

متن انگلیسی قانون دفاتر اسناد رسمی ژاين

Article 85. Deleted. (7)

Article 86. The date of coming into force of this Law shall be fixed by an Imperial Ordinance (effective as from August 16, 1909 by Imperial Ordinance No. 189 of 1909).

Article 87. The rules of Notary shall be abolished.

Article 88. Any person who is a notary at the time of coming into force of this Law shall be a notary under this Law without the appointment order and shall belong to the District Court which has jurisdiction over the place where his office is situated.

Article 89. The office established by a notary in accordance with the Rules of Notary shall be the office under this Law.

Article 90. The guaranty-money paid in accordance with the Rules of Notary shall be the guaranty-money paid under this Law.

Article 91. The representatives entrusted or the persons concurrently performing the duties in accordance with the Rules of Notary shall be those under this Law.

Article 92. The official act of a notary commenced before the coming into force of this Law shall be concluded in accordance with this Law.

Article 93. The procedure commenced under Articles 58, 59 and 61 prior to coming into force of this Law shall be concluded in accordance with this Law.

Article 94. The objection made against the manner of disposal of business by a notary before the coming into force of this Law shall be concluded in accordance with the Rules of Notary.

Article 95. Any act done before the coming into force of this Law which contravenes the Rules of Notary shall be subject to disciplinary punishment in accordance with this Law: Provided that the disciplinary proceedings commenced before the coming into force of this Law shall be concluded in accordance with the Rules of Notary.

Article 76. The supervision as mentioned in Article 74 shall include the following matters:

- (1) To call the attention of a notary to the inappropriate manner in which he performed his duties and to instruct him to perform them properly;
- (2) To warn a notary in respect of any conduct unsuitable to the position of notary whether on or off duty: Provided that before warning, the notary shall be afforded an opportunity for explanation.
(Inspection of documents)

Article 77. The supervising official may inspect documents preserved by a notary, or cause a designated government official to inspect them.

(Objection) (7) (8) (9)

Article 78. The entrusting person or any person interested may raise objection to the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau against the business handled by a notary.

2. Persons who are dissatisfied with the disposition made by the objection as mentioned in the preceding paragraph may raise objection further to the Minister of Justice.
(Ground for disciplinary punishment)

Article 79. If a notary has committed in contravention of obligation in the course of performance of his duty, or acted in a way to lose his dignity, he shall be liable for disciplinary punishment.

(Kinds of disciplinary punishments) (7)

Article 80. The disciplinary punishments shall be of five kinds as mentioned hereunder:

- (1) Reprimand;
- (2) Non-penal fine not exceeding 50,000 yen;
- (3) Suspension from office for a term not exceeding one year; (4) Change of the belonging Bureau;
- (5) Dismissal.
(Agency of imposing disciplinary punishments) (5) (7) (8)

Article 81. The Minister of Justice shall impose the punishment of non-penal fine, suspension from office, change of the belonging Bureau and dismissal according to the vote of the Notary Screening Committee.

2. Reprimand shall be imposed by the Minister of Justice.

Article 82. Deleted. (7)

(Suspension from duties) (7) (8)

Article 83. In case a notary is detained by authorities or punished with penal detention, he shall ipso jure be suspended from his duties until the time of his release.

2. The Minister of Justice may when considering that a notary falls under the suspension from office, change of the belonging Bureau, or dismissal in connection with disciplinary punishment cases, suspend the notary concerned from his duties until the completion of the procedure for disciplinary punishment.

3. The provisions concerning suspension from office of a notary shall apply mutatis mutandis in the case of suspension from his duties thereof.

(Execution of non-penal fine) (3)

Article 84. In case non-penal fine is not paid in full, it shall be executed by the order of a public procurator.

2. The provisions of Article 208 of the Law of Procedure in Non contentious Matters shall apply mutatis mutandis to the execution as mentioned in the preceding paragraph.

3. The guaranty-money paid by a notary shall be appropriated for non penal fine in priority to other public imposition or obligation except for the cases as mentioned in Article 20 paragraph 3.

SUPPLEMENTARY PROVISIONS:

Article 68. In case of a notary's dismissal, loss of post or the change of the belonging Bureau, the successor or a person who concurrently perform the duties shall without delay receive the documents in the presence of the predecessor.

2. In case the transfer of documents is impossible owing to the death or other reasons, the successor or the person who concurrently perform the duties shall receive the documents in the presence of the government official designated by the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs.

