

法務省民商第 1 7 1 号

Ministry of Justice, Civil Affairs Bureau, Commercial Affairs Division No.171

平成 2 7 年 1 2 月 2 2 日

December 22, 2015

法

務 局 長 殿

To: The Director of the Legal Affairs Bureau

地 方 法 務 局 長 殿

To: The Director of the District Legal Affairs Bureau

法務省民事局長

( 公 印 省 略 )

Director-General of the Civil Affairs Bureau, Ministry of Justice

(Public seal omitted)

行政手続における特定の個人を識別するための番号の利用等に関する法律等の施行に伴う商業・法人登記事務及び動産・債権譲渡登記事務の取扱いについて (通達)

Handling of Commercial and Corporation Registration Affairs and Registration of Assignment of Movables and Claims Affairs in Accordance with Enforcement of the Act on the Use of Numbers to Identify Specific Individuals in Administrative Procedures (Circular Notice)

行政手続における特定の個人を識別するための番号の利用等に関する法律 (平成 2 5 年法律第 2 7 号。以下「番号利用法」という。) 附則第 1 条第 4 号に掲げる規定, 行政手続における特定の個人を識別するための番号の利用等に関する法律の施行に伴う関係法律の整備等に関する法律 (平成 2 5 年法律第 2 8 号。以下「番号利用法整備法」という。) 附則第 3 号に掲げる規定及び戸籍法施行規則等の一部を改正する省令 (平成 2 7 年法務省令第 5 1 号。以下「改正省令」という。) が平成 2 8 年 1 月 1 日から施行されることとなり, また, 本日付け法務省民商第 1 7 0 号当職通達「商業登記等事務取扱手続準則の一部改正について」 (以下「改正通達」という。) を発出したところですが, これらに伴う商業・法人登記事務及び動産・債権譲渡登記事務の取扱いについては, 下記の点に留意し, 事務処理に遺憾のないよう, 貴管下登記官に周知方取り計らい願います。

Since the provisions set forth under Article 1, item (iv) of the Supplementary

Provisions of the Act Concerning Use of Numbers to Identify Specific Individuals in Administrative Procedures (Act No. 27 of 2013; hereinafter referred to as “Number Use Act”) and the provisions set forth under item (iii) of the Supplementary Provisions of the Act on the Arrangement of Relevant Acts Incidental to Enforcement of the Act Concerning Use of Numbers to Identify Specific Individuals in Administrative Procedures (Act No. 28 of 2013; hereinafter referred to as “Act for Arrangement of the Number Use Act”), and the Ministerial Order for Partial Amendment of the Ordinance for Enforcement of the Family Register Act and Other Ordinances (Ministry of Justice Order No. 51 of 2015; hereinafter referred to as “Amended Ministerial Order”) were enforced from January 1, 2016, and in addition, Ministry of Justice, Civil Affairs Bureau, Commercial Affairs Division No. 170, “Partial Amendment of the Rules on the Procedures for Services Handling Commercial Registrations, Etc.” (hereinafter referred to as “Amended Notification”) dated today, was issued, you are requested to familiarize the registrars under your jurisdiction with the following points to prevent unsatisfactory performance of their administrative processing with regard to the handling of the accompanying commercial and corporation registration affairs and registration of assignment of movables and claims affairs.

なお、本通達中、「公的個人認証法」とあるのは番号利用法整備法による改正後の電子署名等に係る地方公共団体情報システム機構の認証業務に関する法律（平成14年法律第153号）を、「商登規則」とあるのは改正省令による改正後の商業登記規則（昭和39年法務省令第23号）を、「譲登規則」とあるのは改正省令による改正後の動産・債権譲渡登記規則（平成10年法務省令第39号）を、「商登準則」とあるのは改正通達による改正後の商業登記等事務取扱手続準則（平成17年3月2日付け法務省民商第500号民事局長通達）をいい、引用する条文は全て改正後のものです。

