

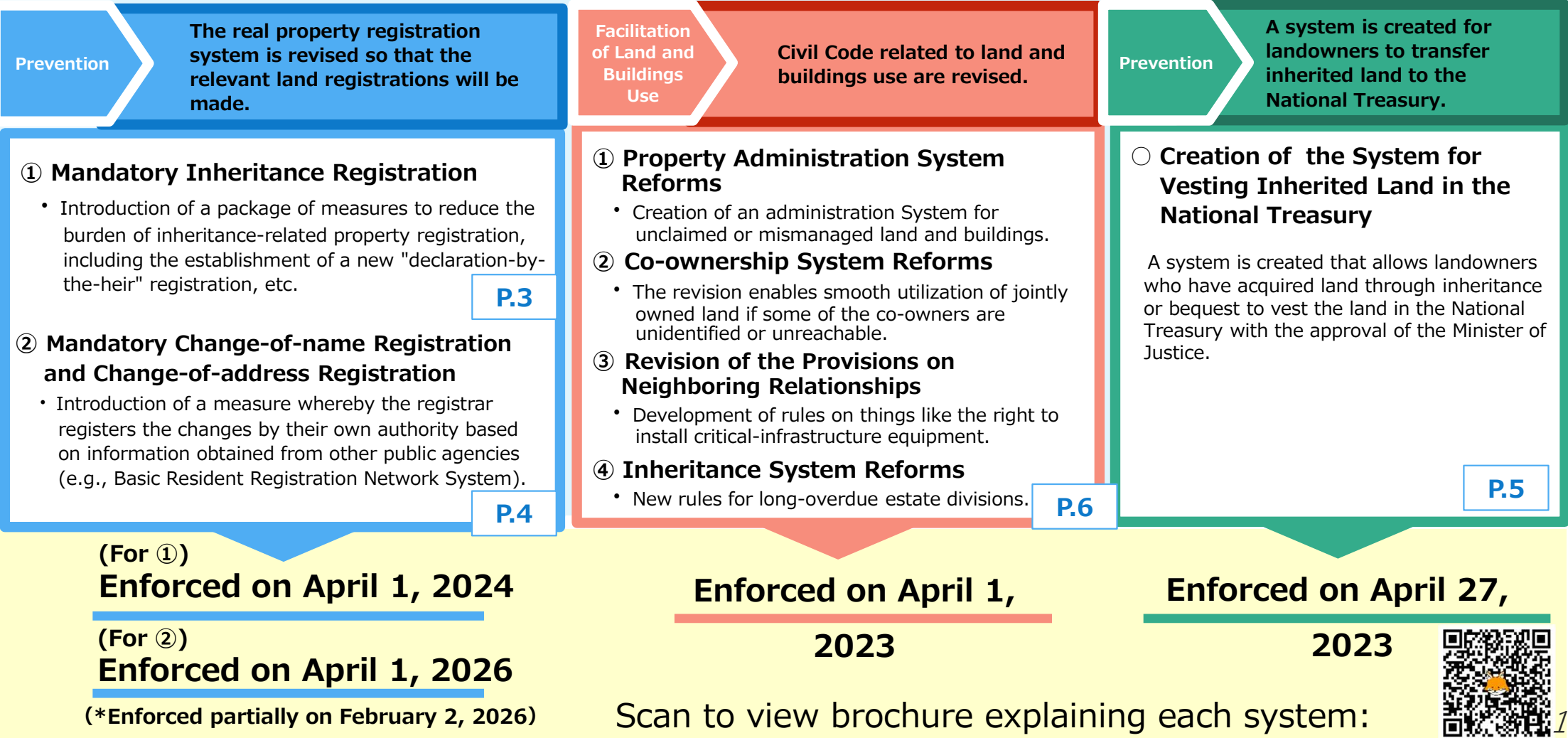
■ **Act Partially Amending the Civil Code** (Act No. 24 of 2021)

Enacted on April 21, 2021
Promulgated on April 28, 2021

■ **The Act on Vesting of Land Ownership Acquired Through Inheritance in the National Treasury** (Act No. 25 of 2021)

Outline of Both Acts

Through a dual-sided approach that **prevents the problem** of unclaimed land from occurring and **facilitates the use** of existing unclaimed land, these Acts comprehensively revise some of Japan's fundamental civil legislation.



