

# 借地借家法施行令

## Order for Enforcement of the Act on Land and Building Leases

(令和四年五月二日政令第百八十七号)  
(Cabinet Order No. 187 of May 2, 2022)

内閣は、借地借家法（平成三年法律第九十号）第三十八条第四項の規定に基づき、この政令を制定する。

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 38, paragraph (4) of the Act on Land and Building Leases (Act No. 90 of 1991).

1 借地借家法第三十八条第四項の規定による承諾は、建物の賃貸人が、法務省令で定めるところにより、あらかじめ、当該承諾に係る建物の賃借人に対し同項の規定による電磁的方法による提供に用いる電磁的方法の種類及び内容を示した上で、当該建物の賃借人から書面又は電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であって法務省令で定めるもの（次項において「書面等」という。）によって得るものとする。

(1) The consent under the provisions of Article 38, paragraph (4) of the Act on Land and Building Leases is to be obtained by a lessor of a building by a means specified by Ministry of Justice Order which is in writing or by a means using an electronic data processing system or any other means that uses information and communications technology (referred to as a "document, etc." in the following paragraph) from the lessee of the building, by indicating to the lessee of the building the type and content of the electronic or magnetic means to be used to provide the matters by electronic or magnetic means under the provisions of that paragraph in advance, as specified by Ministry of Justice Order.

2 建物の賃貸人は、前項の承諾を得た場合であっても、当該承諾に係る建物の賃借人から書面等により借地借家法第三十八条第四項の規定による電磁的方法による提供を受けない旨の申出があったときは、当該電磁的方法による提供をしてはならない。ただし、当該申出の後に当該建物の賃借人から再び前項の承諾を得た場合は、この限りでない。

(2) Even if a lessor of a building has obtained the consent referred to in the preceding paragraph, when the lessee of the building related to that consent has made a notification in writing or by equivalent means to the effect that they will not receive provision of the matters by electronic or magnetic means under the provisions of Article 38, paragraph (4) of the Act on Land and Building Leases, the lessor must not provide the matters by the electronic or magnetic means; provided, however, that this does not apply if the lessor has

obtained the consent referred to in the preceding paragraph at another time from the lessee of the building after the notification has been made.

## 附 則

### **Supplementary Provisions**

この政令は、デジタル社会の形成を図るための関係法律の整備に関する法律（令和三年法律第三十七号）第三十五条の規定の施行の日（令和四年五月十八日）から施行する。

This Cabinet Order comes into effect as of the date on which the provisions of Article 35 of the Act on the Arrangement of Related Laws for the Formation of a Digital Society (Act No. 37 of 2021) comes into effect (May 18, 2022).