

# SHIP PERSONNEL ACT

Wholly Amended by Act No. 3715, Dec. 31, 1983

Amended by Act No. 4256, Aug. 1, 1990

Act No. 4441, Dec. 14, 1991

Act No. 4925, Jan. 5, 1995

Act No. 5367, Aug. 22, 1997

Act No. 5453, Dec. 13, 1997

Act No. 5809, Feb. 5, 1999

Act No. 5923, Feb. 8, 1999

Act No. 6397, Jan. 29, 2001

Act No. 7480, Mar. 31, 2005

Act No. 7789, Dec. 29, 2005

Act No. 8222, Jan. 3, 2007

Act No. 8379, Apr. 11, 2007

Act No. 8377, Apr. 11, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9626, Apr. 22, 2009

Act No. 9773, jun. 9, 2009

Act No. 9873, Dec. 29, 2009

Act No. 9874, Dec. 29, 2009

Act No. 10458, Mar. 9, 2011

Act No. 10801, jun. 15, 2011

Act No. 10798, jun. 15, 2011

Act No. 11690, Mar. 23, 2013

Act No. 12538, Mar. 24, 2014

Act No. 12844, Nov. 19, 2014

Act No. 13267, Mar. 27, 2015

Act No. 14839, Jul. 26, 2017

## Article 1 (Purpose)

The purpose of this Act is to prescribe the qualifications for persons to serve aboard ships as ship's personnel, thereby contributing to ensuring the safe navigation of ships.

## **Article 2 (Definitions)**

The definitions of the terms used in this Act are as follows: <Amended by Act No. 10458, Mar. 9, 2011; Act No. 12538, Mar. 24, 2014>

1. The term “ship” means a ship defined in subparagraph 1 of Article 2 of the Ship Safety Act and a fishing vessel defined in subparagraph 1 of Article 2 of the Fishing Vessels Act: Provided, That any of the following ships shall be excluded:

(a) A ship of less than five gross tonnage: Provided, That even if the ship are those of less than five gross tonnage, if they correspond to any of the following, this Act shall apply:

(b) A ship mainly operated by oars and punting poles;

(c) Any other ships prescribed by Presidential Decree;

1-2. The term "Korean ship" means any of the following ships:

(a) A Government ship or publicly owned ship;

(b) A ship owned by a citizen of the Republic of Korea;

(c) A ship owned by a commercial corporation established under the laws of the Republic of Korea;

(d) A ship owned by a corporation, other than the commercial corporation referred to in item (c), the main office of which is located in the Republic of Korea and the representative (in cases of co-representatives, each of the co-representatives) of which is a citizen of the Republic of Korea;

2. The term “foreign ship” means any ship, other than Korean ships;

3. The term “ship’s personnel” means officers (including foreign officers recognized as qualified for serving aboard ships under Article 10-2) who perform the duties of a master, deck officer, chief engineer officer, engineer officer, electro-technical officer, chief radio operator, radio operator, chief operating officer or operating officer aboard ship;

4. The term “officer” means a person who has obtained a license in accordance with Article 4;

5. The term “automated ship” means a ship equipped with automatic operating equipment prescribed by Presidential Decree;

6. The term “seagoing service” means the career of serving aboard ship.

## **Article 3 (Scope of Application)**

(1) This Act shall apply to Korean ships, and the owners of Korean ships, and ship's personnel serving aboard Korean ships: Provided, That it shall also apply to foreign ships, and the owners of foreign ships, and ship's personnel serving aboard foreign ships, if expressly prescribed otherwise.

(2) The provisions regarding shipowners in this Act shall apply to a ship manager, if any, in co-ownership of a ship and to the lessee of a ship in lease of a ship.

(3) Only the provisions of Articles 11 and 13 through 15 shall apply where a sea trial of a ship built or renovated at a shipbuilding yard in the Republic of Korea is conducted from its launch to delivery.

