

Cabinet Order on Guardianship Registration, etc.

(Cabinet Order No. 24 of January 28, 2000)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 4, paragraph (1), item (ix) and paragraph (2), Article 5, item (ix), Article 6, Article 10, paragraph (1), item (iv), paragraph (2), items (i) and (iii), paragraph (3), item (iii), and paragraph (4), and Article 16 of the Act on Guardianship Registration, etc. (Act No. 152 of 1999), as well as the provisions of Article 2, paragraphs (1) and (2) of the Supplementary Provisions of that Act.

Chapter I General Provisions (Articles 1 and 2)

Chapter II Guardianship or Closed Registration Files (Article 3)

Chapter III Registration Procedures (Articles 4 through 10)

Chapter IV Requests for Sending of Certificates of Registered Information
(Article 11)

Chapter V Auxiliary Provisions (Articles 12 through 15)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Cabinet Order is to specify the method of applying for guardianship registration and other necessary details concerning the guardianship registration, etc. provided for in Article 1 of the Act on Guardianship Registration, etc. (hereinafter referred to as the "Act").

(Suspension of Work)

Article 2 If an incident occurs at a registry office which causes the suspension of work, the Minister of Justice may order the suspension of registration work for a specified period of time.

Chapter II Guardianship or Closed Registration Files

(Loss and Restoration of Records in Guardianship or Closed Registration Files)

Article 3 If all or a part of the record of a file of guardianship registration, etc., or closed registration file is lost, the Minister of Justice may order a registrar to take the necessary measures to restore the record within a specified period of time.

Chapter III Registration Procedures

(Registration upon Commission or Application)

Article 4 (1) Unless otherwise provided for in laws and regulations, no registration may be made without commission or application.

(2) Unless otherwise provided for in laws and regulations, the provisions concerning registration upon application apply mutatis mutandis to the procedures for the registration upon commission.

(Method of Applying for Registration)

Article 5 (1) Applications for registration must be made in writing.

(2) The following information must be stated in the document referred to in the preceding paragraph (hereinafter referred to as a "written application for registration"), and the applicant or their representative or agent must affix their name to that document:

- (i) the name and address of the applicant, and the capacity of the applicant;
- (ii) if the application is made by an agent, name and address of the agent;
- (iii) the reasons for registration;
- (iv) the information to be registered;
- (v) when applying for registration of a change or registration of termination, the information necessary to identify the relevant registration record, which is specified by Order of the Ministry of Justice;
- (vi) the amount of the fee;
- (vii) the date; and
- (viii) the name of the registry office.

(Documents to Be Attached to Written Applications for Registration)

Article 6 The following documents must be attached to written applications for registration:

- (i) if the applicant is a corporation, a document evidencing the capacity of its representative;
- (ii) if the application is made by an agent, a document evidencing the agent's authority; and
- (iii) a document certifying the reasons for registration.

(Rejection of Applications for Registration)

Article 7 Registrars must reject applications by a decision stating the reason for the rejection in the following cases:

- (i) if the case should not be registered;
- (ii) if the case has already been registered;
- (iii) if the application is made by a person who does not have the authority to

- make an application;
- (iv) if the written application for registration is not in the prescribed format;
- (v) if the written application for registration is not accompanied by the necessary documents;
- (vi) if the information stated in the written application for registration or its attached documents is inconsistent with the information stated in the document attached to the written application for registration or with the record in the registration records; or
- (vii) if the fee has not been paid.

(Ex Officio Correction of Registration)

Article 8 If a registrar finds any error or omission in a registration, they must correct the registration with the permission of the Director of the supervisory Legal Affairs Bureau or District Legal Affairs Bureau.