3. The successor or the person concurrently performing the duties, both of whom are appointed after the sealing of the documents under Article 66, shall remove such seal and receive the documents in the presence of the government official designated by the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs

(Mutatis mutandis application)

Article 69. The provisions of the preceding Article shall apply mutatis mutandis in such cases as the person, concurrently performing the duties, transfers the documents further to another notary.

(Statement of being person concurrently performing duties or successor)

Article 70. When the person concurrently performing the duties signs in the course of his business, he shall state that he is a person concurrently performing the duties.

2. If, in case the successor makes the exemplification of the deed, or the transcript thereof according to the deed which has been made by the predecessor or the person concurrently performing the duties, the successor signs, he shall state that he is the successor.

(Order to take over documents) (5) (7) (8)

Article 71. If, in case of a notary's death, dismissal, loss of post or the change of the belonging Bureau, the appointment of successor is not required in consequence of the amendment of quorum, the Minister of Justice shall order a notary stationed within the district under the jurisdiction of the same Legal Affairs Bureau or the District Legal Affairs Bureau, or the Branch Bureau thereof to take over the documents.

2 The provisions of Article 68 and paragraph 2 of the preceding Article shall apply mutatis mutandis to the notary who has been ordered to take over the documents in accordance with the preceding paragraph.

(Suspension from office)

Article 72. The provisions of Articles 66, 67, Article 68 para" graph 3 and Article 70 paragraph 1 shall apply mutatis mutandis in the case of the suspension from office of a notary.

2. In case a person concurrently performing the duties in accordance with the provisions of the preceding paragraph, he shall perform them at the office of the notary who is suspended from office.

Mutatis mutandis application) (6) (7)

Article 73. The provisions of Article 68 and 69 shall apply mutatis mutandis in such cases as the secretary of the Minister of Justice performs the duties of a notary in accordance with the provisions of Article 8.

CHAPTER VII

Supervision and disciplinary Punishment

(Supervising agency) (7) (8)

Article 74. The notary shall be under the supervision of the Minister of Justice.

2. The Minister of Justice shall cause the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to dispose of the supervising business over notaries stationed within the district under its jurisdiction in accordance with the stipulation as provided for by the Minister of Justice.

Article 75. Deleted.

(Substance of supervision) (7)

2. The provisions of Article 42 paragraph 2 shall apply mutatis mutandis in the case of the preceding paragraph.

(Mutatis mutandis application) (2)

Article 62-6. The provisions of Article 44 and Articles 51 to 56 inclusive shall apply mutatis mutandis to the articles of incorporation and the annexed documents thereto which are preserved by the notary.

CHAPTER VI

Concurrent performance Of duties as representative And succession

(Entrustment to representation) (7)

Article 63. In case any notary is unable to perform his duties owing to illness or other unavoidable reasons, he may entrust another notary within the district under the jurisdiction of the same Legal Affairs Bureau or the District Legal Affairs Bureau to perform his duties in his place.

2. In case the notary has entrusted the representation in accordance with the provisions of the preceding paragraph, he shall Without delay make a report to that effect to the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs. The same shall apply in case he terminates the representation.

(Order to represent a notary) (1) (7)

Article 64. In case a notary does not, or is unable to entrust another notary to represent him under paragraph 1 of the preceding article, the Chief of the Legal Affairs Bureau or District Legal Affairs Bureau to which he belongs may order a notary within the district under the jurisdiction of the same Legal Affairs Bureau or the District Legal Affairs Bureau to represent him.

2. When the notary has been able to resume his duties, the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs shall terminate the representation as mentioned in the preceding paragraph.

(Office of representing notary) (7)

Article 65. In case the representative of a notary performs the duties in accordance with the provisions of the preceding two Articles, he shall perform them at the office of the represented notary.

2. In case the representative of a notary signs in the course of the performance of his duties, he shall state the position and name, assignment, the place of the office of the represented notary and the representative thereof.

3. The provisions of Article 22 shall apply to the representative in addition to the represented notary.

(Sealing of documents of notary's office) (7)

Article 66. If, in case of a notary's death, dismissal, loss of post or the change of the belonging Bureau, the Chief of the Legal Affairs Bureau or the District Affairs Bureau to which a notary belongs deems necessary, he shall cause the designated government official to seal the documents of the office of the notary without delay.

(Order for concurrent performance of duties) (1) (7)

Article 67. If, in case of a notary's death, dismissal, loss of post or the change of the belonging Bureau, his successor is not immediately appointed, the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs may order a notary stationed within the district under the jurisdiction of the same Legal Affairs Bureau or the District Legal Affairs Bureau to perform concurrently the duties of such notary.

