

公証人法施行規則 Regulation for Enforcement of the Notary Act

(昭和二十四年六月一日法務府令第九号)
(Attorney-General's Office Order No. 9 of June 1, 1949)

公証人法施行規則を次のように定める。

A regulation for enforcement of the Notary act is hereby enacted as follows.

第一条 公証人は、法務大臣の指定した地にその役場を設けようとするときは、その位置、建物の構造及び周囲の状況を記載した書面を添附して、その所属する法務局又は地方法務局の長の認可を受けなければならない。

Article 1 (1) When seeking to establish an office in a place designated by the Minister of Justice, a notary must attach, to an application, documents that state the location of the office, the structure of the building, and the conditions of the surrounding area, and gain the authorization of the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated.

2 公証人は、役場を設けたときは、遅滞なくその旨を法務大臣に届け出なければならない。

(2) Having established an office, a notary must file a notification of this with the Minister of Justice without delay.

3 前二項の規定は、役場を移転する場合に準用する。

(3) The provisions of the preceding two paragraphs apply mutatis mutandis if a notary relocates an office.

第二条 公証人は、その役場に、公証人某役場と記載した表札を掲げなければならない。

Article 2 A notary must post a nameplate at the office stating that it is the notary's office.

第三条 公証人法（明治四十一年法律第五十三号）第二十条第一項の公告は、当該公証人の所属する法務局又は地方法務局の長が官報とする。

Article 3 The director of the legal affairs bureau or district legal affairs bureau with which the relevant notary is affiliated issues the public notice referred to in Article 20, paragraph (1) of the Notary Act (Act No. 53 of 1908) in the Official Gazette.

第四条 公証人の職印は、十八ミリメートル平方とし、公証人何某と彫刻しなければならない。

Article 4 (1) The official seal of a notary must be 18 millimeters square in size,

and the title of the notary and the notary's name must be carved on it.

- 2 公証人法第三十九条第五項（第四十条第二項、第六十条及び第六十二条ノ三第四項において準用する場合を含む。）、第四十条第一項、第四十一条第二項（第六十条ノ二第二項及び第六十二条ノ四第二項において準用する場合を含む。）又は第五十六条第一項（第六十条ノ四及び第六十二条ノ五において準用する場合を含む。）の規定により契印をする場合には、附録第一号の様式による文様を打ち抜く方法によることができる。

(2) When affixing a seal to confirm page continuation over the seam between each contiguous page in a document or over the seam between documents pursuant to the provisions of Article 39, paragraph (5) (including as applied mutatis mutandis pursuant to Article 40, paragraph (2); Article 60; and Article 62-3, paragraph (4)); Article 40, paragraph (1); Article 41, paragraph (2) (including as applied mutatis mutandis pursuant to Article 60-2, paragraph (2) and Article 62-4, paragraph (2)); or Article 56, paragraph (1) (including as applied mutatis mutandis pursuant to Articles 60-4 and 62-5) of the Notary Act, a notary may do this by perforating the pages in a pattern of the format shown in Appendix 1.

第五条 書記の認可を申請するには、その申請書に本人自筆の履歴書及び戸籍抄本又は住民票の写しを添附しなければならない。

Article 5 In order to apply for authorization to appoint a person as a clerk, a notary must attach to a written application the person's curriculum vitae in the person's own handwriting and an extract of the person's family register or a copy of the person's resident record.

第六条 公証人は、あらかじめ書記に、その役場で取り扱う事務について、公証人が職務上漏らすことのできない事項を漏らさない旨を誓約させなければならない。

Article 6 A notary must have a clerk pledge in advance not to divulge any matters that the notary may not divulge in performing notarial duties, in relation to the processes handled at the notary's office.

第七条 公証人は、書記を解雇し、又は書記が死亡したときは、遅滞なくその旨をその所属する法務局又は地方法務局の長に届け出なければならない。

Article 7 If a notary dismisses a clerk or a clerk dies, the notary must notify the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated of this without delay.

第八条 公証人の作るべき証書その他の書面（第二項の書面を除く。）の用紙は、公証人役場と印刷した日本産業規格A列四番の丈夫なけい紙とする。ただし、A列四番の用紙に代えて、B列四番の用紙とすることを妨げない。

Article 8 (1) The paper used for an instrument or any other document to be

created by a notary (excluding a document as referred to in paragraph (2)) must be durable, lined paper of Japanese Industrial Standard "A" Series, Size 4, on which "公証人役場" [transliterated as "koushounin yakuba" and meaning "notary's office"] has been printed; provided, however, that this does not preclude the use of Japanese Industrial Standard "B" Series, Size 4, instead of Japanese Industrial Standard "A" Series, Size 4.

2 公証人法第五十七条ノ三第二項の登記の嘱託書の用紙は、日本工業規格A列四番の丈夫な紙を用いなければならない。

(2) The paper used for the written commission of a registration as referred to in Article 57-3, paragraph (2) of the Notary Act must be durable paper of Japanese Industrial Standard "A" Series, Size 4.

第九条 公証人の執務時間は、法務省職員の勤務時間による。

Article 9 (1) A notary's hours of service are the working hours of officials of the Ministry of Justice.

2 前項の規定にかかわらず、急を要する場合には、公証人は、休日又は執務時間外でも嘱託に応じなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, a notary must also respond to commissions on non-working days or outside office hours in cases of urgency.

