

Act on Vesting of Land Ownership Acquired through Inheritance or Bequest in the National Treasury

(Ministry of Justice Order No. 25 of April 28, 2021)

Table of Contents

- Chapter I General Provisions (Article 1)
- Chapter II Procedures for Approval of Vesting of Land Ownership Acquired through Inheritance or Bequest in the National Treasury (Articles 2 to 11)
- Chapter III Management of Land Vested in the National Treasury (Article 12)
- Chapter IV Miscellaneous Provisions (Articles 13 to 16)
- Chapter V Penal Provisions (Article 17)
- Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, in view of the increase in the number of land where the ownership is unknown (meaning a parcel of land for which all or part of the owners cannot be ascertained even after making adequate efforts) due to changes in socioeconomic conditions, to establish a system whereby a person, etc. who has acquired ownership or co-ownership of land by inheritance or bequest (limited to testamentary gifts to heirs) (hereinafter referred to as "inheritance, etc.") may vest the ownership of the land in the national treasury, and thereby preventing the problem of unclaimed land.

Chapter II Procedures for Approval of Vesting of Land Ownership Acquired through Inheritance or Bequest in the National Treasury

(Application for Approval)

Article 2 (1) An owner of land (limited to one who has acquired all or part of the ownership of land by inheritance, etc.) may apply to the Minister of Justice for approval to vest the ownership of land in the national treasury.

(2) If land is co-owned by several persons, an application for approval pursuant to the provisions of the preceding paragraph (hereinafter referred to as "application for approval") may be made only when all of the co-owners make a joint application. In this case, notwithstanding the provisions of the same paragraph, even co-owners who have acquired all of their co-ownership interests by reasons other than inheritance, etc. may jointly make an application for approval with co-owners who have acquired all or part of their

co-ownership share by inheritance, etc.

- (3) An application for approval may not be made if the land falls under any of the following items:
- (i) land on which a building exists;
 - (ii) land on which a security right or a right to use and earn profit has been established;
 - (iii) land that contains roads or other land specified by Cabinet Order as land that is planned to be used by others;
 - (iv) land contaminated by designated hazardous substances as prescribed in Article 2, paragraph (1) of the Soil Contamination Countermeasures Act (Act No. 53 of 2002) (limited to those that exceed the standards specified by Ministry of Justice Order);
 - (v) land with no clear boundary or other land for which there is a dispute as to the existence, vesting, or extent of ownership.

(Written Application for Approval)

Article 3 (1) A person who makes an application for approval (hereinafter referred to as "applicant for approval") must submit to the Minister of Justice a written application for approval stating the following particulars and attaching documents specified by Ministry of Justice Order, pursuant to the provisions of Ministry of Justice Order.

- (i) name and address of the applicant for approval;
 - (ii) location, parcel number, category of land, and area of land of the parcel pertaining to the application for approval.
- (2) An applicant for approval must pay a fee in the amount specified by Cabinet Order in consideration of commodity levels, the actual cost required for examination of the application for approval, and all other circumstances into consideration, as provided by Ministry of Justice Order.

(Dismissal of Application for Approval)

Article 4 (1) The Minister of Justice must dismiss an application for approval in the following cases:

- (i) when the application for approval is filed by a person who does not have the authority to file the application;
 - (ii) when the application for approval violates the provisions of Article 2, paragraph (3) or those of the preceding Article;
 - (iii) when the applicant for approval does not respond to the investigation pursuant to the provisions of Article 6 without justifiable grounds.
- (2) If the Minister of Justice dismisses an application for approval pursuant to the provisions of the preceding paragraph, the Minister must notify the applicant for approval to that effect without delay as prescribed by Ministry of

Justice Order.

(Approval)

Article 5 (1) If the Minister of Justice finds that the land pertaining to an application for approval does not fall under any of the following items, the Minister must grant approval for the vesting ownership of the land in the national treasury:

- (i) land with cliffs (limited to those that meet the standards specified by Cabinet Order with regard to slope, height, and other particulars) that requires excessive cost or labor for its normal management;
 - (ii) land where any structures, vehicles, trees, or other tangible objects that interfere with the normal management or disposition of the land exist on or above the ground;
 - (iii) land where tangible objects exist underground and are unable to be managed or disposed of unless they are removed;
 - (iv) land specified by Cabinet Order as land that cannot be ordinarily managed or disposed of without a litigation with the owner of the adjacent land or any other person;
 - (v) beyond the land listed in the preceding items, land specified by Cabinet Order as land that requires excessive expense or labor for ordinary management or disposition.
- (2) The approval set forth in the preceding paragraph is to be given for each parcel of land.

(Investigations of Facts)

Article 6 (1) When finding it necessary for the examination of an application for approval, the Minister of Justice may have officials investigate the facts.

