

仮登記担保契約に関する法律

Act on Contract for Establishment of Security Interests by Use of Provisional Registration

(昭和五十三年六月二十日法律第七十八号)

(Act No. 78 of June 20, 1978)

(趣旨)

(Purpose)

第一条 この法律は、金銭債務を担保するため、その不履行があるときは債権者に債務者又は第三者に属する所有権その他の権利の移転等を行うことを目的としてされた代物弁済の予約、停止条件付代物弁済契約その他の契約で、その契約による権利について仮登記又は仮登録のできるもの（以下「仮登記担保契約」という。）の効力等に関し、特別の定めをするものとする。

Article 1 This Act prescribes special provisions concerning the effect, etc. of option contract of substitute performance, contract for substitute performance subject to a condition precedent, or any other contracts concluded for the purpose of transferring, etc. the ownership or any other rights belonging to the debtor or a third party to the creditor in order to secure monetary debt upon default, under which the rights may be registered provisionally (hereinafter referred to as "contract for establishment of security interests by the use of provisional registration").

(所有権移転の効力の制限等)

(Limitation on Effect of Transfer of Ownership)

第二条 仮登記担保契約が土地又は建物（以下「土地等」という。）の所有権の移転を目的とするものである場合には、予約を完結する意思を表示した日、停止条件が成就した日その他のその契約において所有権を移転するものとされている日以後に、債権者が次条に規定する清算金の見積額（清算金がないと認めるときは、その旨）をその契約の相手方である債務者又は第三者（以下「債務者等」という。）に通知し、かつ、その通知が債務者等に到達した日から二月を経過しなければ、その所有権の移転の効力は、生じない。

Article 2 (1) If the purpose of a contract for establishment of security interests by the use of provisional registration is the transfer of the ownership of a land or building (hereinafter referred to as the "land, etc."), it will not be effective unless the creditor notifies the debtor or a third party, who is the other party to the contract (hereinafter referred to as the "debtor, etc.") the estimated settlement amount prescribed in the following Article (if no settlement amount is claimed, to that effect) on or after the day on which intention to complete the option contract is manifested, condition precedent is satisfied, or any other day

on which the ownership is to be transferred in accordance with the contract, and two months elapse from the notice reached the debtor, etc.

2 前項の規定による通知は、同項に規定する期間（以下「清算期間」という。）が経過する時の土地等の見積価額並びにその時の債権及び債務者等が負担すべき費用で債権者が代わつて負担したもの（土地等が二個以上あるときは、各土地等の所有権の移転によつて消滅させようとする債権及びその費用をいう。）の額（以下「債権等の額」という。）を明らかにしてしなければならない。

(2) The notice under the preceding paragraph must clarify the estimated value of the land, etc. at the time when the period prescribed in the same paragraph (hereinafter referred to as the "settlement period") elapses, and the amount of the claim at that time and the amount of the expense to be incurred by the debtor, etc. but borne by the creditor (if there are two or more the land, etc., the claim to be extinguished by the transfer of the ownership of each of the land, etc., and the expense thereof) (hereinafter referred to as the "amount of the claim, etc.").

（清算金）

(Settlement Amount)

第三条 債権者は、清算期間が経過した時の土地等の価額がその時の債権等の額を超えるときは、その超える額に相当する金銭（以下「清算金」という。）を債務者等に支払わなければならない。

Article 3 (1) When the value of the land, etc. at the time when the settlement period elapses exceeds the amount of the claims, etc. at that time, the creditor must pay the debtor, etc. money equivalent to the excess amount (hereinafter referred to as the "settlement amount").

2 民法（明治二十九年法律第八十九号）第五百三十三条の規定は、清算金の支払の債務と土地等の所有権移転の登記及び引渡しの債務の履行について準用する。

(2) The provisions of Article 533 of Civil Code (Act No. 89 of 1896) apply mutatis mutandis to the performance of the obligation to pay the settlement amount, and of the obligations to register the transfer of the ownership and deliver the land, etc.

