

NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

NON-CONTENTIOUS CASE  
LITIGATION PROCEDURE ACT

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Wholly Amended by Act No. 4423, Dec. 14, 1991

Amended by Act No. 4834, Dec. 31, 1994

Act No. 5206, Dec. 30, 1996

Act No. 5591, Dec. 28, 1998

Act No. 5592, Dec. 28, 1998

Act No. 6086, Dec. 31, 1999

Act No. 6498, Jul. 24, 2001

Act No. 6526, Dec. 19, 2001

Act No. 6626, Jan. 26, 2002

Act No. 6627, Jan. 26, 2002

Act No. 7357, Jan. 27, 2005

Act No. 7428, Mar. 31, 2005

Act No. 8435, May 17, 2007

Act No. 8569, Jul. 27, 2007

Act No. 8581, Aug. 3, 2007

PART I GENERAL PROVISIONS

Article 1 (Scope of Application)

The provisions of this Part shall apply to all cases except as otherwise provided for in this Act or other Acts and subordinate statutes, in terms of the non-contentious cases falling under the jurisdiction of the court (hereinafter referred to as the "cases").

Article 2 (Competent Court)

(1) Where the competent court is determined by the address, if there exists no address in the Republic of Korea, or the address in the Republic of Korea is unknown, it shall be the district court having jurisdiction over the place of temporary domicile.

(2) Where there exists no temporary domicile or such domicile is unknown, the competent court shall be the district court having jurisdiction over the place of the last address.

(3) Where there exists no last address or such address is unknown, the competent court shall be the district court having jurisdiction over the

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

seat of property or that of the Supreme Court.

### Article 3 (Preferential Jurisdiction and Transfer)

Where there exist several competent courts, the court in receipt of a petition for the first case shall have jurisdiction over the said case: *Provided*, That, such court may, upon request or *ex officio*, transfer the said case to another competent court which is recognized to be adequate.

### Article 4 (Designation of Competent Court)

(1) The designation of a competent court shall be made in cases where there exists any doubt about the territorial jurisdiction of several courts.

(2) The designation of a competent court shall be made by the immediately superior court, which is common to the related courts, by means of making decision upon request. No appeal may be made against this decision.

### Article 5 (Exclusion or Challenge of Court Officials)

The provisions of the Civil Procedure Act concerning the exclusion or challenge of the court officials shall apply *mutatis mutandis* to the cases. <Amended by Act No. 8569, Jul. 27, 2007>

### Article 6 (Agent)

(1) Any person concerned in a case may have a person having litigation capacity stand proxy for procedural act: *Provided*, That the same shall not apply to the case where the principal has been ordered to present himself.

(2) The court may prohibit any proxy by a person who is not a lawyer and runs a business of standing proxy, and order him to leave the courtroom. No appeal shall be made against this order.

### Article 7 (Attestation of Power of Attorney)

(1) The provisions of Article 89 of the Civil Procedure Act shall apply *mutatis mutandis* to the case of Article 6. <Amended by Act No. 6626, Jan. 26, 2002; Act No. 8569, Jul. 27, 2007>

(2) No appeal shall be made against an order with the purport that a private document be authenticated by a relevant public official or a notary public.

### Article 8 (Method of Motion and Statement)

The provision of Article 161 of the Civil Procedure Act shall apply *mutatis mutandis* to a motion and statement. <Amended by Act No. 6626, Jan. 26, 2002; Act No. 8569, Jul. 27, 2007>

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

Article 9 (Matters to be Entered in Petition, and Appending of Documentary Evidence)

(1) Any petition shall include the following matters, and the petitioner or his agent shall sign it and affix a seal thereto:

1. Name and address of the petitioner;
2. If the petition is made by an agent, his name and address;
3. Purport of the petition and the fact causing it;
4. Date of the petition; and
5. Indication of the court.

(2) If there exist any documentary evidence, its original or transcript shall be appended to the petition.

Article 10 (*Mutatis Mutandis* Application of Civil Procedure Act)

The provisions of the Civil Procedure Act concerning the fixed date, period, method of minimal showing, witness and expert testimony shall apply *mutatis mutandis* to the cases. <Amended by Act No. 8569, Jul. 27, 2007>

Article 11 (Detection and Investigation of Evidence *Ex Officio*)

The court shall, *ex officio*, detect the facts and investigate the evidences as deemed necessary.

Article 12 (Matters to be Commissioned)

Activities concerning a detection of facts, summons, notice and execution of judgment may be commissioned to another person.

Article 13 (Examination not Open to Public)

Examinations shall not be open to the public. The court may, however, allow any person deemed proper to sit in on the examination.

Article 14 (Preparation of Protocol)

The court administrative officer, junior administrative officer, chief clerk or senior clerk (hereinafter referred to as the "junior administrative officer, etc.") shall prepare a protocol with regard to an examination of witness or expert witness, and the protocol shall be prepared only in the case deemed necessary, with regard to other examinations.

Article 15 (Opinion Statement and Participation of Public Prosecutor)

(1) Any public prosecutor may state his opinion on the case, and participate in the examination.

(2) The case and fixed date of examination related thereto shall be notified to the public prosecutor.

Article 16 (Notification to Public Prosecutor)

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

When the courts, other governmental agencies, public prosecutors and public officials come to know in the course of their duties that a case is to be put to trial upon request of a public prosecutor, they shall notify thereof to the public prosecutor of the public prosecutor's office commensurate with the competent court.

### Article 17 (Form of Judgment)

- (1) The judgment shall be rendered by a decision.
- (2) The original of the judgment shall get a judge's signature and seal affixed: *Provided*, That, it may be substituted by a petition or protocol in which matters concerning the judgment are entered, and to which the judge affixes his signature and seal.
- (3) The junior administrative officer, etc. shall enter his signature and affix his seal to the authentic copy and a transcript of a judgment, and the authentic copy shall get the court seal affixed.
- (4) Affixing a signature and seal under paragraph (2) may be substituted by entering one's name and affixing one's seal thereto.

### Article 18 (Notification of Judgment)

- (1) The judgment shall become valid by notifying thereof to the person subject to it.
- (2) The judgment shall be notified in such manner as deemed proper by the court: *Provided*, That in the case of service by public notice, such notification shall be made pursuant to the Civil Procedure Act. *<Amended by Act No. 8569, Jul. 27, 2007>*
- (3) The junior administrative officer, etc. shall additionally state the method, place and date of notification on the original of a judgment, and affix his seal thereto.

### Article 19 (Annulment or Alteration of Judgment)

- (1) The court may, when it recognizes that the relevant judgment is illegal or unreasonable after it has rendered such a judgment, annul or alter it.
- (2) The judgment dismissing a request shall, in cases where a judgment is to be rendered only upon request, not be annulled or altered unless it is based upon request.
- (3) The judgment, which is objectionable by an immediate appeal, shall not be annulled or altered.

### Article 20 (Appeal)

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(1) Any person, whose right has been infringed by a judgment, may make an appeal against it.