第十条 役場には、見やすい場所に、手数料、送達に要する料金、登記手数料、日当及び旅費の標準額並びに執務時間及び急を要する場合には休日又は執務時間外でも嘱託に応ずる旨（指定公証人の行う電磁的記録に関する事務に関する省令（平成十三年法務省令第二十四号）に基づく事務を除く。）を掲示しなければならない。

Article 10 A posting must be made in a conspicuous location at a notary's office, showing the fees, charges for serving documents, registration fees, daily allowances, and standard amounts of travel expenses, as well as showing the office hours and indicating that the notary will also handle commissions on non-working days or outside the service hours in cases of urgency (excluding the processes under the Ministerial Order on Processes Relating to Electronic or Magnetic Records by Designated Notary (Ministry of Justice Order No. 24 of 2001)).

第十一条 公証人は、特別の事情がない限り、嘱託の順序に従って事務を取り扱わなければならない。

Article 11 A notary must handle processes in the order in which they are commissioned, unless there are special circumstances to the contrary.

第十二条 公証人は、嘱託を拒んだ場合に嘱託人の請求があるときは、その理由書を交付しなければならない。

Article 12 Having refused to handle a commission, a notary must deliver a written statement setting forth the reason for the refusal to the client if the client so requests.

第十三条 公証人は、法律行為につき証書を作成し、又は認証を与える場合に、その法律行為が有効であるかどうか、当事者が相当の考慮をしたかどうか又はその法律行為をする能力があるかどうかについて疑があるときは、関係人に注意をし、且つ、その者に必要な説明をさせなければならない。

Article 13 (1) When a notary is to create or certify an instrument for a juridical act but there is doubt as to whether the juridical act is valid, whether the party has given due consideration to the juridical act, or whether the party has the capacity to do the juridical act, the notary must caution the persons concerned and have them provide the necessary explanations.

2 公証人が法律行為でない事実について証書を作成する場合に、その事実により影響を受けるべき私権の関係について疑があるときも、前項と同様とする。

(2) The preceding paragraph also applies when a notary is to create an instrument for a fact that does not involve a juridical act, if there is a doubt about a matter relating to private rights that would be affected by that fact.

第十三条の二 公証人は、代理人の囑託により証書を作成した場合には、証書を作成した日から三日以内に次の各号に掲げる事項を本人に通知しなければならない。ただし、代理人が本人の雇人又は同居者である場合には、この限りでない。

Article 13-2 (1) Having created an instrument as commissioned by an agent of the principal, a notary must notify the principal of the particulars set forth in the following items within three days after the day on which the notary created the instrument; provided, however, that this does not apply if the agent is an employee of the principal or a person who lives with the principal:

一 証書の件名、番号及び証書作成の年月日

(i) the title of the instrument, the instrument number, and the date of creation of the instrument;

二 公証人の氏名及び役場

(ii) the name and office of the notary;

三 代理人及び相手方の住所及び氏名

(iii) the addresses and names of the agent and the other party; and

四 債務者が直ちに強制執行に服する旨の陳述の記載の有無

(iv) whether or not the instrument contains a statement indicating that the obligor will submit to a compulsory execution without objection.

2 前項の通知は、同項第四号の記載のある証書については附録第一号の二の様式による書面により、同項第四号の記載のない証書については附録第一号の三の様式による書面によりしなければならない。

(2) A notary must notify the principal as referred to in the preceding paragraph

through a written document in the format shown in Appendix 1-2, if the notice concerns an instrument containing a statement as referred to in item (iv) of that paragraph; and through a written document in the format shown in Appendix 1-3, if the notice concerns an instrument not containing a statement as referred to in that item.

3 公証人は、第一項の通知をしたときは、証書原簿の備考欄に同項の通知をした旨及び通知の方法、年月日を記載しておかなければならない。

(3) Having notified a principal as referred to in paragraph (1), the notary must make an entry in the note column of the instrument register indicating that the notary has notified the principal as referred to in that paragraph and specifying the means by which and date on which the notary has done so.

第十三条の三 公証人法第五十八条ノ二の規定による宣誓は、良心に従って証書の記載が真実であることを誓うものとする。

Article 13-3 (1) In an oath under the provisions of Article 58-2 of the Notary Act, the party in question is to swear, bound by their conscience, that what is stated in the instrument is true.

2 宣誓は、起立して厳粛に行わなければならない。

(2) A party must take an oath solemnly while standing.

3 公証人は、宣誓の前に、当事者に対し、宣誓の趣旨を説明し、かつ、証書の記載が虚偽であることを知って宣誓したときは過料の制裁があることを告げなければならない。

(3) Before a party takes an oath, the notary must explain to the party the purpose of the oath and inform the party that they are subject to the sanction of a civil fine if they take an oath knowing that what is stated in the instrument is false.

第十三条の四 公証人は、会社法（平成十七年法律第八十六号）第三十条第一項並びに一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第十三条及び第百五十五条の規定による定款の認証を行う場合には、嘱託人に、次の各号に掲げる事項を申告させるものとする。

Article 13-4 (1) When certifying articles of incorporation pursuant to the provisions of Article 30, paragraph (1) of the Companies Act (Act No.86 of 2005) or pursuant to the provisions of Article 13 or Article 155 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48 of 2006), a notary is to have the client report the particulars set forth in each of the following items:

一 法人の成立の時にその実質的支配者（犯罪による収益の移転防止に関する法律（平成十九年法律第二十二号）第四条第一項第四号に規定する者をいう。）となるべき者の氏名、住居及び生年月日

(i) the name, residence, and date of birth of the person that will become the

substantially controlling person of the corporation at the time of its formation (meaning the person prescribed in Article 4, paragraph (1), item (iv) of the Act on Prevention of Transfer of Criminal Proceeds (Act No.22 of 2007));

