

Real Property Registration Act

(Act No. 123 of June 18, 2004)

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Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to secure the rights of citizens by providing for a system concerning registrations to be made to notify the public of descriptions of real property and rights relating to real property, thereby contributing to the safe and smooth conduct of transactions.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) real property: land or building;
- (ii) description of real property: matters to be registered as prescribed in Article 27, item (i), item (iii) or item (iv), items of Article 34, paragraph (1), Article 43, paragraph (1), items of Article 44, paragraph (1) or items of Article 58, paragraph (1), which relate to real property;
- (iii) registration of a description: a registration concerning a description of real property;
- (iv) registration of a right: a registration concerning any of the rights set forth in the items of the following Article which relate to real property;
- (v) registration record: an electronic or magnetic record (meaning a record made in an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used in information processing by computers; the same applies hereinafter) which is prepared pursuant to the provisions of Article 12 in relation to a registration of a description or registration of a right for each parcel of land or each building;
- (vi) matters to be registered: matters to be registered as a registration record pursuant to the provisions of this Act;
- (vii) heading section: the part of a registration record in which a registration of a description is recorded;
- (viii) rights section: the part of a registration record in which a registration of a right is recorded;
- (ix) register: a book in which a registration record is recorded, and which is prepared in the form of a magnetic disk (including an object that can record certain matters securely by equivalent means; the same applies hereinafter);
- (x) heading-section owner: a person recorded in the heading section of a registration record of real property for which there is no registration of ownership as the owner of the real property;
- (xi) registered (right) holder: a person recorded in the rights section of a

- registration record as the holder of any of the rights set forth in the items of the following Article
- (xii) person entitled to register: a person who is to receive any benefit directly in terms of registration by making a registration of a right, excluding a person who is to receive any benefit indirectly;
 - (xiii) person obliged to register: a registered right holder who is to suffer any detriment directly in terms of registration by making a registration of a right, excluding a registered right holder who is to suffer any detriment indirectly;
 - (xiv) information for registration identification: a code and other information to be used in order to confirm that the registered right holder themselves files an application for the registration, with which the registered right holder can be identified, when a registered right holder files an application for a registration pursuant to the provisions of the main clause of Article 22,;
 - (xv) registration of change: a registration to be made, when there is a change to any of the matters to be registered, in order to change that matter;
 - (xvi) registration of correction: a registration to be made, when there is an error or omission regarding any of the matters to be registered, in order to correct that matter;
 - (xvii) parcel number: a number assigned to each parcel of land pursuant to the provisions of Article 35;
 - (xviii) land category: a category according to the use of land, which is specified by Ministry of Justice Order referred to in Article 34, paragraph (2);
 - (xix) parcel area: the area of a parcel of land, which is specified by Ministry of Justice Order referred to in Article 34, paragraph (2);
 - (xx) heading registration: the first registration of a description to be made in the heading section in relation to the real property;
 - (xxi) building number: a number assigned to each building pursuant to the provisions of Article 45;
 - (xxii) condominium unit: a structurally divided portion of a single building, which can be used independently as a residence, store, office or warehouse or any other type of building, and which constitutes a proprietary element as prescribed in Article 2, paragraph (3) of the Act on Building Unit Ownership, etc. (Act No. 69 of 1962; hereinafter referred to as the "Condominium Unit Ownership Act") (including those portions regarded as common elements pursuant to the provisions of Article 4, paragraph (2) of the Condominium Unit Ownership Act)
 - (xxiii) annex building: a building annexed to another building for which a heading registration is made, and is registered as forming one building together with the registered building
 - (xxiv) mortgage securities: mortgage securities prescribed in Article 1, paragraph (1) of the Mortgage Securities Act (Act No. 15 of 1931)

(Registrable Rights)

Article 3 A registration is made with regard to a description of real property or with regard to the preservation, etc. of the following rights relating to real property (the "preservation, etc." means the preservation, establishment, transfer, change, restriction on disposition, or extinction of a right; the same applies in paragraph (2) of the following Article and Article 105, item (i)):

- (i) ownership;
- (ii) superficies;
- (iii) farming right
- (iv) servitude;
- (v) statutory lien;
- (vi) pledge;
- (vii) mortgage;
- (viii) right of lease; and
- (ix) spouse's right of residence;
- (x) right of quarrying (meaning a right of quarrying prescribed in the Quarrying Act (Act No. 291 of 1950); the same applies in Article 50, Article 70, paragraph (2), and Article 82)

(Order of Priority of Rights)

Article 4 (1) Unless otherwise provided for in laws and regulations, the order of priority of rights registered in relation to the same real property follows the chronological order of registration.

(2) The order of priority of supplemental registrations (meaning a registration of a right to be made in relation to a right already registered which is made to change or correct the relevant right already registered, or in the case of a right other than ownership, a registration of a right to be made to transfer or preserve any right established over the relevant right which needs to be publicly announced as forming a single registration together with the relevant right already registered; hereinafter the same applies in this paragraph and Article 66) follows the order of priority of the corresponding principal registrations (meaning a right already registered to which a supplemental registration is attached; hereinafter the same applies in this paragraph), and the order of priority of supplemental registrations attached to the same principal registration follows the chronological order of the supplemental registrations.

(Third Party Ineligible to Assert the Lack of Registration)

Article 5 (1) A third party who has interfered with the filing of an application for a registration by fraud or duress may not assert the lack of the registration.

- (2) A third party who has an obligation to file an application for a registration on behalf of another person may not assert the lack of the registration; provided, however, that this does not apply if the cause of registration (meaning a fact or juridical act that is the cause of a registration) regarding the other party's registration occurred after the cause of registration regarding the third party's own registration occurred.

Chapter II Registry Office and Registrar

(Registry Office)

Article 6 (1) Registration affairs are administered by the Legal Affairs Bureau or District Legal Affairs Bureau or the branch bureau thereof or the branch office of any of those bureaus (hereinafter simply referred to as the "registry office") which has jurisdiction over the location of the real property in question.

(2) Where real property extends over the jurisdictional districts of two or more registry offices, the Minister of Justice or the Director of the Legal Affairs Bureau or District Legal Affairs Bureau designates the registry office that should take charge of administering the registration affairs relating to the real property, as provided for by Ministry of Justice Order.

(3) In the case prescribed in the preceding paragraph, an application for a registration may be filed with any one of those two or more registry offices, until one of them is designated under the same paragraph.

(Delegation of Affairs)

Article 7 The Minister of Justice may delegate affairs that are subject to the jurisdiction of one registry office to another registry office.

(Suspension of Affairs)

Article 8 In the event that a registry office is obliged to suspend its affairs for some reason, the Minister of Justice may specify a period and order the suspension of the affairs of the registry office.

(Registrar)

Article 9 The affairs of a registry office are handled by a registrar (meaning a person appointed by the Director of the Legal Affairs Bureau or District Legal Affairs Bureau from among officials of the Ministry of Justice who work at the registry office; the same applies hereinafter).

(Disqualification of Registrar)

Article 10 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 the applicant for a registration, the registrar may not make the registration. The same applies when a registrar or a registrar's spouse or relative within the fourth degree of kinship files an application for a registration as a representative of the applicants.

Chapter III Registration Record, etc.

(Registration)

Article 11 A registration is made through the process in which a registrar records matters to be registered in a register.

(Preparation of Registration Record)

Article 12 A registration record is prepared separately for the heading section and the rights section.

(Loss and Restoration of Registration Record)

Article 13 If the whole or part of a registration record is lost, the Minister of Justice may specify a certain period and order a registrar to take the necessary disposition to restore the registration record.

(A Map and Related Documents)

- Article 14 (1) A registry office is to keep maps and building location pictures.
- (2) A map referred to in the preceding paragraph is to be prepared for each parcel of land or each group of two or more parcels of land, and it is to clearly define the boundaries and indicate the parcel number of each parcel of land.
- (3) A building location picture referred to in paragraph (1) is to be prepared for each building or each group of two or more buildings, and it is to indicate the position and building number of each building.
- (4) Notwithstanding the provisions of paragraph (1), until it has a map pursuant to the provisions of the same paragraph, a registry office may keep a drawing equivalent to a map instead.
- (5) A drawing equivalent to a map referred to in the preceding paragraph is to indicate the position, shape and parcel number for each parcel of land or each group of two or more parcels of land.
- (6) A map and building location picture referred to in paragraph (1) and a drawing equivalent to a map referred to in paragraph (4) may be recorded in an electronic or magnetic record.

(Delegation to Ministry of Justice Order)

Article 15 Beyond what is provided for in this Chapter, recording methods to be

employed for registers and registration records as well as for maps, building location pictures and drawings equivalent to maps, and other necessary matters concerning registration affairs are specified by Ministry of Justice Order.

Chapter IV Registration Procedures

Section 1 General Provisions

(Registration upon Application by the Party or upon Commission)

Article 16 (1) Unless otherwise provided for in laws and regulations, no registration may be made without an application filed by a party concerned or a commission issued by a government agency or public office.

(2) The provisions of Article 2, item (xiv), Article 5, Article 6, paragraph (3), Article 10, and this Chapter (excluding this Article, Article 27, Article 28, Article 32, Article 34, Article 35, Article 41, Articles 43 through 46, Article 51, paragraph (5) and paragraph (6), Article 53, paragraph (2), Article 56, Article 58, paragraphs (1) and (4), Article 59, item (i), items (iii) through (vi) and item (viii), Article 66, Article 67, Article 71, Article 73, paragraph (1), items (ii) through (iv), paragraphs (2) and (3), Articles 76 through 76-4, Article 76-6, Articles 78 through 86, Article 88, Articles 90 through 92, Article 94, Article 95, paragraph (1), Article 96, Article 97, Article 98, paragraph (2), Article 101, Article 102, Article 106, Article 108, Article 112, Articles 114 through 117, and Article 118, paragraphs (2), (5) and (6)) apply mutatis mutandis to a registration procedure to be performed as commissioned by a government agency or public office.

(Non-Extinction of the Authority of Representation)

Article 17 The authority vested in an agent privately appointed by a person applying for a registration is not extinguished on the following grounds:

- (i) the death of the principal;
- (ii) the extinction by merger of a juridical person which is the principal;
- (iii) the termination of duties concerning a trust assigned to the trustee who is the principal; and
- (iv) the death of a statutory agent, or the extinction or modification of their authority of representation

(Application Method)

Article 18 An application for a registration must be filed by providing a registry office with the information specified by Cabinet Order as necessary matters for applying for a registration, including the matters necessary for identifying the real property, the name of the applicant, and the purpose of registration

(hereinafter referred to as "application information"), by any of the following methods:

- (i) the method of using an electronic data processing system (meaning an electronic data processing system wherein the computer (including input-output devices; hereinafter the same applies in this item) used in the registry office is connected by way of telecommunications lines to the computer used by the applicant or their agent), as provided for by Ministry of Justice Order; or
- (ii) the method of submitting a document stating the application information (including a magnetic disk on which the whole or part of the application information is recorded as provided for by Ministry of Justice Order)

(Receipt)

Article 19 (1) If application information is provided for a registry office pursuant to the provisions of the preceding Article, as provided for by Ministry of Justice Order, a registrar must accept an application for a registration pertaining to the application information.

(2) When two or more applications are filed in relation to the same real property, if the chronological order thereof is uncertain, those applications are deemed to have been filed simultaneously.

(3) If they have received an application, a registrar must assign a receipt number to the application. In this case, if two or more applications are filed simultaneously in relation to the same real property (including cases where these applications are deemed to have been filed simultaneously pursuant to the provisions of the preceding paragraph), the registrar is to assign the same receipt number to these applications.

(Order of Making Registrations)

Article 20 If two or more applications for registrations of rights are filed in relation to the same real property, a registrar must make the registrations according to the order of the receipt numbers assigned to these applications.

(Notice of Information for Registration Identification)

Article 21 Where an applicant themselves becomes a registered right holder by making a certain registration, if a registrar has completed the registration, as provided for by Ministry of Justice Order, the registrar must promptly give notice of the information for registration identification pertaining to the registration to the applicant; provided, however, that this does not apply when the applicant has made a notification in advance to the effect that they do not wish to be given notice of information for registration identification, and in other cases specified by Ministry of Justice Order.

(Provision of Information for Registration Identification)

Article 22 When a person entitled to register and a person obliged to register jointly file an application for a registration of a right, and in other cases where a registered right holder files an application for a registration specified by Cabinet Order, the applicant must provide the information for registration identification regarding the person obliged to register (or in the case of an application for a registration specified by Cabinet Order, the registered right holder; the same applies in paragraph (1) and paragraph (2) of the following Article and the items of paragraph (4) of the same Article), together with the application information; provided, however, that this does not apply when no notice of information for registration identification is given pursuant to the provisions of the proviso to the preceding Article, and in other cases where the applicant has justifiable grounds for being unable to provide the information for registration identification.

(Advance Notice)

Article 23 (1) In the case where an applicant files an application prescribed in the preceding Article, if they are unable to provide information for registration identification pursuant to the provisions of the proviso to the same Article, the registrar must, by a method specified by Ministry of Justice Order, give notice to the person obliged to register as prescribed in the same Article to the effect that the application has been filed and that if the person considers the content of the application to be true, they should make a notification to that effect, as provided for by Ministry of Justice Order, within a period specified by Ministry of Justice Order. In this case, within the relevant period, the registrar may not make a registration for the relevant application unless the relevant notification is made.

- (2) In cases where an application for a registration referred to in the preceding paragraph relates to ownership, if a registration of change has been made with regard to the address of the person obliged to register referred to in the same paragraph, except for cases specified by Ministry of Justice Order, before making a registration based on the application referred to in the same paragraph, the registrar must give notice under the provisions of the same paragraph and also give further notice of the filing of the application that is addressed to the previous location of the person obliged to register as recorded in the registration record, by a method specified by Ministry of Justice Order.
- (3) The provisions of the preceding two paragraphs do not apply when the registrar is to be required to dismiss the application pursuant to the provisions of Article 25 (excluding item (x)).
- (4) The provisions of paragraph (1) do not apply in the cases prescribed in the

same paragraph, if any of the following items applies:

- (i) in the cases where the application has been filed by an agent who is qualified to act as an agent for applying for a registration in the course of trade, and if the registrar has received from the agent the necessary information for confirming that the applicant is the person obliged to register referred to in paragraph (1), as provided for by Ministry of Justice Order, and finds the content of such information to be appropriate;
- (ii) with regard to a document or electronic or magnetic record in which the application information pertaining to the application (in the case of an application filed by a privately appointed agent, the information certifying the agent's authority) is stated or recorded, if a notary (including an official of the Ministry of Justice engaged in the duties of a notary pursuant to the provisions of Article 8 of the Notary Act (Act No. 53 of 1908)) has issued a necessary certification for confirming that the applicant is the person obliged to register referred to in paragraph (1), and the registrar finds the content of such certification to be appropriate.

(Identity Confirmation by a Registrar)

Article 24 (1) In cases where an application for a registration is filed, and if a registrar finds that there are reasonable grounds sufficient to suspect that the application is filed by a person other than the one who should be the applicant, except where they should dismiss the application pursuant to the provisions of the following Article, the registrar must examine whether or not the applicant has the authority to apply, by requesting the applicant or their representative or agent to appear, asking questions of them, or requesting them to present documents or provide any other necessary information.

- (2) If the applicant or their representative or agent prescribed in the preceding paragraph resides in a remote place or the registrar finds it appropriate for other reasons, the registrar may commission a registrar of another registry office to conduct the examination referred to in the same paragraph.

(Dismissal of Application)

Article 25 In the following cases, a registrar must dismiss an application for a registration, by a decision stating the reasons therefor; provided, however, that this does not apply where defects in the application can be corrected, and if the applicant has corrected them within a reasonable period specified by the registrar:

- (i) if the location of the real property for which the application is filed is not subject to the jurisdiction of the registry office which has received the application;
- (ii) if the purpose of the application is to make a registration of matters other

- than the matters to be registered (including those matters to be registered as registration record pursuant to the provisions of other laws and regulations);
- (iii) if the registration for which the application is filed has already been made;
 - (iv) if the application is filed by a person without the authority to apply;
 - (v) if the application information or the method employed to provide it does not conform to the form specified pursuant to the provisions of an order issued under this Act or of other laws and regulations;
 - (vi) if the real property which is the content of the application information or the right which is the purpose of registration is inconsistent with the registration record;
 - (vii) if the name or address of the person obliged to register (in the cases referred to in Article 65, Article 76-5, Article 77, Article 89, paragraph (1) (including as applied mutatis mutandis pursuant to Article 89, paragraph (2) (including as applied mutatis mutandis pursuant to Article 95, paragraph (2)) and Article 95, paragraph (2)), Article 93 (including as applied mutatis mutandis pursuant to Article 95, paragraph (2)) or the first sentence of Article 110, the registered right holder) which is the content of the application information is inconsistent with the registration record;
 - (viii) if the content of the application information is inconsistent with the content of the information certifying the cause of registration prescribed in Article 61;
 - (ix) if the information required to be provided along with the application information pursuant to the provisions of the main clause of Article 22 or Article 61 or of an order issued under this Act or of other laws and regulation is not provided;
 - (x) if the notification referred to in Article 23, paragraph (1) is not made within the period prescribed in the same paragraph;
 - (xi) if the description of the real property for which an application for a registration of a description is filed is inconsistent with the results of the examination conducted by the registrar pursuant to the provisions of Article 29;
 - (xii) if no registration and license tax is paid; and
 - (xiii) beyond the cases set forth in the preceding items, in cases specified by Cabinet Order as cases where the registration should not be made

(Delegation to Cabinet Order)

Article 26 Beyond what is provided for in this Chapter, the method for providing application information, the necessary information to be provided along with the application information and the method for providing it, and other necessary matters concerning the procedure of filing an application for registration are specified by Cabinet Order.