In this Circular Notice, the “Public Individual Certification Act” refers to the Act on the Certification Services of the Local Government Information System Organization for Electronic Signatures, Etc., as Amended by the Act for Arrangement of the Number Use Act (Act No. 153 of 2002), “Commercial Registration Regulations” refers to the Commercial Registration Regulations as Amended by the Amended Ministerial Order (Ministry of Justice Order No. 23 of 1964), “Transfer

Registration Regulations” refers to the Regulations on the Registration of Assignment of Movables and Claims as amended by the Amended Ministerial Order, “Commercial Registration Rules” refers to the “Rules on the Procedures for Handling Commercial Registration Affairs as amended by the Amended Circular Notice (Circular Notice of the Director-General of the Civil Affairs Bureau, Ministry of Justice, Civil Affairs Bureau, Commercial Affairs Division No.500 dated March 2, 2005).

## 記

### Description

#### 第1 番号利用法及び番号利用法整備法の概要

##### No. 1 Outline of the Number Use Act and the Act to Arrange the Number Use Act

###### 1 住民基本台帳カードの廃止及び個人番号カードの交付

###### 1. Abolition of residential basic book cards and issuance of individual number cards

番号利用法整備法第19条の規定により、住民基本台帳法（昭和42年法律第81号。以下「住基法」という。）が改正され、番号利用法整備法による改正前の住民基本台帳法（以下「旧住基法」という。）第30条の4第1項に規定する住民基本台帳カード（以下「旧住基カード」という。）が廃止され、これに代わるものとして、個人番号カードが交付されることとされた（番号利用法第2条第7項、第17条第1項）。

Based on the provisions of Article 19 of the Act to Arrange the Number Use Act, the Residential Basic Book Act (Act No. 81 of 1967; hereinafter referred to as the “Residential Basic Act”) was amended, and the residential basic book cards (hereinafter referred to as “former basic books cards”) provided for in Article 30-44, paragraph (1) of the Residential Basic Book Act Prior to Amendment through the Act to Arrange the Number Use Act (hereinafter referred to as “former Residential Basic Act”) were abolished, and instead, individual number cards will be issued (Article 2, paragraph (7), Article 17, paragraph (1) of the Number Use Act).

###### 2 電子証明書に関する改正

###### 2. Amendment relating to electronic certificates

番号利用法整備法第31条の規定により、電子署名に係る地方公共団体

の認証業務に関する法律が改正され、その題名が電子署名等に係る地方公共団体情報システム機構の認証業務に関する法律に改められるとともに、住民基本台帳に記録されている者に係る電子証明書が署名用電子証明書に、その発行主体が都道府県知事から地方公共団体情報システム機構（以下「機構」という。）に、それぞれ改められた（公的個人認証法第3条第1項）。

In accordance with the provisions of Article 31 of the Act to Arrange the Number Use Act, the Act on the Certification Services of the Local Governments Pertaining to Electronic Signatures was amended, and was renamed the Act on the Certification Services of the Local Government Information System Organization for Electronic Signatures, and the electronic certificates pertaining to persons recorded in the residential basic books were replaced with electronic signature certificates and the issuing entity was changed from the prefectural governor to the local government information system organization (hereinafter referred to as “organization”) (Article 3, paragraph (1) of the Public Individual Certification Act).

## 第2 個人番号カードの交付に伴う商業・法人登記事務及び動産・債権譲渡登記事務の取扱い

### No. 2 Handling of Commercial and Corporation Registration Affairs and Registration of Assignment of Movables and Claims Affairs Associated with the Issuance of Individual Number Cards

#### 1 商業登記法（昭和23年法律第125号）第23条の2の本人確認の資料について

##### 1. Regarding the documents for identity confirmation under Article 23-2 of the Commercial Registration Act (Act No. 125 of 1948)

###### (1) 個人番号カードについて

###### (1) About the individual number card

個人番号カードについては、商業登記法第23条の2第1項の規定に基づく本人確認の資料として取り扱うものとする。

Individual number cards shall be handled as data for identity confirmation based on the provisions of Article 23-2, paragraph (1) of the Commercial Registration Act.

