

# FARMLAND ACT

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Act No. 8749, Dec. 21, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9276, Dec. 29, 2008

Act No. 9620, Apr. 1, 2009

Act No. 9717, May 27, 2009

Act No. 9721, May 27, 2009

Act No. 9758, jun. 9, 2009

Act No. 10303, May 17, 2010

Act No. 10599, Apr. 14, 2011

Act No. 11171, Jan. 17, 2012

Act No. 11599, Dec. 18, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11694, Mar. 23, 2013

Act No. 11998, Aug. 6, 2013

Act No. 13405, Jul. 20, 2015

Act No. 13796, Jan. 19, 2016

Act No. 13782, Jan. 19, 2016

Act No. 14242, May 29, 2016

Act No. 14209, May 29, 2016

Act No. 14532, Jan. 17, 2017

Act No. 14985, Oct. 31, 2017

Act No. 16073, Dec. 24, 2018

Act No. 16652, Nov. 26, 2019

Act No. 16975, Feb. 11, 2020

Act No. 17091, Mar. 24, 2020

Act No. 17219, Apr. 7, 2020

Act No. 18021, Apr. 13, 2021

# CHAPTER I GENERAL PROVISIONS

## Article 1 (Purpose)

The purpose of this Act is to contribute to the strengthening of agricultural competitiveness, the balanced development of the national economy, and the preservation of national land based on the stabilization of farmers' agricultural management and the improvement of agricultural productivity through the efficient utilization and management of farmland by prescribing matters necessary for ownership, utilization, preservation, etc. of farmland.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended on Dec. 21, 2007; Apr. 1, 2009; May 27, 2009; Dec. 24, 2018>*

1. The term "farmland" means any of the following pieces of land:

(a) A rice field, a field, an orchard, and other land actually used as farmland for crops, or land for cultivating perennial plants prescribed by Presidential Decree, regardless of the legal land category: Provided, That any land prescribed by Presidential Decree, including grassland created under the Grassland Act, is excluded herefrom;

(b) Land for facilities prescribed by Presidential Decree as improvement facilities and production facilities for agricultural and stock farm products installed on the land referred to in item (a);

2. The term "farmer" means any individual prescribed by Presidential Decree who is engaged in agriculture;

3. The term "agricultural corporation" means an agricultural partnership established under Article 16 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises, and an agricultural company incorporated under Article 19 of the same Act and at least 1/3 of the persons having executive authority of which are farmers:

(a) Deleted; *<May 27, 2009>*

(b) Deleted; *<May 27, 2009>*

4. The term "agricultural management" means that a farmer or an agricultural corporation conducts agricultural business on his or her or its own account and responsibility;

5. The term "self-cultivation" means that a farmer is constantly engaged in cultivating crops or growing perennial plants in his or her own farmland, or cultivates or grows at least 1/2 of the farming work with his or her own labor, or that an agricultural corporation cultivates crops or grows perennial plants in its own farmland;

6. The term "entrusted management" means a form of agricultural management in which the owner of farmland entrusts all or part of the farming works to a third party by agreeing with him or her to pay a certain remuneration for such works;

7. The term "diversion of farmland" means that farmland is used for purposes other than for agricultural production or improvement of farmland prescribed by Presidential Decree, such as the cultivation of crops or the growing of perennial plants: Provided, That where the farmland is used for purposes prescribed in subparagraph 1 (b), it shall not be deemed diversion.

### **Article 3 (Basic Ideology concerning Farmland)**

- (1) Since farmland is the foundation necessary for supplying food to Korean citizens and for preserving the national environment, and is a valuable finite resource influencing the harmonious development of agriculture and the national economy, it shall be carefully preserved and properly managed for public welfare and the exercise of the rights to farmland shall entail necessary restrictions and obligations.
- (2) Farmland shall be owned and used in a manner that enhances agricultural productivity, and shall not become an object of speculation.

### **Article 4 (Obligations of the State)**

- (1) The State and local governments shall devise and execute farmland-related policies so that the basic ideology concerning farmland may be realized.
- (2) When formulating farmland-related policies, the State and local governments shall endeavor to contribute to the fostering of agriculture and the balanced development of the national economy by ensuring that farmland can be preserved and reasonably utilized through necessary regulations and adjustment.

### **Article 5 (Obligations of Citizens)**

Every citizen shall respect the basic ideology concerning farmland and cooperate in implementation of policies concerning farmland by the State and local governments.

## **CHAPTER II OWNERSHIP OF FARMLAND**

### **Article 6 (Restrictions on Farmland Ownership)**

- (1) Farmland shall be owned only by a person who uses or will use it for his or her own agricultural management.
- (2) Notwithstanding paragraph (1), farmland may be owned in any of the following cases: Provided, That the farmland owned shall be used for agricultural management (excluding subparagraphs 2 and 3):  
<Amended on Feb. 29, 2008; Dec. 29, 2008; May 27, 2009; Jun. 9, 2009; Jan. 17, 2012; Dec. 18, 2012; Mar. 23, 2013; May 29, 2016; Oct. 31, 2017; Feb. 11, 2020; Apr. 13, 2021>
1. Where the farmland is owned by the State or a local government;
  2. Where the farmland is acquired and owned, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, by a school under the Elementary and Secondary Education Act or

the Higher Education Act, or by a public organization, agricultural research institution, agricultural producer organization, or a producer of seeds and seedlings or of other agricultural machinery and materials, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, to be used as a site necessary for experiments, research, practice, production of seeds and seedlings, or production of pollen used for artificial pollination of fruit trees so that he or she or it conducts his or her or its intended business;

3. Where the person owns the farmland to conduct weekend or experience farming (referring to an individual, other than a farmer, cultivating crops or growing perennial plants as a hobby or leisure activity on the weekend; hereinafter the same shall apply);

4. Where the person acquires and owns the farmland by inheritance (including a testamentary gift to an inheritor; hereinafter the same shall apply);

5. Where the person retains the ownership of the farmland owned at the time he or she ceased farming even after he or she, who had conducted agricultural management for a period longer than that prescribed by Presidential Decree, ceased farming;

6. Where the person acquires and owns mortgaged farmland under Article 13 (1) (including where a special purpose company, etc. as defined in Article 3 of the Asset-Backed Securitization Act acquires farmland from any of the mortgagees prescribed in Article 13 (1) 1 through 4);

7. Where the farmland is owned by a person who has obtained permission to divert farmland under Article 34 (1) (including any authorization, permission, and approval, etc. which is legally construed as permission to divert farmland under other Acts), or a person who has filed a report on diversion of farmland under Article 35 or 43;

8. Where the person owns farmland, the consultation on diversion of which under Article 34 (2) has been complete;

9. Where the person acquires and owns farmland less than 1,500 square meters as prescribed by Presidential Decree in a farmland development project district under Article 24 (2) of the Korea Rural Community Corporation and Farmland Management Fund Act, or farmland under Article 98 (3) of the Rearrangement of Agricultural and Fishing Villages Act;

9-2. Where the person owns farmland outside an agricultural promotion area referred to in Article 28, the average inclination rate from the uppermost to the lowest parts of which is at least 15 degrees, as prescribed by Presidential Decree;

10. In any of the following cases:

(a) Where the Korea Rural Community Corporation acquires and owns farmland under the Korea Rural Community Corporation and Farmland Management Fund Act;

(b) Where farmland is acquired and owned pursuant to Article 16, 25, 43, 82 or 100 of the Rearrangement of Agricultural and Fishing Villages Act;

(c) Where reclaimed farmland is acquired and owned pursuant to the Public Waters Management and Reclamation Act;

(d) Where farmland is acquired and owned by land expropriation;

(e) Where farmland is acquired and owned pursuant to the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects following consultation with the Minister of Agriculture, Food and Rural Affairs;

(f) Where farmland in a planned control area or green-belt area designated under Article 36 of the National Land Planning and Utilization Act, the reservation of which is deemed necessary by the Public Land Reservation Deliberation Committee established under Article 7 (1) of the Public Land Reservation Act, out of land defined in subparagraph 1 (a) of Article 2 of the same Act, is acquired and owned by the Korea Land and Housing Corporation. In such cases, the acquired farmland shall be leased or lent gratuitously after being immediately entrusted to the Korea Rural Community Corporation until it is diverted for other purposes.

(3) Where farmland is leased or lent gratuitously pursuant to Article 23 (1) 1 through 6, notwithstanding paragraph (1) or (2), the ownership of the farmland may be retained during the period of the lease or lending. *<Amended on Feb. 11, 2020; Apr. 13, 2021>*

(4) Except as permitted in this Act, no special case concerning the ownership of farmland shall be prescribed.

#### **Article 7 (Maximum Limit of Farmland Ownership)**

(1) A person who has acquired farmland by inheritance but does not conduct agricultural management therein may own a total of up to 10,000 square meters of the farmland inherited. *<Amended on Feb. 11, 2020>*

(2) A person who ceased farming after he or she had conducted agricultural management for a period longer than that prescribed by Presidential Decree may own a total of up to 10,000 square meters of the farmland owned as at the time of ceasing farming. *<Amended on Feb. 11, 2020>*

(3) A person who intends to conduct weekend or experience farming may own a total of less than 1,000 square meters of farmland. In such cases, the calculation of the area shall be made based on the gross area owned by all members of his or her household. *<Amended on Feb. 11, 2020>*

(4) Where farmland is leased or lent gratuitously pursuant to Article 23 (1) 7, notwithstanding paragraph (1) or (2), the farmland may be retained during the period of the lease or lending, even if the maximum limit of ownership is exceeded. *<Amended on Feb. 11, 2020>*

#### **Article 8 (Issuance of Qualification Certificates for Acquisition of Farmland)**

(1) Any person who intends to acquire farmland shall obtain a qualification certificate for acquisition of farmland from the head of a Si (referring to the head of a Si which does not have Gus and, in the case of a Si combined with forms of urban and rural communities, referring to cases where the location of the farmland is in the same Si only), the head of a Gu (in the case of a Gu of a Si combined with forms of urban and rural communities, referring to cases where the location of the farmland is in the same Gu only),

or the head of a Eup or Myeon (hereinafter referred to as the "head of a Si/Gu/Eup/Myeon") having jurisdiction over the location of the farmland: Provided, That in any of the following cases, a person may acquire farmland without obtaining a qualification certificate for acquisition of farmland: <Amended on May 27, 2009>

1. Where acquiring farmland under Article 6 (2) 1, 4, 6, 8, or 10 (excluding item (f) of the same subparagraph);
  2. Where acquiring farmland by merger of agricultural corporations;
  3. Where acquiring farmland due to the partition of co-owned farmland, or due to other reasons prescribed by Presidential Decree.
- (2) A person who intends to obtain a qualification certificate for acquisition of farmland under paragraph (1) shall prepare an agricultural management plan containing each of the following matters and file an application for issuance to the head of a Si/Gu/Eup/Myeon having jurisdiction over the location of the farmland: Provided, That a person who acquires farmland under Article 6 (2) 2, 3, 7, 9, 9-2 or, 10 (f) may file an application for issuance without preparing an agricultural management plan: <Amended on May 27, 2009>

1. The area of the farmland to be acquired;
  2. A plan for securing labor force, agricultural machinery, equipment, and facilities required for the agricultural management of the farmland to be acquired;
  3. The utilization status of the farmland owned (only applicable to a person who owns farmland).
- (3) Matters necessary for applications and procedures for issuance under the main clause of paragraph (1) and paragraph (2) and other matters shall be prescribed by Presidential Decree.
- (4) When a person who acquires farmland after having obtained a qualification certificate for acquisition of farmland under the main clause of paragraph (1) and paragraph (2) applies for registration of the farmland ownership, he or she shall attach thereto the qualification certificate for acquisition of farmland.