## **Article 3-2 (International Cooperation and Support)**

If it is deemed necessary to facilitate the international exchange and cooperation in maritime techniques, the Minister of Oceans and Fisheries may provide developing countries among the parties to the

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers or the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel with the following: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>

1. Support for establishing institutions for the education of officers (including their practical education; hereafter the same shall apply in this Article);
2. Support for the education and training of administrators and technicians in relation to the education of officers;
3. Gratuitous support for equipment and facilities for the education of officers;
4. Support for establishing and developing plans for the education of officers;
5. Other support for the education of officers, which is deemed necessary to develop the abilities of officers.

#### **Article 4 (Occupational Categories and Classes of Licenses)**

(1) Persons who intend to become ship's personnel shall obtain officer's licenses from the Minister of Oceans and Fisheries (hereinafter referred to as "license"). <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall grant licenses according to the following occupational categories and classes to persons who satisfy the requirements under Article 5. In such cases, the Minister of Oceans and Fisheries may grant limited licenses based on the types of ships, trading areas or other elements, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>

1. Deck officers:

1st class deck officers;

2nd class deck officers;

3rd class deck officers;

4th class deck officers;

5th class deck officers;

6th class deck officers;

2. Engineer officers:

1st class engineer officers;

2nd class engineer officers;

3rd class engineer officers;

4th class engineer officers;

5th class engineer officers;

6th class engineer officers;

2-2. Electro-technical officers;

3. Radio operators (classified into the radio waves communications class and the radio waves electronics class):

1st class radio operators;  
2nd class radio operators;  
3rd class radio operators;  
4th class radio operators;

4. Operating officers:

1st class operating officers;  
2nd class operating officers;  
3rd class operating officers;  
4th class operating officers;

5. Operators of Wing-In-Ground crafts:

Operators of mid-size Wing-In-Ground crafts (limited to Wing-In-Ground crafts with maximum take-off weight of at least 10 tons, but less than 500 tons);

Operators of small Wing-In-Ground crafts (limited to Wing-In-Ground crafts with maximum take-off weight of less than ten tons);

6. Operators of small ships.

(3) High and low classes for each license according to occupational classifications shall be determined in accordance with the order of classes enumerated in each subparagraph of paragraph (2).

(4) An operating officer shall be deemed a deck officer (only applicable to licenses for merchant ships only in cases of limited licenses) or engineer officer with the same class as the corresponding class for each special area prescribed by Presidential Decree, and an operator of a small ship shall be deemed an officer lower than a 6th class deck officer or a 6th class engineer officer.

**Article 5 (Requirements for Licenses)**

(1) The Minister of Oceans and Fisheries shall grant a license to a person who satisfies the following requirements: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>*

1. A person for whom three years have not elapsed since the date of an examination for officers, which is executed by the Minister of Oceans and Fisheries, which he/she passed;
2. A person who has qualifications and experience prescribed by Presidential Decree, which can be construed as the experience of seagoing service required by the license of classes or anything regarded as the experience of seagoing service such as an operator's license under the Water-Related Leisure Activities Safety Act;
3. A person whose health is verified as suitable for serving aboard ship in accordance with the Seafarers' Act;
4. A person who has undergone education and training required for licenses according to the classes;
5. In cases of licenses for radio operators, a person who has the qualification for operator under Article 70 of the Radio Waves Act.

(2) Matters necessary for examinations for officers, seagoing service, and education and training under paragraph (1) 1, 2 and 4 shall be prescribed by Presidential Decree. *<Amended by Act No. 12538, Mar. 24,*

2014>

(3) The Minister of Oceans and Fisheries shall issue an officer certificate of competency (hereinafter referred to as "COC"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, when he/she grants a license under paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

(4) An officer may apply for the re-issuance of or any change in the details recorded on his/her COC, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, when any of the following cases occurs: <Amended by Act No. 11690, Mar. 23, 2013>

1. When the officer loses his/her COC;
2. When it is difficult to carry the COC because it is worn out;
3. When the details recorded on the COC have changed.