- (2) Officials who investigate the facts pursuant to the provisions of the preceding paragraph may conduct an on-site investigation of the land pertaining to the application for approval or the land located in the surrounding area, hear from the applicant for approval and other persons about the facts known to them or request them to submit materials, and conduct other investigations necessary for the examination pertaining to the application for approval.
- (3) If found necessary, the Minister of Justice may have the officials enter the land of others when officials conduct an on-site investigation of land pertaining to an application for approval or land located in the surrounding area pursuant to the provisions of the preceding paragraph, within the extent necessary.
- (4) When the Minister of Justice has officials enter the land of others pursuant to the provisions of the preceding paragraph, the Minister must notify the possessor of the land in advance to that effect as well as of the date, time, and place of the entry.

- (5) Officials who intend to enter a housing site or any land possessed by another person surrounded by a hedge, fence, etc. pursuant to the provisions of paragraph (3), upon entering, must inform the possessor of the land to that effect.
- (6) No person must enter the land set forth in the preceding paragraph before sunrise or after sunset, except with the consent of the possessor of the land.
- (7) When entering land pursuant to the provisions of paragraph (3), officials must carry identification documents and present them to the persons concerned upon request.
- (8) When a person suffers a loss due to entry pursuant to the provisions of paragraph (3), the national government must compensate the person for the loss that would ordinarily be incurred due to the entry.

(Request for Materials to be Submitted)

Article 7 If the Minister of Justice finds it necessary for the investigation of facts under paragraph (1) of the preceding Article, the Minister may request the heads of relevant administrative organs, the heads of relevant local governments, relevant public and private organizations, and other relevant persons, to provide materials, explanations, assistance on the investigation of the facts, and other necessary cooperation.

(Hearing of Opinions Regarding Approval)

Article 8 If the Minister of Justice intends to grant the approval referred to in Article 5, paragraph (1), the Minister is to hear in advance the opinions of the Minister of Finance and the Minister of Agriculture, Forestry and Fisheries on the administration of the land pertaining to the approval; provided, however, that this will not apply when it is clearly found that the land pertaining to the application for approval is not mainly used as agricultural land (meaning cropland or pastureland prescribed in Article 2, paragraph (1) of the Cropland Act (Act No. 229 of 1952); the same applies hereinafter) or a forest (meaning a forest prescribed in Article 2, paragraph (1) of the Forest Act (Act No. 249 of 1951); the same applies hereinafter).

(Notice of Approval)

Article 9 Upon deciding to grant or not to grant the approval referred to in Article 5, paragraph (1), the Minister of Justice must notify the applicant for approval to that effect as prescribed by Ministry of Justice Order.

(Payment of Dues)

Article 10 (1) If the approval referred to in Article 5, paragraph (1) has been granted, the applicant for approval, for the land pertaining to the approval

under the same paragraph, must pay the amount of money calculated pursuant to the provisions of Cabinet Order for each category of national land, taking into consideration the standard cost required for ten years' management of the land (hereinafter referred to as a "dues").

- (2) If the Minister of Justice grants the approval referred to in Article 5, paragraph (1), the Minister must notify the applicant of the amount of dues, as prescribed by Ministry of Justice Order, together with the notification of the approval under the provisions of the preceding Article.
- (3) If the applicant for approval fails to pay the dues in accordance with the procedures prescribed by Ministry of Justice Order within thirty days from the day on which the applicant for approval is notified of the amount of dues prescribed in the preceding paragraph, then the approval referred to in Article 5, paragraph (1) ceases to be effective.

(Timing of Vesting in the National Treasury)

Article 11 (1) Ownership of the land pertaining to the approval referred to in Article 5, paragraph (1) is vested in the national treasury at the time the applicant for approval pays the dues.

- (2) When the ownership of the land pertaining to the approval referred to in Article 5, paragraph (1) has been vested in the national treasury pursuant to the provisions of the preceding paragraph, the Minister of Justice must immediately notify the Minister of Finance (or the Minister of Agriculture, Forestry and Fisheries if the land is found to be used mainly as agricultural land or forest) to that effect.

Chapter III Management of the Land Vested in the National Treasury

(Land Management Organizations)

Article 12 (1) Of the land that has been vested in the national treasury pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as "land vested in the national treasury"), land that is mainly used as agricultural land or forest (excluding land for which the administrative jurisdiction of the national government asset has been changed as provided in Article 4, paragraph (2) of the National Government Asset Act (Act No. 73 of 1948) or land which is to be managed by the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of other laws and regulations) is subject to the management or disposition by the Minister of Agriculture, Forestry and Fisheries.

