

Regulation for Enforcement of the Notary Act

(Attorney-General's Office Order No. 9 of June 1, 1949)

A Regulation for Enforcement of the Notary Act is hereby enacted as follows.

Article 1 (1) When seeking to establish an office in a place designated by the Minister of Justice, a notary must attach, to an application, documents that state the location of the office, the structure of the building, and the conditions of the surrounding area, and gain the authorization of the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated.

(2) Having established an office, a notary must file a notification of this with the Minister of Justice without delay.

(3) The provisions of the preceding two paragraphs apply *mutatis mutandis* if a notary relocates an office.

Article 2 A notary must post a nameplate at the office stating that it is the notary's office.

Article 3 The director of the legal affairs bureau or district legal affairs bureau with which the relevant notary is affiliated issues the public notice referred to in Article 20, paragraph (1) of the Notary Act (Act No. 53 of 1908) in the Official Gazette.

Article 4 (1) The official seal of a notary must be 18 millimeters square in size, and the title of the notary and the notary's name must be carved thereon.

(2) When affixing a seal to confirm page continuation over the seam between each contiguous page in a document or over the seam between documents pursuant to the provisions of Article 39, paragraph (5) (including as applied *mutatis mutandis* pursuant to Article 40, paragraph (2); Article 60; and Article 62-3, paragraph (4)); Article 40, paragraph (1); Article 41, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 60-2, paragraph (2) and Article 62-4, paragraph (2)); or Article 56, paragraph (1) (including as applied *mutatis mutandis* pursuant to Articles 60-4 and 62-5) of the Notary Act, a notary may do this by perforating the pages in a pattern of the format shown in Appendix 1.

Article 5 In order to apply for authorization to appoint a clerk, a notary must attach to a written application the clerk's curriculum vitae in the clerk's own

handwriting and an extract of the clerk's family register or a copy of the clerk's resident record.

Article 6 A notary must have a clerk pledge in advance not to divulge any matters that the notary may not divulge in performing notarial duties, in relation to the processes handled at the notary's office.

Article 7 If a notary dismisses a clerk or a clerk dies, the notary must notify the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated of this without delay.

Article 8 (1) The paper used for an instrument or any other document to be created by a notary (excluding a document as referred to in paragraph (2)) must be durable, lined paper of Japanese Industrial Standard "A" Series, Size 4, on which "公証人役場" [transliterated as "koushounin yakuba" and meaning "notary's office"] has been printed; provided, however, that this does not preclude the use of Japanese Industrial Standard "B" Series, Size 4, instead of Japanese Industrial Standard "A" Series, Size 4.

(2) The paper used for the written commission of a registration as referred to in Article 57-3, paragraph (2) of the Notary Act must be durable paper of Japanese Industrial Standard "A" Series, Size 4.

Article 9 (1) A notary's office hours are the working hours of officials of the Ministry of Justice.

(2) Notwithstanding the provisions of the preceding paragraph, a notary must also handle commissions on non-working days or outside office hours in cases of urgency.

Article 10 A posting must be made in a conspicuous location at a notary's office, showing the fees, charges for serving documents, registration fees, daily allowances, and standard amounts of travel expenses, as well as showing the office hours and indicating that the notary will also handle commissions on non-working days or outside office hours in cases of urgency (excluding the processes under the Ministerial Order on Processes Relating to Electronic or Magnetic Records by Designated Notary (Ministry of Justice Order No. 24 of 2001)).

Article 11 A notary must handle processes in the order in which they are commissioned, unless there are special circumstances to the contrary.

Article 12 Having refused to handle a commission, a notary must deliver a

written statement of the reason for the refusal to the client if the client so requests.

Article 13 (1) When a notary is to create or certify an instrument for a juridical act but there is doubt as to whether the juridical act is valid, whether the party has given due consideration to the juridical act, or whether the party has the capacity to do the juridical act, the notary must caution the persons concerned and have them provide the necessary explanations.

(2) The preceding paragraph also applies when a notary is to create an instrument for a fact that does not involve a juridical act, if there is a doubt about a matter relating to private rights that would be affected by that fact.

Article 13-2 (1) Having created an instrument as commissioned by an agent of the principal, a notary must notify the principal of the particulars set forth in the following items within three days after the day on which the notary created the instrument; provided, however, that this does not apply if the agent is an employee of the principal or a person who lives with the principal:

(i) the title of the instrument, the instrument number, and the date of creation of the instrument;

(ii) the name and office of the notary;

(iii) the addresses and names of the agent and the other party; and

(iv) whether or not the instrument contains a statement indicating that the obligor will submit to a compulsory execution without objection.

