

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

(Order of the Ministry of Justice No. 2 of January 28, 2000)

Pursuant to the provisions of Article 9, paragraph (2), item (v), Article 13, paragraph (2), and Article 18 of the Cabinet Order on Guardianship Registration, etc. (Cabinet Order No. 24 of 2000), as well as Article 2, paragraph (1) of the Supplementary Provisions (including as applied mutatis mutandis pursuant to paragraph (2) of the Article) of that Order, the Ministerial Order on Guardianship Registration, etc. is hereby established as follows.

Chapter I Guardianship Registration, etc. File, etc. (Articles 1 through 5)  
Chapter II Registration Procedures (Articles 6 through 16)  
Chapter III Certification of Registered Information (Articles 17 through 21)  
Chapter IV Special Provisions Concerning Application for Registration by  
Electronic Data Processing System (Articles 22 through 28)  
Chapter V Auxiliary Provisions (Articles 29 through 33)  
Supplementary Provisions

## **Chapter I Guardianship Registration, etc. File, etc.**

(Prohibition of Removal of Guardianship Registration File)

Article 1 No guardianship registration, etc. file or closed registration file (hereinafter collectively referred to as "Guardianship Registration, etc. File, etc.") or no written application for registration, etc. (meaning the written application for registration, etc. prescribed in Article 12, paragraph (1) of the Cabinet Order on Guardianship Registration, etc. (hereinafter referred to as the "Order"); the same applies hereinafter) may be removed from a registry office unless it is to be removed in order to avoid any contingency; provided, however, that this does not apply to a written application for registration, etc. if it is removed as ordered or commissioned by the court.

(Sending of Written Application for Registration to Court)

Article 2 If a registrar is ordered or commissioned by the court to send a written application for registration, etc., the registrar must send the written application limited to the part related to the order or commission.

(Loss of Records in Guardianship Registration Files)

Article 3 (1) If all or a part of the record of a Guardianship Registration, etc. File, etc. is lost, a registrar must, without delay, notify the Director of the

supervisory Legal Affairs Bureau or District Legal Affairs Bureau, stating the grounds for loss, date of loss, the lost record of the Guardianship Registration, etc. File, etc., and any other information that is necessary to take the measures referred to in Article 3 of the Order, and estimating the period for registration for restoration.

- (2) If the Director of the Legal Affairs Bureau or District Legal Affairs Bureau is notified as referred to in the preceding paragraph, the Director must report to the Minister of Justice, after conducting an adequate investigation on the case.

#### (Duplicate Records)

Article 4 (1) A registrar must keep a duplicate record in which the same information as that recorded in a Guardianship Registration, etc. File, etc. is recorded

- (2) If a registrar is unable to administer registration affairs using the record in a Guardianship Registration, etc. File, etc., the registrar may administer these affairs using a duplicate record referred to in the preceding paragraph. In this case, the information recorded in the duplicate record is deemed to be information recorded in the record of the Guardianship Registration, etc. File, etc.

- (3) If a registrar is now able to administer registration affairs using the record in a Guardianship Registration, etc. File, etc., the registrar must immediately record information, which has been recorded in the duplicate record pursuant to the provisions of the preceding paragraph, in the record of the Guardianship Registration, etc. File, etc.

#### (Books)

Article 5 (1) A registry office is to keep the following books:

- (i) a receipt record book;
- (ii) a file of registration application documents;
- (iii) a file of written applications for issuance of certificates, etc.;
- (iv) a file of originals of decisions;
- (v) a file of written requests for review;
- (vi) a register of preserved registration-related books;
- (vii) a registration journal;
- (viii) a register of forms of certificates of registered information, etc.;
- (ix) a register of written notices of registered information;
- (x) a file of written requests for certification of re-use, etc.;
- (xi) a file of statistical tables; and
- (xii) a file of miscellaneous documents.