#### **Article 5-2 (Storage and Utilization of Data)**

The Minister of Oceans and Fisheries shall maintain and manage the data on the issuance, renewal, revocation, etc. of licenses, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and take necessary measures, including notifications, etc., to make the parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers or the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel and shipowners access the relevant data. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>

#### **Article 5-3 (Sanctions for Cheating in Examination)**

(1) The Minister of Oceans and Fisheries may suspend an officer examination in which an examinee engages in cheating behaviors or cancel the examinee's passing of such examination, and suspend his/her eligibility to take an examination under this Act for up to two years from the date of such disposition depending on the circumstances. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Types, etc. of cheating behaviors referred to in paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 6 (Grounds for Disqualification)**

None of the following persons shall become an officer:

1. A person under 18 years of age;
2. A person for whom two years (one year where the person's license is revoked pursuant to Article 71 (1) of the Fisheries Act) have not elapsed from the date on which his/her license was cancelled.

#### **Article 7 (Validity, Renewal, etc. of Licenses)**

(1) The validity of a license shall be five years, and if the validity of a license expires without being renewed pursuant to paragraph (2), the license shall be suspended on the day following the date the validity thereof expires. <Amended by Act No. 12538, Mar. 24, 2014>

(2) A license holder who intends to continue the effect of his/her license or revive the effect of his/her license after it has been suspended shall have the license renewed, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>

(3) Where any of the following applies to a person who has filed an application for renewal of his/her license under paragraph (2), the Minister of Oceans and Fisheries shall renew it: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>*

1. Where he/she is deemed to have served aboard as ship's personnel for at least one year within five years before the date of the application for renewal or that he/she has the abilities equivalent thereto or higher, as prescribed by Presidential Decree;

1-2. Where he/she has seagoing service as ship's personnel for at least three months within six months immediately before the date of the application for renewal of his/her license, holding a valid license: Provided, That the seagoing service aboard a fishing vessel defined in subparagraph 1 of Article 2 of the Fishing Vessels Act shall be excluded;

2. Where he/she has undergone education prescribed by Ordinance of the Ministry of Oceans and Fisheries.

#### **Article 8 (Invalidation of Licenses)**

Any of the following licenses shall become invalid:

1. Where a higher class license for an occupational classification is granted, a lower class license in such same occupational classification: Provided, That where a limited higher class license referred to in the latter part of Article 4 (2) is granted, a lower class license which is not limited by the higher class license shall remain valid;

2. A radio operator's license when he/she has lost qualifications as operator under Article 70 of the Radio Waves Act.

#### **Article 9 (Cancellation, etc. of Licenses)**

(1) Where an officer falls under any of the following cases, the Minister of Oceans and Fisheries may cancel his/her license, issue an order suspending the performance of his/her duties for a period of up to one year, or reprimand him/her: Provided, That this shall not apply where the Korean Maritime Safety Tribunal has initiated an adjudication of a marine accident relating to the grounds for such disposition: *<Amended by Act No. 10801, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>*

1. When he/she serves aboard ship, in violation of Article 14;

2. When he/she fails to submit his/her COC or endorsement for qualification for serving aboard ship or to keep it within ship while serving aboard the ship as ship's personnel, in violation of Article 15;

3. When he/she leases his/her COC or endorsement for qualification for serving aboard ship to others, in violation of Article 22, or unlawfully uses it;

4. Where he/she commits any misconduct in performing his/her duties as ship's personnel, pose danger to human life or property, or conducts a behavior to impede the conservation of a marine environment;

5. Where he/she fails to submit his/her COC within the period referred to in paragraph (4) after being subject to the suspension of service;

6. When he/she serves aboard ship during the suspension period of service;
  7. When requested by the Commissioner of the Korea Coast Guard as he/she falls under subparagraph 1 or 2 of Article 42 of the Maritime Safety Act.
- (2) Where an officer has obtained his/her license by fraudulent or other illegal means, the Minister of Oceans and Fisheries shall revoke such license. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) Where the Minister of Oceans and Fisheries intends to revoke a license, impose a disposition suspending service or reprimand an officer in accordance with paragraph (1) or (2), he/she shall notify the relevant officer of the details of such measures, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, if the officer serves aboard ship as ship's personnel, the Minister of Oceans and Fisheries shall notify the relevant shipowner of the same. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) An officer who is notified of the revocation of his/her license or disposition suspending his/her service under paragraph (3) shall submit his/her COC to the Minister of Oceans and Fisheries within 30 days from the date of receipt of the notification. In such cases, the Minister of Oceans and Fisheries shall return the COC to the relevant officer, where the suspension period of service ends. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (5) The suspension period of service under paragraph (1) shall be counted from the date on which a COC is submitted to the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (6) Detailed criteria for administrative dispositions under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, in consideration of types, severity, etc. of the relevant offences. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 10 (Hearings)**