(2) Against the judgment dismissing a request, in cases where a judgment is to be rendered only upon request, an appeal may be made only by the requesting person.

### Article 21 (Validity of Appeal)

Except as otherwise provided, no appeal shall have any validity of suspending execution.

### Article 22 (Judgment of Appellate Court)

Any judgment of the appellate court shall include a reason therefor.

### Article 23 (Procedure of Appeal)

Except as otherwise provided, the provisions of the Civil Procedure Act concerning an appeal shall apply *mutatis mutandis* to any appeal under this Act. <Amended by Act No. 8569, Jul. 27, 2008>

### Article 24 (Liability for Cost)

The cost for procedures prior to a trial and for the notification of the trial shall be borne by the person requesting the case except for the case where a person liable to pay such costs is specially designated: *Provided*, That if a public prosecutor has requested it, such costs shall be borne by the National Treasury.

### Article 25 (Judgment on Amount of Costs)

The court shall, when it recognizes that it is necessary to render a judgment on the costs under Article 24, do so, with fixing the relevant amount, together with the judgment of the case.

### Article 26 (Order on Person concerned to Bear Costs)

The court may, where there exists a special condition, order any person concerned, who is not liable for bearing costs under this Act, to bear the whole or part of the costs.

### Article 27 (Joint Liability for Costs)

The provisions of Article 102 of the Civil Procedure Act shall apply *mutatis mutandis* to the case where there exist several persons liable for bearing the costs. <Amended by Act No. 6626, Jan. 26, 2002; Amended by Act No. 8569, Jul. 27, 2008>

### Article 28 (Objection against Judgment on Costs)

Any objection against a judgment on costs may be made only by a person subjected to an order to bear such costs: *Provided*, That any independent

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

objection shall not be made.

Article 29 (Compulsory Execution by Obligee to Costs)

(1) Any obligee to costs may make a compulsory execution pursuant to the judgment on such costs.

(2) The provisions of the Civil Execution Act shall apply *mutatis mutandis* to the case of compulsory execution under paragraph (1): *Provided*, That no written judgment shall be served before such execution is made. <Amended by Act No. 6627, Jan. 26, 2002; Act No. 8569, Jul. 27, 2007>

(3) If an appeal is made against a judgment on costs, the provisions of Articles 448 and 500 of the Civil Procedure Act shall apply *mutatis mutandis*. <Amended by Act No. 6626, Jan. 26, 2002; Act No. 8569, Jul. 27, 2007>

Article 30 (Advance of Expenses by National Treasury)

Expenses for any detection, examination of facts, summons, notice and other necessary dispositions which the court makes *ex officio*, shall be advanced by the National Treasury.

Article 31 (Definition of Request)

For the purpose of this Part, the term "request" includes a request and a report.

## PART II NON-CONTENTIOUS CIVIL CASES

### CHAPTER I CASES RELATING TO JURISTIC PERSON

Article 32 (Jurisdiction over Cases of Supplementing Articles of Incorporated Foundation)

(1) Any case under Article 44 of the Civil Act shall be under the jurisdiction of the district court in the area where the founder of a juristic person has his domicile at the time of his death. <Amended by Act No. 8569, Jul. 27, 2007>

(2) If the founder of the juristic person has no domicile in Korea, the competent court shall be the district court in the area where such founder has his temporary domicile at the time of his death, or the juristic person is incorporated.

Article 33 (Jurisdiction over Appointment of Temporary Director or Special

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

Representative, and Supervision of Dissolution or Liquidation of Juristic Person)

(1) Appointment of a temporary director or special representative shall be under the jurisdiction of the collegiate division of the district court in the location of the principal office of the juristic person.

(2) Supervision of the dissolution or liquidation of a juristic person shall be under the jurisdiction of the district court in the location of its principal office.

Article 34 (Jurisdiction over Cases of Convocation of Special General Meeting)

(1) Any case under Article 70 (3) of the Civil Act shall be under the jurisdiction of the collegiate division of the district court in the location of the principal office of the juristic person. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Articles 80 and 81 shall apply *mutatis mutandis* to an application for permission of convocation of a special general meeting under Article 70 (3) of the Civil Act and a judgment on the case, respectively. <Amended by Act No. 8569, Jul. 27, 2007>

Article 35 (Appointment of Inspector for Juristic Person)

The court may have a specially appointed person perform any inspection required for supervising a juristic person.

Article 36 (Liquidator)

The provisions of Articles 117 (1), 119 and 121 shall apply *mutatis mutandis* to a liquidator of a juristic person.

Article 37 (Remuneration for Liquidator and Inspector)

The provisions of Articles 77 and 78 shall apply *mutatis mutandis* to the case where the court appoints a liquidator of the juristic person or a person who is to perform an inspection under Article 35.

Article 38 (Expenses, etc. for Appointment of Appraiser)

The provisions of Articles 124 and 125 shall apply *mutatis mutandis* to the case where an appraiser is appointed pursuant to Article 91 (2) of the Civil Act. <Amended by Act No. 8569, Jul. 27, 2008>

## CHAPTER II CASES RELATING TO TRUST

Article 39 (Competent Court)

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(1) Cases under Articles 13 (2), 15, 16, 18 (1) and (3), 31 (1) (proviso), 36, 57 and 64 of the Trust Act shall be under the jurisdiction of the district court in the area where the trustee has his domicile, and those under Article 17 (1) and (4) of the said Act, under the jurisdiction of the district court in the area where the former trustee has his domicile, and where there exist several trustees or former trustees, such cases shall be under the jurisdiction of the district court in the area where one of them has his domicile. <Amended by Act No. 8569, Jul. 27, 2007>

(2) Any case under Article 17 (2) of the Trust Act shall be under the jurisdiction of the district court in the area where the testator has his last domicile. <Amended by Act No. 8569, Jul. 27, 2007>

### Article 40 (Supervision by Court)

(1) The court may, where it recognizes that it is necessary for the supervision over cases of trusts, order the submission of inventory, account books and documents pertaining to the trust affairs, and examine the trustee and other persons on the trust affairs.

(2) Any objection shall not be made against the order under paragraph (1).

### Article 41 (Replacement or Resignation of Trust Administrator or Trust Property Custodian)

(1) The court may replace the trust administrator or trust property custodian who is appointed under Article 18 (1) of the Trust Act. <Amended by Act No. 8569, Jul. 27, 2007>

(2) Where a trust administrator or a trust property custodian intends to resign from his office, he shall report the reason therefor to the court. In such cases, the court shall again appoint the administrator.

### Article 42 (Judgment on Appointment or Replacement)

(1) The court may, where it appoints or replaces a trust administrator or trust property custodian, hear the opinions of interested parties.

(2) Any objection shall not be made against a judgment on the appointment or replacement of a trust administrator or a trust property custodian.