Section 2 Registration of a Description

Subsection 1 General Rules

(Matters to Be Registered for Registration of a Description)

Article 27 The matters to be registered for a registration of a description of land and a building are to be as follows:

- (i) the cause of registration and the date thereof;
- (ii) the date of registration;
- (iii) With regard to the property for which no registration of ownership is made (excluding a building with the registration to the effect that it is a common element (meaning a common element prescribed in Article 4, paragraph (2) of the Condominium Unit Ownership Act; the same applies hereinafter) or that it is a common element of a housing complex (meaning a common element of a housing complex prescribed in Article 67, paragraph (1) of the Condominium Unit Ownership Act; the same applies hereinafter)), the name and address of the owner, and if there are two or more owners, each owner's share;
- (iv) beyond what is set forth in the preceding three items, the matters specified by Ministry of Justice Order as being necessary for identifying the real property

(Registration of a Description by the Registrar's Own Authority)

Article 28 A registration of a description may be made by a registrar by their own authority.

(Examination by a Registrar)

Article 29 (1) Where an application for a registration of a description is filed pursuant to the provisions of Article 18, or where a registrar intends to make a registration of a description by their own authority pursuant to the provisions of the preceding Article, if they find it necessary, the registrar may examine the matters concerning the description of the real property.

(2) Where a registrar conducts the examination referred to in the preceding paragraph and if they find it necessary, they may, only during the period from sunrise to sunset, inspect the real property, request the owner of the real property or other persons concerned to present a document or matters that are recorded in an electronic or magnetic record and indicated by a method specified by Ministry of Justice Order, or ask these persons questions. In this case, the registrar must carry their identification card and present it if requested to do so by any person concerned.

(Application by a General Successor)

Article 30 Where it is possible for a heading-section owner or registered holder of ownership to be an applicant for a registration of a description, if an inheritance or other general succession is made with regard to the heading-section owner or registered holder of ownership, their heirs or other general successors may file an application for the registration of the description.

(Registration of Change or Registration of Correction Regarding the Name of Heading-Section Owner)

Article 31 For a registration of change or a registration of correction regarding the name or address of a heading-section owner, no person other than the heading-section owner may file an application.

(Registration Procedures Concerning Change to Heading-Section Owner)

Article 32 No registration may be made with regard to a change to a heading-section owner or their share unless a registration of preservation of ownership is made in relation to the real property, and subsequently a procedure for registration of transfer of the ownership is performed.

(Registration of Correction Regarding Heading-Section Owner)

Article 33 (1) Where the owner of real property is not the same as the heading-section owner of that real property, no person other than the owner of the real property may file an application for a registration of correction regarding the heading-section owner.

(2) In the case referred to in the preceding paragraph, the owner of the real property may not file an application without the consent of the heading-section owner.

(3) For a registration of correction regarding the share of a co-owner who is a heading-section owner of real property, no person other than the co-owner may file an application.

(4) A co-owner who makes a registration of correction referred to in the preceding paragraph may not file an application without the consent of the other co-owners whose share is to be corrected as a result of the registration of correction.

Subsection 2 Registration of a Description of Land

(Matters to Be Registered for Registration of a Description of Land)

Article 34 (1) Beyond what is set forth in the items of Article 27, the matters to be registered for a registration of a description of land are to be as follows:

(i) the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura")

- and "aza" where the land is located;
- (ii) the parcel number;
 - (iii) the land category; and
 - (iv) the parcel area
- (2) The necessary matters concerning the land category referred to in item (iii) of the preceding paragraph and the parcel area referred to in item (iv) of the same paragraph are specified by Ministry of Justice Order.

(Parcel Number)

Article 35 A registry office must specify the districts in which parcel numbers should be assigned (referred to as the "numbered districts" in Article 39, paragraph (2) and Article 41, item (ii)), and assign a parcel number to each parcel of land in such districts, as provided for by Ministry of Justice Order.

(Application for Heading Registration of Land)

Article 36 A person who has acquired ownership of newly created land or land for which no heading registration must file an application for a heading registration within one month from the date of the acquisition of ownership.

(Application for Registration of Change of the Land Category or Parcel Area)

- Article 37 (1) If there has been a change to the land category or parcel area, the heading-section owner or registered holder of ownership must file an application for a registration of change regarding the land category or parcel area within one month from the day on which such change occurred.
- (2) A person who has become a heading-section owner or registered holder of ownership after there has been a change to the land category or parcel area must file an application for a registration of change regarding the land category or parcel area within one month from the day on which a registration of correction regarding the heading-section owner or registration of ownership was made with respect to such person.

(Application for Registration of Correction of the Heading Section of Land)

Article 38 For a registration of correction regarding the matters to be registered set forth in Article 27, item (i), item (ii) or item (iv) (in the case of the matters referred to in item (iv), limited to those specified by Ministry of Justice Order) or Article 34, paragraph (1), item (i), item (iii) or item (iv), no person other than the heading-section owner or registered holder of ownership may file an application.

(Registration of Parcel Subdivision or Parcel Consolidation)

Article 39 (1) No person other than the heading-section owner or registered

holder of ownership may file an application for registration of a parcel subdivision or parcel consolidation.

- (2) Even in the absence of the application referred to in the preceding paragraph, if part of a parcel of land has come to fall within a different land category or a different numbered district (including the smallest district called "aza" which is not a numbered district; the same applies in Article 41, item (ii)), a registrar must make a registration of a subdivision of such parcel of land by their own authority.
- (3) Even in the absence of the application referred to in paragraph (1), if a registrar finds it necessary in order to prepare a map referred to in Article 14, paragraph (1), they may make a registration of a parcel subdivision or parcel consolidation, by their own authority, only where no objection is made by the heading-section owner or registered holder of ownership prescribed in paragraph (1).

(Registration of Extinction of Right upon Parcel Subdivision)

Article 40 In cases where a registrar makes a registration of a parcel subdivision in relation to the land for which a registration of a right other than a registration of ownership is made, and if together with the application information regarding the registration of the parcel subdivision they are provided with information certifying that the registered holder of the right pertaining to the registration of the right (if the relevant registration of the right is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) has consented to having the right be extinguished for any of the subdivisions of the land (when a registration is made concerning a third party's right established over the relevant right, limited to the cases in which the information certifying that the third party has given consent is provided together), as provided for by Ministry of Justice Order, they must make a registration to the effect that the right has been extinguished in relation to the land for which the consent has been given.

(Restriction on Registration of Parcel Consolidation)

Article 41 None of the following registrations of parcel consolidation may be made:

- (i) a registration of consolidation of parcels of land that do not adjoin each other;
- (ii) a registration of consolidation of parcels of land which fall within different land categories or different numbered districts;
- (iii) a registration of consolidation of parcels of land which belong to different heading-section owners or different registered holders of ownership;
- (iv) a registration of consolidation of parcels of land where the heading-section

- owners or registered holders of ownership have different shares;
- (v) a registration of consolidation of a parcel of land for which there no registration of ownership is made and another parcel of land for which a registration of ownership is made; and
- (vi) a registration of consolidation of parcels of lands where a registration of a right is made other than a registration of ownership in relation to either parcel of land (excluding a parcel of land for which a registration of a right is made specified by Ministry of Justice Order as a registration that may be included in the registration record for the consolidated land)

(Application for Registration of Loss of Land)

Article 42 In the event of the loss of land, the heading-section owner or registered holder of ownership must file an application for a registration of the loss of the land within one month from the date of the loss.

(Registration of Land within a River Area)

Article 43 (1) The matters to be registered for a registration of a description of land within a river area referred to in Article 6, paragraph (1) of the River Act (Act No. 167 of 1964) (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of the same Act; the same applies in item (i)) are to include, beyond what is set forth in the items of Article 27 and the items of Article 34, paragraph (1), a statement to the effect that the land in question is the land referred to in item (i), and in the case of the land set forth in items (ii) through (v), also include each of the statements specified in the respective items:

- (i) land within a river area referred to in Article 6, paragraph (1) of the River Act;
 - (ii) land within a special area of a high-grade bank referred to in Article 6, paragraph (2) of the River Act (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of the same Act);
 - (iii) land within a greenbelt area referred to in Article 6, paragraph (3) of the River Act (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of the Act);
 - (iv) land within a specified greenbelt area referred to in Article 26, paragraph (4) of the River Act (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of the same Act); and
 - (v) land within a three-dimensional river area referred to in Article 58-2, paragraph (2) of the River Act (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of the same Act)
- (2) If the whole or part of a parcel of land has become land within a river area referred to in item (i) of the preceding paragraph, land within a special area of

a high-grade bank referred to in item (ii) of the same paragraph, land within a greenbelt area referred to in item (iii) of the same paragraph, land within a specified greenbelt area referred to in item (iv) of the same paragraph or land within a three-dimensional river area referred to in item (v) of the same paragraph, the river administrator must commission a registry office to make a registration to that effect without delay.

- (3) If the whole or part of a parcel of land has ceased to be land within a river area referred to in paragraph (1), item (i), land within a special area of a high-grade bank referred to in item (ii) of the same paragraph, land within a greenbelt area referred to in item (iii) of the same paragraph, land within a specified greenbelt area referred to in item (iv) of the same paragraph or land within a three-dimensional river area referred to in item (v) of the same paragraph, the river administrator must commission a registry office to cancel the registration to that effect without delay.
- (4) If commissioning a registration pursuant to the provisions of the preceding two paragraphs in relation to part of a parcel of land, the river administrator may commission a registry office to make a registration of the parcel subdivision of the land on behalf of the heading-section owner or registered holder of ownership of the land or their heirs or other general successors.
- (5) If the whole of a parcel of land within a river area referred to in each item of paragraph (1) is lost, the river administrator must commission a registry office to make a registration of loss of the land without delay.
- (6) If part of a parcel of land within a river area referred to in each item of paragraph (1) is lost, the river administrator must commission a registry office to make a registration of change regarding the parcel area of the land without delay.

Subsection 3 Registration of a Description of a Building

(Matters to Be Registered for Registration of a Description of a Building)

Article 44 (1) Beyond what is set forth in the items of Article 27, the matters to be registered for a registration of a description of a building are to be as follows:

- (i) the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where the building is located and the parcel number of the land where the building is located (in the case of a building which is a condominium unit, the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where the single building to which the building belongs as its unit is located, and the parcel number of the land where the building is located);
- (ii) the building number;

- (iii) the type, structure and floor area of the building;
 - (iv) if the building has a name, the name of the building;
 - (v) if the building has any annex building, the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where the annex building is located and the parcel number of the land where the annex building is located (in the case of an annex building which is a condominium unit, the city ("shi"), ward ("ku"), county ("gun"), town ("machi"), village ("mura") and "aza" where a single building to which the annex building belongs is located, and the parcel number of the land where the annex building is located), and the type, structure and floor area of the annex building;
 - (vi) if the building exists as a common element or a common element of a housing complex, a statement to that effect;
 - (vii) if the building or annex building exists as a condominium unit, the structure and floor area of the single building to which the building or annex building belongs as its unit;
 - (viii) if the building or annex building exists as a condominium unit, and the single building to which the building or annex building belongs as its unit has a name, the name of the single building; and
 - (ix) if the building or annex building exists as a condominium unit, and a right to use the site of the condominium unit prescribed in Article 2, paragraph (6) of the Condominium Unit Ownership Act (limited to those registered), which may not be disposed of separately from the proprietary elements owned by the unit owner pursuant to the provisions of the main clause of Article 22, paragraph (1) of the Condominium Unit Ownership Act (including as applied mutatis mutandis pursuant to paragraph (3) of the same Article) (hereinafter referred to as a "right of site") is attached to the condominium unit, the right of site
- (2) The necessary matters concerning the type, structure and floor area of the building referred to in items (iii), (v) and (vii) of the preceding paragraph are specified by Ministry of Justice Order.

(Building Number)

Article 45 A registry office must assign a building number to each building, as provided for by Ministry of Justice Order.

(Registration of Categorization as a Right of Site)

Article 46 If a registrar makes the first registration of a description in the heading section in relation to a right of site to a condominium unit, they must make a registration with regard to the registration record of the land on which the right of site is established, by their own authority, to the effect that the ownership, superficies or other rights registered in the registration record are

categorized as a right of site.

(Application for Heading Registration of Building)

Article 47 (1) A person who has acquired ownership of a newly constructed building or a building other than a condominium unit for no heading registration is made must file an application for a heading registration within one month from the date of the acquisition of ownership.

(2) Where a building which is to exist as a condominium unit is newly constructed, if an inheritance or other general succession is made with regard to its owner, their heirs and other general successors may also file an application for a heading registration relating to the building by designating the predecessor as the heading-section owner.

(Application Method for Heading Registration of a Building Which Exists as a Condominium Unit)

Article 48 (1) Where a single building to which a condominium unit belongs is newly constructed or where condominium units are newly constructed adjoining a building for which no heading registration is made and they constitute a single building, an application for a heading registration relating to the relevant condominium unit must be filed along with an application for a heading registration relating to the relevant newly constructed single building or other condominium units which belong to a single building to which the relevant condominium units have become to belong.

(2) In the case referred to in the preceding paragraph, the owner of the relevant condominium unit may file an application for a heading registration relating to the other condominium units on behalf of the owners of the other condominium units.

(3) Where a condominium unit is newly constructed adjoining a building for which a heading registration is made (excluding a condominium unit), an application for a heading registration relating to the condominium unit must be filed along with an application for a registration of change of the heading section relating to the building for which the heading registration is made.

(4) In the case referred to in the preceding paragraph, the owner of the condominium unit may file an application for a registration of change of the heading section relating to the building for which a heading registration is made, on behalf of the heading-section owner or registered holder of ownership of the building for which a heading registration is made or their heirs or other general successors.

(Application for Registration by reason of Combination)

Article 49 (1) When two or more buildings are combined into one building, if any

of the cases set forth in the following items apply, the person provided for in each respective item must, within one month from the date of the relevant combination, file applications for a heading registration of a building relating to the building resulting from the combination and for cancellation of the registration of the heading section of a building relating to the buildings that existed prior to the combination (hereinafter collectively referred to as a "registration, etc. by reason of combination"). In this case, an application for a registration of ownership must also be filed while designating the owner of the building for which no heading registration is made in the case set forth in item (ii), the heading-section owner of the building for which a heading registration is made (excluding the building for which a registration of ownership is made; hereinafter the same applies in this Article) in the case set forth in item (iv), and the owner of the building for which no heading registration is made and the heading-section owner of the building for which a heading registration is made in the case set forth in item (vi), as the registered right holder for the building resulting from the combination, when each respective item applies:

- (i) if the two or more buildings that existed prior to the combination only include buildings for which no heading registrations are made and buildings for which heading registrations are made: the owners of the buildings for which no heading registrations are made or the heading-section owners of the buildings for which heading registrations are made;
- (ii) if the two or more buildings that existed prior to the combination only include buildings for which no heading registrations are made and a buildings for which registrations of ownership are made: the owners of the buildings for which no heading registrations are made or the registered holders of ownership of the buildings for which registrations of ownership are made;
- (iii) if all of the two or more buildings that existed prior to the combination are buildings for which heading registrations are made: any of the heading-section owners of the buildings;
- (iv) if the two or more buildings that existed prior to the combination only include buildings for which heading registrations are made and buildings for which registrations of ownership are made: the heading-section owners of the buildings for which heading registrations are made or the registered holders of ownership of the buildings for which registrations of ownership are made;
- (v) if all of the two or more buildings that existed prior to the combination are buildings for which registrations of ownership are made: any of the registered holders of ownership of the buildings; or
- (vi) if the three or more buildings that existed prior to the combination only include buildings for which no heading registrations are made, buildings for which heading registrations are made, and buildings for which registrations

of ownership are made: the owners of the buildings for which no heading registrations are made, the heading-section owners of the buildings for which heading registrations are made or the registered holders of ownership of the buildings for which registrations of ownership are made.

(2) When two or more buildings are combined into one building and if no heading registration is made for any of the buildings that existed prior to the combination, the provisions of Article 47 and of paragraphs (1) and (2) of the preceding Article apply mutatis mutandis to an application for a heading registration relating to those buildings. In this case, the phrase "A person who has acquired ownership of a newly constructed building or a building other than a condominium unit for which no heading registration is made" in Article 47, paragraph (1) is to be deemed to be replaced with "Where two or more buildings for none of which a heading registration is made are combined into one building, the person who owns the building resulting from the combination at the time of the combination, or where the building resulting from the combination is a building other than a condominium unit for no heading registration is made, the person who has acquired ownership from the person who owned the building at the time of the combination"; the phrase "Where a building which is to exist as a condominium unit is newly constructed" in Article 47, paragraph (2) and the phrase "Where a single building to which a condominium unit belongs is newly constructed or where condominium units are newly constructed adjoining a building for which no heading registration is made and they constitute a single building" in paragraph (1) of the preceding Article is to be deemed to be replaced with "Where two or more buildings for none of which a heading registration is made are combined into a single building"; the phrase "the relevant newly constructed single building or a single building to which the relevant condominium units have become to belong" in paragraph (1) of the preceding Article is to be deemed to be replaced with "a single building to which the condominium unit resulting from the combination belongs."

(3) In the cases set forth in paragraph (1), item (i), item (ii) or item (vi), after the two or more buildings (in the case set forth in item (vi), the three or more buildings) are combined into one building, if a person has acquired a share in the building resulting from the combination which is equivalent to the ownership of any of the buildings that existed prior to the combination for which no heading is made from the owner of the relevant building that existed prior to the combination for which there no heading registration is made, the person must file an application for a registration by reason of combination within one month from the date of the acquisition of the share.

(4) In the cases set forth in the items of paragraph (1), after the two or more buildings (in the case set forth in item (vi) of the same paragraph, the three or

more buildings) are combined into one building, if a person has become the heading-section owner of any of the buildings that existed prior to the combination for which a heading registration is made or the registered holder of ownership of any of the buildings that existed prior to the combination for which a registration of ownership is made, the person must file an application for a registration by reason of combination within one month from the day on which a registration of correction regarding the heading-section owner or registration of ownership was made with respect to such person.