同規定による文書の提示その他必要な情報の提供の求めに応じ、申請人又はその代表者若しくは代理人（以下「申請人等」という。）が個人番号カードを提示し、登記官が、個人番号カードを本人確認の資料として申請人等の申請の権限の有無を調査した場合において、商登準則第47条第2項の規定により本人確認調書（別記第25号様式）を作成するときは、当該本人確認調書の確認資料「④個人番号カード」を囲むものとする。

In response to a request to present documents or other necessary information pursuant to the same regulation, if the applicant or his or her representative or agent (hereinafter referred to as “applicant, etc.”) presents his or her individual number card and the registrar prepares a record of identity confirmation (Appended Form No. 25) pursuant to the provisions of Article 47, paragraph (2) of the Commercial Registration Rules in cases where the registrar has examined whether the person has the authority to apply using the individual number card as a document for identify confirmation, he or she shall circle “(iv) Individual Number Card” as the confirmation document of the identity confirmation record.

(2) 旧住基カードに関する経過措置

(2) Transitional measures relating to the former residential basic card

旧住基カードは、番号利用法整備法第20条第1項の規定によりなお従前の例によることとされた旧住基法第30条の44第9項の規定によりその効力を失う時又は旧住基カードの交付を受けた者が番号利用法第17条第1項の規定により個人番号カードの交付を受ける時のいずれか早い時までの間は、個人番号カードとみなして改正後の住基法の規定を適用するものとされた（番号利用法整備法第20条第2項）。

The former residential basic card shall be deemed to be the individual number card up until whichever comes earlier of when the former residential basic card loses its effect under the provisions of Article 30-44, paragraph (9) of the former Residential Basic Book Act, which is to be in accordance with the previous provisions pursuant to the provisions of Article 20, paragraph (1) of the Number Use Act, or when the person who received the former residential basic card receives an individual number card pursuant to the

provisions of Article 17, paragraph (1) of the Number Use Act, and the provisions of the Residential Basic Act after amendment shall be applied (Article 20, paragraph (2) of the Act to Arrange the Number Use Act).

この経過措置により個人番号カードとみなされる旧住基カードについては、商業登記法第23条の2第1項の規定に基づく本人確認の資料として取り扱うものとする。

The former residential basic book card, which is deemed to be the individual number card pursuant to these transitional measures, shall be treated as a document for identity confirmation based on the provisions of Article 23-2, paragraph (1) of the Commercial Registration Act.

同規定による文書の提示その他必要な情報の提供の求めに応じ、申請人等が旧住基カードを提示し、かつ、登記官が、当該旧住基カードを本人確認の資料として取り扱い、申請人等の申請の権限の有無を調査した場合において、商登準則第47条第2項の規定により本人確認調書（別記第25号様式）を作成するときは、当該本人確認調書の確認資料「⑤住民基本台帳カード」を囲むものとする。

In response to a request to present documents or other necessary information pursuant to the same regulation, if the applicant, etc. presents his or her former residential basic book card and the registrar examines whether the person has the authority to apply, etc., treating the former residential basic book card as a document for identity confirmation and the registrar prepares an identity confirmation record (Appended Form No. 25) in accordance with the provisions of Article 47, paragraph (2) of the Commercial Registration Rules, the registrar shall circle “(v) Residential Basic Book Card” as the confirmation document of the identity confirmation record.

## 2 商登規則第61条第5項に基づく添付書面について

### 2. Regarding documents to be attached based on Article 61, paragraph (5) of the Commercial Registration Regulations

株式会社の設立の登記又は取締役、監査役若しくは執行役の就任（再任を除く。）による変更の登記の申請書には、商登規則第61条第2項若しくは第3項の規定又は同条第4項の規定により、設立時取締役、設立時監査役、設立時執行役、取締役、監査役又は執行役（以下「取締役等」とい

う。)の印鑑につき市区町村長作成の証明書が添付されている場合を除き、当該取締役等が就任を承諾したことを証する書面に記載した氏名及び住所と同一の氏名及び住所が記載されている市区町村長その他の公務員が職務上作成した証明書（当該取締役等が原本と相違がない旨を記載した謄本を含む。以下「本人確認証明書」という。）を添付しなければならないとされているところ、本人確認証明書として、個人番号カードの表面の謄本であって、当該取締役等が原本と相違ない旨を記載し、署名又は記名押印したのも、これに該当する。

