrar's Own Authority)

Article 101 When a registrar makes the following registrations in relation to the real property that is included in the trust property, he/she shall, by his/her own authority, make a registration of change of the trust:

- (i) a registration of transfer of a right under the provisions of Article 75, paragraph (1) or paragraph (2) of the Trust Act;
- (ii) a registration of change of a right under the provision of the main clause of Article 86, paragraph (4) of the Trust Act; and
- (iii) a registration of change or registration of correction regarding the name or address of the registered right holder who is the trustee

(Registration of Change of Trust upon Commission)

Article 102 (1) When a judicial decision of dismissal of the trustee is made, a judicial decision of appointment or dismissal of a trust administrator or beneficiary's agent is made or a judicial decision of change of a trust is made, a court clerk shall, by his/her own authority, commission a registry office to make a registration of change of the trust without delay.

(2) When the competent government agency has dismissed the trustee, appointed or dismissed a trust administrator or beneficiary's agent or ordered the change of the trust, it shall commission a registry office to make a registration of change of the trust without delay.

(Application for Registration of Change of Trust)

Article 103 (1) In addition to what is prescribed in the preceding two Articles, if there has been a change to any of the matters listed in the items of Article 97, paragraph (1), the trustee shall file an application for a registration of change of the trust without delay.

(2) The provision of Article 99 shall apply mutatis mutandis to an application for a registration of change of a trust set forth in the preceding paragraph.

(Cancellation of Registration of Trust)

Article 104 (1) Where a right relating to the real property that is included the trust property has ceased to be included in the trust property due to its transfer, change or extinction, an application for cancellation of the registration of the trust shall be filed simultaneously with an application for a registration of transfer or registration of change of the right or for cancellation of the registration of the right.

(2) An application for cancellation of a registration of a trust may be filed independently by the trustee.

(Special Provisions for Registration, etc. of Change of Right)

Article 104-2 (1) Where a right relating to the real property that is included in the trust property of a trust has, by reasons other than the consolidation or split of the trust, come to be included in the trust property of another trust, an application for cancellation of a registration of trust relating to the initial trust

and an application for a registration of trust relating to such other trust shall be filed simultaneously with an application for a registration of change of right by reason of the consolidation or split of the trust. The same shall apply where a right relating to the real property that is included in the trust property of a trust has, for reasons other than the consolidation or split of the trust, come to be included in the trust property of another trust entrusted to the same trustee.

(2) When making a registration of change of a right in relation to the real property that is included in the trust property in each of the cases listed in the left-hand column of the following table (excluding a registration set forth in Article 98, paragraph (3)), the person set forth in the middle column of said table shall be the person entitled to register, and the person set forth in the right-hand column of said table shall be the person obliged to register, respectively. In this case, the provision of the main clause of Article 22 shall not apply to the beneficiary (in cases where there is a trust administrator, the trust administrator; hereinafter the same shall apply in this paragraph).

(i) where a right relating to the real property that is included in the trustee's own property has come to be included in the trust property	Beneficiary	Trustee
(ii) where a right relating to the real property that is included in the trust property has come to be included in the trustee's own property	Trustee	Beneficiary
(iii) where a right relating to the real property that is included in the trust property of a trust has come to be included in the trust property of another trust	Beneficiary and trustee of such other trust	Beneficiary and trustee of the initial trust

Subsection 6 Provisional Registration

(Provisional Registration)

Article 105 A provisional registration may be made in the following cases:

- (i) where the preservation, etc. has occurred in relation to any of the rights listed in the items of Article 3, but it is impossible to provide the information that is required to be provided for a registry office upon filing an application for a registration pertaining to the preservation, etc. and that is also required to be provided along with the application information set forth in Article 25, item (ix), which is specified by Ordinance of the Ministry of Justice;
- (ii) where it is intended to preserve a claim (including a claim with a

designated time of commencement or with a condition precedent and any other claim that is expected to be fixed in the future) with regard to the establishment, transfer, change or extinction of a right set forth in each item of Article 3

(Rank in the Order of Priority of a Definitive Registration Based on a Provisional Registration)

Article 106 If a definitive registration is made based on a provisional registration (a definitive registration means a registration of a right to be made after a provisional registration has been made in relation to the same real property and the same right, which is recorded in the registration record pertaining to said real property as a registration based on the provisional registration; the same shall apply hereinafter), the rank in the order of priority of the definitive registration shall be the same rank in the order of priority of the provisional registration.

(Application Method for Provisional Registration)

Article 107 (1) An application for a provisional registration may be filed independently by the person entitled to register regarding said provisional registration, notwithstanding the provision of Article 60, if the person obliged to register regarding the provisional registration gives consent or a disposition to order a provisional registration prescribed in the following Article is made.
(2) Where the person entitled to register and the person obliged to register regarding a provisional registration jointly file an application for a provisional registration, the provision of the main clause of Article 22 shall not apply.

(Disposition to Order Provisional Registration)

Article 108 (1) The court, upon a petition of a person entitled to register regarding a provisional registration, may make a disposition to order a provisional registration.
(2) When filing a petition set forth in the preceding paragraph, the petitioner shall make a prima facie showing of the fact constituting the cause of provisional registration.
(3) A case based on a petition set forth in paragraph (1) shall be subject to the exclusive jurisdiction of the district court that has jurisdiction over the location of the real property.
(4) An immediate appeal may be filed against an order to dismiss the petition set forth in paragraph (1).
(5) The provisions of Article 5 to Article 14, Article 16 to Article 18, Article 19, paragraph (2) and paragraph (3), Article 22, Article 23, and Article 25 to Article 32 of the Non-Contentious Cases Procedure Act shall apply mutatis

mutandis to an immediate appeal set forth in the preceding paragraph.

(Definitive Registration Based on Provisional Registration)

Article 109 (1) An application for a definitive registration based on a provisional registration relating to ownership, where there is any third party who has an interest in the definitive registration (including the holder or endorser of the mortgage securities who has an interest in the definitive registration; hereinafter the same shall apply in this Article), may be filed only when such third party gives consent.

(2) When a registrar makes a registration based on an application under the provision of the preceding paragraph, he/she shall, by his/her own authority, cancel any registration of a right of the third party set forth in said paragraph.

(Cancellation of Provisional Registration)

Article 110 An application for cancellation of a provisional registration may, notwithstanding the provision of Article 60, be filed independently by the registered right holder based on the provisional registration. The same shall apply to any person who has an interest in a registration regarding the provisional registration in cases where the registered right holder based on the provisional registration gives consent.

Subsection 7 Registration of Provisional Disposition

(Cancellation of a Registration Made After a Registration of Provisional Disposition)

Article 111 (1) Where a registration of prohibition of disposition of property under the provision of Article 53, paragraph (1) of the Civil Preservation Act (Act No. 91 of 1989) has been made in relation to ownership (excluding cases where such registration has been made together with a provisional registration for the purpose of preservation as prescribed in paragraph (2) of said Article (hereinafter referred to as a "provisional registration for the purpose of preservation"); hereinafter the same shall apply in this Article), and subsequently the obligee regarding the provisional disposition to which said registration of prohibition of disposition of property pertains files an application for a registration (excluding a provisional registration) of ownership while designating the obligor regarding said provisional disposition as the person obliged to register, said obligee may independently file an application for cancellation of any registration that is made after said registration of prohibition of disposition of property.

