

Ministerial Order on Guardianship Registration, etc.

(Order of the Ministry of Justice No. 2 of January 28, 2000)

Pursuant to the provisions of Article 9, paragraph (2), item (v), Article 13, paragraph (2), and Article 18 of the Cabinet Order on Guardianship Registration, etc. (Cabinet Order No. 24 of 2000), as well as Article 2, paragraph (1) of the Supplementary Provisions of that Order (including as applied mutatis mutandis pursuant to paragraph (2) of that Article), the Ministerial Order on Guardianship Registration, etc. is hereby established as follows.

Chapter I Guardianship or Closed Registration Files (Articles 1 through 5)

Chapter II Registration Procedures (Articles 6 through 16)

Chapter III Certification of Registered Information (Articles 17 through 21)

Chapter IV Special Provisions on Applications for Registration by Electronic Data Processing System (Articles 22 through 28)

Chapter V Auxiliary Provisions (Articles 29 through 33)

Supplementary Provisions

Chapter I Guardianship or Closed Registration Files

(Prohibition of Removal of Guardianship or Closed Registration Files)

Article 1 No files of guardianship registration , etc. or closed registration files (hereinafter collectively referred to as "guardianship or closed registration files") and no written application for registration, etc. (meaning the written application for registration, etc. prescribed in Article 12, paragraph (1) of the Cabinet Order on Guardianship Registration, etc. (hereinafter referred to as the "Order"); the same applies hereinafter) may be removed from a registry office unless it is to be removed in order to avoid any contingency; provided, however, that this does not apply to a written application for registration, etc. if it is removed as ordered or commissioned by the court.

(Sending of Written Applications for Registration, etc. to Courts)

Article 2 If a registrar is ordered or commissioned by the court to send a written application for registration, etc., the registrar must send the written application limited to the part related to the order or commission.

(Loss of Records in Guardianship or Closed Registration Files)

Article 3 (1) If all or a part of the record of a guardianship or closed registration file is lost, a registrar must notify the Director of the supervisory Legal Affairs

Bureau or District Legal Affairs Bureau without delay, stating the grounds for loss, date of loss, the record of the lost guardianship or closed registration file, and any other information that is necessary to make the disposition referred to in Article 3 of the Order, and predetermining the period for registering the restoration.

- (2) If the Director of the Legal Affairs Bureau or District Legal Affairs Bureau is notified as referred to in the preceding paragraph, the Director must inform the Minister of Justice to that effect, after conducting a reasonable investigation on the case.

(Duplicate Records)

Article 4 (1) A registrar must keep a duplicate record in which the same information as that recorded in a guardianship or closed registration file is recorded

- (2) If a registrar is unable to conduct registration work using the record in a guardianship or closed registration file, the registrar may conduct the work using a duplicate record referred to in the preceding paragraph. In such a case, the information recorded in the duplicate record is deemed to be information recorded in the guardianship or closed registration file.
- (3) If a registrar becomes able to conduct registration work using the record in a guardianship or closed registration file, the registrar must immediately record the information which has been recorded in the duplicate record pursuant to the provisions of the preceding paragraph in the guardianship or closed registration file.

(Books)

Article 5 (1) Registry offices are to keep the following books:

- (i) a receipt record book;
 - (ii) a file of registration application documents;
 - (iii) a file of written applications for issuance of certificates, etc.;
 - (iv) a file of original decisions;
 - (v) a file of written requests for review, etc.;
 - (vi) a register of preserved registration-related books;
 - (vii) a journal of registration work;
 - (viii) a register of forms of certificates of registered information, etc.;
 - (ix) a register of written notices of registered information;
 - (x) a file of written requests for certification of re-use, etc.;
 - (xi) a file of statistical tables; and
 - (xii) a file of miscellaneous documents.
- (2) The documents specified in the following items are to be filed in the books set forth in the respective items:

