

# **Cabinet Order on Guardianship Registration, etc.**

(Cabinet Order No. 24 of January 28, 2000)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 4, paragraph (1), item (ix) and paragraph (2), Article 5, item (ix), Article 6, Article 10, paragraph (1), item (iv), paragraph (2), items (i) and (iii), paragraph (3), item (iii), and paragraph (4), and Article 16 of the Act on Guardianship Registration, etc. (Act No. 152 of 1999), as well as the provisions of Article 2, paragraphs (1) and (2) of the Supplementary Provisions of said Act.

Chapter I General Provisions (Articles 1 and 2)

Chapter II Guardianship Registration, etc. Files (Article 3)

Chapter III Registration Procedures (Articles 4 to 10)

Chapter IV Request for Sending of Certificate of Registered Matters (Article 11)

Chapter V Auxiliary Provisions (Articles 12 to 15)

Supplementary Provisions

## **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Cabinet Order is to specify the form of an application for registration and other necessary details with regard to the Guardianship Registration, etc. provided for in Article 1 of the Act on Guardianship Registration, etc. (hereinafter referred to as the "Act").

(Suspension of Operation)

Article 2 If an incident occurs at a registry office which causes the office to suspend operations, the Minister of Justice may order the suspension of registry office operations for a specific period.

## **Chapter II Guardianship Registration, etc. Files**

(Loss and Restoration of Records in Guardianship Registration, etc. Files)

Article 3 If all or a part of the record of a Guardianship Registration, etc. file or closed registration file is lost, the Minister of Justice may order a registrar to take the necessary measures to restore the record within a specified period.

## **Chapter III Registration Procedures**

(Registration upon Commission or Application)

Article 4 (1) Unless otherwise provided for in laws and regulations, no registration may be made without commission or application.

(2) Unless otherwise provided for in laws and regulations, the provisions concerning registration upon application apply mutatis mutandis to the procedures for the registration upon commission.

(Form of Application for Registration)

Article 5 (1) An application for registration must be made in writing.

(2) The following matters must be stated in the document referred to in the preceding paragraph (hereinafter referred to as the "Written Application for Registration"), and the applicant, or the applicant's representative or agent, must affix a personal name and seal to that document:

- (i) the name and address of the applicant, and the capacity of the applicant;
- (ii) if the application is filed by an agent, name and address of the agent;
- (iii) the reasons for registration;
- (iv) the matters to be registered;
- (v) in the case of an application for registration of change or registration of termination, the matters necessary to identify the Registration Record relating to the relevant change or termination, as specified by Ordinance of the Ministry of Justice;
- (vi) the amount of the fee;
- (vii) the date; and
- (viii) the name of the registry office.

(Documents to Be Attached to Written Application for Registration)

Article 6 The following documents must be attached to a Written Application for Registration:

- (i) if the applicant is a corporation, a document evidencing the capacity of its representative;
- (ii) if the application is filed via an agent, a document evidencing the agent's authority; and
- (iii) a document certifying the reasons for registration.

(Rejection of Application for Registration)

Article 7 A registrar must reject an application by a decision giving reasons for the rejection in the following cases:

- (i) when the matter should not be registered;
- (ii) when the matter has already been registered;
- (iii) when the application is filed by a person who is not authorized to apply;

- (iv) when the Written Application for Registration is not in the prescribed form;
- (v) when the Written Application for Registration is not accompanied by the necessary documents to be attached thereto;
- (vi) when the information in the Written Application for Registration or document attached thereto is inconsistent with the information in a document attached to the Written Application for Registration or with the record in the Registration Record; or
- (vii) when the fee is not paid.

(Ex Officio Correction of Registration)

Article 8 If a registrar finds any error or omission in a registration, the registrar must correct the registration, with the permission of the Director of the supervisory Legal Affairs Bureau or District Legal Affairs Bureau.

