

Notary Act

(Act No. 53 of April 14, 1908)

Chapter I General Provisions

Article 1 Notaries have the authority to carry out the following processes upon commission from a party or any other person concerned:

- (i) creating a notarized instrument with regard to a juridical act or any other fact concerning a private right;
- (ii) certifying a private instrument;
- (iii) certifying articles of incorporation pursuant to Article 30, paragraph (1) of the Companies Act (Act No. 86 of 2005) and the provisions pursuant to which Article 30, paragraph (1) of the Companies Act applies mutatis mutandis, as well as Articles 13 and 155 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006); and
- (iv) certifying electronic or magnetic records (records made in electronic form, magnetic form, or any other form that is impossible to perceive by the human senses (hereinafter referred to as an "Electronic or Magnetic Form"), which are used in information processing by computers; the same applies hereinafter); provided, however, that this applies only in cases of certifying electronic or magnetic records other than ones created by a government employee in performing said employee's duties.

Article 2 No document or electronic or magnetic record created by a notary shall have effects as notarized documents unless it satisfies the requirements provided in this Act or any other laws.

Article 3 Notaries may not refuse a commission without justifiable grounds for the refusal.

Article 4 Unless otherwise provided for by law, notaries may not disclose details of any case that they handle; provided, however, that this does not apply if the notary has obtained the consent of the client.

Article 5 Notaries may not undertake any other public duty, conduct commercial business or serve as a representative or employee of any commercial company or incorporated association for profit concurrently; provided, however, that this does not apply if the notary has obtained the permission of the Minister of Justice.

Article 6 Deleted

Article 7 (1) Notaries shall receive fees, charges for serving documents, an amount equivalent to the fee for making the registration referred to in Article 57-3 (referred to as the "Registration Fee" in paragraph (3)), daily allowances, and travel expenses from clients.

(2) Notaries may not receive remuneration regardless of what it is called for cases which they handle, except for the remuneration referred to in the preceding paragraph.

(3) Rules concerning fees, charges for serving documents, Registration Fees, daily allowances, and travel expenses shall be provided by Cabinet Order.

Article 7-2 (1) Processes relating to electronic or magnetic records which are specified as processes to be carried out by a notary pursuant to this Act and other laws and regulations, shall be handled by a notary designated by the Minister of Justice (hereinafter referred to as a "Designated Notary").

(2) The designation referred to in the preceding paragraph shall be made by means of public notice.

(3) The provisions of Chapter VI do not apply to any processes relating to electronic or magnetic records to be carried out by a Designated Notary as provided in this Act or other laws and regulations.

(4) Beyond what is provided for in this Act, the processes relating to electronic or magnetic records to be carried out by a Designated Notary shall be provided by Ordinance of the Ministry of Justice.

Article 8 Where there is no notary available or a notary is unable to perform the notary's duties within the jurisdictional district of any Legal Affairs Bureau or District Legal Affairs Bureau or of any branch bureau thereof, the Minister of Justice may have an official of the Ministry of Justice who works at said Legal Affairs Bureau or District Legal Affairs Bureau or at any branch bureau thereof perform the duties of a notary within its jurisdictional district.

Article 9 The provisions of this Act and other laws and regulations concerning the duties of a notary apply mutatis mutandis to an official of the Ministry of Justice who performs the notary duties; provided, however, that the fees, daily allowances, and travel expenses under Article 7 shall be treated as part of the national revenue.

Chapter II Appointment, Dismissal, and Affiliation

Article 10 (1) Notaries shall be affiliated with a Legal Affairs Bureau or District Legal Affairs Bureau.

(2) The number of notaries affiliated with each Legal Affairs Bureau or District Legal Affairs Bureau shall be specified by the Minister of Justice for the jurisdictional district of each Legal Affairs Bureau or District Legal Affairs Bureau or of each branch bureau thereof.

Article 11 The Ministry of Justice shall appoint a notary and designate the Legal Affairs Bureau or District Legal Affairs Bureau with which the notary shall be affiliated.

Article 12 (1) No person may be appointed as a notary unless said person satisfies the following requirements:

- (i) being a Japanese national who has attained the age of majority; and
- (ii) having completed practical training as an apprentice for at least six months after passing a specified examination.

(2) Rules concerning notary examinations and practical training shall be specified by the Minister of Justice.

Article 13 A person qualified as a judge (excluding judges of summary courts), a public prosecutor (excluding assistant public prosecutors) or attorneys at law may be appointed as a notary without having passed a notary examination or completed the associated practical training.

Article 13-2 Until otherwise provided for by law, the Minister of Justice may appoint a notary from among persons who have been engaged in legal affairs for many years and thereby acquired the relevant knowledge and experience equivalent to those held by the persons referred to in the preceding Article, and who have been selected by a council, etc. (meaning an organ as provided in Article 8 of the National Government Organization Act (Act No. 120 of 1948)) specified by Cabinet Order, without requiring them to pass a notary examination or complete the associated practical training; provided, however, that this applies only cases as provided in Article 8.

Article 14 None of the following persons may be appointed as a notary:

- (i) a person who has been sentenced to imprisonment or heavier punishment, except for a person who has been sentenced to imprisonment for not more than two years and who has served the sentence or is no longer subject to the execution of said sentence;
- (ii) a person who has been subject to an order of commencement of bankruptcy proceedings and who has not yet had said person's rights restored; and

(iii) a judge who has been dismissed by judicial decision, a government employee dismissed from civil service following a disciplinary action or an attorney disbarred under the Attorney Act, where two years have not yet passed from such dismissal or disbarment.

Article 15 (1) The Minister of Justice may dismiss a notary if:

- (i) the notary requests dismissal;
- (ii) the notary has not paid a fidelity guarantee deposit or any amount to make up therefor by the due date;
- (iii) the notary has reached the age of 70; and
- (iv) the notary has become physically or mentally weak and unable to perform said notary's duties.