Scan to view brochure explaining each system:



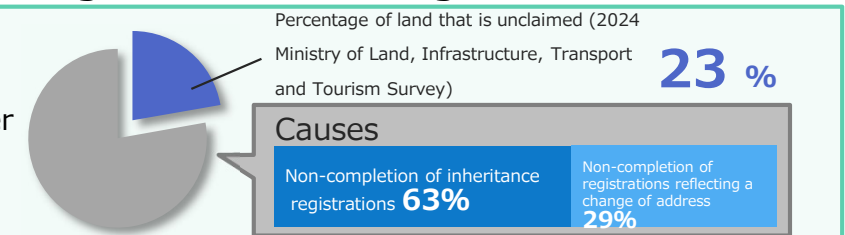
Reforming Some of Japan's Fundamental Civil Laws Toward Solving the Issue of Unclaimed Land

Issue

The problem of **unclaimed land*** occurs mainly as a result of inheritance registrations not being made.

* *Unclaimed land* means:

- (1) Land whose owner cannot be immediately identified from the real property register
- (2) Land whose owner cannot be contacted because their whereabouts are unknown



Background

- **Inheritance registration is not compulsory**, and there are few disadvantages to heirs if they leave it uncompleted.
- As people move to urban areas and the population progressively decreases and ages, people's awareness that they are landowners and land use needs are decreasing, mainly in rural areas.
- If property keeps being inherited without being included when estates are divided, **the number of co-owners grows exponentially**.

Problems

- **Searching for owners requires a great deal of time and expense** (things like collecting family registers and resident records and making site visits are significant burdens).
 - If the whereabouts of the owner are unknown, land is often left unmanaged and abandoned.
 - If there are numerous co-owners or if some of their whereabouts are unknown, it is difficult to make the joint decisions needed for managing and using the land.
- ⇒ This prevents **public works and restoration and reconstruction projects** from proceeding smoothly and causes **private transactions** to be blocked, and **other hindrances to the use of the land**.
- ⇒ Land comes to be mismanaged, and **this negatively affects the neighborhood**.
- ➡ The increasing number of deaths associated with a progressively aging population will likely cause the situation to deteriorate.



➡ **Solving the problem of unclaimed land is an urgent issue.**

Government Policy

- Basic Policy on the Promotion of Measures for Owner-Unknown Land (Ministerial Group Decision on June 6, 2025)
 - ▶ " We will ensure that all the residents in Japan are fully informed about the mandatory inheritance registration enforced in April 2024. We will also inform the public clearly on the following points: the system for vesting inherited land in the national treasury, new property administration system, new rules of estate divisions, etc (new property administration system and new rules of estate divisions are based on the revised Civil Code). We will take measures as necessary based on the operational status. Furthermore, in order to actively eliminate unclaimed land through these measures, **we will strive to consolidate the system of the Legal Affairs Bureau and secure a budget.** "
 - Basic Policy on Economic and Fiscal Management and Reform (Cabinet Decision on June 13, 2025)
 - ▶ " We will promote measures for unclaimed land in an integrated and comprehensive manner, including the dissemination of the mandatory inheritance and change-of-name or the change-of-address registration, the strengthening of consultation systems, as well as conducting cadastral surveys and preparing maps by the Legal Affairs Bureau. "
- (Note) " Basic Policy on the Promotion of Measures for Owner-Unknown Land " (Based on Ministerial Group Decision for measures for Owner-Unknown Land on June 6, 2025)

Measures to Prevent the Problem of Unclaimed Land from Occurring

Amendment of the Real Property
Registration Act

Measures to help keep
information on inheritances in
real property registrations
up-to-date

Background: It is pointed out that since inheritance is not registered, it takes time and costs to find the heirs (owners) of the registered owners, which hinders land acquisition.

① It is now mandatory for heirs to register their inheritance.

Enforced on
April 1, 2024

- Heirs who have acquired real property must apply to register their inheritance **within 3 years after learning of the acquisition**.
- In a case where the inheritor acquires property through the division of inherited property, they are required to separately register their inheritance within 3 years from the day of the property division in accordance with the details of the property division.
 - ※ Long-overdue Estate Divisions is revised (P.6), so it is important to divide their inherited property early.
- **Inheritances prior to the effective date**, if not already registered, **are required to be registered** (with 3 years to do so).
- Failing to apply without an appropriate reason will **result in a civil fine** not exceeding 100,000 yen.

② Public notice will be given of facts such as the death of the registered owner.

Enforced on
April 1, 2026

- The registrar will acquire information on deaths and other events from other public institutions (from places such as the Basic Resident Registration Network System), and will record this information on the relevant registration (as a code) on the registrar's own authority.
 - ⇒ This will make it possible to use real property registrations to confirm whether the registered owner has died.