### Article 43 (*Mutatis Mutandis* Application of Provisions of Civil Act)

The provisions of Articles 681, 684, 685 and 688 of the Civil Act shall apply *mutatis mutandis* to a trust administrator or a trust property custodian appointed by the court, respectively. <Amended by Act No. 8569, Jul. 27, 2007>

### Article 44 (Inspector)



## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

The provisions of Articles 74, 77 and 78 shall apply *mutatis mutandis* to an inspector appointed by the court under Article 64 (2) of the Trust Act. <Amended by Act No. 8569, Jul. 27, 2007>

### CHAPTER III CASES RELATING TO JUDICIAL SUBROGATION

#### Article 45 (Request for Judicial Subrogation)

Where it is impossible for the obligee to preserve the relevant claim, or there exists any concern over an occurrence of difficulties, unless he exercises the obligor's right before his own claim becomes due, he may request a judicial subrogation.

#### Article 46 (Competent Court)

A judicial subrogation shall be under the jurisdiction of the district court in the area where the obligor has his general forum.

#### Article 47 (Matters to be Entered in Request for Subrogation)

Any request for subrogation shall include the matters falling under any of the following subparagraphs in addition to those falling under each subparagraph of Article 9 (1):

1. Names and addresses of the obligor and third obligor; and
2. Indication of the claim which the requesting person intends to preserve, and the right which he intends to exercise.

#### Article 48 (Permission of Request for Subrogation)

The court may, where it recognizes that a request for subrogation is well-grounded, permit it with or without having a security offered.

#### Article 49 (Notification of Judgment)

- (1) The judgment, which has permitted a request for subrogation, shall be notified *ex officio* to the obligor.
- (2) Any obligor in receipt of the notification under paragraph (1) shall not dispose of his right.

#### Article 50 (Immediate Appeal)

- (1) An immediate appeal may be made against a judgment which has dismissed a request for subrogation.
- (2) An obligor may make an immediate appeal against a judgment which has permitted a request for subrogation.

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(3) The period of appeal shall be reckoned from the day on which the obligor is notified of the judgment.

Article 51 (Liability for Costs of Appeal)

With respect to the costs of the appellate procedure and those of the previous trial to be borne by the appellant, a person liable for bearing the costs shall be determined under Article 98 of the Civil Procedure Act, by deeming the requesting person and the appellant to be the parties concerned . <Amended by Act No. 6626, Jan. 26, 2002>

Article 52 (Opening of Trial to General Public and Non-Participation of Public Prosecutor)

The provisions of Articles 13 and 15 shall not be applicable to any procedure under this Chapter.

## CHAPTER IV CASES RELATING TO PRESERVATION, DEPOSIT, CUSTODY AND APPRAISAL

Article 53 (Designation of Depository, and Appointment of Custodian of Deposited Articles)

(1) Designation of a depository and appointment of a custodian of deposit articles under Article 488 (2) of the Civil Act shall be under the jurisdiction of the district court in the place of performance of obligation. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The court shall examine the obligee and the person performing the obligation, before a judgment is made on the designation and appointment under paragraph (1).

(3) Where the court makes a designation and appointment under paragraph (1), expenses for such procedures shall be borne by the obligee.

Article 54 (Replacement or Appointment, etc. of Custodian of Deposited Articles)

The provisions of Articles 41 and 42 (2) of this Act, and Articles 694 through 697 and 700 of the Civil Act shall apply *mutatis mutandis* to a custodian of deposited articles under Article 53: *Provided*, That the notification under Article 696 of the Civil Act shall be made to the person performing the obligation. <Amended by Act No. 8569, Jul. 27, 2007>

Article 55 (Deposit of Proceeds of Auction)

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

The provisions of Article 53 shall apply *mutatis mutandis* to the permission of the court under Article 490 of the Civil Act. <Amended by Act No. 8569, Jul. 27, 2007>

Article 56 (Permission for Appropriation to Performance by Pledged Articles)

(1) The provisions of Article 53 (1) and (2) shall apply *mutatis mutandis* to the case of request for appropriation to an immediate performance by the pledged articles under Article 338 (2) of the Civil Act. <Amended by Act No. 8569, Jul. 27, 2007>

(2) Where the court has permitted a request, the expenses for relevant procedures shall be borne by the pledger.

Article 57 (Appointment of Appraiser upon Subrogative Exercise of Right of Redemption)

(1) Appointment, summons and examination of an appraiser under Article 593 of the Civil Act shall be under the jurisdiction of the district court in the area where the property is located. <Amended by Act No. 8569, Jul. 27, 2007>

(2) Where the court has made an appointment under paragraph (1), expenses for relevant procedures shall be borne by the buyer.

Article 58 (Non-Participation of Public Prosecutor)

The provisions of Article 15 shall not apply to the procedure under this Chapter.

Article 59 (Prohibition on Objection)

Any objection shall not be made against a judgment on designation, appointment or permission under the provisions of this Chapter.

## CHAPTER V REGISTRATION OF JURISTIC PERSON

Article 60 (Competent Registry)

(1) With respect to a registration of a juristic person, the district court, its branch court or a registry office having the jurisdiction over the area where the office of a juristic person is located, shall be the competent registry office.

(2) The provisions of paragraph (1) shall apply *mutatis mutandis* to the registration of a foreign juristic person having an office in the Republic

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

of Korea.

Article 61 Deleted. <by Act No. 8569, Jul. 27, 2007>

Article 62 (Registration of Director or Liquidator)

For the registration of a director or liquidator of a juristic person, his resident registration number shall also be registered.

Article 63 (Application for Registration of Incorporation)

(1) An application for registration of incorporation of a juristic person shall be filed by a person who is to represent the juristic person.

(2) The written application for registration under paragraph (1) shall be accompanied by the following documents:

1. Articles of association;
2. Documents attesting the qualifications of directors;
3. Written permission of the competent authority, or a transcript indicating the said authentication; and
4. Inventory.

Article 64 (Registration of Alteration)

(1) An application form for the registration of a new establishment or relocation of a juristic person's office or other changes in registered matters shall be accompanied by the documents attesting a new establishment or relocation of office or other changes in registered matters, but with respect to those which require the permission of a competent authority, the relevant written permission or its transcript indicating the said authentication shall be appended thereto.

(2) Where a temporary director applies for a registration under paragraph (1), the document attesting his qualification shall be appended to an application form.

Article 65 (Registration of Dissolution)

An application form for a registration of the dissolution of a juristic person shall be accompanied by the document attesting the reasons for dissolution, and that attesting the qualification of a liquidator, except for the case where a director has become a liquidator.

Article 65-2 (Public Notice of Registered Matters)

Registered matters shall be notified publicly in a newspaper not less than once.

*[This Article Newly Inserted by Act No. 5206, Dec. 30, 1996]*

Article 65-3 (Selection of Newspaper for Public Notice of Registered Matters)

NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(1) The chief of a district court shall select in December of each year a newspaper to print the public notice of registered matters in the following year from among the newspapers in his jurisdiction, and shall notify it publicly in a daily newspaper.