(2) In the case referred to in item (iv) of the preceding paragraph, a resolution by a council, etc. specified by Cabinet Order as referred to in Article 13-2 shall be required.

Article 16 When a notary falls under Article 14, item (i) or item (ii), the notary shall automatically lose said notary's position.

Chapter III General Rules for Performance of Duties

Article 17 The area where a notary performs said notary's duties shall be the jurisdictional district of the Legal Affairs Bureau or District Legal Affairs Bureau with which said notary is affiliated.

Article 18 (1) Notaries must establish an office at a place designated by the Minister of Justice.

(2) A notary must perform said notary's duties at the office; provided, however, that this does not apply if the nature of a case does not permit this or if otherwise provided by laws and regulations.

Article 19 (1) Notaries must pay a fidelity guarantee deposit to the Legal Affairs Bureau or District Legal Affairs Bureau with which they are affiliated, within 15 days from the day on which they have received a writ of appointment.

(2) The amount of a fidelity guarantee deposit shall be specified by Cabinet Order.

(3) When a notary is ordered to make up for any shortfall in the amount of fidelity guarantee deposit, the notary must pay the amount of the shortfall within 30 days from the day on which said notary has been ordered to make said payment.

(4) Notaries may not perform their duties until they pay a fidelity guarantee deposit.

Article 20 (1) Where a fidelity guarantee deposit should be refunded, public notice must be given to the effect that persons who hold rights on the fidelity guarantee deposit should claim their rights within a period of not less than six months.

(2) A fidelity guarantee deposit shall not be refunded until the period referred to in the preceding paragraph expires.

(3) A fidelity guarantee deposit shall be appropriated to the cost of the public notice referred to in paragraph (1) in preference to other public charges and claims.

Article 21 (1) Notaries must present to the Legal Affairs Bureau or the District Legal Affairs Bureau to which they belong the seal impression of their official seal together with their own signature.

(2) Notaries may not perform their duties until they submit the seal impression referred to in the preceding paragraph.

Article 22 A notary may not perform the notary's duties if:

(i) the notary is the spouse or a relative within the fourth degree of kinship of, or a relative living together with the client or said client's agent or any person who has an interest in any of the commissioned matters; the same applies after the termination of a kinship relationship;

(ii) the notary is a statutory agent, curator or assistant of the client or said client's agent;

(iii) the notary has an interest in any of the commissioned matters; and

(iv) the notary is or was an agent or assistant in court with regard to any of the commissioned matters.

Article 23 When a notary signs the name in performing the notary's duties, the notary must write the notary's official title and affiliation, and the location of the office.

Article 24 (1) Notaries may appoint a clerk to assist with their duties with the approval of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which they are affiliated.

(2) The approval referred to in the preceding paragraph may be rescinded at any time when necessary.

Article 25 (1) None of the originals of instruments created by a notary and documents annexed thereto, instruments kept on file by a notary pursuant to Article 58-2, paragraph (4) and documents annexed thereto, articles of

incorporation kept on file by a notary pursuant to Article 62-3, paragraph (3) and documents annexed thereto, and books prepared by a notary pursuant to laws and regulations may be taken out of the notary's office, except where it is necessary to do so in order to avoid any dangerous circumstances; provided, however, that this does not apply if so ordered or commissioned by the court.

(2) Rules on keeping on file and destroying the documents referred to in the preceding paragraph shall be specified by the Minister of Justice.

Chapter IV Creation of Instruments

Article 26 A notary may not create any instrument with regard to matters that are in violation of laws and regulations, juridical acts that are void, or juridical acts that may be rescinded on the grounds of limited capacity.

Article 27 A notary may not create any instrument unless it is written in the Japanese language.

Article 28 (1) In order to create an instrument, a notary must know the name of and be acquainted with the client.

(2) If a notary does not know the name of or is not acquainted with the client, the notary must have the client prove the client's identity by submitting a registered seal certificate issued by a public agency, or any reliable method equivalent thereto.

(3) If a notary creates an instrument in the case of an emergency, the notary may perform the procedure referred to in the preceding paragraph pursuant to the provisions concerning the creation of an instrument within three days after the creation of said instrument.

(4) If the procedure referred to in the preceding paragraph has been performed, the validity of the instrument shall not be impaired due to the absence of an emergency.

Article 29 In order to create an instrument in cases where a client does not understand the Japanese language or a client is deaf or mute, or any other person who is incapable of speaking any language and who does not understand written words, notaries must have an interpreter attend the creation of said instrument.

Article 30 (1) In order to create an instrument in cases where a client is blind or does not understand written words, notaries must have an observer attend the creation of said instrument.

(2) The preceding paragraph applies mutatis mutandis to cases where a client

requests the attendance of an observer.

Article 31 When a notary is commissioned by an agent, the preceding three Articles apply to said agent.

Article 32 (1) In order to create an instrument upon commission from an agent, notaries must have the agent prove the agent's authority by submitting a certificate to prove the authority as an agent.

(2) If the certificate referred to in the preceding paragraph is a private instrument which has not been certified, the notary must have the agent prove the authenticity of said private instrument by submitting a registered seal certificate or a certificate of signature issued by a public agency in addition to said private instrument; provided, however, that this does not apply where the authenticity of said private instrument is clear from any documents kept on file by the notary.

(3) When a defect in terms of the representation or form thereof is subsequently corrected pursuant to the provisions of the creation of an instrument, the validity of the instrument shall not be impaired due to the existence of said defect.

Article 33 (1) In order to create an instrument with regard to a juridical act which requires a third party's permission or consent, notaries must have the client prove the third party's permission or consent by submitting a certificate to prove said party's permission or consent.

(2) Paragraphs (2) and (3) of the preceding Article apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 34 (1) An interpreter and an observer must be selected by the client or said client's agent.