The Minister of Oceans and Fisheries shall hold a hearing before revoking a license pursuant to Article 9 (1) or (2). *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 10-2 (Special Cases concerning Persons Having Foreign Qualifications for Officers)**

(1) Persons qualified for officers in a country which has concluded an undertaking to recognize officer qualifications issued by other parties under the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers or the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (hereinafter referred to as "contracting parties"), who have obtained recognition from the Minister of Oceans and Fisheries, may become the personnel of Korean ships engaged in international navigation, notwithstanding Article 4 (1). *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>*

(2) When the Minister of Oceans and Fisheries deems that a person who intends to obtain recognition under paragraph (1) has qualifications in conformity with the standards for serving aboard ship under Article 11, he/she may determine ships and scopes of duties on such ships, where the person can serve as one of ship's personnel, within the ships and scopes of duties to be served on such ships, which are so stated on his/her COC issued by the relevant contracting parties to recognize such details (hereinafter referred to as "recognition of qualification for serving aboard ship"), and issue an endorsement of

qualification for serving aboard ship. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for filing applications for the recognition of qualification for serving aboard ship, and for issuing endorsements of qualification for serving aboard ship shall be prescribed by Presidential Decree.

(4) The validity of the recognition of qualification for serving aboard ship shall be five years: Provided, That when officer qualifications are lost in the relevant contracting parties, such recognition shall be invalid from that time.

(5) Articles 5 (4), 5-2, 6, 9 and 10 shall respectively apply mutatis mutandis to the recognition of qualification for serving aboard ship and endorsements of qualification for serving aboard ship. In such cases, an "officer" shall be construed as a "person who has obtained the recognition of qualification for serving aboard ship", a "license" as "recognition of qualification for serving aboard ship", and a "COC" as an "endorsement of qualification for serving aboard ship".

#### **Article 11 (Standards for Serving Aboard Ship and Duties of Ship's Personnel)**

(1) A shipowner shall hire an officer (including a person who has obtained the recognition of qualification for serving aboard ship under Article 10-2; hereafter in this Chapter the same shall apply ), who meets the standards for serving aboard ship as one of ship's personnel (hereinafter referred to as "standards for serving aboard ship") prescribed by Presidential Decree, in consideration of the ship's trading area, size, and use, the propulsion power, and other elements concerning the safety of the ship's navigation.

(2) The duties of ship's personnel are as follows: <Amended by Act No. 12538, Mar. 24, 2014>

1. The master shall be responsible for operating and managing ships: Provided, That when the master is unable to perform his/her duties due to exceptional reasons, including death, disease and injury, the second operating officer with special capacity in navigation shall act on behalf of the master where the ship is an automated ship, and the chief mate shall act on behalf of the master where the ship is any other ship;

2. The deck officer shall be on navigational watch in the deck department;

3. The chief engineer officer shall be responsible for the mechanical propelling of ship, the operation of machines and electric equipment and their repair and management: Provided, That when the chief engineer officer is unable to perform his/her duties due to exceptional reasons, including death, disease and injury, the second operating officer with special capacity in engines shall act on behalf of the chief engineer officer in an automated ship, and the second engineer officer shall act on behalf of the chief engineer officer in any other ship;

4. The engineer officer shall be on watch on engines in the engine department;

4-2. The electro-technical officer shall perform such duties, as the maintenance, inspection, management, repair, etc. of the electric and electronic systems and automatic control facilities and systems of the ship, including navigational equipment and deck facilities;

5. The chief radio operator and radio operators shall be responsible for the ship's communications;



6. The chief operating officer and operating officers shall be on ships operating watch (referring to integrated watch on navigation, engines, electronic equipment, etc.) where the ship is an automated ship.