(2) Where the newspaper to print the public notice has suspended or discontinued issuing, another newspaper shall be again selected and notified publicly in the same manner as paragraph (1).

[This Article Newly Inserted by Act No. 5206, Dec. 30, 1996]

Article 65-4 (Notice in Lieu of Public Notice in Newspaper)

The chief of a district court may, where he recognizes that there exists, in his jurisdiction, no newspaper adequate for the public notice, put a notice on a bulletin board of the registry and *Si/Gun/Gu* under its jurisdiction, in lieu of a public notice in the newspaper.

[This Article Newly Inserted by Act No. 5206, Dec. 30, 1996]

Article 66 (*Mutatis Mutandis* Application of Commercial Registration Act)

(1) Articles 3 (2) and (3), 4, 5 (2) and (3), 6 through 16, 17 (1), (3) and (4), 18, 19 (1), (2), (4) and (5), 20, 21, 24 through 26, subparagraphs 1 through 12, 14 and 17 of Article 27, 29, 114 through 125, 126 (1), 127 through 129 and 131 of the Commercial Registration Act shall apply *mutatis mutandis* to the registration of juristic persons and foreign juristic persons having offices in the Republic of Korea.

(2) Articles 17 (2), 19 (3), 58 through 63 and 66 of the Commercial Registration Act shall apply *mutatis mutandis* to the registration of juristic persons.

(3) Articles 111 through 113 of the Commercial Registration Act shall apply *mutatis mutandis* to the registration of foreign juristic persons having offices in the Republic of Korea.

[This Article Wholly Amended by Act No. 8569, Jul. 27, 2007]

Article 67 (Application, etc. of Provisions for Registration of Juristic Persons to Registration of Special Juristic Persons)

(1) The provisions for the registration of juristic persons in this Act shall also apply to the registration of a juristic person established pursuant to other Acts and subordinate statutes than the Civil Act and the Commercial Act, but the same shall not apply where there exist special provisions in such Acts and subordinate statutes, or where it is unallowable in the light of its nature. <Amended by Act No. 8569, Jul. 27, 2007>

NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(2) The provisions for a manager of Articles 11 and 12 of the Commercial Registration Act and the provisions for the registration of a manager of a company of the same Act shall apply *mutatis mutandis* to an agent capable of performing all judicial or extra-judicial acts with respect to the affairs of the juristic person under paragraph (1). <Amended by Act No. 8569, Jul. 27, 2007>

CHAPTER VI REGISTRATION OF  
MARITAL PROPERTY  
AGREEMENT

Article 68 (Competent Registry)

(1) With respect to the registration of a marital property agreement, the district court, its branch court or registry having jurisdiction over the area where a person to be the husband has his domicile, shall be the competent registry.

(2) In the case of a man who marries the female head of a family, the district court, its branch court or registry having jurisdiction over the area where a person to be the wife has her domicile, shall be the competent registry.

Article 69 (Keeping of Register)

The register of a marital property agreement shall be kept in the registry.

Article 70 (Application for Registration of Marital Property)

(1) The registration of a marital property agreement shall be made by an application from both parties of the agreement.

(2) An application form for a registration under paragraph (1) shall be accompanied by the written marital property agreement, or an attested copy of a judgment which permits any modification of particulars of the agreement, change of a property manager or division of a jointly owned property, or an agreement relating thereto.

Article 71 (*Mutatis Mutandis* Application of Provisions in Registration of Real Estate Act to Registration of Marital Property Agreement)

The provisions of Articles 8, 10, 12, 13, 17, 20, 21, 23 (1), 24 through 26, 27 (1) and (3), 28, 41, subparagraphs 1 through 9 of Article 55, and Articles 66, 71, 72, 86 through 88, 175 through 185 and 187 of the

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

Registration of Real Estate Act, shall apply *mutatis mutandis* to the registration of the marital property agreement. <Amended by Act No. 5206, Dec. 30, 1996; Act No. 8569, Jul. 27, 2007>

### PART III NON-CONTENTIOUS COMMERCIAL CASES

#### CHAPTER I CASES RELATING TO COMPANIES AND AUCTION

##### Article 72 (Jurisdiction)

- (1) The cases under Articles 176, 306, 335-5, 366 (2), 374-2 (4), 386 (2), 432 (2), and 443 (1) (proviso) of the Commercial Act, and their applicable provisions, and the cases under Articles 277 (2), 298 through 300, 310 (1), 391-3 (4), 417, 422, 463 (2), 467, 545 (1) (proviso), 582 and 607 (3) of the said Act shall be under the jurisdiction of the collegiate division of the district court in the location of the head office. <Amended by Act No. 5206, Dec. 30, 1996; Act No. 6086, Dec. 31, 1999; Act No. 8569, Jul. 27, 2007>
- (2) The cases under Article 239 (3) of the Commercial Act and its applicable provisions shall be under the jurisdiction of the court whereto a lawsuit for nullity of merger of the first instance has been instituted. <Amended by Act No. 8569, Jul. 27, 2007>
- (3) The cases under Article 619 of the Commercial Act shall be under the jurisdiction of the district court in the area where a business office, which is to be subject to an order for closure, of a foreign company is located. <Amended by Act No. 8569, Jul. 27, 2007>
- (4) The cases under Article 600 (1) of the Commercial Act shall be under the jurisdiction of the district court in the location of the head office of the company which continues to exist after a merger, or which is established due to a merger. <Amended by Act No. 8569, Jul. 27, 2007>
- (5) The cases under Articles 70 (1) and 808 (1) of the Commercial Act shall be under the jurisdiction of the district court in the location of things to be auctioned. <Amended by Act No. 8569, Jul. 27, 2007; Act No. 8581, Aug. 3, 2007>
- (6) The cases under Article 394 (2) of the Commercial Act shall be under the jurisdiction of the court having jurisdiction over the case under Article

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

403 of the said Act. <Newly Inserted by Act No. 6086, Dec. 31, 1999; Act No. 8569, Jul. 27, 2007>

### Article 73 (Mode of Application for Appointment of Inspector)

- (1) Any application for appointment of an inspector shall be made in writing.
- (2) An application form under paragraph (1) shall include the following matters, and the applicant therefor shall affix his name and seal thereto:
  1. Cause of the application;
  2. Purpose of the inspection;
  3. Date; and
  4. Indication of the court.

### Article 74 (Report of Inspector)

- (1) An inspector shall make the report in writing.
- (2) If any explanation on the inspection is required, the court may examine the inspector.

### Article 75 (Judgment on Modification of Inspected Matters)

- (1) Any judgment pursuant to Article 298 of the Commercial Act shall be rendered by a decision including the reason therefor. <Amended by Act No. 8569, Jul. 27, 2007>
- (2) The court shall listen to the statements of the promoters and the directors before rendering a judgment.
- (3) The promoters and the directors may make an immediate appeal against the judgment under paragraph (1).