(2) An observer may serve concurrently as an interpreter.

(3) None of the following persons may serve as an observer; provided, however, that this does not apply to the case referred to in Article 30, paragraph (2):

(i) a minor;

(ii) the persons set forth in Article 14;

(iii) a person who is incapable of signing the person's own name;

(iv) a person who has an interest in any of the commissioned matters;

(v) a person who is or was an agent or assistant in court with regard to any of the commissioned matters;

(vi) the spouse, a relative within the fourth degree of kinship, statutory agent, curator, assistant or employee of or a person living together with the notary or the client, or the client's agent; and

(vii) a clerk of the notary.

Article 35 In order to create an instrument, notaries must make a record of the statements they have heard, the circumstances they have witnessed, and the facts of which they have direct knowledge, and describe how they have come to know of those facts in said instrument.

Article 36 The following particulars must be stated in an instrument created by a notary, in addition to the main purpose of the instrument:

- (i) the instrument number;
- (ii) the address, occupation, name and age of the client and, if the client is a corporation, its name and office;
- (iii) if the creation of the instrument is commissioned by an agent, the address, occupation, name and age of the agent;
- (iv) if the notary knows the name of and is acquainted with the client or said client's agent, a statement of this fact;
- (v) if a third party's permission or consent has been obtained, a statement of this fact and the reasons therefor, as well as the address, occupation, name and age of the third party and, if the third party is a corporation, its name and office;
- (vi) if the notary has had the client prove said client's identity by submitting a registered seal certificate or any reliable method equivalent thereto, or has had the agent prove the authenticity of the instrument by submitting a registered seal certificate or a certificate of signature, a statement of this fact and the reasons therefor;
- (vii) if the case falls under the proviso to Article 32, paragraph (2), a statement of this fact and the reasons therefor;
- (viii) in the case of an emergency and if the notary has omitted having the client prove said client's identity, a statement of this fact;
- (ix) if the notary has had an interpreter or observer attend the creation of an instrument, a statement of this fact and the reasons therefor, as well as the address, occupation, name and age of the interpreter or observer; and
- (x) the date and place of creation.

Article 37 (1) In order to create an instrument, notaries must use plain and ordinary terms and write characters clearly.

(2) When there is a blank space between characters that should be linked, these characters or lines must be linked by drawing a black line between them.

(3) The alternative numeral forms of "壹", "貳", "参", and "拾" (literally meaning "one" "two" "three" and "ten") must be used when writing quantities, dates and numbers.

Article 38 (1) No character written in an instrument may be altered.

- (2) When adding characters to an instrument, the quantity and positioning of the characters added must be stated in the margin or at the end of the instrument, and the notary and the client or said client's agent must affix their seals to this statement.
- (3) When deleting characters from an instrument, these characters must be deleted in a manner whereby they can be read clearly, and the quantity and positioning of the characters deleted must be stated in the margin or at the end of the instrument, and the notary and the client or said client's agent must affix their seals to this statement.
- (4) Any correction made in violation of the preceding three paragraphs will not be valid.

Article 39 (1) Notaries must read aloud an instrument that they have created to those in attendance or have the instrument inspected by those in attendance, thereby having said instrument be acknowledged by the client or said client's agent, and must state this fact in the instrument.

- (2) If a notary has an interpreter attend the creation of the instrument, the notary must have the interpreter interpret the outline of the instrument and must state this fact in said instrument, in addition to what is provided for in the preceding paragraph.
- (3) If a notary has stated the matters referred to in the preceding two paragraphs in an instrument, the notary and those in attendance must sign and seal said instrument.
- (4) If any of those in attendance is incapable of signing the name, this fact must be stated in the instrument and the notary must affix the notary's seal to this statement.
- (5) If an instrument extends to two or more pages, a notary must affix the notary's seal to confirm page continuation over the seam between each contiguous page.

Article 40 (1) When a notary creates an instrument by making reference to another document and attaching it to the instrument, the notary must affix the notary's seal to confirm page continuation over the seam between the instrument and the attached document.

- (2) The preceding three Articles apply mutatis mutandis to the attached document referred to in the preceding paragraph.
- (3) The attached document under the preceding two paragraphs shall be deemed to be a part of the instrument created by a notary.

Article 41 (1) A certificate to prove the authority of an agent, a certificate issued by a public agency, a certificate to prove a third party's permission or consent, and any other annexed documents must be bound with the instrument created by a notary; provided, however, that when the client requests the return of the original of an annexed document, the transcript instead of the original may be bound with said instrument.

(2) A notary must affix the notary's seal to confirm page continuation over the seam between the instrument and the documents annexed thereto, and the seam between each of the annexed documents.

Article 42 (1) If the original of an instrument is lost, a notary must collect the authenticated copy or a transcript of the instrument that has already been issued and keep it on file in lieu of the lost instrument, with the approval of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which said notary is affiliated.

(2) The instrument referred to in the preceding paragraph must contain a statement to the effect that the notary shall keep it on file in lieu of the lost instrument with the approval of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which said notary is affiliated, as well as a statement of the date of approval, and it must be signed and sealed by the notary.

Article 43 Notaries must have a client affix revenue stamps to the original copy of an instrument pursuant to the Stamp Tax Act.

Article 44 (1) A client or the client's successor or a person who has proved that the person has a legal interest in the purport of an instrument may make a request for an inspection of the original of the instrument.

(2) Article 28, paragraphs (1) and (2), Article 31, and Article 32, paragraph (1) apply mutatis mutandis to cases where a notary should make the original of an instrument available for inspection pursuant to the preceding paragraph.

(3) When a notary is required to make the original of an instrument available for inspection by a client's successor, said notary must have the successor prove the status as the client's successor by submitting a certificate to prove the status as the client's successor.

(4) A public prosecutor may make a request for the inspection of the original of an instrument at any time.

Article 45 Notaries must prepare an instrument register.