#### **Article 12 (Special Cases concerning Standards for Serving Aboard Ship in Cases of Vacancy)**

(1) Article 11 shall not apply to any of the following cases. In such cases, the shipowner shall, without delay, fill the vacancy:

1. Where a ship navigating between ports of foreign countries has a vacancy for one of the ship's personnel, but it is impracticable to fill the vacancy;
2. Where a ship navigating between ports of its home country and foreign ports has a vacancy for one of the ship's personnel outside the home country, and the ship sails to a port of the home country;
3. Where a vacancy has occurred in a position of one of the ship's personnel in the middle of the ship's voyage, but it is impracticable to fill the vacancy in cases other than those mentioned in subparagraphs 1 and 2.

(2) In cases falling under any subparagraph of paragraph (1), every shipowner shall, without delay, notify the Minister of Oceans and Fisheries of such fact and the plan to fill the vacancy. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Upon receipt of notification under paragraph (2), the Minister of Oceans and Fisheries may order the relevant shipowner to fill such vacancy without delay if deemed necessary. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 13 (Special Cases concerning Standards for Serving Aboard Ship by Permission)**

(1) Where any of the following applies to a ship and the shipowner has obtained permission from the Minister of Oceans and Fisheries, he/she may hire an officer so permitted to serve aboard ship as one of the ship's personnel for such duties, notwithstanding Article 11: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where the ship navigates in tow by another ship;
2. Where the ship is not used for navigation due to docking, repair, mooring and any other reasons;
3. Other cases prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) In cases prescribed by Presidential Decree where it is deemed inevitable for the demand for and supply of officers, the Minister of Oceans and Fisheries may lower the classes among the standards for serving aboard ship under Article 11, and may grant permission for such serving aboard ship, within up to six months. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 14 (Scopes of Officer's Duties of Serving Aboard Ship)**

An officer serving aboard ship as one of a ship's personnel shall work aboard ship according to the standards for serving aboard ship pursuant to Article 11 except in cases where he/she is permitted to do so in accordance with Article 13.

#### **Article 15 (Keeping of COCs, etc.)**

Where an officer serves aboard ship and performs duties as one of a ship's personnel, he/she shall submit his/her COC or endorsement of qualification for serving aboard ship to the master, and the master shall

keep it in the ship.

#### **Article 16 (Refresher Training of Officers)**

The Minister of Oceans and Fisheries may require officers to undergo refresher training, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, if deemed necessary for improving the capabilities and technical expertise of officers, and implementing the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers or the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>*

#### **Article 17 (Supervision of Foreign Ships)**

(1) The Minister of Oceans and Fisheries may authorize subordinate public officials to inspect or examine ship's personnel serving aboard foreign ships within the territorial waters of the Republic of Korea with respect to the following: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12538, Mar. 24, 2014>*

1. Whether the ship's personnel carry appropriate COCs or certificates of proficiency (COPs) under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers or the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel;
2. Whether the ship's personnel have knowledge and capabilities equivalent to the levels prescribed in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers or the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel.

(2) Where one of ship's personnel is found to fail to satisfy the requirements prescribed in each subparagraph of paragraph (1) as a result of an inspection or examination conducted under paragraph (1), the Minister of Oceans and Fisheries shall give written notice to the master of the relevant foreign ship to hire another person who satisfies such requirements. In such cases, the Minister of Oceans and Fisheries shall give written notice to the consul of the relevant country in Korea (referring to the consul of the country to which the ship in question belongs, and where no such consul exists, referring to a diplomat or a maritime authority in the nearest place) to take measures necessary for such master to hire an appropriate person serving aboard ship. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Where the Minister of Oceans and Fisheries deems that continuing navigation is likely to pose a danger to human life or property or impediment to the conservation of a marine environment, if the master of a foreign ship who has received written notice under the forepart of paragraph (2) fails to hire a person serving aboard ship who satisfies the requirements prescribed in each subparagraph of paragraph (1), he/she may order such foreign ship to suspend navigation or may suspend its navigation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) If the Minister of Oceans and Fisheries deems that a danger or an impediment under paragraph (3) has ceased, he/she allow the relevant foreign ship to navigate immediately. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The methods of inspections or examinations referred to in paragraph (1) and the qualifications of public officials who perform such inspections or examinations shall be governed by Articles 68 and 76 of the Ship Safety Act.