(2) The provision of the preceding paragraph shall apply mutatis mutandis where a registration of prohibition of disposition of property under the provision of

Article 53, paragraph (1) of the Civil Preservation Act was made in relation to a right other than ownership, and subsequently the obligee regarding the provisional disposition to which said registration of prohibition of disposition of property pertains files an application for a registration (excluding a provisional registration) with regard to the transfer or extinction of said right while designating the obligor regarding said provisional disposition as the person obliged to register.

- (3) When a registrar cancels, upon an application set forth in paragraph (1) (including cases where applied mutatis mutandis pursuant to the preceding paragraph), any registration that is made after the registration of prohibition of disposition of property, he/she shall, by his/her own authority, also cancel said registration of prohibition of disposition of property.

(Rank in the Order of Priority of a Definitive Registration Based on a Provisional Registration for the Purpose of Preservation)

Article 112 If a definitive registration is made based on a provisional registration for the purpose of preservation, the rank in the order of priority of the definitive registration shall be the same rank in the order of priority of the provisional registration for the purpose of preservation.

(Cancellation of a Registration Made After a Registration of a Provisional Disposition to Which a Provisional Registration for the Purpose of Preservation Pertains)

Article 113 Where a provisional registration for the purpose of preservation has been made in relation to a right to use or profit from real property, and subsequently the obligee regarding the provisional disposition to which said provisional registration for the purpose of preservation pertains files an application for a definitive registration, said obligee may independently file an application for cancellation of any registration of a right relating to a right to use or profit from real property, other than ownership, or a right established on such right, which is made after the registration of prohibition of disposition of property that was made along with said provisional registration for the purpose of preservation.

(Cancellation of Registration of Prohibition of Disposition of Property)

Article 114 When a registrar makes a definitive registration based on a provisional registration for the purpose of preservation, he/she shall, by his/her own authority, cancel the registration of prohibition of disposition of property that was made along with said provisional disposition for the purpose of preservation.

Subsection 8 Registration, etc. Involving Government Agency or Public Office

(Registration by reason of Public Auction by Tax Authority)

Article 115 Where a government agency or public office has enforced a public auction by tax authority, it shall, at the request of a person entitled to register, commission the following matters to a registry office without delay:

- (i) to make a registration of transfer of right by reason of the public auction by tax authority
- (ii) to cancel a registration of a right extinguished by reason of the public auction by tax authority; or
- (iii) to cancel a registration of seizure regarding the procedure for collection of delinquent tax

(Registration upon Commission by Government Agency or Public Office)

Article 116 (1) When the national government or a local government makes a registration of a right as the person entitled to register, the government agency or public office concerned shall commission a registry office to make the registration without delay, with the consent of the person obliged to register.

(2) At the request of the person entitled to register regarding a registration of a right for which the national government or a local government shall be the person obliged to register, the government agency or public office concerned shall commission a registry office to make the registration without delay.

(Information for Registration Identification Pertaining to a Registration Made upon Commission by Government Agency or Public Office)

Article 117 (1) When a registrar has completed a registration based on the commission of a registration issued by a government agency or public office on behalf of a person entitled to register (limited to such person who will become a registered right holder by making a registration; hereinafter the same shall apply in this Article), he/she shall promptly give notice of the information for registration identification to the government agency or public office for the benefit of the person entitled to register.

(2) The government office or public office that is given notice of the information for registration identification pursuant to the provision of the preceding paragraph shall give notice of it to the person entitled to register set forth in said paragraph without delay.

(Registration by reason of Expropriation)

Article 118 (1) An application for a registration of transfer of ownership by reason of expropriation of real property may, notwithstanding the provision of

Article 60, be filed independently by the business operator concerned.

- (2) When the national government or a local government is the business operator, the government agency or public office concerned shall commission a registry office to make the registration set forth in the preceding paragraph without delay.
- (3) The provisions of the preceding two paragraphs shall apply mutatis mutandis to a registration of extinction of right by reason of expropriation of a right other than ownership with regard to real property.
- (4) When filing an application for a registration of transfer of right by reason of expropriation of land, the applicant shall designate the registration regarding the right that has been extinguished or the attachment, provisional attachment or provisional disposition that has lost its effect by reason of the expropriation. In this case, when a registrar makes a registration of transfer of right, he/she shall, by his/her own authority, cancel the designated registration.
- (5) When a registrar makes a registration of transfer of ownership by reason of expropriation of a building, he/she shall, by his/her own authority, cancel a registration of a right other than a registration of ownership, etc. relating to said building. Where a registrar makes a registration set forth in paragraph (3), the same shall apply to a registration of a right established on the right set forth in said paragraph.
- (6) When a registrar makes a registration set forth in paragraph (1), he/she shall, by his/her own authority, cancel a registration of commencement of determination proceedings.

Chapter V Certification, etc. of Registered Matters

(Issuance, etc. of Certificate of Registered Matters)

- Article 119 (1) Any person may, by paying fees, make a request to a registrar for the issuance of a document certifying the whole or part of the matters recorded in a registration record (hereinafter referred to as a "certificate of registered matters").
- (2) Any person may, by paying fees, make a request to a registrar for the issuance of a document stating the summary of the matters recorded in a registration record.
 - (3) The amount of the fees set forth in the preceding two paragraphs shall be specified by Cabinet Order, while taking into consideration the price situation, the actual cost required for the issuance of a certificate of registered matters and any other circumstances concerned.
 - (4) The payment of the fees set forth in paragraph (1) and paragraph (2) shall be made with registration stamps; provided, however, that if a request for the issuance of a certificate of registered matters is made by a method specified by

Ordinance of the Ministry of Justice, such payment may be made in cash as provided for by Ordinance of the Ministry of Justice.

- (5) A request for issuance set forth in paragraph (1) may be made, except in cases specified by Ordinance of the Ministry of Justice, to a registrar of a registry office other than the registry office that has jurisdiction over the location of the real property pertaining to the request.

(Issuance, etc. of Copy of Map)

Article 120 (1) Any person may, by paying fees, make a request to a registrar for the issuance of a copy of the whole or part of a map, building location picture or drawing equivalent to a map (hereinafter referred to as a "map, etc." in this Article) (if such map, etc. is recorded in an electromagnetic record, a document certifying the content of the recorded information).

- (2) Any person may, by paying fees, make a request to a registrar for the inspection of a map, etc. (if such map, etc. is recorded in an electromagnetic record, the content of the recorded information that is indicated by a method specified by Ordinance of the Ministry of Justice).

- (3) The provisions of paragraph (3) to paragraph (5) of the preceding Article shall apply mutatis mutandis to a map, etc.

(Issuance, etc. of Copy of Annexed Documents of Registry)

Article 121 (1) Any person may, by paying fees, make a request to a registrar for the issuance of a copy of the whole or part of drawings specified by Cabinet Order which is included in annexed documents (including an electromagnetic record; the same shall apply hereinafter) of a registry (if such drawings are recorded in an electromagnetic record, a document certifying the content of the recorded information).