Article 46 (1) The following particulars must be entered into an instrument

register each time an instrument is created, in chronological order:

- (i) the instrument number and the type of instrument;
- (ii) the name of the client and, if the client is a corporation, its name; and
- (iii) the date of creation.

(2) The preceding paragraph does not apply where otherwise provided by laws and regulations concerning books in which the creation of an instrument should be entered.

Article 47 (1) A client or the client's successor may make a request for the issuance of an authenticated copy of an instrument.

(2) Article 28, paragraphs (1) and (2), Article 31, Article 32, paragraphs (1) and (2), and Article 44, paragraph (3) apply mutatis mutandis to cases where a notary is to create an authenticated copy of an instrument pursuant to the preceding paragraph.

(3) Article 32, paragraph (2) applies mutatis mutandis to an instrument to be submitted in cases where a client's successor makes a request for the issuance of an authenticated copy of an instrument.

Article 48 (1) An authenticated copy of an instrument must contain a statement of the following particulars, and must be signed and sealed by the notary:

- (i) the whole text of the instrument;
- (ii) a statement to the effect that it is an authenticated copy;
- (iii) the name of the person requesting the issuance; and
- (iv) the date and place of creation.

(2) Any instrument created in violation of the preceding paragraph shall not have effect as an authenticated copy of an instrument.

Article 49 (1) With regard to an instrument indicating two or more cases or an instrument representing different relationships between two or more persons, an authenticated copy thereof may be created by making excerpts of the part relevant to each case or person and a statement concerning the form of the instrument.

(2) The authenticated copy referred to in the preceding paragraph must contain a statement to the effect that it is an excerpt, and such statement must substitute for the statement referred to in paragraph (1), item (ii) of the preceding Article.

Article 50 When a notary has issued an authenticated copy of an instrument, the notary must state at the end of the instrument that the notary has issued the authenticated copy for the client or said client's successor, with the client's or successor's name and the date of issuance also being stated therein, and shall

sign and seal said authenticated copy.

Article 51 (1) A client or the client's successor, or a person who has proved that the person has a legal interest in the purport of an instrument may make a request for the issuance of a transcript of said instrument or any document annexed thereto.

(2) Article 28, paragraphs (1) and (2), Article 31, Article 32, paragraph (1), and Article 44, paragraph (3) apply mutatis mutandis to cases where a notary should create a transcript of an instrument.

Article 52 A transcript of an instrument must contain the following particulars, and must be signed and sealed by the notary:

- (i) the whole text of the instrument;
- (ii) a statement to the effect that it is a transcript; and
- (iii) the date and place of creation.

Article 53 (1) A transcript of an instrument may be created with regard to only a part of said instrument.

(2) The transcript referred to in the preceding paragraph must contain a statement to the effect that it is an excerpt.

Article 54 The preceding two Articles apply mutatis mutandis to the creation of a transcript of any document annexed to an instrument.

Article 55 (1) A person who requests an authenticated copy or transcript of an instrument or a transcript of any document annexed to an instrument may personally create an authenticated copy or transcript by stating therein the particulars that should be stated, and request a notary only to sign and seal that authenticated copy or transcript.

(2) When a notary has signed and sealed an authenticated copy or transcript as referred to in the preceding paragraph, said authenticated copy or transcript shall have the same effect as one created by a notary.

Article 56 (1) If an authenticated copy or transcript of an instrument or a transcript of any document annexed to an instrument extends to two or more pages, a notary must affix the notary's seal to confirm page continuation over the seam between each contiguous page.

(2) Articles 37 and 38 apply mutatis mutandis to the creation of an authenticated copy and a transcript of an instrument, and of a transcript of any document annexed to an instrument.

Article 57 Article 18, paragraph (2) does not apply to cases where a notary creates a notarial will, and Articles 28 through 32 do not apply to cases where a notary creates a noting protest.

Article 57-2 (1) With regard to the title of obligation set forth in Article 22, item (v) of the Civil Execution Act (Act No. 4 of 1979), the service of an authenticated copy or transcript thereof or of the certificate of execution and the document referred to in the second sentence of Article 29 of said Act shall be made by mail or any other method specified by the Rules of the Supreme Court.

(2) A notary shall effect service by mail when requested to do so.

(3) Article 99, paragraph (2), Articles 101 through 103, Article 105, Article 106, Article 107, paragraphs (1) and (3), and Article 109 of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 57-3 (1) When a notary has created an instrument as provided in Article 3 of the Act on Voluntary Guardianship Contract (Act No. 50 of 1999), the notary must commission a registry office to register a voluntary guardianship contract.

(2) A written commission of the registration referred to in the preceding paragraph must have attached thereto a transcript of the instrument.

Chapter V Certification

Article 58 (1) A notary shall certify a private instrument when a party, in the presence of a notary, has signed and sealed the instrument or has acknowledged that the signature or seal affixed to the instrument is the party's own, and the notary must state this fact in said instrument.

(2) A notary shall certify a transcript of a private instrument when said notary has compared the transcript with the instrument and found that they are consistent with each other, and said notary must state this fact in the transcript.

(3) If a private instrument has been corrected by adding, deleting or altering characters, stating any particulars in its margin or in any other way, or said instrument is damaged or particularly dubious in appearance, such fact must be stated in the text of said certificate.

Article 58-2 (1) A notary shall certify a private instrument when a party, in the presence of the notary, has sworn an oath regarding the truth of what is stated in the instrument and has signed and sealed the instrument, or has

acknowledged that the signature or seal affixed to the instrument is the party's own, and the notary must state this fact in said instrument.

- (2) The commission of certification referred to in the preceding paragraph must be made by submitting two copies of the instrument.
- (3) The commission of certification referred to in paragraph (1) may not be made by an agent.
- (4) A notary must keep on file one of the copies of an instrument in which the statement under paragraph (1) has been made, and return the other copy to the client.