二 前号に規定する実質的支配者となるべき者が暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第二条第六号に規定する暴力団員（次項において「暴力団員」という。）、国際連合安全保障理事会決議第千二百六十七号等を踏まえ我が国が実施する財産の凍結等に関する特別措置法（平成二十六年法律第二百二十四号）第三条第一項の規定により公告されている者（現に同項に規定する名簿に記載され、かつ、同項に規定する第千二百六十七号等決議によりその財産の凍結等の措置をとるべきこととされている者に限る。）若しくは同法第四条第一項の規定による指定を受けている者（次項において「国際テロリスト」という。）又は同法第三条第二項の規定により公告されている者（現に同項に規定する名簿に記載され、かつ、同項に規定する第千七百十八号等決議によりその財産の凍結等の措置をとるべきこととされている者に限る。次項において「大量破壊兵器関連計画等関係者」という。）に該当するか否か

(ii) whether or not the person that will become the substantially controlling person as provided in the previous item is a member of an organized crime group as prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No.77 of 1991) (referred to as a "member of an organized crime group" in the following paragraph), or is a person regarding whom public notice has been issued pursuant to the provisions prescribed in Article 3, paragraph (1) of the Act on Special Measures Related to the Freezing of the Assets that Japan Implements in Consideration of United Nations Security Council Resolution 1267 and Other Resolutions (Act No. 124 of 2014) (but only a person currently appearing on the list prescribed in that paragraph, and against whom measures are to be taken to freeze the assets pursuant to the Resolution 1267 and Other Resolutions prescribed in that paragraph) or a person who has been designated pursuant to the provisions of Article 4, paragraph (1) of that Act (referred to as an "international terrorist" in the following paragraph) or a person regarding whom public notice has been issued pursuant to the provisions prescribed in Article 3, paragraph (2) of the Act (limited to a person who is actually appearing on the list prescribed in that paragraph and against whom measures are to be taken to freeze the assets pursuant to the Resolution 1718 and Other Resolutions prescribed in that paragraph; referred to as "a person associated with weapons of mass destruction-related plans" in the following paragraph).

2 公証人は、前項の定款の認証を行う場合において、同項第一号に規定する実質的支配者となるべき者が、暴力団員又は、国際テロリスト又は大量破壊兵器関連計画等関係者に該当し、又は該当するおそれがあると認めるときは、嘱託人又は当該実質的支

配者となるべき者に必要な説明をさせなければならない。

- (2) When undertaking a certification of articles of incorporation as referred to in the preceding paragraph, if a notary finds that the person that will become the substantially controlling person as prescribed in item (i) of that paragraph actually is or is likely to be a member of an organized crime group, an international terrorist, or a person associated with weapons of mass destruction-related plans, the notary must have the client or the person that will become the substantially controlling person provide the necessary explanations.

第十四条 同時に数箇の嘱託をする場合には、公証人法第二十八条第二項（第六十条及び第六十二条ノ三第四項において準用する場合を含む。）又は第三十二条第二項（第三十三条第二項、第六十条及び第六十二条ノ三第四項において準用する場合を含む。）の規定により提出する印鑑その他に関する証明書は、一通で足りる。

Article 14 (1) If a client commissions a notary for multiple processes at the same time, one copy of a registered seal certificate or other certificate submitted pursuant to the provisions of Article 28, paragraph (2) (including as applied mutatis mutandis pursuant to Article 60 and Article 62-3, paragraph (4)) or Article 32, paragraph (2) (including as applied mutatis mutandis pursuant to Article 33, paragraph (2); Article 60; and Article 62-3, paragraph (4)) of the Notary Act suffices.

- 2 前項の場合には、一の嘱託にその証明書をつづり、その他の嘱託には、その旨を記載した書面を作つてつづらなければならない。

- (2) In a case as referred to in the preceding paragraph, the certificate must be bound together with the relevant documents for one of the commissioned processes, and a written statement indicating this must be created and bound together with the relevant documents for the other commissioned processes.

第十五条 公証人法第四十一条第一項に掲げる附属書類の原本の還付を請求する場合には、嘱託人は、その原本とともに原本と相違ない旨を記載した謄本を提出しなければならない。

Article 15 (1) If a client requests that the original of any of the annexed documents set forth in Article 41, paragraph (1) of the Notary Act be returned, the client must submit a transcript of the annexed document stating that it is identical to the original of the annexed document, along with the original.

- 2 公証人が附属書類の原本を還付するときは、その謄本に原本還付の旨を記載して印をおさなければならない。

- (2) When returning the original of an annexed document to a client, a notary must state on the transcript of the original that the original has been returned, and affix a seal on that transcript.

第十六条 法律行為についての証書の再度の正本の交付を請求する者がある場合に、その正本を要する事由について疑があるときは、公証人は、その者にその事由を証明させなければならない。

Article 16 If a person requests that an authenticated copy of an instrument for a juridical act be issued again but there is doubt about the person's reason for needing that authenticated copy, the notary must have the person prove the reason for this.

第十七条 公証人は、嘱託人に手数料、送達に要する料金、登記手数料、日当又は旅費の概算額を予納させたときは、領収証を交付しなければならない。

Article 17 If a notary has a client prepay fees, charges for serving documents, registration fees, daily allowances, or an estimated amount of travel expenses, the notary must issue a receipt to the client.

第十八条 公証人役場には、証書原簿、認証簿、確定日附簿及び信託表示簿のほか、次の帳簿を備えて置かなければならない。

Article 18 The following files and book must be kept at a notary's office, in addition to an instrument register, certificate register, certified date register, and negotiable instrument trust register:

一 拒絶証書謄本綴込帳

(i) a protest transcript file;

二 抵当証券支払拒絶証明書謄本綴込帳

(ii) a protest against mortgage instrument transcript file;

三 送達関係書類綴込帳

(iii) a served document file; and

四 計算簿

(iv) an account book.

