

Regulation for Enforcement of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands

(Cabinet Office Order No. 56 of September 16, 2022)

Pursuant to the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands (Act No. 84 of 2021) and the Order for Enforcement of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands (Cabinet Order No. 308 of 2022), and for the purpose of the enforcement of that Act, the Regulation for Enforcement of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands is established as follows.

(Matters Regarding Which Notification is to be Made to Local Governments Concerned)

Article 1 The particulars specified by Cabinet Office Order, as prescribed in Article 5, paragraph (5) (including the case where it is applied pursuant to paragraph (6) of that Article concerning the change of a monitored area) and Article 12, paragraph (5) of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands (hereinafter referred to as the "Act"), are the reasons for designation.

(Method for an Issuing Order)

Article 2 An order as prescribed in Article 9, paragraph (2) of the Act is to be issued by way of a written order in attached Form 1.

(Application Form for Administrative Determination to be Submitted to an Expropriation Committee)

Article 3 The form specified by Cabinet Office Order, as prescribed in Article 3 of the Order for Enforcement of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands (hereinafter referred to as "Cabinet Order") is as specified in attached Form 2.

(Notification Concerning a Real Estate Transaction Contract)

Article 4 (1) The notification under Article 13, paragraph (1) of the Act is to be made by submitting a written notification in attached Form 3.

- (2) Notwithstanding the provisions of the preceding paragraph, a person who intends to transfer ownership of real estate or to transfer or create rights for the purpose of acquiring ownership, by submitting a written notification in attached Form 4, or a person who will receive the transferred ownership of real estate or receive the transferred or created rights to acquire ownership (hereinafter "intended transferee"), by submitting a written notification in attached Form 5, may make the notification under the preceding paragraph.
- (3) The notification under Article 13, paragraph (3) of the Act is to be made by submitting a written notification in attached Form 6.
- (4) Notwithstanding the provisions of the preceding paragraph, a person who transferred ownership in real estate or transferred or created rights for the purpose of acquiring ownership, by submitting a written notification in attached Form 7, or a person who received the transfer of ownership in real estate or received the transfer or creation of the right to acquire the ownership (hereinafter referred to as a "transferee"), by submitting a written notification in attached Form 8, may make the notification under the preceding paragraph.

Article 5 (1) The particulars specified by Cabinet Office Order, as prescribed in Article 13, paragraph (1), item (v) of the Act are as follows:

- (i) the nationality, etc. of intended transferee (meaning nationality, etc. as prescribed in Article 30-45 of the Residential Basic Book Act (Act No. 81 of 1967)(or, in the case of a corporation, the country that enacted the laws governing the incorporation thereof);
 - (ii) if an intended transferee is a corporation, and where any of the following persons is its representative or constitutes the majority of its officers or voting rights, to that effect;
 - (a) a person who does not have Japanese nationality;
 - (b) a foreign government, foreign public organization or an organization similar to these, or their respective representatives;
 - (c) a corporation incorporated under the laws and regulations of a foreign state;
 - (iii) the current status of use of the real estate; and
 - (iv) the planned date of contract.
- (2) For the purpose of application of the preceding paragraph with respect to the notification under Article 13, paragraph (3) of the Act, the term "intended transferee" in items (i) and (ii) of that paragraph is deemed to be replaced with "transferee," and the term "planned date of contract" in item (iv) of that paragraph is deemed to be replaced with "date when the contract is concluded."

Article 6 The cases specified by Cabinet Office Order, as prescribed in Article 6, item (iii) of the Cabinet Order, are the cases set forth in Article 3, paragraph

(1), item (i) (limited to the case where the ownership is transferred pursuant to the provisions of Article 46, paragraph (1)) or items (xiii) through (xiv-3) of the Cropland Act (Act No. 229 of 1952), or the cases set forth in Article 15, item (ii) of the Regulation for Enforcement of the Cropland Act (Order No. 79 of the Ministry of Agriculture and Forestry of 1952).

Supplementary Provisions

(Effective Date)

Article 1 This Cabinet Office Order comes into effect as of the date on which the Act comes into effect (September 20, 2022).

(Partial Amendment of the Regulation for Enforcement of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology Concerning Laws and Regulations Relating to the Cabinet Office that are under Administrative Jurisdiction of the Cabinet Office)

Article 2 The Regulation for Enforcement of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology concerning Laws and Regulations Relating to the Cabinet Office that are Under Administrative Jurisdiction of the Cabinet Office (Cabinet Office Order No. 19 of 2004) is partially amended as follows:

Article 4, paragraph (4) is re-numbered as Article 4, paragraph (5); the term "item (iii) of the preceding paragraph" in paragraph (3) of that Article is amended to "paragraph (2), item (iii)"; Article 4, paragraph (3) is re-numbered as Article 4, paragraph (4); and the following paragraph is added after paragraph (2) of that Article.

(3) A person who submits an application, etc. for which the use of an identification number and password is required as designated by the administrative organ, etc. to which the application, etc. is to be submitted must enter the identification number and password obtained in advance in a computer under paragraph (1).

Article 5, paragraph (1) is to be amended as follows:

The measures specified by order of the competent ministry, as prescribed in Article 6, paragraph (4) of the Act, are as follows:

- (i) affixing an electronic signature on information recorded in an application, etc. using electronic information processing system and transmitting the application, etc. attaching an electronic certificate set forth in the items of paragraph (2) of the preceding Article which bears the electronic signature, or measures as prescribed in the proviso to that paragraph.
- (ii) entering an identification number and password in a computer under

paragraph (1) of the preceding Article (limited to the case where the provisions of paragraph (3) of that Article apply).