**Article 18 Deleted.** <by Act No. 5923, Feb. 8, 1999>

**Article 19 (Presentation of Certificates of Identification)**

A public official who performs an inspection or examination in accordance with Article 17 shall present a certificate of identification indicating his/her authority to related persons.

**Article 20 Deleted.** <by Act No. 7480, Mar. 31, 2005>

**Article 21 (Practical Training Aboard Ship of Trainees for Officers)**

Where there exist trainees for officers who undergo practical training in addition to a ship's personnel who work aboard under Article 11, a shipowner shall allow them to go aboard his/her ship and undergo practical training.

**Article 22 (Prohibition of Unjust Use of COC, etc.)**

No officer or person who has obtained the recognition of qualification for serving aboard ship under Article 10-2 may lend his/her COC or endorsement of qualification for serving aboard ship to another person or use it unjustly.

**Article 23 (Delegation, Entrustment, etc. of Authority)**

(1) The Minister of Oceans and Fisheries may delegate part of his/her authority under this Act to the head of an agency under his/her jurisdiction, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may entrust part of duties related to procedures for administering examinations for officers under Article 5, or receiving applications for renewal of licenses under Article 7 to any of the following entities, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013>

1. The Korea Institute of Maritime and Fisheries Technology established under the Korea Institute of Maritime and Fisheries Technology Act;
2. A corporation established by obtaining permission from the Minister of Oceans and Fisheries, members of which are officers.

(3) A corporation entrusted with duties under paragraph (2) may collect fees in performing the duties so entrusted, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 24 (Management of Foreign Countries)**

(1) Affairs related to ship's personnel in a foreign country shall be conducted by a consul of the Republic of Korea.

(2) When the consul has conducted the affairs under paragraph (1), he/she shall notify the Minister of Oceans and Fisheries of the details thereof via the Minister of Foreign Affairs and Trade, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

## **Article 25 (Provisions to be Applied Mutatis Mutandis)**

(1) This Act shall apply mutatis mutandis to the personnel of a foreign ship chartered by a person who is entitled to possess a Korean ship.

(2) Articles 9, 14, 15, and 22 and penalty provisions or administrative fines under the relevant Articles shall apply mutatis mutandis to an officer who has obtained a license under Article 4 and serves aboard a foreign ship.

## **Article 25-2 (Computerization, etc. of Affairs about Civil Requests)**

With respect to the computerization, etc. of affairs about civil requests under this Act, Article 89 of the Harbor Act shall apply mutatis mutandis.

## **Article 26 (Fees)**

Persons who intend to apply for the issuance, renewal, other verification, etc. of a COC or of an endorsement of qualification for serving aboard ship under this Act or to take an examination for officers shall pay fees, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 26-2 (Re-Examination of Regulation)**

The Minister of Oceans and Fisheries shall examine and assess the appropriateness of subparagraph 1 (a) (ii) of Article 2, which prescribes to apply this Act even to the ships of less than five gross tonnage, every five years from the base date of December 31, 2008, prepare a report thereon and submit it to the competent Standing Committee of the National Assembly. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 27 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment for up to one year, or by a fine not exceeding ten million won: *<Amended by Act No. 13267, Mar. 27, 2015>*

1. A person who obtains his/her license under Article 4 or the recognition of qualification for serving aboard ship under Article 10-2 by fraudulent or other illegal means;
2. A person who serves aboard ship without obtaining a license under Article 4 or the recognition of qualification for serving aboard ship under Article 10-2, and a person who allows any such aforementioned person to serve aboard ship: Provided, That a person for whom the validity of his/her license or the recognition of qualification for serving aboard ship has expired during the service aboard ship shall be excluded;
3. A person who certifies one's seagoing service fraudulently;
4. A person who allows a person who is suspended from performing his/her duties pursuant to Article 9 (including cases applied mutatis mutandis under Article 10-2 (5)) or the Act on the Investigation of and Inquiry into Marine Accidents to serve aboard ship as one of ship's personnel;
5. A person who allows an officer (including a person who has obtained the recognition of qualification for serving aboard ship under Article 10-2) to serve aboard ship, in violation of Article 11 (1);
6. A person who violates an order under Article 12 (3) or 17 (3).