第十九条 証書原簿、認証簿及び計算簿は、附録第二号から第四号までの様式により調製しなければならない。

Article 19 (1) An instrument register, certificate register, and account book must be prepared in the formats shown in Appendix 2 through Appendix 4.

2 証書原簿及び認証簿には、公証人においてその枚数を表紙の裏面に記載し、職氏名を署し、職印を押し、且つ、毎葉のつづり目に職印で契印をしなければならない。

(2) In an instrument register and certificate register, a notary must enter the number of sheets of paper that the register contains, write the notary's title and name and affix the official seal on the back of the cover of each register, and must affix the official seal as a seal to confirm page continuation over the seam between each contiguous page.

第二十条 公証人手数料令（平成五年政令第二百二十四号）第四条第二項（同令第六条

第一項後段において準用する場合を含む。)の規定により交付すべき計算書は、附録第四号の様式に準じて作らなければならない。

Article 20 The accounting statement to be delivered pursuant to the provisions of Article 4, paragraph (2) of the Order for Notary Fees (Cabinet Order No. 224 of 1993) (including as applied mutatis mutandis pursuant to the second sentence of Article 6, paragraph (1) of that Order) must be prepared in the format shown in Appendix 4.

第二十一条 公証人は、閲覧又は証書の正本若しくは謄本の交付の請求を受けた場合に、印鑑その他に関する証明書の提出によらないで人違でないことを証明させたときは、その旨及びその事由を計算簿の備考欄に記載しなければならない。

Article 21 Having been requested to make an instrument available for inspection or to issue an authenticated copy or transcript of an instrument and having allowed the requesting party to prove their identity without submitting a registered seal certificate or any other certificate, the notary must enter an indication of this and the reason for having done so in the note column of the account book.

第二十二条 公証人は、認証の付与の嘱託を受けた場合に、前条に規定する証明をさせたときは、その旨及びその事由を認証簿の備考欄に記載しなければならない。

Article 22 Having been commissioned to certify an instrument and having allowed a person to prove their identity as provided in the preceding Article, the notary must enter an indication of this and the reason for having done so in the note column of the certificate register.

第二十三条 公証人は、嘱託人から手数料、送達に要する料金、登記手数料、日当又は旅費を受領したときは、公正証書の作成又はその嘱託と同時に嘱託された正本、謄本若しくは附属書類の謄本の交付に関するものは、附録第四号の甲の様式による計算簿に、その他に関するものは、同号の乙の様式による計算簿に、当該手数料、送達に要する料金、登記手数料、日当又は旅費の額その他の事項を記載しなければならない。ただし、相当と認めるときは、確定日附に関するものは、別に同号の丙の様式による計算簿に記載することを妨げない。

Article 23 (1) Having received fees, charges for serving documents, registration fees, daily allowances, or travel expenses from a client, a notary must enter the particulars, such as the amount of those fees, charges for serving documents, registration fees, daily allowances, or travel expenses, that are connected with the creation of a notarized instrument or to the simultaneously commissioned issuance of an authenticated copy or transcript of a notarized document or to the simultaneously commissioned issuance of a transcript of an annexed document, in an account book prepared in the format shown in Appendix 4-A; and must enter the particulars that are connected with other things in an

account book prepared in the format shown in Appendix 4-B; provided, however, that this does not preclude a notary from entering the particulars that are connected with a certified date separately in an account book prepared in the format shown in Appendix 4-C, if the notary finds this to be appropriate.

2 公証人は、公証手数料令第五条の規定により手数料、送達に要する料金、登記手数料、日当又は旅費の全部又は一部の支払を猶予したときは、前項の場合に準ずる記載をするほか、その旨を計算簿の備考欄に記載しなければならない。

(2) Having given a grace period for the payment of the whole or part of a fee, charge for serving documents, registration fee, daily allowance, or travel expense pursuant to the provisions of Article 5 of the Order for Notary Fees, a notary must indicate this in the note column of the account book, in addition to making entries in the manner referred to in the preceding paragraph.

第二十四条 証書原簿又は計算簿に嘱託人の氏名を記載する場合に、嘱託人が多数であるときは、証書原簿については当事者双方各一人だけの氏名及び他の人員を、計算簿については当事者中その一人だけの氏名及び他の人員を記載すれば足りる。

Article 24 (1) If a notary is entering the name of a client in an instrument register or account book and there are multiple clients, it is sufficient for the notary to enter the name of only one person from each of the counterparties and the number of other persons in the instrument register, or to enter the name of only one of the parties and the number of other persons in the account book.

2 前項の規定は、定款の認証について認証簿に嘱託人の氏名及び住所又は署名押印者の氏名を記載する場合に、それらの者が多数であるときに準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis if a notary is entering the name and address of a client or the name of a person affixing a signature and seal to a certificate register for the certification of articles of incorporation and there are two or more of either such persons.

3 定款の認証の嘱託があつた場合には、認証簿の備考欄に会社の商号を記載しなければならない。

(3) Having been commissioned to certify the articles of incorporation of a company, a notary must enter the trade name of the company in the note column of the certificate register.

第二十五条 証書の原本又は公証人の保存する私署証書又は定款は、表紙を附け、証書の番号又は登簿番号の順序に従つてつづつて置かなければならない。

Article 25 (1) The original instrument, or the private instrument or articles of incorporation retained by the notary must be bound together with a cover sheet in the order of the instrument number or register number.