- (2) Any person may, by paying fees, make a request to a registrar for the inspection of annexed documents (in the case of an electromagnetic record, the content of the recorded information that is indicated by a method specified by Ordinance of the Ministry of Justice) of a registry; provided, however, that except for the drawings set forth in the preceding paragraph, the inspection of annexed documents shall be limited to the part in which the requester has an interest.

- (3) The provisions of Article 119, paragraph (3) to paragraph (5) shall apply mutatis mutandis to annexed documents of a registry.

(Delegation to Ordinance of the Ministry of Justice)

Article 122 In addition to what is provided for in this Act, the necessary matters concerning the disclosure of registries, maps, building location pictures and drawings equivalent to maps as well as annexed documents of registries

(referred to as "registries, etc." in Article 153 and Article 155) shall be prescribed by Ordinance of the Ministry of Justice.

Chapter VI Parcel Boundary Demarcation

Section 1 General Provisions

(Definitions)

Article 123 In this Chapter, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

- (i) parcel boundary: two or more points and a line connecting those points, which exist between a parcel of land for which there is a heading registration (hereinafter simply referred to as a "parcel of land") and another parcel of land (including one for which there is no heading registration; the same shall apply hereinafter) that adjoins the former, and which were regarded as constituting the boundary between those parcels of land at the time when the former parcel of land was registered;
- (ii) parcel boundary demarcation: demarcating the actual position on site of the parcel boundary between a parcel of land and another parcel of land that adjoins the former as provided for in this Chapter (or demarcating the area where such position exists, if it is impossible to demarcate the position);
- (iii) subject parcels: a parcel of land and another parcel of land that adjoin each other on the parcel boundary subject to parcel boundary demarcation;
- (iv) related parcel: a parcel of land (including one for which there is no heading registration) other than the subject parcels, which borders on either or both of the subject parcels on another parcel boundary that contains a point on the parcel boundary subject to parcel boundary demarcation; and
- (v) registered holder of ownership, etc.: the registered holder of ownership in the case of a parcel of land for which there is a registration of ownership, the heading-section owner in the case of a parcel of land for which there is no registration of ownership, and the owner in the case of land for which there is no heading registration, respectively, and including the heirs and other general successors of the registered holder of ownership or heading-section owner

(Affairs for Parcel Boundary Demarcation)

Article 124 (1) Affairs for parcel boundary demarcation shall be administered by the Legal Affairs Bureau or District Legal Affairs Bureau that has jurisdiction over the location of the subject parcels.

(2) The provisions of Article 6, paragraph (2) and paragraph (3) shall apply mutatis mutandis to the affairs for parcel boundary demarcation. In this case: in paragraph (2) of said Article, the term "real property" shall be deemed to be

replaced with "the subject parcels," the term "registry offices" shall be deemed to be replaced with "Legal Affairs Bureaus or District Legal Affairs Bureaus," and the term "Legal Affairs Bureau or District Legal Affairs Bureau" shall be deemed to be replaced with "Legal Affairs Bureau"; in paragraph (3) of said Article, the term "registry office(s)" shall be deemed to be replaced with "Legal Affairs Bureau(s) or District Legal Affairs Bureau(s)."

(Registrar for Parcel Boundary Demarcation)

Article 125 Parcel boundary demarcation shall be made by a registrar for parcel boundary demarcation (meaning a registrar designated by the Director of a Legal Affairs Bureau or District Legal Affairs Bureau; the same shall apply hereinafter).

(Disqualification of Registrar for Parcel Boundary Demarcation)

Article 126 When a registrar for parcel boundary demarcation falls under any of the following items, the registrar for parcel boundary demarcation may not make a parcel boundary demarcation for the subject parcels:

- (i) the registered holder (including the registered holder based on a provisional registration; hereinafter the same shall apply in this item) of ownership, heading-section owner or non-registered owner or the registered or non-registered holder of a right other than ownership, in relation to any one of the subject parcels or related parcels;
- (ii) the spouse or relative within the fourth degree of kinship of any of the persons listed in the preceding item (including the person who was the spouse or relative within the fourth degree of kinship of such person; the same shall apply in the following item); or
- (iii) the agent or representative of any of the persons listed in item (i) (including the person who was the agent or representative of such person) or his/her spouse or relative within the fourth degree of kinship

(Parcel Boundary Examiner)

- Article 127 (1) Each Legal Affairs Bureau and District Legal Affairs Bureau shall have several parcel boundary examiners in order to have them conduct the examination of facts necessary for parcel boundary demarcation and submit their opinions to a registrar for parcel boundary demarcation.
- (2) A parcel boundary examiner shall be appointed by the Director of the Legal Affairs Bureau or District Legal Affairs Bureau from among those persons who have the expertise and experience necessary for performing the duties set forth in the preceding paragraph.
- (3) The term of office of a parcel boundary examiner shall be two years.
- (4) A parcel boundary examiner may be reappointed.

(5) A parcel boundary examiner shall serve on a part-time basis.

(Grounds for Disqualification of Parcel Boundary Examiner)

Article 128 (1) A person who falls under any of the following items may not serve as a parcel boundary examiner:

- (i) a person who was sentenced to imprisonment without work or a severer punishment, where five years have not elapsed from the day on which the execution of the sentence was completed or he/she became free from the execution of the sentence;
 - (ii) a person who was expelled from a bar association or prohibited from practicing as a juridical scrivener or a land and house investigator as a disciplinary action under the Attorney Act (Act No. 205 of 1949), the Juridical Scrivener Act (Act No. 197 of 1950) or the Land and House Investigator Act (Act No. 228 of 1950), respectively, where three years have not elapsed from the day on which such action was taken against him/her; or
 - (iii) a public officer who was dismissed by a disciplinary action, where three years have not elapsed from the day on which such action was taken against him/her
- (2) When a parcel boundary examiner has come to fall under any of the items of the preceding paragraph, he/she shall automatically forfeit his/her office.

(Dismissal of Parcel Boundary Examiner)

Article 129 When a parcel boundary examiner falls under any of the following items, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau may dismiss the parcel boundary examiner:

- (i) when he/she is found to be unable to perform his/her duties due to mental or physical disorder; or
- (ii) when he/she is found to have breached his/her obligation in the course of his/her duties or where there has been any other misconduct that is inappropriate for a parcel boundary examiner.

(Standard Processing Time)

Article 130 The Director of a Legal Affairs Bureau or District Legal Affairs Bureau shall specify the standard period of time which will be normally required after an application for parcel boundary demarcation has been filed until a registrar for parcel boundary demarcation makes a parcel boundary demarcation, and make such period of time public by posting it at the Legal Affairs Bureau or District Legal Affairs Bureau or by another appropriate method.