#### **Article 8-2 (Period of Retention of Agricultural Management Plan)**

- (1) The head of a Si/Gu/Eup/Myeon shall retain an agricultural management plan submitted under Article 8 (2) for 10 years.
- (2) The period of retaining documents for filing an application for a qualification certificate for acquisition of farmland, other than an agricultural management plan, shall be prescribed by Presidential Decree.

#### **Article 9 (Entrusted Management of Farmland)**

An owner of farmland shall not entrust the management of his or her own farmland to another person except in any of the following cases:

1. Where conscripted or called pursuant to the Military Service Act;
2. Where traveling abroad for at least three months;

3. Where an agricultural corporation is in liquidation;
4. Where self-cultivation is impossible due to disease, school attendance, taking public office by election, or other reasons prescribed by Presidential Decree;
5. Where the management of farmland is entrusted according to the implementation plan for the farmland utilization promotion project under Article 17;
6. Where a farmer entrusts part of his or her farming work to another person due to lack of his or her own labor.

#### **Article 10 (Disposal of Farmland not Used for Agricultural Management)**

(1) In any of the following cases, an owner of farmland shall dispose of the farmland at issue (in cases falling under subparagraph 6, referring to farmland, the area of which exceeds the maximum limit of farmland ownership) to a person who is not a member of the household living with the owner as at the time the relevant cause occurs within one year from the date of occurrence of the cause: *<Amended on May 27, 2009; Mar. 23, 2013; Feb. 11, 2020>*

1. Where an owner fails to use his or her farmland for his or her own agricultural management without justifiable reasons prescribed by Presidential Decree, including natural disasters, farmland improvement, and diseases, or where the head of a Si (referring to a Si which has no Gu; hereafter the same shall apply in this Article)/Gun/Gu has recognized as such;
2. Where three months have passed since an agricultural corporation owning the farmland failed to meet the requirements referred to in subparagraph 3 of Article 2;
3. Where the head of a Si/Gun/Gu has recognized that a person who acquired the farmland under Article 6 (2) 2 ceases to use the farmland for the relevant intended project;
4. Where the head of a Si/Gun/Gu has recognized that a person who acquired the farmland under Article 6 (2) 3 ceases to use the farmland for weekend or experience farming without any justifiable reasons prescribed by Presidential Decree, including natural disasters, farmland improvement or diseases;
5. Where a person who acquired the farmland pursuant to Article 6 (2) 7 has not commenced the intended project within two years from the date of acquisition of such farmland;
- 5-2. Where a person owns the farmland without finishing consultation with the Minister of Agriculture, Food and Rural Affairs under Article 6 (2) 10 (e);
- 5-3. Where a person fails to, without delay, entrust his or her farmland to the Korea Rural Community Corporation under Article 6 (2) 10 (f);
6. Where it has been proved that the owner of farmland owns the farmland in excess of the maximum limit of farmland ownership determined under Article 7;
7. Where it has been proved that the farmland was owned with the qualification certificate for acquisition of farmland issued under Article 8 (1) by fraudulent or other unjust means;
8. Where the head of a Si/Gun/Gu has recognized that the owner of farmland has not implemented the details of the agricultural management plan under Article 8 (2) without justifiable reasons prescribed by

Presidential Decree, including natural disasters, farmland improvement or diseases.

(2) The head of a Si/Gun/Gu shall notify the owner of farmland who has become liable to dispose of farmland under paragraph (1) that he or she shall dispose of the farmland, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, specifying information on the farmland subject to disposal and the period of obligation for disposal, etc. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

#### **Article 11 (Disposal Orders and Requests for Purchase)**

(1) The head of a Si (referring to the head of a Si which has no Gu)/Gun/Gu may order an owner of farmland who has not disposed of farmland subject to disposal within the period of obligation for disposal under Article 10 to dispose of the farmland within six months.

(2) Where an owner of farmland is ordered to dispose of his or her farmland under paragraph (1), he or she may request the Korea Rural Community Corporation incorporated under the Korea Rural Community Corporation and Farmland Management Fund Act to purchase the farmland. *<Amended on Dec. 29, 2008>*

(3) Upon receipt of a request to purchase farmland under paragraph (2), the Korea Rural Community Corporation may purchase the farmland on the basis of the officially notified land price under the Act on the Public Announcement of Real Estate Values (referring to the individual land price calculated under Article 8 of the same Act if there is no officially published land price for the relevant land; hereinafter the same shall apply). In such cases, if the actual transaction price of the land in the neighborhood is lower than the officially published land price, it may purchase the relevant land based on the actual transaction price. *<Amended on Dec. 29, 2008; Jan. 19, 2016>*

(4) Funds necessary for the purchase of farmland by the Korea Rural Community Corporation under paragraph (3) shall be financed by the Farmland Management Fund under Article 35 (1) of the Korea Rural Community Corporation and Farmland Management Fund Act. *<Amended on Dec. 29, 2008>*

#### **Article 12 (Postponement of Disposal Orders)**

(1) Where an owner of farmland who has not disposed of his or her farmland subject to disposal within the period of obligation for disposal under Article 10 (1) falls under any of the following cases, the head of a Si (referring to the head of a Si which has no Gu; hereinafter the same shall apply)/Gun/Gu may postpone ex officio the disposal order under Article 11 (1) for three years from the date the period of obligation for disposal has passed: *<Amended on Dec. 29, 2008>*

1. Where he or she uses the relevant farmland for his or her own agricultural management;

2. Where he or she has concluded a consignment sales contract for the relevant farmland with the Korea Rural Community Corporation or other persons prescribed by Presidential Decree.

(2) Where an owner of farmland for whom a disposal order has been postponed under paragraph (1) ceases to fall under any of the subparagraphs of paragraph (1) during the period of postponement of the disposal order, the head of a Si/Gun/Gu shall order the disposal postponed without delay.



(3) With regard to an owner of farmland subject to postponement of a disposal order, where the period of postponement has passed without him or her receiving a disposal order under paragraph (2), it shall be deemed that only the obligation for disposal of the farmland for which the disposal order was postponed has been extinguished with respect to the obligation for disposal under Article 10 (1).

### **Article 13 (Acquisition of Mortgaged Farmland)**

(1) If there is no successful bidder, even though auction to execute the mortgage right has been held on at least two occasions, a mortgagee of farmland who falls under any of the following subparagraphs may participate in auction for the mortgaged farmland held thereafter and acquire ownership of the mortgaged farmland: <Amended on Dec. 29, 2008; May 17, 2010; Mar. 31, 2011; May 19, 2011; May 29, 2016; Nov. 26, 2019>

1. Regional agricultural cooperatives, regional livestock cooperatives, cooperatives by item or by business and their national federation and Nonghyup Bank under the Agricultural Cooperatives Act, district fisheries cooperatives, fisheries cooperatives by business, fisheries cooperatives for processed marine products, their national federation and Suhyup Bank under the Fisheries Cooperatives Act, regional forestry cooperatives, forestry cooperatives by item or by business and their national federation under the Forestry Cooperatives Act;
2. The Korea Rural Community Corporation;
3. Banks established pursuant to the Banking Act or other financial institutions prescribed by Presidential Decree;
4. Korea Asset Management Corporation established under the Act on the Establishment of Korea Asset Management Corporation;
5. A special purpose company, etc. defined in Article 3 of the Asset-Backed Securitization Act;
6. The agricultural cooperative's asset management company established pursuant to the Act on the Structural Improvement of Agricultural Cooperatives.

(2) The mortgagee of farmland referred to in paragraph (1) 1 and 3 may entrust the disposition of the farmland that he or she has acquired pursuant to paragraph (1) to the Korea Rural Community Corporation. <Amended on Dec. 29, 2008>

## **CHAPTER III UTILIZATION OF FARMLAND**

### **SECTION 1 Promotion of Utilization of Farmland**

#### **Article 14 (Formulation of Farmland Utilization Plan)**

(1) The head of a Si/Gun/autonomous Gu (excluding the head of a Si/autonomous Gu, the farmland over which he or she has jurisdiction is the same as or smaller than the area prescribed by Presidential Decree) shall hear the opinions of the residents for the efficient utilization of farmland, as prescribed by

Presidential Decree, and formulate a plan for the overall utilization of the farmland under his or her jurisdiction (hereinafter referred to as "farmland utilization plan") following deliberation by the Si/Gun/Gu agriculture, rural community, and food industry policy deliberative council (hereinafter referred to as "Si/Gun/Gu agriculture, rural community, and food industry policy deliberative council") under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry. The same shall also apply to any modification to the formulated plan. *<Amended on Dec. 21, 2007; May 27, 2009; Mar. 23, 2013; Jun. 22, 2015>*

(2) The following shall be included in each farmland utilization plan:

1. Utilization plan by district and by use;
2. Plan for expansion of management scale for the efficient utilization of farmland and the improvement of the agricultural management;
3. Plan for utilization of farmland for purposes other than farming.

(3) If the head of a Si/Gun/autonomous Gu has formulated the farmland utilization plan (including modifications; hereafter the same shall apply in this Article) under paragraph (1), he or she shall confirm and publicly announce the contents of the plan with the approval of the competent Special Metropolitan City Mayor, Metropolitan City Mayor, or Do Governor (hereinafter referred to as "Mayor/Do Governor"), and make the contents of the plan available for public perusal.

(4) When the farmland utilization plan is confirmed, the Mayor/Do Governor, or the head of a Si/Gun/autonomous Gu shall endeavor to ensure that the farmland under his or her jurisdiction may be properly utilized or developed in accordance with the farmland utilization plan, and provide necessary investment and support.

(5) Matters necessary for formulating farmland utilization plans shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

## **Article 15 (Execution of Farmland Utilization Promotion Projects)**

The head of a Si/Gun/autonomous Gu, the Korea Rural Community Corporation, or other person prescribed by Presidential Decree (hereinafter referred to as "project operator") may execute any of the following projects to promote the utilization of farmland in accordance with the farmland utilization plan (hereinafter referred to as "farmland utilization promotion project"): *<Amended on Dec. 29, 2008>*

1. A project promoting the transfer of farmland ownership by means of sale and purchase, exchange, partition, merger, etc. of farmland;
2. A project promoting establishment of the leasehold right of farmland (including rights accruing from gratuitous lending; hereinafter the same shall apply) by means of the long-term lease or long-term gratuitous lending of farmland;
3. A project promoting entrusted management;
4. A project fostering agricultural management bodies in order to improve agricultural management by the joint use or collective use of farmland by farmers or agricultural corporations.

## **Article 16 (Requirements for Farmland Utilization Promotion Projects)**

A farmland utilization promotion project shall meet each of the following requirements:

1. Farmland shall be used for the purpose of agricultural management;
2. Establishment of the leasehold right of, transfer of the ownership of farmland, entrustment of and being entrusted with agricultural management shall contribute to the expansion of the scale of the agricultural management of a farmer or an agricultural corporation or to the collectivization of farmland utilization;
3. It shall contribute to promoting the efficiency of agricultural management by reducing expenses of agricultural management, including both production and distribution expenses of agricultural products through automation, mechanization, etc.