Article 59 An instrument to be certified must contain a statement of the register number and the date and place of certification, and the notary and an observer must sign and seal the instrument, and the notary must affix the notary's seal to confirm page continuation to the instrument and the certificate register so that it overlaps them both. In this case, the particulars set forth in Article 36, item (iv) and items (vi) through (viii) must be stated in the instrument, upon a petition from the client.

Article 60 Articles 26 through 34, Article 37, Article 38, and Article 39, paragraph (5) apply mutatis mutandis to the case of certifying a private instrument.

- Article 60-2 (1) A certificate issued by a public agency, a certificate to prove a third party's permission or consent, and any other annexed documents must be bound with the instrument kept on file by a notary pursuant to Article 58-2, paragraph (4).
- (2) The proviso to Article 41, paragraph (1), and the provisions of paragraph (2) of said Article apply mutatis mutandis to the case referred to in the preceding paragraph.

- Article 60-3 (1) When an instrument kept on file pursuant to Article 58-2, paragraph (4) is lost, a notary must create a transcript thereof based on the instrument that has been returned to the client or collect the transcript of the instrument that has already been issued, and must keep on file the transcript thus created or collected in lieu of the lost instrument, with the approval of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which said notary is affiliated.
- (2) Article 42, paragraph (2) apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 60-4 Article 44, and Articles 51 through 56 apply mutatis mutandis to

the instrument kept on file by a notary pursuant to Article 58-2, paragraph (4) and documents annexed thereto.

Article 60-5 A person who has sworn the oath provided in Article 58-2, paragraph (1), while knowing that what is stated in the instrument is false, shall be punished by a non-criminal fine of not more than 100,000 yen.

Article 61 Notaries must prepare a certificate register.

Article 62 The following particulars must be entered in a certificate register at the time of each certification, in a chronological manner:

- (i) the register number;
- (ii) the address and name of the client and, if the client is a corporation, its name and office;
- (iii) the type of instrument and the person who signed and sealed the instrument;
- (iv) the means of certification;
- (v) the address and name of the observer; and
- (vi) the date of certification.

Article 62-2 Processes relating to the certification of articles of corporations under Article 30, paragraph (1) of the Companies Act and the provisions pursuant to which said paragraph applies *mutatis mutandis*, and under Articles 13 and 155 of the Act on General Incorporated Associations and General Incorporated Foundations, shall be carried out by a notary affiliated with the Legal Affairs Bureau or District Legal Affairs Bureau which has jurisdiction over the location of the head office or principal office of said corporation.

Article 62-3 (1) The commission of the certification of articles of incorporation (excluding electronic or magnetic records if the articles of incorporation are made by means of an electronic or magnetic record; the same applies hereinafter) referred to in the preceding Article must be made by submitting two copies of the articles of incorporation.

(2) In order to certify articles of incorporation as referred to in the preceding paragraph, a notary must have the client, in the presence of the notary, acknowledge that the signature or the name and seal affixed to each copy of the articles of incorporation is said client's own, and must state this fact in said copy of the articles of incorporation.

(3) A notary must keep on file one of the copies of the articles of incorporation in which the statement under paragraph (1) has been made, and return the other

copy to the client.

(4) Article 58, paragraph (3), Article 59, Article 60, Article 61, and Article 62 apply mutatis mutandis to the case referred to in paragraph (2).

Article 62-4 (1) A certificate to prove the authority of an agent, a certificate issued by a public agency, a certificate to prove a third party's permission or consent, and any other annexed documents must be bound with the articles of incorporation kept on file by a notary pursuant to paragraph (3) of the preceding Article.

(2) The proviso to Article 41, paragraph (1), and the provisions of paragraph (2) of said Article apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 62-5 Articles 60-3 and 60-4 apply mutatis mutandis to the articles of incorporation kept on file by a notary pursuant to Article 62-3, paragraph (3) and documents annexed thereto.

Article 62-6 (1) A Designated Notary shall certify an electronic or magnetic record when a party, in the presence of the notary, has performed any of the following acts with regard to the information recorded in said electronic or magnetic record subject to commission (limited to the act referred to in item (ii) with regard to the information recorded in an electronic or magnetic record if the articles of incorporation referred to in Article 62-2 are created by means of electronic or magnetic record), and the notary must add the information representing this fact to the information recorded in the electronic or magnetic record in Electronic or Magnetic Form:

(i) where the party has taken measures to show that the party has prepared the information recorded in the electronic or magnetic record subject to commission, which are specified by Ordinance of the Ministry of Justice as measures available for verifying whether or not said information has been altered or for otherwise unequivocally showing who created said information; and

(ii) where the party has acknowledged that the party has taken the measures provided in the preceding item.

(2) A Designated Notary shall certify an electronic or magnetic record when a party, in the presence of the Designated Notary, has sworn an oath as to the truth of what is contained in the electronic or magnetic record subject to commission and has performed any of the acts referred to in the items of the preceding paragraph, and the Designated Notary shall add the information representing this fact to the information recorded in the electronic or magnetic record in Electronic or Magnetic Form. In this case, Article 58-2, paragraph (3)

applies mutatis mutandis.

- (3) The commission of certification referred to in the preceding two paragraphs must be made as provided by Ordinance of the Ministry of Justice.
- (4) Article 26 and Articles 29 through 31 apply mutatis mutandis to the case of certifying an electronic or magnetic record pursuant to paragraphs (1) and (2).
- (5) A person who has sworn the oath referred to in paragraph (2) while knowing that what is contained in the electronic or magnetic record subject to commission is false shall be punished by a non-criminal fine of not more than 100,000 yen.

Article 62-7 (1) A Designated Notary shall keep on file sufficient information to identify the information recorded in the electronic or magnetic record certified pursuant to paragraph (1) or paragraph (2) of the preceding Article, as provided by Ordinance of the Ministry of Justice.