Section 2 Procedure for Parcel Boundary Demarcation

Subsection 1 Application for Parcel Boundary Demarcation

(Application for Parcel Boundary Demarcation)

- Article 131 (1) The registered holder of ownership, etc. of a parcel of land may file an application for parcel boundary demarcation with a registrar for parcel boundary demarcation with regard to the boundary between said parcel of land and an adjoining parcel of land.
- (2) An application for parcel boundary demarcation shall be filed by clarifying the following matters:
- (i) the object of the application
 - (ii) the name and address of the applicant for parcel boundary demarcation;
 - (iii) the matters listed in Article 34, paragraph (1), item (i) and item (ii) with regard to the subject parcels (in the case of a parcel of land for which there is no heading registration, the matters set forth in item (i) of said paragraph);
 - (iv) the reasons for the need of a parcel boundary demarcation for the subject parcels; and
 - (v) in addition to what is listed in the preceding items, the matters specified by Ordinance of the Ministry of Justice
- (3) An applicant for parcel boundary demarcation shall pay fees as provided for by Cabinet Order.
- (4) The provision of Article 18 shall apply mutatis mutandis to an application for parcel boundary demarcation. In this case: in said Article, the phrase "information specified by Cabinet Order as necessary matters for applying for a registration, including the matters necessary for identifying the real property, the name of the applicant, and the purpose of registration (hereinafter referred to as "application information")" shall be deemed to be replaced with "information on the matters listed in the items of Article 131, paragraph (2) (referred to as "application information for parcel boundary demarcation" in item (ii), Article 132, paragraph (1), item (iv) and Article 150)," and the term "registry office" shall be deemed to be replaced with "Legal Affairs Bureau or District Legal Affairs Bureau"; in Article 18, item (ii), the term "application information" shall be deemed to be replaced with "application information for parcel boundary demarcation."

(Dismissal of Application)

- Article 132 (1) In the following cases, a registrar for parcel boundary demarcation shall dismiss an application for parcel boundary demarcation by a decision stating the reasons therefor; provided, however, that this shall not apply where defects in the application can be corrected, and the applicant for parcel boundary demarcation has corrected them within a reasonable period specified by the registrar for parcel boundary demarcation:

- (i) where the location of the subject parcels is not subject to the jurisdiction of the Legal Affairs Bureau or District Legal Affairs Bureau which has received the application;
 - (ii) where the application is filed by a person without the authority to apply;
 - (iii) where the application is in violation of the provision of paragraph (2) of the preceding Article;
 - (iv) where the method employed to provide the application information for parcel boundary demarcation does not conform to the method specified pursuant to the provisions of an order under this Act;
 - (v) where the application is found to be intended for the demarcation of the boundary of the coverage of ownership for the subject parcels or for matters other than parcel boundary demarcation;
 - (vi) where a judgment on an action to seek a determination of the parcel boundary between the subject parcels in civil proceedings (excluding a judgment to dismiss such action as unlawful; the same shall apply in Article 148) has already become final and binding;
 - (vii) where a parcel boundary demarcation for the parcel boundary between the subject parcels has already been made by a registrar for parcel boundary demarcation; provided, however, that this shall not apply where it is found to be particularly necessary to make another parcel boundary demarcation for the subject parcels;
 - (viii) where no fees are paid; and
 - (ix) where a prepayment has been ordered pursuant to the provision of Article 146, paragraph (5) but where a prepayment has not been made
- (2) A dismissal of an application for a parcel boundary demarcation under the provision of the preceding paragraph shall be deemed to be a disposition by a registrar.

(Notice of Application for Parcel Boundary Demarcation)

- Article 133 (1) When an application for parcel boundary demarcation is filed, a registrar for parcel boundary demarcation shall give public notice to that effect and also give notice to the following persons (hereinafter referred to as the "related persons") to that effect, as provided for by Ordinance of the Ministry of Justice without delay; provided, however, that this shall not apply where the application should be dismissed pursuant to the provision of paragraph (1) of the preceding Article:
- (i) the registered holder of ownership, etc. of one of the subject parcels who is not the applicant for parcel boundary demarcation; and
 - (ii) the registered holder of ownership, etc. of a related parcel
- (2) In the case referred to in the main clause of the preceding paragraph, if the whereabouts of any of the related persons is unknown, the notice to the related

person under the provision of the main clause of said paragraph may be given by posting, on the notice board at the Legal Affairs Bureau or District Legal Affairs Bureau that has jurisdiction over the location of the subject parcels, the name of the related person, the matters to be notified, and a statement to the effect that a document stating said matters shall be issued to the related person at any time. In this case, the notice shall be deemed to have reached the related person when two weeks have elapsed from the day on which the posting was carried out.

Subsection 2 Examination of Parcel Boundary, etc.

(Designation of Parcel Boundary Examiner, etc.)

Article 134 (1) When public notice has been given and notice has been given to each related person pursuant to the provision of the main clause of paragraph (1) of the preceding Article, the Director of a Legal Affairs Bureau or District Legal Affairs Bureau shall designate a parcel boundary examiner who is to conduct the examination of facts necessary for parcel boundary demarcation for the subject parcels.

(2) A person who falls under any of the following items may not be designated as a parcel boundary examiner as set forth in the preceding paragraph:

(i) the registered holder (including the registered holder based on a provisional registration; hereinafter the same shall apply in this item) of ownership, heading-section owner or owner or the holder of a right other than ownership, in relation to any one of the subject parcels or related parcels;

(ii) the spouse or relative within the fourth degree of kinship of any of the persons listed in the preceding item (including the person who was the spouse or relative within the fourth degree of kinship of such person; the same shall apply in the following item); or

(iii) the agent or representative of any of the persons listed in item (i) (including the person who was the agent or representative of such person) or his/her spouse or relative within the fourth degree of kinship

(3) When there are two or more parcel boundary examiners designated under the provision of paragraph (1), they shall perform their duties jointly; provided, however, that with the permission of a registrar for a parcel boundary examiner, they may perform their duties independently or divide the duties among themselves.

(4) The Director of a Legal Affairs Bureau or District Legal Affairs Bureau may have his/her officials assist the examination of facts conducted by a parcel boundary examiner.

(Examination of Facts by Parcel Boundary Examiner)

Article 135 (1) A parcel boundary examiner, when he/she is designated under the provision of paragraph (1) of the preceding Article, may conduct a survey or field investigation of the subject parcels or related parcels or other parcels of land, hear from the applicant for parcel boundary demarcation or related persons or other persons about the facts known to them or request those persons to submit materials, and conduct other examination of facts necessary for parcel boundary demarcation for the subject parcels.

(2) When conducting the examination of facts set forth in the preceding paragraph, a parcel boundary examiner shall keep in mind that parcel boundary demarcation is not intended for the demarcation of the boundary of the coverage of ownership for the subject parcels.

(Survey and Field Investigation)

Article 136 (1) When conducting a survey or field investigation of the subject parcels, a parcel boundary examiner shall give notice to the applicant for parcel boundary demarcation and the related persons to that effect together with the date and place thereof in advance, and provide them with the opportunity to observe the survey or field investigation.

(2) The provision of Article 133, paragraph (2) shall apply mutatis mutandis to the notice under the provision of the preceding paragraph.

(Entry and Investigation)

Article 137 (1) When the Director of a Legal Affairs Bureau or District Legal Affairs Bureau finds it necessary in cases where a parcel boundary examiner conducts a survey or field investigation of the subject parcels or related parcels or other parcels of land, he/she may have the parcel boundary examiner or his/her official set forth in Article 134, paragraph (4) (hereinafter referred to as "parcel boundary examiner, etc." in this Article) enter another person's land.

(2) If the Director of a Legal Affairs Bureau or District Legal Affairs Bureau intends to have the parcel boundary examiner, etc. enter another person's land pursuant to the provision of the preceding paragraph, he/she shall give notice to the possessor of said land to that effect together with the date and place of the entry in advance.