(Registration of Extinction of Right upon Combination)

Article 50 Where a registrar makes a registration, etc. by reason of combination in relation to a building for which a registration of a right is made other than a registration of ownership, etc. (meaning ownership, superficies, farming right, servitude and the right of quarrying; hereinafter the same applies in this Subsection and Article 118, paragraph (5)), and, in addition to the application information regarding the registration, etc. by reason of combination, when they are provided with the information certifying that the registered holder of the right pertaining to the registration of the right (when the registration of the right is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) has consented to have the right be extinguished for the building resulting from the combination (when a registration is made concerning a third party's right established over the relevant right, limited to the cases in which the information certifying that the third party has given consent is provided together), as provided for by Ministry of Justice Order, they must make a registration to the effect that the right has been extinguished.

(Registration of Change of the Heading Section of a Building)

Article 51 (1) If there has been a change to any of the matters to be registered set forth in the items of Article 44, paragraph (1) (excluding item (ii) and item (vi)), the heading-section owner or registered holder of ownership (in the case of a building for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made, the owner) must file an application for a registration of change regarding the relevant matters to be registered within one month from the day on which the relevant change occurred.

(2) A person who has become a heading-section owner or registered holder of ownership after there was a change to any of the matters to be registered referred to in the preceding paragraph must file an application for a registration of change regarding the relevant matters to be registered within one month from the day on which a registration of correction regarding the

heading-section owner or registration of ownership was made with respect to the person.

- (3) If a registration of categorization as a common element or registration of categorization as a common element of a housing complex has been made after there was a change to any of the matters to be registered referred to in paragraph (1), the owner (excluding the persons who must file an application for registration pursuant to the provisions of the preceding two paragraphs) must file an application for a registration of change regarding the relevant matters to be registered within one month from the day on which the registration of categorization as a common element or registration of categorization as a common element of a housing complex was made.
- (4) If a person who has acquired the ownership of a building for a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made after there was a change to any of the matters to be registered referred to in paragraph (1) (excluding the persons who must file an application for registration pursuant to the provisions of the preceding paragraph), the person must file an application for a registration of change regarding the relevant matters to be registered within one month from the date of the acquisition of ownership.
- (5) Where a building is a condominium unit, a registration of change regarding any of the matters to be registered set forth in Article 44, paragraph (1), item (i) (limited to the matters pertaining to a building which is a condominium unit) or items (vii) through (ix) (with regard to the matters to be registered set forth in item (ix), limited to those specified by Ministry of Justice Order; the same applies in the following paragraph and Article 53, paragraph (2)) have the effect as a registration of change made in relation to other condominium units which belong to the same single building together with the condominium unit pertaining to the relevant registration.
- (6) In the case referred to in the preceding paragraph, if a registration of change has been made with regard to any of the matters to be registered prescribed in the same paragraph, a registrar must, by their own authority, make a registration of change regarding the matters to be registered with respect to other condominium units which belong to the relevant single building.

(Registration of Change of the Heading Section of a Building as a Result of Becoming a Condominium Unit)

Article 52 (1) Where a condominium unit is newly constructed adjoining a building (excluding a condominium unit) for which a heading registration is made and they constitute a single building, and this has caused the building for which a heading registration is made to become a condominium unit, an application for a registration of change of the heading section relating to the

building for which a heading registration is made must be filed along with an application for a heading registration relating to the newly constructed condominium unit.

- (2) In the case referred to in the preceding paragraph, the heading-section owner or registered holder of ownership of the building for which a heading registration is made may file an application for a heading registration relating to the newly constructed condominium unit on behalf of the owner of the newly constructed condominium unit.
- (3) When all of the two or more buildings (excluding condominium units) for which a heading registration is made have become condominium units mutually adjoining as a result of an extension or any other constructions, applications for registrations of change of the heading section relating to the two or more buildings for which a heading registration is made must be filed at one time.
- (4) In the case referred to in the preceding paragraph, the heading-section owner or registered holder of ownership of any one of those two or more buildings for which a heading registration is made may file an application for registration of the heading section relating to other buildings for which a heading registration is made, on behalf of the heading-section owners or registered holders of ownership of the other buildings the heading registration is made or their heirs or other general successors.

(Registration of Correction of the Heading Section of a Building)

Article 53 (1) For a registration of correction regarding the matters to be registered set forth in Article 27, item (i), item (ii) or item (iv) (in the case of the matters referred to in item (iv), limited to those specified by Ministry of Justice Order) or the items of Article 44, paragraph (1) (excluding items (ii) and (vi)), no person other than the heading-section owner or registered holder of ownership (in the case of a building for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made, the owner) may file an application.

- (2) In the case of a building which is a condominium unit, the provisions of Article 51, paragraphs (5) and (6) apply mutatis mutandis to a registration of correction of the heading section regarding any of the matters to be registered as prescribed in paragraph (5) of the same Article.

(Registration of Separation, Division into Units or Merger of Building)

Article 54 (1) No person other than the heading-section owner or registered holder of ownership may file an application for any of the following registrations:

- (i) a registration of separation of a building (meaning a registration to separate

- an annex building of a building for which a heading registration is made from the registration record of the building for which a heading registration is made, and make the annex building into another building in a registration record; the same applies hereinafter);
- (ii) a registration of division into units of a building (meaning a registration to make a portion of a building for which a heading registration is made or annex building into a condominium unit in a registration record on the condition that such portion can be regarded as a condominium unit; the same applies hereinafter); and
 - (iii) a registration of merger of buildings: (meaning a registration to make a building for which a heading registration is made into an annex building of another building for which a heading registration is made in a registration record, or a registration to merge a condominium unit for which a heading registration is made with another condominium unit adjoining the former for which a heading registration is made or its annex building, and make them into one building in a registration record; the same applies hereinafter)
- (2) For a registration of separation of buildings or registration of division into units in relation to a building for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made, no person other than the owner of the building may file an application.
- (3) The provisions of Article 40 apply mutatis mutandis when making a registration of separation of buildings or registration of division into units in relation to a building for which a registration of a right other than a registration of ownership, etc. is made.

(Specified Registration)

Article 55 (1) In relation to a condominium unit with a registered right of site (meaning a building for which a right of site for a condominium unit is registered; the same applies in Article 73, paragraphs (1) and (3), Article 74, paragraph (2), and Article 76, paragraph (1)) for which a specified registration is made (meaning a registration of a right other than a registration of ownership, etc., which has the effect as a registration made relating to a right of site pursuant to the provisions of Article 73, paragraph (1); hereinafter the same applies in this Article), when a registrar makes a registration of change of the registered right of site on the grounds that it has become possible to dispose of a right to use the site referred to in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner, if they are provided, in addition to the application information regarding the registration of change, with information certifying that the registered holder of the right pertaining to the specified registration (when the specified

registration is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) has consented to have the right pertaining to the specified registration be extinguished for the relevant condominium unit after the registration of change is made, or for the land on which the registered right of site existed (when a registration is made concerning a third party's right established over the right pertaining to the specified registration, limited to the cases in which the information certifying that the third party has given consent is provided together), they must make a registration to the effect that the right pertaining to the specified registration has been extinguished in relation to the condominium unit or land for which the consent has been given, as provided for by Ministry of Justice Order.

- (2) The provisions of the preceding paragraph apply *mutatis mutandis* to a registration of correction of the heading section relating to a condominium unit for which a specified registration is made which is to be made by reason of the non-existence of a right of site. In this case, the phrase "a registration of change of the registered right of site on the grounds that it has become possible to dispose of a right to use the site referred to in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner" in the same paragraph is to be deemed to be replaced with "a registration of correction of the heading section by reason of the non-existence of a right of site," and the phrase "the registration of change" in the same paragraph is to be deemed to be replaced with "the registration of correction."
- (3) The provisions of paragraph (1) apply *mutatis mutandis* to a registration, etc. by reason of combination or registration of merger of buildings when a condominium unit for which a specified registration is made becomes a condominium unit without a right of site as a result of its combination or merger with another building. In this case, the phrase "a registration of change of the registered right of site on the grounds that it has become possible to dispose of a right to use the site referred to in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner" in the same paragraph is to be deemed to be replaced with "makes a registration, etc. by reason of combination or registration of merger of buildings when the condominium unit becomes a condominium unit without a right of site as a result of its combination or merger with another building," and the phrase "the registration of change" in the same paragraph is to be deemed to be replaced with "the registration, etc. by reason of combination or the registration of merger of the buildings."
- (4) The provisions of paragraph (1) apply *mutatis mutandis* to a registration of loss of a condominium unit for which a specified registration is made. In this case, in the same paragraph, the phrase "a registration of change of the

registered right of site on the grounds that it has become possible to dispose of a right to use the site referred to in Article 44, paragraph (1), item (ix) separately from the proprietary elements owned by the unit owner" is to be deemed to be replaced with "makes a registration of loss of the condominium unit," the phrase "the registration of change" is to be deemed to be replaced with "the registration of loss of the condominium unit," the phrase "the condominium unit or the land on which the registered right of site existed" is to be deemed to be replaced with "the land on which the registered right of site existed," and the phrase "the condominium unit or land for which the consent has been given" is to be deemed to be replaced with "the land."

(Restriction on Registration of Merger of Buildings)

Article 56 None of the following registrations of merger of buildings may be made:

- (i) a registration of merger of buildings for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made;
- (ii) a registration of merger of buildings which belong to different heading-section owners or different registered holders of ownership;
- (iii) a registration of merger of buildings where the heading-section owners or registered holders of ownership have different shares;
- (iv) a registration of merger of a building for which no registration of ownership is made and another building for which a registration of ownership is made; and
- (v) a registration of merger of buildings for which a registration of a right other than a registration of ownership, etc. is made in relation to either or both buildings (excluding a building for which a registration of a right is made and specified by Ministry of Justice Order as a registration that may be included in the registration record for the building resulting from the merger)

(Application for Registration of Loss of a Building)

Article 57 In the event of the loss of a building, the heading-section owner or registered holder of ownership (in the case of a building for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made, the owner) must file an application for a registration of loss of the building within one month from the date of the loss.

(Registration of Categorization as a Common Element)

Article 58 (1) Beyond what is set forth in the items of Article 27 (excluding item

- (iii)) and the items of Article 44, paragraph (1) (excluding item (vi)), the matters to be registered for a registration of a description of a building for making a registration of categorization as a common element or registration of categorization as a common element of a housing complex are to be as follows:
- (i) in the case of a registration of categorization as a common element, if the building that constitutes the common element is made available for common use by unit owners of a building which belongs to a single building other than the single building to which the building belongs, a statement to that effect; and
 - (ii) in the case of a registration of categorization as a common element of a housing complex, any building owned by the persons eligible for common use of the common element of the housing complex (if the building is a condominium unit, the single building to which the building belongs as its unit)
- (2) For a registration of categorization as a common element or registration of categorization as a common element of a housing complex, no person other than the heading-section owner or registered holder of ownership of the building for which the registration of categorization as a common element or the registration of categorization as a common element of a housing complex is to be made may file an application.
- (3) For a registration of categorization as a common element or registration of categorization as a common element of a housing complex, if a registration of a right other than a registration of ownership, etc. is made for the building which is the common element or the common element of a housing complex, no application may be filed without the consent of the registered holder of the right pertaining to the registration of the right (when the registration of the right is a registration of a mortgage and mortgage securities have been issued, including the holder or endorser of the mortgage securities) (when a registration is made concerning a third party's right established over the right, limited to the cases in which the consent of the third party is obtained).
- (4) If a registrar makes a registration of categorization as a common element or registration of categorization as a common element of a housing complex, they must, by their own authority, cancel the registration of the heading-section owner or registration of the right in relation to the building.
- (5) For a registration of change or registration of correction regarding any of the matters to be registered set forth in the items of paragraph (1), no person other than the owner of the building for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made may file an application.
- (6) When the owner of a building for which a registration of categorization as a common element or registration of categorization as a common element of a

housing complex is made has abolished the rule that categorizes the building as a common element or common element of a housing complex, they must file an application for a heading registration of the building within one month from the date of the abolition of the rule.

- (7) A person who has acquired ownership of the building after the abolition of the rule referred to in the preceding paragraph must file an application for a heading registration of the building within one month from the date of the acquisition of ownership.

Section 3 Registration of Right

Subsection 1 General Rules

(Matters to Be Registered for Registration of Right)

Article 59 The matters to be registered for a registration of a right are to be as follows:

- (i) the purpose of registration;
- (ii) the date of receipt of the application and the receipt number;
- (iii) the cause of registration and the date thereof;
- (iv) the name and address of the holder of the right pertaining to the registration, and each registered right holder's share if there are two or more registered right holders;
- (v) if there are provisions concerning the extinction of the right designated in the purpose of registration, such provisions;
- (vi) if there are provisions on prohibition of division of property in co-ownership (meaning provisions to prohibit the division of property in co-ownership or a property right other than ownership, which is created when a contract is concluded to the effect that division will not be conducted with respect to property in co-ownership or a property right other than ownership pursuant to the provisions of the proviso to Article 256, paragraph (1) of the Civil Code (Act No. 89 of 1896) (including as applied mutatis mutandis pursuant to Article 264 of the same Code) or Article 908, paragraph (2) of the same Code or where the decedent, by will, prohibited the division of property in co-ownership or a property right other than ownership pursuant to the provisions of Article 908, paragraph (1) of the same Code, or an adjudication made by a family court under the provisions of Article 908, paragraph (4) of the same Code to prohibit the division of property in co-ownership or a property right other than ownership which is included in a person's estate; the same applies in Article 65), such provisions;
- (vii) if there is a person who has filed the application for registration on behalf of another person pursuant to the provisions of Article 423 of the Civil Code or other laws and regulations (hereinafter referred to as the "subrogee"), the

name and address of the subrogee and the cause of subrogation; and (viii) beyond what is set forth in item (ii), the matters specified by Ministry of Justice Order as being necessary for clarifying the order of priority of the rights

(Joint Application)

Article 60 Unless otherwise provided for in laws and regulations, an application for a registration of a right must be filed jointly by a person entitled to register and a person obliged to register.

(Provision of Information Certifying the Cause of Registration)

Article 61 When filing an application for a registration of a right, unless otherwise provided for in laws and regulations, the applicant must provide the information certifying the cause of registration along with the application information.

(Application by a General Successor)

Article 62 Where it is possible for a person entitled to register, person obliged to register or registered right holder to be an applicant for a registration of a right, if an inheritance or other general succession is made with regard to the person entitled to register, person obliged to register or registered right holder, their heirs or other general successors may file an application for the registration of the right.

(Registration by Judgment)

Article 63 (1) Notwithstanding the provisions of Article 60, Article 65 or Article 89, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of the same Article (including as applied mutatis mutandis pursuant to Article 95, paragraph (2)) and Article 95, paragraph (2)), for a registration based on a final and binding judgment to order either of the persons who must file an application jointly pursuant to these provisions to perform the registration procedures, the application may be filed independently by the other person who must jointly file the application.

(2) An application for a registration of transfer of a right as a result of inheritance or merger of a juridical person may be filed independently by the person entitled to register.

(3) An application for a registration of transfer of ownership by reason of bequest (limited to bequest to an heir) may, notwithstanding the provisions of Article 60, be filed independently by the person entitled to register.

(Registration of Change or Registration of Correction Regarding the Name of

Registered Right Holder)

Article 64 (1) An application for a registration of change or registration of correction regarding the name or address of a registered right holder may be filed independently by the registered right holder.

(2) Where mortgage securities are issued, an application for a registration of change or registration of correction regarding the name or address of the obligor may be filed independently by the obligor.

(Registration of Provisions on the Prohibition of Division of Property in Co-

Ownership) provisions on prohibition of division of property in co-ownership

Article 65 An application for a registration of change of a right subject to provisions on prohibition of division of property in co-ownership must be filed jointly by all registered right holders who are co-owners of the right.

(Registration of Change or Registration of Correction of Right)

Article 66 A registration of change or registration of correction of a right may be made by the supplemental registrations, only when a third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the registration of change or registration of correction of a right; hereinafter the same applies in this Article) gives consent and where there is no relevant third party.

(Correction of Registration)

Article 67 (1) A registrar, if they have found any error or omission regarding a registration of a right, must give notice to the person entitled to register and person obliged to register (or the registered right holder if there is no person entitled to register and no person obliged to register; the same applies in paragraph (3) and Article 71, paragraph (1)) to that effect without delay; provided, however, that if there are two or more persons entitled to register, persons obliged to register or registered right holders, respectively, it is sufficient to give notice to any one of the respective persons.

(2) In the case referred to in the preceding paragraph, if the error or omission regarding the registration has been caused by a mistake committed by a registrar, the registrar must correct the registration without delay, with the permission of the Director of the Legal Affairs Bureau or District Legal Affairs Bureau who supervises the registrar; provided, however, that if there is a third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the correction of the registration; hereinafter the same applies in this paragraph), these provisions apply only when that third party gives consent.

(3) If a registrar has corrected the registration referred to in the preceding

paragraph, they must give notice to the person entitled to register and person obliged to register to that effect. In this case, the provisions of the proviso to paragraph (1) apply mutatis mutandis.

(4) The notice referred to in paragraph (1) and the preceding paragraph must also be given to the subrogee. In this case, the provisions of the proviso to paragraph (1) apply mutatis mutandis.

(Cancellation of Registration)

Article 68 An application for cancellation of a registration of a right, if there is any third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the cancellation of the registration; hereinafter the same applies in this Article), may be filed only when the third party gives consent.

(Cancellation of Registration upon Death or Dissolution)

Article 69 Where there is a registration to the effect that the registered right is to be extinguished upon the death of a particular person or the dissolution of a particular juridical person, and if the relevant right has been extinguished upon such death or dissolution, the person entitled to register may, notwithstanding the provisions of Article 60, independently file an application for cancellation of the registration of right pertaining to the relevant right.