(2) A notary must notify the principal as referred to in the preceding paragraph through a written document in the format shown in Appendix 1-2, if the notice concerns an instrument containing a statement as referred to in item (iv) of that paragraph; and through a written document in the format shown in Appendix 1-3, if the notice concerns an instrument not containing a statement as referred to in that item.

(3) Having notified a principal as referred to in paragraph (1), the notary must make an entry in the note column of the instrument register indicating that the notary has notified the principal as referred to in that paragraph and specifying the means by which and date on which the notary has done so.

Article 13-3 (1) In an oath under the provisions of Article 58-2 of the Notary Act, the party in question is to swear, bound by their conscience, that what is stated in the instrument is true.

(2) A party must take an oath solemnly and while standing.

(3) Before a party takes an oath, the notary must explain to the party the purpose of the oath and inform the party that they are subject to the sanction of a civil fine if they take an oath knowing that what is stated in the

instrument is false.

Article 13-4 (1) When certifying articles of incorporation pursuant to the provisions of Article 30, paragraph (1) of the Companies Act (Act No.86 of 2005) or pursuant to the provisions of Article 13 or Article 155 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48 of 2006), a notary is to have the client report the particulars set forth in each of the following items:

- (i) the name, residence, and date of birth of the person that will become the substantial controlling person of the corporation at the time of its formation (meaning the person prescribed in Article 4, paragraph (1), item (iv) of the Act on Prevention of Transfer of Criminal Proceeds (Act No.22 of 2007));
 - (ii) whether the person that will become the substantial controlling person as provided in the previous item is a member of an organized crime group as prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No.77 of 1991) (referred to as a "member of an organized crime group" in the following paragraph), or is a person regarding whom public notice has been issued pursuant to the provisions prescribed in Article 3, paragraph (1) of the Act on Special Measures Related to the Freezing of the Assets of International Terrorists that Japan Implements in Consideration of United Nations Security Council Resolution 1267 and Other Resolutions (Act No. 124 of 2014) (but only a person appearing on the list prescribed in that paragraph at the time in question) or a person who has been designated pursuant to the provisions of Article 4, paragraph (1) of that Act (referred to as an "international terrorist" in the following paragraph).
- (2) When undertaking a certification of articles of incorporation as referred to in the preceding paragraph, if a notary finds that the person that will become the substantial controlling person as prescribed in item (i) of that paragraph actually is or is likely to be a member of an organized crime group or an international terrorist, the notary must have the client or the person that will become the substantial controlling person provide the necessary explanations.

Article 14 (1) If a client commissions a notary for multiple processes at the same time, one copy of a registered seal certificate or other certificate submitted pursuant to the provisions of Article 28, paragraph (2) (including as applied mutatis mutandis pursuant to Article 60 and Article 62-3, paragraph (4)) or Article 32, paragraph (2) (including as applied mutatis mutandis pursuant to Article 33, paragraph (2); Article 60; and Article 62-3, paragraph (4)) of the Notary Act suffices.

- (2) In a case as referred to in the preceding paragraph, the certificate must be

bound together with the relevant documents for one of the commissioned processes, and a written statement indicating this must be created and bound together with the relevant documents for the other commissioned processes.

Article 15 (1) If a client requests that the original of any of the annexed documents set forth in Article 41, paragraph (1) of the Notary Act be returned, the client must submit a transcript of the annexed document stating that it is identical to the original of the annexed document, along with the original.

(2) When returning the original of an annexed document to a client, a notary must state on the transcript of the original that the original has been returned, and affix a seal on that transcript.

Article 16 If a person requests that an authenticated copy of an instrument for a juridical act be issued again but there is doubt about the person's reason for needing that authenticated copy, the notary must have the person prove the reason for this.

Article 17 If a notary has a client prepay fees, charges for serving documents, registration fees, daily allowances, or an estimated amount of travel expenses, the notary must issue a receipt to the client.

Article 18 The following files and book must be kept at a notary's office, in addition to an instrument register, certificate register, certified date register, and negotiable instrument trust register:

- (i) a protest transcript file;
- (ii) a protest against mortgage instrument transcript file;
- (iii) a served document file; and
- (iv) an account book.

Article 19 (1) An instrument register, certificate register, and account book must be prepared in the formats shown in Appendix 2 through Appendix 4.

(2) In an instrument register and certificate register, a notary must enter the number of sheets of paper that the register contains, write the notary's title and name and affix the official seal on the back of the cover of each register, and must affix the official seal as a seal to confirm page continuation over the seam between each contiguous page.