2 嘱託に関して提出した書類であつて、私署証書（公証人の保存する私署証書を除く。）の認証の付与の嘱託における人違いでないことを証明すべき印鑑その他に関する

る証明書、代理人の権限を証明すべき証書その他の原本に続けてつづるべきでないものは、表紙を付け、件名、受付の年月日及び証書の番号又は登簿番号を記載し、事件処理の順序に従ってつづつて置かなければならない。

- (2) A document that has been submitted in connection with a commissioned process but is not to be bound together with the originals of instruments, such as a registered seal certificate or other certificate proving the identity of the client, or an instrument proving the authority of the client's agent, concerning the certification of a private instrument (other than a private instrument retained by the notary), must be bound together with a cover sheet in the order in which the case is handled, after the case title, date of receipt, and instrument number or register number is entered into it.

第二十六条 公証人は、その役場に附属する倉庫又は堅ろうな建物内に書類を保管して置かなければならない。

Article 26 (1) A notary must store documents in a warehouse or sturdy building attached to the notary's office.

- 2 書類が滅失し、又は滅失の虞があるときは、遅滞なくその旨をその所属する法務局又は地方法務局の長に報告しなければならない。事変を避けるため書類を役場外に持ち出したときも同様とする。

- (2) If documents are lost or are likely to be lost, a notary must report this to the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated, without delay. The same applies if a notary has taken documents out of the office in order to avoid any serious events.

第二十七条 公証人は、書類及び帳簿を、次の各号に掲げる区分に応じ、それぞれ当該各号に掲げる期間保存しなければならない。ただし、履行につき確定期限のある債務又は存続期間の定めのある権利義務に関する法律行為につき作成した証書の原本については、その期限の到来又はその期間の満了の翌年から十年を経過したときは、この限りでない。

Article 27 (1) A notary must retain documents, books, and files for the period specified in each of the following items according to the categories set forth in the respective items; provided, however, that this does not apply with regard to the original of an instrument created for a juridical act involving an obligation that has a fixed due date for performance or involving rights and obligations that are of a specified duration, once ten years have passed since the year following the arrival of the due date or the expiration of the duration:

- 一 証書の原本、証書原簿、公証人の保存する私署証書及び定款、認証簿（第三号に掲げるものを除く。）、信託表示簿 二十年

- (i) the original of an instrument, an instrument register, a private instrument or articles of incorporation retained by the notary, a certificate register (other than one as set forth in item (iii)), or a negotiable instrument trust

- register: twenty years;
- 二 拒絶証書謄本綴込帳、抵当証券支払拒絶証明書謄本綴込帳、送達関係書類綴込帳
十年
- (ii) a protest transcript file, protest against mortgage instrument transcript file,
or served document file: ten years; and
- 三 私署証書（公証人の保存する私署証書を除く。）の認証のみにつき調製した認証
簿、確定日付簿、第二十五条第二項の書類、計算簿 七年
- (iii) a certificate register prepared only for the certification of private
instruments (other than private instruments retained by the notary), a
certified date register, a document as referred to in Article 25, paragraph (2),
or an account book: seven years.
- 2 前項の書類の保存期間は、証書原簿、認証簿、信託表示簿、確定日付簿及び計算簿
については、当該帳簿に最終の記載をした翌年から、拒絶証書謄本綴込帳、抵当証券
支払拒絶証明書謄本綴込帳及び送達関係書類綴込帳については、当該帳簿に最終のつ
づり込みをした翌年から、その他の書類については、当該年度の翌年から、起算する。
- (2) For an instrument register, certificate register, negotiable instrument trust
register, certified date register, or account book, the period for the retention of
the documents referred to in the preceding paragraph starts from the year
following the year of the last entry in the register or book; for a protest
transcript file, protest against mortgage instrument transcript file, or served
document file, that period starts from the year following the year in which
documents were last bound into the file; and for other documents, that period
starts from the year following the fiscal year in question.
- 3 第一項の書類は、保存期間の満了した後でも特別の事由により保存の必要があると
きは、その事由のある間保存しなければならない。
- (3) If any special reason makes it necessary for a document as referred to in
paragraph (1) to be retained even after the expiration of the retention period,
the notary must retain that document so long as that reason exists.

第二十八条 公証人が保存期間の満了した書類を廃棄しようとするときは、目録を作り、
その所属する法務局又は地方法務局の長の認可を受けなければならない。

Article 28 When seeking to dispose of documents whose retention period has
expired, a notary must prepare a list of these and gain the authorization of the
director of the legal affairs bureau or district legal affairs bureau with which
the notary is affiliated.

第二十九条 公証人法第六十八条（第六十九条及び第七十一条から第七十三条までにお
いて準用する場合を含む。）の規定により書類の授受をする場合には、目録を作り、
その末尾に授受の事由及び年月日を記載し、授受者及び立会官吏がこれに署名し、印
をおさなければならない。

Article 29 (1) When documents are delivered and received pursuant to the

provisions of Article 68 (including as applied *mutatis mutandis* pursuant to Article 69 and Articles 71 through 73) of the Notary Act, a list of these documents must be prepared, the reason for and date of their delivery and receipt must be entered at the end of the list, and the persons delivering and receiving the documents and the government official who is in attendance must affix their signatures and seals to the list.

2 前項の目録は、作成の日から一箇月内に、その謄本をその所属する法務局又は地方法務局の長に差し出さなければならない。

(2) A transcript of the list referred to in the preceding paragraph must be submitted to the director of the legal affairs bureau or district legal affairs bureau with which the notary who prepared the list is affiliated, within one month from the day on which the list is prepared.