3 前二項の規定に反する特約で債務者等に不利なものは、無効とする。ただし、清算期間が経過した後にはされたものは、この限りでない。

(3) Any special provisions that run counter to the preceding two paragraphs and disadvantageous to the debtor, etc. are void; provided, however, that this does not apply to special provisions entered into after the settlement period elapses.

（物上代位）

(Extension of Security Interest to Proceeds of Collateral)

第四条 第二条第一項に規定する場合において、債権者のために土地等の所有権の移転に関する仮登記がされているときは、その仮登記（以下「担保仮登記」という。）後

に登記（仮登記を含む。）がされた先取特権、質権又は抵当権を有する者は、その順位により、債務者等が支払を受けるべき清算金（同項の規定による通知に係る清算金の見積額を限度とする。）に対しても、その権利を行うことができる。この場合には、清算金の払渡し前に差押えをしなければならない。

Article 4 (1) In the cases prescribed in Article 2, paragraph (1), when provisional registration with regard to transfer of ownership of the land, etc. for the creditor is made, a person who holds a statutory lien, pledge, or mortgage registered (including provisional registration) after that provisional registration (hereinafter referred to as the "provisional registration by the use of which security interests are established") may have its security interests extend to the settlement amount to be received by the debtor, etc. (limited to the estimated amount of the settlement amount pertaining to the notice under the provision of the same paragraph) in accordance with the order of priority. In this case, the settlement amount must be attached prior to the payment.

2 前項の規定は、担保仮登記後にされた担保仮登記（第十四条の担保仮登記を除く。以下「後順位の担保仮登記」という。）の権利者について準用する。

(2) The provision of the preceding paragraph applies mutatis mutandis to the holder of the provisional registration by the use of which security interests are established registered after the provisional registration by the use of which security interests are established (excluding provisional registration by the use of which security interests are established under Article 14; hereinafter referred to as the "subordinated provisional registration by the use of which security interests are established").

3 第十三条第二項及び第三項の規定は、後順位の担保仮登記の権利者が前項の規定によりその権利を行う場合について準用する。

(3) The provisions of Article 13, paragraph (2) and paragraph (3) apply mutatis mutandis to cases where the holder of the subordinated provisional registration by the use of which security interests are established exercises the rights pursuant to the provisions of the preceding paragraph.

（物上代位権者等に対する通知）

(Notice to Right Holders of Extension of a Security Interest to the Proceeds of Collateral)

第五条 第二条第一項の規定による通知が債務者等に到達した時において、担保仮登記後に登記（仮登記を含む。）がされている先取特権、質権若しくは抵当権を有する者又は後順位の担保仮登記の権利者がいるときは、債権者は、遅滞なく、これらの者に対し、同項の規定による通知をした旨、その通知が債務者等に到達した日及び同条の規定により債務者等に通知した事項を通知しなければならない。

Article 5 (1) When, at the time of arrival of the notice to the debtor, etc. under the provision of Article 2, paragraph (1), there is a person who holds a statutory lien, pledge or mortgage registered (including provisional

registration) after the provisional registration by the use of which security interests are established, or a holder of the provisional registration by the use of which security interests are established, the creditor must without delay notify the persons to the effect that the notice under the provision of the same paragraph is given, the day on which the notice is delivered to the debtor, etc., and the matters notified to the debtor, etc. pursuant to the provisions of the same Article.

2 第二条第一項の規定による通知が債務者等に到達した時において、担保仮登記に基づく本登記につき登記上利害関係を有する第三者（前項の規定による通知を受けるべき者を除く。）があるときは、債権者は、遅滞なく、その第三者に対し、同条第一項の規定による通知をした旨及び同条の規定により債務者等に通知した債権等の額を通知しなければならない。

(2) If there is a third party with an interest in the registration of definitive registration based on the provisional registration by the use of which security interests are established (excluding the person who is to receive the notice under the provision of the preceding paragraph) at the time of arrival of the notice to the debtor, etc. under the provision of Article 2, paragraph (1), the creditor must notify the third party without delay to the effect that the notice under the provision of the same Article, paragraph (1) is given, and the amount of the claim, etc. notified to the debtor, etc. pursuant to the provision of the same Article.