(3) Where a person intends to enter, pursuant to the provision of paragraph (1), residential land or land in the possession of another person which is enclosed with hedges, fences or the like, such person shall, upon entry, notify the possessor of said land to that effect in advance.

(4) No entry may be made onto the land set forth in the preceding paragraph before sunrise or after sunset, unless the possessor of the land gives consent.

(5) The possessor of the land shall not refuse or obstruct the entry set forth under the provision of paragraph (1) without justifiable grounds.

- (6) When making an entry under the provision of paragraph (1), the parcel boundary examiner, etc. shall carry his/her identification card and present it when requested to do so by any person concerned.
- (7) When the entry under the provision of paragraph (1) has caused any person to suffer a loss, the State shall compensate such person who has suffered a loss for the loss that would ordinarily arise.

(Request for Cooperation of Relevant Administrative Organ, etc.)

Article 138 The Director of a Legal Affairs Bureau or District Legal Affairs Bureau may, when he/she finds it necessary for parcel boundary demarcation, request the head of a relevant administrative organ, the head of a relevant local public entity, or a relevant public or private organization to submit materials and provide other necessary cooperation.

(Submission of Opinions or Materials)

Article 139 (1) When an application for parcel boundary demarcation is filed, the applicant for parcel boundary demarcation and the related persons may submit their opinions or materials with regard to the parcel boundary between the subject parcels. In this case, if a registrar for parcel boundary demarcation has specified a reasonable period during which such opinions or materials should be submitted, submission shall be made within such period.

- (2) The submission of opinions or materials under the provision of the preceding paragraph may be made by electromagnetic means (meaning a method of using an electronic data processing system or any other method of using information and communications technology, which is specified by Ordinance of the Ministry of Justice).

(Date of Opinion Hearing, etc.)

Article 140 (1) When an application for parcel boundary demarcation is filed, a registrar for parcel boundary demarcation shall, during the period after giving public notice under the provision of the main clause of Article 133, paragraph (1) and before making a parcel boundary demarcation, provide the applicant for parcel boundary demarcation and the related persons with the opportunity to state their opinions or submit materials (including an electromagnetic record) with regard to the parcel boundary between the subject parcels, while giving notice to those persons of the date and place of such hearing or submission in advance.

- (2) On the date set forth in the preceding paragraph, the registrar for parcel boundary demarcation may have a person whom he/she considers appropriate state, as a witness, the facts known to such person.
- (3) The parcel boundary examiner shall be in attendance on the date set forth in

- paragraph (1). In this case, the parcel boundary examiner may, with the permission of the registrar for parcel boundary demarcation, ask questions to the applicant for parcel boundary demarcation or any related person or witness.
- (4) The registrar for parcel boundary examiner shall prepare a record stating the development on the date set forth in paragraph (1) and clarify, in such record, the gist of the statements made by the applicant for parcel boundary demarcation or the related person or witness on said date.
- (5) The record set forth in the preceding paragraph may be prepared in the form of an electromagnetic record.
- (6) The provision of Article 133, paragraph (2) shall apply mutatis mutandis to the notice under the provision of paragraph (1).

(Inspection of Record, etc.)

- Article 141 (1) The applicant for parcel boundary demarcation and related persons may, during the period after public notice has been given under the provision of the main clause of Article 133, paragraph (1) until notice is given to the applicant for parcel boundary demarcation pursuant to the provision of Article 144, paragraph (1), make a request to the registrar for parcel boundary demarcation for the inspection of the record which has been prepared and the materials which have been submitted in the procedure for parcel boundary demarcation (in the case of those in the form of electromagnetic records, the content of the recorded information that is indicated by a method specified by Ordinance of the Ministry of Justice). In this case, the registrar for parcel boundary demarcation may not refuse the inspection unless the inspection is likely to harm the interest of any third party or there are other justifiable grounds for refusal.
- (2) The registrar for parcel boundary demarcation may designate the date and place of the inspection set forth in the preceding paragraph.

Section 3 Parcel Boundary Demarcation

(Submission of Opinions by Parcel Boundary Examiner)

- Article 142 When a parcel boundary examiner has finished, after the date set forth in Article 140, paragraph (1), the examination of facts necessary for parcel boundary demarcation for the subject parcels, he/she shall submit his/her opinions on parcel boundary demarcation for the subject parcels to the registrar for parcel boundary demarcation without delay.

(Parcel Boundary Demarcation)

- Article 143 (1) When a parcel boundary examiner has submitted his/her opinions pursuant to the provision of the preceding Article, the registrar for parcel

boundary demarcation shall make a parcel boundary demarcation for the subject parcels, while referring to such opinions and comprehensively taking into consideration the content of the registration records, maps or drawings equivalent to maps and the annexed documents of the registries, the topography, land category, land area and shape of each of the subject parcels and the related parcels as well as whether or not there is any structure, fence or boundary marker and other conditions on those parcels of land and how these facilities have been installed, and other circumstances concerned, and shall prepare a written report of parcel boundary demarcation stating the conclusion of the parcel boundary demarcation and the gist of the reasons therefor.

- (2) A written report of parcel boundary demarcation shall indicate the content of the parcel boundary demarcation by a drawing and a method specified by Ordinance of the Ministry of Justice as the method for indicating the actual position on site of each point on the drawing.
- (3) A written report of parcel boundary demarcation may be prepared in the form of an electromagnetic record.

(Notice of Parcel Boundary Demarcation, etc.)

Article 144 (1) A registrar for parcel boundary demarcation, when he/she has made a parcel boundary demarcation, shall give notice of the content of a written report of parcel boundary demarcation to the applicant for parcel boundary demarcation by issuing a copy of a written report of parcel boundary demarcation (if the written report of parcel boundary demarcation is prepared in the form of an electromagnetic record, by a method specified by Ordinance of the Ministry of Justice), and shall give public notice and also give notice to the related persons to the effect that a parcel boundary demarcation has been made, as provided for by Ordinance of the Ministry of Justice.

- (2) The provision of Article 133, paragraph (2) shall apply mutatis mutandis to the notice under the preceding paragraph.

(Retention of Parcel Boundary Demarcation Procedure Records)

Article 145 Where notice is given to the applicant for parcel boundary demarcation pursuant to the provision of paragraph (1) of the preceding Article, the records of the parcel boundary demarcation procedure (hereinafter referred to as the "parcel boundary demarcation procedure records") shall be retained at the registry office that has jurisdiction over the location of the subject parcels.

Section 4 Miscellaneous Provisions

(Burden of Procedural Costs, etc.)

Article 146 (1) The applicant for parcel boundary demarcation shall bear the costs for a survey and other costs specified by Ordinance of the Ministry of Justice which are incurred in the procedure for parcel boundary demarcation (hereinafter referred to as the "procedural costs").

(2) Where there are two applicants for a parcel boundary demarcation, if one of those applicants is the registered holder of ownership, etc. for either of the subject parcels and the other applicant is the registered holder of ownership, etc. for the other subject parcel, those applicants for a parcel boundary demarcation shall bear the procedural costs equally.