第三十条 公証人法第六十七条第一項の兼務者は、自己の役場で前任者の事務を取り扱うことができる。

Article 30 (1) A person holding another notary's position concurrently with their own as referred to in Article 67, paragraph (1) of the Notary Act may handle the predecessor notary's processes at their own office.

2 前項の場合には、遅滞なくその旨をその所属する法務局又は地方法務局の長に届け出なければならない。

(2) In a case as referred to in the preceding paragraph, the person must notify the director of the legal affairs bureau or district legal affairs bureau with which the person is affiliated of this without delay.

第三十一条 代理者又は公証人法第七十二条の兼務者は、その職務を行う役場の見易い場所に、代理者某又は兼務者某である旨を掲示しなければならない。

Article 31 (1) An agent or a person holding another notary's position concurrently with their own as referred to in Article 72 of the Notary Act must make a posting in a conspicuous location at the office where they perform their duties, indicating the person's status as an agent or a person holding another notary's position concurrently with their own.

2 後任者又は公証人法第六十七条第一項の兼務者は、その職務を行う役場の見易い場所に、公証人某の後任者又は公証人某の取り扱った事務についての兼務者である旨を掲示しなければならない。但し、後任者のすべき掲示の期間は、一年とする。

(2) A notary's successor or a person holding another notary's position concurrently with their own as referred to in Article 67, paragraph (1) of the Notary Act must make a posting in a conspicuous location at the office where they perform their duties, indicating the person's status as the successor of that notary or as a person holding another notary's position concurrently with their own who is handling the processes handled by that notary; provided, however, that the period of the posting as the successor should be one year.

第三十二条 後任者の作成する文書の番号は、前任者又は兼務者の作成した文書の番号の順序を追って記載しなければならない。

Article 32 The document number of a document created by a notary's successor must follow, in order, the document number of the document created by the predecessor or by the person that held the other notary's position concurrently with their own.

第三十三条 公証人は、疾病その他やむを得ない事由により職務を行うことができない場合に、他の公証人に代理を嘱託せず又はこれを嘱託することができないときは、遅滞なくその所属する法務局又は地方法務局の長にその旨を届け出なければならない。その職務を行うことができるに至ったときも同様とする。

Article 33 If a notary is unable to perform duties due to illness or any other compelling reason and does not commission or is unable to commission another notary to act as an agent, the notary must notify the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated of this without delay. The same applies if that person becomes able to perform their duties.

第三十四条 公証人はその氏名若しくは住所を変更し、又は失職したときは、遅滞なくその旨をその所属する法務局又は地方法務局の長に届け出なければならない。

Article 34 (1) If a notary changes their name or address or loses their status as a notary, the notary must notify the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated of this without delay.

2 前項の規定は、公証人が死亡した場合に、その四親等内の親族について準用する。
(2) The provisions of the preceding paragraph apply mutatis mutandis to a notary's relatives within the fourth degree of kinship upon the notary's death.

第三十五条 公証人は、公証事務の取扱に関して疑義を生じたときは、法務大臣にその指示を求めることができる。

Article 35 If any question arises in relation to the handling of notarization processes, a notary may seek instructions from the Minister of Justice.

第三十六条 公証人が法務大臣に書面の提出をするには、その所属する法務局又は地方法務局の長を経由しなければならない。但し、急を要する場合は、この限りでない。

Article 36 (1) To submit a document to the Minister of Justice, a notary must go through the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated; provided, however, that this does not apply in cases of urgency.

2 前項但書の場合には、同時にその旨を法務局又は地方法務局の長に届け出なければ

ならない。

- (2) In a case as referred to in the proviso to the preceding paragraph, the notary must notify the director of the legal affairs bureau or district legal affairs bureau of this at the same time.

第三十七条 法務局又は地方法務局の長は、公証人名簿を備え、これにその所属する公証人の氏名、住所、生年月日及び役場所在地を記載して置かなければならない。

Article 37 The director of a legal affairs bureau or district legal affairs bureau must keep a roll of notaries and enter into it the name, address, date of birth, and locality of the office of each notary who is affiliated with the bureau.

第三十八条 法務局又は地方法務局の長は、その所属する公証人に公証人法第十五条第一項第二号から第四号まで又は第七十九条に掲げる事由があると認めるときは、速かにその事情を具して、その旨を法務大臣に報告しなければならない。公証人がその氏名を変更し、又は死亡若しくは失職したときも同様とする。

Article 38 If the director of a legal affairs bureau or district legal affairs bureau finds any of the grounds set forth in Article 15, paragraph (1), items (ii) through (iv) or Article 79 of the Notary Act with respect to a notary who is affiliated with the bureau, the director must promptly report this to the Minister of Justice, explaining the circumstances. The same applies if a notary changes their name, dies, or loses their status as a notary.

第三十九条 法務局又は地方法務局の長は、少くとも毎年一回当該法務局又は地方法務局に所属する公証人の役場に臨み、その保存する書類の検閲及び執務の状況の調査をし、又は当該法務局又は地方法務局に勤務する法務事務官にこれをさせ、その結果を速かに法務大臣に報告しなければならない。

Article 39 At least once every year, the director of a legal affairs bureau or district legal affairs bureau must visit the offices of the notaries who are affiliated with the bureau, inspect the documents they retain, and investigate the status of performance of their duties, or have officials of the Ministry of Justice who are working for the legal affairs bureau or district legal affairs bureau carry out these tasks, and must report the results to the Minister of Justice promptly.