3 前二項の規定による通知は、通知を受ける者の登記簿上の住所又は事務所にあてて発すれば足りる。

(3) It is sufficient to send the notice under the provisions of the preceding two paragraphs to the registered domicile or office of the person to receive the notice.

（清算金の支払に関する処分の禁止）

(Prohibition on Disposition regarding Payment of the Settlement Amount)

第六条 清算金の支払を目的とする債権については、清算期間が経過するまでは、譲渡その他の処分をすることができない。

Article 6 (1) Any claims for payment of the settlement amount may not be transferred or otherwise disposed of until the settlement period elapses.

2 清算期間が経過する前に清算金の支払の債務が弁済された場合には、その弁済をもって第四条第一項の先取特権、質権若しくは抵当権を有する者又は後順位の担保仮登記の権利者に対抗することができない。前条第一項の規定による通知がされずに清算金の支払の債務が弁済された場合も、同様とする。

(2) When an obligation to pay the settlement amount is performed before the settlement period elapses, the payment may not be duly asserted against a person who holds statutory lien, pledge, or mortgage under Article 4, paragraph (1), or the holder of a subordinated provisional registration by the

use of which security interests are established. The same applies when the obligation to pay the settlement amount is performed without the notice under the provision of the preceding Article, paragraph (1).

(清算金の供託)

(Deposit of the Settlement Amount with an Official Depository)

第七条 債権者は、清算金の支払を目的とする債権につき差押え又は仮差押えの執行があつたときは、清算期間が経過した後、清算金を債務履行地の供託所に供託して、その限度において債務を免れることができる。

Article 7 (1) When the execution of a seizure or provisional seizure of the claim for payment of the settlement amount has been carried out, the creditor may, after the settlement period elapses, be relieved from the obligation by making a deposit of the settlement amount to an official depository at the place of performance of the obligation up to the extent of the amount deposited.

2 前項の規定により供託がされたときは、債務者等の供託金の還付請求権につき、同項の差押え又は仮差押えの執行がされたものとみなす。

(2) When the deposit with an official depository has been made pursuant to the provision of the preceding paragraph, the execution of a seizure or provisional seizure prescribed in the same paragraph regarding the right of the debtor, etc. to claim a refund of the deposit money is deemed to have been carried out.

3 債権者は、第十五条第一項に規定する場合を除き、供託金を取り戻すことができない。

(3) Except in the case prescribed in the provision of Article 15, paragraph (1), the creditor may not recover the deposit money.

4 債権者は、債務者等のほか、差押債権者又は仮差押債権者に対しても、遅滞なく、供託の通知をしなければならない。

(4) The creditor must give notice of deposit to attaching creditors or provisional attaching creditors in addition to the debtor, etc. without delay.

(通知の拘束力)

(Binding Effect of the Notice)

第八条 債権者は、清算金の額が第二条第一項の規定により通知した清算金の見積額に満たないことを主張することができない。

Article 8 (1) The creditor may not assert that the settlement amount does not reach the estimated amount of the settlement amount notified pursuant to the provision of Article 2, paragraph (1).

2 第四条第一項の先取特権、質権若しくは抵当権を有する者又は後順位の担保仮登記の権利者は、清算金の額が前項の見積額を超えることを主張することができない。

(2) A person who holds statutory lien, pledge, or mortgage under Article 4, paragraph (1), or a holder of the subordinated provisional registration by the use of which security interests are established may not assert that the

settlement amount exceeds the estimated amount referred to in the preceding paragraph.

(債権の一部消滅)

(Partial Extinction of Claims)

第九条 清算期間が経過した時の土地等の価額がその時の債権等の額に満たないときは、債権は、反対の特約がない限り、その価額の限度において消滅する。

Article 9 If the value of the land, etc. at the time the settlement period elapses does not reach the amount of the claims, etc. at that time, the claim is extinguished up to the amount of that value unless opposite special provisions exist.