2. When the successor has been able to resume his duties, the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs shall relieve the notary from the concurrent performance of duties as mentioned in the preceding paragraph.

(Transfer of documents) (7)

Article 59. The entry number, the date of attestation and place thereof shall be stated in a deed to be attested, and the notary and witness shall sign and affix respective **seals thereon, and the notary shall affix the tally impression of his seal on the joint of the deed and the attestation ledger.**
(Mutatis mutandis application) (7)

Article 60. The provisions of Article 26 to 34 inclusive, Articles 37, 38 and Article 39 paragraph 5 shall apply mutatis mutandis in such cases as the private deed is attested.
(Attestation ledger) (7)

Article 61. The notary shall maintain the attestation ledger.
(Matters to be entered in the attestation ledger) (7)

Article 62. In the attestation ledger the following matters shall be entered every time when the notary attests:

- (1) The entry number;
 - (2) The domicile and name of the person who has made the entrustment and, in the case of a juristic person, the name and office thereof;
 - (3) The kind of a deed and the persons who have signed and affixed seals thereon;
 - (4) The manner of attestation
 - (5) The domicile and name of the witness;
 - (6) The attestation date.
- (Notary to attest articles of incorporation) (2) (7)

Article 62-2. The affairs of attestation of articles of incorporation as stipulated in Article 167 of the Commercial Code and the mutatis mutandis application thereof shall be handled by the notary who belongs to the Legal Affairs Bureau or the District Legal Affairs Bureau which has jurisdiction over the place where the principal office of the company is situated.
(Procedure for attestation of articles of incorporation) (2)

Article 62-3. The entrustment for attestation as mentioned in the preceding Article shall be made by submitting two copies of articles of incorporation.

2. The notary shall, when rendering the attestation as mentioned in the preceding Article, cause the person who has made the entrustment to admit in his presence the authenticity of the signature or written name and seal on each copy of the articles of incorporation and make the statement to that effect in such copy.

3. The notary shall preserve himself one of the copies in which the statements as mentioned in the preceding paragraph has been made and return the other copies to the entrusting person.

4. The provisions of Article 58 paragraph 3, and Articles 59 to 62 inclusive shall apply mutatis mutandis in the case of paragraph
(Filing of annexed documents) (2) (7)

Article 62-4. The certificate demonstrating the power of representative, the certificate issued by the government or public office, the deed for showing the permission or consent of a third person, and other annexed documents shall be filed together with the articles of incorporation preserved by the notary in accordance with the provisions of paragraph 3 of the preceding Article.

2. The provisions of the proviso to Article 41 paragraph 1 and of paragraph 2 of the said Article shall apply mutatis mutandis in the case of the preceding paragraph.

(Cases where articles of incorporation kept by notary are destroyed) (2) (7)

Article 62-5. In case the articles of incorporation preserved in accordance with the provisions of Article 62-3 paragraph 3 are destroyed, the notary shall make a transcript of the articles of incorporation which he has returned to the entrusting person, or shall get back the transcript he has delivered, and shall, with the approval of the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs, preserve the same in place of the destroyed articles of incorporation.

Article 52. A transcript of a deed shall contain the following matters and be signed and sealed by the notary:

- (1) The full text of the deed;
- (2) The indication as a transcript of the deed; (3) The date and place of making.
(Extractive transcript)

Article 53. A transcript of the deed may be made as regards a part of such deed.

2. In the transcript as mentioned in the preceding paragraph, the statement indicating that it is an extractive transcript shall be entered.

(Transcript of annexed document)

Article 54. The provisions of the preceding two Articles shall apply *mutatis mutandis* to the making of a transcript of any document annexed to a deed.

(Self-made exemplification or transcript by demanding person) (7)

Article 55. A person who demands an exemplification or a transcript of a deed or a transcript of an annexed document may make himself a document stating the matters to be entered in such document and seek the notary only to sign and affix his seal thereon.

2. If the notary signs and affixes his seal to the transcript as mentioned in the preceding paragraph, such transcript shall have the same effect as that made by the notary himself.

(Procedure to be followed in making exemplification or transcript)

Article 56. If an exemplification or a transcript of a deed or a transcript of the annexed document consists of two or more sheets of paper, the notary shall affix the tally impression of his seal on the joints of each sheet.

2. The provisions of Articles 37 and 38 shall apply *mutatis mutandis* to the making of an exemplification or a transcript of a deed or a transcript of an annexed document.