### Article 76 (Judgment on Appointment of Inspector)

Where the court renders a judgment on the appointment of an inspector under Article 467 (1) of the Commercial Act, it shall listen to the statements of the directors and auditor. <Amended by Act No. 8569, Jul. 27, 2007>

### Article 77 (Remuneration for Inspector)

Where the court has appointed an inspector under Article 298, 310 (1), 422 (1) or 476 (1) of the Commercial Act, the court may have the company pay the inspector's remuneration. In such cases, the amount of remuneration shall be determined by the court after hearing the opinions of directors and auditor. <Amended by Act No. 8569, Jul. 27, 2007>

### Article 78 (Immediate Appeal)

An immediate appeal may be made against the judgment under Articles 76 and 77.



NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

Article 79 (Convocation of General Meeting for Inspecting Affairs and Property State)

The court shall, if it is deemed necessary to convene a general meeting of stockholders in conducting an inspection under Article 467 of the Commercial Act, issue an order to convene the said meeting within the specified period. <Amended by Act No. 8569, Jul. 27, 2007>

Article 80 (Application for Permission for Inspection of Affairs and Property State, and for Convocation of General Meeting)

(1) Where an application for a permission for an inspection is made under Article 277 (2) of the Commercial Act, the reason for requiring an inspection shall be clearly explained, and where an application for a permission for a convocation of the general meeting is made under Article 366 (2) of the said Act, the fact that the director has neglected such convocation shall be clearly explained, respectively. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The application under paragraph (1) shall be made in writing.

Article 81 (Judgment on Application for Inspection, etc. of Affairs and Property State)

(1) With respect to an application under Article 80, the court shall render a judgment by a decision including the reason therefor.

(2) Any objection shall not be made against a judgment that has accepted the application.

Article 82 (Change of Custodian, etc. of Paid-in Money)

An application for permission under Article 306 of the Commercial Act (including cases where applied *mutatis mutandis* in Articles 425 (1) and 516-8 (4) of the said Act) shall be made jointly by the promoters or directors, with the reason therefor explained clearly. <Amended by Act No. 8569, Jul. 27, 2007>

Article 83 (Application for Permission for Selling Odd Lots)

The provisions of Article 82 shall apply *mutatis mutandis* to an application for permission under the proviso to Article 443 (1) of the Commercial Act (including cases where applied *mutatis mutandis* in Articles 461 (2) and 530 (3) of the said Act). <Amended by Act No. 8569, Jul. 27, 2007>

Article 84 (Judgment on Appointment of Acting Director)

(1) The court shall, where rendering a judgment on the appointment of an acting director under Article 386 (2) of the Commercial Act (including cases where applied *mutatis mutandis* in Article 415 of the said Act), listen

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

to the statements of the directors and auditor. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Articles 77, 78 and 81 shall apply *mutatis mutandis* to the case of paragraph (1).

Article 84-2 (Judgment on Appointment of Representative for Action)

(1) The court shall, where a judgment is rendered on the appointment of a representative for an action under Article 394 (2) of the Commercial Act, hear the statements of the directors or the audit committee. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Article 81 shall apply *mutatis mutandis* to the case of paragraph (1).

[This Article Newly Inserted by Act No. 6086, Dec. 31, 1999]

Article 85 (Application for Permission of Extraordinary Act of Acting Director)

(1) An application for a permission under the proviso to Article 408 (1) of the Commercial Act shall be made by the acting director. <Amended by Act No. 8569, Jul. 27, 2007>

(2) An immediate appeal may be made against a judgment that has accepted the application. In such cases, the period of appeal shall be reckoned from the day on which the acting director has been notified of the judgment.

(3) The appeal under paragraph (2) shall have the validity of suspending an execution.

Article 86 (Application, etc. for Authorization on Issue of Stocks at Discount)

(1) Any application for an authorization on the issue of stocks at discount shall be made in writing.

(2) The judgment on an application under paragraph (1) shall be rendered by the decision including the reason therefor.

(3) The court shall hear the statements of the directors before rendering the judgment.

(4) An immediate appeal may be made against the judgment under paragraph (2).

(5) The appeal under paragraph (4) shall have the validity of suspending the execution.

Article 86-2 (Application, etc. for Computation or Determination of Purchase Price of Stocks)

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(1) The court shall hear the statements of the stockholder and an applicant for purchase, or the stockholder and a director, before rendering the judgment on the computation or determination of a purchase price of stocks under Article 335-5 of the Commercial Act and its applicable provisions, or on determination of a purchase price of stocks under Article 374-2 (4) of the Commercial Act and its applicable provisions. <Amended by Act No. 8569, Jul. 27, 2007>

(2) When several cases of application are pending simultaneously, the examination and judgment shall be combined.

(3) The provisions of Article 86 (1), (2), (4) and (5) shall apply *mutatis mutandis* to the judgment under paragraph (1).

[This Article Newly Inserted by Act No. 5206, Dec. 30, 1996]

Article 87 (Application for Authorization on Dividend of Accrued Interest during Construction)

The provisions of Article 82 shall apply *mutatis mutandis* to an application for authorization under Article 463 (2) of the Commercial Act. <Amended by Act No. 8569, Jul. 27, 2007>

Article 88 (Application for Increase or Decrease of Amount to be Paid to Stockholder of New Stocks due to Nullity of Its Issue)

(1) An application under Article 432 (2) of the Commercial Act shall be made within six months from the date on which a judgment of the nullity of new stock issue becomes final. <Amended by Act No. 8569, Jul. 27, 2007>

(2) Any examination shall not be conducted unless it is after the period of paragraph (1) has elapsed.

(3) When several cases of application are pending simultaneously, the examination and judgment shall be combined.

(4) The court shall, upon receipt of an application under paragraph (1), without delay announce its purport publicly in the Official Gazette. <Amended by Act No. 5206, Dec. 30, 1996>

(5) Deleted. <by Act No. 5206, Dec. 30, 1996>

Article 89 (Validity of Judgment on Application under Article 88)

(1) The judgment on an application under Article 88 (1) shall be valid to all stockholders.

(2) The provisions of Articles 75 (1), 76, 78 and 85 (3) shall apply *mutatis mutandis* to the judgment under paragraph (1).

Article 90 (Judgment Ordering Dissolution)

(1) The provisions of Article 75 (1) shall apply *mutatis mutandis* to a

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

judgment under Article 176 (1) of the Commercial Act. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The court shall hear the statements of the interested parties and the opinion of the public prosecutor before rendering a judgment.

### Article 91 (Immediate Appeal)

Any company, interested parties and public prosecutor may make an immediate appeal against a decision under Article 90. In such cases, the appeal shall have the validity of suspending the execution.

### Article 92 (Public Notice and Method of Application for Dissolution Order)

The provisions of Article 88 (4) shall apply *mutatis mutandis* to the case where there exists any application for the dissolution order under Article 176 (1) of the Commercial Act. <Amended by Act No. 5206, Dec. 30, 1996; Act No. 8569, Jul. 27, 2007>

### Article 93 (Final Judgment on Dissolution and Request for Its Registration)

When a judgment ordering the dissolution of a company becomes final, the court shall request the registry in the seats of the head office and branch offices of the company to make the registration thereof.