(Cancellation of Registration Concerning a Special Agreement on Redemption)

Article 69-2 Where a registration is made concerning a special agreement on redemption, and if ten years have elapsed from the date of the agreement, the person entitled to register may, notwithstanding the provisions of Article 60, independently file an application for cancellation of the relevant registration..

(Cancellation of Registration by Order of Nullification of Right)

Article 70 (1) If a person entitled to register is unable to file an application for cancellation of registration of a right jointly with those with whom the person entitled to register should jointly file the application for cancellation of registration due to their whereabouts being unknown, the person entitled to register may file a petition for public notification prescribed in Article 99 of the Non-Contentious Case Procedures Act (Act No. 51 of 2011).

(2) When the registration referred to in the preceding paragraph is a registration concerning superficies, farming right, pledge, right of lease or right of quarrying, or a registration concerning special agreement on redemption, and when the registered duration or the period for redemption has expired, if the whereabouts of those with whom the person entitled to register should jointly file the application for cancellation of registration cannot be ascertained even

after conducting an investigation by a method specified by Ministry of Justice Order as one through which a reasonable inspection is found to have been conducted, the provisions of the same paragraph are applied by deeming that their whereabouts are unknown.

- (3) In the case referred to in the preceding paragraph, if an order of nullification of right prescribed in Article 106, paragraph (1) of the Non-Contentious Cases Procedures Act is made, the person entitled to register may, notwithstanding the provisions of Article 60, independently file an application for cancellation of the registration referred to in the preceding paragraph.
- (4) In the case prescribed in paragraph (1), if the person entitled to register has provided the information specified by Cabinet Order as information certifying the extinction of the claim secured by the registered statutory lien, pledge or mortgage, the person entitled to register may, notwithstanding the provisions of Article 60, independently file an application for cancellation of a registration of such security interest. In the case prescribed in the same paragraph, the same applies when twenty years have elapsed since the due date of the secured claim and money equivalent to the total of the amounts of the secured claim, interest thereon, and damage arising from default has been deposited.

(Cancellation of Registration Concerning to a Dissolved Juridical Person's Right Pertaining to a Security Interest)

Article 70-2 When a person entitled to register is unable to file an application for cancellation of a registration of statutory lien, pledge or mortgage jointly with a juridical person with whom the person entitled to register should jointly file the application for cancellation of the registration because the juridical person has been dissolved and the whereabouts of its liquidator cannot be ascertained even after conducting an investigation by the method prescribed in paragraph (2) of the preceding Article, if 30 years have elapsed since the due date of the secured claim and 30 years have elapsed since the date of the dissolution of the juridical person, the person entitled to register may, notwithstanding the provisions of Article 60, independently file the application for cancellation of the registration.

(Cancellation of Registration by the Registrar's Own Authority)

Article 71 (1) If a registrar has found, after completing a registration of a right, that the registration falls under Article 25, items (i) through (iii) or item (xiii), they must specify a period not exceeding one month and give notice to the person entitled to register, person obliged to register and any third party who has an interest in the registration to the effect that the registration will be cancelled unless any person who has an objection to the cancellation of the registration files an objection in writing within such period.

- (2) If the domicile or residence of any of the persons who should be given notice is unknown, the registrar must, as provided for by Ministry of Justice Order, give public notice of the information of which the person should be notified, in lieu of giving notice to them referred to in the preceding paragraph.
- (3) Where there is a person who has filed an objection referred to in paragraph (1), the registrar must, if they find the objection to be groundless, make a decision to dismiss the objection, or if they find the objection to be well-grounded, make a decision to declare to that effect, and give notice to the person who has filed the objection.
- (4) If no person has filed an objection referred to in paragraph (1) or the registrar has dismissed the objection pursuant to the provisions of the preceding paragraph, the registrar must, by their own authority, cancel the registration prescribed in paragraph (1).

(Restoration of Cancelled Registration)

Article 72 An application for restoration of a cancelled registration (limited to a registration of a right), if there is any third party who has an interest in the registration (including the holder or endorser of the mortgage securities who has an interest in the restoration of the registration; hereinafter the same applies in this Article), may be filed only when the third party gives consent.

(Registration Relating to Condominium Unit with Registered Right of Site)

Article 73 (1) A registration of a right pertaining to ownership of or a security interest (meaning a general statutory lien, pledge or mortgage; hereinafter the same applies in this Article) in a condominium unit with a registered right of site has the effect as a registration made relating to the right of site to the land for which a registration of categorization as a right of site has been made pursuant to the provisions of Article 46; provided, however, that this does not apply to the following registrations:

- (i) a registration of a right pertaining to the ownership of or a security interest in a condominium unit with a registered right of site, which was made before the right of site for the condominium unit was registered (in the case of a registration of a right pertaining to a security interest, excluding the case in which the purpose, etc. of the relevant registration (meaning the purpose of registration, the date of receipt of the application and the receipt number, and the cause for registration and the date thereof; hereinafter the same applies in this item) is the same as the purpose, etc. of the registration of the right pertaining to the security interest made in relation to the right to land that has been categorized as the right of site);
- (ii) a provisional registration pertaining to ownership of a condominium unit with a registered right of site, which was made after the right of site for the

- condominium unit was registered and for which the cause of registration occurred before the right of site for the condominium unit became effective;
- (iii) a registration of a right pertaining to a pledge or mortgage on a condominium unit with a registered right of site, which was made after the right of site for the condominium unit was registered and for which the cause of registration occurred before the right of site for the condominium unit became effective; and
- (iv) a registration of a right pertaining to ownership of or a pledge or mortgage on a condominium unit with a registered right of site, which was made after the right of site for the condominium unit was registered and when the cause of registration occurred after the right of site for the condominium unit became effective (excluding cases where the proprietary elements owned by a unit owner and the right of site pertaining to those proprietary elements may not be disposed of separately pursuant to the provisions of the main clause of Article 22, paragraph (1) of the Condominium Unit Ownership Act (including as applied mutatis mutandis pursuant to paragraph (3) of the same Article) (hereinafter referred to as the "cases where a separate disposition is prohibited" in this Article))
- (2) Neither a registration of transfer of a right of site nor a registration of a right pertaining to a security interest established on a right of site may be made in relation to the land for which a registration of categorization as a right of site has been made pursuant to the provisions of Article 46; provided, however, that this does not apply to a registration for which the cause of registration occurred after the right of site was established to the land (excluding the cases where a separate disposition is prohibited), or to a provisional registration of a right of site or registration of a right pertaining to a pledge or mortgage where the cause of registration occurred before the right of site was established over the land.
- (3) For a condominium unit with a registered right of site, neither a registration of ownership for which the cause of registration is a transfer of ownership of the condominium unit alone nor a registration of a right pertaining to a security interest established over the condominium unit alone may be made; provided, however, that this does not apply to a registration for which the cause of registration occurred after the right of site for the condominium unit became effective (excluding the cases where a separate disposition is prohibited), or to a provisional registration of ownership of the condominium unit alone or a registration of a right pertaining to a pledge or mortgage established over the condominium unit alone for which the cause of registration occurred before the right of site for the condominium unit became effective.

(Matters to Be Registered for Registration of Ownership)

Article 73-2 (1) Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a ownership are to be as follows:

- (i) if the registered holder of ownership is a juridical person, the corporate identification number (meaning a corporate identification number provided for in Article 7 of the Commercial Registration Act (Act No. 125 of 1963)) (including as applied mutatis mutandis pursuant to other laws and regulations) and other matters specified by Ministry of Justice Order as those being necessary for identifying a specific juridical person;
 - (ii) if the registered holder of ownership does not have a domicile in Japan, the name and address of the person who becomes the contact person in Japan and other matters specified by Ministry of Justice Order as those pertaining to the contact point in Japan.
- (2) The necessary matters concerning registration regarding any of the matters to be registered set forth in the items of the preceding paragraph are specified by Ministry of Justice Order.

Subsection 2 Registration of Ownership

(Registration of Preservation of Ownership)

Article 74 (1) No person other than those listed in the following may file an application for a registration of preservation of ownership:

- (i) the heading-section owner or their heirs or other general successors;
 - (ii) a person who is confirmed by a final and binding judgment to hold ownership; and
 - (iii) a person who has acquired ownership through expropriation (meaning expropriation under the provisions of the Land Expropriation Act (Act No. 219 of 1951) or other Acts; the same applies in Article 118, paragraph (1) and paragraphs (3) through (5))
- (2) In the case of a condominium unit, a person who has acquired ownership from the heading-section owner may also file an application for registration referred to in the preceding paragraph. In this case, if the building is a condominium unit with a registered right of site, such person must obtain consent from the registered holder of the right of site.

(Registration of Preservation of Ownership Required for Real Property without Heading Registration)

Article 75 If a registrar makes a registration of preservation of ownership, based on an application filed by the person set forth in paragraph (1), item (ii) or item (iii) of the preceding Article in relation to real property for which no heading registration is made, they must make a registration of a description of

real property with respect to the real property which is specified by Ministry of Justice Order.

(Matters to Be Registered for Registration of Preservation of Ownership)

Article 76 (1) When making a registration of preservation of ownership, there is to be no requirement to register the cause of registration and the date thereof, notwithstanding the provisions of Article 59, item (iii); provided, however, that this does not apply when making a registration of preservation of ownership of a condominium unit with a registered right pursuant to the provisions of Article 74, paragraph (2).

- (2) If a registrar makes a registration of restriction on the disposition of ownership upon commission, in relation to real property for which there is no registration of ownership, they must make a registration of preservation of ownership, by their own authority.
- (3) The provisions of the preceding Article apply mutatis mutandis when making a registration of registration on the disposition of ownership upon commission, in relation to real property for which there is no heading registration.

(Application for Registration of Transfer of Ownership by reason of Inheritance)

Article 76-2 (1) If an inheritance with regard to a registered holder of ownership has commenced, a person who has acquired ownership by reason of the inheritance must file an application for a registration of transfer of ownership, within three years from the day on which the person comes to know that an inheritance for the person has commenced and that the person has acquired the ownership. The same applies to a person who has acquired ownership by reason of bequest (limited to bequest to an heir).

- (2) If a division of estate is made after the registration was made under the provisions of the first sentence of the preceding paragraph (limited to that made according to the share of estate calculated pursuant to the provisions of Article 900 and Article 901 of the Civil Code; the same applies in paragraph (4) of the following Article), a person who has acquired ownership in excess of the relevant share of estate by reason of the division of estate must file an application for a registration of transfer of ownership within three years from the date of the division of estate.
- (3) The provisions of the preceding two paragraphs do not apply when the registration under the provisions of the respective paragraphs has been made upon application by a subrogee or any other person, or upon commission.

(Notification as an Heir)

Article 76-3 (1) As provided for by the Ministry of Justice Order, a person who

has an obligation to file an application for a registration of transfer of ownership pursuant to the provisions of paragraph (1) of the preceding Article may notify the registrar to the effect that the inheritance has commenced with regard to the registered holder of ownership and that the person is the heir of the registered holder of ownership.

- (2) A person who has made notification as prescribed in the preceding paragraph within the period prescribed in paragraph (1) of the preceding Article is deemed to have performed the obligation to file an application for a registration of transfer of ownership pertaining to the acquisition of ownership as prescribed in paragraph (1) of the same Article (excluding acquisition of ownership by reason of the division of estate made prior to the notification).
- (3) If a notification under the provisions of paragraph (1) is made, a registrar may make a supplemental note to that effect, by their own authority, together with the name and address of the person who has made the notification and other matters specified by Ministry of Justice Order to the registration of ownership.
- (4) When having acquired the ownership by reason of the subsequent division of estate (excluding cases where the person has acquired the ownership by reason of the division of estate after the registration under the provisions of the first sentence of paragraph (1) of the preceding Article was made), a person who has made a notification under the provisions of paragraph (1) must file an application for a registration of transfer of ownership within three years from the date of the division of estate.
- (5) The provisions of the preceding paragraph do not apply where the registration under the provisions of the same paragraph have been made upon application by a subrogee or any other person, or upon commission.
- (6) The necessary matters concerning procedures for the notification under the provisions of paragraph (1) and the registration under the provisions of paragraph (3) are specified by Ministry of Justice Order.

(Indication of Code Pertaining to Registered Holder of Ownership)

Article 76-4 In the cases specified by Ministry of Justice Order as those where it is deemed that a registered holder of ownership (limited to those specified by Ministry of Justice Order) has ceased to have the capacity to hold rights, as provided for by Ministry of Justice Order, the registrar may indicate a code signifying to that effect pertaining to the registered holder of ownership by their own authority.

(Application for Registration of Change Regarding the Name of Registered Holder of Ownership)

Article 76-5 If there has been a change to the name or address of a registered

holder of ownership, the registered holder of ownership must file an application for a registration of change regarding the name or address within two years from the day on which such change occurred.

(Registration of Change Regarding Names by the Registrar's Own Authority)

Article 76-6 In the cases specified by Ministry of Justice Order as those where it is deemed that there has been a change to the name or address of a registered holder of ownership, as provided for by Ministry of Justice Order, the registrar may make a registration of change regarding the name or address by their own authority; provided, however, that if the registered holder of ownership is a natural person, these provisions apply only when the application is filed.

(Cancellation of Registration of Ownership)

Article 77 An application for cancellation of a registration of ownership may be filed independently by the registered holder of ownership only where no registration of transfer of ownership is made.

Subsection 3 Registration of Usufruct

(Matters to Be Registered for Registration of Superficies)

Article 78 Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a superficies are to be as follows:

- (i) the purpose of the establishment of the superficies;
- (ii) if there is a provisions on rent and the period of payment thereof, such provisions;
- (iii) if there are provisions on the duration or provisions referred to in the first sentence of Article 22, paragraph (1) or Article 23, paragraph (1) of the Land and Building Lease Act (Act No. 90 of 1991) or Article 7, paragraph (1) of the Act on Special Measures concerning Land and Building Leases in Areas Affected by Large-Scale Disasters (Act No. 61 of 2013), such provisions;
- (iv) if the purpose of the establishment of the superficies is to own a building prescribed in Article 23, paragraph (1) or (2) of the Land and Building Lease Act, a statement to that effect; and
- (v) in the case of the establishment of a superficies prescribed in the first sentence of Article 269-2, paragraph (1) of the Civil Code, the vertical limits of the underground or overhead space subject to the superficies, and if there are provisions referred to in the second sentence of the same paragraph, such provisions

(Matters to Be Registered for Registration of Farming Right)

Article 79 Beyond what is set forth in the items of Article 59, the matters to be

registered for a registration of a farming right are to be as follows:

- (i) rent;
- (ii) if there are provisions on the duration or the period of payment of rent, such provisions;
- (iii) if there are provisions referred to in the proviso to Article 272 of the Civil Code, such provisions; and
- (iv) beyond what is prescribed in the preceding two items, if there are provisions concerning rights or obligations of the farming right holder, such provisions

(Matters to Be Registered for Registration of Servitude)

Article 80 (1) Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a servitude made in relation to the servient land (meaning the servient land prescribed in Article 285, paragraph (1) of the Civil Code; hereinafter the same applies in this Article) are to be as follows:

- (i) the dominant land (meaning the dominant land prescribed in Article 281, paragraph (1) of the Civil Code; hereinafter the same applies in this Article);
 - (ii) the purpose and scope of the establishment of the servitude;
 - (iii) if there are special provisions referred to in the proviso to Article 281, paragraph (1) or the proviso to Article 285, paragraph (1) of the Civil Code, or there are provisions referred to in Article 286 of the same Code, such provisions
- (2) When making a registration referred to in the preceding paragraph, there is to be no requirement to register the name and address of the easement holder, notwithstanding the provisions of Article 59, item (iv).
- (3) If there is no registration of ownership in relation to the dominant land, a registration of establishment of a servitude may not be made in relation to the servient land.
- (4) If a registrar has made a registration of establishment of a servitude in relation the servient land, they must register the matters specified by Ministry of Justice Order in relation to the dominant land by their own authority.

(Matters to Be Registered for Registration of Right of Lease)

Article 81 Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a right of lease or sublease of a leased thing are to be as follows:

- (i) rent;
- (ii) if there are provisions on the duration or the period of payment of rent, those provisions;
- (iii) if there are provisions permitting the assignment of the right of lease or sublease of the leased thing, those provisions;

- (iv) if there is any security deposit, a statement to that effect;
- (v) if the lessor is a person who has limited capacity to dispose of property or person who has no authority to dispose of property, a statement to that effect;
- (vi) if the purpose of the establishment of the right of lease of land is to own a building, a statement to that effect;
- (vii) in the case prescribed in the preceding item, if the building falls within the scope of building prescribed in Article 23, paragraph (1) or paragraph (2) of the Land and Building Lease Act, a statement to that effect; and
- (viii) if there are provisions referred to in the first sentence of Article 22, paragraph (1), Article 23, paragraph (1), the first sentence of Article 38, paragraph (1), or Article 39, paragraph (1) of the Land and Building Lease Act or provisions referred to in Article 52, paragraph (1) of the Act on Stable Supply of Residences for the Elderly (Act No. 26 of 2001) or provisions referred to in Article 7, paragraph (1) of the Act on Special Measures concerning Land and Building Leases in Areas Affected by Large-Scale Disasters, such provisions

(Matters to Be Registered for Registration of Spouse's Right of Residence)

Article 81-2 Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a spouse's right of residence are to be as follows:

- (i) the duration; and
- (ii) if there is a provisions permitting third parties to use or profit from the building of residence (meaning the building of residence prescribed in Article 1028, paragraph (1) of the Civil Code), such provisions.

(Matters to Be Registered for Registration of Right of Quarrying)

Article 82 Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a right of quarrying are to be as follows:

- (i) the duration; and
- (ii) the content of the right of quarrying, and if there are provisions on the quarry royalty or the period of payment thereof, such provisions

Subsection 4 Registration of Security Interest, etc.