(3) Where there are two or more applicants for a parcel boundary demarcation, if all of them are the registered holder of ownership, etc. for either of the subject parcels, those applicants for parcel boundary demarcation shall bear the procedural costs according to their shares (the share set forth in Article 59, item (iv) if there is a registration of ownership relating to the subject parcel, or the share set forth in Article 27, item (iii) if there is no registration of ownership relating to the subject parcel; the same shall apply in the following paragraph).

(4) Where there are three or more applicants for parcel boundary demarcation, if one or two of those applicants is the registered holder(s) of ownership, etc. for either of the subject parcels, and the other applicant(s) is the registered holder(s) of ownership, etc. for the other subject parcel, that one of those applicants for parcel boundary demarcation who is the single registered holder of ownership, etc. for either subject parcel shall bear the amount equivalent to half of the procedural costs, and the two or more of those applicants for parcel boundary demarcation who are the joint registered holders of ownership, etc. for either subject parcel shall bear the amount equivalent to half of the procedural costs according to their shares.

(5) A registrar for parcel boundary demarcation shall have the applicant for parcel boundary demarcation prepay the estimated amount of the procedural costs.

(Special Provisions for a Disposition for Explanation in a Suit for Parcel Boundary Determination)

Article 147 Where a parcel boundary demarcation is made, if an action is filed to seek a determination of a parcel boundary through civil proceedings with regard to the parcel boundary pertaining to said parcel boundary demarcation, the court may, in order to clarify the matters related to the suit pertaining to said action, commission a registrar to send the parcel boundary demarcation procedure records concerning said parcel boundary demarcation. The same shall apply where an action is filed to seek a determination of a parcel boundary demarcation through civil proceedings, and subsequently a parcel

boundary demarcation is made with regard to the parcel boundary addressed in said action.

(Relationship with a Judgment on a Suit for Parcel Boundary Determination)

Article 148 Where a parcel boundary demarcation is made, if a judgment on an action to seek a determination of a parcel boundary filed through civil proceedings with regard to the parcel boundary pertaining to said parcel boundary demarcation becomes final and binding, said parcel boundary demarcation shall cease to be effective to the extent that it conflicts with said judgment.

(Issuance of Copy of Written Report of Parcel Boundary Demarcation, etc.)

Article 149 (1) Any person may, by paying fees, make a request to a registrar for the issuance of a copy of a written report of parcel boundary demarcation or the whole or part of drawings specified by Cabinet Order, which are included in the parcel boundary procedure records (hereinafter referred to as a "written report of parcel boundary demarcation, etc." in this Article and Article 153) (if the written report of parcel boundary demarcation, etc. is prepared in the form of an electromagnetic record, a document certifying the content of the recorded information).

(2) Any person may, by paying fees, make a request to a registrar for the inspection of parcel boundary demarcation procedure records (in the case of those prepared in the form of an electromagnetic record, the content of the recorded information that is indicated by a method specified by Ordinance of the Ministry of Justice); provided, however, that except for the drawings set forth in the preceding paragraph, the inspection of parcel boundary demarcation procedure records shall be limited to the part in which the requester has an interest.

(3) The provisions of Article 119, paragraph (3) and paragraph (4) shall apply mutatis mutandis to the fees set forth in the preceding two paragraphs.

(Delegation to Ordinance of the Ministry of Justice)

Article 150 In addition to what is provided for in this Chapter, the method for providing application information for parcel boundary demarcation, the disclosure of parcel boundary demarcation procedure records, and other necessary matters concerning the procedure for parcel boundary demarcation shall be prescribed by Ordinance of the Ministry of Justice.

Chapter VII Miscellaneous Provisions

(Security Measures for Information for Registration Identification)

Article 151 (1) A registrar shall take the necessary and appropriate measures to prevent the leakage, loss or damage of the information for registration identification that he/she handles and ensure other security control of the information for registration identification.

(2) Registrars and other officials of the Ministry of Justice engaged in the affairs for real property registration who work at Legal Affairs Bureaus or District Legal Affairs Bureaus or branch bureaus thereof or branch offices of any of those bureaus or persons who have held such post shall not divulge any secret concerning the preparation or management of information for registration identification that they have come to know in connection with such affairs.

(Exclusion from Application of the Administrative Procedure Act)

Article 152 The provisions of Chapter II and Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to a disposition made by a registrar.

(Exclusion from Application of the Act on Access to Information Held by Administrative Organs)

Article 153 The provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) shall not apply to a registry and written report of parcel boundary demarcation, etc.

(Exclusion from Application of the Act on the Utilization of Information and Communications Technology in Administrative Procedure, etc.)

Article 154 The provisions of Article 3 to Article 6 of the Act on the Utilization of Information and Communications Technology in Administrative Procedure, etc. (Act No. 151 of 2002) shall not apply to the procedure, etc. (meaning the procedure, etc. prescribed in Article 2, item (x) of said Act) performed under the provisions of this Act or any order under this Act.

(Exclusion from Application of the Act on the Protection of Personal Information Held by Administrative Organs)

Article 155 The provisions of Chapter IV of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) shall not apply to the retained personal information (meaning retained personal information prescribed in Article 2, paragraph (3) of said Act) which is recorded in a registry, etc.

(Request for Review)

Article 156 (1) A person who considers a disposition made by a registrar to be unjust may make a request for review to the Director of the Legal Affairs

Bureau or District Legal Affairs Bureau who supervises said registrar.
(2) A request for review shall be made via the registrar.

(Handling of Request for Review Case)

Article 157 (1) A registrar, when he/she finds a request for review to be well-grounded, shall make a reasonable disposition.

(2) A registrar, when he/she finds a request for review to be groundless, shall refer the case to the Director of the Legal Affairs Bureau or District Legal Affairs Bureau set forth in paragraph (1) of the preceding Article within three days from the date of the request, with his/her opinions attached thereto.

(3) The Director of the Legal Affairs Bureau or District Legal Affairs Bureau set forth in paragraph (1) of the preceding Article, when he/she finds a request for review to be well-grounded, shall order the registrar to make a reasonable disposition, and shall give notice to the requester for the review and any other person who has an interest in the registration to that effect.

(4) The Director of the Legal Affairs Bureau or District Legal Affairs Bureau set forth in paragraph (1) of the preceding Article may, before ordering a disposition set forth in the preceding paragraph, order the registrar to make a provisional registration.

(Exclusion from Application of the Administrative Appeal Act)

Article 158 The provisions of Article 14, Article 17, Article 24, the proviso to Article 25, paragraph (1), Article 34, paragraph (2) to paragraph (7), Article 37, paragraph (6), Article 40, paragraph (3) to paragraph (6) and Article 43 of the Administrative Appeal Act (Act No. 160 of 1962) shall not apply to a request for review pertaining to a disposition made by a registrar.

Chapter VIII Penal Provisions

(Crime of Divulging a Secret)

Article 159 A person who has, in violation of the provision of Article 151, paragraph (2), divulged any secret concerning the preparation or management of information for registration identification shall be punished by imprisonment with work for not more than two years or a fine of not more than one million yen.

(Crime of Providing False Information for Confirmation of the Registered Right Holder)

Article 160 A person who has provided false information in the process of providing information under the provision of Article 23, paragraph (4), item (i) (including cases where applied mutatis mutandis pursuant to Article 16,

paragraph (2)) shall be punished by imprisonment with work for not more than two years or a fine of not more than 500,000 yen.