Reduction of the procedural burdens of registration

Enforced on
April 1, 2024

New registration of the declaration of the heirs

- Heirs are able to apply indicating that they are the legal heir of the registered owner (Online Application also acceptable). This is one way for the heirs to perform their duty to apply to register a transfer of title due to inheritance (Heirs are able to apply individually. Accompanying documentation is reduced, and the registration and license tax is not imposed.).
 - ⇒ This makes it easy for heirs to perform their duty to apply to register their inheritance.
- ※ The registrar registers the heir's name and address on the registrar's own authority (as an informational registration showing no registered ownership interest).

Reducing the Burden of Registering Inheritance

Registration and license tax exemption

- **Exemption from registration and license tax** on inheritance registration for land with **a value of 1,000,000 yen or less** is now in effect (until March 31, 2027).

Consultation system improvement

- **Provision of guidance on how to register an inheritance** with the Legal Affairs Bureau.
- Work with professional credentialing organizations to provide information on where to go for guidance.

Prevention of Unintended Non-Registration

Enforced on
February 2, 2026

Establishment of a system for certifying the registered real property a person owns

- Allows for the issuance of a certificate listing the real property a specified person owns.
 - ⇒ This will make it easy to see which pieces of real property requires inheritance registration.
- ※ This can also be used as a way for people to verify what real property they own, in general.

Coordination with Local Government

Working with local governments to provide public outreach

- Requests for local governments to make known or raise awareness of the need to register a transfer of title due to inheritance among **people filing death registrations**.
- Along with **the property tax notice**, provide materials about the new system.

Dealing with the Non-Registration of Changes of Name or Changes of Address

Current Situation

- ▶ Currently, it is not mandatory for a real property owner to register the change of name or the change of address.
- ▶ For both natural persons and corporations, registering every time they change names or addresses or relocate their main stores is perceived to be a burden, and there is a tendency to neglect it.
- ※ There are also survey results that show this to be the primary cause for the existence of unclaimed land in urban areas.



Change-of-name and Change-of-address Registration Will Become Mandatory

**Enforced on
April 1, 2026.**

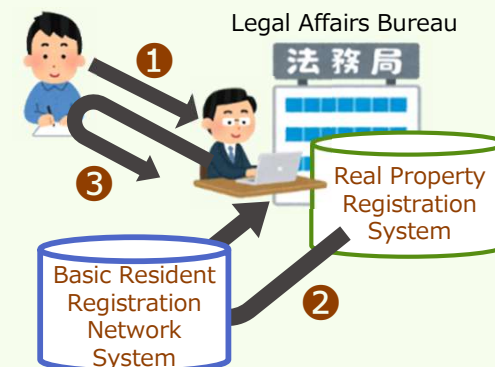
- It will be made mandatory for the registered owner of real property to apply for the change-of-name or the change-of-address registration **within 2 years from the date of the change** (A civil fine can be imposed for failure to apply without an appropriate reason).
 - ※ Also applies to changes that occurred before the amendment comes into effect, if they have not been registered (A 2-year grace period applies).
- By setting up the simple, free-of-charge **"Smart Change Registration"**, the registrar registers the changes by their own authority, without the owner having to apply every time there is the change of name or the change of address.
- The **"Master Plan for Enforcement of Mandatory Application for Inheritance Registration"**, which reveals the policy to the public, **was made public in March 2025**.

The "Smart Change Registration" is Safe and Easy!

For Natural Persons

- ① When applying for real property registration, a natural person provides searchable information such as their date of birth, in addition to a name and address.
- ② The registrar can make inquiries in **the Basic Resident Registration Network System** using a person's searchable information and other data, and can acquire the information on changes to the name and address of the registered owner, etc.
- ③ Based on the information acquired, the registrar confirms the change of address or other information with the registered owner and then registers the change (registration and license tax will not be imposed).

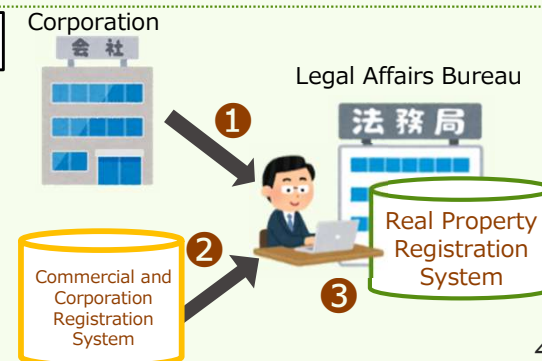
Advance implementation
from April 21, 2025



For Corporations

- ① A corporation adds its corporate registration number to the registered information for a piece of real property of which it is the registered owner.
- ② **The Commercial and Corporation Registration System** notifies the Real Property Registration System with information on corporations that have changed their names and addresses.
- ③ Based on the information acquired, the registrar registers the changes by their own authority (registration and license tax will not be imposed).