Article 20 The accounting statement to be delivered pursuant to the provisions of Article 4, paragraph (2) of the Order for Notary Fees (Cabinet Order No. 224 of 1993) (including as applied mutatis mutandis pursuant to the second sentence of Article 6, paragraph (1) of that Order) must be prepared in the

format shown in Appendix 4.

Article 21 If, having been requested to make an instrument available for inspection or to issue an authenticated copy or transcript of an instrument, a notary allows a person to prove their identity without submitting a registered seal certificate or any other certificate, the notary must enter an indication of this and the reason for having done so in the note column of the account book.

Article 22 If, having been commissioned to certify an instrument, a notary allows a person to prove their identity as provided in the preceding Article, the notary must enter an indication of this and the reason for having done so in the note column of the certificate register.

Article 23 (1) Having received fees, charges for serving documents, registration fees, daily allowances, or travel expenses from a client, a notary must enter the particulars, such as the amount of those fees, charges for serving documents, registration fees, daily allowances, or travel expenses, that are connected with the creation of a notarized instrument or to the simultaneously commissioned issuance of an authenticated copy or transcript of a notarized document or to the simultaneously commissioned issuance of a transcript of an annexed document, in an account book prepared in the format shown in Appendix 4-A; and must enter the particulars that are connected with other things in an account book prepared in the format shown in Appendix 4-B; provided, however, that this does not preclude a notary from entering the particulars that are connected with a certified date separately in an account book prepared in the format shown in Appendix 4-C, if the notary finds this to be appropriate.

(2) Having given a grace period for the payment of the whole or part of a fee, charge for serving documents, registration fee, daily allowance, or travel expense pursuant to the provisions of Article 5 of the Order for Notary Fees, a notary must indicate this in the note column of the account book, in addition to making entries in the manner referred to in the preceding paragraph.

Article 24 (1) If a notary is entering the name of a client in an instrument register or account book and there are multiple clients, it is sufficient for the notary to enter the name of only one person from each of the counterparties and the number of other persons in the instrument register, or to enter the name of only one of the parties and the number of other persons in the account book.

(2) The provisions of the preceding paragraph apply mutatis mutandis if a notary is entering the name and address of a client or the name of a person affixing a signature and seal to a certificate register for the certification of articles of

incorporation and there are two or more of either such persons.

- (3) Having been commissioned to certify the articles of incorporation of a company, a notary must enter the trade name of the company in the note column of the certificate register.

Article 25 (1) The original instrument, or the private instrument or articles of incorporation retained by the notary must be bound together with a cover sheet in the order of the instrument number or register number.

- (2) A document that has been submitted in connection with a commissioned process but is not to be bound together with the originals of instruments, such as a registered seal certificate or other certificate proving the identity of the client, or an instrument proving the authority of the client's agent, concerning the certification of a private instrument (other than a private instrument retained by the notary), must be bound together with a cover sheet in the order in which the case is handled, after the case title, date of receipt, and instrument number or register number is entered into it.

Article 26 (1) A notary must store documents in a storehouse or sturdy building attached to the notary's office.

- (2) If documents are lost or are likely to be lost, a notary must report this to the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated, without delay. The same applies if a notary has taken documents out of the office in order to avoid any dangerous circumstances.

Article 27 (1) A notary must retain documents, books, and files for the period specified in each of the following items according to the categories set forth in the respective items; provided, however, that this does not apply with regard to the original of an instrument created for a juridical act involving an obligation that has a fixed due date for performance or involving rights and obligations that are of a specified duration, once ten years have passed since the year following the arrival of the due date or the expiration of the duration:

- (i) the original of an instrument, an instrument register, a private instrument or articles of incorporation retained by the notary, a certificate register (other than one as set forth in item (iii)), or a negotiable instrument trust register: 20 years;
- (ii) a protest transcript file, protest against mortgage instrument transcript file, or served document file: ten years; and
- (iii) a certificate register prepared only for the certification of private instruments (other than private instruments retained by the notary), a certified date register, a document as referred to in Article 25, paragraph (2), or an account book: seven years.

- (2) For an instrument register, certificate register, negotiable instrument trust register, certified date register, or account book, the period for the retention of the documents referred to in the preceding paragraph starts from the year following the year of the last entry in the register or book; for a protest transcript file, protest against mortgage instrument transcript file, or served document file, that period starts from the year following the year in which documents were last bound into the file; and for other documents, that period starts from the year following the fiscal year in question.
- (3) If any special reason makes it necessary for a document as referred to in paragraph (1) to be retained even after the expiration of the retention period, the notary must retain that document so long as that reason exists.