## **Article 17 (Formulation of Implementation Plans for Farmland Utilization Promotion Projects)**

(1) When the head of a Si/Gun/autonomous Gu intends to implement a farmland utilization promotion project, he or she shall formulate an implementation plan for the farmland utilization promotion project, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and shall finalize it following deliberation by the Si/Gun/Gu agriculture, rural community, and food industry policy deliberative council. The same shall also apply to any modification to the formulated plan. *<Amended on Dec. 21, 2007; Feb. 29, 2008; May 27, 2009; Mar. 23, 2013>*

(2) When a project operator, other than the head of a Si/Gun/autonomous Gu, intends to perform a farmland utilization promotion project, he or she shall formulate an implementation plan for the farmland utilization promotion project, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and submit it to the head of a Si/Gun/autonomous Gu. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(3) If deemed necessary to supplement an implementation plan for the farmland utilization promotion project submitted under paragraph (2), the head of a Si/Gun/autonomous Gu may request the relevant project operator to supplement the plan, specifying the reasons and period for such supplementation.

(4) Each of the following matters shall be included in an implementation plan for the farmland utilization promotion project: *<Amended on Feb. 29, 2008; Mar. 23, 2013; Apr. 13, 2021>*

1. Areas where the farmland utilization promotion project is to be performed;
2. Matters concerning a person who has ownership or a leasehold right of farmland, a person for whom a leasehold right will be established, a person to whom ownership will be transferred, or a person who entrusts agricultural management or who will be entrusted therewith;
3. Matters concerning farmland for which the leasehold right is established, farmland the ownership of which is transferred, farmland the agricultural management of which is entrusted, or farmland a person is entrusted with its agricultural management;
4. Matters concerning the details of the leasehold right to be established or the details of entrusting or being entrusted with agricultural management;

5. The timing for transfer of the ownership, the price for the transfer, the payment method for price for the transfer, and other matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

#### **Article 18 (Public Notification and Effect of Implementation Plans for Farmland Utilization Promotion Projects)**

(1) When the head of a Si/Gun/autonomous Gu has confirmed an implementation plan for the farmland utilization promotion project under Article 17 (1) or has received such plan under paragraph (2) of the same Article (where he or she requested the project operator to supplement it under paragraph (3) of the same Article, the time the supplementation thereof has been completed), he or she shall, without delay, publicly notify the implementation plan, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and make it available for public perusal by related persons. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(2) Where an implementation plan for the farmland utilization promotion project has been publicly notified under paragraph (1), the project operator shall, as prescribed by Presidential Decree, entrust the registration of the relevant farmland, with the consent of the persons included in such plan and referred to in Article 17 (4) 2.

(3) Where the project operator entrusts the registration under paragraph (2), the papers which have finalized the implementation plan for the farmland utilization promotion project under Article 17 (1) or the papers which have publicly notified the implementation plan for the farmland utilization promotion project under paragraph (1) and the written consent under paragraph (2) shall be deemed papers proving the cause of the registration under the Registration of Real Estate Act. *<Amended on Apr. 12, 2011>*

(4) Article 3 of the Act on Special Measures for the Registration of Real Estate shall not apply to the entrustment of registration in accordance with an implementation plan for the farmland utilization promotion project.

#### **Article 19 (Support for Farmland Utilization Promotion Projects)**

The State and local governments shall provide guidance and arrangement necessary for smoothly performing a farmland utilization promotion project and may partially subsidize expenses incurred in implementing such project within budgetary limits.

#### **Article 20 (Designation of Surrogate Cultivators)**

(1) The head of a Si (referring to the head of a Si which has no Gus; hereafter the same shall apply in this Article)/Gun/Gu may ex officio designate a person who will cultivate idle farmland (referring to farmland prescribed by Presidential Decree as one not used for cultivating crops or growing perennials; hereinafter the same shall apply) instead of an owner or a lessee of the said farmland (hereinafter referred to as "surrogate cultivator"), as prescribed by Presidential Decree, or receive applications from those who desire

to cultivate idle farmland to designate surrogate cultivators, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Jan. 17, 2012; Mar. 23, 2013>*

(2) When the head of a Si/Gun/Gu intends to designate a surrogate cultivator under paragraph (1), he or she shall give prior notice thereof to the owner or the lessee of the farmland, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and when he or she has designated a surrogate cultivator, he or she shall send a written notice of designation to the surrogate cultivator and the owner or the lessee of the farmland, respectively. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(3) The period for cultivation by surrogate cultivator shall be three year unless prescribed otherwise. *<Amended on Jan. 17, 2012>*

(4) The surrogate cultivator shall pay 10 percent of the yield to the owner or the lessee of the relevant farmland as the rent of the farmland, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, if the owner or the lessee refuses to receive the rent or if it is impracticable to pay the rent, the surrogate cultivator may deposit the rent of the farmland. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(5) In order for the owner or the lessee of the farmland cultivated by surrogate cultivator to directly cultivate the said farmland, he or she shall apply, by no later than three months prior to the expiration of the period for cultivation by surrogate cultivator under paragraph (3) and after the expiration of the period for cultivation by surrogate cultivator, for the suspension of the designation of the surrogate cultivator to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, and upon receipt of such application, the head of a Si/Gun/Gu shall notify the surrogate cultivator and the owner or the lessee of the relevant farmland of the suspension of the designation of the surrogate cultivator within one month from the date of the receipt of the application. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(6) In any of the following cases, the head of a Si/Gun/Gu may terminate the designation of the surrogate cultivator even before the expiration of the period for cultivation by surrogate cultivator:

1. Where the owner or the lessee of the farmland cultivated by a surrogate cultivator applies for termination of the designation as surrogate cultivator with justifiable reasons;
2. Where the surrogate cultivator neglects his or her cultivation;
3. Where there exist other reasons prescribed by Presidential Decree.

## **Article 21 (Improvement and Preservation of Soil)**

(1) The State and local governments shall implement projects to improve and preserve soil and devise policies concerning experiments, research, survey, etc. for improving and preserving soil so that farmers and agricultural corporations may continue environmental agricultural management.

(2) In order to achieve the purposes referred to in paragraph (1), the State may partially subsidize, within budgetary limits, the expenses incurred by local governments, agricultural producers' organizations, farmers, or agricultural corporations, as prescribed by Ordinance of the Ministry of Agriculture, Food and

Rural Affairs in executing projects to improve and preserve soil. <Amended on Feb. 29, 2008; Mar. 23, 2013>

## **Article 22 (Prevention of Fractionation of Farmland Ownership)**

(1) In order to prevent the fractionation of farmland ownership of farmers or agricultural corporations, the State and local governments may give necessary support so that farmland may be inherited by, donated, or transferred to, a farmer or an agricultural corporation en bloc.

(2) No farmland where a rearrangement project for agricultural production infrastructure under the Rearrangement of Agricultural and Fishing Villages Act has been performed shall be partitioned except under any of the following circumstances: <Amended on May 27, 2009; Apr. 14, 2011>

1. Where the farmland included in a residential area, commercial area, or industrial area of an urban area, or in a site for urban/Gun planning facilities under the National Land Planning and Utilization Act is divided;
2. Where the diverted farmland is partitioned with permission to divert farmland (including authorization, permission, approval, etc. which is legally construed as permission to divert farmland under other Acts) under Article 34 (1) or with the report on diversion of farmland under Article 35 or 43;
3. Where the farmland is partitioned into pieces of land, of which area after partition may exceed 2,000 square meters;
4. Where the farmland is partitioned due to reasons prescribed by Presidential Decree, including the improvement, exchange, partition or merger, etc. of farmland.

## **SECTION 2 Lease of Farmland**

## **Article 23 (Lease or Gratuitous Lending of Farmland)**

(1) Except in any of the following cases, no farmland shall be leased or lent gratuitously: <Amended on Dec. 29, 2008; May 27, 2009; Jan. 20, 2015; Jul. 20, 2015; Feb. 11, 2020>

1. Where the farmland referred to in Article 6 (2) 1, 4 through 9, 9-2, and 10 is leased or lent gratuitously;
2. Where the farmland is leased or lent gratuitously pursuant to an implementation plan for the farmland utilization promotion project under Article 17;
3. Where the farmland owned is leased or lent gratuitously by a person who has not be engaged temporarily in agricultural management on grounds of disease, conscription, school attendance, taking public office by election, or other inevitable reasons prescribed by Presidential Decree;
4. Where the farmland that have been used for a person's own agricultural management for at least five years is leased or lent gratuitously out of the pieces of the farmland owned by the person prescribed by Presidential Decree, who is aged 60 or older and has ceased to be engaged in agricultural management;

5. Where the farmland owned under Article 6 (1) is leased or lent gratuitously to a person intending to conduct weekend or experience farming, or to a person who conducts as his or her business the lease of farmland to a person intending to conduct weekend or experience farming;
  6. Where the farmland owned by an individual pursuant to Article 6 (1) is leased or lent gratuitously upon entrustment to the Korea Rural Community Corporation or other persons prescribed by Presidential Decree;
  7. Where any of the following farmland is leased or lent gratuitously upon entrustment to the Korea Rural Community Corporation and other persons prescribed by Presidential Decree:
    - (a) Farmland owned in excess of the maximum limit of ownership provided for in Article 7 (1) by a person who is not engaged in agricultural management and who has acquired the farmland by inheritance;
    - (b) Farmland owned in excess of the maximum limit of ownership under Article 7 (2) by a person who ceased farming after he or she had been engaged in agricultural management for a period longer than that prescribed by Presidential Decree;
  8. Where farmland for self-cultivation is leased or lent gratuitously for up to eight months for double cropping prescribed by the Minister of Agriculture, Food and Rural Affairs;
  9. Where farmland for self-cultivation is leased or lent gratuitously as such farmland is necessary to promote business conducted for the purpose of scale-up of farmland prescribed by Presidential Decree, stability of demand for and supply of crops, etc.
- (2) Where a person to whom farmland has been leased or lent gratuitously fails to use such farmland for agricultural management without any good cause, notwithstanding paragraph (1), the head of a Si/Gun/Gu may order termination of the lease or the gratuitous lending, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Newly Inserted on Jul. 20, 2015>*

#### **Article 24 (Contracting Method for Lease or Gratuitous Lending of Farmland and Confirmation thereof)**

- (1) Each contract of lease (limited to lease to those intending to be engaged in agricultural management; hereafter the same shall apply in this Section) or of gratuitous lending (limited to gratuitous lending to those intending to be engaged in agricultural management) shall be, in principle, entered into in writing. *<Amended on Feb. 11, 2020>*
- (2) Each contract of lease referred to in paragraph (1) shall, despite the non-existence of its registration, begin to take effect against a third party from the date following the date on which the lessee obtains confirmation from the head of a Si/Gu/Eup/Myeon having jurisdiction over the location of the farmland and takes delivery of the farmland.
- (3) The head of a Si/Gu/Eup/Myeon shall retain the confirmation ledgers of farmland lease and shall, in receipt of a request for confirmation from a lessor or lessee possessing a deed of lease, confirm the lease, and record the details thereof in the ledgers, as prescribed by Ordinance of the Ministry of Agriculture,

#### **Article 24-2 (Term of Lease)**

(1) The term of lease of farmland under the subparagraphs of Article 23 (1) (excluding subparagraph 8) shall be at least three years: Provided, That the term of lease of farmland prescribed by Presidential Decree, such as land for cultivating perennial plants, shall be at least five years. <Amended on Jan. 20, 2015; Jul. 20, 2015; Feb. 11, 2020>

(2) Where the term of lease is not set or is shorter than the period prescribed in paragraph (1), the lease shall be deemed agreed for the period prescribed in paragraph (1): Provided, That a lessee may claim that the term of lease shorter than the period under paragraph (1) remain valid. <Amended on Feb. 11, 2020>

(3) Notwithstanding paragraphs (1) and (2), a lessor may set the term of lease to be shorter than the period prescribed in paragraph (1) when there is any unavoidable reason prescribed by Presidential Decree, such as diseases and conscription. <Amended on Feb. 11, 2020>

(4) The term of lease under paragraphs (1) through (3) shall also equally apply where the lease is extended, renewed or re-concluded. <Amended on Feb. 11, 2020>

#### **Article 24-3 (Mediation concerning Lease Contracts)**

(1) When the contracting parties to a lease fails to reach a mutual agreement on the lease contract in terms of the term of lease, rents, etc., they may apply for mediation to the head of a Si/Gun/autonomous Gu having jurisdiction over the location of the farmland.