Advance implementation
from April 1, 2024



Measures to Prevent the Problem of Unclaimed Land from Occurring

Act on Vesting Inherited Land in the National Treasury

Creation of a system to vesting of land ownership acquired through inheritance or bequest in the National Treasury

Enforced on April 27, 2023

Background

- ① A decrease in land use needs and other such circumstances are causing an increase in the number of people who have inherited land but wish to relinquish it.
- ② Increasingly, people are feeling the burden of unwittingly acquiring land when they come into an inheritance, and this tends to cause mismanagement.

- This Act creates a system that allows land that has been acquired through inheritance or bequest to be relinquished and vested in the National Treasury.
⇒ Looking toward the future, this system will make it possible to prevent land from coming to be unclaimed or mismanaged.
- In light of the risk that this could allow heirs to abdicate their responsibilities and pass off the costs of management to the state or neglect to manage their land, **certain requirements** have been established and assessments will be imposed by the Minister of Justice.

(1) Requirements **The land in question must not constitute land such as that described below whose regular management or disposition would require excessive cost or labor**

- (1) land with a building on it, or with a structure or other object on it that interferes with its normal management or disposition;
- (2) land with polluted soil or with buried objects on it; (3) land on which there is a dangerous cliff; (4) land involved in a dispute as to ownership;
- (5) land subject to a security right or a right to use or receive a profit from it; or (6) a road or other such land that is used by other people.

(2) Dues Payment of **dues** equivalent to 10 years' land management expenses calculated in consideration of standard management costs based on the nature of the land is required.

※ Other examination fees (14,000 yen per site), which are specified by a Cabinet Order in consideration of the actual cost of examination, must also be paid at the time of application.

Land other than those listed on the right	Residential land in some urban areas (Note 1)	Some urban areas (Note 1), rice fields, fields in agricultural zones, etc.	Forests
200,000 yen regardless of area	Calculated according to area (Note 2) (e.g.) 100m ² : Approx. 550,000 yen 200m ² : Approx. 800,000 yen	Calculated according to area (Note 2) (e.g.) 500m ² : Approx. 720,000 yen 1,000m ² : Approx. 1,100,000 yen	Calculated according to area (Note 2) (e.g.) 1,500m ² : Approx. 270,000 yen 3,000m ² : Approx. 300,000 yen

Note 1: Urbanization zones or areas designated as zoning use districts under the City Planning Act.

Note 2: Not simply proportional to area; the larger the area, the lower the cost per square meter.



National Treasury
Vesting System
(Ministry of Justice
Website)

Procedure

① Application for approval

Eligible applicants:
People that have acquired land through inheritance or through bequest

② Assessment and approval

by the Ministry of Justice (Legal Affairs Bureau)



- The Bureau has the authority to conduct on-site investigations.
- The Bureau can request the cooperation of organizations such as the departments and agencies in charge of managing national government assets.
- Information can be requested from local governments, etc.
- The Bureau shares the information that an approval application has been received with the national and local governments to ensure opportunities for land to be donated to the relevant organizations and used effectively in the region.

③ Applicant **pays dues** equivalent to 10 years' land management expenses

④ Land vested in National Treasury

After vesting, managed as national property by the Administration Agency (Ministry of Finance and Ministry of Agriculture, Forestry and Fisheries)

Measures to Help Facilitate the Use of Unclaimed Land

Enforced on April 1, 2023

Amendment of the
Civil Code

Creation of an Administration System for Land and Buildings

- ▶ Under the current system, administrators of absentees' property and administrators of inherited property must manage all property of an individual owner as a unit, which leads to inefficiency.
- ▶ Even if the owner has been identified, poor management sometimes results in dangerous situations.

○ Creation of an Administration System for Unclaimed Land and Buildings

- The amendment creates a new property administration system **specifically for the management of individual parcels of unclaimed land and individual unclaimed buildings.**
 - ※ The court issues a property administration order and appoints a property administrator (with the permission of the court, sale is also an option).
 - ⇒ This improves efficiency and rationalizes the management of unclaimed land and buildings.

Property Administration System Reforms

○ Creation of an Administration System for Mismanaged Land and Buildings

- The amendment creates a system that allows for the appointment of a property administrator when there is a concern that another person's rights will be breached due to a parcel of land or a building being left unmanaged and abandoned.
 - ⇒ This will make it possible to properly manage land and buildings that have come to be mismanaged.

