

Order for Enforcement of the Act on Building Unit Ownership

(Ministry of Justice Order No. 47 of May 23, 2003)

Pursuant to the provisions of Article 30, paragraph (5), Article 33, paragraph (2), Article 39, paragraph (3), Article 42, paragraph (4), and Article 45, paragraph (1) of the Act on Building Unit Ownership (Act No. 69 of 1962), the Order for Enforcement of the Act on Building Unit Ownership is established as follows.

(Electronic or Magnetic Records)

Article 1 The electronic or magnetic record specified by Ministry of Justice Order that is provided for in Article 30, paragraph (5) of the Act on Building Unit Ownership (Act No. 69 of 1962; hereinafter referred to as "the Act") is to be a record of data that has been recorded into a file prepared using a magnetic disk or an object capable of securely recording a fixed set of data by any equivalent means.

(Means of Displaying the Content of Data Recorded in Electronic or Magnetic Records)

Article 2 The means specified by Ministry of Justice Order that is provided for in Article 33, paragraph (2) of the Act is the means of displaying the content of the data that has been recorded in the electronic or magnetic record on paper or on the screen of an output device.

(Electronic or Magnetic Means)

Article 3 (1) The means specified by the Ministry of Justice Order that is provided for in Article 39, paragraph (3) of the Act is one of the following means:

(i) a means of using an electronic data processing system that connects the computer used by the sender and the computer used by the recipient via a telecommunications line, through which data is transmitted via the telecommunications line and recorded in a file stored on the computer used by the recipient;

(ii) a means of delivering the record of the data that has been recorded in a file prescribed in Article 1.

(2) The means set forth in the items of the preceding paragraph must enable the recipient to prepare a document by outputting the record in the file to paper.

(Measures Used in Place of Signatures)

Article 4 The measures specified by Ministry of Justice Order that are provided for in Article 42, paragraph (4) of the Act are the electronic signatures under Article 2, paragraph (1) of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000).

(Consent of Unit Owners to Resolutions by Electronic or Magnetic Means)

Article 5 (1) If a person who convenes a meeting seeks to decide on a resolution by electronic or magnetic means pursuant to the provisions of Article 45, paragraph (1) of the Act, the person must first indicate to the unit owners the type and content of the electronic or magnetic means to be used and obtain their consent in writing or by electronic or magnetic means.

(2) The type and content of the electronic or magnetic means referred to in the preceding paragraph are the following matters:

(i) the electronic or magnetic means that the sender will use among those provided for in the items of Article 3, paragraph (1); and

(ii) the means of recording data in the file.

(3) A resolution prescribed in Article 45, paragraph (1) of the Act must not be decided on by electronic or magnetic means if the person convening the meeting that has obtained the consent under the provisions of paragraph (1) is informed by all or part of the unit owners in writing or by electronic or magnetic means that they refuse to decide on a resolution by electronic or magnetic means; provided, however, that this does not apply if all the unit owners who have informed the person convening the meeting of this have given renewed consent under the provisions of paragraph (1).

(Consent from the Other Party to a Notice or Demand by Electronic or Magnetic Means)

Article 6 (1) A person seeking to issue a notice or demand by electronic or magnetic means pursuant to the following provisions must first indicate the type and content of the electronic or magnetic means they will use and obtain consent in writing or by electronic or magnetic means from the other party to the notice or demand:

(i) the provisions of Article 61, paragraph (9) of the Act;

(ii) the provisions of Article 61, paragraph (12) of the Act; and

(iii) the provisions of Article 63, paragraph (2) of the Act.

(2) The type and content of the electronic or magnetic means referred to in the preceding paragraph are to be the following matters:

(i) the electronic or magnetic means that the sender will use among those prescribed in the items of Article 3 paragraph (1);

(ii) the means of recording data in the file.

(3) A person who has obtained consent pursuant to the provisions of paragraph (1) must not issue notice or a demand to the other party referred to in that paragraph by electronic or magnetic means if the other party has stated in writing or by electronic or magnetic means that they will not receive notices or demands that are issued by electronic or magnetic means; provided, however, that this does not apply if the other party has given renewed consent under the provisions of that paragraph.

Supplementary Provisions

This Ministerial Order comes into effect as of June 1, 2003.

Supplementary Provisions [Ministry of Justice Order No. 42 of September 1, 2021]

This Ministerial Order comes into effect as of the date on which the Act on the Arrangement of Related Laws for the Formation of a Digital Society comes into effect (September 1, 2021).