- (i) a file of registration application documents: written applications for registration, etc.;
 - (ii) a file of written applications for issuance of certificates, etc.: written applications of cases other than registration application cases and their attached documents;
 - (iii) a file of original decisions: original written decisions regarding decisions to dismiss commission or application for registration;
 - (iv) a file of written requests for review, etc.: written requests for review and other documents related to request for review cases;
 - (v) a file of written requests for certification of re-use, etc.: written request for certification of re-use related to revenue stamps and documents related to reimbursement;
 - (vi) a file of statistical tables: various statistical tables related to registration cases and other cases; and
 - (vii) a file of miscellaneous documents: documents not filed in any other books.
- (3) The information specified in the following items is to be entered in the books set forth in the respective items:
- (i) a register for preservation of registration-related books: the status of preservation of books and documents set forth in the items of Article 5, paragraph (1);
 - (ii) a journal of registration work: information concerning sending and receipt of documents not recorded in the receipt record book or any other books;
 - (iii) a register of forms of certificates of registered information, etc.: information concerning the management of forms to be used to prepare certificates of registered information and certificates of registered information in closed records (hereinafter collectively referred to as a "certificate of registered information, etc."); and
 - (iv) a register of written notices of registered information: information concerning the notice referred to in Article 13 and the notice referred to in Article 2, paragraph (4) of the Supplementary Provisions of the Act on Guardianship Registration, etc. (Act No. 152 of 1999; hereinafter referred to as the "Act").
- (4) The period of preservation of the following records, books, documents, or electronic or magnetic recording media set forth in the following items (hereinafter referred to as "records") is to be as specified in the respective items:
- (i) records in files of guardianship registration, etc.: permanent;
 - (ii) records in closed registration files: 30 years from the date of closure;
 - (iii) records in receipt record books: five years from the year following the relevant fiscal year;
 - (iv) a file of registration application documents: five years from the date of

- receipt;
- (v) a file of written applications for issuance of certificates: one year from the date of receipt;
 - (vi) a file of original decisions: five years from the year following the year the decision on the written decision filed is made;
 - (vii) a file of written requests for review, etc.: five years from the year following the year the written request filed is received;
 - (viii) a register for preservation of registration-related books: permanent;
 - (ix) a journal of registration work; five years from the year following the year the journals are prepared;
 - (x) a register of forms of certificates of registered information, etc.: one year from the year following the year the register is prepared;
 - (xi) a register of written notices of registered information: five years from the year following the year the register is prepared;
 - (xii) a file of written requests for certification of re-use, etc.: five years from the year following the year the file is prepared;
 - (xiii) a file of statistical tables: ten years from the year following the year the file is prepared; and
 - (xiv) a file of miscellaneous documents: two years from the year following the year the file is prepared.

(Disposal of Records)

Article 5-2 If a registry office is to dispose of records, etc., it must obtain approval from the Director of the Legal Affairs Bureau or District Legal Affairs Bureau.

Chapter II Registration Procedures

(Information Necessary to Identify Registration Records)

Article 6 The information necessary to identify a registration record prescribed in Article 5, paragraph (2), item (v) of the Order is to be the information set forth in any of the following items, in addition to the name of the adult ward, etc., the principal of a voluntary guardianship contract or the principal of a guardianship order:

- (i) the date of birth and address or registered domicile (or nationality in the case of a foreign national) of the adult ward, the principal of a voluntary guardianship contract or the principal of a guardianship order; or
- (ii) the registration number.

(Simultaneous Applications)

Article 7 (1) When applying for two or more registrations of change with regard

to the same registration record at the same time, an application for registration may be made by submitting only one written application.

- (2) When applying for two or more registrations at the same time to the same registry office, if there are documents to be attached to each written application that have the same content, it is sufficient to attach one copy of the relevant document to only one written application.
- (3) In the case referred to in the preceding paragraph, a supplementary note to that effect must be appended to each of the other written applications.

(Means of Sending Written Applications for Registration, etc.)