第四十条 法務局又は地方法務局の長は、その所属する公証人に対し注意を促し、且つ、訓令をしたとき、又は諭告をしたときは、速かにその事情を具して、その旨を法務大臣に報告しなければならない。公証人法第七十八条第一項の異議について処分をしたときも同様とする。

Article 40 If the director of a legal affairs bureau or district legal affairs bureau urges care and issues an official directive to a notary affiliated with the bureau or if that director issues an admonition to a notary who is affiliated with the

bureau, the director must promptly report this to the Minister of Justice, explaining the circumstances. The same applies if the director issues a disposition on an objection as referred to in Article 78, paragraph (1) of the Notary Act.

第四十条の二 法務局又は地方法務局の長は、所属の公証人の間における事務の負担が著しく均衡を失し、公証人の事務の適正迅速な処理又は品位の保持を害する虞があると認めるときは、法務大臣の認可を受け、事務の負担を調整することができる。

Article 40-2 If the director of the legal affairs bureau or district legal affairs bureau finds that there is an extreme imbalance among the notaries who are affiliated with the bureau in terms of their workload to the extent that it poses a risk of hindering notaries' proper and prompt handling of processes or of being detrimental to maintaining the professional integrity of the notary, the director may adjust their workload, with the authorization of the Minister of Justice.

第四十一条 法務大臣は、特に必要があると認めるときは、法務局又は地方法務局の長の外、その都度法務省の職員に公証人に対する監督事務を取り扱わせるものとする。

Article 41 On finding it to be particularly necessary to do so, the Minister of Justice is to have officials of the Ministry of Justice carry out processes for supervision of notaries, in addition to the director of the legal affairs bureau or district legal affairs bureau.

第四十二条 公証人手数料令第七条の規定によつて手数料、日当又は旅費を印紙で納付させる場合には、納付書に収入印紙をはつて差し出させなければならない。

Article 42 When having a client pay fees, daily allowances, or travel expenses to the government with revenue stamps pursuant to the provisions of Article 7 of the Order for Notary Fees, an official must have that client submit a payment note with revenue stamps affixed thereto.

第四十三条 公証人は、法務局又は地方法務局の管轄区域ごとに公証人会を設立することができる。

Article 43 (1) Notaries may establish a notaries association within the jurisdictional district of each legal affairs bureau or district legal affairs bureau.

2 公証人会は、公証事務の改善及び統一並びに公証人の品位の保持を図るため、公証人の指導及び連絡に関する事務を行うことを目的とする。

(2) The purpose of a notaries association is to carry out processes relating to guiding and liaising with notaries, with a view to improving and standardizing notarization processes and maintaining the professional integrity of the notary.

第四十四条 公証人は、その所属する法務局又は地方法務局の管轄区域内に設立された公証人会の会員となる。

Article 44 A notary becomes a member of a notaries association established within the jurisdictional district of the legal affairs bureau or district legal affairs bureau with which that notary is affiliated.

第四十五条 公証人会を設立しようとするときは、その会員となるべき公証人の過半数の同意を得て会則を定め、法務大臣の認可を受けなければならない。

Article 45 (1) Before seeking to establish a notaries association, notaries must establish articles of association with the consent of the majority of the prospective member notaries, and have them approved by the Minister of Justice.

2 会則には、左の事項を定めなければならない。

(2) The following particulars must be specified in the articles of association of a notaries association:

一 名称及び事務所

(i) the name and office of the association;

二 役員に関する事項

(ii) particulars related to officers;

三 会員に関する事項

(iii) particulars related to members;

四 会議に関する事項

(iv) particulars related to meetings;

五 会計に関する事項

(v) particulars related to accounting; and

六 その他必要な事項

(vi) any other necessary particulars.

3 公証人会は、会則を変更しようとするときは、法務大臣の認可を受けなければならない。

(3) A notaries association must have the authorization of the Minister of Justice if it seeks to revise its articles of association.

第四十六条 公証人会は、役員を選任し、又は解任したときは、遅滞なくその旨を当該公証人会の事務所の所在地を管轄する法務局又は地方法務局の長に届け出なければならない。

Article 46 Having appointed or dismissed an officer, a notaries association must notify the director of the legal affairs bureau or district legal affairs bureau that has jurisdiction in the locality of the office of the notaries association of this without delay.

第四十七条 公証人会は、公証事務に関し、当該公証人会の事務所の所在地を管轄する

法務局又は地方法務局の長に建議し、又はその諮問に答申することができる。

Article 47 (1) A notaries association may make a proposal to, or submit a report in response to a request for consultation from, the director of the legal affairs bureau or district legal affairs bureau that has jurisdiction in the locality of the office of the notaries association, in relation to notarization processes.

2 法務局又は地方法務局の長は、前項の諮問をし、又は同項の建議若しくは答申があったときは、速やかにその事情を具して、その旨を法務大臣に報告しなければならない。

(2) Having requested a consultation as referred to in the preceding paragraph or upon receiving a proposal or report as referred to in that paragraph, the director of a legal affairs bureau or district legal affairs bureau must promptly report this to the Minister of Justice, explaining the circumstances.

第四十八条 公証人会は、公証人に非違又は品位を害する行状があると認めるときは、その旨をその所属する法務局又は地方法務局の長に報告しなければならない。

Article 48 If a notaries association finds there to have been an illegal act or degrading behavior on the part of a notary, it must report this to the director of the legal affairs bureau or district legal affairs bureau with which the notary is affiliated.

第四十九条 全国の公証人会は、日本公証人連合会を設立することができる。

Article 49 (1) Notaries associations nationwide may establish the Japan National Notaries Association.