Addressing Situations in Which There Are Unidentified or Unreachable Co-owners

- ▶ If some co-owners are unidentified or unreachable, it is difficult to make joint decisions on land use and consolidate co-ownership shares.

○ Development of a Framework that will Help Facilitate the Use of Property in Co-ownership

- The amendment creates a system through which, after public notice has been issued to any unidentified or unreachable co-owner, a court decision may be issued to enable **the remaining co-owners to decide together to change or manage the property in co-ownership.**
- The amendment creates a framework through which a court decision may be issued to enable the remaining co-owners to **acquire any unidentified or unreachable co-owner's shares** and dissolve a co-ownership involving real property after depositing an amount equivalent to the value of their shares with an official depository.
 - ⇒ This will facilitate the use or disposition of property held in co-ownership even if there are unidentified or unreachable co-owners.

Co-ownership System Reforms

Addressing the Issue of Long-Overdue Estate Divisions

- ▶ Dividing estates long after the fact tends to be difficult due to the loss of evidence concerning the heirs' specific shares in the estate, and this makes it hard to dissolve co-ownership.

○ New Rules for Long-Overdue Estate Divisions

- The amendment creates a framework for extinguishing shares in an estate division that arise from the heirs' specific shares of an estate, which vary from case to case, and for dividing the estate concisely based on a standardized statutory share, **10 years after the opening of the succession.**
 - ※ Note that this applies to inheritances prior to effective date and that there is a minimum 5-year grace period.
 - ⇒ This will help resolve the issue of long-overdue estate divisions.

Inheritance System Reforms

Facilitating the Use and Management of Neighboring Land

- ▶ There are no statutory grounds for laying down piping and installing other equipment that delivers critical infrastructure on neighboring land, and this hinders the use of land.

○ Development of Rules on the Right to Install Critical Infrastructure Equipment, etc.

- This amendment makes it clear that people have a right to lay down piping and install other such equipment on neighboring land for the purpose of bringing critical infrastructure onto their own land and establishes a framework for addressing this even if the owner of the neighboring land is unidentified or unreachable.
 - ⇒ This facilitates both the introduction of critical infrastructure and the use of land.

Revision of the Provisions on Neighboring Relationships

民法等一部改正法・相続土地国庫帰属法の概要

法務省民事局

■ 民法等の一部を改正する法律 (令和3年法律第24号)

■ 相続等により取得した土地所有権の国庫への帰属に関する法律 (令和3年法律第25号)

令和3年4月21日成立
同月28日公布

【両法律の概要】

所有者不明土地等の**発生予防**と**利用の円滑化**の両面から総合的に民事基本法制を見直し発生
予防登記がされるようにするための
不動産登記制度の見直し

① 相続登記の義務化

- 相続人申告登記の創設などの負担軽減策・環境整備策をパッケージで併せて導入

P.3

② 住所等変更登記の義務化

- 他の公的機関（住基ネット等）から取得した情報に基づき、登記官が職権的に変更登記をする方策を併せて導入

P.4

利用の
円滑化土地・建物等の利用に
関する民法の見直し

① 財産管理制度の見直し

- 所有者不明・管理不全の土地・建物管理制度等の創設

② 共有制度の見直し

- 共有者不明の共有物の利用の円滑化

③ 相隣関係規定の見直し

- ライフラインの設備設置権等の規律の整備

④ 相続制度の見直し

- 長期間経過後の遺産分割の見直し など

P.6

発生
予防土地を手放すための
制度の創設

○ 相続土地国庫帰属制度の創設

相続等により土地の所有権を取得した者が、法務大臣の承認を受けて、その土地の所有権を国庫に帰属させることができる制度を創設

P.5

(①につき)

令和6年4月1日施行

(②につき)

令和8年4月1日施行

(※一部は令和8年2月2日施行)