Article 8 When a person who seeks to apply for registration sends a written application for registration, etc., the person must do so by registered mail or by using the service of correspondence delivery prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002), which is carried out by a general correspondence delivery service operator prescribed in paragraph (6) of that Article or a specified correspondence delivery service operator prescribed in paragraph (9) of that Article (hereinafter referred to as "correspondence delivery"), and in which the general correspondence delivery service operator or the specified correspondence delivery service operator records the receipt and delivery.

(Receipt of Written Applications for Registration)

- Article 9 (1) If a registrar receives a written application for registration, the registrar must record the type of registration, the name of the applicant, the date of receipt, and the receipt number in a receipt record book prepared by means of a magnetic disk (including an object in which certain information can be securely recorded by other equivalent means; the same applies hereinafter), and enter the date of receipt and the receipt number in the written application for registration.
- (2) Receipt numbers must be renewed on a yearly basis.

(Documents Required to Be Attached to Written Applications for Registration)

Article 10 A document set forth in Article 6, item (i) or (ii) of the Order that has been prepared by a government agency or public office is limited to a document that has been prepared within the past three months.

(Registration Numbers)

- Article 11 (1) Registration numbers are to be affixed to each registration record.
- (2) Registration numbers must be renewed on a yearly basis.

(Means of Registration)

Article 12 In order to make a registration, the grounds for registration and its date, as well as the date of registration must be recorded in a file of guardianship registration, etc.

(Notice to Mayors of Municipalities)

Article 13 If a registrar makes a registration based on a ruling for commencement of guardianship or a registration based on a decision to revoke that ruling, the registrar must give notice to that effect to the mayor of a municipality (including the mayor of a special ward; in the case of a designated city referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), the mayor of a ward or mayor of an administratively consolidated ward) having jurisdiction over the registered domicile (or the address in the case of a foreign national) of the adult ward subject to these rulings.

(Change in Administrative Zones)

Article 14 (1) If there is a change to an administrative zone, county, ward, or town or small section in a municipality recorded in a file of guardianship registration, etc., or to their names, a registration of that change is deemed to have been made.

(2) In the case referred to in the preceding paragraph, a registrar is not precluded from recording the change in the files of guardianship registration, etc.

(Means of Rejecting Applications for Registration)

Article 15 A decision referred to in Article 7 of the Order must be made in writing.

(Means of Giving Public Notice upon Ex Officio Deletion of Registration)

Article 16 The public notice prescribed in Article 9, paragraph (2) of the Order is to be given by posting the information for two weeks on the notice board of the registry office where the registration of the case or information to be deleted was made or at other places easily accessible to the public in the registry office.

Chapter III Certification of Registered Information

(Means of Requesting Issuance of Certificate of Registered Information, etc.)

Article 17 (1) Requests for issuance of a certificate of registered information, etc. must be made in writing.

(2) The following information must be entered in the written application referred to in the preceding paragraph, and the applicant or their representative or

agent must affix their name to the written application:

- (i) the name and address of the applicant and the capacity of the applicant;
- (ii) in the case of requesting the issuance of a certificate of registered information, etc. that certifies the information recorded in a guardianship or closed registration file, the information necessary to identify the registration record or closed registration record subject to the request;
- (iii) in the case of requesting issuance of a certificate of registered information, etc. that certifies that the applicant has no record in a guardianship or closed registration file as being or having been an adult ward, etc., the principal of a voluntary guardianship contract or the principal of a guardianship order, etc., a statement to that effect and the name, date of birth, and address or registered domicile (or nationality in the case of a foreign national) of the person to be certified;
- (iv) in the case of requesting issuance of a certificate of registered information, etc. that certifies that the applicant has no record in a guardianship or closed registration file as being a person other than those prescribed in the preceding item, a statement to that effect and the name and address of the person to be certified;
- (v) the number of copies of the certificate of registered information, etc., requested;
- (vi) the amount of fees;
- (vii) the date; and
- (viii) the name of the registry office.