(2) The head of a Si/Gun/Gu/autonomous Gu shall, upon receipt of an application for mediation pursuant to paragraph (1), without delay organize a farmland lease mediation committee and commence the mediation procedures.

(3) When the contracting parties to a lease accept a mediation proposal prepared by the farmland lease mediation committee referred to in paragraph (2), such mediation proposal shall be construed as the terms and conditions of the contract concluded between the contracting parties to the relevant lease.

(4) The farmland lease mediation committee referred to in paragraph (2) shall be comprised of three members, including one chairperson, and the chairperson shall be the deputy head of a Si/Gun/autonomous Gu, and the members thereof shall be commissioned by the head of a Si/Gun/autonomous Gu, from among those who have nothing to do with those stakeholders in the mediation and who are the members of the Si/Gun/Gu agriculture, rural community and food industry policy deliberative council under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry. <Amended on Mar. 23, 2013; Jun. 22, 2015>

(5) Matters necessary for the organization, operation, etc. of farmland lease mediation committees referred to in paragraph (2) shall be prescribed by Presidential Decree.



### **Article 25 (Implicit Renewal)**

Where the lessor fails to provide the lessee with a notice of his or her intention that he or she will not renew the lease or will change the terms and conditions of the lease by no later than three months before the lease ends, the lease shall be deemed renewed under the same terms and conditions as the previous one at the time the validity of the lease has been terminated. *<Amended on Jan. 17, 2012>*

### **Article 26 (Succession to Legal Status of Lessor)**

A transferee of the leased farmland shall be deemed succeeded to the legal status of the lessor of the farmland under this Act.

### **Article 26-2 (Imperative Provisions)**

Any contract in contravention of this Act and to the disadvantage of the lessee shall be nullified.

### **Article 27 (Special Cases concerning Lease of State Farmland and Public Farmland)**

Articles 24, 24-2, 24-3, 25, 26, and 26-2 shall not apply to the farmland which constitutes the State property or the public property under the State Property Act or the Public Property and Commodity Management Act. *<Amended on Jan. 17, 2012>*

## **CHAPTER IV PRESERVATION OF FARMLAND**

### **SECTION 1 Designation and Use of Agricultural Promotion Areas**

### **Article 28 (Designation of Agricultural Promotion Areas)**

(1) Mayors/Do Governors shall designate an agricultural promotion area for the efficient utilization and preservation of farmland.

(2) Agricultural promotion areas referred to in paragraph (1) may be designated as classified into the following specific-use areas: *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

1. Agricultural promotion areas: either of the following areas for which agricultural promotion is needed be planned and which are required to be used for agricultural purposes through the collectivization of farmland to the scale prescribed by the Minister of Agriculture, Food and Rural Affairs:

(a) An area where land being used or to be used for agricultural purposes has been collectivized and a farmland creation project or an agricultural infrastructure rearrangement project has been performed or is being performed;

(b) An area, other than that falling under item (a), where land being used for agricultural purposes has been collectivized;

2. Agricultural protection areas: an area necessary for protecting agricultural environment, including securing sources of water supply and preserving water quality in an agricultural promotion area.

#### **Article 29 (Areas Eligible for Designation as Agricultural Promotion Areas)**

Greenbelts, management areas, agriculture and forestry areas, and natural environment preservation areas under the National Land Planning and Utilization Act are eligible for designation as an agricultural promotion area under Article 28: Provided, That green-belts in the Special Metropolitan City shall be excluded.

#### **Article 30 (Procedures for Designation of Agricultural Promotion Areas)**

(1) A Mayor/Do Governor shall designate an agricultural promotion area with the approval of the Minister of Agriculture, Food and Rural Affairs, following deliberation thereon by the City/Do agriculture, rural community, and food industry policy deliberative council under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry (hereinafter referred to as "City/Do agriculture, rural community and food industry policy deliberative council"). *<Amended on Dec. 21, 2007; Feb. 29, 2008; May 27, 2009; Mar. 23, 2013; Jun. 22, 2015>*

(2) When a Mayor/Do Governor has designated an agricultural promotion area under paragraph (1), he or she shall, without delay, publicly announce such fact and notify the related agencies thereof and shall have the head of a Si/Gun/autonomous Gu make it available for public perusal.

(3) Where a greenbelt or planned management area designated pursuant to the National Land Planning and Utilization Act is included in an agricultural promotion area, the Minister of Agriculture, Food and Rural Affairs shall consult with the Minister of Land, Infrastructure and Transport before he or she approves the designation of the agricultural promotion area under paragraph (1). *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(4) Procedures for designation of agricultural promotion areas and other necessary matters for such designation shall be prescribed by Presidential Decree.

#### **Article 31 (Change and Cancellation of Agricultural Promotion Areas, etc.)**

(1) Where there exist grounds prescribed by Presidential Decree, a Mayor/Do Governor may change or cancel an agricultural promotion area or a specific-use area: Provided, That where such grounds do not exist, the agricultural promotion area or specific-use area shall revert to the original one. *<Amended on Dec. 24, 2018>*

(2) Article 30 shall apply mutatis mutandis to the procedures, etc. for change, cancellation, or reversion of agricultural promotion areas or specific-use areas prescribed in paragraph (1): Provided, That any change in matters prescribed by Presidential Decree, including reversion to the original agricultural promotion area or specific-use area prescribed in the proviso of paragraph (1) or change of an agricultural protection area into an agricultural promotion area, may be made without deliberation by the City/Do agriculture, rural community and food industry policy deliberative council or the approval of the Minister of Agriculture, Food and Rural Affairs, as prescribed by Presidential Decree. *<Amended on Dec. 21, 2007; Feb.*

### **Article 31-2 (Listening to Opinions of Residents)**

When a Mayor/Do Governor intends to designate, change, or cancel an agricultural promotion area pursuant to Articles 30 and 31, he or she shall give prior notice of the details thereof to each owner of the relevant land and listen to the opinions of the relevant local residents, as prescribed by Presidential Decree: Provided, That the same shall not apply to either of the following circumstances:

1. When notice is given to each of the land owners pursuant to other statutes;
2. When any person to whom notice shall be given remains unknown or his or her address, residence or place where notice shall be given remains unknown.

### **Article 31-3 (Investigation into Current Status)**

- (1) The Minister of Agriculture, Food and Rural Affairs shall conduct an investigation into the current status of agricultural promotion areas every year to efficiently manage agricultural promotion areas.
- (2) Where the Minister of Agriculture, Food and Rural Affairs deems that any ground for changing or cancelling an agricultural promotion area, etc. prescribed in Article 31 (1) occurred based on the results of the investigation conducted under paragraph (1), a Mayor/Do Governor may change or cancel the relevant agricultural promotion area or specific-use area.
- (3) Other matters necessary for the scope, method, etc. of investigation into the current status prescribed in paragraph (1) shall be prescribed by Presidential Decree.

### **Article 32 (Restrictions on Acts in Specific-Use Areas)**

(1) No one shall engage in any act of utilizing land, other than the acts prescribed by Presidential Decree and directly related to agricultural production or farmland improvement, within an agricultural promotion area: Provided, That the foregoing shall not apply to the following: <Amended on May 27, 2009; Jan. 17, 2012; Dec. 24, 2018; Feb. 11, 2020>

1. Installation of processing and treatment facilities for agricultural and fishery products prescribed by Presidential Decree (referring to agricultural, forest, stock farm, and fishery products; hereinafter the same shall apply) and of experimental and research facilities related to the agricultural and fisheries industries (referring to the agricultural, forestry, livestock, and fisheries industries; hereinafter the same shall apply);
2. Installation of children's playgrounds, village halls, and other convenience facilities and welfare facilities necessary for farmers' community life prescribed by Presidential Decree;
3. Installation of farmers' housing, fishermen's housing, agricultural facilities, livestock facilities, or fishery facilities prescribed by Presidential Decree;
4. Installation of national defense and military facilities;

5. Creation of rivers, installation of banks or other facilities corresponding thereto for the preservation of national land;
6. Repairs, restoration and movement of cultural assets, excavation of buried cultural properties, installation of tombstones, monuments, or other similar structures;
7. Installation of roads, railroads, and other public facilities prescribed by Presidential Decree;
8. Using land as a place for exploration for the exploitation of underground resources or for mining of underground minerals and for concentration and piling up of ores;
9. Installation of facilities prescribed by Presidential Decree and necessary for development of agricultural and fishing villages, including the development of income sources of agricultural and fishing villages.

(2) No one shall engage in any act of utilizing land, except the following, within an agricultural protection area: *<Amended on Feb. 11, 2020>*

1. Utilizing land for activities permitted under paragraph (1);
2. Installation of buildings, structures, and other facilities prescribed by Presidential Decree and necessary for the increase of farmers' incomes;
3. Installation of buildings, structures, and other facilities prescribed by Presidential Decree and necessary for improving the living conditions of farmers.

(3) The provisions of paragraphs (1) and (2) shall not apply to existing buildings, structures, and other facilities installed with the authorization, permission or approval, etc. obtained or with the report made under the related statutes as at the time when the agricultural promotion area is designated.

(4) The provisions of paragraphs (1) and (2) shall not apply to any construction works or project being performed by the person (referring to the person who has commenced the construction works or the project in progress where it is not required to obtain authorization, permission, or approval, etc. or make a report under the related statutes) who is performing the construction work or the project after obtaining authorization, permission, approval, etc. for, or making a report on, the following acts under the related statutes as at the time when the agricultural promotion area is designated:

1. Construction of buildings;
2. Installation of structures and other facilities;
3. Changes in the form and quality of the land;
4. Other acts corresponding to those referred to in subparagraphs 1 through 3.

### **Article 33 (Expanding Development of, and Investment in, Agricultural Promotion Areas and Giving Priority to Supporting Such Areas)**

(1) The State and local governments shall give priority in making investment in the improvement and rearrangement of farmland and agricultural facilities, the expansion of road for agricultural and fishing villages and of distribution facilities for agricultural products, and other projects for agricultural development in an agricultural promotion area, as prescribed by Presidential Decree.