- (2) A client may make a request for keeping on file an electronic or magnetic record in which information that is identical to the information recorded in the electronic or magnetic record certified pursuant to paragraph (1) or paragraph (2) of the preceding Article is recorded.
- (3) A client or said client's successor, or a person who has proved that the person has a legal interest in the purport of an electronic or magnetic record may make a request for either the following attestation or the provision of information:
 - (i) an attestation of the fact that the information recorded in the electronic or magnetic record that said person possesses is identical to the information recorded in the electronic or magnetic record provided in paragraph (1); or
 - (ii) provision of information that is identical to the information recorded in the electronic or magnetic record kept on file pursuant to paragraph (2).
- (4) The provision of information referred to in item (ii) of the preceding paragraph may be conducted by issuing a document certifying what is contained in the electronic or magnetic record referred to in said item, as provided by Ordinance of the Ministry of Justice.
- (5) Paragraph (3) of the preceding Article applies mutatis mutandis to the request referred to in paragraphs (2) and (3).

Article 62-8 (1) Where a Designated Notary certifies an electronic or magnetic record pursuant to the preceding two Articles or attests the relevant facts or provides the relevant information in Electronic or Magnetic Form pursuant to the preceding two Articles, the Designated Notary must take the following measures with regard to the information recorded in the electronic or magnetic record to be certified and the information added to such information pursuant to Article 62-6, or the information representing such attestation or the

information provided:

- (i) taking measures to show that the Designated Notary has created the information recorded in the electronic or magnetic record, which are measures specified by Ordinance of the Ministry of Justice as those available for verifying whether or not said information has been altered or for otherwise unequivocally showing who created said information; and
 - (ii) adding in Electronic or Magnetic Form information proving the matters necessary for verifying that the Designated Notary has taken the measures provided in the preceding item.
- (2) The information referred to in item (ii) of the preceding paragraph shall be prepared by the Minister of Justice or the Director of the Legal Affairs Bureau or District Legal Affairs Bureau designated by the Minister of Justice.
 - (3) The designation referred to in the preceding paragraph shall be made by means of public notice.

Chapter VI Agency, Concurrent Service, and Succession

Article 63 (1) When a notary is unable to perform said notary's duties due to illness or for any other compelling reason, the notary may commission another notary in the jurisdictional district of the same Legal Affairs Bureau or District Legal Affairs Bureau to act as the first notary's agent.

- (2) When a notary has commissioned another notary to act as the first notary's agent pursuant to the preceding paragraph, said notary must notify the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which said notary is affiliated without delay. The same applies when a notary has dismissed said agent.

Article 64 (1) If a notary does not commission or is unable to commission another notary to act as the first notary's agent pursuant to paragraph (1) of the preceding Article, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which said notary is affiliated may order another notary in the jurisdictional district of the same Legal Affairs Bureau or District Legal Affairs Bureau to act as said notary's agent.

- (2) When a notary is able to perform the notary's duties again, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which the notary is affiliated must relieve the notary's agent referred to in the preceding paragraph from the post.

Article 65 (1) An agent of a notary shall perform the duties pursuant to the preceding two Articles at the office of the notary for whom the agent act.

- (2) When an agent of a notary signs the name in performing the agent's duties,

the agent must state the official title, name, affiliation, and location of the office of the notary for whom said agent acts and state that the agent is an agent of said notary.

- (3) Article 22 applies to an agent of a notary in addition to the notary for whom the agent acts.

Article 66 In the event of the death, dismissal, loss of employment or reassignment of a notary, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which the notary is affiliated must designate a government official and have that official enclose the documents in an envelope retained at the notary's office and affix a seal over the closure of the envelope, without delay, when the Director finds it necessary to do so.

Article 67 (1) In the event of the death, dismissal, loss of employment or reassignment of a notary, if a person who is to succeed said notary is not appointed immediately, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which the notary is affiliated may order another notary in the jurisdictional district of the same Legal Affairs Bureau or District Legal Affairs Bureau to hold said notary's post concurrently with said notary's own.

- (2) When a person who is to succeed a notary becomes available to serve, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which said person is affiliated must relieve the other notary referred to in the preceding paragraph from the post the other notary is holding concurrently with the other notary's own.

Article 68 (1) In the event of the dismissal, loss of employment or reassignment of a notary, the person who succeeds said notary or person who is holding said notary's post concurrently with said person's own must meet said persons predecessor and receive documents therefrom without delay.

- (2) Where the person who succeeds a notary or person who is holding a notary's post concurrently with said person's own is unable to receive documents from said notary due to said notary's death or for any other reason, that person must receive the documents in the presence of a government official designated by the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which said person is affiliated.
- (3) A person who is appointed to succeed a notary or to hold a notary's post concurrently with said person's own after the documents have been enclosed in an envelope and a seal has been affixed over the closure of the envelope pursuant to Article 66 must open and receive said documents enclosed in the envelope in the presence of a government official designated by the Director of

the Legal Affairs Bureau or District Legal Affairs Bureau with which said person is affiliated.

Article 69 The preceding Article applies mutatis mutandis to cases where a person who is holding a notary's post concurrently with the person's own should deliver the documents to another notary.

Article 70 (1) When a person who is holding a notary's post concurrently with the person's own signs the name in performing the person's duties, that person must state that the person is a person who is holding said notary's post concurrently with the person's own.

(2) When a person who succeeds a notary signs the name upon creating an authenticated copy or transcript of an instrument that was created by the predecessor or by the person who is holding said notary's post concurrently with the person's own, that person must state that said person is the person who is succeeding said notary.

Article 71 (1) In the event of the death, dismissal, loss of employment or reassignment of a notary, if there is no requirement for a person to be appointed to succeed said notary as a result of the revision to the prescribed number of notaries, the Minister of Justice must order another notary in the jurisdictional district of the same Legal Affairs Bureau or District Legal Affairs Bureau or the branch bureau thereof to take over that notary's documents.