- (2) The documents specified in the following items are to be filed in the books set forth in the respective items:

- (i) a file of registration application documents: written applications for registration, etc.;
  - (ii) a file of written applications for issuance of certificates, etc.: written applications of cases other than registration application cases, and documents attached thereto;
  - (iii) a file of originals of decisions: originals of written decisions regarding decisions to dismiss commission or application for registration;
  - (iv) a file of written requests for review: written requests for review and other documents related to cases of requests for review;
  - (v) a file of written requests for certification of re-use, etc.: written request for certification of re-use of revenue stamps and documents related to reimbursement;
  - (vi) a file of statistical tables: various statistical tables related to registration cases and other cases; and
  - (vii) a file of miscellaneous documents: documents not filed in any other books.
- (3) The information specified in the following items is to be entered in the books specified in the respective items:
- (i) a register of preserved registration-related books: the status of preservation of books and documents set forth in the items of Article 5, paragraph (1);
  - (ii) a registration journal; information concerning dispatch and receipt of documents not recorded in the receipt record book or any other books;
  - (iii) a register of forms of certificates of registered information, etc.: information concerning the management of forms to be used to create certificates of registered information and certificates of registered information in closed records (hereinafter collectively referred to as a "Certificate of Registered Information, etc."); and
  - (iv) a register of written notices of registered information: information concerning the notice referred to in Article 13 and the notice referred to in Article 2, paragraph (4) of the Supplementary Provisions of the Act on Guardianship Registration, etc. (Act No. 152 of 1999; hereinafter referred to as the "Act").
- (4) The period of preservation of the following records, books, documents or electronic or magnetic recording media set forth in the following items (hereinafter referred to as "Records, etc.") is as specified in the respective items:
- (i) records in guardianship registration, etc. files: permanent;
  - (ii) records in closed registration files: 30 years from the date of closure;
  - (iii) records in a receipt record book: five years from the year following the relevant fiscal year;
  - (iv) a file of registration application documents: five years from the date of receipt;

- (v) a file of written applications for issuance of certificates, etc.: one year from the date of receipt;
- (vi) a file of originals of decisions: five years from the year following the year of the decision to which the written decision filed therein pertains;
- (vii) a file of written requests for review: five years from the year following the year of receipt of the written request filed therein;
- (viii) a register of preserved registration-related books: permanent;
- (ix) a registration journal; five years from the year following the year of creation;
- (x) a register of forms of certificates of registered information, etc.: one year from the year following the year of creation;
- (xi) a register of written notices of registered information: five years from the year following the year of creation;
- (xii) a file of written requests for certification of re-use, etc.: five years from the year following the year of creation;
- (xiii) a file of statistical tables: ten years from the year following the year of creation; and
- (xiv) a file of miscellaneous documents: two years from the year following the year of creation.

#### (Disposal of Records)

Article 5-2 If a registry office is to dispose of Records, etc., it must obtain approval from the Director of the Legal Affairs Bureau or District Legal Affairs Bureau.

## **Chapter II Registration Procedures**

#### (Information Necessary to Identify Registration Record)

Article 6 The information necessary to identify a registration record as prescribed in Article 5, paragraph (2), item (v) of the Order is to be the information set forth in any of the following items, beyond the name of the adult ward, etc., principal of a voluntary guardianship contract or principal of a guardianship order, etc.:

- (i) the date of birth and address or registered domicile (or nationality in the case of a foreign national) of the adult ward, etc., principal of a voluntary guardianship contract or principal of a guardianship order, etc.; or
- (ii) the registration number.

#### (Simultaneous Applications)

Article 7 (1) When applying for two or more registrations of change with regard to the same registration record simultaneously, an application for registration

may be made by submitting only one written application.

- (2) When applying for two or more registrations simultaneously to the same registry office, if any documents to be attached to the respective written applications contain the same information, it is sufficient to attach one copy of the relevant document to only one written application.
- (3) In the case referred to in the preceding paragraph, a statement to that effect must be indicated as a supplementary note in each of the other written applications.