(2) The State and local governments shall give priority in providing necessary support, including offering subsidies or reducing tax under the Restriction of Special Taxation Act, to farmers or agricultural corporations cultivating crops or growing perennial plants on farmland in an agricultural promotion area.

#### **Article 33-2 (Requests for Purchase of Farmland in Agricultural Promotion Areas)**

(1) A farmer or an agricultural corporation owning farmland in an agricultural promotion area may request the Korea Rural Community Corporation incorporated under the Korea Rural Community Corporation and Farmland Management Fund Act (hereinafter referred to as "Korea Rural Community Corporation") to purchase such farmland.

(2) Upon receipt of a request for purchase made under paragraph (1), the Korea Rural Community Corporation may purchase the relevant farmland based on the value appraised by appraisal corporations, etc. provided in the Act on Appraisal and Certified Appraisers. *<Amended on Jan. 19, 2016; Apr. 7, 2020>*

(3) Expenses incurred by the Korea Rural Community Corporation in purchasing farmland pursuant to paragraph (2) shall be loaned from the Farmland Management Fund.

### **SECTION 2 Diversion of Farmland**

#### **Article 34 (Permission to Divert Farmland and Consultation)**

(1) Any person who intends to divert farmland shall obtain permission from the Minister of Agriculture, Food and Rural Affairs, as prescribed by Presidential Decree, except in any of the following cases. The same shall also apply where he or she intends to change principal matters prescribed by Presidential Decree, including the area or boundary of the permitted farmland: *<Amended on Feb. 29, 2008; May 27, 2009; Mar. 23, 2013>*

1. Where farmland is diverted through consultation legally construed as permission for diversion of the farmland under other Acts;
2. Where the diversion is made to the farmland following consultation made under paragraph (2) or the farmland excluded from that subject to consultation under the proviso of paragraph (2) 1 as farmland in an urban area or planned control area under the National Land Planning and Utilization Act;
3. Where the diversion of the farmland is made upon filing a report under Article 35;
4. Where the farmland illegally reclaimed without obtaining permission to divert a mountainous district under Article 14 of the Mountainous Districts Management Act or without filing a report on diversion of a mountainous district under Article 15 of the same Act is restored to a forest;
5. Where the diversion of the farmland is made in order to change its form and quality or to install structures with permission from the River Management Office under the River Act.

(2) In any of the following cases, the competent Minister or the head of a local government shall consult in advance on the diversion of farmland with the Minister of Agriculture, Food and Rural Affairs, as prescribed by Presidential Decree: *<Amended on Feb. 29, 2008; May 27, 2009; Apr. 14, 2011; Mar. 23, 2013>*

1. When designating a residential area, commercial area, or industrial area or determining urban/Gun planning facilities in an urban area under the National Land Planning and Utilization Act, where farmland is included in the land of relevant planned area or in the land of planned facilities: Provided, That this shall not apply where an already designated residential area, commercial area, or industrial area is changed to an area for another purpose or where urban/Gun planning facilities are determined to be installed in an already designated residential area, commercial area or industrial area;

1-2. When designating a district unit planning zone in a planned control area under the National Land Planning and Utilization Act, where farmland is included in the land of the relevant planned area;

2. Where any development activity is permitted under Article 56 of the National Land Planning and Utilization Act on farmland in a green-belt or a development restriction zone in an urban area under the same Act, or changes in the form and quality of the land is permitted under the proviso of Article 12 (1), with the exception of its subparagraphs, of the Act on Special Measures for Designation and Management of Development Restriction Zones.

#### **Article 35 (Reports on Diversion of Farmland)**

(1) Any person who intends to divert farmland to a site for any of the following facilities shall file a report thereon with the head of a Si/Gun/autonomous Gu, as prescribed by Presidential Decree. The same shall also apply to any modification to the reported matters: *<Amended on May 27, 2009; Jan. 17, 2012>*

1. Farmers' housing, fishermen's housing, facilities for agriculture and livestock (excluding improvement facilities and production facilities for agricultural and stock farm products under subparagraph 1 (b) of Article 2), and facilities for distribution and processing of agricultural and fishery products;

2. Convenience facilities for community life of farmers, including children's playground and village hall;

3. Research facilities related to agriculture and fisheries, and fisheries facilities, including fish farms and fish nurseries.

(2) Where the head of a Si/Gun/autonomous Gu receives a report prescribed in paragraph (1), he or she shall review the details thereof, and shall accept the report if they are in compliance with this Act. *<Newly Inserted on Feb. 11, 2020>*

(2) Matters concerning the scope and scale of the facilities subject to reporting, restrictions on installation in an agricultural promotion area, the scope of the installers, etc. under paragraph (1) shall be prescribed by Presidential Decree. *<Amended on Feb. 11, 2020>*

#### **Article 36 (Permission to Temporarily Use Farmland for other Purposes)**

(1) Any person who intends to temporarily use farmland for any of the following purposes shall obtain permission from the head of a Si/Gun/autonomous Gu on condition that he or she will reinstate it to farmland after having used it for such other purpose for a certain period, as prescribed by Presidential

Decree. The same shall also apply to any modification to the permitted matters: Provided, That the State or a local government shall consult with the head of a Si/Gun/autonomous Gu: *<Amended on Dec. 24, 2018>*

1. Where installing simple facilities for agriculture, fisheries, and livestock (excluding improvement facilities and production facilities for agricultural and stock farm products prescribed in subparagraph 1 (b) of Article 2) and simple facilities for treatment of agricultural and fishery products which are not subject to a building permit or building report prescribed in the Building Act;

2. Where installing a field office or incidental facilities, other facilities corresponding thereto or piling up or burying goods for a principally intended project (applicable only to any project permitted in relevant farmland);

3. Where excavating soil, stones, and minerals prescribed by Presidential Decree;

4. Where power plants for solar energy referred to in subparagraph 2 (a) of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy (hereinafter referred to as “solar energy power plant”) to be installed for the purpose of operating electric utility business prescribed in subparagraph 1 of Article 2 of the Electric Utility Act shall meet all of the following requirements:

(a) Facilities shall be installed in an area prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as an area which contains at least a certain level of salt in the soil among land formed by the reclamation of public waters prescribed in Article 2 of the Public Waters Management and Reclamation Act;

(b) Facilities shall be installed to meet the requirements specifically determined by the Minister of Agriculture, Food and Rural Affairs, such as the size of installment and the method for measuring the salinity.

(2) Where the head of a Si/Gun/autonomous Gu is requested by the competent Minister or the head of a local government for consultations on the temporary use of farmland for other purposes in relation to the authorization, permission or approval, etc. for a project or a project plan, etc. prescribed in other Acts, he or she may consult with the competent Minister or the head of a local government on the premise that the competent Minister or the head of a local government, when authorizing, permitting or approving the project or the project plan, shall attach conditions to a person who intends to implement the relevant project that he or she shall reinstate the farmland to its original state after using it for other purposes for a certain period.

(3) Where the head of a Si/Gun/autonomous Gu grants permission prescribed in paragraph (1) or holds consultation prescribed in paragraph (2), he or she may have a person who intends to implement the project submit the plan for restoring the farmland to the original state and deposit reinstatement expenses, as prescribed by Presidential Decree. In such cases, where the project implementer fails to implement the plan for restoring the farmland to the original state after such project was completed, the reinstatement expenses deposited may be used as expenses incurred in reinstating by proxy. *<Amended on Dec. 24, 2018>*

(4) Where a person failed to complete the relevant project after the temporary use of farmland for other purposes and thus intends to extend the period for such project pursuant to paragraph (1) and (2), the head of a Si/Gun/autonomous Gu shall recalculate reinstatement expenses, as prescribed by Presidential Decree, and have him or her additionally deposit the difference if the reinstatement expenses deposited under paragraph (3) are less than those recalculated. *<Newly Inserted on Dec. 24, 2018>*

(5) Standards for the calculation of, and timing and procedure for the payment of, reinstatement expenses, and other necessary matters prescribed in paragraphs (3) and (4) shall be prescribed by Presidential Decree. *<Amended on Dec. 24, 2018>*

## **Article 36-2 (Reports on Temporary Use of Farmland for other Purposes)**

(1) A person who intends to temporarily use farmland for any of the following purposes shall report thereon to the head of a Si/Gun/ autonomous Gu, as prescribed by Presidential Decree, on the condition that he or she will restore the farmland to its original state after using it for a certain period without undermining its soil fertility. The same shall also apply where any change is made to the reported matters: Provided, That, in cases of the State and a local government, it shall consult with the head of a Si/Gun/autonomous Gu:

1. Where the person temporarily uses farmland as sledding slopes, places of local festivals, etc.;

2. Where the person temporarily installs a facility falling under Article 36 (1) 1 or 2.

(2) Where the competent Minister or the head of a local government requests consultations on the temporary use of farmland for other purposes in relation to the authorization, permission, approval, etc. for a project or project plan prescribed in other Acts, the head of a Si/Gun/autonomous Gu may consult with the competent Minister or the head of a local government, on the premise that the competent Minister or the head of a local government, when granting such authorization, permission, approval, etc., shall impose on a person who intends to implement the relevant projects conditions that the person will restore farmland to its original state after using it for a certain period.

(3) When the head of a Si/Gun/autonomous Gu accepts a report prescribed in paragraph (1) or holds consultation prescribed in paragraph (2), he or she may require a person who intends to implement the project to submit a plan for restoring farmland to its original state and to deposit restoration expenses, as prescribed by Presidential Decree. In such cases, where the project implementer fails to implement the plan for restoring the farmland to the original state after such project was completed, reinstatement expenses deposited may be used as expenses incurred in reinstating by proxy. *<Amended on Dec. 24, 2018>*

(4) The head of a Si/Gun/autonomous Gu shall notify a person who has made a report of whether to accept the report, within 10 days from the date he or she receives the report prescribed in paragraph (1).

(5) Where the head of a Si/Gun/autonomous Gu fails to notify a person who has made a report of whether to accept such report or of the extension of the processing period under statutes related to civil petition services within the period prescribed in paragraph (4), the report shall be deemed to be accepted on the day following the day on which the relevant period ends. (where the processing period is extended or re-



extended under statutes related to civil petition services, it refers to the relevant processing period.)

(6) The scope and size of farmland to be reported under paragraph (1), period of temporary use, criteria for calculating restoration expenses prescribed in paragraph (3), deadline and procedures for paying restoration expenses, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 37 (Restrictions on Permission to Divert Farmland)**

(1) Where the Minister of Agriculture, Food and Rural Affairs decides to permit the diversion of farmland under Article 34 (1), he or she shall not permit the diversion of farmland to be used as a site for any of the following facilities: Provided, That he or she may permit the diversion of farmland in an urban area, planned control area, or development promotion area under the National Land Planning and Utilization Act, even if it is used as a site for any of the following facilities: *<Amended on May 17, 2007; Feb. 29, 2008; Mar. 23, 2013; Jan. 17, 2017>*

1. Air pollutants discharge facilities defined in subparagraph 9 of Article 2 of the Clean Air Conservation Act, as prescribed by Presidential Decree;
2. Wastewater discharge facilities defined in subparagraph 10 of Article 2 of the Water Environment Conservation Act, as prescribed by Presidential Decree;
3. Facilities prescribed by Presidential Decree, which are likely to impair agricultural promotion or the preservation of farmland.