### Article 94 (Measures Necessary for Preserving Property of Company prior to Order of Dissolution)

(1) The provisions of Articles 41, 42, 77 and 78 shall apply *mutatis mutandis* to the case where an administrator is appointed, and other measures necessary for preserving the company's property are taken, under Article 176 (2) of the Commercial Act. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Article 43 shall apply *mutatis mutandis* to an administrator under paragraph (1).

### Article 95 (Report, etc. of Company Administrator on Company's Property State)

(1) The court may order its appointed administrator to make a report on the property state and to keep the management accounts. Any objection shall not be made against such judgment.

(2) Any interested party may apply for a perusal of documents concerning the report and accounts under paragraph (1), or for the delivery of its transcript after paying the fee.

(3) The public prosecutor may make a perusal of documents under paragraph (2).

### Article 96 (Liability for Expenses)

NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(1) Where the court renders a judgment *ex officio* under Article 176 (2) of the Commercial Act, or a judgment commensurate with an application, the expenses for the procedure prior to the judgment and for the notification thereof shall be borne by the company. The same shall also apply to the expenses necessary for any measure which has been ordered by the court. <Amended by Act No. 8569, Jul. 27, 2007>

(2) Where the court has rendered a judgment commensurate with the appellant's application, the expenses for the appeal procedure and those for the previous instance which have been borne by the appellant, shall be borne by the company.

Article 97 (Offer of Security by Person Requesting Dissolution Order)

The provisions of Articles 120 (1), 121 through 126 of the Civil Procedure Act shall apply *mutatis mutandis* to any security to be offered under Article 176 (3) of the Commercial Act. <Amended by Act No. 6626, Jan. 26, 2002; Act No. 8569, Jul. 27, 2007>

Article 98 (Final Judgment on Nullity of Incorporation, and Entrustment with Registration)

When a judgment nullifying the incorporation of a company becomes final, the court receiving the suit of first instance shall request the registry in the seats of the head office and branch offices of the company to make the registration thereof.

Article 99 (Final Judgment on Nullity of Merger, etc. and Entrustment with Registration)

Article 98 shall apply *mutatis mutandis* to a case where a judgment nullifying a merger of companies, division or division and merger of a stock company has been delivered.

[This Article Wholly Amended by Act No. 8569, Jul. 27, 2007]

Article 100 (Judgment on Determination of Shares in Obligation of Merged Company)

The provisions of Articles 75 (1), 78 and 85 (3) shall apply *mutatis mutandis* to a judgment under Article 239 (3) of the Commercial Act (including the cases where applied *mutatis mutandis* in Articles 269 and 530 (2) of the said Act). <Amended by Act No. 8569, Jul. 27, 2007>

Article 101 (*Mutatis Mutandis* Application to Limited Liability Company and Closure of Business Office of Foreign Company)

(1) The provisions of Articles 76 through 81, 83 through 85, 88, 89 and 100 shall apply *mutatis mutandis* to a limited liability company.

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(2) The provisions of Articles 90 through 97 shall apply *mutatis mutandis* to the case of ordering the closure of business office of a foreign company.

Article 102 (Obligee's Request for Preservation of Seized Shares)

(1) Any obligee who has made an advance notice under the proviso to Article 224 (1) of the Commercial Act (including the case where applied *mutatis mutandis* in Article 269 of the said Act) may request a collegiate division of the district court in the seat of the head office of a company to take measures necessary for preserving a claim for repayment of a share. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Articles 75 (1) and 78 shall apply *mutatis mutandis* to a judgment on request under paragraph (1).

Article 103 (Application for Authorization of Excess of Employees)

An application for authorization under the proviso to Article 545 (1) of the Commercial Act shall be made by all members, with its reason explained clearly: *Provided*, That it may be made by a joint application of directors if it is after the company has been incorporated. <Amended by Act No. 8569, Jul. 27, 2007>

Article 104 (Application for Authorization of Merger of Limited Liability Company with Joint Stock Company)

An application for authorization under Article 600 (1) of the Commercial Act shall be made by a joint application of the directors and auditor of the merging company. <Amended by Act No. 8569, Jul. 27, 2007>

Article 105 (Application for Authorization of Changes in Organization of Limited Liability Company)

The provisions of Article 104 shall apply *mutatis mutandis* to the case of applying for authorization under Article 607 (3) of the Commercial Act. <Amended by Act No. 8569, Jul. 27, 2007>

Article 106 (Judgment on Application, etc. for Authorization of Merger of Limited Liability Company)

The provisions of Article 81 shall apply *mutatis mutandis* to the case where there exists an application under Articles 103 through 105.

Article 107 (Other Cases of Making Request for Registration)

The court receiving a suit of the first instance shall request the registry in the seats of the head office and branch offices of a company to make the relevant registrations where it falls under any of the following subparagraphs: <Amended by Act No. 6498, Jul. 24, 2001>

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

1. Where a judgment on dismissal of the company's liquidator is rendered;
2. Where a judgment on revocation of an incorporation of a general partnership, a limited partnership, or a limited liability company becomes final;
3. Where a judgment on expulsion of any member from a general partnership or a limited partnership, or on forfeiture of his executive or representative authority becomes final;
4. Where a person who is to temporarily perform the duties of a director, auditor, representative director or liquidator of a joint stock company, or those of a director, auditor or liquidator of a limited liability company, is appointed;
5. Deleted; *<by Act No. 6627, Jan. 26, 2002>*
6. Where a judgment on dismissal of a director or auditor of a joint stock company, or of a director of a limited liability company becomes final;
7. Where, after the matters resolved by the inaugural meeting or stockholders' general meeting of a joint stock company, or the member's general meeting of a limited liability company, are registered, a judgment on cancellation of the resolution, confirmation of nonexistence of the resolution, or revocation or alteration of the unlawful resolution, becomes final;
8. Where a judgment on the nullity of the issue of new stocks or decrease of capital by a joint stock company becomes final;
9. Where a judgment on the nullity of the exchange or transfer of stocks of a joint stock company becomes final; and
10. Where a judgment on the nullity of the increase or decrease of capital by a limited liability company becomes final.

Article 108 (Document to be Annexed to Written Request for Registration)

When the court requests, under this Act, the registry in the seats of the head office and branch offices of a company to make a registration, it shall annex an attested copy of the judgment to the written request. *<Amended by Act No. 8569, Jul. 27, 2008>*

## CHAPTER II CASES RELATING TO DEBENTURES

Article 109 (Competent Court)

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

The cases under Articles 439 (3) (including its applicable provisions), 481, 482, 483 (2), 490, 491 (3), 496 and 507 (1) of the Commercial Act shall be under the jurisdiction of the collegiate division of the district court in the seat of the head office of a company which has issued the debentures. <Amended by Act No. 8569, Jul. 27, 2007>

Article 110 (Judgment on Company Commissioned to Offer Bonds for Subscription)

(1) Any judgment on the application for a permission under Article 481 of the Commercial Act, for a dismissal under Article 482 of the said Act, or for an appointment under Article 483 (2) of the said Act, shall be rendered by the decision with its reason appended thereto, after hearing the opinions of the interested parties. <Amended by Act No. 8569, Jul. 27, 2007>

(2) Any objection shall not be made against a judgment which has accepted the application.