- (2) The provisions of Article 45, Article 46, paragraph (1), Article 47, and Article 49 of the Cropland Act apply mutatis mutandis to the management and disposition of land managed by the Minister of Agriculture, Forestry and

Fisheries pursuant to the provisions of the preceding paragraph which is mainly used as agricultural land. In this case, the terms "The Minister of Agriculture, Forestry and Fisheries, the prefectural governor, or the mayor of the designated municipality" and "buying out or other dispositions under this Act" in paragraph (1) of the same Article are replaced with "The Minister of Agriculture, Forestry and Fisheries" and "selling off under the provisions of Article 46, paragraph (1) as applied mutatis mutandis pursuant to Article 12, paragraph (2) of the Act on Vesting of Land Ownership Acquired through Inheritance or Bequest in the National Treasury, or selling off, change of administrative jurisdiction, or change of affiliation under the provisions of Article 47 as applied mutatis mutandis pursuant to Article 12, paragraph (2) of the same Act", respectively; the term "the Minister of Agriculture, Forestry and Fisheries, the prefectural governor, or the mayor of the designated municipality" in paragraph (3) of the same Article is replaced with "the Minister of Agriculture, Forestry and Fisheries"; the terms "the national government or a prefecture, etc." and "If..., pursuant to the provisions of Cabinet Order" in paragraph (5) of the same Article are replaced with "the State" and "If...".

(3) The provisions of the main clause of Article 3, paragraph (1) of the Cropland Act do not apply to the transfer of ownership due to the selling off of agricultural land pursuant to the provisions of Article 46, paragraph (1) or Article 47 of the same Act as applied mutatis mutandis in the preceding paragraph.

(4) The provisions of Chapter II (excluding Article 7) of the Act Concerning Utilization of National Forest Land (Act No. 246 of 1951) apply mutatis mutandis to the management and disposition of land managed by the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of the paragraph (1) and mainly used as forests.

Chapter IV Miscellaneous Provisions

(Rescission of Approval)

Article 13 (1) If it is found that an applicant for approval has obtained the approval referred to in Article 5, paragraph (1) by deception or other wrongful means, the Minister of Justice may rescind the approval that was granted under that paragraph.

(2) If the Minister of Justice intends to rescind the approval pursuant to the provisions of the preceding paragraph with regard to the land vested in the national treasury, the Minister is to hear in advance the opinions of the head of the ministry or agency having administrative jurisdiction over the land vested in the national treasury (or the head of the ministry or agency that has

made the exchange, selling off or transfer (hereinafter referred to as "exchange, etc." in this and the following paragraph) if the land has ceased to be national government asset (meaning national government asset as defined in Article 2, paragraph (1) of the National Government Asset Act; the same applies in the following paragraph) due to an exchange, etc.).

- (3) If the Minister of Justice intends to rescind the approval pursuant to the provisions of paragraph (1), the Minister must obtain the consent of a person who has acquired ownership of the land vested in the national treasury pertaining to the rescission (including land that has ceased to be national government asset due to exchange, etc.; the same applies hereinafter in this paragraph) or a person who has obtained the establishment of any right other than ownership over the land vested in the national treasury.
- (4) If the Minister of Justice rescinds the approval referred to in Article 5, paragraph (1) pursuant to the provisions of paragraph (1), the Minister is to notify the person who has obtained the approval under the former paragraph to that effect, as specified by Ministry of Justice Order.

(Liability for Damages)

Article 14 In the event that the national government suffers any damage due to the grounds, at the time of the approval, falling under any of the items of Article 2, paragraph (3) or any of the items of Article 5, paragraph (1) with regard to the land pertaining to the approval referred to in Article 5, paragraph (1), and the person who obtained the approval had failed to report the grounds despite having knowledge thereof, the person is to be liable to compensate the national government for the damage.

(Delegation of Authority)

Article 15 (1) The authority of the Minister of Justice provided for in this Act may be delegated in part to the head of the legal affairs bureau or the district legal affairs bureau, as provided by Ministry of Justice Order.

(2) The authority of the Minister of Agriculture, Forestry and Fisheries provided for in this Act may be delegated in whole or in part to the director general of the regional agricultural administration bureau or the director general of the forest management bureau, as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(3) The authority delegated to the director general of the forest management bureau pursuant to the provisions of the preceding paragraph may be delegated to the chief of the forest management office, as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Delegation to Cabinet Order)

Article 16 Beyond what is provided for in this Act, procedures and other particulars necessary for the implementation of this Act are specified by Cabinet Order.

Chapter V Penal Provisions

Article 17 (1) If a person has refused, obstructed, or evaded the survey, measurement, removal, or relocation conducted by officials pursuant to the provisions of Article 49, paragraph (1) of the Cropland Act as applied mutatis mutandis in Article 12, paragraph (2) following the replacement of terms, the person who has committed the violation is punished by imprisonment for not more than six months or a fine of not more than three hundred thousand yen.

(2) If a representative of a juridical person, or an agent, employee, or other worker of a juridical person or an individual has committed a violation set forth in the preceding paragraph in connection with the business or property of the juridical person or the individual, in addition to the offender being subject to punishment, the juridical person or the individual is subject to the fine referred to in the same paragraph.

Supplementary Provisions

(Effective Date)

(1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Review)

(2) The government will review the status of the enforcement of the Act five years after the enforcement of this Act and, when deeming it necessary, take necessary measures based on the results.