(Documents Required to Be Attached to Written Applications for Issuance of Certificates of Registered Information, etc.)

Article 18 (1) The following documents must be attached to written applications referred to in paragraph (1) of the preceding Article:

- (i) a document evidencing the capacity of the applicant (excluding cases in which the applicant is a person recorded in the registration record or closed registration record for which the issuance of a certificate of registered information, etc. is requested and cases in which the applicant is certified by a certificate of registered information, etc. as having no record in a guardianship or closed registration file);
 - (ii) if the applicant is a corporation, a document evidencing the capacity of its representative; and
 - (iii) if the application is made by an agent, a document evidencing the agent's authority.
- (2) A document referred to in the items of the preceding paragraph which has been prepared by a government agency or public office is limited to a document prepared within the past three months.

(Processing Written Applications for Issuance of Certificates of Registered Information, etc.)

Article 19 If a registrar receives a written application referred to in Article 17, paragraph (1), the registrar must enter the date of receipt in the application and make a reasonable disposition in the order in which the applications are received.

(Means of Preparing Certificates of Registered Information, etc.)

Article 20 In order to prepare a certificate of registered information, etc., a registrar must attach a certification statement to the end of the document stating the information to be certified, enter the date and the registrar's title and name, affix an official seal, and affix a seal to confirm page continuation over the boundary of each of the contiguous pages or take equivalent measures.

(Records of Issuance of Certificates of Registered Information, etc.)

Article 21 When issuing a certificate of registered information, etc., the number of copies to be issued and the date of issuance must be entered in the written application.

Chapter IV Special Provisions on Applications for Registration by Electronic Data Processing System

(Applications for Registration by Electronic Data Processing System)

Article 22 The following application or request may be made by 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; hereinafter referred to as the "Act on the Use of Information and Communications Technology"); provided, however, that the application or request must conform to the conditions specified by the Minister of Justice:

- (i) an application for registration of change or registration of termination; or
- (ii) a request for issuance of a certificate of registered information, etc. (limited to when seeking the certificate of registered information, etc. related to the request to be sent or to be issued pursuant to the provisions of Article 26).

(Means of Making an Application for Registration)

Article 23 (1) In order to make an application referred to in item (i) of the preceding Article pursuant to the provisions of that Article, the applicant or their representative or agent must provide an electronic signature (meaning an electronic signature prescribed in Article 2, paragraph (1) of the Act on

Electronic Signatures and Certification Business (Act No. 102 of 2000; the same applies hereinafter) with regard to the information set forth in the items of Article 5, paragraph (2) of the Order, and transmit that information, as specified by the Minister of Justice.

- (2) In making an application referred to in the preceding paragraph, the following information must also be transmitted:
- (i) if the application is made by an agent, information that substitutes for the document referred to in Article 6, item (ii) of the Order, for which an electronic signature has been provided by the applicant or their representative; and
 - (ii) the information that substitutes for the document referred to in Article 6, item (iii) of the Order, for which an electronic signature has been provided by its preparer (or the preparer and the certifier if it requires certification).
- (3) When transmitting the information for which an electronic signature referred to in the preceding two paragraphs has been provided, an electronic certificate for the electronic signature (meaning an electronic or magnetic record prepared in order to certify that the information used to confirm the person who has provided the electronic signature pertains to that person; the same applies hereinafter) which falls under any of the following items must also be transmitted:
- (i) information prepared pursuant to the provisions of Article 3, paragraph (1) of the Act on Authentication Services of the Japan Agency for Local Authority Information Systems in Connection with Electronic Signatures (Act No. 153 of 2002);
 - (ii) information prepared pursuant to the provisions of Article 12-2, paragraphs (1) and (3) of the Commercial Registration Act (Act No. 125 of 1963) (including as applied mutatis mutandis pursuant to the provisions of other laws and regulations); or
 - (iii) other information by which the person who has provided the electronic signature can be confirmed, and which is specified by the Minister of Justice as being equivalent to the information set forth in the preceding two items.