Since a certificate (including a certified copy indicating that the director or equivalent person is no different from the person given in the original; hereinafter referred to as “identity confirmation certificate”) prepared by the mayor of the municipal government or a public officer ex officio which states the same name and address as the name and address stated in the document evidencing that the relevant director, etc. accepted the appointment, except in cases where a certificate prepared by the mayor of the municipal government with regard to the seal impression of the director at incorporation, company auditor at incorporation, executive officer at incorporation, director, company auditor or executive officer (hereinafter referred to as “director, etc.”) is attached to the written application for the registration of the establishment of a stock company or for the registration of a change due to the appointment (excluding reappointment) of a director, company auditor or executive officer shall, in accordance with the provisions of Article 61, paragraph (2) or paragraph (3) of the Commercial Registration Regulations or pursuant to the provisions of paragraph (4) of the same Article, an identity confirmation certificate would be a certified copy of the front of the individual number card on which the director, etc. states that there is no difference from the original, and has signed or added his or her name and seal.

なお、個人番号カードの裏面については、これを謄写したものを添付することはできない（後記5参照）。

A copy of the back of the individual number card may not be attached (see 5 below).

また、上記1(2)の経過措置により個人番号カードとみなされる旧住基カ

ードの謄本であって、当該取締役等が原本と相違ない旨を記載し、署名又は記名押印したものも、本人確認証明書に該当する。

In addition, a certified copy of the former residential basic card, which is deemed to be an individual number card due to the transitional measures of 1 (2) above, on which the director, etc. states that there is no difference from the original, and which he or she has signed or affixed his or her name and seal will correspond to the identity confirmation certificate.

### 3 動産・債権譲渡登記の登記事項証明書の交付を受けようとする場合

#### 3. Cases of receiving a certificate of registered information of the registration of assignment of movables and claims

譲登規則第28条第1項の規定により交付の請求をした動産・債権譲渡登記の登記事項証明書について、登記所で交付を受けようとするときは、当該交付を受けようとする者が本人であることを確認するに足りる法務大臣の定める書類（以下「本人確認書類」という。）を提示しなければならない（同条第6項）ところ、個人番号カードは、本人確認書類に該当するものとされた。

If the applicant, etc. intends to receive the certificate of registered information of the registration of assignment of movables and claims that has been issued pursuant to the provisions of Article 28, paragraph (1) of the Transfer Registration Regulations at a registry office, the document specified by the Minister of Justice (hereinafter referred to as “identity confirmation document”) needs to be presented in order to confirm that the person intending to receive such certificate is the individual (paragraph (6) of the same Article), and the individual number card will correspond to the individual confirmation document.

なお、上記1(2)の経過措置により個人番号カードとみなされる旧住基カードについても、本人確認書類として取り扱うものとする。

The former residential basic card, which is regarded as an individual number card due to the transitional measures in 1 (2) above, shall also be treated as an identity confirmation document.

その他の個人番号カードの提示による本人確認の取扱いについては、個人番号カード以外の本人確認書類の取扱いと同様である。



Other handling of identity confirmation through the presentation of an individual number card shall be the same as the handling of identity confirmation documents other than the individual number card.

#### 4 番号利用法第7条の規定に基づく通知カードについて

#### 4. Notification card based on the provisions of Article 7 of the Number Use Act

番号利用法第7条の規定に基づき交付される通知カードについては、個人番号の本人への通知及び個人番号の確認のためだけに発行されるものであること、また、同法第20条の規定により個人番号をその内容に含む特定個人情報の収集等には制限があることに鑑み、同法第16条の規定に基づく本人確認以外の手続において、本人確認の資料等と取り扱うことは適当ではない。

The notification card issued based on the provisions of Article 7 of the Number Use Act shall be issued only for the purpose of notifying the individual of the individual number and confirming the individual number, and in addition, considering that there are restrictions on the collection of specific personal information that includes individual numbers in its contents pursuant to the provisions of Article 16 of the Act, it is not appropriate to treat it as materials for identity confirmation in procedures other than identity confirmation pursuant to the provisions of Article 16 of the Act.