#### (Method of Sending Written Application,)

Article 8 When a person who intends to apply for registration sends a written application for registration, etc., the person must do so by registered mail or by using the service of correspondence delivery prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002), which is carried out by a general correspondence delivery service operator prescribed in paragraph (6) of that Article or a specified correspondence delivery service operator prescribed in paragraph (9) of that Article (hereinafter referred to as "Correspondence Delivery"), and in which the general correspondence delivery service operator or the specified correspondence delivery service operator records the receipt and delivery.

#### (Receipt of Written Application for Registration)

- Article 9 (1) If a registrar receives a written application for registration, the registrar must record the type of registration, the name of the applicant, and the date of receipt and receipt number in a receipt record book prepared by means of a magnetic disk (including an object in which certain information can be securely recorded by any other means equivalent thereto; the same applies hereinafter), and enter the date of receipt and the receipt number in the written application for registration.
- (2) A receipt number must be renewed on a yearly basis.

#### (Documents Required to Be Attached to Written Application for Registration)

Article 10 A document set forth in Article 6, item (i) or item (ii) of the Order which has been created by a government agency or public office must be one that has been created within the past three months.

#### (Registration Number)

- Article 11 (1) A registration number is to be given to each registration record.
- (2) A registration number must be renewed on a yearly basis.

#### (Method of Registration)

Article 12 In order to make a registration, the grounds for registration and the date thereof, as well as the date of registration must be recorded in a Guardianship Registration, etc. File.

(Notice to Mayor of Municipality)

Article 13 If a registrar makes a registration based on a ruling for commencement of guardianship or registration based on a ruling to revoke that ruling, the registrar must give notice to that effect to the mayor of municipality (including the mayor of special ward; in the case of a designated city referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), the mayor of ward or mayor of consolidated ward) having jurisdiction over the registered domicile (or the address in the case of a foreign national) of the adult ward subject to these rulings.

(Change of Administrative District)

Article 14 (1) If there is a change to an administrative district, county (gun), ward (ku), or town (machi) or aza in a municipality, or the name of any of these, a registration of that change is deemed to have been made.

(2) In the case referred to in the preceding paragraph, a registrar is not precluded from recording the change in a record of a Guardianship Registration, etc. File.

(Method of Rejection of Application for Registration)

Article 15 A decision referred to in Article 7 of the Order must be made in writing.

(Method of Public Notice upon Ex Officio Cancellation of Registration)

Article 16 The public notice prescribed in Article 9, paragraph (2) of the Order is to be given by posting the relevant information for two weeks at the posting area in the registry office where the registration to be cancelled was made or at any other place accessible to the public in the registry office.

### **Chapter III Certification of Registered Information**

(Method of Requesting Issuance of Certificate of Registered Information)

Article 17 (1) A request for issuance of a Certificate of Registered Information, etc. must be made in writing.

(2) The following information must be contained in the written application under the preceding paragraph, and the applicant or the representative or agent thereof must affix the name and seal to it:

(i) the name and address of the applicant and the capacity of the applicant;

- (ii) in the case of requesting the issuance of a Certificate of Registered Information, etc. that is to certify the information recorded in a Guardianship Registration, etc. File, etc., the information necessary to identify the registration record or closed registration record subject to the request;
- (iii) in the case of requesting issuance of a Certificate of Registered Information, etc. that is to certify that the applicant has no record in a Guardianship Registration, etc. File, etc. as being or having been an adult ward, etc., principal of a voluntary guardianship contract or principal of a guardianship order, etc., a statement to that effect, as well as the name, date of birth, and address or registered domicile (or nationality in the case of a foreign national) of the person so certified;
- (iv) in the case of requesting issuance of a Certificate of Registered Information, etc. that is to certify that the applicant has no record in a Guardianship Registration, etc. File, etc. as being a person other than those prescribed in the preceding item, a statement to that effect, as well as the name and address of the person so certified;
- (v) the number of copies of the Certificate of Registered Information, etc. requested;
- (vi) the amount of fees;
- (vii) the date; and
- (viii) the indication of the registry office.