(Special rules for making will or protest)

Article 57. The provisions of Article 18 paragraph 2 shall not apply in case the notary draws up a will, and those of Articles 28 to 32 inclusive shall not apply in case the notary makes a protest.

(Service of the original text)

Article 57-2. Service of the original text of an executorial title of obligation as referred to in Article 22 Item 5 of the Civil Execution Law (Law No. 4 of 1979) or the transcript thereof, or an execution clause and other instruments as referred to in the latter half of Article 29 of the said law shall be made by means of mails and by such other methods as the Supreme Court may prescribe.

2. A notary public shall be authorized, upon application, to effect the above service by mails.

3. The provisions of Article 162 Para. 2, Article 164 Para. 1, Articles 165 through 169, Articles 171 through 173 and Article 177 of the Code of Civil Procedure (Law No. 29 of 1890) shall be applicable *mutatis mutandis* in the case of preceding paragraph.

CHAPTER V

Attestation

(Method of attestation)

Article 58. The notary shall, when attesting the private deed, state in the deed to the effect that in the presence of the notary the parties have signed or affixed their seals to the deed or admitted the signature and the seal impression of the deed as their own.

2. The notary shall, when attesting the transcript of the private deed state therein to the effect that he has collated the transcript with its original and confirmed the coincidence.

3. In case there is any insertion, deletion, or alteration of characters, entry in margin, or other amendment in the private deed, or there is damage or an apparently doubtful point therein, such condition shall be entered in the statement of attestation.

(Matters to be entered in a deed to be attested) (7)

(Ledger of deed) (7)

Article 45. The notary shall prepare the ledger of deed.
(Matters to be entered in ledger of deed) (7)

Article 46. In the ledger of deed the following matters shall be entered at each time of making deed in the order of such preparation;

- (1) The number and kind of deed;
- (2) The name of the entrusting person and, in the case of a juristic person, the name thereof;
- (3) The date of making.

2. The provisions of the preceding paragraph shall not apply in such cases as otherwise provided for in laws and orders with regard to the book in which the making of deed shall be entered.

(Delivery of exemplification) (7)

Article 47. The person who has entrusted or the person who has succeeded him may demand the exemplification of the deed to be delivered.

2. The provisions of Article 28 paragraphs 1 and 2, Article 31, Article 32 paragraphs 1 and 2, and Article 44 paragraph 3 shall apply mutatis mutandis in such cases as the notary makes an exemplification of deed in accordance with the provisions of the preceding paragraph.

3. The provisions of Article 32 paragraph 2 shall apply mutatis mutandis to the deed to be submitted in such cases as the person who has succeeded the entrusting person demands the exemplification of the deed to be delivered.

(Matters to be entered in exemplification)

Article 48. An exemplification of a deed shall contain the following matters and be signed and sealed by the notary:

- (1) The full text of the deed;
- (2) The indication as an exemplification;
- (3) The name of the person who has demanded the delivery;
- (4) The date and place of the making thereof.

2. The document made in contravention of the provisions of the preceding paragraph shall not have the effect of an exemplification of the deed.

(Extractive exemplification)

Article 49. In respect of the deed in which several cases are enumerated, or with which each of several persons has different relation, the exemplification thereof may be made by excerpting the necessary part and the statement concerning the form of the deed.

2. In the exemplification as mentioned in the preceding paragraph, the statement indicating that it is an extractive exemplification shall be entered, substituting such statement as mentioned in paragraph 1 item 12) of the preceding Article.

(Statement for delivery of exemplification)

Article 50. When the notary has delivered an exemplification of a deed, he shall state at the end of the deed indicating that he has delivered it on behalf of Mr. So and so, the person who has entrusted, or the person who has succeeded him and the date of delivery, and shall sign and affix his seal thereon.

(Delivery of transcript of deed) (7)

Article 51. The person who has made the entrustment, the person who has succeeded him or any person who has proved to be legally interested in the purpose of the deed may demand a transcript of the deed or any annexed document to be delivered to him.

2. The provisions of Article 28 paragraphs 1 and 2, Article 31, Article 32 paragraph 1, and Article 44 paragraph 3 shall apply mutatis mutandis in such cases as the notary makes a transcript of a deed in accordance with the provisions of the preceding paragraph.

(Matters to be entered in transcript)

(Procedure for making deed) (7)

Article 39. The notary shall read the deed made by him to those present or cause them to inspect it, obtain the approval from the person who has made the entrustment or his representative, and state in the deed to that effect.

2. In case an interpreter is caused to attend, the interpreter shall, in addition to those as mentioned in the preceding paragraph, be caused to interpret the purport of the deed, and the statement to that effect shall be made in the deed.