したがって、商業・法人登記事務又は動産・債権譲渡登記事務における上記1から3までの手続においても、通知カードを本人確認の資料等として取り扱うことはできない。

Therefore, the notification card must not be used as materials for identity confirmation, etc., even in the abovementioned procedures 1 to 3 in commercial and corporation registration affairs or registration of assignment of movables and claims affairs.

#### 5 特定個人情報（番号利用法第2条第8項）の収集制限等

#### 5. Restrictions on the collection of specific personal information (Article 2, paragraph (8) of the Number Use Act)

- (1) 個人番号カードの裏面には個人番号が記載されている（番号利用法第2条第5項、第7項）ところ、番号利用法第20条の規定により個人番号をその内容に含む特定個人情報の収集等には制限があること

から、商業・法人登記事務又は動産・債権譲渡登記事務において、個人番号カードの写しを作成するに当たっては、その裏面を謄写してはならない。

- (1) The individual number is written on the back of the individual number card (Article 2, paragraph (5) and paragraph (7) of the Number Use Act), but considering that there are restrictions on the collection of specific personal information that includes individual numbers in its contents pursuant to the provisions of Article 20 of the Number Use Act, when making a copy of the individual number card in commercial and corporation registration affairs or registration of assignment of movables and claims affairs, the back of the card must not be copied.
- (2) 国民年金法（昭和34年法律第141号）第14条に規定する基礎年金番号についても、同法第108条の4の規定により告知を求めること等が禁止されていることから、商業・法人登記事務又は動産・債権譲渡登記事務において、国民年金手帳の写しを作成するに当たっては、基礎年金番号部分について、黒塗り等の措置を講ずるものとする。
- (2) Since it is prohibited to request disclosure in accordance with the provisions of Article 108-4 of the Act even with regard to the basic pension number prescribed in Article 14 of the National Pension Act (Act No. 141 of 1959) measures such as blacking out the basic pension number part must be taken when making a copy of the national pension handbook in the commercial and corporation registration affairs and registration of assignment of movables and claims affairs.
- (3) 商業・法人登記又は動産・債権譲渡登記の添付書面として基礎年金番号が記載されている国民年金手帳の写し又は個人番号が記載されている住民票の写し等の書類が添付されている場合には、原則として、登記申請等の調査時に、基礎年金番号又は個人番号部分について、黒塗り等の措置を講ずるものとする。
- (3) When a document such as a copy of the national pension handbook with the basic pension number or a copy of the resident record with the individual number are attached as an attachment to the registration of commercial and

corporation registration or registration of assignment of movables and claims, in principle, measures such as blacking out the basic pension number or individual number part must be taken when examining the registration application, etc.

なお、申請人等から、基礎年金番号又は個人番号部分に既に黒塗り等の措置を講じた書類が提出された場合には、当該書類の原本が提出されたと認めることはできないことから、これを商業・法人登記又は動産・債権譲渡登記手続における添付書面として取り扱うことはできない。

In cases where the applicant, etc. has submitted a document in which the basic pension number or individual number part has already been blacked out, since it cannot be deemed that the original of the document has been submitted, it cannot be treated as an attachment in the commercial and corporation registration or registration of assignment of movables and claims procedures.

第3 電子情報処理組織による商業・法人登記又は動産譲渡登記、債権譲渡登記、質権設定登記、延長登記若しくは抹消登記の申請（以下「オンライン登記申請」という。）等における事務の取扱い

No. 3 Handling of services for an application for commercial and corporation registration or registration of assignment of movables and claims, pledge registration, registration of extension or registration of cancellation through the electronic information processing system (hereinafter referred to as “online registration application”)