Article 28 When seeking to dispose of documents whose retention period has expired, a notary must prepare a list of these and gain the authorization of the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated.

Article 29 (1) When documents are delivered and received pursuant to the provisions of Article 68 (including as applied mutatis mutandis pursuant to Article 69 and Articles 71 through 73) of the Notary Act, a list of these documents must be prepared, the reason for and date of their delivery and receipt must be entered at the end of the list, and the persons delivering and receiving the documents and the government official who is in attendance must affix their signatures and seals to the list.

- (2) A transcript of the list referred to in the preceding paragraph must be submitted to the director of the legal affairs bureau or district legal affairs bureau with which the notary who prepared the list is affiliated, within one month from the day on which the list is prepared.

Article 30 (1) A person holding another notary's position concurrently with their own as referred to in Article 67, paragraph (1) of the Notary Act may handle the predecessor notary's processes at their own office.

- (2) In a case as referred to in the preceding paragraph, the person must notify the director of the legal affairs bureau or district legal affairs bureau with which the person is affiliated of this without delay.

Article 31 (1) An agent or a person holding another notary's position concurrently with their own as referred to in Article 72 of the Notary Act must make a posting in a conspicuous location at the office where they perform their duties, indicating the person's status as an agent or a person holding another notary's position concurrently with their own.

(2) A notary's successor or a person holding another notary's position concurrently with their own as referred to in Article 67, paragraph (1) of the Notary Act must make a posting in a conspicuous location at the office where they perform their duties, indicating the person's status as the successor of that notary or as a person holding another notary's position concurrently with their own who is handling the processes handled by that notary.

Article 32 The document number of a document created by a notary's successor must follow, in order, the document number of the document created by the predecessor or by the person that held the other notary's position concurrently with their own.

Article 33 If a notary is unable to perform duties due to illness or any other compelling reason and does not commission or is unable to commission another notary to act as an agent, the notary must notify the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated of this without delay. The same applies if that person becomes able to perform their duties.

Article 34 (1) If a notary changes their name or address or loses their status as a notary, the notary must notify the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated of this without delay.

(2) The provisions of the preceding paragraph apply mutatis mutandis to a notary's relatives within the fourth degree of kinship upon the notary's death.

Article 35 If any question arises in relation to the handling of notarization processes, a notary may seek instructions from the Minister of Justice.

Article 36 (1) To submit a document to the Minister of Justice, a notary must go through the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated; provided, however, that this does not apply in cases of urgency.

(2) In a case as referred to in the proviso to the preceding paragraph, the notary must notify the director of the legal affairs bureau or district legal affairs bureau of this at the same time.

Article 37 The director of a legal affairs bureau or district legal affairs bureau must keep a roll of notaries and enter into it the name, address, date of birth, and locality of the office of each notary who is affiliated with the bureau.

Article 38 If the director of a legal affairs bureau or district legal affairs bureau finds any of the grounds set forth in Article 15, paragraph (1), items (ii) through (iv) or Article 79 of the Notary Act with respect to a notary who is affiliated with the bureau, the director must promptly report this to the Minister of Justice, explaining the circumstances. The same applies if a notary changes their name, dies, or loses their status as a notary.

Article 39 At least once every year, the director of a legal affairs bureau or district legal affairs bureau must visit the offices of the notaries who are affiliated with the bureau, inspect the documents they retain, and investigate the status of performance of their duties, or have officials of the Ministry of Justice who are working for the legal affairs bureau or district legal affairs bureau carry out these tasks, and must report the results to the Minister of Justice promptly.

Article 40 If the director of a legal affairs bureau or district legal affairs bureau urges care and issues an official directive to a notary affiliated with the bureau or if that director issues an admonition to a notary who is affiliated with the bureau, the director must promptly report this to the Minister of Justice, explaining the circumstances. The same applies if the director issues a disposition on an objection as referred to in Article 78, paragraph (1) of the Notary Act.

Article 40-2 If the director of the legal affairs bureau or district legal affairs bureau finds that there is an extreme imbalance among the notaries who are affiliated with the bureau in terms of their workload to the extent that it poses a risk of hindering notaries' proper and prompt handling of processes or of being detrimental to maintaining the professional dignity of the notary, the director may adjust their workload, with the authorization of the Minister of Justice.

Article 41 On finding it to be particularly necessary to do so, the Minister of Justice is to have officials of the Ministry of Justice carry out processes for supervision of notaries, in addition to the director of the legal affairs bureau or district legal affairs bureau.