令和5年4月1日施行

令和5年4月27日施行

各制度を分かりやすく説明したパンフレットは、こちらから



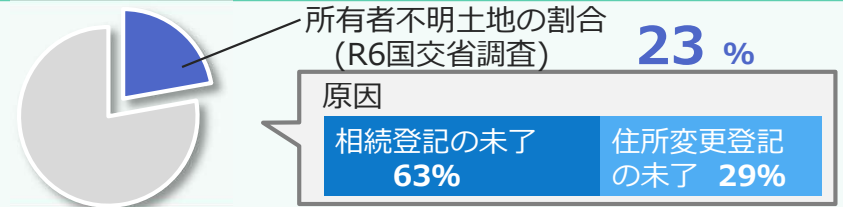
所有者不明土地の解消に向けた民事基本法制の見直し

課題

相続登記がされないこと等により、**所有者不明土地**（※）が発生

※ 所有者不明土地とは・・・

- ①不動産登記簿により所有者が直ちに判明しない土地
- ②所有者が判明しても、その所在が不明で連絡が付かない土地



背景

- **相続登記の申請は義務ではなく**、申請しなくても不利益を被ることは少ない
- 都市部への人口移動や人口減少・高齢化の進展等により、地方を中心に、土地の所有意識が希薄化・土地を利用したいというニーズも低下
- 遺産分割をしないまま相続が繰り返されると、**土地共有者がねずみ算式に増加**

問題点

- **所有者の探索に多大な時間と費用が必要**（戸籍・住民票の収集、現地訪問等の負担が大きい）
- 所有者の所在等が不明な場合には、土地が管理されず放置されることが多い
- 共有者が多数の場合や一部所在不明の場合、土地の管理・利用のために必要な合意形成が困難
 - ⇒ **公共事業や復旧・復興事業**が円滑に進まず、**民間取引**が阻害されるなど、**土地の利活用を阻害**
 - ⇒ 土地が管理不全化し、**隣接する土地への悪影響が発生** など



➡ 高齢化の進展による死亡者数の増加等により、今後ますます深刻化するおそれ

所有者不明土地問題の解決は、喫緊の課題

政府方針

- 所有者不明土地等対策の推進に関する基本方針（R7.6.6 関係閣僚会議決定）
 - ▶「令和6年4月に施行された相続登記の義務化について、…**国民各層に行き渡る十分な周知を徹底する**…相続土地国庫帰属制度、改正民法に基づく新たな財産管理制度や遺産分割の見直し等についても、**国民各層への十分な周知を徹底する**とともに、運用状況を踏まえて必要に応じ対策を講ずる。さらに、これらによる所有者不明土地の積極的解消を図るために**十分な法務局…の体制整備や予算の確保に努める。**」
- 骨太の方針2025（R7.6.13 閣議決定）
 - ▶「**相続・住所氏名変更登記義務化の周知・体制強化**や地籍調査・法務局地図作成を含む**所有者不明土地等対策**とを**一体的・総合的に推進する。**」（注）「所有者不明土地等対策の推進に関する基本方針」（令和7年6月6日所有者不明土地等対策の推進のための関係閣僚会議決定）に基づく。

相続に関する情報の更新を図る方策

【背景】 相続登記がされないため、登記名義人の相続人（所有者）の探索に時間と費用が掛かり、用地買収等が妨げられるなどの指摘がある

①相続登記の申請を義務化

R6.4.1施行

- 不動産を取得した相続人に対し、**その取得を知った日から3年以内**に相続登記の申請をすることを義務付ける
- 遺産分割がされた場合には、その成立日から3年以内に相続登記の申請をすることを義務付ける
※長期間経過後の遺産分割の見直しがされており（P.6）、早期に遺産分割することが重要
- **施行日前の相続**でも、未登記であれば、**義務化の対象**（3年間の猶予期間あり）
- 「正当な理由」がないのに申請を怠ったときは、10万円以下の**過料の適用対象**

②登記名義人の死亡等の事実の公示

R8.4.1施行

- 登記官が他の公的機関（住基ネットなど）から死亡等の情報を取得し、職権で登記に表示する（符号で表示）
⇒ **登記で登記名義人の死亡の有無の確認が可能に**

申請義務の簡易な履行手段

R6.4.1施行

相続人申告登記の新設

- ・ 相続人が、登記名義人の法定相続人である旨を申し出る（オンラインでも可）。申請義務の履行手段の一つ（単独で申告可・添付書面も簡略化・非課税）
⇒ **相続登記の申請義務を簡易に履行することが可能**

※ 登記官がその者の氏名及び住所等を職権で登記する（持分は登記されない報告的登記）

相続登記の負担を軽減

登録免許税の免税措置

- ・ **価額が100万円以下の土地**に係る相続登記等について、**登録免許税の免税措置を実施中**（令和9年3月31日まで）

相談体制の充実

- ・ 全国の法務局で**相続登記の手続案内を実施**
- ・ 専門資格者団体と連携して相談先情報を提供

登記漏れの防止

R8.2.2施行

所有不動産記録証明制度の新設

- ・ 特定の者が名義人となっている不動産の一覧を証明書として発行
⇒ **相続登記が必要な不動産の把握が容易に**
※ 自己所有不動産の一般的確認方法としても利用可能