(Crime of Acquiring Information for Registration Identification for Unlawful Purpose, etc.)

Article 161 (1) A person who has acquired information for registration identification for the purpose of using such information for an application or commission for registration which may result in creating a false record in a registry shall be punished by imprisonment with work for not more than two years or a fine of not more than 500,000 yen. The same shall apply to a person who has provided the information while knowing such purpose.

(2) The provision of the preceding paragraph shall also apply to a person who retains information for registration identification that has been acquired for an unlawful purpose.

(Crime of Obstructing, etc. Inspection)

Article 162 A person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

(i) a person who has refused, obstructed or avoided an inspection under the provision of Article 29, paragraph (2) (including cases where applied *mutatis mutandis* pursuant to Article 16, paragraph (2); the same shall apply in the following item);

(ii) a person who has failed to present, under the provision of Article 29, paragraph (2), a document or matters recorded in an electromagnetic record that are indicated by a method specified by Ordinance of the Ministry of Justice or presented a false document or false matters recorded in an electromagnetic record that are indicated by a method specified by Ordinance of the Ministry of Justice, or failed to make a statement or made a false statement in response to questions; or

(iii) a person who has, in violation of the provision of Article 137, paragraph (5), refused or obstructed the entry under the provision of paragraph (1) of said Article

(Dual Liability)

Article 163 When the representative of a juridical person, or an agent, employee or any other worker of a juridical person or individual, in connection with the business of the juridical person or individual, has committed a violation of Article 160 or the preceding Article, not only the offender shall be punished but also the juridical person or individual shall be punished by a fine prescribed in the respective Articles.

(Non-Penal Fine)

Article 164 When a person who has an obligation to file an application under the provisions of Article 36, Article 37, paragraph (1) or paragraph (2), Article 42, Article 47, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 49, paragraph (2)), Article 49, paragraph (1), paragraph (3) or paragraph (4), Article 51, paragraph (1) to paragraph (4), Article 57 or Article 58, paragraph (6) or paragraph (7) has neglected to file the application, such person shall be punished by a non-penal fine of not more than 100,000 yen.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as from the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 127 of the Real Property Registration Act after revision (hereinafter referred to as the "New Act") and Article 4, paragraph (4) of the Supplementary Provisions of said Act shall come into effect as from the date of enforcement of the Act on the Protection of Personal Information Held by Administrative Organs (April 1, 2005) or the date of enforcement of this Act, whichever comes later.

(Transitional Measures)

Article 2 (1) Unless otherwise provided for in the Supplementary Provisions, the provisions of the New Act (excluding the penal provisions) shall also apply to any matters that have arisen prior to the enforcement of this Act; provided, however, that this shall not preclude the effect that has arisen under the provisions of the Real Property Registration Act prior to revision (hereinafter referred to as the "Former Act").

(2) A disposition, procedure or other act made prior to the enforcement of this Act pursuant to the provisions of the Former Act shall, with regard to the application of the New Act, be deemed to have been made under the corresponding provisions of the New Act, unless otherwise provided for in the Supplementary Provisions.

Article 3 (1) The provisions of Article 2, item (v) and item (ix), Article 12, Article 51, paragraph (5) and paragraph (6) (including cases where applied mutatis mutandis pursuant to Article 53, paragraph (2)) and Article 119 of the New Act shall apply to the affairs designated by the Minister of Justice for each registry office as the affairs to be handled by the registry office by means of an electronic data processing system (meaning an electronic data processing system set forth in Article 151-2, paragraph (1) of the Former Act; the same

- shall apply in paragraph (3)), as from the date of the designation.
- (2) The designation under the provision of the preceding paragraph shall be made by public notice.
 - (3) Notwithstanding the provisions of the preceding two paragraphs, the affairs to be handled by means of an electronic data processing system by each registry office which is subject to the designation made under Article 151-2, paragraph (1) of the Former Act at the time of the enforcement of this Act shall be deemed to have been designated under the provision of paragraph (1) as of the date of enforcement of this Act.
 - (4) Until the designation under the provision of paragraph (1) is made, with regard to the affairs that have not yet been designated under the provision of said paragraph, the provisions of Article 14 to Article 16-2, Article 21, paragraph (1) (limited to the part concerning the issuance of a transcript or extract of a registry and the inspection of a registry) and paragraph (3) and Article 24-2, paragraph (1) and paragraph (3) of the Former Act shall remain in force.
 - (5) With regard to the application of the New Act to the affairs set forth in the preceding paragraph until the designation under the provision of paragraph (1) is made, the term "registration record" in the main provisions of the New Act (excluding Article 2, item (vi), Article 15 and Article 25, item (ii) of the New Act) shall be deemed to be replaced with "registry," the phrase "in a registration record" in Article 2, item (vi) and Article 25, item (ii) of the New Act shall be deemed to be replaced with "in a registry," the term "rights section" in Article 2, item (viii) and item (xi) of the New Act shall be deemed to be replaced with "details section," the phrase "registries and registration records" in Article 15 of the New Act shall be deemed to be replaced with "registries," the term "registries" in Article 122 of the New Act shall be deemed to be replaced with "registries (including closed registries set forth in Article 24-2, paragraph (1) of the Former Act which shall remain in force pursuant to the provision of Article 3, paragraph (4) of the Supplementary Provisions)."
 - (6) The provision of Article 119, paragraph (4) of the New Act shall apply mutatis mutandis to the payment of fees set forth Article 21, paragraph (1) of the Former Act which shall remain in force pursuant to the provision of paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which shall remain in force pursuant to the provision of paragraph (4)). In this case, the phrase "paragraph (1) and paragraph (2)" in Article 119, paragraph (4) of the New Act shall be deemed to be replaced with "Article 21, paragraph (1) of the Former Act which shall remain in force pursuant to the provision of Article 3, paragraph (4) of the Supplementary Provisions (including cases where applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which shall remain

in force pursuant to the provision of Article 3, paragraph (4) of the Supplementary Provisions)."

- (7) The provision of Article 119, paragraph (5) of the New Act shall not apply to any affairs other than the affairs that have been designated under the provision of paragraph (1) (including those that shall be deemed to have been designated pursuant to the provision of paragraph (3)) for the registry office that has jurisdiction over the location of the real property pertaining to the request set forth in Article 119, paragraph (5) of the New Act.

Article 4 (1) With regard to a closed registry pertaining to the affairs that were designated under the provision of paragraph (1) of the preceding Article (including those that shall be deemed to have been designated pursuant to the provision of paragraph (3) of said Article) and were kept at the registry office at the time when such designation was made, the provision of Article 24-2, paragraph (3) of the Former Act shall remain in force.

- (2) The provision of Article 119, paragraph (4) of the New Act shall apply mutatis mutandis to the payment of fees set forth in Article 21, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which shall remain in force pursuant to the provision of the preceding paragraph. In this case, the phrase "paragraph (1) and paragraph (2)" in Article 119, paragraph (4) of the New Act shall be deemed to be replaced with "Article 21, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which shall remain in force pursuant to the provision of Article 4, paragraph (1) of the Supplementary Provisions."