(Ex Officio Deletion of Registration)

Article 9 (1) If a registrar finds that a registration falls under any of the grounds set forth in the following items, they must give notice to the person who applied for the registration that the registration should be deleted unless the person files an objection in writing within a fixed period not exceeding one month:

- (i) the grounds set forth in Article 7, item (i) or item (ii) exist; or
 - (ii) any of the registered information has a ground for invalidation.
- (2) If the domicile or residence of the person who filed the application referred to in the preceding paragraph is unknown, the registrar must give public notice of the information that should be notified, in lieu of giving the notice referred to in that paragraph, pursuant to the provisions of Order of the Ministry of Justice.
- (3) If any person files an objection, the registrar must render a decision with regard to that objection.
- (4) If no person has filed an objection or the registrar dismisses an objection, the registrar must delete the registration related to the notice referred to in paragraph (1) or the public notice referred to in paragraph (2).

(Closure of Registration Records upon Deletion of Registration)

Article 10 If a registrar deletes all of the registration, the registrar must close the registration record and record this in a closed registration file as a closed registration record.

Chapter IV Request for Sending of Certificates of Registered Information

Article 11 If a person requests issuance of a certificate of registered information or certificate of registered information in a closed record and the person requests that the certificate be sent to them, the person must pay the cost incurred in sending the certificate pursuant to the provisions of Order of the Ministry of Justice, unless the person makes the request using an electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002) pursuant to the provisions of that paragraph.

Chapter V Auxiliary Provisions

(Inspection of Written Application for Registration, etc.)

Article 12 (1) A person who may request issuance of a certificate of registered information or certificate of registered information in a closed record may also request inspection of the written application for registration for the registration related to the certificate of registered information or certificate of registered information in a closed record, or written commission for registration or its attached documents (hereinafter collectively referred to as the "written application for registration , etc.") by paying the fee, only when there are special reasons.

(2) The request referred to in the preceding paragraph must be made in writing.

(3) The following information must be stated in the document referred to in the preceding paragraph, and the applicant or their representative or agent must affix their name to that document:

(i) the written application for registration , etc. for which inspection is requested;

(ii) the special reasons; and

(iii) the information set forth in Article 5, paragraph (2), items (vi) through (viii).

(4) Payment of the fee as referred to in paragraph (1) must be made by means of revenue stamps.

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

Article 13 The provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) do not apply to a written application for registration, etc.

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

Article 14 The provisions of Chapter IV of the Act on the Protection of Personal

Information Held by Administrative Organs (Act No. 58 of 2003) do not apply to retained personal information (meaning the retained personal information provided for in Article 2, paragraph (3) of that Act) which is recorded in a written application for registration, etc.

(Delegation to Order of the Ministry of Justice)

Article 15 The information necessary for implementation of this Cabinet Order is specified by Order of the Ministry of Justice.

Supplementary Provisions

(Effective Date)

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

(Application for Registration of Guardianship or Curatorship)

Article 2 (1) A written application for registration for the registration of guardianship pursuant to the provisions of Article 2, paragraph (1) of the Supplementary Provisions of the Act must be attached with a transcript or an extract of the family register of the person who is deemed to be an adult ward related to the registration of guardianship (limited to a transcript or an extract which contains a statement to the effect that the person has been declared incompetent) or other documents specified by Order of the Ministry of Justice, in addition to the documents set forth in Article 6, items (i) and (ii).

(2) The provisions of the preceding paragraph apply mutatis mutandis to a written application for registration for a registration of curatorship pursuant to the provisions of Article 2, paragraph (2) of the Supplementary Provisions of the Act.

Supplementary Provisions [Cabinet Order No. 48 of March 30, 2011]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date on which part of the Act on Special Accounts comes into effect (April 1, 2011).

(Transitional Measures upon Abolition of Registration Revenue Stamps)

Article 2 Notwithstanding the provisions of Article 18, paragraph (4) of the Order on Registration of Assignment of Movables and of Claims and Article 12, paragraph (4) of the Cabinet Order on Guardianship Registration, etc. as amended by the provisions of Article 2, the payment of the fee may be made by means of revenue stamps or registration revenue stamps until otherwise provided for by law.