(2) When the Minister of Agriculture, Food and Rural Affairs, or the head of a Si/Gun/autonomous Gu grants permission for or makes consultation (including consultation legally construed as permission for the diversion of farmland under other Acts) on any diversion of farmland under Article 34 or grants permission for and makes consultation on any temporary use of farmland for another purpose under Article 36, he or she may restrict the diversion of farmland or the temporary use of farmland for other purpose where such farmland falls under any of the following subparagraphs: *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

1. Where the farmland to be diverted needs to be preserved as superior farmland because it is included in the area where agricultural production infrastructure has been rearranged or where a rearrangement project for agricultural production infrastructure is to be performed;
2. Where the diversion of the relevant farmland or the temporary use of such farmland for another purpose seriously hinders sunshine, ventilation, and consolidated cultivation or brings about the removal of farmland improvement facilities, thereby substantially affecting the agricultural management of nearby farmland;
3. Where the diversion of the relevant farmland or the temporary use of such farmland for another purpose is likely to impair nearby farmland or farmland improvement facilities, including soil erosion;
4. Where the project plan and the funding plan to realize the objectives of the diversion are unclear;
5. Where the area of the farmland to be diverted is excessively larger than that needed to realize the objectives of the diversion.

### **Article 37-2 (Application Standards When Granting Permission for Diversion of Farmland Which Extends over at Least Two Special-Purpose Areas or Special-Purpose Districts)**

Where a parcel of farmland extends over urban areas, planned control areas, development promotion districts, and special-purpose areas or special-purpose districts (referring to the special-purpose areas or special-purpose districts under Article 36 (1) or 37 (1) of the National Land Planning and Utilization Act; hereafter in this Article, the same shall apply) under the National Land Planning and Utilization Act and where the area of a special-purpose area or special-purpose district that occupies the smallest part of such farmland is not more than the area prescribed by Presidential Decree, Article 37 (1) shall apply based on a special-purpose area or special-purpose district that occupies the largest part of the farmland.

### **Article 38 (Farmland Preservation Charges)**

(1) Any of the following persons shall pay charges for preservation, management, and creation of farmland (hereinafter referred to as "farmland preservation charges") to a person who operates and manages the Farmland Management Fund: *<Amended on May 27, 2009>*

1. A person who has obtained permission to divert farmland pursuant to Article 34 (1);
2. A person who intends to divert farmland (including farmland excluded from consultation under the proviso of Article 34 (2) 1) in a planned land of the area or in a planned land for facilities, for which consultation on the diversion of farmland has been completed under Article 34 (2) 1;
- 2-2. A person who intends to divert farmland in a planned land of the area, for which consultation on the diversion of farmland has been completed under Article 34 (2) 1-2;
3. A person who intends to divert farmland, for which consultation on the diversion of farmland has been completed under Article 34 (2) 2;
4. A person who intends to divert farmland for which consultation legally construed as permission to divert the farmland has been completed under other Acts;
5. A person who intends to divert farmland after filing a report on the diversion of the farmland pursuant to Article 35 or 43.

(2) Where the Minister of Agriculture, Food and Rural Affairs deems that it is impracticable to pay farmland preservation charges in a lump-sum for any of the following grounds, he or she may allow any person to pay farmland preservation charges in installments, as prescribed by Presidential Decree:

*<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 20, 2015>*

1. Diversion of farmland prescribed by Presidential Decree, such as cases where a public institution prescribed in the Act on the Management of Public Institutions or a local public enterprise prescribed in the Local Public Enterprises Act diverts farmland to land for facilities in an industrial complex;
2. Where farmland preservation charges are more than the amount of money prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) Where the Minister of Agriculture, Food and Rural Affairs intends to allow the installment payments of farmland preservation charges prescribed in paragraph (2), he or she shall have a person who intends to pay the farmland preservation charges in installments deposit in advance the insurance certificate of payment guarantee, etc. for the farmland preservation charges to be paid in installments, as prescribed by Presidential Decree: Provided, That the same shall not apply where a person who intends to pay the farmland preservation charges in installments is the State, a local government, or any other person prescribed by Presidential Decree. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(4) Any person who intends to divert farmland shall pay all or part of farmland preservation charges prescribed in paragraph (1) or (2) before obtaining permission for the diversion of farmland or making a report on the diversion of farmland (including authorization, permission, approval, etc. which is legally construed as permission for the diversion of farmland or the reporting on the diversion of farmland under other Acts). *<Newly Inserted on Jan. 20, 2015>*

(5) In any of the following cases, any person who operates and manages the Farmland Management Fund shall refund farmland preservation charges equivalent thereto, as prescribed by Presidential Decree: *<Amended on Jan. 20, 2015>*

1. Where permission granted to a person who has paid farmland preservation charges is revoked pursuant to Article 39;
2. Where a project plan of a person who has paid farmland preservation charges is altered;
- 2-2. Where a person has paid farmland preservation charges pursuant to paragraph (4) but has failed to obtain permission;
3. Where the area of farmland intended to be diverted for grounds corresponding thereto has been reduced, compared with the original area thereof.

(6) In any of the following cases, the Minister of Agriculture, Food and Rural Affairs may reduce or exempt the farmland preservation charges, as prescribed by Presidential Decree: *<Amended on Feb. 29, 2008; Mar. 23, 2013; Jan. 20, 2015>*

1. Where the State or a local government diverts farmland for official or public purposes;
2. Where farmland is diverted to install important industrial facilities prescribed by Presidential Decree;
3. Where farmland is diverted to install facilities referred to in any subparagraph of Article 35 (1) or other facilities prescribed by Presidential Decree.

(7) The amount of farmland preservation charges shall be computed by applying criteria for imposition prescribed by Presidential Decree within the publicly announced individual land price of the relevant farmland under the Act on the Public Announcement of Real Estate Values, but the criteria for imposition may be differently applied to farmland in and out of agricultural promotion areas and the date of applying the criteria for imposition shall be as follows: *<Amended on Jan. 20, 2015; Jan. 19, 2016; Dec. 24, 2018>*

1. Where a person obtains permission to divert farmland pursuant to Article 34 (1): The date of applying for permission;

2. Where a person intends to divert farmland pursuant to Article 34 (2): The date prescribed by Presidential Decree;
3. Where a person intends to divert farmland for which consultation legally construed as permission to divert the farmland has been completed under other statutes: The date prescribed by Presidential Decree;
4. Where a person intends to divert farmland after filing a report on the diversion of the farmland prescribed in Article 35 or 43: The date of receiving the report.

(8) Where a person liable to pay the farmland preservation charges fails to pay them by the deadline for payment, the Minister of Agriculture, Food and Rural Affairs shall issue a demand notice stating the deadline not exceeding 30 days from the deadline for payment, within 10 days after the deadline for payment expires. *<Amended on May 27, 2009; Mar. 23, 2013; Jan. 20, 2015; Dec. 24, 2018>*

(9) Where a person liable to pay the farmland preservation charges fails to pay them by the deadline for payment, the Minister of Agriculture, Food and Rural Affairs shall impose an amount of money equivalent to three percent of the farmland preservation charges in arrears on him or her as an additional charge from the date on which the deadline for payment expires: *<Newly Inserted on May 27, 2009; Jan. 17, 2012; Mar. 23, 2013; Jan. 20, 2015; Dec. 24, 2018>*

1. Deleted; *<Jan. 20, 2015>*

2. Deleted. *<Jan. 20, 2015>*

(10) Where a person who fell into arrears with farmland preservation charges fails to pay them, the Minister of Agriculture, Food and Rural Affairs shall impose an additional charge (hereinafter referred to as "aggravated additional charge") equivalent to 1.2 percent of farmland preservation charges in arrears in addition to an additional charge prescribed in paragraph (9) whenever one month elapses from the date on which the deadline for payment expires. Where the amount of farmland preservation charges in arrears is less than one million won, however, he or she shall not impose an aggravated additional charge. In such cases, the period during which an aggravated additional charge is collected in addition to an additional charge shall not exceed 60 months. *<Newly Inserted on Jan. 20, 2015>*

(11) Where a person liable to pay farmland preservation charges fails to pay such charges, an additional charge and aggravated additional charge by the designated deadline for payment after he or she has received a demand notice, the Minister of Agriculture, Food and Rural Affairs may collect the relevant charges in the same manner as delinquent national or local taxes are collected. *<Newly Inserted on May 27, 2009; Mar. 23, 2013; Jan. 20, 2015>*

(12) Where any of the following causes occurs, the Minister of Agriculture, Food and Rural Affairs may write off the relevant farmland preservation charges: Provided, That where he or she discovers property he or she may seize after he or she has written off the farmland preservation charges in cases falling under subparagraphs 1, 3 and 4, he or she shall, without delay, cancel the write-off and take measures to collect the farmland preservation charges: *<Amended on Feb. 29, 2008; May 27, 2009; Mar. 23, 2013; Jan. 20, 2015>*

1. Where the allotted amount appropriated for making up the amount in arrears falls short of the amount in arrears after the disposition on default has been completed;
  2. Where the extinctive prescription of the rights to receive the farmland preservation charges has been completed;
  3. Where the estimated value of gross property which is the object of the disposition on default leaves no room for remainder after appropriating it for covering the expenses for disposition on default;
  4. Where it is recognized that there is no possibility for collection for the grounds prescribed by Presidential Decree, including the defaulter's death, having gone missing.
- (13) Where the Minister of Agriculture, Food and Rural Affairs has a person delegated with authority pursuant to Article 51 or a person entrusted with the affairs of operation and management of the Farmland Management Fund pursuant to Article 35 (2) of the Korea Rural Community Corporation and Farmland Management Fund Act perform the affairs concerning imposition and collection of the farmland preservation charges, the Minister of Agriculture, Food and Rural Affairs shall pay fees to him or her, as prescribed by Presidential Decree. *<Amended on Feb. 29, 2008; Dec. 29, 2008; May 27, 2009; Jan. 17, 2012; Mar. 23, 2013; Jan. 20, 2015>*
- (14) A person who operates and manages the Farmland Management Fund shall pay the amount after deducting fees prescribed in paragraph (13) from the farmland preservation charges he or she receives pursuant to paragraph (1) to the Farmland Management Fund. *<Amended on May 27, 2009; Jan. 20, 2015>*
- (15) The deadline and procedure for the payment of farmland preservation charges, and other necessary matters shall be prescribed by Presidential Decree. *<Amended on May 27, 2009; Jan. 20, 2015>*

#### **Article 39 (Cancellation of Permission to Divert Farmland)**

- (1) Where a person who has obtained permission to divert farmland under Article 34 (1) or permission to temporarily use farmland for other purpose under Article 36 or has filed a report on the diversion of farmland under Article 35 or 43 or report on the temporary use of farmland for other purposes under Article 36-2 falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs, or the head of a Si/Gun/autonomous Gu may cancel the permission or order suspension of the related construction works, suspension of the operation, reduction of the scale of the business, modification of the project plan, and other necessary measures, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That where he or she falls under subparagraph 7, the relevant permission shall be cancelled: *<Amended on Feb. 29, 2008; May 27, 2009; Mar. 23, 2013; Jan. 20, 2015; Oct. 31, 2017>*
1. Where it is proved that he or she has obtained the permission or has filed the report by fraudulent or other illegal means;
  2. Where he or she violates the purpose or any condition of the permission;
  3. Where he or she modifies the project plan or project scale without obtaining permission or filing a report;