(法定借地権)

(Statutory Land Leasehold Right)

第十条 土地及びその上にある建物が同一の所有者に属する場合において、その土地につき担保仮登記がされたときは、その仮登記に基づく本登記がされる場合につき、その建物の所有を目的として土地の賃貸借がされたものとみなす。この場合において、その存続期間及び借賃は、当事者の請求により、裁判所が定める。

Article 10 When the land and any building built on it belong to the same owner and the provisional registration by the use of which security interests are established is registered with regard to the land, and definitive registration based on the provisional registration is made, the land lease for the purpose of the building ownership is deemed to have been made. In this case, the court prescribes the duration and the rent upon the demand by the party.

(受戻権)

(Redemption Right)

第十一条 債務者等は、清算金の支払の債務の弁済を受けるまでは、債権等の額（債権が消滅しなかつたものとすれば、債務者が支払うべき債権等の額をいう。）に相当する金銭を債権者に提供して、土地等の所有権の受戻しを請求することができる。ただし、清算期間が経過した時から五年が経過したとき、又は第三者が所有権を取得したときは、この限りでない。

Article 11 Until the obligations of payment of the settlement amount are performed, the debtor, etc. may demand the redemption of the ownership of the land, etc. by providing to the creditor money equivalent to the amount of the claims, etc. (meaning the amount of the claims, etc. to be paid by the debtor, etc. if the claim has not been extinguished); provided, however, that this does not apply when five years have elapsed after the settlement period elapsed, or a third party acquires the ownership.

(競売の請求)

(Demand for the Auction)

第十二条 第四条第一項の先取特権、質権又は抵当権を有する者は、清算期間内は、これらの権利によつて担保される債権の弁済期の到来前であつても、土地等の競売を請求することができる。

Article 12 During the settlement period, a person who holds a statutory lien, pledge or mortgage prescribed in Article 4, paragraph (1) may make a request for auction of the land, etc. even when the claims secured by the security interests have not yet become due.

(優先弁済請求権)

(Right to Claim Preferential Payment)

第十三条 担保仮登記がされている土地等に対する強制競売、担保権の実行としての競売又は企業担保権の実行手続（以下「強制競売等」という。）においては、その担保仮登記の権利者は、他の債権者に先立つて、その債権の弁済を受けることができる。この場合における順位に関しては、その担保仮登記に係る権利を抵当権とみなし、その担保仮登記のされた時にその抵当権の設定の登記がされたものとみなす。

Article 13 (1) In the compulsory auction, the auction for exercise of a security interest, or the procedure for exercise of an enterprise mortgage against the land, etc. over which the provisional registration by the use of which security interests are established is registered (hereinafter referred to as the "compulsory auction, etc."), the holder of the provisional registration by the use of which security interests are established may receive payment of the claim in preference over other creditors. With regard to the order in this case, the right with regard to provisional registration by the use of which security interests are established is deemed to be mortgage, and establishment of the mortgage is deemed to have been registered at the time when the provisional registration by the use of which security interests are established is made.

2 前項の場合において、担保仮登記の権利者が利息その他の定期金を請求する権利を有するときは、その満期となつた最後の二年分についてのみ、同項の規定による権利を行うことができる。

(2) In the case referred to in the preceding paragraph, if the holder of the provisional registration by the use of which security interests are established has the right to demand periodic payments including interest, the holder may exercise the right under the provision of that paragraph only with respect to payments that have fallen due in the most recent two years.

3 前項の規定は、担保仮登記の権利者が債務の不履行によつて生じた損害の賠償を請求する権利を有する場合において、その最後の二年分についても、これを適用する。ただし、利息その他の定期金と通算して二年分を超えることができない。

(3) In cases where the holder of the provisional registration by the use of which security interests are established has the right to demand the compensation for damages resulting from defaults in obligations, the provision of the preceding

paragraph applies to the damages of the most recent two years; provided, however, that the aggregate of the period pertaining to the damages and the periodic payments including interest may not exceed two years.