(Documents Required to Be Attached to Written Application for Issuance of Certificate of Registered Information)

Article 18 (1) The following documents must be attached to the written application referred to in paragraph (1) of the preceding Article:

- (i) a document evidencing the capacity of the applicant (excluding cases where the applicant is a person recorded in the registration record or closed registration record for which the issuance of a Certificate of Registered Information, etc. is requested and cases where the applicant is certified by a Certificate of Registered Information, etc. as having no record in a Guardianship Registration, etc. File, etc.);
  - (ii) if the applicant is a corporation, a document evidencing the capacity of its representative; and
  - (iii) if the application is made via an agent, a document evidencing the agent's authority.
- (2) A document referred to in any of the items of the preceding paragraph which has been created by a government agency or public office must be one that has been created within the past three months.

(Processing of Written Application for Issuance of Certificate of Registered Information)

Article 19 If a registrar receives a written application referred to in Article 17, paragraph (1), the registrar must enter the date of receipt in the written application and make a reasonable disposition in order of receipt.

(Method of Creation of Certificate of Registered Information)

Article 20 In order to create a Certificate of Registered Information, etc., a registrar must write an authentication text at the end of a document containing the information to be certified, enter the date and the registrar's title and name, affix the official seal, and affix a seal to confirm page continuation over the seam between each contiguous page or take measures equivalent thereto.

(Record of Issuance of Certificate of Registered Information)

Article 21 When issuing a Certificate of Registered Information, etc., the number of copies of the Certificate of Registered Information, etc. issued and the date of issuance must be entered in the written application.

#### **Chapter IV Special Provisions Concerning Application for Registration by Electronic Data Processing System**

(Application for Registration by Electronic Data Processing System)

Article 22 The following application or request may be made by using the electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002; hereinafter referred to as the "Act on the Utilization of Information and Communications Technology"); provided, however, that the application or request must conform to the conditions specified by the Minister of Justice:

- (i) an application for registration of change or registration of termination; or
- (ii) a request for issuance of a Certificate of Registered Information, etc.

(limited to when seeking that requested Certificate of Registered Information, etc. to be sent or to be issued pursuant to the provisions of Article 26).

(Method of Application for Registration)

Article 23 (1) In order to make an application referred to in item (i) of the preceding Article pursuant to the provisions of that Article, the applicant or the representative or agent thereof must perform an electronic signature (meaning the electronic signature prescribed in Article 2, paragraph (1) of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000;



the same applies hereinafter) with regard to the information set forth in the items of Article 5, paragraph (2) of the Order, and transmit that information, as specified by the Minister of Justice.

(2) In the case of making an application referred to in the preceding paragraph, the following information must also be transmitted:

(i) if the application is made by an agent, the information that may serve as a substitute for the document referred to in Article 6, item (ii) of the Order, for which an electronic signature has been performed by the applicant or the representative thereof; and

(ii) the information that may serve as a substitute for the document referred to in Article 6, item (iii) of the Order, for which an electronic signature has been performed by its creator (or the creator and the certifier if it is required to be certified).

(3) When transmitting the information for which an electronic signature has been performed as referred to in the preceding two paragraphs, an electronic certificate regarding the electronic signature (meaning an electronic or magnetic record created in order to certify that the information used to identify the person who has performed the electronic signature pertains to that person; the same applies hereinafter) which falls under any of the following items must also be transmitted:

(i) information created under the provisions of Article 3, paragraph (1) of the Act on Certification Business of Japan Agency for Local Authority Information Systems Regarding Electronic Signatures (Act No. 153 of 2002);

(ii) information created under the provisions of Article 12-2, paragraphs (1) and (3) of the Commercial Registration Act (Act No. 125 of 1963) (including as applied mutatis mutandis pursuant to the provisions of other laws and regulations); or

(iii) other information by which the person who has performed the electronic signature can be identified, and which is specified by the Minister of Justice as being equivalent to the information set forth in the preceding two items.