4. Where he or she, having obtained the permission or having filed the report, has not commenced an intended project for farmland diversion for at least two years, including creation of building sites and installation of facilities, or has suspended the construction works for at least one year after having commenced the intended project for farmland diversion without justifiable reasons prescribed by Presidential Decree, including modification of the project plan related to the intended project for farmland diversion;
  5. Where he or she has not paid the farmland preservation charges;
  6. Where a person who has obtained permission or has filed the report applies for cancellation of the permission or withdraws the report;
  7. Where a person who obtained the permission has violated an order for measures under the main clause of this Article, including suspension of the related construction works.
- (2) Where a person who intends to divert farmland through consultation legally construed as the diversion of farmland pursuant to other Acts fails to pay a farmland preservation charge after it was imposed, and to commence an intended project that causes the diversion of farmland within two years, the Minister of Agriculture, Food and Rural Affairs may request the head of a relevant agency to revoke approval, permission, etc. related to such intended project. In such cases, the head of the relevant agency who receives a request for revocation shall comply with such request unless there is any compelling reason not to do so. *<Newly Inserted on Jan. 20, 2015>*

#### **Article 40 (Approval for Alteration of Use)**

- (1) Where a person intends to use any farmland being used or used for an intended project for farmland diversion for another purpose within the period prescribed by Presidential Decree through any of the following procedures, he or she shall obtain approval from the head of a Si/Gun/autonomous Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: *<Amended on Dec. 24, 2018>*
1. Permission to divert farmland prescribed in Article 34 (1);
  2. Consultation on the farmland diversion prescribed in Article 34 (2) 2;
  3. A report on the farmland diversion prescribed in Article 35 or 43.
- (2) A person who intends to use any farmland diverted to a site for facilities for which the farmland preservation charges are reduced or exempted as a site for facilities of which rate of reduction or exemption of the farmland preservation charges is different from that of the said site and who is subject to approval under paragraph (1) shall pay the corresponding farmland preservation charges, as prescribed by Presidential Decree.

#### **Article 41 (Restrictions on Changes of Land Category of Farmland)**

No farmland shall be changed to fall under any land category other than a field, rice field, or orchard except in any of the following cases:

1. Where permission to divert farmland (including consultation legally construed as permission for the diversion of farmland under other Acts) has been obtained under Article 34 (1) or farmland has been diverted under paragraph (2) of the same Article;
2. Where farmland has been diverted for the purpose described in Article 34 (1) 4 or 5;
3. Where farmland has been diverted after the diversion of farmland was reported under Article 35 or 43;
4. Where farmland is changed to a site for land improvement facilities as defined in subparagraph 1 (b) of Article 2 of this Act as a result of implementing a rural water development project for agricultural and fishing villages or an agricultural infrastructure improvement project as defined in subparagraph 5 (a) or (b) of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
5. Where the head of a Si/Gun/autonomous Gu recognizes that the reinstatement of farmland is almost impossible because the form and quality of the farmland has been substantially changed due to natural disasters or other force majeure events.

#### **Article 42 (Reinstatement)**

(1) Where a person engages in any of the following acts, the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/autonomous Gu may order him or her to reinstate the farmland within a designated period: *<Amended on Feb. 29, 2008; Mar. 23, 2013; Oct. 31, 2017>*

1. Where he or she has diverted farmland or has used it for another purpose without obtaining permission to divert farmland under Article 34 (1) or permission to temporarily use farmland for another purpose under Article 36;
2. Where he or she has diverted farmland or has used it for other purposes without filing a report on the diversion of farmland under Article 35 or 43 or without filing a report on the temporary use of farmland for other purposes under Article 36-2;
3. Where permission to divert farmland has been cancelled under Article 39;
4. Where a person who filed a report on the diversion of farmland has violated an order for measures under Article 39.

(2) Where a person fails to reinstate farmland, in violation of the reinstatement order issued under paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/autonomous Gu may reinstate such farmland by vicarious execution. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

(3) The Administrative Vicarious Execution Act shall apply to the procedures of the vicarious execution under paragraph (2).

#### **Article 43 (Special Cases concerning Permission to Divert Farmland)**

When a person obliged to obtain permission to divert farmland under Article 34 (1) intends to divert any farmland under Article 6 (2) 9-2, he or she may divert the farmland after filing a report thereon with the head of a Si/Gun/autonomous Gu, as prescribed by Presidential Decree, notwithstanding Article 34 (1) or

37 (1).

## SECTION 3 Farmland Ledgers

**Article 44 Deleted.** <May 27, 2009>

**Article 45 Deleted.** <May 27, 2009>

**Article 46 Deleted.** <May 27, 2009>

**Article 47 Deleted.** <May 27, 2009>

**Article 48 Deleted.** <May 27, 2009>

### **Article 49 (Preparing and Keeping Farmland Ledgers)**

- (1) To efficiently utilize and manage farmland by ascertaining the actual status of ownership and utilization of the farmland, the head of a Si/Gu/Eup/Myeon shall prepare and keep a farmland ledger.
- (2) If necessary to prepare and arrange a farmland ledger under paragraph (1) and to ascertain the actual status of farmland utilization, the head of a Si/Gu/Eup/Myeon may require the owner of the farmland to report necessary matters or require a relevant public official to investigate the conditions thereof.
- (3) If the contents of farmland ledger are modified, the head of a Si/Gu/Eup/Myeon shall, without delay, arrange such modification in the farmland ledger.
- (4) Where matters to be recorded in a farmland ledger under paragraph (1) are recorded through an electronic data processing system, the electronic file (referring to a magnetic disc, magnetic tape or other farmland ledger recorded and kept by similar means to the aforesaid ones) shall be deemed the farmland ledger under paragraph (1).
- (5) Matters necessary for the form, preparation, and management of the farmland ledger and for the electronic data processing system, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

### **Article 50 (Public Perusal of Farmland Ledgers or Issuance of Copies Thereof)**

- (1) Upon receipt of a request for perusal of a farmland ledger or for issuance of a copy thereof, the head of a Si/Gu/Eup/Myeon shall make the farmland ledger available for perusal or shall issue a copy thereof, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>
- (2) If a farmer or an agricultural corporation who conducts self-cultivation on his or her or its own farmland applies for a certificate of self-cultivation, the head of a Si/Gu/Eup/Myeon shall issue it, as



prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Feb. 29, 2008; Mar. 23, 2013>

## CHAPTER V SUPPLEMENTARY PROVISIONS

### **Article 51 (Delegation and Entrustment, etc. of Authority)**

(1) The Minister of Agriculture, Food and Rural Affairs may delegate part of his or her authority vested under this Act to a Mayor/Do Governor and the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended on Feb. 29, 2008; Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs may entrust part of his or her affairs under this Act to the Korea Rural Community Corporation, an agriculture-related agency or organization, as prescribed by Presidential Decree. <Amended on Feb. 29, 2008; Dec. 29, 2008; Mar. 23, 2013>

(3) The Minister of Agriculture, Food and Rural Affairs may, as prescribed by Presidential Decree, require a person entrusted with the affairs concerning operation and management of the Farmland Management Fund under Article 35 of the Korea Rural Community Corporation and Farmland Management Fund Act to perform the affairs of receiving farmland preservation charges under Articles 38 (1) and 40 (2) on his or her behalf. <Amended on Feb. 29, 2008; Dec. 29, 2008; Mar. 23, 2013>

### **Article 52 (Reward)**

The Minister of Agriculture, Food and Rural Affairs may give a reward to a person who reports on or denounces any of the following persons to the competent authorities or an investigation agency, as prescribed by Presidential Decree: <Amended on Feb. 29, 2008; Mar. 23, 2013; Oct. 31, 2017>

1. A person who has been issued with a qualification certificate for acquisition of farmland under Article 8 (1) for the purpose of farmland ownership by fraudulent or other unjust means, in violation of any restriction on farmland ownership under Article 6 or the maximum limits of farmland ownership under Article 7;
2. A person who has violated Article 32 (1) or (2);
3. A person who has diverted farmland without obtaining permission to divert farmland under Article 34 (1) or a person who has obtained permission to divert farmland under Article 34 (1) by fraudulent or other unjust means;
4. A person who has diverted farmland without filing a report under Article 35 or 43;
5. A person who has used farmland for other purposes without obtaining permission to temporarily use farmland for other purposes under Article 36 (1);
6. A person who has used farmland for other purposes without filing a report on the temporary use of farmland for other purposes under Article 36-2 (1);
7. A person who has used diverted farmland for other purposes without obtaining approval therefor in violation of Article 40 (1).

**Article 53 (Special Cases concerning Restrictions on Acts with Respect to Parcel of Farmland Extended over Agricultural Promotion Area and Agricultural Protection Area)**

(1) Where a parcel of farmland is extended over both an agricultural promotion area and an agricultural protection area, and part of the farmland belonging to the agricultural promotion area is smaller than the size prescribed by Presidential Decree, when the restriction on acts under Article 32 is applied to such part of the farmland, the provisions concerning agricultural protection areas shall be applied.

(2) Where part of a parcel of farmland is extended over an agricultural promotion area and the area of the farmland belonging to the agricultural promotion area is smaller than the size prescribed by Presidential Decree, Article 32 (1) and (2) shall not be applied to the said part of the farmland.

**Article 54 (Investigations into Ownership of Farmland)**

(1) In order to ascertain facts concerning the ownership, transaction, utilization, or diversion of farmland owned by any of the following persons, the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/autonomous Gu may require a public official under his or her jurisdiction to inspect or investigate the actual status thereof: *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

1. An agricultural corporation;
2. A person entrusted with the management of farmland;
3. A lessor of farmland;
4. A lender of farmland for free use;
5. A person who has obtained permission to divert farmland;
6. A project operator of a farmland utilization promotion project.

(2) A public official who conducts an inspection or investigation under paragraph (1) shall carry a certificate of identification indicating his or her authority and shall produce it to related persons.

(3) Matters necessary for inspections, investigations, and certificates referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

**Article 54-2 (Management and Operation of Farmland Information)**

(1) The Minister of Agriculture, Food and Rural Affairs, the head of a Si/Gun/Gu, etc. may make a request for provision of data prescribed by Presidential Decree, such as electronic data on resident registration or real estate registration, from the head of an agency that manages the relevant data to use such data in the formulation of farmland-related policies, the preparation of farmland ledgers, etc., and the head of the agency in receipt of such request shall comply therewith except in extenuating circumstances.

(2) The Minister of Agriculture, Food and Rural Affairs may manage business information on agriculture of agricultural business entities that is registered under Article 4 of the Act on Fostering and Supporting Agricultural and Fisheries Business Entities and data related to farmland under this Act in an integrated

manner.

(3) The Minister of Agriculture, Food and Rural Affairs may establish and operate an information system to efficiently process various information necessary for affairs related to farmland and to digitalize affairs related to keeping records of and managing such information.

#### **Article 55 (Hearings)**

Where the Minister of Agriculture, Food and Rural Affairs or the head of a Si/Gun/autonomous Gu intends to engage in any of the following acts, he or she shall hold a hearing: *<Amended on Feb. 29, 2008; Mar. 23, 2013>*

1. Notification of occurrence of an obligation to dispose of the farmland, etc. not used for agricultural management under Article 10 (2);
2. Cancellation of permission to divert farmland under Article 39.