(3) An immediate appeal may be made against a judgment which has not accepted the application.

Article 111 (Application for Permission for Resolution of Bondholders' Meeting)

(1) An application for permission under Article 490 of the Commercial Act shall be made by the holder of convocation right of the bondholders' meeting, with its reason explained clearly. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Article 110 shall apply *mutatis mutandis* to the case where there exists an application under paragraph (1).

Article 112 (Application for Permission for Convocation of Bondholders' Meeting)

The provisions of Articles 80 and 81 shall apply *mutatis mutandis* to an application for a permission under Article 491 (3) of the Commercial Act. <Amended by Act No. 8569, Jul. 27, 2007>

Article 113 (Application for Authorization for Resolution of Bondholders' Meeting)

(1) Where applying for authorization for a resolution under Article 496 of the Commercial Act, the minutes shall be submitted. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Articles 78, 85 (3) and 110 (1) shall apply *mutatis mutandis* to the case where there exists an application under para-



## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

graph (1).

Article 114 (Application for Permission for Defrayment of Remuneration, etc. for Commission to Offer Bonds for Subscription)

(1) An application for permission under Article 507 (1) of the Commercial Act shall be made by a company commissioned to offer bonds for subscription, its representative or executor. <Amended by Act No. 8569, Jul. 27, 2007>

(2) The provisions of Article 113 (2) shall apply *mutatis mutandis* to the case where there exists an application under paragraph (1).

Article 115 (Application for Extension of Objection Period for Bondholders)

The provisions of Article 110 shall apply *mutatis mutandis* to the case where there exists an application for permission for extension of the period under Article 493 (3) of the Commercial Act (including the case to which Article 530 (2) of the said Act applies *mutatis mutandis*). <Amended by Act No. 8569, Jul. 27, 2007>

Article 116 (Non-Participation of Public Prosecutor)

The provisions of Article 15 shall not apply to any procedure as referred to in this Chapter.

## CHAPTER III CASES RELATING TO LIQUIDATION OF COMPANY

Article 117 (Competent Court)

(1) Cases relating to the liquidation of a general partnership or a limited partnership shall be under the jurisdiction of the district court in the seat of the head office of a company.

(2) Cases relating to the liquidation of a joint stock company or a limited liability company shall be under the jurisdiction of the collegiate division of the district court in the seat of the head office of a company. The same shall also apply to the supervision over the liquidation of a company which operates a bank, a mutual financing business, or a mutual financing management business.

Article 118 (Supervision by Court)

(1) Any liquidation of a company shall be under the supervision by the court.

(2) The court may request the governmental office supervising the business

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

affairs of a company to state its opinion, or entrust it with an investigation.

(3) The governmental office supervising the business affairs of a company may state to the court its opinion on the liquidation of the relevant company.

Article 119 (Judgment on Appointment, Dismissal, etc. of Liquidator)

Any objection shall not be made against a judgment on appointment or dismissal of a liquidator. The same shall also apply to the court's order issued for the supervision over liquidation of a company which operates a bank, a mutual financing business, or a mutual financing management business.

Article 120 (Person Acting for Liquidator)

The provisions of Articles 84 and 85 shall apply *mutatis mutandis* to liquidators of a joint stock company and a limited liability company.

Article 121 (Disqualification for Liquidator)

No person who falls under any of the following subparagraphs may be appointed as a liquidator: <Amended by Act No. 7428, Mar. 31, 2005>

1. A minor;
2. An incompetent or quasi-incompetent;
3. A person suspended, or deprived of, qualifications;
4. A liquidator dismissed by the court; and
5. A person adjudged bankrupt.

Article 122 (Inspector)

The court may have a specially appointed inspector conduct an inspection of liquidation affairs and property state of a company operating a bank, a mutual financing business, or a mutual financing management business.

Article 123 (Remuneration for Liquidator and Inspector)

The provisions of Articles 77 and 78 shall apply *mutatis mutandis* to the case where the court appoints a liquidator or an inspector under Article 122.

Article 124 (Expenses for Appointment of Appraiser)

Where the court appoints an appraiser under Article 259 (4) of the Commercial Act or its applicable provisions, the relevant expenses shall be borne by the company. The same shall also apply to the cases of expenses for summons and examination of the appraiser. <Amended by Act No. 8569, Jul. 27, 2007>

Article 125 (Procedure for Appointment of Appraiser and Judgment Thereon)

The provisions of Articles 58 and 59 shall apply *mutatis mutandis* to

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

the procedure for appointment of an appraiser under Article 124 and judgment thereon.

Article 126 (Application for Permission for Repayment by Liquidator)

The provisions of Articles 81 (1) and 82 shall apply *mutatis mutandis* to an application for a permission under Article 536 (2) of the Commercial Act or its applicable provisions. <Amended by Act No. 8569, Jul. 27, 2007>

Article 127 (Judgment on Appointment of Person Preserving Documents)

Any objection shall not be made against a judgment on appointment under Article 541 (2) of the Commercial Act or its applicable provisions. <Amended by Act No. 8569, Jul. 27, 2007>

Article 128 (Liquidation Procedure in Case of Closure of Foreign Company's Business Office)

The provisions of this Chapter shall apply *mutatis mutandis* to the liquidation under Article 620 of the Commercial Act, except for the cases where it is unallowable in the light of its nature. <Amended by Act No. 8569, Jul. 27, 2007>

## CHAPTER IV Deleted.

Articles 129 through 246 Deleted. <by Act No. 8569, Jul. 27, 2007>

## PART IV SUPPLEMENTARY PROVISIONS

Article 247 (Jurisdiction over Cases of Fine for Negligence)

Except as otherwise provided for in other Acts and subordinate statutes, any case of a fine for negligence shall be under the jurisdiction of the district court in the area where the person, who is to be punished by the fine for negligence, has his domicile.

Article 248 (Procedure of Judgment on Fine for Negligence)

- (1) The judgment on a fine for negligence shall be rendered by a decision with the reason therefor appended thereto.
- (2) The court shall hear the statement of the party concerned, and request for an opinion of the public prosecutor, before rendering a judgment.
- (3) The party concerned and the public prosecutor may file an immediate appeal against the judgment on a fine for negligence. In such cases, the appeal shall have the validity of suspending the execution.
- (4) Costs of the procedure for a judgment on a fine for negligence shall

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

be borne by the person who is sentenced in cases where a sentence to a fine for negligence is passed, and in other cases, they shall be borne by the National Treasury.