### **Article 28 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding three million won:

1. A person who serves aboard ship as one of ship's personnel, in violation of the disposition suspending his/her duties under Article 9 (including cases applied mutatis mutandis under Article 10-2 (5)) or the Act on the Investigation of and Inquiry into Marine Accidents;
2. A person who violates Article 14;

### **Article 29 (Penalty Provisions)**

A person falling under any of the following subparagraph shall be punished by a fine not exceeding one million won:

1. A person who refuses to take a trainee for an officer on his/her ship and to allow the trainee to undergo practical training, in violation of Article 21;
2. A person who lends a COC or an endorsement of qualification for serving aboard ship to another person, in violation of Article 22.

### **Article 30 (Joint Penalty Provisions)**

If a representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence under subparagraph 4 or 5 of Article 27, or subparagraph 1 of Article 29, in connection with the business of the corporation or the individual, not only shall such offender be punished, but also the corporation or the individual shall be punished by a fine under the relevant Article: Provided, That the same 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 offence.

### **Article 31 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding three million won:

1. Where the validity of the license of one of ship's personnel or of the recognition of qualification for serving aboard ship has expired during the service aboard ship, a person who allows any such aforementioned person of the ship's personnel to keep serving aboard ship;
2. A person who refuses, interferes with or evades an inspection or examination under Article 17 (1).

(2) Any of the following persons shall be punished by an administrative fine not exceeding one million won:

1. A person who fails to notify in accordance with Article 12 (2);
2. A person who fails to keep a COC or an endorsement of qualification for serving aboard ship in a ship, in violation of Article 15.

(3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

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

This Act shall enter into force on April 1, 1984.

### **Article 2 (Transitional Measures according to Changes in License Classes by Occupation)**

(1) A person who has obtained a license under the previous provisions before this Act enters into force (hereinafter referred to as "old license") shall be deemed for him/her to have obtained a license under Article 4 (hereinafter referred to as "new license") as listed in the following table.

(2) A person who has had an old license shall be issued a new license as prescribed by Presidential Decree within three years from the date on which this Act enters into force.

### **Article 3 (Transitional Measures concerning Successful Candidates in Examination for Officers)**

Where a person, who has passed an examination for officers under the previous provisions before this Act enters into force, applies for a new license, he/she may be entitled to obtain a new license corresponding to the old license.

### **Article 4 (Transitional Measures concerning Disposition of Revocation of Licenses, etc.)**

A disposition revoking a license, suspending the performance of duties, reprimand, etc. taken under the previous provisions before this Act enters into force, shall be deemed taken under this Act.

### **Article 5 (Initial Date in Reckoning Validity of Old License)**

The validity of an old license under Article 7 shall be counted from the date on which this Act enters into force.

### **Article 6 Omitted.**

ADDENDA <Act No. 4256, Aug. 1, 1990>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of item (b) of subparagraph 1 of Article 2 shall enter into force three months after the date of its promulgation, and the amended provisions of Article 4 (2) 4 shall enter into force on January 1, 1994.

(2) (Applicability to Persons who Passed Examination for Officers) The amended provisions of Article 5 (1) 1 shall also apply to persons who have passed an examination for officers before this Act enters into force.

(3) (Transitional Measures concerning Radio Operator's Licenses) The radio operator's licenses granted before this Act enters into force shall be construed as telecommunication-rating radio operator's licenses under the amended provisions of Article 4 (2) 3.

ADDENDA <Act No. 4441, Dec. 14, 1991>

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

This Act shall enter into force on July 1, 1992. (Proviso Omitted.)