(根担保仮登記の効力)

(Revolving Provisional Registration by the use of which Security Interests are Established)

第十四条 仮登記担保契約で、消滅すべき金銭債務がその契約の時に特定されていないものに基づく担保仮登記は、強制競売等においては、その効力を有しない。

Article 14 Provisional registration by the use of which security interests are established based on contract for establishment of security interests by the use of provisional registration in which the monetary debt to be extinguished is not specified at the time of conclusion thereof has no effect in the compulsory auction, etc.

(強制競売等の場合の担保仮登記)

(Provisional Registration by the use of which Security Interests are Established in cases of Compulsory Auction, etc.)

第十五条 担保仮登記がされている土地等につき強制競売等の開始の決定があつた場合において、その決定が清算金の支払の債務の弁済前（清算金がないときは、清算期間の経過前）にされた申立てに基づくときは、担保仮登記の権利者は、その仮登記に基づく本登記の請求をすることができない。

Article 15 (1) When an order to commence compulsory auction, etc. with respect to the land, etc. over which the provisional registration by the use of which security interests are established is registered is made and the order is based on the petition filed prior to the performance of obligations to pay the settlement amount (if there is no settlement amount, prior to the elapse of the settlement period), the holder of the provisional registration by the use of which security interests are established may not claim the definitive registration based on the provisional registration.

2 前項の強制競売等の開始の決定があつた場合において、その決定が清算金の支払の債務の弁済後（清算金がないときは、清算期間の経過後）にされた申立てに基づくときは、担保仮登記の権利者は、その土地等の所有権の取得をもつて差押債権者に対抗することができる。

(2) When the order to commence the compulsory auction, etc. referred to in the preceding paragraph is made and the order is based on the petition filed subsequent to the performance of obligation to pay the settlement amount (if there is no settlement amount, subsequent to the elapse of the settlement period), the holder of the provisional registration by the use of which security interests are established may duly assert against the attaching creditor that the ownership of the land, etc. is obtained.

第十六条 担保仮登記がされている土地等につき強制競売等が行われたときは、担保仮登記に係る権利は、前条第二項の場合を除き、その土地等の売却によつて消滅する。

Article 16 (1) When the compulsory auction, etc. for the land, etc. over which the provisional registration by the use of which security interests are established is registered by the use of provisional registration is carried out, the right with regard to the provisional registration by the use of which security interests are established is extinguished through the sale of the land, etc. except in the case prescribed in the preceding Article, paragraph (2).

2 民事執行法（昭和五十四年法律第四号）第五十九条第二項及び第三項の規定は前項の規定により消滅する担保仮登記に係る権利を有する者に対抗することができない土地等に係る権利の取得及び仮処分の執行について、同条第五項の規定は利害関係を有する者のした前項の規定又はこの項において準用する同条第二項の規定と異なる合意の届出について準用する。

(2) Provisions of Article 59, paragraph (2) and (3) of Civil Execution Act (Act No. 4 of 1979) apply mutatis mutandis to acquisition of the right and execution of provisional disposition pertaining to the land, etc. which may not be duly asserted against the person who holds the right pertaining to the provisional registration by the use of which security interests are established to be extinguished pursuant to the provisions of the preceding paragraph, and the provision of paragraph (5) of the same Article applies mutatis mutandis to notification of agreement, given by a person who has an interest, that differs from the provision of the preceding paragraph or the provision of paragraph (2) of the same Article as applied mutatis mutandis pursuant to this paragraph.

（強制競売等の特則）

(Special Provisions on Compulsory Auction, etc.)