#### (Inspection of Information)

Article 24 Inspection of information referred to in paragraphs (1) and (2) of the preceding Article pursuant to the provisions of Article 12, paragraph (1) of the Order is to be conducted by a method of inspecting data output on a sheet of paper of Japanese Industrial Standard A Series, size 4. In this case, upon the request of the person who has inspected the information, a registrar must deliver the sheet of paper used for the inspection to that person.

#### (Method of Requesting Issuance of Certificate of Registered Information)

Article 25 (1) In order to make the request referred to in Article 22, item (ii)

pursuant to the provisions of that Article, the applicant or the representative or agent thereof must perform an electronic signature with regard to the information set forth in the items of Article 17, paragraph (2), and transmit that information, as specified by the Minister of Justice.

- (2) In the case of making a request referred to in the preceding paragraph, the following information must also be transmitted:
- (i) the information that may serve as a substitute for the document referred to in Article 18, paragraph (1), item (i), for which an electronic signature has been performed by its creator (or the creator and the certifier if it is required to be certified); and
  - (ii) if the request is made by an agent, the information that may serve as a substitute for the document referred to in Article 18, paragraph (1), item (iii), for which an electronic signature has been performed by the applicant or the representative thereof.
- (3) The provisions of Article 23, paragraph (3) apply mutatis mutandis when transmitting the information for which an electronic signature has been performed as referred to in the preceding two paragraphs.

(Issuance of Certificate of Registered Information by Electronic Data Processing System)

Article 26 In the case of requesting the issuance of a Certificate of Registered Information, etc. referred to in Article 22, item (ii) pursuant to the provisions of that Article, the issuance by using the electronic data processing system prescribed in Article 4, paragraph (1) of the Act on the Utilization of Information and Communications Technology may be requested.

(Method of Issuance of Certificate of Registered Information by Electronic Data Processing System)

Article 27 Upon the request for issuance of a Certificate of Registered Information, etc. made pursuant to the provisions of the preceding Article, a registrar must perform an electronic signature with regard to the information requested to be certified, and record that information in a file stored on a computer used by the Ministry of Justice, with an electronic certificate regarding that electronic signature.

(Measure to Reveal Name)

Article 28 The measure to reveal one's name referred to in Article 3, paragraph (4) and Article 4, paragraph (4) of the Act on the Utilization of Information and Communications Technology which is specified by order of the competent ministry is to be an electronic signature performed by the person who should affix that signature, etc.

## Chapter V Auxiliary Provisions

(Documents Required to Be Attached to Written Application for Inspection of Written Application for Registration)

Article 29 The provisions of Articles 18 and 19 apply *mutatis mutandis* to a request for inspection of a written application for registration, etc.

(Method of Inspection of Written Application for Registration)

Article 30 Inspection of a written application for registration, etc. must be conducted in the presence of a registrar.

(Method of Registration by Order of Director of Legal Affairs Bureau)

Article 31 If a registrar is to make a registration by order of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau, the registrar must also record the title of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau, the date of order and date of registration, and a statement that the registration is made by order.

(Cases Where Registrar Is Disqualified to Make Registration)

Article 32 (1) If a registrar or a registrar's spouse or relative within the fourth degree of kinship (including a person who was a registrar's spouse or relative within the fourth degree of kinship; hereinafter the same applies in this Article) is an applicant for a registration, that registrar may not make the registration. The same applies if a registrar or a registrar's spouse or relative within the fourth degree of kinship represents the applicant in making an application.

(2) The provisions of the preceding paragraph apply *mutatis mutandis* if a registrar or a registrar's spouse or relative within the fourth degree of kinship is or was any of the persons prescribed in Article 4, paragraph (1), items (ii) through (iv), the acting representative person prescribed in paragraph (1), item (x) of that Article, any of the persons prescribed in Article 4, paragraph (2), item (ii) or (iii) of the Act, any of the persons prescribed in Article 5, item (ii), item (iii) or item (vi) of the Act, or the acting representative person prescribed in item (x) of that Article.