3. In case such statement as mentioned in the preceding two paragraphs is entered in the deed, the notary and those present shall sign and affix respective seals thereon.

4. If any of the persons present is unable to sign, the statement to that effect shall be made in the deed and the notary shall affix his seal thereon.

5. If the deed consists of two or more sheets of paper, the notary shall affix the tally impression of his seal on the joint of each sheet.

(Reference to other documents) (7)

Article 40. If any other document is referred and attached to the deed made by a notary, the notary shall affix the tally impression of his seal on the joint of the deed and the attached document.

2. The provisions of the preceding three Articles shall apply mutatis mutandis to the attached document as mentioned in the preceding paragraph.

3. The attached document as mentioned in the preceding two paragraphs shall be deemed to be a part of the deed made by the notary.

(Filing of annexed documents with deed) (7)

Article 41. The certificate demonstrating the power of representative, the certificate issued by an office of the of the government or public office, the deed showing the permission or consent of a third person, and other nexed annexed document shall be filed with the deed made by the notary; Provided that in case the restitution of original of the annexed documents is called for by the person who has made the entrustment, the transcript thereof may be filed therewith instead of the original.

2. The notary shall affix the tally impression of his seal on the joints between the deed and the annexed document, and between each annexed document.

(Cases of destruction or loss of original) (7)

Article 42. When the original of the deed is destroyed or lost the notary shall call for an exemplification or a transcript of the deed already delivered, and shall, after obtaining the approval from the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs, keep the same as substitute for the destroyed or lost original.

2. In the deed as mentioned in the preceding paragraph, the statement of the effect that it is kept as substitute for the destroyed or lost original with the approval of the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which the notary belongs, and the statement of the date of such approval shall respectively be made, and the notary shall sign and affix his seal thereon.

(Revenue stamp to be affixed on deed)

Article 43. The notary shall cause the person who has made the entrustment to put a revenue stamp on the original of the deed in accordance with the Stamp Duty Law.

(Inspection of the original of deed) (7)

Article 44. The person who has made the entrustment, the person who has succeeded him, and any person who has proved to be legally interested in the purpose of the deed may demand to inspect the original of the deed.

2. The provisions of Article 28 paragraphs 1 and 2, Article 31, and Article 32 paragraph 1 shall apply mutatis mutandis in such cases as the notary permits the original of the deed to be inspected in accordance with the provisions of the preceding paragraph.

3. In case the notary permits the person who has succeeded the entrusting person to inspect the original of the deed, he shall cause him to submit the deed showing that he is the succeeding person, and to prove that he is the very succeeding person.

4. The public procurator may demand to inspect the original of deed at any time.

3. The following persons shall not be the witnesses: Provided that this shall not apply in such cases as mentioned in Article 30 paragraph 2:

- (1) A minor;
 - (2) Persons as mentioned in Article 14;
 - (3) Persons unable to sign by themselves;
 - (4) Persons having the interest in matters entrusted;
 - (5) A person who is or was a representative or an assistant as regards the matter entrusted;
 - (6) The spouse, a relative within the fourth degree of kinship, a legal representative, curator, employee or cohabitant of person who has made the entrustment, or his representative;
 - (7) A clerk of the notary.
- (Contents of deed)

Article 35. The notary shall, when making a deed, write down the statement listened, the circumstances witnessed, and other such facts as experienced by himself, and state the means of the experience thereof.

(Matters to be entered in deed) (7)

Article 36. The deed made by the notary shall contain the following matters besides the main object:

- (1) The file number of deed;
 - (2) The domicile, occupation, name and age of the person who has made the entrustment and, in the case of a juristic person, the name and office thereof;
 - (3) In case the entrustment is made by a representative, the statement to that effect, and the domicile, occupation, name and age of such representative;
 - (4) In case the notary knows the name of the person who has made the entrustment, or of his representative, and has acquaintance with him, the statement to that effect;
 - (5) In case the permission or consent by a third person has been obtained, the statement to that effect and the reason therefor, as well as the domicile, occupation, name and age of the said third person, and in the case of a juristic person, the name and office thereof;
 - (6) In case the identification of the person is certified by the presentation of a certificate, or other reliable means corresponding thereto, or the genuineness of the deed is made by the presentation of the certificate regarding seal or signature, the statement to that effect and the reason therefor;
 - (7) If the case falls under the proviso to Article 32 paragraph 2, the statement to that effect and the reason therefor;
 - (8) In case the identification is not certified due to urgency, the statement to that effect;
 - (9) In case an interpreter or witness is caused to attend, the statement to that effect, the reason therefor, as well as the domicile, occupation, name and age of the said interpreter or witness;
 - (10) The date and place of the making of deeds.
- (Method of making deed) (7)

Article 37. In making a deed, the notary shall use common and easy words and write clearly.