自治体との連携

国民に身近な自治体と連携した広報

- ・ 自治体の「**おくやみリスト**」等に相続登記に関する情報を追加
- ・ **固定資産納税通知書**の送付と併せて新制度に関する資料を提供 など

住所等変更未登記への対応

【現状】

- ▶ 現在は、住所等変更登記は義務ではない
- ▶ 自然人・法人を問わず、転居・本店移転等のたびに登記するのには負担を感じ、放置されがちである
- ※ 都市部では所有者不明土地の主な原因との調査結果もある

住所等変更登記の申請を義務化

R8.4.1施行

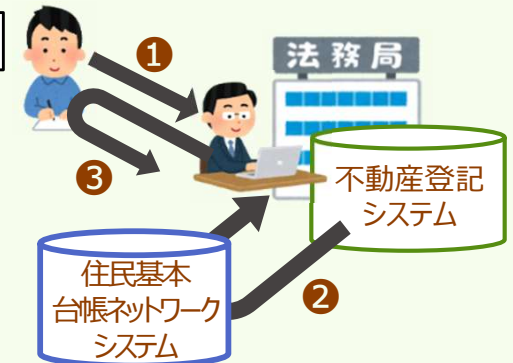
- 所有権の登記名義人に対し、**住所等の変更日から2年以内**にその変更登記の申請をすることを義務付ける（正当な理由のない申請漏れには過料の罰則あり）
※ 施行前の住所等の変更でも、未登記であれば、義務化の対象（2年間の猶予期間あり）
- かんたん・無料の**スマート変更登記**の手続きをしておけば、住所等の変更があるたびに登記申請をしなくても、登記官の職権で住所等変更登記がされる
- 国民向けに運用方針を明らかにした「**住所等変更登記の義務化の施行に向けたマスタープラン**」を令和7年3月に公表

スマート変更登記でらくらく安心！

自然人の場合

- ① 登記申請の際等に、氏名・住所のほか、生年月日等の「検索用情報」の申出を行う
- ② 登記官が、検索用情報等を用いて**住民基本台帳ネットワークシステム**に対して照会し、所有権の登記名義人の氏名・住所等の異動情報を取得する
- ③ 登記官が、取得した情報に基づき、登記名義人に住所等の変更の登記をすることについて確認をとった上で、職権で変更の登記をする（非課税）

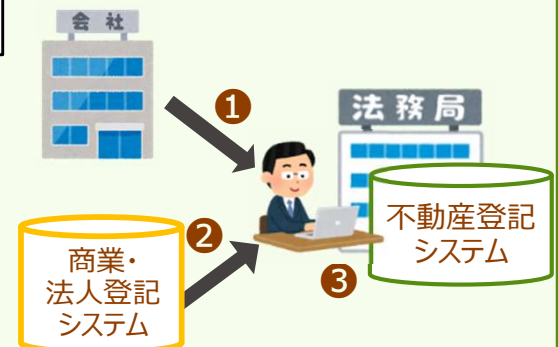
R7.4.21先行施行



法人の場合

- ① 法人が所有権の登記名義人となっている不動産について、会社法人等番号を登記事項に追加する
- ② **商業・法人登記システム**から不動産登記システムに対し、名称や住所を変更した法人の情報を通知する
- ③ 取得した情報に基づき、登記官が職権で変更の登記をする（非課税）

R6.4.1先行施行



所有者不明土地の発生を予防する方策

相続土地国庫帰属法

相続等により取得した土地所有権を国庫に帰属させる制度の創設

R5.4.27施行

- 背景**
- ① 土地利用ニーズの低下等により、土地を相続したものの、土地を手放したいと考える者が増加
 - ② 相続を契機として、土地を望まず取得した所有者の負担感が増しており、管理の不全化を招いている



国庫帰属制度
(法務省HP)

- 相続又は遺贈（相続人に対する遺贈に限る。）により取得した土地を手放して、国庫に帰属させることを可能とする制度を創設する ⇒ 将来的に土地が所有者不明化し、管理不全化することを予防することが可能になる
- 管理コストの国への転嫁や土地の管理をおろそかにするモラルハザードが発生するおそれを考慮して、**一定の要件を設定**し、法務大臣が要件について審査を実施

(1) 土地の要件 法令で定められた**通常管理又は処分をするに当たり過分の費用又は労力を要する土地**は不可

ア 建物や通常管理又は処分を阻害する工作物等がある土地 イ 土壌汚染や埋設物がある土地 ウ 危険な崖がある土地
エ 権利関係に争いがある土地 オ 担保権等が設定されている土地 カ 通路など他人によって使用される土地 など