(5) When the appellate court has rendered a judgment accepting the application of the party concerned, the costs of the appeal procedure and the expenses that the party concerned has borne in the preceding instance, shall be borne by the National Treasury.

### Article 249 (Execution of Judgment on Fine for Negligence)

(1) The judgment on a fine for negligence shall be executed by an order of the public prosecutor. In such cases, such order shall have the same validity as an enforceable title of obligation.

(2) The execution procedure of a judgment on a fine for negligence shall be subject to the provisions of the Civil Execution Act: *Provided, That, no service of the judgment shall be made before the execution. <Amended by Act No. 6627, Jan. 26, 2002; Act No. 8569, Jul. 27, 2007>*

### Article 250 (Summary Judgement)

(1) The court may, when it is deemed reasonable, proceed with a trial on a fine for negligence without hearing any statements from the party concerned.

(2) The party concerned and the public prosecutor may file an objection within a week from the date of receiving a notification on the judgement under paragraph (1).

(3) The judgement under paragraph (1) shall lose its validity by filing an objection.

(4) The court shall, upon receiving an objection, hear the statement of the party concerned, and bring the case to a new trial.

### Article 251 (Procedure of Non-Contentious Cases concerning Foreigners)

The procedure of non-contentious cases concerning foreigners, which is to be specially determined by a treaty, shall be determined by the Supreme Court Regulations.

## ADDENDA

### Article 1 (Enforcement Date)

This Act shall enter into force on February 1, 1992.

### Article 2 (Retroactive Application, etc.)

NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

(1) This Act shall also apply to matters which occurred before the enforcement of this Act: *Provided*, That, it shall not affect any validity generated pursuant to the former provisions.

(2) Any disposition or procedure, etc. taken pursuant to the former provisions before this Act enters into force, shall be considered to be taken pursuant to the corresponding provisions of this Act.

Article 3 (Transitional Measures for Registrar)

Any person who is designated as a registrar at the time of the enforcement of this Act shall be considered to be designated pursuant to the provisions of this Act.

Article 4 (Applicability to Registration of Company's Manager)

(1) Any registration of a company's manager entered in a manager's register at the time of the enforcement of this Act shall be transcribed to the register of the company under the conditions as provided by the Supreme Court Regulations.

(2) The registration under paragraph (1) shall be subject to the former examples until it is transcribed under paragraph (1), regardless of the provisions of Article 180 and those applying it *mutatis mutandis*.

Article 5 (Applicability to Company's Head Office Relocation Registration, etc.)

With respect to registrations which are to be concurrently requested or entrusted under Article 185 (2), 196 (3) or 200 (1) or pursuant to the provisions applying it *mutatis mutandis*, and where there exists a request or entrustment for a registration on a part of them before the enforcement of this Act, the procedure of such registrations shall be subject to the former examples.

Article 6 Omitted.

ADDENDUM <Act No. 4834, Dec. 31, 1994>

This Act shall enter into force on January 1, 1995.

ADDENDA <Act No. 5206, Dec. 30, 1996>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1997: *Provided*, That the amended provisions of Article 147 (3), and subparagraph 16 of Article

NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

159 shall enter into force on July 1, 1997.

Article 2 (Transitional Measures for Public Notice of Registered Matters)

(1) The provisions of Articles 65-2 through 65-4 concerning public notice shall not apply during the period designated by the Supreme Court Regulations.

(2) In the case of paragraph (1), it shall be considered to be notified publicly during that period.

Article 3 (Applicability to Cases, etc. in Process)

(1) The amended provisions of Articles 86-2 and 88 (4) shall also apply to the cases pending at the time of the enforcement of this Act.

(2) The amended provisions of Article 190 (1), subparagraph 5 of Article 203, subparagraph 5 of Article 215 and subparagraph 5 of Article 223 shall also apply to the cases of the registration requested after October 1, 1996, whose registration has not been completed at the time when this Act enters into force.

ADDENDA <Act No. 5591, Dec. 28, 1998>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 5592, Dec. 28, 1998>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA <Act No. 6086, Dec. 31, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 6498, Jul. 24, 2001>

This Act shall enter into force on the date of its promulgation.

NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

ADDENDA <Act No. 6526, Dec. 19, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2002.

Article 2 (Transitional Measures for Designation of Registrars)

(1) The public officials in general service working in the court at the time of enforcement of this Act may be designated as the registrars pursuant to the former provisions.

(2) Any person designated as the registrars pursuant to the former provisions at the time of enforcement of this Act shall be deemed to have been designated under the amended provisions of Article 132 (1).

ADDENDA <Act No. 6626, Jan. 26, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2002.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 6627, Jan. 26, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2002.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 7357, Jan. 27, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.  
(Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8435, May 17, 2007>

## NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

### Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2008. (Proviso Omitted.)  
Articles 2 through 9 Omitted.

### ADDENDA <Act No. 8569, Jul. 27, 2007>

#### Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2008: *Provided*, That the amended provisions of Articles 66 (1) and 67 (limited to parts to which Articles 12, and 18 (2) and (4) of the Commercial Registration Act apply *mutatis mutandis*) shall enter into force on April 1, 2008.

#### Article 2 (Applicability to Registration)

This Act shall also apply to the matters of registration which have arisen before this Act enters into force: *Provided*, That the same shall not apply to the matters of registration the registration of which has been made pursuant to the former provisions.

#### Article 3 (Transitional Measures for Designation of Registrar)

(1) A public official in general service under sub-series of court clerical official holding his/her office in a court (excluding a person appointed after he/she passed an examination for service conducted after January 1, 2002) at the time when this Act enter into force may be designated as a registrar, notwithstanding Article 4 of the Commercial Registration Act which applies *mutatis mutandis* to Article 66 (1).

(2) A person who has been designated as a registrar pursuant to the former provisions at the time when this Act enters into force shall be deemed to have been designated pursuant to this Act.

#### Article 4 (Transitional Measures for Discontinued Registration Forms and Discontinued Registration Records)

Registration forms which have been discontinued pursuant to the former provisions at the time when this Act enters into force shall be managed pursuant to the former provisions: *Provided*, That the amended provision of Article 66 (1) (limited to parts to which Article 14 (2) of the Commercial Registration Act applies *mutatis mutandis*) shall apply to discontinued registration records the period for preservation of which has not passed under the former provisions at the time when this Act enters into force as those discontinued by a computerized information processing organization.



NON-CONTENTIOUS CASE LITIGATION PROCEDURE ACT

Article 5 (General Transitional Measures)

(1) The former provisions shall apply to affairs of registration, the procedure of which is in progress pursuant to the former provisions at the time when this Act enters into force.

(2) Disposal, procedure and other activities conducted pursuant to the former provisions at the time when this Act enters into force shall be deemed to have been conducted pursuant to the relevant provisions of this Act.

ADDENDA <Act No. 8581, Aug. 3, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

(Proviso Omitted.)

Articles 2 through 9 Omitted.