### **Articles 2 and 3 Omitted.**

ADDENDA <Act No. 4925, Jan. 5, 1995>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 5367, Aug. 22, 1997>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures concerning Officer's Licenses)**

(1) A person granted a third class radio operator's license (limited) as at the time this Act enters into force shall be deemed granted a fourth class radio operator's license under this Act; a person who has passed a test for third class radio operator (limited) shall be deemed to have passed a test for fourth class radio operators.

(2) Telegraph class radio operator's licenses from among radio operator's licenses as at the time this Act enters into force shall be deemed licenses of radio operators of radio waves communications class; electron class radio operator's licenses shall be deemed licenses of radio operators of radio waves electronics class.

(3) A person granted a fifth class operating officer's license as at the time this Act enters into force shall be deemed granted a fifth class deck officer's license or a fifth class engineer officer's license.

**Article 3 (Transitional Measures concerning Penalty Provisions)**

The application of penalty provisions to any violation committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 5453, Dec. 13, 1997>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

**Article 2 Omitted.**

ADDENDA <Act No. 5809, Feb. 5, 1999>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 5923, Feb. 8, 1999>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Penalty Provisions) The application of the penalty provisions to any act committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 6397, Jan. 29, 2001>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 8 shall enter into force one year after the date of its promulgation.

(2) (Transitional Measures concerning Persons who Passed Examination for Officers) The previous provisions shall govern where the persons who have already passed an examination for officers as at the time this Act enters into force, intend to obtain licenses.

ADDENDA <Act No. 7480, Mar. 31, 2005>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures concerning Ship Personnel of Fishing Boats and Excursion Ships, Ferries, etc.) Ship personnel serving on a fishing boat reported for running the fishing boat business which weighs five tons or less, or serving on an excursion ship and ferry whose business area is ocean, as at the time this Act enters into force or until three years after this Act enters into force, may serve on the relevant ship without obtaining the licenses of officers under this Act until three years from the date on which this Act enters into force.

ADDENDA <Act No. 7789, Dec. 29, 2005>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Penalty Provisions) The application of the penalty provisions to any acts committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 8222, Jan. 3, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures concerning Grounds for Disqualification as Officers) The amended provisions of subparagraph 5 of Article 6 shall also apply to officers for whom two years have not passed from the date on which their licenses are revoked pursuant to Article 62 (1) of the Fisheries Act as at the time this Act enters into force. <Amended by Act No. 8377, Apr. 11, 2007>

ADDENDA <Act No. 8377, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 8379, Apr. 11, 2007>



**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9626, Apr. 22, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 9773, 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 10 Omitted.**

ADDENDA <Act No. 9873, Dec. 29, 2009>

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

ADDENDA <Act No. 9874, Dec. 29, 2009>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 1 (a) () of Article 2 and Article 4 (2) 4-2 shall enter into force one year after the date of its promulgation.

(2) (Transitional Measures concerning Penalty Provisions) The application of the penalty provisions to any acts committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 10458, Mar. 9, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force from the date on which one year and six months have elapsed after the promulgation of this Act. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDUM <Act No. 10798, Jun. 15, 2011>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 5-3 shall enter into force from the date on which three months have elapsed after the promulgation of this Act.

ADDENDA <Act No. 10801, Jun. 15, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 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. 12538, Mar. 24, 2014>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Ships on Sea Trial)**

The amended provisions of Article 3 (3) shall apply, starting with ships launched for making sea trial after this Act enters into force.

**Article 3 (Applicability to Requirements for Renewal of Officer's Licenses)**

The amended provisions of Article 7 (3) 1-2 shall apply, starting with persons who intend to renew their officer's licenses after this Act enters into force.

**Article 4 Omitted.**

ADDENDA <Act No. 12844, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amendments to the Acts that were already promulgated before this Act enters into force but have yet to enter into force, among the Acts amended pursuant to Article 6 of the Addenda, shall enter into force on the date the respective Act enters into force.

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 13267, Mar. 27, 2015>

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

ADDENDA <Act No. 14839, Jul. 26, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amendments to the Acts that were already promulgated before this Act enters into force but have yet to enter into force, among the Acts amended pursuant to Article 5 of the Addenda, shall enter into force on the date the respective Act enters into force.

**Articles 2 through 6 Omitted.**

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