(Matters to Be Registered for Registration of Security Interest)

Article 83 (1) Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a statutory lien, pledge or sub-pledge, or mortgage are to be as follows:

- (i) the amount of the claim secured (in the case of a claim the amount of which is not fixed, the value thereof);

- (ii) the name and address of the obligor;
 - (iii) if the security interest is established on a right other than ownership, the right;
 - (iv) if the security interest is established on rights for two or more pieces of real property, the pieces of real property and the rights; and
 - (v) in the case of a registration of a pledge or sub-pledge or a mortgage established to secure a claim for which the amount referred to in item (i) is designated in a foreign currency, the maximum amount secured as indicated in Japanese currency
- (2) In order to clarify the matters set forth in item (iv) of the preceding paragraph, as provided by Ministry of Justice Order, a registrar may prepare an inventory of joint security.

(Matters to Be Registered for Registration of Transfer of Security Interest upon Partial Assignment of the Secured Claim)

Article 84 In the event of the assignment or payment by subrogation of part of a secured claim, beyond what is set forth in the items of Article 59, the matters to be registered for a registration of transfer of the statutory lien, pledge or sub-pledge, or mortgage are to be the amount of the part of the claim assigned or paid by subrogation.

(Registration of Preservation of Statutory Lien on Construction Work for Real Property)

Article 85 When making a registration of preservation of a statutory lien on construction work for real property, the estimated amount of the construction costs is to be registered as the amount of the claim secured referred to in Article 83, paragraph (1), item (i).

(Registration of Preservation of Statutory Lien on Construction Work for Real Property in the case of Construction of a New Building)

Article 86 (1) When making a registration for preservation of a statutory lien on construction work for real property in the case of constructing a new building, the person who is to be the owner of the building is deemed to be the person obliged to register. In this case, the provisions of the main clause of Article 22 do not apply.

- (2) Beyond what is set forth in the items of Article 59 and the items of Article 83, paragraph (1) (excluding item (iii)), the matters to be registered for the registration referred to in the preceding paragraph are to be as follows:
- (i) a statement to the effect that the building to be newly constructed and the type, structure and floor area of the building are in accordance with the specifications; and

- (ii) the name and address of the person obliged to register
- (3) The provisions of item (i) of the preceding paragraph apply *mutatis mutandis* to a registration of preservation of a statutory lien on construction work for real property in the case of constructing a new annex building of a building for which a registration of ownership is made.

(Registration upon Completion of Construction of a Building)

- Article 87 (1) In the case a registration referred to in paragraph (1) of the preceding Article has been made, if the construction of the building is completed, the owner of the building must file an application for a registration of preservation of ownership without delay.
- (2) In the case a registration referred to in paragraph (3) of the preceding Article has been made, if the construction of the annex building is completed, the registered holder of ownership of the building to which the annex building belongs must file an application for a registration of change of the heading section of the building by reason of the new construction of the annex building without delay.

(Matters to Be Registered for Registration of Mortgage)

Article 88 (1) Beyond what is set forth in the items of Article 59 and the items of Article 83, paragraph (1), the matters to be registered for a registration of a mortgage (excluding a revolving mortgage (meaning a mortgage under the provisions of Article 398-2, paragraph (1) of the Civil Code; the same applies hereinafter)) are to be as follows:

- (i) if there are provisions concerning interest, such provisions;
 - (ii) if there are provisions on the amount of compensation for damage prescribed in Article 375, paragraph (2) of the Civil Code, the provisions;
 - (iii) if there are any conditions attached to the claim secured, the conditions;
 - (iv) if there are special provisions referred to in the proviso to Article 370 of the Civil Code, the provisions;
 - (v) if there are provisions on the issue of mortgage securities, the provisions;
 - and
 - (vi) when there are provisions referred to in the preceding item and if there are further provisions on the due date of payment or place of payment of principal or interest, such latter provisions
- (2) Beyond what is set forth in the items of Article 59 and the items of Article 83, paragraph (1) (excluding item (i)), the matters to be registered for a registration of a revolving mortgage are to be as follows:
- (i) the scope of claims to be secured and the maximum amount;
 - (ii) if there are special provisions referred to in the proviso to Article 370 of the Civil Code, the provisions;

- (iii) if there are provisions on the date on which principal to be secured is to be determined, the provisions; and
- (iv) if there are provisions referred to in the proviso to Article 398-14, paragraph (1) of the Civil Code, the provisions

(Registration of Change of the Order of Priority of Mortgages)

Article 89 (1) An application for a registration of change of the order of priority of mortgages must be filed jointly by the registered holders of the mortgages of which the order of priority is to be changed.

- (2) The provisions of the preceding paragraph apply mutatis mutandis to an application for a registration of provisions referred to in the proviso to Article 398-14, paragraph (1) of the Civil Code, if there are such provisions.

(Registration of Disposition of Mortgage)

Article 90 The provisions of Article 83 and Article 88 apply mutatis mutandis to a registration to be made when furnishing a mortgage as security for another claim or assigning or waiving a mortgage pursuant to the provisions of Article 376, paragraph (1) of the Civil Code.

(Registration of Subrogation of Joint Mortgage)

Article 91 (1) Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of subrogation under the provisions of Article 393 of the Civil Code are to be the right relating to the real property from which the senior mortgagee has received payment, the value of the real property, and the amount of payment received.

- (2) The provisions of Articles 83 and 88 apply mutatis mutandis to the registration referred to in the preceding paragraph.

(Restriction on Registration of Agreement on Inheritance between the Heirs and the Mortgagor)

Article 92 A registration of an agreement referred to in Article 398-8, paragraph (1) or paragraph (2) of the Civil Code may not be made until after a registration of transfer of the revolving mortgage or a registration of change of the debtor by reason of the inheritance has been made.

(Registration of Determination of Principal of Revolving Mortgage)

Article 93 Where principal to be secured by a revolving mortgage has been determined pursuant to the provisions of Article 398-19, paragraph (2) or Article 398-20, paragraph (1), item (iii) or item (iv) of the Civil Code, notwithstanding the provisions of Article 60, an application for a registration of the determination of principal may be filed independently by the registered

holder of the revolving mortgage; provided, however, that where principal to be secured by a revolving mortgage has been determined pursuant to the provisions of Article 398-20, paragraph (1), item (iii) or item (iv) of the Civil Code, an application for a registration of such determination of principal must be filed along with an application for a registration of acquisition of the revolving mortgage or the right established thereon.

(Registration of Mortgage Securities)

- Article 94 (1) If a registrar has issued mortgage securities, they must make a registration of the issue of mortgage securities by their own authority.
- (2) In the case an application referred to in Article 1, paragraph (2) of the Mortgage Securities Act was filed with a registry office, and if a registrar of another registry office has prepared mortgage securities as commissioned under Article 5, paragraph (2) of the same Act, the registrar of the latter registry office must make a registration of the preparation of mortgage securities by their own authority,.
- (3) In the case referred to in the preceding paragraph, the registrar of the registry office who received the application referred to in the same paragraph must commission the other registry office referred to in the same paragraph to make a registration of the issue of mortgage securities if it has issued mortgage securities, or to cancel the registration of the preparation of mortgage securities if it has dismissed the application referred to in the same paragraph.
- (4) If a registration of an issue of mortgage securities has been made as commissioned under the provisions of the preceding paragraph in relation to the real property for which a registration of the preparation of mortgage securities was made under the provisions of paragraph (2), the registration of the issue of mortgage securities becomes effective retroactively as of the time when the registration of the preparation of mortgage securities was made.

(Matters to Be Registered for Registration of Pledge)

- Article 95 (1) Beyond what is set forth in the items of Article 59 and the items of Article 83, paragraph (1), the matters to be registered for a registration of a pledge or sub-pledge are to be as follows:
- (i) if there are provisions on the duration, the provisions;
 - (ii) if there are provisions concerning interest, the provisions;
 - (iii) if there are provisions on a penalty or the amount of compensation, the provisions;
 - (iv) if there are any conditions attached to the claim secured, the conditions;
 - (v) if there are special provisions referred to in the proviso to Article 346 of the Civil Code, the provisions;

- (vi) if there are special provisions regarding the act of establishment pursuant to the provisions of Article 359 of the Civil Code (limited to the cases prescribed in Article 356 or Article 357 of the same Code), the provisions; and
 - (vii) if there are special provisions referred to in the proviso to Article 370 of the Civil Code as applied mutatis mutandis pursuant to Article 361 of the same Code, the provisions
- (2) The provisions of Article 88, paragraph (2) and Articles 89 through 93 apply mutatis mutandis to a pledge. In this case, the term "Article 88" in Article 90 and Article 91, paragraph (2) is deemed to be replaced with "Article 95, paragraph (1), or Article 88, paragraph (2) as applied mutatis mutandis pursuant to Article 95, paragraph (2)."

(Matters to Be Registered for Registration of Special Agreement on Redemption)

Article 96 Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a special agreement on redemption are to be the purchase price (or any amount specified by agreement if otherwise agreed upon set force in Article 579 of the Civil Code) and contract cost paid by the buyer, and: if there are provisions on the period for redemption, the provisions.

Subsection 5 Registration of Trust

(Matters to Be Registered for Registration of Trust)

Article 97 (1) Beyond what is set forth in the items of Article 59, the matters to be registered for a registration of a trust are to be as follows:

- (i) the name and address of the settlor, trustee, and beneficiary, respectively;
- (ii) the conditions on the designation of the beneficiary, or if there are provisions on the method of specifying the beneficiary, the provisions;
- (iii) if there is a trust administrator, the name and address thereof;
- (iv) if there is a beneficiary's agent, the name and address thereof;
- (v) if the trust is a trust issuing a beneficiary certificate as prescribed in Article 185, paragraph (3) of the Trust Act (Act No. 108 of 2006), a statement to that effect;
- (vi) if the trust is a trust not specifying the beneficiary as prescribed in Article 258, paragraph (1) of the Trust Act, a statement to that effect;
- (vii) if the trust is a charitable trust prescribed in Article 1 of the Act on Charitable Trusts (Act No. 62 of 1922), a statement to that effect;
- (viii) the purpose of the trust;
- (ix) the administration method for the trust property;
- (x) the grounds for termination of the trust; and

- (xi) other trust clauses
- (2) If any of the matters set forth in items (ii) through (vi) of the preceding paragraph has been registered, there is to be no requirement to register the name and address of the beneficiary referred to in item (i) of the same paragraph (when the matters set forth in item (iv) of the same paragraph have been registered, limited to the beneficiary for whom the beneficiary's agent acts).
- (3) In order to clarify the matters set forth in the items of paragraph (1), as provided by Ministry of Justice Order, a registrar may prepare a trust inventory.

(Application Method for Registration of Trust)

- Article 98 (1) An application for a registration of a trust must be filed simultaneously with an application for a registration of preservation, establishment, transfer or change of a right pertaining to the trust.
- (2) An application for a registration of a trust may be filed independently by the trustee.
- (3) An application for a registration of change of a right as a result of a trust made by the method set forth in Article 3, item (iii) of the Trust Act may be filed independently by the trustee.

(Application for Registration of Trust by Subrogation)

- Article 99 The beneficiary or settlor of a trust may file an application for a registration of the trust on behalf of the trustee.

(Registration by reason of Change of Trustee)

- Article 100 (1) If the trustee's duties have been terminated due to the trustee's death, an order for commencement of guardianship or commencement of curatorship given to the trustee, order of commencement of bankruptcy proceedings given to the trustee, the trustee's dissolution by reasons other than the merger of a juridical person, or a dismissal order given to the trustee by the court or competent government agency (including a national government administrative agency to which the authority of the competent government agency is delegated, and a prefectural executive agency that administers affairs under the jurisdiction of the competent government agency; the same applies in Article 102, paragraph (2)), and a new trustee has been appointed, an application for a registration of transfer of a right as a result of the change of the trustee in relation to the real property that is included in the trust property may be filed independently by the newly appointed trustee, notwithstanding the provisions of Article 60.
- (2) Where there are two or more trustees, if the duties of at least one of the

trustees have been terminated due to any of the causes prescribed in the preceding paragraph, an application for a registration of the transfer of a right as a result of the termination of the duties of the trustee in relation to the real property that is included in the trust property may be filed independently by another one of the trustees, notwithstanding the provisions of Article 60.

(Registration of Change of a Trust by the Registrar's Own Authority)

Article 101 If a registrar makes the following registrations in relation to the real property that is included in the trust property, they must make a registration of change of the trust by their own authority:

- (i) a registration of transfer of a right under the provisions of Article 75, paragraph (1) or paragraph (2) of the Trust Act;
- (ii) a registration of change of a right under the provisions of the main clause of Article 86, paragraph (4) of the Trust Act; and
- (iii) a registration of change or registration of correction regarding the name or address of the registered right holder who is the trustee

(Registration of Change of Trust upon Commission)

Article 102 (1) If a judicial decision of dismissal of the trustee is made, a judicial decision of appointment or dismissal of a trust administrator or beneficiary's agent is made, or a judicial decision of change of a trust is made, a court clerk must commission a registry office to make a registration of change of the trust without delay by their own authority.

- (2) If the competent government agency has dismissed the trustee, appointed or dismissed a trust administrator or beneficiary's agent, or ordered the change of the trust, it must commission a registry office to make a registration of change of the trust without delay.

(Application for Registration of Change of Trust)

Article 103 (1) Beyond what is prescribed in the preceding two Articles, if there has been a change to any of the matters to be registered set forth in the items of Article 97, paragraph (1), the trustee must file an application for a registration of change of the trust without delay.

- (2) The provisions of Article 99 apply mutatis mutandis to an application for a registration of change of a trust referred to in the preceding paragraph.

(Cancellation of Registration of Trust)

Article 104 (1) Where a right relating to the real property that is included the trust property has ceased to be included in the trust property due to its transfer, change or extinction, an application for cancellation of the registration of the trust must be filed simultaneously with an application for a

registration of transfer or registration of change of the right or for cancellation of the registration of the right.

- (2) An application for cancellation of a registration of a trust may be filed independently by the trustee.

(Special Provisions for Registration of Change of Right)

Article 104-2 (1) When a right relating to the real property that is included in the trust property of a trust has come to be included in the trust property of another trust due to the consolidation or split of the trust, an application for cancellation of a registration of trust relating to the initial trust pertaining to the right and an application for a registration of trust relating to the other trust must be filed simultaneously with an application for a registration of change of right by reason of the consolidation or split of the trust. The same applies where a right relating to the real property that is included in the trust property of a trust has come to be included in the trust property of another trust entrusted to the same trustee for reasons other than the consolidation or split of the trust.

- (2) When making a registration of change of a right in relation to the real property that is included in the trust property in each of the cases set forth in the left-hand column of the following table (excluding a registration referred to in Article 98, paragraph (3)), the person set forth in the middle column of the table is to be the person entitled to register, and the person set forth in the right-hand column of the table is to be the person obliged to register, respectively. In this case, the provisions of the main clause of Article 22 do not apply to the beneficiary (when there is a trust administrator, the trust administrator; hereinafter the same applies in this paragraph).

(i) where a right relating to the real property that is included in the trustee's own property has come to be included in the trust property	Beneficiary	Trustee
(ii) where a right relating to the real property that is included in the trust property has come to be included in the trustee's own property	Trustee	Beneficiary
(iii) where a right relating to the real property that is included in the trust property of a trust has come to be included in the trust property of another trust	Beneficiary and trustee of another trust	Beneficiary and trustee of the initial trust

Subsection 6 Provisional Registration

(Provisional Registration)

Article 105 A provisional registration may be made in the following cases:

- (i) where the preservation, etc. has occurred in relation to any of the rights set forth in the items of Article 3, but it is impossible to provide the information that is required to be provided for a registry office upon filing an application for a registration pertaining to the preservation, etc. and that is also required to be provided along with the application information referred to in Article 25, item (ix), which is specified by Ministry of Justice Order;
- (ii) where it is intended to preserve a claim (including a claim with a designated time of commencement or with a condition precedent and any other claim that is expected to be fixed in the future) with regard to the establishment, transfer, change or extinction of a right set forth in each item of Article 3

(Order of Priority of a Definitive Registration Based on a Provisional Registration)

Article 106 If a definitive registration is made based on a provisional registration (a definitive registration means a registration of a right to be made after a provisional registration has been made in relation to the same real property and the same right, which is recorded in the registration record regarding the real property as a registration based on the provisional registration; the same applies hereinafter), the order of priority of the definitive registration follows the order of priority of the provisional registration.

(Application Method for Provisional Registration)

- Article 107 (1) An application for a provisional registration may be filed independently by the person entitled to register regarding the relevant provisional registration, notwithstanding the provisions of Article 60, if the person obliged to register regarding the provisional registration gives consent or a disposition ordering a provisional registration prescribed in the following Article is made.
- (2) Where the person entitled to register and the person obliged to register regarding a provisional registration jointly file an application for a provisional registration, the provisions of the main clause of Article 22 do not apply.

(Disposition Ordering a Provisional Registration)

Article 108 (1) Upon a petition of a person entitled to register regarding a provisional registration, the court may make a disposition ordering a provisional registration.

- (2) If filing a petition referred to in the preceding paragraph, the petitioner must make a prima facie showing of the fact constituting the cause of provisional registration.
- (3) A case based on a petition referred to in paragraph (1) is subject to the exclusive jurisdiction of the district court that has jurisdiction over the location of the real property.
- (4) An immediate appeal may be filed against an order to dismiss the petition referred to in paragraph (1).
- (5) The provisions of Article 2 and Part II of the Non-Contentious Cases Procedures Act (excluding Article 5, Article 6, Article 7, paragraph (2), Article 40, Article 59, Article 66, paragraphs (1) and (2) and Article 72 of the same Act) apply mutatis mutandis to an immediate appeal referred to in the preceding paragraph.