(2) 負担金等 土地の性質に応じた標準的な管理費用を考慮して算出した10年分の土地管理費相当額の**負担金**の納付が必要 ※その他申請時に、審査に要する実費等を考慮して政令で定める審査手数料（一筆14,000円）の納付も必要

右記以外の土地	一部の市街地（注1）の宅地	一部の市街地（注1）、 農用地区域等の田、畑	森林
面積にかかわらず、 <u>20万円</u>	面積に応じ算定（注2） （例）100㎡：約55万円 200㎡：約80万円	面積に応じ算定（注2） （例）500㎡：約72万円 1,000㎡：約110万円	面積に応じ算定（注2） （例）1,500㎡：約27万円 3,000㎡：約30万円

注1：都市計画法の市街化区域又は用途地域が指定されている地域 注2：面積の単純比例ではなく、面積が大きくなるにつれて1㎡当たりの負担金額は低くなる

手続きイメージ

① 承認申請



【申請権者】
相続又は遺贈（相続人に対する遺贈に限る）により土地を取得した者

② 法務大臣（法務局）による 要件審査・承認



- ・ 実地調査権限あり
- ・ 国有財産の管理担当部局等に調査への協力を求めることができる
- ・ 地方公共団体等に対して、情報提供を求めることができる
- ・ 国や地方公共団体に対して、承認申請があった旨を情報提供し、土地の寄附受けや地域での有効活用を確保

③ 申請者が10年分の土地管理費相当額の負担金を納付

④ 国庫帰属

帰属後は、管理庁（財務省・農林水産省）が国有財産として管理

所有者不明土地の利用の円滑化を図る方策

R5.4.1施行

民法の改正

土地・建物の管理制度の創設

- ▶ 旧民法の不在者財産管理人・相続財産管理人は、人単位で財産全般を管理する必要があり、非効率になりがち
- ▶ 所有者が判明していても、管理されないことによって危険な状態になることもある

○ 所有者不明土地・建物の管理制度の創設

財産管理制度の見直し

- ・ 個々の所有者不明土地・建物の管理に特化した新たな財産管理制度を創設する
※ 裁判所が管理命令を発令し、管理人を選任（裁判所の許可があれば売却も可）

⇒ 所有者不明土地・建物の管理を効率化・合理化する

○ 管理不全土地・建物の管理制度の創設

- ・ 所有者が土地・建物を管理せずこれを放置していることで他人の権利が侵害されるおそれがある場合に、管理人の選任を可能にする制度を創設する

⇒ 管理不全化した土地・建物の適切な管理が可能となる

不明共有者がいる場合への対応

- ▶ 不明共有者がいる場合には、利用に関する共有者間の意思決定や持分の集約が困難

○ 共有物の利用の円滑化を図る仕組みの整備

共有制度の見直し

- ・ 裁判所の関与の下で、不明共有者等に対して公告等をした上で、残りの共有者の同意で、共有物の変更行為や管理行為を可能にする制度を創設する
- ・ 裁判所の関与の下で、不明共有者の持分の価額に相当する額の金銭の供託により、不明共有者の共有持分を取得して不動産の共有関係を解消する仕組みを創設する

⇒ 不明共有者がいても、共有物の利用・処分を円滑に進めることが可能になる

遺産分割長期未了状態への対応

- ▶ 長期間放置された後の遺産分割では、具体的相続分に関する証拠等が散逸し、共有状態の解消が困難

○ 長期間経過後の遺産分割の見直し

相続制度の見直し

- ・ 相続開始から10年を経過したときは、個別案件ごとに異なる具体的相続分による分割の利益を消滅させ、画一的な法定相続分で簡明に遺産分割を行う仕組みを創設する
※ 施行前の相続にも適用されること、猶予期間があるが、最短でR10.3.31の経過時までであることに注意が必要

⇒ 遺産分割長期未了状態の解消を促進する

隣地等の利用・管理の円滑化

- ▶ ライフラインの導管等を隣地等に設置することについての根拠規定がなく、土地の利用を阻害

○ ライフラインの設備設置権等の規律の整備

相隣関係規定の見直し

- ・ ライフラインを自己の土地に引き込むための導管等の設備を他人の土地に設置する権利を明確化し、隣地所有者不明状態にも対応できる仕組みも整備する

⇒ ライフラインの引込みを円滑化し、土地の利用を促進する