#### **Article 56 (Fees)**

Any of the following persons shall pay fees, as prescribed by Presidential Decree:

1. A person who applies for the issuance of a qualification certificate for acquisition of farmland under Article 8;
2. A person who applies for permission under Article 34 or 36;
3. A person who files a report on the diversion of farmland under Article 35 or 43;
4. A person who applies for approval for diversion of use of farmland under Article 40;
5. A person who applies for the issuance of a copy of a farmland ledger or a copy of a self-cultivation certificate under Article 50.

## **CHAPTER VI?PENALTY PROVISIONS**

#### **Article 57 (Penalty Provisions)**

(1) A person who diverts any farmland in an agricultural promotion area without having obtained permission to divert farmland under Article 34 (1) or obtains permission to divert farmland by fraudulent or other unjust means shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding the amount equivalent to the price of the relevant land according to the publicly notified individual land price (hereinafter referred to as "land price").

(2) A person who diverts any farmland outside an agricultural promotion area without having obtained permission to divert farmland under Article 34 (1) or obtains permission to divert farmland by fraudulent or other unjust means shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding the amount equivalent to 50 percent of the relevant land price.

(3) The imprisonment with labor and fines referred to in paragraphs (1) and (2) may be imposed concurrently.

### **Article 58 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding 50 million won: <Amended on Oct. 15, 2014; Dec. 24, 2018>

1. A person who obtains a qualification certificate for acquisition of farmland prescribed in Article 8 (1) by fraud or other improper means for the purpose of owning farmland, in violation of restrictions on farmland ownership prescribed in Article 6 or the maximum limit of farmland ownership prescribed in Article 7;
2. A person who violates Article 32 (1) or (2);
3. A person who uses farmland for another purpose without having obtained permission to temporarily use farmland for other purposes prescribed in Article 36 (1);
4. A person who uses diverted farmland for other purposes without having obtained approval, in violation of Article 40 (1).

### **Article 59 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended on Oct. 15, 2014; Oct. 31, 2017; Dec. 24, 2018>

1. A person who diverts farmland without filing a report prescribed in Article 35 or 43;
2. A person who uses farmland for other purposes without filing a report on the temporary use of farmland for other purposes prescribed in Article 36-2 (1).

### **Article 60 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding 10 million won: <Amended on Jul. 20, 2015; Feb. 11, 2020>

1. A person who entrusts the agricultural management of his or her own farmland to another person, in violation of Article 9;
2. A person who leases or gratuitously lends his or her own farmland, in violation of Article 23 (1);
3. A person who fails to comply with an order to terminate the lease or gratuitous lending under Article 23 (2).

### **Article 61 (Joint Penalty Provisions)**

Where a representative of a corporation, or an agent, employee, or other servant of a corporation or individual commits a violation under Articles 57 through 60 in connection with the business of the corporation or individual, in addition to the punishment of such violator, the corporation or individual shall be punished by a fine under each relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

## **Article 62 (Non-Performance Penalties)**

(1) The head of a Si (referring to the head of a Si which has no Gus; hereafter the same shall apply in this Article)/Gun/Gu shall impose a non-performance penalty equivalent to 20 percent of the land price of the relevant farmland on a person who has failed to perform a disposal order by the specified period without justifiable reasons prescribed by Presidential Decree, such as cases where consultation is underway on any request for purchase filed under Article 11 (2) after a disposal order has been issued under Article 11 (1) (including cases falling under Article 12 (2)).

(2) The head of a Si/Gun/Gu shall give a prior written notice stating his or her intention to impose and collect a non-performance penalty to the relevant person prior to imposing the non-performance penalty under paragraph (1).

(3) When imposing a non-performance penalty under paragraph (1), the head of a Si/Gun/Gu shall do so with a notice specifying the amount of the non-performance penalty, the reason for the imposition, the payment period, the agency receiving the payment, the method of filing objections and the agency with which objections are to be filed, etc.

(4) The head of a Si/Gun/Gu may impose and collect a non-performance penalty under paragraph (1) once a year until a disposal order is performed, from the date the disposal order was first issued.

(5) When a person who received a disposal order under Article 11 (1) (including cases under Article 12 (2)) has performed the order, the head of a Si/Gun/Gu shall immediately discontinue the imposition of new non-performance penalty, but shall collect the non-performance penalty already imposed.

(6) A person dissatisfied with the imposition of a non-performance penalty under paragraph (1) may file an objection with the head of a Si/Gun/Gu within 30 days after receipt of notice of the disposition.

(7) Where a person who was subject to the imposition of a non-performance penalty under paragraph (1) files an objection under paragraph (6), the head of a Si/Gun/Gu shall, without delay, notify the competent court, which, in turn, shall proceed to a trial in accordance with the procedure for trial on administrative fines pursuant to the Non-Contentious Case Procedure Act.

(8) Where neither objection is filed within the period under paragraph (6) nor a non-performance penalty under paragraph (1) is paid within the payment deadline, the non-performance penalty shall be collected pursuant to the Act on the Collection of Local Administrative Penalty Charges. <Amended on Aug. 6, 2013; Mar. 24, 2020>

ADDENDA <Act No. 8352, Apr. 11, 2007>

## **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 1 (b) of Article 2, subparagraph 7 of Article 2, Articles 8 (2) 2, 35 (1) 1, and 36 (1) 1, and Article 15 (28), (35), and (66) of Addenda shall enter into force on July 4, 2007.

## **Article 2 (Transitional Measures concerning Enforcement Date)**

ADDENDA <Act No. 8466, May 17, 2007>

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 8749, Dec. 21, 2007>

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 8852, Feb. 29, 2008>

### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That ... *<omitted> ... amendments to Acts, which were promulgated before this Act enters into force but the enforcement dates of which have yet to arrive, among the Acts amended under Article 6 of these Addenda, shall enter into force on the enforcement dates of the relevant Acts, respectively.*

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9276, Dec. 29, 2008>

### **Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 9620, Apr. 1, 2009>

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 9717, May 27, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9721, May 27, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Consultation on Diversion of Farmland)**

The amended provisions of Article 34 (2) 1-2 shall apply, beginning with the first consultation made to designate a Class II district-unit planning area on or after the date this Act enters into force.

**Article 3 (Applicability to Demand Notices and Additional Charges)**

The amended provisions of Article 38 (7) through (9) shall apply, beginning with the first farmland preservation charges imposed on or after the date this Act enters into force.

**Article 4 Omitted.**

ADDENDA <Act No. 9758, Jun. 9, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 23 Omitted.**

ADDENDA <Act No. 10303, May 17, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 10522, Mar. 31, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force on March 2, 2012. (Proviso Omitted.)

**Articles 2 through 28 Omitted.**

ADDENDA <Act No. 10580, Apr. 12, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10599, Apr. 14, 2011>

**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.**

ADDENDA <Act No. 10682, May 19, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 11171, Jan. 17, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Period of Cultivation by Surrogate Cultivators)**

The amended provisions of Article 20 (3) shall apply, beginning with the first cultivator designated as a surrogate cultivator on or after the date this Act enters into force.

**Article 3 (Applicability to Term of Lease)**

The amended provisions of Article 24-2 shall apply beginning with the first lease contract concluded on or after the date this Act enters into force.

**Article 4 (Applicability to Imposition of Additional Charges of Farmland Preservation Charges)**

The amended provisions of Article 38 (8) shall apply, beginning with an additional charge imposed on an overdue amount to be first collected on or after the date this Act enters into force.

ADDENDA <Act No. 11599, Dec. 18, 2012>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**



ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11694, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 11998, Aug. 6, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 12812, Oct. 15, 2014>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 13022, Jan. 20, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 23 and 24-2 shall enter into force on the date of their promulgation.

**Article 2 (Applicability to Farmland Preservation Charges, Additional Charges, and Aggravated Additional Charges)**

The amended provisions of Article 38 (9) and (10) shall apply, beginning with the cases where the first person who becomes liable to pay farmland preservation charges pursuant to Article 38 fails to pay the relevant farmland preservation charges.

ADDENDA <Act No. 13383, Jun. 22, 2015>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

ADDENDUM <Act No. 13405, Jul. 20, 2015>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 13782, Jan. 19, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force on September 1, 2016.

**Articles 2 through 8 Omitted.**

ADDENDA <Act No. 13796, Jan. 19, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force on September 1, 2016.

**Articles 2 through 4 Omitted.**

ADDENDUM <Act No. 14209, Jun. 29, 2016>

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

ADDENDA <Act No. 14242, May 29, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force on December 1, 2016. (Proviso Omitted.)

**Articles 2 through 22 Omitted.**

ADDENDA <Act No. 14532, Jan. 17, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That among the Acts amended pursuant to Article 6 of the Addenda, amendments to Acts, which were promulgated before this Act enters into force but the enforcement dates of which have yet to arrive, shall enter into

force on the enforcement dates of the relevant Acts, respectively.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 14985, Oct. 31, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Report on Temporary Use of Farmland for Other Purposes)**

The amended provisions of Article 36-2 shall apply beginning with the first report on the temporary use of farmland for other purposes made after this Act enters into force.

ADDENDA <Act No. 16073, Dec. 24, 2018>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2019.

**Article 2 (Applicability to Subject Matters of Permission to Temporarily Use Farmland for Other Purposes)**

The amended provisions of Article 36 (1) 4 shall begin to apply to applications for permission to temporarily use farmland for other purposes (including consultation on the temporary use of farmland for other purposes under Article 36 (2)) filed after this Act enters into force.

**Article 3 (Applicability to Criteria for Imposing Farmland Preservation Charges)**

The amended provisions of Article 38 (7), with the exception of its subparagraphs, shall begin to apply to applications for permission to divert farmland (including cases legally construed as permission to divert the farmland under other statutes) or a report on the diversion of the farmland (including cases legally construed as a report on the diversion of the farmland under other statutes) filed after this Act enters into force.

**Article 4 (Applicability to Issuance of Demand Notice of Payment of Farmland Preservation Charges)**

The amended provisions of Article 38 (8) shall begin to apply to demand notices issued as the deadline for payment of farmland preservation charges expires after this Act enters into force.

ADDENDA <Act No. 16652, Nov. 26, 2019>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 16975, Feb. 11, 2020>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 35 (2) shall enter into force on the date of its promulgation.

**Article 2 (Applicability to Term of Lease of Farmland)**

The amended provisions of Article 24-2 shall begin to apply to lease contracts (including where the term of lease is extended or renewed or where lease contracts are re-concluded) concluded on or after the date this Act enters into force.

**Article 3 (Applicability to Application Standards When Granting Permission for Diversion of Farmland Which Extends over at Least Two Special-Purpose Areas or Special-Purpose Districts)**

The amended provisions of Article 37-2 shall also apply to applications for permission for the diversion of farmland filed under Article 34 (1) (including consultation undertaken for permission for the diversion of farmland that is deemed granted under other Acts) before this Act enters into force.

**Article 4 (Transitional Measures concerning Disposal of Farmland)**

The previous provisions shall apply where there occurs any cause that makes an owner of farmland dispose of the relevant farmland under the previous Article 10 (1) before this Act enters into force, notwithstanding the amended provisions of Article 10 (1).

ADDENDA <Act No. 17091, Mar. 24, 2020>

**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. 17219, Apr. 7, 2020>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation.

**Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 18021, Apr. 13, 2021>

This Act shall enter into force six months after the date of its promulgation.

Last updated : 2022-08-09