(Definitive Registration Based on Provisional Registration)

Article 109 (1) When there is any third party who has an interest in the definitive registration (including the holder or endorser of the mortgage securities who has an interest in the definitive registration; hereinafter the same applies in this Article), an application for a definitive registration based on a provisional registration relating to ownership may be filed only when the third party gives consent.

- (2) If a registrar makes a registration based on an application under the provisions of the preceding paragraph, they must cancel any registration of a right of the third party referred to in the same paragraph by their own authority.

(Cancellation of Provisional Registration)

Article 110 Notwithstanding the provisions of Article 60, an application for cancellation of a provisional registration may be filed independently by the registered right holder based on the provisional registration. The same applies to any person who has an interest in a registration regarding the provisional registration when the registered right holder based on the provisional registration gives consent.

Subsection 7 Registration of Provisional Disposition

(Cancellation of a Registration Made After a Registration of Provisional Disposition)

Article 111 (1) When a registration of prohibition of disposition of property under the provisions of Article 53, paragraph (1) of the Civil Preservation Act (Act No. 91 of 1989) has been made in relation to ownership (excluding cases

where the registration has been made together with a provisional registration for the purpose of preservation as prescribed in paragraph (2) of the same Article (hereinafter referred to as a "provisional registration for the purpose of preservation"); hereinafter the same applies in this Article), and subsequently the obligee regarding the provisional disposition to which the registration of prohibition of disposition of property is related files an application for a registration (excluding a provisional registration) of ownership while designating the obligor regarding the relevant provisional disposition as the person obliged to register, the obligee may independently file an application for cancellation of any registration that is made after the registration of prohibition of disposition of property.

- (2) The provisions of the preceding paragraph apply mutatis mutandis when a registration of prohibition of disposition of property under the provisions of Article 53, paragraph (1) of the Civil Preservation Act was made in relation to a right other than ownership, and subsequently the obligee regarding the provisional disposition to which the registration of prohibition of disposition of property is related files an application for a registration (excluding a provisional registration) with regard to the transfer or extinction of the right while designating the obligor regarding the provisional disposition as the person obliged to register.
- (3) Upon an application referred to in paragraph (1) (including as applied mutatis mutandis pursuant to the preceding paragraph), if a registrar cancels any registration that is made after the registration of prohibition of disposition of property, they must also cancel the registration of prohibition of disposition of property by their own authority.

Order of Priority of a Definitive Registration Based on a Provisional Registration for the Purpose of Preservation)

Article 112 If a definitive registration is made based on a provisional registration for the purpose of preservation, the order of priority of the definitive registration follows the order of priority of the provisional registration for the purpose of preservation.

(Cancellation of a Registration Made After a Registration of a Provisional Disposition Related to a Provisional Registration for the Purpose of Preservation)

Article 113 Where a provisional registration for the purpose of preservation has been made in relation to a right to use or profit from real property, and subsequently the obligee regarding the provisional disposition related to the provisional registration for the purpose of preservation files an application for a definitive registration, that obligee may independently file an application for

cancellation of any registration of a right other than ownership relating to a right to use or profit from real property, or a right established on the right, which is made after the registration of prohibition of disposition of property that was made along with the provisional registration for the purpose of preservation.

(Cancellation of Registration of Prohibition of Disposition of Property)

Article 114 When a registrar makes a definitive registration based on a provisional registration for the purpose of preservation, they must cancel the registration of prohibition of disposition of property that was made along with the provisional disposition for the purpose of preservation by their own authority.

Subsection 8 Registration Involving Government Agency or Public Office

(Registration by Reason of Public Auction by Tax Authority)

Article 115 When a government agency or public office has enforced a public auction by tax authority, if there is a request from a person entitled to register, it must commission the following matters to a registry office without delay:

- (i) making a registration of transfer of right by reason of the public auction by tax authority
- (ii) canceling a registration of a right extinguished by reason of the public auction by tax authority; or
- (iii) canceling a registration of seizure regarding the procedure for collection of delinquent tax

(Registration upon Commission by Government Agency or Public Office)

Article 116 (1) When the national government or a local government makes a registration of a right as the person entitled to register, the government agency or public office concerned must commission a registry office to make the registration without delay, with the consent of the person obliged to register.

(2) If there is a request from the person entitled to register regarding a registration of a right for which the national government or a local government is to be the person obliged to register, the government agency or public office concerned must commission a registry office to make the registration without delay.

(Information for Registration Identification Related to a Registration Made upon Commission by Government Agency or Public Office)

Article 117 (1) When a registrar has completed a registration based on the

commission of a registration issued by a government agency or public office on behalf of a person entitled to register (limited to the person who will become a registered right holder by making a registration; hereinafter the same applies in this Article), they must promptly give notice of the information for registration identification to the government agency or public office for the benefit of the person entitled to register.

- (2) The government office or public office that has received notice of the information for registration identification pursuant to the provisions of the preceding paragraph must give notice of it to the person entitled to register referred to in the same paragraph without delay.

(Registration by reason of Expropriation)

Article 118 (1) Notwithstanding the provisions of Article 60, an application for a registration of transfer of ownership by reason of expropriation of real property may be filed independently by the business operator concerned.

- (2) If the national government or a local government is the business operator, the government agency or public office concerned must commission a registry office to make the registration referred to in the preceding paragraph without delay.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to a registration of extinction of right by reason of expropriation of a right other than ownership with regard to real property.
- (4) When filing an application for a registration of transfer of right by reason of expropriation of land, the applicant must designate the registration regarding the right that has been extinguished or the attachment, provisional attachment or provisional disposition that has lost its effect by reason of the expropriation. In this case, if a registrar makes a registration of transfer of right, they must cancel the designated registration by their own authority.
- (5) If a registrar makes a registration of transfer of ownership by reason of expropriation of a building, they must cancel a registration of a right other than a registration of ownership, etc. established on the building by their own authority. When a registrar makes a registration referred to in paragraph (3), the same applies to a registration of a right established on the right referred to in the same paragraph.
- (6) If a registrar makes a registration referred to in paragraph (1), they must cancel a registration of commencement of determination proceedings by their own authority.

Chapter V Certification, etc. of Registered Matters

(Issuance of a Certificate of Registered Matters)

Article 119 (1) By paying fees, any person may make a request to a registrar for

the issuance of a document certifying the whole or part of the matters recorded in a registration record (hereinafter referred to as a "certificate of registered matters").

- (2) By paying fees, any person may make a request to a registrar for the issuance of a document stating the summary of the matters recorded in a registration record.
- (3) The amount of the fees referred to in the preceding two paragraphs is specified by Cabinet Order, while taking into consideration the price situation, the actual cost required for the issuance of a certificate of registered matters and any other circumstances concerned.
- (4) The payment of the fees referred to in paragraphs (1) and (2) must be made with fiscal stamps; provided, however, that if a request for the issuance of a certificate of registered matters is made by a method specified by Ministry of Justice Order, the payment may be made in cash as provided for by Ministry of Justice Order.
- (5) Except in cases specified by Ministry of Justice Order, a request for issuance referred to in paragraph (1) may also be made to a registrar of a registry office other than the registry office that has jurisdiction over the location of the real property related to the request.
- (6) Notwithstanding the provisions of paragraphs (1) and (2), in the cases where the disclosure of the address of a person (limited to natural persons) recorded in the registration record is likely to pose risks to human lives or cause bodily harm, or the cases specified by Ministry of Justice Order as those where the disclosure is likely to have detrimental effects of similar severity on the human body or mind, if a request is made from the person, the registrar must enter in each document referred to in paragraphs (1) and (2) the matters specified by Ministry of Justice Order as a substitute for the address concerned, as provided for by the provisions of Ministry of Justice Order,.

(Issuance of Certificate of Record of Owned Real Property)

- Article 119-2 (1) By paying fees, any person may request the registrar to issue a document certifying the matters recorded in the registration record related to the real property for which the person is recorded as a registered holder of ownership (including a person specified by Ministry of Justice Order as being equivalent thereto), which are specified by Ministry of Justice Order (if there is no record, a statement to that effect) (hereinafter referred to as "certificate of record of owned real property" in this Article).
- (2) By paying fees, an heir or other general successor may request the registrar to issue a certificate of record of owned real property pertaining to the predecessor.
 - (3) A request for the issuance of the certificates referred to in the preceding two

paragraphs may be made to the registrar of the registration office designated by the Minister of Justice, as provided for by the provisions of Ministry of Justice Order.

- (4) The provisions of paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to the fee for a certificate of record of owned real property.

(Issuance of Copy of Map)

Article 120 (1) By paying fees, any person may make a request to a registrar for the issuance of a copy of the whole or part of a map, building location picture or drawing equivalent to a map (hereinafter referred to as "a map and related documents" in this Article) (if the map and related documents is recorded in an electronic or magnetic record, a document certifying the content of the recorded information).

- (2) By paying fees, any person may make a request to a registrar for the inspection of a map and related documents (if the map and related documents are recorded in an electronic or magnetic record, the content of the recorded information that is indicated by a method specified by Ministry of Justice Order).

- (3) The provisions of Article 119, paragraphs (3) through (5), apply mutatis mutandis to a map and related documents.

(Issuance of Copy of Annexed Documents of a Register)

Article 121 (1) By paying fees, any person may make a request to a registrar for the issuance of a copy of the whole or part of drawings specified by Cabinet Order which is included in annexed documents (including an electronic or magnetic record; the same applies hereinafter) of a register (if the drawings are recorded in an electronic or magnetic record, a document certifying the content of the recorded information).

- (2) By paying fees, any person may make a request to a registrar to inspect drawings in annexed documents (in the case of an electronic or magnetic record, the content of the recorded information that is indicated by the method specified by Ministry of Justice Order; the same applies in the following paragraph) of a register,

- (3) If there are justifiable grounds, by paying fees, any person may make a request to a registrar to inspect all or part (limited to the part for which there are justifiable grounds) of the documents annexed to the register (in the case of an electronic or magnetic record, the content of the recorded information that is indicated by the method specified by Ministry of Justice Order, excluding drawings referred to in paragraph (1); the same applies in the following paragraph), pursuant to the provisions of Ministry of Justice Order.

- (4) Notwithstanding the provisions of the preceding paragraph, upon payment of

a fee, a person who has filed an application for registration may make a request to a registrar to inspect the documents annexed to the register which are related to the registration record naming the person as the applicant, as provided for by Ministry of Justice Order.

- (5) The provisions of Article 119, paragraphs (3) through (5) apply mutatis mutandis to annexed documents of a register.

(Delegation to Ministry of Justice Order)

Article 122 Beyond what is provided for in this Act, the necessary matters concerning the disclosure of registers, maps, building location pictures and drawings equivalent to maps as well as annexed documents of registers (referred to as "registers, etc." in Article 154 and Article 155) are specified by Ministry of Justice Order.

Chapter VI Parcel Boundary Demarcation

Section 1 General Provisions

(Definitions)

Article 123 In this Chapter, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) parcel boundary: two or more points and a line connecting those points, which exist between a parcel of land for which a heading registration is made (hereinafter simply referred to as a "parcel of land") and another parcel of land (including one for which no heading registration is made; the same applies hereinafter) that adjoins the former, and which were regarded as constituting the boundary between those parcels of land at the time when the former parcel of land was registered;
- (ii) parcel boundary demarcation: demarcating the actual position on site of the parcel boundary between a parcel of land and another parcel of land that adjoins the former as provided for in this Chapter (or demarcating the area where the position exists, if it is impossible to demarcate the position);
- (iii) subject parcel: a parcel of land and another parcel of land that adjoin each other on the parcel boundary subject to parcel boundary demarcation;
- (iv) related parcel: a parcel of land (including one for which no heading registration is made) other than the subject parcels, which borders on either or both of the subject parcels on another parcel boundary that contains a point on the parcel boundary subject to parcel boundary demarcation; and
- (v) registered holder of ownership or other owner: the registered holder of ownership in the case of a parcel of land for which a registration of ownership is made, the heading-section owner in the case of a parcel of land for which no registration of ownership is made, and the owner in the case of

land for which no heading registration is made, respectively, and including the heirs and other general successors of the registered holder of ownership or heading-section owner

(Affairs for Parcel Boundary Demarcation)

Article 124 (1) Affairs for parcel boundary demarcation is administered by the Legal Affairs Bureau or District Legal Affairs Bureau that has jurisdiction over the location of the subject parcels.

(2) The provisions of Article 6, paragraphs (2) and (3) apply mutatis mutandis to the affairs for parcel boundary demarcation. In this case, in paragraph (2) of the same Article, the term "real property" is to be deemed to be replaced with "the subject parcels," the term "registry offices" is to be deemed to be replaced with "Legal Affairs Bureaus or District Legal Affairs Bureaus," and the term "Legal Affairs Bureau or District Legal Affairs Bureau" is deemed to be replaced with "Legal Affairs Bureau"; in paragraph (3) of the same Article, the term "registry offices" is to be deemed to be replaced with "Legal Affairs Bureaus or District Legal Affairs Bureaus."

(Registrar for Parcel Boundary Demarcation)

Article 125 Parcel boundary demarcation is made by a registrar for parcel boundary demarcation (meaning a registrar designated by the Director of a Legal Affairs Bureau or District Legal Affairs Bureau; the same applies hereinafter).

(Disqualification of Registrar for Parcel Boundary Demarcation)

Article 126 If a registrar for parcel boundary demarcation falls under any of the following items, the registrar for parcel boundary demarcation may not make a parcel boundary demarcation for the subject parcels:

- (i) the registered holder of ownership (including the registered holder based on a provisional registration; hereinafter the same applies in this item), heading-section owner or non-registered owner or the registered or non-registered holder of a right other than ownership, in relation to any one of the subject parcels or related parcels;
- (ii) the spouse or relative within the fourth degree of kinship of any of the persons set forth in the preceding item (including the person who was the spouse or relative within the fourth degree of kinship of the person; the same applies in the following item); or
- (iii) the agent or representative of any of the persons set forth in item (i) (including the person who was the agent or representative of the person) or their spouse or relative within the fourth degree of kinship

(Parcel Boundary Examiners)

Article 127 (1) Each Legal Affairs Bureau and District Legal Affairs Bureau have several parcel boundary examiners, in order to have them conduct the examination of facts necessary for parcel boundary demarcation and submit their opinions to a registrar for parcel boundary demarcation.

(2) A parcel boundary examiner is appointed by the Director of the Legal Affairs Bureau or District Legal Affairs Bureau from among those persons who have the expertise and experience necessary for performing the duties referred to in the preceding paragraph.

(3) The term of office of a parcel boundary examiner is two years.

(4) A parcel boundary examiner may be reappointed.

(5) A parcel boundary examiner serves on a part-time basis.

(Grounds for Disqualification of Parcel Boundary Examiners)

Article 128 (1) A person who falls under any of the following items may not serve as a parcel boundary examiner:

(i) a person who was sentenced to imprisonment without work or a severer punishment, and for which five years have not elapsed from either the day on which the execution of the sentence was completed or the day on which they became free from the execution of the sentence;

(ii) a person who was expelled from a bar association or prohibited from practicing as a juridical scrivener or a land and house investigator as a disciplinary action under the provisions of the Attorney Act (Act No. 205 of 1949), the Juridical Scrivener Act (Act No. 197 of 1950) or the Land and House Investigator Act (Act No. 228 of 1950), respectively, where three years have not elapsed from the day on which the action was taken against them;
or

(iii) a public officer who was dismissed by a disciplinary action, where three years have not elapsed from the day on which the action was taken against them

(2) If a parcel boundary examiner has come to fall under any of the items of the preceding paragraph, they automatically forfeit their office.

(Dismissal of Parcel Boundary Examiner)

Article 129 If a parcel boundary examiner falls under any of the following items, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau may dismiss the parcel boundary examiner:

(i) if they are found to be unable to perform their duties due to mental or physical disorder; or

(ii) if they are found to have breached their obligation in the course of their duties or where there has been any other misconduct that is inappropriate

for a parcel boundary examiner.

(Standard Processing Time)

Article 130 The Director of a Legal Affairs Bureau or District Legal Affairs Bureau must specify the standard period of time to be normally required until a registrar for parcel boundary demarcation makes a parcel boundary demarcation after an application for parcel boundary demarcation has been filed, and must make the period of time public by posting it at the Legal Affairs Bureau or District Legal Affairs Bureau or by another appropriate method.

Section 2 Procedure for Parcel Boundary Demarcation

Subsection 1 Application for Parcel Boundary Demarcation

(Application for Parcel Boundary Demarcation)

Article 131 (1) The registered holder of ownership or other owner of a parcel of land may file an application for parcel boundary demarcation with a registrar for parcel boundary demarcation with regard to the boundary between the relevant parcel of land and an adjoining parcel of land.

(2) If the local government obtains the approval of any of the registered holders of ownership or other owners of a subject parcel within its jurisdictional area, it may file an application for demarcation of the boundaries of that subject parcel with the registrar for parcel boundary demarcation (limited to those that are not shown on the map referred to in Article 14, paragraph (1)).

(3) An application for parcel boundary demarcation must be filed by clarifying the following matters:

(i) the object of the application

(ii) the name and address of the applicant for parcel boundary demarcation;

(iii) the matters set forth in Article 34, paragraph (1), items (i) and (ii) with regard to the subject parcels (in the case of a parcel of land for which no heading registration is made, the matters set forth in item (i) of the same paragraph);

(iv) the reasons why parcel boundary demarcation is necessary for the subject parcels; and

(v) beyond what is set forth in the preceding items, the matters specified by Ministry of Justice Order

(4) An applicant for parcel boundary demarcation must pay fees as provided for by Cabinet Order.

(5) The provisions of Article 18 apply mutatis mutandis to an application for parcel boundary demarcation. In this case, the phrase "information specified by Cabinet Order as necessary matters for applying for a registration, including the matters necessary for identifying the real property, the name of the

applicant, and the purpose of registration (hereinafter referred to as "application information")" and the term "registry office" in the same Article are deemed to be replaced with "information on the matters set forth in the items of Article 131, paragraph (3) (referred to as "application information for parcel boundary demarcation" in item (ii), Article 132, paragraph (1), item (iv) and Article 150)," and "Legal Affairs Bureau or District Legal Affairs Bureau", respectively; and the term "application information" in Article 18, item (ii) is deemed to be replaced with "application information for parcel boundary demarcation."