2. If there is blank space between two continued lines, the lines shall be connected by a line in black ink.

3. For the figures 1, 2, 3, and 10 representing quantity, date and number, elaborate form of characters shall be used.

(Prohibition to alter characters, insertion and striking out) (7)

Article 38. Characters in a deed shall not be altered.

2. In case any character is inserted in a deed, the number of the characters and the place shall be stated in the margin or the end space, and the notary and the person who has made the entrustment or his representative shall affix their seals thereon.

3. In case any character in a deed is struck out, such character or characters shall be left legible in order to be read clearly and the number of the characters so struck out, and the place thereof shall be stated in the margin or the end space, and the notary and the person who has made the entrustment or his representative shall affix their seals thereon.

4. The correction made in contravention of the provisions of the preceding three paragraphs shall be invalid.

Article 26. The notary shall refrain from making a deed as regards a matter being in contravention of laws and orders, invaled juristic acts, or such juristic acts as may be voidable by reason of incompetency.

(Language)

Article 27. The notary shall not make a deed unless it is a deed in Japanese.

(Identification of person who has made entrustment) (7)

Article 28. The notary shall, when making deed, be informed with the name of person who has made the entrustment and shall have been acquainted with him.

2. When the notary does not know the name of the person who has made the entrustment or has not acquainted with him, he shall cause him to certify his identification by the presentation of the seal certificate issued by the government or public office or other reliable means corresponding thereto.

3. In case the notary makes deeds in time of urgency, the procedure as mentioned in the preceding paragraph may be taken within three days after making of deeds in accordance with the provisions concerning the making thereof.

4. In case the procedure as mentioned in the preceding paragraph has been taken, the deed shall not lose its effect because of non-urgency.

(Attendance of interpreter)

Article 29. If the person who has made the entrustment does not understand the Japanese language, or is deaf, dumb, or is otherwise incapable of speaking, and comprehending characters, the notary shall cause an interpreter to attend at the time of making a deed.

(Attendance of witness)

Article 30. If the person who has made the entrustment is blind or incapable of comprehending characters, the notary shall cause a witness to attend at the time of making a deed.

2. The provisions of the preceding paragraph shall apply mutatis mutandis in such cases as the person who has made the entrustment demands a witness to attend.

(Entrustment by representative)

Article 31. In case the entrustment is made by a representative, the provisions of the preceding three Articles shall apply to such representatives.

(Ibid) (7)

Article 32. The notary shall, when making a deed at the entrustment of a representative, cause the said representative to adduce the certificate demonstrating his power, and to certify such power.

2. In case the certificate as mentioned in the preceding paragraph is a private deed with no attestation, the notary shall cause the representative to submit a certificate regarding seal or signature issued by a governmental or a public office in addition to the said deed and to certify the genuineness of such deed: Provide that this shall not apply in such cases as the genuineness of the deed is evident through other documents kept by the said notary.

3. In case the defect in the representation or in the form thereof has been supplemented in accordance with the provisions relating to making of deeds, the deed shall not lose its effectiveness due to such defect.

(Validation in respect of juristic acts subject to permission or consent)

Article 33. In case the notary makes a deed in respect of juristic acts subject to the permission or consent by third person, the production of certificate demonstrating such permission or consent shall be necessary for testifying that the permission or consent has been obtained.

2. The provisions of paragraphs 2 and 3 of the preceding Article shall apply mutatis mutandis in such cases as mentioned in the preceding paragraph.

{Appointment and qualification of interpreter and witness} (6) (7)

Article 34. The interpreter and the witness shall be appointed by the person who has made the entrustment, or by his representative.

2. The witness may at the same time be an interpreter.

(Refundment of guaranty-money)

Article 20. In case the guaranty-money is to be refunded, a public notice shall be made to the effect that persons haveing the right to such guaranty-money shall proffer within six months.

2. Unless the period as mentioned in the preceding paragraph has elapsed, the guaranty-money shall not be refunded.

3. The guaranty-money shall be appropriated for the expense of the public notice as indicated in paragraph 1 in priority to other public imposition and obligations.

(Presentation of impression of official scal) (7)

Article 21. The notary shall present to the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs the impression of his official seal together with his own signature

2. While the notary does not present the impression of the scal as mentioned in the preceding paragraph, he shall not perform his duties.

