

Regulation for Enforcement of the Act on Adjustment of Registration and Administration of Land for Which the Heading Section Owner is Unknown

(Ministry of Justice Order No. 42 of November 22, 2019)

In conjunction with enforcement of the Act on Adjustment of Registration and Administration of Land for Which the Heading Section Owner is Unknown (Act No. 15 of 2019) and pursuant to that Act and the provisions of Article 15 of the Real Property Registration Act (Act No. 123 of 2004), the Regulation for Enforcement of the Act on Adjustment of Registration and Administration of Land for Which the Heading Section Owner is Unknown is provided as follows.

(Definitions)

Article 1 In this Order, the meanings of the terms listed in the following items are as prescribed respectively in those items:

- (i) Location matters: the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura"), "aza," and parcel number ("chiban") where the land is located;
- (ii) Procedure number: the number assigned to each parcel of land for which the heading section owner is unknown when conducting a search specified in Article 3, paragraph (1) of the Act on Adjustment of Registration and Administration of Land for Which the Heading Section Owner is Unknown (hereinafter referred to as the "Act").
- (iii) Owner-specifying document: A written document or electronic or magnetic record prepared in accordance with the provisions of Article 14, paragraph (2) of the Act.

(Method, etc. of Public Notice of Commencement of Search for Owner)

Article 2 (1) The public notice set forth in Article 3, paragraph (2) of the Act is to be given for at least 30 days by the method of posting it in the posting area of the registry office having jurisdiction over the land for which the heading section is unknown or another place within the registry office that is easily visible to the public or by the method of providing the content of the information recorded in the file stored on a computer used by the registry office for the inspection of persons who receive information through telecommunications lines and of recording the information in a file stored on a computer used by persons who receive the information, which uses an automatic public transmission server (meaning an automatic public

transmission server as prescribed in Article 2, paragraph (1) item (ix)-5 (a) of the Copyright Act (Act No. 48 of 1970)) connected to the internet.

- (2) The matters prescribed by Ministry of Justice Order pursuant to Article 3, paragraph (2) of the Act are the matters set forth below:
- (i) the procedure number;
 - (ii) the location matters, category, and parcel area of the land for which the heading section owner is unknown; and
 - (iii) the matters recorded in the owner section of the heading section of the registration record of the land for which the heading section owner is unknown (the owner section listed in section I of Appended Table 1 to Ordinance on Real Property Registration (Ministry of Justice Order No. 18 of 2005); the same applies in Article 9).

(Method of Submitting of Opinions or Materials)

Article 3 (1) The submission of opinions or materials pursuant to the provisions of Article 4 of the Act is to be made in writing or as an electronic or magnetic record.

- (2) The public notice under the provisions of the second sentence of Article 4 is to be made by the means prescribed in paragraph (1) of the preceding Article.

(Commissioning of Examinations)

Article 4 When a registrar conducts an examination upon commission pursuant to Article 7 of the Act, the registrar must send a record in which the results of the examination are recorded to the registrar who made the commission.

(Report of Examination by Searcher for Owners)

Article 5 A registrar may request that a searcher for owners, etc. submit a report on the progress or results of the examination pursuant to the provisions of Article 5 of the Act applied mutatis mutandis pursuant to Article 12 of the Act or other necessary matters.

(Method of Submitting Opinions of Owner Searcher)

Article 6 The submission of opinions pursuant to the provisions of Article 13 of the Act is to be made in writing or as an electronic or magnetic record.

(Matters to Be Recorded, etc. in Owner-Specifying Document)

Article 7 (1) The following matters are recorded in the owner-specifying document:

- (i) the procedure number;
- (ii) location matters relating to land for which the heading section owner is unknown;

- (iii) the conclusion;
 - (iv) the reasons;
 - (v) in the case where the owner searcher presents an opinion, a statement to that effect; and
 - (vi) the date of preparation.
- (2) When a registrar prepares an owner-specifying document in writing, they must state their title and name and affix a registrar's seal on the owner-specifying document.
- (3) When a registrar prepares an owner-specifying document in the form of an electronic or magnetic record, they must take measures to clarify the registrar of the owner-specifying document as specified by the Minister of Justice.

(Method of Public Notice Before Registration)

Article 8 (1) The provisions of Article 2, paragraph (1) apply mutatis mutandis to the public notice specified in Article 15, paragraph (2) of the Act. In this case, "at least 30 days" in Article 2, paragraph (1) is to be deemed to be replaced with "two weeks".

- (2) The reference, in Article 15, paragraph (2) of the Act, to matters specified by Ministry of Justice Order means the matters specified in each item of Article 2, paragraph (2) and the matters specified in the following items prescribed according to the specific classification of the owner in the corresponding item:
- (i) in the case listed in Article 14, paragraph (1), item (i) of the Act: the name and address of a person who should be registered as the heading section owner of land for which the heading section owner is unknown, and if a person who should be registered is identified pursuant to the provisions of the second sentence of that paragraph, the co-ownership interests;
 - (ii) in the case listed in Article 14, paragraph (1), item (ii) of the Act: A statement to that effect;
 - (iii) in the case listed in Article 14, paragraph (1), item (iii) of the Act: with regard to the co-ownership interests for which there is a person who should be registered as a heading section owner of the land for which the heading section owner is unknown, the name and address of the person (including the co-ownership interests), and with regard to the co-ownership interests for which no person should be registered as a heading section owner, a statement to that effect (including the co-ownership interests);
 - (iv) in the case listed in Article 14, paragraph (1), item (iv) of the Act: the matters that each of the following sub-items (a) and (b) prescribe for the category of cases set forth in the sub-item:
 - (a) cases corresponding to the grounds listed in Article 14, paragraph (1), item (iv)(a) of the Act: a statement to that effect;
 - (b) cases corresponding to the grounds listed in Article 14, paragraph (1),

item (iv)(b) of the Act: a statement to that effect.