(Dismissal of Application)

Article 132 (1) In the following cases, a registrar for parcel boundary demarcation must dismiss an application for parcel boundary demarcation by a decision stating the reasons therefor; provided, however, that this does not apply where defects in the application can be corrected, and the applicant for parcel boundary demarcation has corrected them within a reasonable period specified by the registrar for parcel boundary demarcation:

- (i) if the location of the subject parcels is not subject to the jurisdiction of the Legal Affairs Bureau or District Legal Affairs Bureau which has received the application;
- (ii) if the application is filed by a person without the authority to apply;
- (iii) if the application is in violation of the provisions of paragraph (3) of the preceding Article;
- (iv) if the method employed to provide the application information for parcel boundary demarcation does not conform to the method specified pursuant to the provisions of an order under this Act;
- (v) if the application is found to be intended for the demarcation of the boundary of the coverage of ownership for the subject parcels or for matters other than parcel boundary demarcation;
- (vi) if a judgment on an action to seek a determination of the parcel boundary between the subject parcels in civil proceedings (excluding a judgment to dismiss the action as unlawful; the same applies in Article 148) has already become final and binding;
- (vii) if a parcel boundary demarcation for the parcel boundary between the subject parcels has already been made by a registrar for parcel boundary demarcation; provided, however, that this does not apply if it is found to be particularly necessary to make another parcel boundary demarcation for the subject parcels;
- (viii) if no fees are paid; and
- (ix) when a prepayment has been ordered pursuant to the provisions of Article 146, paragraph (5) and if the prepayment has not been made

- (2) A dismissal of an application for a parcel boundary demarcation under the provisions of the preceding paragraph is deemed to be a disposition made by a registrar.

(Notice of Application for Parcel Boundary Demarcation)

Article 133 (1) If an application for parcel boundary demarcation is filed, a registrar for parcel boundary demarcation must give public notice to that effect and also give notice to the following persons (hereinafter referred to as the "related persons") to that effect, as provided for by Ministry of Justice Order without delay; provided, however, that this does not apply if the application should be dismissed pursuant to the provisions of paragraph (1) of the preceding Article:

- (i) the registered holder of ownership or other owner of one of the subject parcels who is not the applicant for parcel boundary demarcation; and
 - (ii) the registered holder of ownership or other owner of a related parcel
- (2) In the case referred to in the main clause of the preceding paragraph, if the whereabouts of any of the related persons is unknown, the notice to the related person under the provisions of the main clause of the same paragraph may be given by posting the name of the related person, the matters to be notified, and a statement to the effect that a document stating the relevant matters is to be issued to the related person at any time on the notice board at the Legal Affairs Bureau or District Legal Affairs Bureau that has jurisdiction over the location of the subject parcels. In this case, the notice is deemed to have reached the related person when two weeks have elapsed from the day on which the posting was carried out.

Subsection 2 Examination of Parcel Boundary, etc.

(Designation of Parcel Boundary Examiner)

Article 134 (1) If public notice has been given and notice has been given to each related person pursuant to the provisions of the main clause of paragraph (1) of the preceding Article, the Director of a Legal Affairs Bureau or District Legal Affairs Bureau must designate a parcel boundary examiner who is to conduct the examination of facts necessary for parcel boundary demarcation for the subject parcels.

- (2) A person who falls under any of the following items may not be designated as a parcel boundary examiner referred to in the preceding paragraph:
- (i) the registered holder (including the registered holder based on a provisional registration; hereinafter the same applies in this item) of ownership, heading-section owner or owner, or the holder of a right other than ownership, in relation to any one of the subject parcels or related parcels;

- (ii) the spouse or relative within the fourth degree of kinship of any of the persons set forth in the preceding item (including the person who was the spouse or relative within the fourth degree of kinship of the person; the same applies in the following item); or
 - (iii) the agent or representative of any of the persons set forth in item (i) (including the person who was the agent or representative of the person) or their spouse or relative within the fourth degree of kinship
- (3) If there are two or more parcel boundary examiners designated under the provisions of paragraph (1), they perform their duties jointly; provided, however, that with the permission of a registrar for a parcel boundary examiner, they may perform their duties independently or divide the duties among themselves.
- (4) The Director of a Legal Affairs Bureau or District Legal Affairs Bureau may have their officials assist the examination of facts conducted by a parcel boundary examiner.

(Examination of Facts by Parcel Boundary Examiner)

Article 135 (1) A parcel boundary examiner, if they are designated under the provisions of paragraph (1) of the preceding Article, may conduct a survey or field investigation of the subject parcels or related parcels or other parcels of land, hear from the applicant for parcel boundary demarcation or related persons or other persons about the facts known to them or request those persons to submit materials, and conduct other examination of facts necessary for parcel boundary demarcation for the subject parcels.

- (2) When conducting the examination of facts referred to in the preceding paragraph, a parcel boundary examiner must maintain awareness that parcel boundary demarcation is not intended for the demarcation of the boundary of the coverage of ownership for the subject parcels.

(Survey and Field Investigation)

Article 136 (1) When conducting a survey or field investigation of the subject parcels, a parcel boundary examiner must give notice to the applicant for parcel boundary demarcation and the related persons to that effect together with the date and place thereof in advance, and provide them with the opportunity to observe the survey or field investigation.

- (2) The provisions of Article 133, paragraph (2) apply mutatis mutandis to the notice under the provisions of the preceding paragraph.

(Entry and Investigation)

Article 137 (1) If the Director of a Legal Affairs Bureau or District Legal Affairs Bureau finds it necessary when a parcel boundary examiner conducts a survey

or field investigation of the subject parcels or related parcels or other parcels of land, they may have the parcel boundary examiner or their official referred to in Article 134, paragraph (4) (hereinafter referred to as "parcel boundary examiner, etc." in this Article) enter another person's land.

- (2) If the Director of a Legal Affairs Bureau or District Legal Affairs Bureau intends to have the parcel boundary examiner, etc. enter another person's land pursuant to the provisions of the preceding paragraph, they must give notice to the possessor of the land to that effect together with the date and place of the entry in advance.
- (3) Where a person intends to enter, pursuant to the provisions of paragraph (1), residential land or land in the possession of another person which is enclosed with hedges, fences or other barriers, upon entry, the person must notify the possessor of the relevant land to that effect in advance.
- (4) No entry may be made onto the land prescribed in the preceding paragraph before sunrise or after sunset, unless the possessor of the land gives consent.
- (5) The possessor of the land must not refuse or obstruct the entry under the provisions of paragraph (1) without justifiable grounds.
- (6) When making an entry under the provisions of paragraph (1), the parcel boundary examiner, etc. must carry their identification card and present it if requested to do so by any person concerned.
- (7) If the entry under the provisions of paragraph (1) has caused any person to suffer a loss, the State must compensate the person who has suffered a loss for the loss that would ordinarily arise.

(Request for Cooperation of Relevant Administrative Organs)

Article 138 If they find it necessary for parcel boundary demarcation, the Director of a Legal Affairs Bureau or District Legal Affairs Bureau may request the head of a relevant administrative organ, the head of a relevant local public entity, or a relevant public or private organization to submit materials and provide other necessary cooperation.

(Submission of Opinions or Materials)

- Article 139 (1) If an application for parcel boundary demarcation is filed, the applicant for parcel boundary demarcation and the related persons may submit a registrar their opinions or materials with regard to the parcel boundary between the subject parcels. In this case, if a registrar for parcel boundary demarcation has specifies a reasonable period during which the opinions or materials should be submitted, submission must be made within the period.
- (2) The submission of opinions or materials under the provisions of the preceding paragraph may be made by electronic or magnetic means (meaning a method using an electronic data processing system or any other method of using

information and communications technology which is specified by Ministry of Justice Order).

(Date of Opinion Hearing)

Article 140 (1) If an application for parcel boundary demarcation is filed, during the period after giving public notice under the provisions of the main clause of Article 133, paragraph (1) and before making a parcel boundary demarcation, a registrar for parcel boundary demarcation must provide the applicant for parcel boundary demarcation and the related persons with the opportunity to state their opinions or submit materials (including an electronic or magnetic record) with regard to the parcel boundary between the subject parcels, while giving notice to those persons of the date and place of the hearing or submission in advance.

(2) On the date referred to in the preceding paragraph, a registrar for parcel boundary demarcation may have a person whom they consider appropriate state the facts known to the person as a witness,

(3) A parcel boundary examiner is to be in attendance on the date referred to in paragraph (1). In this case, with the permission of the registrar for parcel boundary demarcation, the parcel boundary examiner may ask questions to the applicant for parcel boundary demarcation or any related person or witness.

(4) A registrar for parcel boundary examiner must prepare a record stating the development on the date referred to in paragraph (1) and clarify the gist of the statements in the record made by the applicant for parcel boundary demarcation or the related person or witness on the date.

(5) The record referred to in the preceding paragraph may be prepared in the form of an electronic or magnetic record.

(6) The provisions of Article 133, paragraph (2) apply *mutatis mutandis* to the notice under the provisions of paragraph (1).

(Inspection of Records)

Article 141 (1) During the period after public notice has been given under the provisions of the main clause of Article 133, paragraph (1) until notice is given to the applicant for parcel boundary demarcation pursuant to the provisions of Article 144, paragraph (1), the applicant for parcel boundary demarcation and related persons may make a request to the registrar for parcel boundary demarcation for the inspection of the record which has been prepared and the materials which have been submitted in the procedure for parcel boundary demarcation (in the case of those in the form of electronic or magnetic records, the content of the recorded information that is indicated by a method specified by Ministry of Justice Order). In this case, the registrar for parcel boundary demarcation may not refuse the inspection unless the inspection is likely to

harm the interest of any third party or there are other justifiable grounds for refusal.

- (2) The registrar for parcel boundary demarcation may designate the date and place of the inspection referred to in the preceding paragraph.

Section 3 Parcel Boundary Demarcation

(Submission of Opinions by Parcel Boundary Examiner)

Article 142 After the date referred to in Article 140, paragraph (1), if a parcel boundary examiner has finished the examination of facts necessary for parcel boundary demarcation for the subject parcels, they must submit their opinions on parcel boundary demarcation for the subject parcels to the registrar for parcel boundary demarcation without delay.

(Parcel Boundary Demarcation)

Article 143 (1) If a parcel boundary examiner has submitted their opinions pursuant to the provisions of the preceding Article, the registrar for parcel boundary demarcation must make a parcel boundary demarcation for the subject parcels, while referring to the opinions and comprehensively taking into consideration the content of the registration records, maps or drawings equivalent to maps and the annexed documents of the registers, the topography, land category, land area and shape of each of the subject parcels and the related parcels, in addition to whether or not there is any structure, fence or boundary marker and other conditions on those parcels of land and how these facilities have been installed, and other circumstances concerned, and must prepare a written report of parcel boundary demarcation stating the conclusion of the parcel boundary demarcation and the gist of the reasons therefor.

- (2) A written report of parcel boundary demarcation must indicate the content of the parcel boundary demarcation by a drawing and a method specified by Ministry of Justice Order as the method for indicating the actual position on site of each point on the drawing.

- (3) A written report of parcel boundary demarcation may be prepared in the form of an electronic or magnetic record.

(Notice of Parcel Boundary Demarcation)

Article 144 (1) A registrar for parcel boundary demarcation must, if they have made a parcel boundary demarcation, give notice of the content of the written report of parcel boundary demarcation to the applicant for parcel boundary demarcation by the method to issue a copy of a written report of parcel boundary demarcation (if the written report of parcel boundary demarcation is prepared in the form of an electronic or magnetic record, by a method specified

by Ministry of Justice Order) without delay, and also give both public notice and notice to the related persons to the effect that a parcel boundary demarcation has been made, as provided for by Ministry of Justice Order.

(2) The provisions of Article 133, paragraph (2) apply mutatis mutandis to the notice under the provisions of the preceding paragraph.

(Retention of Parcel Boundary Demarcation Procedure Records)

Article 145 Where notice is given to the applicant for parcel boundary demarcation pursuant to the provisions of paragraph (1) of the preceding Article, the records of the parcel boundary demarcation procedure (hereinafter referred to as the "parcel boundary demarcation procedure records") are retained at the registry office that has jurisdiction over the location of the subject parcels.

Section 4 Miscellaneous Provisions

(Burden of Procedural Costs)

Article 146 (1) The applicant for parcel boundary demarcation is to bear the costs for a survey and other costs specified by Ministry of Justice Order which are incurred in the procedure for parcel boundary demarcation (hereinafter referred to as the "procedural costs").

(2) When there are two applicants for a parcel boundary demarcation, if one of those applicants is the registered holder of ownership or other owner for either of the subject parcels and the other applicant is the registered holder of ownership or other owner for the other subject parcel, those applicants for a parcel boundary demarcation are to bear the procedural costs equally.

(3) When there are two or more applicants for a parcel boundary demarcation, if all of them are the registered holder of ownership or other owner for one of the subject parcels, those applicants for parcel boundary demarcation bear the procedural costs according to their shares (the share referred to in Article 59, item (iv) if there is a registration of ownership relating to the subject parcel, or the share referred to in Article 27, item (iii) if there is no registration of ownership relating to the subject parcel; the same applies in the following paragraph).

(4) When there are three or more applicants for parcel boundary demarcation, if one or two of those applicants are the registered holders of ownership or other owner for one of the subject parcels, and the other applicants are the registered holders of ownership or other owner for the other subject parcel, one of those applicants for parcel boundary demarcation who is the single registered holder of ownership or other owner for one of the subject parcels bears the amount equivalent to half of the procedural costs, and the two or more applicants for

parcel boundary demarcation who are the joint registered holders of ownership or other owner for one of the subject parcels bear the amount equivalent to half of the procedural costs according to their shares.

- (5) A registrar for parcel boundary demarcation must have the applicant for parcel boundary demarcation prepay the estimated amount of the procedural costs.

(Special Provisions for a Disposition for Explanation in a Suit for Parcel Boundary Determination)

Article 147 When a parcel boundary demarcation is made, if an action is filed to seek a determination of a parcel boundary through civil proceedings with regard to the parcel boundary pertaining to the parcel boundary demarcation, in order to clarify the matters related to the suit pertaining to the action, the court may commission a registrar to send the parcel boundary demarcation procedure records concerning the parcel boundary demarcation. The same applies where an action is filed to seek a determination of a parcel boundary demarcation through civil proceedings, and subsequently a parcel boundary demarcation is made with regard to the parcel boundary addressed in the action.

(Relationship with a Judgment on a Suit for Parcel Boundary Determination)

Article 148 Where a parcel boundary demarcation is made, if a judgment on an action to seek a determination of a parcel boundary filed through civil proceedings with regard to the parcel boundary pertaining to the parcel boundary demarcation becomes final and binding, the parcel boundary demarcation ceases to be effective to the extent that it conflicts with the relevant judgment.

(Issuance of a Copy of a Written Report of Parcel Boundary Demarcation)

Article 149 (1) By paying fees, any person may make a request to a registrar for the issuance of a copy of a written report of parcel boundary demarcation or the whole or part of drawings specified by Cabinet Order, which are included in the parcel boundary procedure records (hereinafter referred to as a "written report of parcel boundary demarcation, etc." in this Article and Article 154) (if the written report of parcel boundary demarcation, etc. is prepared in the form of an electronic or magnetic record, a document certifying the content of the recorded information).

- (2) By paying fees, any person may make a request to a registrar for the inspection of parcel boundary demarcation procedure records (in the case of those prepared in the form of an electronic or magnetic record, the content of the recorded information that is indicated by a method specified by Ministry of

Justice Order); provided, however, that except for the written report of parcel boundary demarcation, etc., the inspection is limited to the part in which the requester has an interest.

(3) The provisions of Article 119, paragraphs (3) and (4) apply mutatis mutandis to the fees referred to in the preceding two paragraphs.

(Delegation to Ministry of Justice Order)

Article 150 Beyond what is provided for in this Chapter, the method for providing application information for parcel boundary demarcation, the disclosure of parcel boundary demarcation procedure records, and other necessary matters concerning the procedure for parcel boundary demarcation are specified by Ministry of Justice Order.

Chapter VII Miscellaneous Provisions

(Request for Provision of Information)

Article 151 A registrar may request the head of a relevant local government or any other person to provide information pertaining to the owner, etc. (meaning natural persons or juridical persons (including unincorporated associations or foundations) to whom ownership is or was vested) of the subject real property to the extent necessary for making a registration on their own authority or preparing the maps referred to in Article 14, paragraph (1).

(Security Measures for Information for Registration Identification)

Article 152 (1) A registrar must take the necessary and appropriate measures to prevent the leakage, loss or damage of the information for registration identification that they handle and ensure other security control of the information for registration identification.

(2) Registrars and other officials of the Ministry of Justice engaged in the affairs for real property registration who work at Legal Affairs Bureaus or District Legal Affairs Bureaus or branch bureaus thereof or branch offices of any of those bureaus or persons who have held the post must not divulge any secret concerning the preparation or management of information for registration identification that they have come to know in connection with the affairs.

(Exclusion from Application of the Administrative Procedure Act)

Article 153 The provisions of Chapter II and Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to a disposition made by a registrar.

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

Administrative Organs)

Article 154 The provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) do not apply to registers, etc. and written report of parcel boundary demarcation, etc.

(Exclusion from Application of the Act on the Protection of Personal Information)

Article 155 The provisions of Chapter V, Section 4 of the Act on the Protection of Personal Information (Act No. 57 of 2003) do not apply to the retained personal information (meaning retained personal information prescribed in Article 60, paragraph (1) of the same Act) which is recorded in registers, etc.