第十七条 裁判所書記官は、所有権の移転に関する仮登記がされている土地等に対する強制競売又は担保権の実行としての競売において配当要求の終期を定めたときは、仮登記の権利者に対し、その仮登記が、担保仮登記であるときはその旨並びに債権（利息その他の附帯の債権を含む。）の存否、原因及び額を、担保仮登記でないときはその旨を配当要求の終期までに執行裁判所に届け出るべき旨を催告しなければならない。

Article 17 (1) When having set the time limit for a demand for liquidating distribution in compulsory auction or auction for exercise of a security interest against the land, etc. over which provisional registration pertaining to the transfer of ownership has been made, the court clerk must give a notice to the holder of the provisional registration that the holder is to notify the execution court by the time limit for a demand for liquidating distribution: if the provisional registration is provisional registration by the use of which security interests are established, to that effect and existence or nonexistence, the basis, and amounts of the claim (including interest and any other incidental claims);

if it is not provisional registration by the use of which security interests are established, to that effect.

- 2 差押えの登記前にされた担保仮登記に係る権利で売却により消滅するものを有する債権者は、前項の規定による債権の届出をしたときに限り、売却代金の配当又は弁済金の交付を受けることができる。
- (2) Creditors who hold the right with regard to the provisional registration by the use of which security interests are established which is registered prior to the registration of the seizure, and to be extinguished through the sale may be distributed the proceeds of the sale or be delivered payment monies only if the notice of claim under the provision of the preceding paragraph are made.
- 3 所有権の移転に関する仮登記がされている土地等につき企業担保権の実行の開始の決定があつたときは、管財人は、仮登記の権利者に対し、第一項に規定する事項を企業担保法（昭和三十三年法律第百六号）第二十二條第一項第五号の期間内に届け出るべき旨を催告しなければならない。
- (3) When an order to commence the exercise of an enterprise mortgage is made against the land, etc. over which provisional registration pertaining to the transfer of ownership has been made, the trustee must give a notice to the holder of the provisional registration to the effect that the holder is to notify the matters prescribed in paragraph (1) within the period prescribed in Article 22, paragraph (1), item (v) of the Floating Charge Act (Act No. 106 of 1958).
- 4 民事執行法第五十條の規定は第一項又は前項の規定による催告を受けた仮登記の権利者について、同法第八十七條第二項の規定は第二項の債権者のための担保仮登記が仮差押えの登記後にされたものである場合について、同條第三項の規定は第二項の債権者のための担保仮登記が執行停止に係る差押えの登記後にされたものである場合について準用する。
- (4) Provisions of Article 50 of the Civil Execution Act apply mutatis mutandis to holders of the provisional registration who have received a notice under the provisions of paragraph (1) or the preceding paragraph, provisions of Article 87, paragraph (2) of the same Act applies mutatis mutandis to cases where provisional registration by the use of which security interests are established for an creditor prescribed in paragraph (2) is made after the registration of provisional seizure; and the provision of paragraph (3) of the same Article applies mutatis mutandis to cases where provisional registration by the use of which security interests are established for a creditor prescribed in paragraph (2) is made after the registration of seizure pertaining to a stay of execution.

（不動産登記の特則）

（Special Provisions on Real Property Registration）

第十八條 担保仮登記の権利者は、清算金を供託した日から一月を経過した後にその担保仮登記に基づき不動産登記法（平成十六年法律第百二十三号）第百九條第一項に規定する本登記を申請する場合には、同項の規定にかかわらず、先取特権、質権若しく

は抵当権を有する者又は後順位の担保仮登記の権利者が第四条第一項（同条第二項において準用する場合を含む。）の差押えをしたこと及び清算金を供託したことをもってこれらの者の承諾に代えることができる。ただし、その本登記の申請に係る土地等につきこれらの者のために担保権の実行としての競売の申立ての登記がされているときは、この限りでない。

Article 18 When the holder of the provisional registration by the use of which security interests are established files an application for definitive registration prescribed in Article 109, paragraph (1) of the Real Property Registration Act (Act No.123 of 2004) in one month after the day on which the settlement amount is deposited, notwithstanding the provision of the same paragraph, the fact that a person who holds statutory lien, pledge, or mortgage or a holder of a subordinated provisional registration by the use of which security interests are established has effected an attachment prescribed in Article 4, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of the same Article), and that the settlement amounts have been deposited may substitute for the consent of those persons; provided, however, that this does not apply if the petition for an auction for exercise of a security interest pertaining to the land, etc. to which the application of the definitive registration pertains is registered for those persons.