(Registration of Heading Section Owner)

- Article 9 (1) The matters to be registered as a registration record pursuant to the provisions of Article 15, paragraph (1) of the Act or Article 20, paragraph (3) or (4) of the Act (including the case where these provisions are applied mutatis mutandis in Article 30, paragraph (2) of the Act) are to be recorded in the owner section of the heading section.
- (2) When a registrar cancels the registration of a heading section owner pursuant to the provisions of the first sentence of Article 15, paragraph (1) of the Act, they must record the cancellation code of registration matters relating to the heading section owner.
- (3) When a registrar makes a registration pursuant to the provisions of the second sentence of Article 15, paragraph (1) of the Act, they must record the cause and date of registration of the registration and the procedure number.
- (4) In the case of the preceding paragraph, the registrar must record the matters specified in the following items in the owner section of the heading section in accordance with the categories of cases set forth in the following items:
- (i) In cases where the person who should be recorded as the heading section owner is the representative or manager of an unincorporated association, etc., a statement to that effect; and
 - (ii) In cases where the person who should be recorded as the heading section owner held ownership rights or co-ownership rights at a certain time in the past, a statement to that effect and at that time.
- (5) In cases where a registration has been commissioned pursuant to the provision of Article 20, paragraph (3) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 30, paragraph (2) of the Act), a registrar must, when making a registration based on the commission, record the purpose of registration, and the title, name, and address of the administrator of land for which the owner is unidentified or the administrator of land owned by a specified association, etc. as well as the cause of registration and the date thereof, and the date of registration.
- (6) In cases where a registration has been commissioned pursuant to the provision of Article 20, paragraph (4) of the Act (including the case where applied mutatis mutandis pursuant to Article 30, paragraph (2) of the Act), a registrar must, when canceling a registration based on the commission, record the purpose of registration, and the symbol by which the registration to be canceled is canceled, as well as the cause of registration for the registration to be canceled and the date thereof, and the date of registration.

(Method of Public Notice After Registration)

Article 10 (1) The provisions of Article 2, paragraph (1) apply mutatis mutandis to the public notice under the provisions of Article 16 of the Act. In this case, "land for which the heading section owner is unknown" in that paragraph is deemed to be replaced with "land for which there is a registration pursuant to the provisions of Article 15, paragraph (1) of the Act" and "at least 30 days" is deemed to be replaced with "two weeks".

(2) The matters specified by Ministry of Justice Order referred to in Article 16 of the Act are as follows:

(i) the procedure number;

(ii) matters concerning the location of land that is registered pursuant to the provisions of Article 15, paragraph (1) of the Act.

(Method of Public Notice of Suspension of Search for Owners)

Article 11 (1) The provisions of Article 2, paragraph (1) of the Act apply mutatis mutandis to the public notice under the provisions of the second sentence of Article 17 of the Act. In this case, "at least 30 days" in that paragraph is deemed to be replaced with "two weeks".

(2) The matters specified by Ministry of Justice Order referred to in the second sentence Article 17 of the Act are as follows:

(i) the procedure number;

(ii) location matters relating to the land for which the heading section owner is unknown;

(iii) A statement to the effect that procedures were suspended.

(Notice After Registration)

Article 12 (1) When a registrar registers the matters specified in Article 15, paragraph (1), item (i) or item (iii) of the Act, they must provide notice to the effect that registration was completed to the heading section owner or the person known to be the heir or other general successor of the heading section owner.

(2) With regard to the notification pursuant to the provisions of the preceding paragraph, if there are two or more persons who are to receive the notification pursuant to the provisions of said paragraph, it is sufficient to notify one of those persons.

(3) Notice pursuant to the provisions of paragraph (1) is to be made by mail, correspondence delivery set forth in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) by a general correspondence delivery operator set forth in paragraph (6) of that article or a specified correspondence delivery operator set forth in paragraph (9) of that article, or other appropriate means.

(Preservation of Owner-Specifying Documents)

Article 13 (1) Information stated or recorded in owner-specifying documents is to be preserved permanently.

(2) When an owner-specifying document is prepared in a written document, the information stated in that written document pursuant to the provisions of the preceding paragraph is to be preserved by preserving an electronic or magnetic record in which the content of the information is recorded.

Article 14 (1) A registry office is to keep inventories of owner-specifying documents.

(2) Notwithstanding the provisions of Article 19 Ordinance on Real Property Registration, inventories of owner-specifying documents are to comprise a copy of inquiries to the heads of relevant local public entities and other persons, the submitted materials, owner-specifying documents prepared in writing (in cases where owner-specifying documents are prepared using electronic or magnetic records, documents on which the content of those records is output), and other documents relating to procedures concerning searches for owners and identification and registration of owners.

(3) The preservation period of inventories of owner-specifying documents is thirty years from the year after the year of preparation.

(Method of Public Notice after Deposit)

Article 15 (1) Public notice pursuant to the provision of Article 28, paragraph (2) of the Act (including cases where applied mutatis mutandis pursuant to Article 30, paragraph (2) of the Act; the same applies in the following paragraph) is to be made in an official gazette.

(2) Matters specified by Ministry of Justice Order referred to in Article 28, paragraph (2) of the Act are as follows:

(i) location matters pertaining to the land for which the owner, etc. is unidentified or land owned by a specified association, etc.;

(ii) indication of the official depository;

(iii) deposit number;

(iv) amount deposited;

(v) name of the court, name of the case, and case number.

Supplementary Provisions

This Ministerial Order comes into force on the effective date of the Act (November 22, 2019).