(Request for Review)

Article 156 (1) A person who is dissatisfied with a disposition made by a registrar or who files an application for a disposition related to failure to act of a registrar may make a request for review to the Director of the Legal Affairs Bureau or District Legal Affairs Bureau who supervises the relevant registrar.
(2) A request for review must be made via the registrar.

(Handling of Request for Review Case)

Article 157 (1) If a registrar finds a request for review with regard to a disposition to be well-grounded, or finds the necessity to make a disposition related to a failure to act subject to a request for review, the registrar must make a reasonable disposition.
(2) Except in the cases prescribed in the preceding paragraph, a registrar must attach their opinions to the case and refer it to the Director of the Legal Affairs Bureau or District Legal Affairs Bureau referred to in paragraph (1) of the preceding Article within three days from the date of the request. In this situation, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau is to convey the registrar's opinions to the review officer prescribed in Article 11, paragraph (2) of the Administrative Complaint Review Act (Act No. 68 of 2014).
(3) If the Director of the Legal Affairs Bureau or District Legal Affairs Bureau referred to in paragraph (1) of the preceding Article finds a request for review with regard to a disposition to be well-grounded, or finds the necessity to make a disposition related to a failure to act subject to a request for review, the Director must order the registrar to make a reasonable disposition, and must give notice to the requester for the review and any other person who has an interest in the registration to that effect.
(4) Before ordering a disposition referred to in the preceding paragraph, the Director of the Legal Affairs Bureau or District Legal Affairs Bureau referred

to in paragraph (1) of the preceding Article may order the registrar to make a provisional registration.

(5) If the Director of the Legal Affairs Bureau or District Legal Affairs Bureau referred to in paragraph (1) of the preceding Article finds the necessity to dismiss an application for a disposition related to a failure to act subject to a request for review, the Director must order the registrar to make a disposition to dismiss the application.

(6) With regard to the application of the provisions of the Administrative Complaint Review Act in relation to a request for review referred to in paragraph (1) of the preceding Article, the phrase "administrative agency, etc. reaching the disposition" and the phrase "a written explanation has been submitted" in Article 29, paragraph (5) of the same Act is deemed to be replaced with "reviewing agency" and "opinions have been conveyed as prescribed in Article 157, paragraph (2) of the Real Property Registration Act (Act No. 123 of 2004)," respectively, and the term "written explanation" in Article 30, paragraph (1) of the Administrative Complaint Review Act is deemed to be replaced with "opinions referred to in Article 157, paragraph (2) of the Real Property Registration Act."

(Exclusion from Application of the Administrative Appeal Act)

Article 158 The provisions of Article 13, Article 15, paragraph (6), Article 18, Article 21, Article 25, paragraphs (2) through (7), Article 29, paragraphs (1) through (4), Article 31, Article 37, Article 45, paragraph (3), Article 46, Article 47, Article 49, paragraphs (3) (excluding the part related to a declaration to the effect that a failure to act subject to a request for review is illegal or unjust) through (5), and Article 52 of the Administrative Appeal Act do not apply to the request for review referred to in Article 156, paragraph (1).

Chapter VIII Penal Provisions

(Crime of Divulging a Secret)

Article 159 A person who has, in violation of the provisions of Article 152, paragraph (2), divulged any secret concerning the preparation or management of information for registration identification is punished by imprisonment with work for not more than two years or a fine of not more than one million yen.

(Crime of Providing False Information for Confirmation of the Registered Right Holder)

Article 160 In the case of providing information pursuant to the provisions of Article 23, paragraph (4), item (i) (including as applied mutatis mutandis pursuant to Article 16, paragraph (2)), if false information is provided, a

person who has committed the violation is punished by imprisonment with work for not more than two years or a fine of not more than 500,000 yen.

(Crime of Acquiring Information for Registration Identification for Unlawful Purpose)

Article 161 (1) A person who has acquired information for registration identification for the purpose of using the information for an application or commission for registration which will result in creating a false record in a register is punished by imprisonment with work for not more than two years or a fine of not more than 500,000 yen. The same applies to a person who has provided the information while knowing the purpose.

(2) The provisions of the preceding paragraph also apply to a person who retains information for registration identification that has been acquired for an unlawful purpose.

(Crime of Obstructing or Otherwise Impeding Inspection)

Article 162 In the cases falling under any of the following items, a person who has committed the violation is punished by a fine of not more than 300,000 yen:

- (i) if a person has refused, obstructed or avoided an inspection under the provisions of Article 29, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 16, paragraph (2); the same applies in the following item);
- (ii) if a person fails to present, under the provisions of Article 29, paragraph (2), a document or matters recorded in an electronic or magnetic record that are indicated by a method specified by Ministry of Justice Order, presents a false document or false matters recorded in an electronic or magnetic record that are indicated by a method specified by Ministry of Justice Order, or fails to make a statement or makes a false statement in response to questions;
- (iii) if, in violation of the provisions of Article 137, paragraph (5), a person has refused or obstructed an entry under the provisions of paragraph (1) of the same Article.

(Dual Liability)

Article 163 If the representative of a juridical person, or an agent, employee or any other worker of a juridical person or individual has committed a violation referred to in Article 160 or the preceding Article in connection with the business of the juridical person or the individual, not only the offender is punished but also the juridical person or individual is punished by a fine referred to in the respective Articles.

(Civil Fine)

Article 164 (1) If a person who has an obligation to file an application under the provisions of Article 36, Article 37, paragraph (1) or paragraph (2), Article 42, Article 47, paragraph (1) (including as applied mutatis mutandis pursuant to Article 49, paragraph (2)), Article 49, paragraph (1), paragraph (3) or paragraph (4), Article 51, paragraphs (1) through (4), Article 57, Article 58, paragraph (6) or paragraph (7), Article 76-2, paragraph (1) or paragraph (2), or Article 76-3, paragraph (4) has neglected to file the application without justifiable grounds, the person is punished by a civil fine of not more than 100,000 yen.

(2) If a person who has an obligation to file an application under the provisions of Article 76-5 has neglected to file the application without justifiable grounds, the person is punished by a civil fine of not more than 50,000 yen.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 127 of the Real Property Registration Act amended (hereinafter referred to as the "New Act") and Article 4, paragraph (4) of the Supplementary Provisions of the Act come into effect as of the date of enforcement of the Act on the Protection of Personal Information Held by Administrative Organs (April 1, 2005) or the date of enforcement of this Act, whichever comes later.

(Transitional Measures)

Article 2 (1) Unless otherwise provided for in the Supplementary Provisions, the provisions of the New Act (excluding the penal provisions) also apply to any matters that have arisen prior to the enforcement of this Act; provided, however, that this does not preclude the effect that has arisen under the provisions of the Real Property Registration Act prior to amendment (hereinafter referred to as the "Former Act").

(2) With regard to the application of the New Act, a disposition, procedure or other act made prior to the enforcement of this Act pursuant to the provisions of the Former Act is deemed to have been made under the corresponding provisions of the New Act, unless otherwise provided for in the Supplementary Provisions.

Article 3 (1) The provisions of Article 2, items (v) and (ix), Article 12, Article 51, paragraphs (5) and (6) (including as applied mutatis mutandis pursuant to Article 53, paragraph (2)) and Article 119 of the New Act apply to the affairs

designated by the Minister of Justice for each registry office as the affairs to be handled by the registry office by means of an electronic data processing system (meaning an electronic data processing system referred to in Article 151-2, paragraph (1) of the Former Act; the same applies in paragraph (3)), as from the date of the designation.

- (2) The designation under the provisions of the preceding paragraph must be made by public notice.
- (3) Notwithstanding the provisions of the preceding two paragraphs, the affairs to be handled by means of an electronic data processing system by each registry office which is subject to the designation made under Article 151-2, paragraph (1) of the Former Act at the time of the enforcement of this Act are deemed to have been designated under the provisions of paragraph (1) as of the date of enforcement of this Act.
- (4) Until the designation under the provisions of paragraph (1) is made, with regard to the affairs that have not yet been designated under the provisions of the same paragraph, the provisions of Articles 14 through 16-2, Article 21, paragraph (1) (limited to the part concerning the issuance of a transcript or extract of a register and the inspection of a register) and paragraph (3) and Article 24-2, paragraphs (1) and (3) of the Former Act remain in force.
- (5) With regard to the application of the New Act to the affairs referred to in the preceding paragraph until the designation under the provisions of paragraph (1) is made, the term "registration record" in the Supplementary Provisions of the New Act (excluding Article 2, item (vi), Article 15 and Article 25, item (ii) of the New Act) is deemed to be replaced with "register," the phrase "as a registration record" in Article 2, item (vi) and Article 25, item (ii) of the New Act is deemed to be replaced with "in a register," the term "rights section" in Article 2, items (viii) and (xi) of the New Act is deemed to be replaced with "details section," the phrase "registries and registration records" in Article 15 of the New Act is deemed to be replaced with "registers," the term "registers" in Article 122 of the New Act is deemed to be replaced with "registers (including closed registers referred to in Article 24-2, paragraph (1) of the Former Act which remain in force pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions)."
- (6) The provisions of Article 119, paragraph (4) of the New Act apply mutatis mutandis to the payment of fees referred to in Article 21, paragraph (1) of the Former Act which remain in force pursuant to the provisions of paragraph (4) (including as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which remain in force pursuant to the provisions of paragraph (4)). In this case, the phrase "paragraphs (1) and (2)" in Article 119, paragraph (4) of the New Act is deemed to be replaced with "Article 21, paragraph (1) of the Former Act which remain in force pursuant to the

provisions of Article 3, paragraph (4) of the Supplementary Provisions (including as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which remain in force pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions)."

(7) The provisions of Article 119, paragraph (5) of the New Act do not apply to any affairs other than the affairs that have been designated under the provisions of paragraph (1) (including those that are deemed to have been designated pursuant to the provisions of paragraph (3)) for the registry office that has jurisdiction over the location of the real property pertaining to the request referred to in Article 119, paragraph (5).

Article 4 (1) With regard to a closed register pertaining to the affairs that were designated under the provisions of paragraph (1) of the preceding Article (including those that are to be deemed to have been designated pursuant to the provisions of paragraph (3) of the same Article) and were kept at the registry office at the time when the designation was made, the provisions of Article 24-2, paragraph (3) of the Former Act remain in force.

(2) The provisions of Article 119, paragraph (4) of the New Act apply mutatis mutandis to the payment of fees referred to in Article 21, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which remain in force pursuant to the provisions of the preceding paragraph. In this case, the phrase "paragraphs (1) and (2)" in Article 119, paragraph (4) of the New Act is to be deemed to be replaced with "Article 21, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which remain in force pursuant to the provisions of Article 4, paragraph (1) of the Supplementary Provisions."

(3) The provisions of the Act on Access to Information Held by Administrative Organs do not apply to a closed register referred to in paragraph (1) (including annexed documents thereof; the same applies in the following paragraph).

(4) The provisions of Chapter IV of the Act on the Protection of Personal Information Held by Administrative Organs do not apply to the retained personal information (meaning retained personal information prescribed in Article 2, paragraph (5) of the same Act) which is recorded in a closed register referred to in paragraph (1).

Article 5 With regard to the application of the Civil Code, the Civil Execution Act (Act No. 4 of 1979) and other laws and regulations, a transcript or extract of a register prescribed in Article 21, paragraph (1) of the Former Act (including as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act) that has been issued prior to the enforcement of this Act is

deemed to be a certificate of registered matters. The same applies to a transcript or extract of a register prescribed in Article 21, paragraph (1) of the Former Act which remain in force pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions (including as applied mutatis mutandis pursuant to Article 24-2, paragraph (3) of the Former Act which remain in force pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions) or in Article 21, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to the provisions of Article 24-2, paragraph (3) of the Former Act which remain in force pursuant to the provisions of paragraph (1) of the preceding Article.

Article 6 (1) The provisions of Article 18, item (i) of the New Act apply to the registration procedures designated by the Minister of Justice for each registry office as the registration procedures by which an application for registration may be filed with the office by the method prescribed in the same item from the date of the designation.

(2) The designation under the provisions of the preceding paragraph must be made by public notice.

(3) Until the designation under the provisions of paragraph (1) is made, with regard to the application of the provisions of the New Act to the registration procedures at each registry office, the terms and phrases set forth in the middle column of the following table which appear in the provisions of the New Act set forth in the left-hand column of the table are deemed to be replaced with the terms and phrases set forth in the right-hand column of the table, respectively.

Provision containing the term or phrase to be replaced	Term or phrase to be replaced	Term or phrase to be used as replacement
Title of Article 21	Notice of Information for Registration Identification	Issuance of Registration Certificate
Article 21	give notice of the information for registration identification	issue a registration certificate
Proviso to Article 21	given notice of information for registration identification	issued a registration certificate

Title of Article 22	Provision of Information for Registration Identification	Submission of Registration Certificate
Article 22	provide the information for registration identification	submit the registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act (including a registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act in response to an application for registration to which the provisions then in force remain applicable pursuant to the provision of Article 8 of the Supplementary Provisions) or the registration certificate issued pursuant to the provisions of Article 21 or Article 117, paragraph (2) as applied by replacing the relevant terms and phrases pursuant to the provision of Article 6, paragraph (3) of the Supplementary Provisions
Proviso to Article 22	no notice of information for registration identification is given	no registration certificate is issued
	provide the information for registration identification	submit the registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act (including a registration certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act in response to an application for registration to which the provisions then in force shall remain applicable pursuant to the provision of Article 8 of the Supplementary Provisions) or the registration certificate issued pursuant to the provisions of Article 21 or Article 117, paragraph (2) as applied by replacing the relevant terms and phrases pursuant to the provision of Article 6, paragraph (3) of the Supplementary Provisions

Article 23, paragraph (1)	provide information for registration identification	submit a registration certificate
Title of Article 117	Information for Registration Identification Related to a Registration Made upon Commission by Government Agency or Public Agency	Registration Certificate Related to a Registration Made upon Commission by Government Agency or Public Agency
Article 117, paragraph (1)	information for registration identification	registration certificate
	give notice of	issue
Article 117, paragraph (2)	given notice of the information for registration identification	issued the registration certificate
	give notice of	issue

Article 7 In the registration procedures designated under the provisions of paragraph (1) of the preceding Article, if an application for registration is filed after the designation under the provisions of the same paragraph is made by submitting a registration certificate returned or issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act (including a registration certificate returned or issued pursuant to the provisions of Article 60, paragraph (1) or Article 61 of the Former Act in response to an application for registration to which the provisions then in force will remain applicable pursuant to the provisions of the following Article) or a registration certificate issued pursuant to the provisions of Article 21 or Article 117, paragraph (2) of the New Act as applied by replacing the relevant terms and phrases pursuant to the provisions of paragraph (3) of the preceding Article, the provisions of the main clause of Article 22 of the New Act are applied by deeming that information for registration identification has been provided.

Article 8 Prior laws continue to govern an application for registration filed prior to the enforcement of this Act.

Article 9 Prior laws continue to govern the obligation to file an application for a registration of a description of land or buildings prescribed in Article 5, paragraph (1) of the Supplementary Provisions of the Act Partially Amending the Real Property Registration Act and Related Acts (Act No. 14 of 1960). In this case, the terms and phrases set forth in the left-hand column of the

following table which appear in the provisions of the same paragraph are to be deemed to be replaced with the terms and phrases set forth in the right-hand column of the same table, respectively.

Term or phrase to be replaced	Term or phrase to be used as replacement
Article 80, paragraph (1) and paragraph (3) of the Real Property Registration Act revised under the provision of Article 1	Article 36 of the Real Property Registration Act (Act No. 123 of 2004)
Article 81, paragraph (1) and paragraph (3)	Article 37, paragraph (1) and paragraph (2)
Article 81-8	Article 42
Article 93, paragraph (1) and paragraph (3)	Article 47, paragraph (1)
Article 93-5, paragraph (1) and paragraph (3)	Article 51, paragraph (1) (excluding the part concerning a building for which registration of categorization as a common element or registration of categorization as a common element of a housing complex is made) and paragraph (2)
Article 93-11	Article 57

Article 10 Prior laws continue to govern the security deposit prescribed in Article 7 of the Supplementary Provisions of the Act Partially Amending the Civil Code and Related Acts in Order to Improve the Security Interest and Civil Execution System (Act No. 134 of 2003). In this case, the phrase "Article 132, paragraph (1) of the Real Property Registration Act amended under the provisions of Article 2" in the same Article is to be deemed to be replaced with "Article 81, item (iv) of the Real Property Registration Act (Act No. 123 of 2004)."

Article 11 If the date of enforcement of the Act Partially Amending the Administrative Case Litigation Act (Act No. 84 of 2004) comes after the date of enforcement of this Act, with regard to the application of Article 158 of the New Act until the day preceding the date of enforcement of the Act Partially Amending the Administrative Case Litigation Act, the phrase "to paragraph (7)" in the same Article is to be deemed to be replaced with "to paragraph (6)."

(Transitional Measures Concerning Penal Provisions)

Article 12 (1) Prior laws continue to govern the application of penal provisions to any act committed prior to the enforcement of this Act, the provisions then in force remain applicable.

(2) The provisions of Article 51, paragraphs (1) and (4) and Article 58, paragraphs (6) and (7) of the New Act also apply when any event which requires the filing of an application for registration prescribed in those provisions has occurred prior to the enforcement of this Act, in relation to a building for which a registration of categorization as a common element or registration of categorization as a common element of a housing complex is made. In this case, the period prescribed in the respective provisions (in the case of the period prescribed in Article 51, paragraph (4) or Article 58, paragraph (7) of the New Act, excluding the cases where ownership is acquired after the date of enforcement of this Act) commences from the date of enforcement of this Act.

(Delegation to Ministry of Justice Order)

Article 13 Beyond what is provided for in the Supplementary Provisions, the necessary transitional measures concerning the procedure for registration upon the amendment of the Real Property Registration Act by this Act are specified by Ministry of Justice Order.