(2) Article 68 and paragraph (2) of the preceding Article apply mutatis mutandis to the notary who is ordered to take over documents pursuant to the preceding paragraph.

Article 72 (1) Article 66, Article 67, Article 68, paragraph (3), and Article 70, paragraph (1) apply mutatis mutandis to cases of the suspension of a notary from the duties.

(2) A person who is holding a notary's post concurrently with the person's own shall perform the duties pursuant to the preceding paragraph at the office of said notary who has been suspended from duty.

Article 73 Articles 68 and 69 apply mutatis mutandis to cases where an official of the Ministry of Justice performs the duties of a notary pursuant to Article 8.

Chapter VII Supervision and Disciplinary Action

Article 74 (1) Notaries shall be subject to the supervision of the Minister of

Justice.

- (2) The Minister of Justice shall have the Director of each Legal Affairs Bureau or District Legal Affairs Bureau carry out processes relating to the supervision of notaries within the jurisdictional district of the bureau, in a manner specified by said Minister.

Article 75 Deleted

Article 76 The authority of supervision referred to in Article 74 shall cover the following:

- (i) calling attention to a notary with regard to the improper performance of the duties and directing said notary as to how to perform the duties properly; and
- (ii) issuing an admonition to a notary with regard to inappropriate conduct in light of the notary's position whether in the course of performing the duties or not, on condition of providing the notary with the opportunity to give an explanation before issuing said notary with an admonition.

Article 77 (1) A supervising officer may inspect the documents kept on file by a notary or designate a government official to inspect such documents.

- (2) The preceding paragraph applies *mutatis mutandis* to the electronic or magnetic records kept on file by a Designated Notary.

Article 78 (1) A client or any interested person may file an objection with the Director of the Legal Affairs Bureau or District Legal Affairs Bureau with which the notary is affiliated, with regard to the manner in which the notary carries out the notary's processes.

- (2) A person who is dissatisfied with a disposition on the objection referred to in the preceding paragraph may file another objection with the Minister of Justice.

Article 79 A notary shall be subject to a disciplinary action if the notary acts contrarily to the obligations in performing the notary's duties or conduct in a way which is unbecoming of a notary.

Article 80 There shall be five types of disciplinary action as follows:

- (i) reprimand;
- (ii) a non-criminal fine of not more than 100,000 yen;
- (iii) suspension from duty for a period of not more than one year;
- (iv) reassignment; and
- (v) dismissal.

- Article 81 (1) A non-criminal fine, suspension from duty, reassignment, and dismissal shall be imposed by the Minister of Justice based on a resolution of a Council, etc. specified by Cabinet Order as referred to in Article 13-2.
- (2) Reprimands shall be imposed by the Minister of Justice.

Article 82 Deleted

- Article 83 (1) If a notary is detained or sentenced to penal detention, such notary shall automatically be suspended from duty until said notary is released.
- (2) When the Minister of Justice considers that a disciplinary case is due to be processed by imposing a suspension from duty, reassignment or dismissal on a notary, said minister may suspend such notary from duty until the disciplinary proceedings are concluded.
- (3) The provisions concerning the disciplinary suspension of a notary from duty apply mutatis mutandis to the temporary suspension.

- Article 84 (1) If a notary fails to pay a non-criminal fine in full, payment shall be executed by order of a public prosecutor.
- (2) With regard to the execution referred to in the preceding paragraph, Article 121 of the Non-Contentious Cases Procedures Act (Act No. 51 of 2011) applies mutatis mutandis.
- (3) A fidelity guarantee deposit paid by a notary shall be appropriated to a non-criminal fine in preference to other public charges and claims, except the case referred to in Article 20, paragraph (3).

Supplementary Provisions [Act No. 141 of May 31, 1949]

- (1) This Act comes into effect as of June 1, 1949.
- (2) With regard to the application of provisions concerning a non-criminal fine to acts committed before this Act comes into effect, the provisions in force at the time in question continue to apply.

Supplementary Provisions [Act No. 5 of March 30, 1979 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date on which the Civil Execution Act (Act No. 4 of 1979) comes into effect (October 1, 1980).

(Transitional Measures)

- (2) With regard to cases of civil execution, exercise of enterprise mortgages, and bankruptcy filed before this Act comes into effect, the provisions in force at the

time in question continue to apply.

- (3) Notwithstanding the provisions of the preceding paragraph, the amount of fees received by and expenses paid or reimbursed to court execution officers in connection with the cases referred to in the preceding paragraph is as specified by the Rules of the Supreme Court.

Supplementary Provisions [Act No. 78 of December 2, 1983]

- (1) This Act (excluding Article 1) comes into effect as of July 1, 1984.
- (2) Transitional measures necessary for organizations etc. which are in existence pursuant to the provisions of laws on the day preceding the date on which this Act comes into effect and which will be in existence after this Act comes into effect pursuant to the provisions of the National Government Organization Act or a Cabinet Order under the provisions of the related laws amended by this Act (hereinafter referred to as a "Related Cabinet Order"), and other transitional measures necessary for the enactment, revision or abolition of a Related Cabinet Order upon the coming into effect of this Act, may be provided by Cabinet Order.

Supplementary Provisions [Act No. 151 of December 8, 1999 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000.