（破産手続等における担保仮登記）

(Provisional Registration by the use of which Security Interests are Established in Bankruptcy Proceedings)

第十九条 破産財団に属する土地等についてされている担保仮登記（第十四条の担保仮登記を除く。第三項及び第四項において同じ。）の権利者については、破産法（平成十六年法律第七十五号）中破産財団に属する財産につき抵当権を有する者に関する規定を適用する。

Article 19 (1) The provisions in the Bankruptcy Act (Act No. 75 of 2004) regarding a person who holds a mortgage against property that belongs to the bankruptcy estate apply to the holder of the provisional registration by the use of which security interests are established (excluding provisional registration by the use of which security interests are established under Article 14. The same applies to paragraph (3) and (4).) with regard to the land, etc. which belongs to the bankruptcy estate.

2 破産財団に属しない破産者の土地等についてされている担保仮登記の権利者については、破産法中第百八条第二項に規定する抵当権を有する者に関する規定を準用する。

(2) The provisions of Article 108, paragraph (2) of the Bankruptcy Act regarding a person who holds mortgage apply mutatis mutandis to a holder of the provisional registration by the use of which security interests are established with regard to the land, etc. which does not belong to the bankruptcy estate.

3 再生債務者の土地等についてされている担保仮登記の権利者については、民事再生

法（平成十一年法律第二百二十五号）中抵当権を有する者に関する規定を適用する。

(3) The provisions of Civil Rehabilitation Act (Act No. 225 of 1999) regarding a person who holds a mortgage apply to a holder of the provisional registration by the use of which security interests are established with regard to the land, etc. of a rehabilitation debtor.

4 担保仮登記に係る権利は、会社更生法（平成十四年法律第百五十四号）又は金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）の適用に関しては、抵当権とみなす。

(4) With regard to the application of Corporate Reorganization Act (Act No. 154 of 2002) and Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996), the rights with regard to provisional registration by the use of which security interests are established are deemed to be mortgage.

5 第十四条の担保仮登記は、破産手続、再生手続及び更生手続においては、その効力を有しない。

(5) Any provisional registration by the use of which security interests are established under Article 14 has no effect in bankruptcy proceedings, rehabilitation proceedings, and reorganization proceedings.

（土地等の所有権以外の権利を目的とする契約への準用）

(Application Mutatis Mutandis to Contract for Acquisition of Rights Other Than Ownership for Land, etc.)

第二十条 第二条から前条までの規定は、仮登記担保契約で、土地等の所有権以外の権利（先取特権、質権、抵当権及び企業担保権を除く。）の取得を目的とするものについて準用する。

Article 20 The provisions of Article 2 through the preceding Article apply mutatis mutandis to contract for establishment of security interests by the use of provisional registration for acquisition of rights other than ownership for the land, etc. (excluding statutory lien, pledge, mortgage, and enterprise mortgage).

附 則 〔抄〕

Supplementary Provisions [Extract]

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、附則第三条の規定は、公布の日から施行する。

Article 1 This Act comes into effect as from the day prescribed by Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the provision of Article 3 of the Supplementary Provisions comes into effect as from the day of promulgation.

(経過措置)

(Transitional Measures)

第二条 この法律の規定は、この法律の施行前にされた仮登記担保契約で、この法律の施行後にその契約において土地等の所有権又はその所有権以外の権利を取得するものとされている日が到来するものについても適用する。

Article 2 The provisions of this Act apply to contract for establishment of security interests by the use of provisional registration concluded before the enforcement of this Act in which an ownership or any rights other than ownership of the land, etc. is to be acquired on the day after the enforcement of this Act.