(Inspection of Information)

Article 24 Inspection of information referred to in paragraphs (1) and (2) of the preceding Article pursuant to the provisions of Article 12, paragraph (1) of the Order is to be conducted by means of inspecting the data output on a sheet of paper of the Japanese Industrial Standard "A" Series, size 4. In such a case, upon the request of the person who has inspected the information, a registrar must issue the sheet of paper used for the inspection to that person.

(Means of Requesting Issuance of Certificates of Registered Information, etc.)

Article 25 (1) In order to make the request referred to in Article 22, item (ii) pursuant to the provisions of that Article, the applicant or their representative or agent must provide an electronic signature for the information set forth in the items of Article 17, paragraph (2), and transmit that information, as specified by the Minister of Justice.

(2) In making a request referred to in the preceding paragraph, the following information must also be transmitted:

(i) the information that substitutes for the document referred to in Article 18, paragraph (1), item (i), for which an electronic signature has been provided by its preparer (or the preparer and the certifier if it requires certification); and

(ii) if the request is made by an agent, the information that substitutes for the document referred to in Article 18, paragraph (1), item (iii), for which an electronic signature has been provided by the applicant or their representative.

(3) The provisions of Article 23, paragraph (3) apply mutatis mutandis when transmitting the information for which an electronic signature referred to in the preceding two paragraphs has been provided.

(Issuance of Certificates of Registered Information, etc. by Electronic Data Processing System)

Article 26 In the case of requesting the issuance of a certificate of registered information, etc. referred to in Article 22, item (ii) pursuant to the provisions of that Article, the issuance by using the electronic data processing system prescribed in Article 4, paragraph (1) of the Act on the Use of Information and Communications Technology may be requested.

(Means of Issuance of Certificate of Registered Information, etc. by Electronic Data Processing System)

Article 27 When the request for issuance of a certificate of registered information, etc. is made pursuant to the provisions of the preceding Article, a registrar must provide an electronic signature with regard to the information requested to be certified, and record that information in a file stored on a computer used by the Ministry of Justice, together with an electronic certificate for that electronic signature.

(Measures to Reveal Names)

Article 28 The measure to reveal one's name referred to in Article 3, paragraph (4) and Article 4, paragraph (4) of the Act on the Use of Information and Communications Technology which is specified by order of the competent ministry is to be an electronic signature provided by the person who is required

to provide that signature, etc.

Chapter V Auxiliary Provisions

(Documents Required to Be Attached to Written Applications for Inspection of Written Application for Registration, etc.)

Article 29 The provisions of Articles 18 and 19 apply mutatis mutandis to a request for inspection of written applications for registration, etc.

(Means of Inspection of Written Application for Registration, etc.)

Article 30 Inspection of written applications for registration, etc. must be conducted in the presence of a registrar.

(Means of Registration by Order of the Director of Legal Affairs Bureau)

Article 31 If a registrar is to make a registration by order of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau, the registrar must also record the name of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau that issued the order, the date of order and date of registration, and a statement that the registration is to be made by the order.

(Cases Where a Registrar Is Disqualified from Registering)

Article 32 (1) If a registrar or a registrar's spouse or relative within the fourth degree of kinship (including a person who was a registrar's spouse or relative within the fourth degree of kinship; hereinafter the same applies in this Article) is an applicant for a registration, the registrar may not make the registration. The same applies if a registrar or a registrar's spouse or relative within the fourth degree of kinship represents the applicant in making an application.

(2) The provisions of the preceding paragraph apply mutatis mutandis if a registrar or a registrar's spouse or relative within the fourth degree of kinship is or was a person prescribed in Article 4, paragraph (1), items (ii) through (iv), the acting representative prescribed in paragraph (1), item (x) of that Article, a person prescribed in Article 4, paragraph (2), item (ii) or (iii) of the Act, a person prescribed in Article 5, item (ii), item (iii) or item (vi) of the Act, or the acting representative prescribed in item (x) of that Article.