(Cases refrained from performing duties) (6)

Article 22. The notary shall not perform his duties in any of the following cases:

(1) If he is the spouse, a relative within the fourth degree of kinship, or relative living in the same house either of the person who has made the entrustment, the representative thereof, or of the person who has interest in the entrusted matters; the same shall apply after such kinship has ceased to exist

(2) If he is the legal representative or the curator of the person who has made the entrustment or the representative thereof

(3) If he has interest in the entrusted matters;

(4) If he is or has been the representative or the assistant therefor in respect of the entrusted matters.

(Items to be stated at the time of signing)

Article 23. When the notary signs his name in the course of the performance of his duties, he shall state the official name, office he belongs to and the location of his office.

(Clerk) (7)

Article 24. The notary may, with the approval of the Chief of the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs, employ clerks and cause them to assist him in his works.

2. The approval as mentioned in the preceding paragraph may be revoked at any time when it is necessary.

(Prohibition to remove documents out of office) (2) (5) (7) (8)

Article 25. The original of the deeds made by the notary and annexed documents thereof, the articles of incorporation and annexed documents thereof kept by him in accordance with the provisions of Article 62-3 paragraph 3, and the books prepared by him in accordance with laws and orders shall not be brought out of his office, except for the purpose of avoiding any emergency: Provided that this shall not apply in such cases as the order or request of a court is made.

2. The rules relating to preservation and destruction of the documents as mentioned in the preceding paragraph shall be established by the Minister of Justice.

CHAPTER IV

Making of deed

(Matters unable to make deeds)

with the learning and experience similar to those as mentioned in the preceding Article, and has been selected by the Notary Screening Committee provided for by Cabinet Order: Provided that this shall apply only in such cases as provided for in Article 8.

(Disqualification for notary) (7)

Article 14. The following persons may not be appointed notary:

(1) Persons who have been sentenced to imprisonment or heavier penalty: Provided that this shall not apply to persons who have been punished by imprisonment for a period not exceeding two years, but have finished the executions of penalty, or have been exempted from the execution of penalty;

(2) Persons who have been adjudged bankrupt or insolvent and who have not yet been reinstated;

(3) Persons adjudged incompetent or quasi-incompetent;

(4) Persons who have been sentenced to dismissal, discharged from governmental or public service by means of disciplinary punishment, or expelled in accordance with the provisions of the Lawyer Law, and who have not elapsed two years since the dismissal, discharge from governmental or public service, or expulsion.

(Dismissal of notary) (5) (7) (8)

Article 15. The Minister of Justice may dismiss a notary in the following cases:

(1) In case a notary applies for dismissal;

(2) In case a notary does not pay the guaranty-money, or the deficiency amount thereof within the fixed term;

(3) In case a notary reaches at the age of seventy years;

(4) In case a notary is incapacitated to perform his duties either by physical or mental weakness.

2. In such case as mentioned in item (4) of the preceding paragraph, the resolution of the Notary Screening Committee shall be required.

(Case wherein notary loses his post ipso jure)

—3—

Article 16. In case a notary falls under any of the cases mentioned in items (1) to (3) inclusive of Article 14, he shall lose his post ipso jure.

CHAPTER III

General provisions concerning The performance of duties

(District where notary performs his duties) (7)

Article 17. The district where the notary performs his duties shall be the same as the district of jurisdiction of the Legal Affairs Bureau, or the District Legal Affairs Bureau to which he belongs.

(Notary's office) (5) (7) (8)

Article 18. The notary shall have his office in the place designated by the Minister of Justice.

2. The notary shall perform his duties at his office: Provided that this shall not apply in such case as the nature of a case does not permit to do so, or as otherwise provided for in laws and orders.

(Payment of guaranty-money) (5) (7)

Article 19. The notary shall pay guaranty-money to the Legal Affairs Bureau or the District Legal Affairs Bureau to which he belongs within fifteen days as from the day of the receipt of the appointment.

2. The amount of guaranty-money shall be provided for by Cabinet Order.

3. When the guaranty-money has become short and the notary has received the order to make up for, he shall make up for such deficiency within thirty days as from the day of the receipt of such order.

4. Until and before the notary does not pay the guarantymoney, he shall refrain from performing his duties.

Article 7. The notary shall receive fees, daily allowances, and mileage from the person made the entrustment.

2. Except as those mentioned in the preceding paragraph, the notary shall not receive the remuneration of any form whatsoever in connection with the cases handled thereby.