2 日本公証人連合会は、公証事務の改善及び統一並びに公証人の品位の保持を図るため、公証人会及び公証人の指導及び連絡に関する事務を行うことを目的とする。

(2) The purpose of the Japan National Notaries Association is to carry out processes involved in guiding and liaising with notaries associations and notaries, with a view to improving and standardizing notarization processes and maintaining the professional integrity of the notary.

第五十条 公証人会及び公証人は、日本公証人連合会の会員となる。

Article 50 Notaries associations and notaries become members of the Japan National Notaries Association.

第五十一条 日本公証人連合会を設立しようとするときは、その会員となるべき公証人会及び公証人の過半数の同意を得て会則を定め、法務大臣の認可を受けなければならない。

Article 51 Before seeking to establish the Japan National Notaries Association, notaries associations and notaries must establish articles of association with the consent of the majority of the prospective member notaries associations and notaries, and have them approved by the Minister of Justice.

第五十二条 日本公証人連合会は、公証事務に関し、法務大臣に建議し、又はその諮問に答申することができる。

Article 52 The Japan National Notaries Association may make a proposal to, or submit a report in response to a request for consultation from the Minister of Justice in relation to notarization processes.

第五十三条 第四十五条第二項及び第三項並びに第四十六条の規定は、日本公証人連合会について準用する。この場合において、第四十六条中「当該公証人会の事務所の所在地を管轄する法務局又は地方法務局長」とあるのは、「法務大臣」と読み替えるものとする。

Article 53 The provisions of Article 45, paragraph (2) and paragraph (3) and Article 46 apply mutatis mutandis to the Japan National Notaries Association. In such a case, the phrase "the director of the legal affairs bureau or district legal affairs bureau that has jurisdiction in the locality of the office of the notaries association" in Article 46 is deemed to be replaced with "the Minister of Justice."

第五十四条 二人以上の公証人は、事務の合理化及び品位の向上を図るため必要があるときは、役場又は収支の全部若しくは一部を共にする合同役場を設けることができる。

Article 54 If there is a need to do so in order to streamline work processes and improve professional integrity, two or more notaries may establish a joint office with their office space or their revenue and expenses partially or fully shared.

第五十五条 公証人は、合同役場を設けようとするときは、その規約を定め、あらかじめ法務大臣の認可を受けなければならない。

Article 55 (1) If notaries seek to establish a joint office, they must establish internal rules and have them approved by the Minister of Justice in advance.

2 前項の規約には、左に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the rules referred to in the preceding paragraph:

一 名称

(i) the name of the office;

二 役場の所在

(ii) the location of the office;

三 構成員に関する事項

(iii) particulars related to members;

四 役員に関する事項

(iv) particulars related to officers;

五 収入に関する事項

(v) particulars related to revenue;

六 経費に関する事項

(vi) particulars related to expenses: and

七 加入及び脱退に関する事項

(vii) particulars related to enrollment and withdrawal.

3 規約を変更しようとするときは、法務大臣の認可を受けなければならない。

(3) Notaries must have the authorization of the Minister of Justice if they seek to revise their rules.

附 則 〔抄〕

Supplementary Provisions [Extract]

2 左の省令は、廃止する。

(2) The following Ministerial Orders are repealed.

公証人法施行細則（明治四十二年司法省令第十四号）

Detailed Regulations for Enforcement of the Notary Act (Ministry of Justice Order No. 14 of 1909)

公証人書類保存廃棄規定（昭和二十二年司法省令第六十一号）

Rules on Preservation and Disposal of Notaries' Documents (Ministry of Justice Order No. 61 of 1947)

附 則

Supplementary Provisions

（施行期日）

(Effective Date)

1 この省令は、平成三十年十一月三十日から施行する。

(1) This Ministerial Order comes into effect as of November 30, 2018.

（経過措置）

(Transitional Measures)

2 この省令の施行前にされた嘱託に係る会社法（平成十七年法律第八十六号）第三十条第一項並びに一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第十三条及び第一百五十五条の規定による定款の認証に関する手続については、なお従前の例による。

(2) Prior laws continue to govern the procedures involved in certifying articles of incorporation under Article 30, paragraph (1) of the Companies Act (Act No.86 of 2005), and Article 13 and Article 155 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48 of 2006) for processes commissioned prior to this Ministerial Order coming into effect.

附 則

Supplementary Provisions

この省令は、令和元年七月一日から施行する。

This Ministerial Order comes into effect as of July 1, 2019.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

- 1 この省令は、国際的な不正資金等の移動等に対処するための国際連合安全保障理事会決議第千二百六十七号等を踏まえ我が国が実施する国際テロリストの財産の凍結等に関する特別措置法等の一部を改正する法律の施行の日（令和五年六月一日）から施行する。

- (1) This Ministerial Order comes into effect as of the date on which Act Partially Amending the Act on Special Measures Related to the Freezing of the Assets of International Terrorists that Japan Implements in Consideration of United Nations Security Council Resolution 1267 and Other Resolutions comes into effect (June 1, 2023) in dealing with international transfers of illegal funds.

(経過措置)

(Transitional Measures)

- 2 この省令の施行前にされた嘱託に係る会社法（平成十七年法律第八十六号）第三十条第一項並びに一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第十三条及び第百五十五条の規定による定款の認証に関する手続については、なお従前の例による。
- (2) Prior laws continue to govern the procedures involved in certifying articles of incorporation under Article 30, paragraph (1) of the Companies Act (Act No.86 of 2005), and Article 13 and Article 155 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48 of 2006) for processes commissioned prior to this Ministerial Order coming into effect.