第三条 この法律の公布の際、現に存する第十四条の担保仮登記については、政令で定める日までに仮登記担保契約に基づき消滅すべき債務が特定されたときは、その契約の時にその債務が消滅すべきものと定められていたものとみなす。

Article 3 With regard to any provisional registration by the use of which security interests are established under Article 14 in existence at the time of promulgation of this Act, when obligations to be extinguished based on the contract for establishment of security interests by the use of provisional registration are specified by the day specified by Cabinet Order, it is deemed that the obligations are prescribed to be extinguished at the time of conclusion of the contract.

附 則 [昭和五十四年三月三十日法律第五号] [抄]

Supplementary Provisions [Act No. 5 of March 30, 1979 Extract] [Extract]

(施行期日)

(Effective Date)

1 この法律は、民事執行法（昭和五十四年法律第四号）の施行の日（昭和五十五年十月一日）から施行する。

(1) This Act comes into effect as from the day of enforcement of the Civil Execution Act (Act No. 4 of 1979) (October 1, 1980).

(経過措置)

(Transitional Measures)

2 この法律の施行前に申し立てられた民事執行、企業担保権の実行及び破産の事件については、なお従前の例による。

(2) With regard to the cases of civil execution, execution of enterprise mortgage and bankruptcy filed before the enforcement of this Act, the provisions then in effect remains applicable.

3 前項の事件に関し執行官が受ける手数料及び支払又は償還を受ける費用の額につい

ては、同項の規定にかかわらず、最高裁判所規則の定めるところによる。

(3) Notwithstanding the provisions of the preceding paragraph, the amount of fees received by and expenses paid or reimbursed to court execution officers in connection with the cases referred to in the preceding paragraph is as prescribed by the Rules of the Supreme Court.

附 則 〔平成八年六月二十一日法律第九十五号〕〔抄〕

Supplementary Provisions [Act No.95 of June 21, 1996 Extract] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成九年四月一日から施行する。

Article 1 This Act comes into effect as from April 1, 1997.

附 則 〔平成十年六月十五日法律第百七号〕〔抄〕

Supplementary Provisions [Act No.107 of June 15, 1998 Extract] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十年十二月一日から施行する。

Article 1 This Act comes into effect as of December 1, 1998.

附 則 〔平成十一年十二月二十二日法律第二百二十五号〕〔抄〕

**Supplementary Provisions [Act No.225 of December 22, 1999 Extract]
[Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as from the day prescribed by Cabinet Order within a period not exceeding six months from the day of promulgation.

附 則 〔平成十四年十二月十三日法律第百五十五号〕〔抄〕

**Supplementary Provisions [Act No.155 of December 13, 2002 Extract]
[Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、会社更生法（平成十四年法律第百五十四号）の施行の日から施行する。

Article 1 This Act comes into effect as from the day of enforcement of the Corporate Reorganization Act (Act No. 154 of 2002).

附 則 〔平成十六年六月二日法律第七十六号〕〔抄〕

Supplementary Provisions [Act No. 76 of June 2, 2004 Extract] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、破産法（平成十六年法律第七十五号。次条第八項並びに附則第三条第八項、第五条第八項、第十六項及び第二十一項、第八条第三項並びに第十三条において「新破産法」という。）の施行の日から施行する。

Article 1 This Act comes into effect as from the date of enforcement of the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in the next Article, paragraph (8) and the Supplemental Provisions, Article 3, paragraph (8); Article 5, paragraph (8), paragraph (16), and paragraph (21); Article 8, paragraph (3); and Article 13).

(政令への委任)

(Delegation to Cabinet Orders)

第十四条 附則第二条から前条までに規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 14 Beyond what is prescribed in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

附 則 〔平成十六年六月十八日法律第百二十四号〕〔抄〕

Supplementary Provisions [Act No. 124 of June 18, 2004 Extract] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、新不動産登記法の施行の日から施行する。

Article 1 This Act comes into effect as from the date of enforcement of the New Real Estate Registration Act.

附 則 〔平成十六年十二月三日法律第百五十二号〕〔抄〕

Supplementary Provisions [Act No. 152 of December 3, 2004 Extract] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as from the day prescribed by Cabinet Order within a period not exceeding one year from the day of promulgation.