(Transitional Measures)

Article 3 With regard to the application of provisions for revision under this Act concerning limited interdicts and the curators thereof for whom the provisions in force at the time in question are deemed to continue to apply pursuant to Article 3, paragraph (3) of the Supplementary Provisions of the Act for Partial Revision of the Civil Code (Act No. 149 of 1999), the provisions in force at the time in question continue to apply, except for the following provisions for revision:

- (i) the provisions for revising Article 138 of the Non-Contentious Cases Procedures Act pursuant to Article 4;
- (ii) the provisions in Article 7 for revising Articles 14 and 16 of the Notary Act;
- (iii) the provisions for revising Article 14-6 of the Teito Rapid Transit Authority Act pursuant to Article 14;
- (iv) the provisions for revising Article 31 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade pursuant to Article 17;
- (v) the provisions in Article 20 for revising Article 5, paragraph (3) of the

- National Public Service Act;
- (vi) the provisions for revising Article 23-13 of the Horse Racing Act, Article 13 of the Japan Racing Association Act, Article 5, paragraph (4) of the Act for Establishment of the Japan Atomic Energy Commission and the Nuclear Safety Commission, Article 7, paragraph (4) of the Act for Establishment of the Council for Science and Technology Policy, Article 7, paragraph (4) of the Act for Establishment of the Space Activities Commission, Article 78, paragraph (4) of the City Planning Act, Article 11 of the Northern Territories Issue Association Act, Article 15, paragraph (4) of the Public Notice of Land Prices Act, Article 6, paragraph (4) of the Act for Establishment of the Aircraft Accidents Investigation Commission, and Article 39, paragraph (5) of the National Land Use Planning Act pursuant to Article 28;
 - (vii) the provisions in Article 31 for revising Article 25-4 of the Construction Business Act;
 - (viii) the provisions for revising Article 7, paragraph (1) of the Civil Rights Commissioner Act pursuant to Article 32;
 - (ix) the provisions for revising Article 8, paragraph (1) of the Offenders Prevention and Rehabilitation Act pursuant to Article 33;
 - (x) the provisions in Article 35 for revising Article 19-4, paragraph (1) and Article 19-7, paragraph (1) of the Labor Union Act;
 - (xi) the provisions in Article 44 for revising Article 5-2, paragraph (4) of the Public Offices Election Act;
 - (xii) the provisions in Article 50 for revising Article 80-2 of the Building Standards Act;
 - (xiii) the provisions in Article 54 for revising Article 426 of the Local Tax Act;
 - (xiv) the provisions in Article 55 for revising Article 141, paragraph (1) of the Commodity Exchange Act;
 - (xv) the provisions in Article 56 for revising Article 9, paragraphs (3) and (8) of the Local Public Service Act;
 - (xvi) the provisions in Article 67 for revising Article 54 of the Compulsory Purchase of Land Act;
 - (xvii) the provisions for revising Article 11, paragraph (1) of the Act on UNESCO Activities, Article 7 of the Act for Establishment of the Public Security Examination Committee, and Article 24 of the Act on Social Insurance Examiners and the Examination Committee of Social Insurance pursuant to Article 70;
 - (xviii) the provisions for revising Article 7, paragraph (4) and Article 39, paragraph (2) of the Police Act pursuant to Article 78;
 - (xix) the provisions for revising Article 30 of the Act on Labor Insurance Examiners and the Labor Insurance Appeal Committee, Article 9 of the Act for Establishment of the Environmental Dispute Coordination Commission,

- and Article 116 of the Act on Compensation, etc. of Pollution-related Health Damage pursuant to Article 80;
- (xx) the provisions for revising Article 4, paragraph (2) of the Act on the Organization and Operation of Local Educational Administration pursuant to Article 81;
- (xxi) the provisions for revising Article 75, paragraph (1) of the Mutual Aid Associations of Agriculture, Forestry and Fishery Corporation Personnel Act pursuant to Article 84;
- (xxii) the provisions in Article 97 for revising Article 16, paragraph (2) of the Act on the Settlement of Environmental Pollution Disputes;
- (xxiii) the provisions for revising Article 15, paragraph (6) of the Act on Transfer of the Diet and Other Central Government Offices, and Article 13, paragraph (4) of the Act on the Promotion of Decentralization pursuant to Article 104;
- (xxiv) the provisions for revising Article 25, paragraph (1) of the Bank of Japan Act pursuant to Article 108; and
- (xxv) the provisions for revising Article 9, item (i) of the Act for Establishment of the Financial Reconstruction Commission pursuant to Article 110.

Article 4 With regard to the application of penal provisions to acts committed before this Act comes into effect, the provisions in force at the time in question continue to apply.

**Supplementary Provisions [Act No. 129 of November 28, 2001 Extract]
[Extract]**

(Effective Date)

- (1) This Act comes into effect as of April 1, 2002.

(Transitional Measures Concerning Application of Penal Provisions)

- (2) The laws in force at the time in question continue to govern whether or not penal provisions apply to conduct that a person engages in before this Act comes into effect, and prior law continues to govern whether or not penal provisions apply to conduct that a person engages in after this Act comes into effect but which, pursuant to this Act, is to continue to be governed by the laws previously in force.

Supplementary Provisions [Act No. 100 of July 31, 2002]

(Effective Date)

- Article 1 This Act comes into effect as of the date on which the Act on

Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) comes into effect.

(Transitional Measures Concerning Penal Provisions)

Article 2 With regard to the application of penal provisions to acts committed before this Act comes into effect, the provisions in force at the time in question continue to apply.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, transitional measures necessary for the implementation of this Act are provided by Cabinet Order.

Supplementary Provisions [Act No. 76 of June 2, 2004 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in paragraph (8) of the following Article, and in Article 3, paragraph (8), Article 5, paragraphs (8), (16) and (21), Article 8, paragraph (3), and Article 13 of the Supplementary Provisions) comes into effect.

(Delegation to Cabinet Order)

Article 14 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the implementation of this Act are provided by Cabinet Order.

Supplementary Provisions [Act No. 152 of December 3, 2004 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures Concerning Application of Penal Provisions)

Article 39 With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect in cases where the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 40 Beyond what is provided for in Articles 3 through 10, Article 29, and the preceding two Articles of the Supplementary Provisions, transitional measures necessary for the implementation of this Act are provided by Cabinet Order.