3. The rules relating to fees, daily allowances, and mileage shall be established by Cabinet Order.

(Vicarious execution of notarial business) (7) (8)

Article 8. In case there is no notary in the district under the jurisdiction of a Legal Affairs Bureau or a District Legal Affairs Bureau, or the branch bureau thereof, or in case the notary is unable to perform his duties, the Minister of Justice may have a secretary of the Ministry of Justice in the service of such Legal Affairs Bureau or District Legal Affairs Bureau or the Branch Bureau thereof perform the duties of notary in the district under its jurisdiction.

(Mutatis mutandis application concerning the duties of notary)

(7) (8)

Article 9. The provisions concerning the duties of notary in this Law and other laws and orders shall apply mutatis mutandis to the secretary of the Ministry of Justice who performs the duties of notary: Provided that fees, daily allowances, and mileage as mentioned in Article 7 shall be the revenue of the National Treasury.

CHAPTER II

Appointment, dismissal and assignment

(Assignment and fixed number of notaries) (1) (5) (7) (8)

Article 10. The notary shall belong to the Legal Affairs Bureau or the District Legal Affairs Bureau.

2. The number of the notaries who are to belong to the Legal Affairs Bureau or the District Legal Affairs Bureau shall be fixed by the Minister of Justice in each district under the jurisdiction of the Legal Affairs Bureau, the District Legal Affairs Bureau or the Branch Bureau thereof.

(Appointment of notary) (5) (7) (8)

Article 11. The Minister of Justice shall appoint the notary and designate the Legal Affairs Bureau, or the District Legal Affairs Bureau to which he belongs.

(Qualification for notary) (5) (6) (7) (8)

Article 12. A person shall not be appointed a notary unless he has the following criteria:

(1) That he is a Japanese national and an adult;

(2) That he has completed the actual training as probationary notary for more than six months after passing a certain examination.

2. The rules concerning the examination and the actual training shall be established by the Minister of Justice.

(Persons qualified without examination) (7)

Article 13. Any person having the qualification as a judge (excluding judge of Summary Court), public procurator (excluding assistant public procurator) or lawyer may be appointed a notary without having the examination and the actual training.

(Appointment by selection) (8)

Article 13-2. The Minister of Justice may for a time being appoint as notary without having the examination and the actual training any person who has engaged in the legal affairs for many years

AMENDMENTS:

- (1) Law No. 35, Apr. 4, 1935
- (2) Law No. 13, Mar. 17, 1939
- (3) Law No. 61, Apr. 16, 1947
- (4) Law No. 125, Oct. 27, 1947
- (5) Law No. 195, Dec. 17, 1947
- (6) Law No. 223, Dec. 22, 1947
- (7) Law No. 141, May 31, 1949
- (8) Law No. 268, July 31, 1952
- Law No. 161, Sep. 15, 1962
- (10) Law No. 5, May 30, 1979
- (11) Law No. 78, Dec. 2, 1983

Note: Parenthesized numbers in Gothic after title of each Article indicate the amendments thereto, the amending laws being referred to above as well as in Supplementary Provisions with the same parenthesized numbers in Gothic.

NOTARY LAW

(Law No. 53, April 14, 1908)

CHAPTER I
GENERAL PROVISIONS

(Power of notary) (2)

Article 1. The notary shall, upon entrustment of the parties concerned or other interested persons, have the power to make notarial deeds in respect of a juristic act and other facts concerned with private right, or to attest a private deeds and to attest articles of incorporation in accordance with the provisions of Article 167 of the Commercial Code and the mutatis mutandis application thereof.
(Requirements of document for having effect of attestation)

Article 2. The documents made by the notary shall not be officially validated unless conformed with such requirements as provided for by this Law and other laws.
(Prohibition not to refuse entrustment)

Article 3. The notary shall not refuse the entrustment without justifiable reason.
(Prohibition to reveal the case)

Article 4. Unless otherwise provided for in law, the notary shall not reveal the cases handled thereby. Provided that the foregoing shall not apply in such cases as the consent of the person made such entrustment thereof has been obtained.
(Prohibition to concurrently hold post) (5) (8)

Article 5. The notary shall neither at the same time hold other official posts, nor engage in commerce, nor become representative or employee of a commercial company or an incorporated association (SHADAN HOJIN) which has for its object the acquisition of gain: Provided that the foregoing provisions shall not apply in such cases as the permission of the Minister of Justice has been obtained.

Article 6. Deleted. (4)
(Fees, daily allowances and mileage) (7)