Article 42 When having a client pay fees, daily allowances, or travel expenses to the government with revenue stamps pursuant to the provisions of Article 7 of the Order for Notary Fees, an official must have that client submit a payment note with revenue stamps affixed thereto.

Article 43 (1) Notaries may establish a notaries association within the jurisdictional district of each legal affairs bureau or district legal affairs bureau.

(2) The purpose of a notaries association is to carry out processes relating to guiding and liaising with notaries, with a view to improving and standardizing notarization processes and maintaining the professional dignity of the notary.

Article 44 A notary becomes a member of a notaries association established within the jurisdictional district of the legal affairs bureau or district legal affairs bureau with which that notary is affiliated.

Article 45 (1) Before seeking to establish a notaries association, notaries must establish articles of association with the consent of the majority of the prospective member notaries, and have them approved by the Minister of Justice.

(2) The following particulars must be specified in the articles of association of a notaries association:

- (i) the name and office of the association;
- (ii) particulars related to officers;
- (iii) particulars related to members;
- (iv) particulars related to meetings;
- (v) particulars related to accounting; and
- (vi) any other necessary particulars.

(3) A notaries association must have the authorization of the Minister of Justice if it seeks to revise its articles of association.

Article 46 Having appointed or dismissed an officer, a notaries association must notify the director of the legal affairs bureau or district legal affairs bureau that has jurisdiction in the locality of the office of the notaries association of this without delay.

Article 47 (1) A notaries association may make a proposal to, or submit a report in response to a request for consultation from, the director of the legal affairs bureau or district legal affairs bureau that has jurisdiction in the locality of the office of the notaries association, in relation to notarization processes.

(2) Having requested a consultation as referred to in the preceding paragraph or upon receiving a proposal or report as referred to in that paragraph, the director of a legal affairs bureau or district legal affairs bureau must promptly report this to the Minister of Justice, explaining the circumstances.

Article 48 If a notaries association finds there to have been an illegal act or

degrading behavior on the part of a notary, it must report this to the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated.

Article 49 (1) Notaries associations nationwide may establish the Japan National Notaries Association.

(2) The purpose of the Japan National Notaries Association is to carry out processes involved in guiding and liaising with notaries associations and notaries, with a view to improving and standardizing notarization processes and maintaining the professional dignity of the notary.

Article 50 Notaries associations and notaries become members of the Japan National Notaries Association.

Article 51 Before seeking to establish the Japan National Notaries Association, notaries associations and notaries must establish articles of association with the consent of the majority of the prospective member notaries associations and notaries, and have them approved by the Minister of Justice.

Article 52 The Japan National Notaries Association may make a proposal to, or submit a report in response to a request for consultation from the Minister of Justice in relation to notarization processes.

Article 53 The provisions of Article 45, paragraph (2) and paragraph (3) and Article 46 apply mutatis mutandis to the Japan National Notaries Association. In such a case, the phrase "the director of the legal affairs bureau or district legal affairs bureau that has jurisdiction in the locality of the office of the notaries association" in Article 46 is deemed to be replaced with "the Minister of Justice".

Article 54 If there is a need to do so in order to streamline work processes and improve professional dignity, two or more notaries may establish a joint office with their office space or their income and expenses partially or fully shared.

Article 55 (1) If notaries seek to establish a joint office, they must establish internal rules and have them approved by the Minister of Justice in advance.

(2) The following particulars must be specified in the rules referred to in the preceding paragraph:

- (i) the name of the office;
- (ii) the location of the office;
- (iii) particulars related to members;

- (iv) particulars related to officers;
 - (v) particulars related to income;
 - (vi) particulars related to expenses; and
 - (vii) particulars related to enrollment and withdrawal.
- (3) Notaries must have the authorization of the Minister of Justice if they seek to revise their rules.

Supplementary Provisions [Extract]

- (2) The following Ministerial Orders are repealed.
- Detailed Regulations for Enforcement of the Notary Act (Ministry of Justice Order No. 14 of 1909)
 - Rules on Preservation and Disposal of Notaries' Documents (Ministry of Justice Order No. 61 of 1947)

Supplementary Provisions

(Effective Date)

- (1) This Ministerial Order comes into effect as of November 30, 2018.

(Transitional Measures)

- (2) Prior laws continue to govern the procedures involved in certifying articles of incorporation under Article 30, paragraph (1) of the Companies Act (Act No.86 of 2005), and Article 13 and Article 155 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48 of 2006) for processes commissioned prior to this Ministerial Order coming into effect.