(Method of Payment of Fees)

Article 33 (1) Payment of the fees referred to in the main clause of Article 11, paragraph (2) of the Act and Article 12, paragraph (4) of the Order must be made by affixing revenue stamps to a written commission or written application.

- (2) The method specified by Order of the Ministry of Justice as referred to in the proviso to Article 11, paragraph (2) of the Act is to be the method of payment by means of the payment information that the person making the request referred to in that proviso has obtained from the registrar when making that request.
- (3) The expenses required for sending a certificate as referred to in Article 11 of the Order must be paid by means of postage stamps, or vouchers that can be used to pay fees for the service of Correspondence Delivery and which are designated by the Minister of Justice.
- (4) The designation referred to in the preceding paragraph must be made by public notice.

### **Supplementary Provisions**

(Effective Date)

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

(Documents Required to Be Attached to Written Application for Registration of Guardianship or Curatorship)

Article 2 (1) The documents specified by Order of the Ministry of Justice as referred to in Article 2, paragraph (1) of the Supplementary Provisions of the Order are to be the following documents:

- (i) a document evidencing the capacity of the applicant;
  - (ii) a document certifying the court that issued interdiction with regard to the person who is deemed to be an adult ward pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Act for Partial Amendment to the Civil Code (Act No. 149 of 1999; hereinafter referred to as the "Civil Code Amendment Act"), and the indication of the case concerned;
  - (iii) a document certifying the address of the person who is to be deemed to be an adult ward, guardian of an adult, or supervisor of guardian of an adult pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Civil Code Amendment Act; and
  - (iv) if the person who is to be deemed to be an adult ward pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Civil Code Amendment Act is a foreign national, a document certifying that the person is to be deemed to be an adult ward, and a document certifying that person's nationality.
- (2) The documents specified by Order of the Ministry of Justice as referred to in Article 2, paragraph (1) of the Supplementary Provisions of the Order as applied mutatis mutandis pursuant to paragraph (2) of that Article are to be

the following documents:

- (i) a document evidencing the capacity of the applicant;
- (ii) a document certifying the status of the person who is deemed to be a person under curatorship pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act;
- (iii) a document certifying the court that issued limited interdiction with regard to the person who is deemed to be a person under curatorship pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act, and the indication of the case concerned;
- (iv) a document certifying the address of the person who is to be deemed to be a person under curatorship or a curator pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act; and
- (v) if the person who is to be deemed to be a person under curatorship pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act is a foreign national, a document certifying the person's nationality.

**Supplementary Provisions [Order of the Ministry of Justice No. 30 of April 1, 2003]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of Justice No. 21 of March 26, 2004]**

This Ministerial Order comes into effect as of March 29, 2004.

**Supplementary Provisions [Order of the Ministry of Justice No. 17 of April 1, 2010] [Extract]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of Justice No. 5 of March 25, 2011] [Extract]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of April 1, 2011.

**Supplementary Provisions [Order of the Ministry of Justice No. 44 of December 10, 2012]**

This Ministerial Order comes into effect as of the date on which the Non-Contentious Case Procedures Act (Act No. 51 of 2011) comes into effect (January 1, 2013).

**Supplementary Provisions [Order of the Ministry of Justice No. 51 of December 4, 2015] [Extract]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the provisions set forth in Article 1, item (iv) of the Supplementary Provisions of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (hereinafter referred to as the "Numbers Use Act") come into effect (January 1, 2016).

**Supplementary Provisions [Order of the Ministry of Justice No. 9 of March 22, 2016]**

This Ministerial Order comes into effect as of the date on which the Act for Partial Amendment to the Local Autonomy Act comes into effect (April 1, 2016).