(Ex Officio Cancellation of Registration)

Article 9 (1) If a registrar finds that a registration falls under any of the cases set forth in the following items, the registrar must give notice to the person who applied for the registration that the registration will be cancelled unless said person files an objection in writing within a fixed period not exceeding one month:

- (i) the grounds set forth in Article 7, item (i) or item (ii) are applicable; or
  - (ii) any of the registered matters has a ground for invalidation.
- (2) If the domicile or residence of the person who filed the application referred to in the preceding paragraph is unknown, the registrar must give public notice of the information to be addressed in that notice, pursuant to the provisions of Ordinance of the Ministry of Justice, in lieu of giving notice as referred to in said paragraph,.
- (3) If any person files an objection, the registrar must render a decision with regard to such objection.
- (4) If no objection is filed or the registrar dismisses an objection, the registrar must cancel the registration addressed in the notice referred to in paragraph (1) or the public notice referred to in paragraph (2).

(Closure of Registration Record upon Cancellation of Registration)

Article 10 If a registrar cancels the whole of a registration, the registrar must close the Registration Record and include it in a closed registration file as a closed Registration Record.

#### **Chapter IV Request for Sending of Certificates of Registered Matters**

Article 11 Where a person requests that a Certificate of Registered Matters or Certificate of Registered Particulars in a Closed Record be issued, if the person requests that the certificate be sent to them, the person must pay the cost incurred in sending the certificate pursuant to the provisions of Ordinance of the Ministry of Justice, unless the person makes such request using an electronic data processing system provided in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002) pursuant to the provisions of said paragraph.

## **Chapter V Auxiliary Provisions**

(Inspection of Written Application for Registration.)

Article 12 (1) A person who may request that a Certificate of Registered Matters or Certificate of Registered Particulars in a Closed Record be issued may also ask to inspect the Written Application for Registration or the written referral regarding the registration addressed in said Certificate of Registered Matters or Certificate of Registered Particulars in a Closed Record, or any document attached thereto (hereinafter collectively referred to as the "Written Application for Registration, etc."), by paying the fee, only when there are special reasons for such inspection.

- (2) The request for inspection referred to in the preceding paragraph must be made in writing.
- (3) The following matters must be stated in the document referred to in the preceding paragraph, and the applicant or the representative or agent thereof must affix a personal name and seal to that document:
  - (i) the Written Application for Registration, etc. for which inspection is requested;
  - (ii) the special reasons; and
  - (iii) the matters set forth in Article 5, paragraph (2), items (vi) through (viii).
- (4) Payment of the fee as referred to in paragraph (1) must be made by way of revenue stamps.

(Exclusion from Application of the Act on Access to Information Held by Administrative Organs)

Article 13 The provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) do not apply to a Written Application for Registration, etc.

(Exclusion from Application of the Act on the Protection of Personal Information Held by Administrative Organs)

Article 14 The provisions of Chapter IV of the Act on the Protection of Personal

Information Held by Administrative Organs (Act No. 58 of 2003) do not apply to Retained Personal Information (meaning the retained personal information provided for in Article 2, paragraph (3) of said Act) which is recorded in a Written Application for Registration, etc.

(Delegation to Ordinance of the Ministry of Justice)

Article 15 The matters necessary for implementation of this Cabinet Order are specified by Ordinance of the Ministry of Justice.

### **Supplementary Provisions**

(Effective Date)

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

(Application for Registration of Guardianship or Curatorship)

Article 2 (1) A Written Application for Registration regarding a registration of guardianship as under the provisions of Article 2, paragraph (1) of the Supplementary provisions of the Act must have attached thereto a transcript or extract of the family register of the person who is deemed to be an adult ward addressed in the registration of guardianship (limited to a transcript or extract which contains a statement that said person is adjudicated incompetent) or any other document specified by Ordinance of the Ministry of Justice, in addition to the documents set forth in Article 6, items (i) and (ii).  
(2) The provisions of the preceding paragraph apply mutatis mutandis to a Written Application for Registration regarding a registration of curatorship as under the provisions of Article 2, paragraph (2) of the Supplementary Provisions of the Act.

### **Supplementary Provisions [Cabinet Order No. 48 of March 30, 2011]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date on which the Act on Special Accounts partially comes into effect (April 1, 2011).

(Transitional Measures upon Disuse of Registration Revenue Stamps)

Article 2 Notwithstanding the provisions of Article 18, paragraph (4) of the Order on Registration of Assignment of Movables and of Claims and Article 12, paragraph (4) of the Cabinet Order on Guardianship Registration, etc., following the revision by the provisions of Article 2, the payment of the fee may be made by means of revenue stamps or registration revenue stamps until otherwise provided for by law.