1 オンライン登記申請において送信すべき電子証明書

1. Electronic certificate to be sent in the online registration application

改正省令により、オンライン登記申請をするときに申請人等が送信すべき電子証明書のうち、番号利用法整備法第31条の規定による改正前の電子署名に係る地方公共団体の認証業務に関する法律（以下「旧公的個人認証法」という。）第3条第1項の規定により作成された電子証明書については、これに代えて、公的個人認証法第3条第1項の規定により作成された署名用電子証明書とすることとされた（商登規則第102条第3項第2号、譲登規則第26条第4項第2号）。

In accordance with the Amended Ministerial Order, an electronic signature

certificate prepared pursuant to the provisions of Article 3, paragraph (1) of the Public Individual Certification Act may be used instead of the electronic certificate to be sent by applicants, etc. when they are making an online registration application prepared pursuant to the provisions of Article 3, paragraph (1) of the Act on the Certification Services of the Local Governments Pertaining to Electronic Signatures (hereinafter referred to as the “former Public Individual Certification Act) prior to amendment pursuant to the provisions of Article 31 of the Act to Arrange the Number Use Act (Article 102, paragraph (3), item (ii) of the Commercial Registration Regulations, Article 26 paragraph (4), item (ii) of the Transfer Registration Regulations).

なお、オンライン登記申請の方法等については、これまでと同様である。

The method, etc. of the online registration application is the same as before.

2 商業登記法第19条の2の規定に基づく申請書に添付すべき電磁的記録に記録すべき電子証明書

2. The electronic certificate to be recorded on the electromagnetic record to be attached to the written application based on Article 19-2 of the Commercial Registration Act.

改正省令により、商業登記法第19条の2の規定に基づく申請書に添付すべき電磁的記録に記録すべき電子証明書についても、上記1と同様に、旧公的個人認証法第3条第1項の規定により作成された電子証明書に代えて、公的個人認証法第3条第1項の規定により作成された署名用電子証明書とすることとされた（商登規則第36条第4項第1号ロ）。

In accordance with the Amended Ministerial Order, as with 1 above, an electronic signature certificate prepared pursuant to the provisions of Article 3, paragraph (1) of the Public Individual Certification Act may be used instead of the electronic certificate to be prepared pursuant to the provisions of Article 3, paragraph (1) of the former Public Individual Certification Act even with regard to electronic certificates to be recorded on electromagnetic records to be attached to written applications based on the provisions of Article 19-2 of the Commercial Registration Act (Article 36, paragraph (4), item (i)(b) of the Commercial Registration Regulations).

3 旧公的個人認証法の電子証明書に関する経過措置

### 3. Transitional measures relating to electronic certificates under the former Public Individual Certification Act

番号利用法整備法附則第 3 号に掲げる規定の施行日前に旧公的個人認証法第 3 条第 6 項の規定により都道府県知事が発行した電子証明書(以下「旧電子証明書」という。)は、公的個人認証法第 3 条第 6 項の規定により機構が発行した署名用電子証明書とみなされ、その有効期間はなお従前の例によるとされた(番号利用法整備法第 3 2 条第 1 項)。

An electronic certificate issued by the prefectural governor pursuant to the provisions of Article 3, paragraph (6) of the former Public Individual Certification Act (hereinafter referred to as the “former electronic certificate”) prior to the enforcement date of the provisions set forth in item (iii) of the Supplementary Provisions of the Act to Arrange the Number Use Act) is deemed to be the electronic signature certificate issued by the organization pursuant to the provisions of Article 3, paragraph (6) of the Public Individual Certification Act, and its valid period is in accordance with the previous provisions (Article 32, paragraph (1) of the Act to Arrange the Number Use Act).

したがって、改正省令の施行後であっても、オンライン登記申請又は商業登記法第 19 条の 2 の規定に基づく電磁的記録の作成において、申請人等が旧電子証明書を送信又は記録し、その有効性を確認することができるときは、当該旧電子証明書を有効なものとして取り扱って差し支えない。

Therefore, even after the enforcement of the Amended Ministerial Order, if an applicant, etc. sends or records the former electronic certificate in the online registration application or in the preparation of electromagnetic records based on the provisions of Article 19-2 of the Commercial Registration Act and its validity can be confirmed, the former electronic certificate may be treated as valid.