(Means of Paying Fees)

Article 33 (1) Payment of the fees referred to in the main clause of Article 11, paragraph (2) of the Act and Article 12, paragraph (4) of the Order must be made by affixing revenue stamps to a written commission or written application.

- (2) The means specified by Ministry of Justice Order as referred to in the proviso to Article 11, paragraph (2) of the Act is to be the means of payment based on the payment information that the person making the request referred to in that proviso has obtained from the registrar at the time of making that request.
- (3) The expenses required for sending a certificate as referred to in Article 11 of the Order must be paid by means of postage stamps, or vouchers that can be used to pay fees for correspondence delivery services and which are designated by the Minister of Justice.
- (4) The designation referred to in the preceding paragraph must be made by public notice.

Supplementary Provisions

(Effective Date)

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

(Documents Required to Be Attached to Written Applications for Registration of Guardianship or Curatorship)

Article 2 (1) The documents specified by Order of the Ministry of Justice as referred to in Article 2, paragraph (1) of the Supplementary Provisions of the Order are to be the following documents:

- (i) a document evidencing the capacity of the applicant;
 - (ii) a document certifying the court that has declared the person who is deemed to be an adult ward pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Act for Partial Amendment of the Civil Code (Act No. 149 of 1999; hereinafter referred to as the "Civil Code Amendment Act") incompetent, and the indication of the case concerned;
 - (iii) a document certifying the address of the person who is deemed to be an adult ward, guardian of an adult, or supervisor of guardian of an adult pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Civil Code Amendment Act; and
 - (iv) if the person who is deemed to be an adult ward pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Civil Code Amendment Act is a foreign national, a document certifying that the person is deemed to be an adult ward, and a document certifying the person's nationality.
- (2) The documents specified by Order of the Ministry of Justice as referred to in Article 2, paragraph (1) of the Supplementary Provisions of the Order as applied mutatis mutandis pursuant to paragraph (2) of that Article are to be the following documents:
- (i) a document evidencing the capacity of the applicant;

- (ii) a document certifying that the person is deemed to be a person under curatorship pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act;
- (iii) a document certifying the court that has declared the person who is deemed to be a person under curatorship pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act quasi-incompetent, and the indication of the case concerned;
- (iv) a document certifying the address of the person who is deemed to be a person under curatorship or a curator pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act; and
- (v) if the person who is deemed to be a person under curatorship pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act is a foreign national, a document certifying the person's nationality.

Supplementary Provisions [Order of the Ministry of Justice No. 30 of April 1, 2003]

This Ministerial Order comes into effect as of the date of promulgation.

Supplementary Provisions [Order of the Ministry of Justice No. 21 of March 26, 2004]

This Ministerial Order comes into effect as of March 29, 2004.

Supplementary Provisions [Order of the Ministry of Justice No. 17 of April 1, 2010 Extract] [Extract]

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date of promulgation.

Supplementary Provisions [Order of the Ministry of Justice No. 5 of March 25, 2011 Extract] [Extract]

(Effective Date)

Article 1 This Ministerial Order comes into effect as of April 1, 2011.

Supplementary Provisions [Order of the Ministry of Justice No. 44 of December 10, 2012]

This Ministerial Order comes into effect as of the date on which the Non-Contentious Case Procedures Act (Act No. 51 of 2011) comes into effect (January 1, 2013).

Supplementary Provisions [Order of the Ministry of Justice No. 51 of December 4, 2015 Extract] [Extract]

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the provisions set forth in Article 1, item (iv) of the Supplementary Provisions of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (hereinafter referred to as the "Act on Use of Numbers") come into effect (January 1, 2016).

Supplementary Provisions [Order of the Ministry of Justice No. 9 of March 22, 2016]

This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Local Autonomy Act comes into effect (April 1, 2016).