- (3) The provisions of the Act on Access to Information Held by Administrative Organs shall not apply to a closed registry set forth in paragraph (1) (including annexed documents thereof; the same shall apply in the following paragraph).

- (4) The provisions of Chapter IV of the Act on the Protection of Personal Information Held by Administrative Organs shall not apply to the retained personal information (meaning retained personal information prescribed in Article 2, paragraph (3) of said Act) which is recorded in a closed registry set forth in paragraph (1).

Article 5 With regard to the application of the Civil Code, the Civil Execution Act (Act No. 4 of 1979) and other laws and regulations, a transcript or extract of a registry prescribed in Article 21, paragraph (1) of the Former Act (including cases where applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act) that has been issued prior to the enforcement of this Act shall be deemed to be a certificate of registered matters. The same shall apply to a transcript or extract of a registry prescribed in Article 21,

paragraph (1) of the Former Act which shall remain in force pursuant to the provision of Article 3, paragraph (4) of the Supplementary Provisions (including cases where applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which shall remain in force pursuant to the provision of Article 3, paragraph (4) of the Supplementary Provisions) or in Article 21, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to the provision of Article 24-2, paragraph (3) of the Former Act which shall remain in force pursuant to the provision of paragraph (1) of the preceding Article.

- Article 6 (1) The provision of Article 18, item (i) of the New Act shall apply to the registration procedure designated by the Minister of Justice for each registry office as the procedure in which an application for registration may be filed with the office by the method prescribed in said item, as from the date of the designation.
- (2) The designation under the provision of the preceding paragraph shall be made by public notice.
- (3) Until the designation under the provision of paragraph (1) is made, with regard to the application of the provisions of the New Act to the registration procedure at each registry office, the terms and phrases listed in the middle column of the following table which appear in the provisions of the New Act listed in the left-hand column of said table shall be deemed to be replaced with the terms and phrases listed in the right-hand column of said table, respectively.

Provision containing the term or phrase to be replaced	Term or phrase to be replaced	Term or phrase to be used as replacement
Title of Article 21	Notice of Information for Registration Identification	Issuance of Registration Certificate
Article 21	give notice of the information for registration identification	issue a registration certificate
Proviso to Article 21	given notice of information for registration identification	issued a registration certificate
Title of Article 22	Provision of Information for Registration Identification	Submission of Registration Certificate

Article 22	provide the information for registration identification	submit the registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act (including a registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act in response to an application for registration to which the provisions then in force shall remain applicable pursuant to the provision of Article 8 of the Supplementary Provisions) or the registration certificate issued pursuant to the provisions of Article 21 or Article 117, paragraph (2) as applied by replacing the relevant terms and phrases pursuant to the provision of Article 6, paragraph (3) of the Supplementary Provisions
Proviso to Article 22	no notice of information for registration identification is given	no registration certificate is issued
	provide the information for registration identification	submit the registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act (including a registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act in response to an application for registration to which the provisions then in force shall remain applicable pursuant to the provision of Article 8 of the Supplementary Provisions) or the registration certificate issued pursuant to the provisions of Article 21 or Article 117, paragraph (2) as applied by replacing the relevant terms and phrases pursuant to the provision of Article 6, paragraph (3) of the Supplementary Provisions
Article 23, paragraph (1)	provide information for registration identification	submit a registration certificate

Title of Article 117	Information for Registration Identification Pertaining to a Registration Made upon Commission by Government Agency or Public Office	Registration Certificate Pertaining to a Registration Made upon Commission by Government Agency or Public Office
Article 117, paragraph (1)	information for registration identification	registration certificate
	give notice of	issue
Article 117, paragraph (2)	given notice of the information for registration identification	issued the registration certificate
	give notice of	issue

Article 7 In the registration procedure designated under the provision of paragraph (1) of the preceding Article, when an application for registration is filed, after the designation under the provision of said paragraph is made, by submitting a registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act (including a registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act in response to an application for registration to which the provisions then in force shall remain applicable pursuant to the provision of the following Article) or a registration certificate issued pursuant to the provisions of Article 21 or Article 117, paragraph (2) of the New Act as applied by replacing the relevant terms and phrases pursuant to the provision of paragraph (3) of the preceding Article, the provision of the main clause of Article 22 of the New Act shall be applied by deeming that information for registration identification has been provided.

Article 8 With regard to an application for registration filed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 9 With regard to the obligation to file an application for a registration of a description of land or building prescribed in Article 5, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision to the Real Property Registration Act, etc. (Act No. 14 of 1960), the provisions then in force shall remain applicable. In this case, the terms and phrases listed in the left-hand column of the following table which appear in the provision of said paragraph shall be deemed to be replaced with the terms and phrases listed in the right-hand column of said table, respectively.

Term or phrase to be replaced	Term or phrase to be used as replacement
Article 80, paragraph (1) and paragraph (3) of the Real Property Registration Act revised under the provision of Article 1	Article 36 of the Real Property Registration Act (Act No. 123 of 2004)
Article 81, paragraph (1) and paragraph (3)	Article 37, paragraph (1) and paragraph (2)
Article 81-8	Article 42
Article 93, paragraph (1) and paragraph (3)	Article 47, paragraph (1)
Article 93-5, paragraph (1) and paragraph (3)	Article 51, paragraph (1) (excluding the part concerning a building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex) and paragraph (2)
Article 93-11	Article 57

Article 10 With regard to the security deposit prescribed in Article 7 of the Supplementary Provisions of the Act for Partial Revision to the Civil Code, etc. for Improving the Security Interest and Civil Execution System (Act No. 134 of 2003), the provisions then in force shall remain applicable. In this case, the phrase "Article 132, paragraph (1) of the Real Property Registration Act revised under the provision of Article 2" in said Article shall be deemed to be replaced with "Article 81, item (iv) of the Real Property Registration Act (Act No. 123 of 2004)."

Article 11 If the date of enforcement of the Act for Partial Revision to the Administrative Case Litigation Act (Act No. 84 of 2004) comes after the date of enforcement of this Act, with regard to the application of Article 158 of the New Act until the day preceding the date of enforcement of the Act for Partial Revision to the Administrative Case Litigation Act, the phrase "to paragraph (7)" in said Article shall be deemed to be replaced with "to paragraph (6)."

(Transitional Measures Concerning Penal Provisions)

Article 12 (1) With regard to the application of penal provisions to any act committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(2) The provisions of Article 51, paragraph (1) and paragraph (4) and Article 58, paragraph (6) and paragraph (7) of the New Act shall also apply where any event which requires the filing of an application for registration prescribed in

those provisions has occurred, prior to the enforcement of this Act, in relation to a building for which there is a registration of categorization as a common element or registration of categorization as a common element of a housing complex. In this case, the period prescribed in the respective provisions (in the case of the period prescribed in Article 51, paragraph (4) or Article 58, paragraph (7) of the New Act, excluding such cases where ownership is acquired after the date of enforcement of this Act) shall commence from the date of enforcement of this Act.

(Delegation to Ordinance of the Ministry of Justice)

Article 13 In addition to what is provided for in the Supplementary Provisions, the necessary transitional measures concerning the procedure for registration upon the revision of the Real Property Registration Act by this Act shall be prescribed by Ordinance of the Ministry of Justice.