

SHIP ACT

Wholly Amended by Act No. 3641, Dec. 31, 1982

Article 1 (Purpose)

The purpose of this Act is to ensure proper operation of systems for maritime affairs and maintenance of maritime order, and thereby to protect the national interests and contribute to enhancement of the national economy by stipulating matters concerning nationality of ships, matters necessary for enforcement of the 1969 International Convention on Tonnage Measurement of Ships and other matters necessary for the measurement of tonnage of ships.

Article 2 (Korean Ships)

The ships falling under each of the following subparagraphs shall be the ships of the Republic of Korea (hereinafter referred to as "Korean ships"):

1. State-owned or public-owned ships;
2. State-owned by citizen of the Republic of Korea;
3. State-owned by commercial companies incorporated under the Acts of the Republic of Korea, with the majority of investments thereto and more than three-fifths of the voting rights at the board of directors belonging to citizens of the Republic of Korea, in this case the representative director of the company shall be citizens of the Republic of Korea; and
4. Ships owned by a juridical person other than those under subparagraph 3 above, whose head office is located in the Republic of Korea and whose representative (in cases of joint representatives, all of them) are citizens of the Republic of Korea.

Article 3 (Tonnage of Ships)

1. The types of tonnage of ships as used in this Act shall be as follows:
 - A. International Gross Tonnage shall refer to an index used in order to indicate capacity of ships serving generally to international voyages in accordance with the 1969 International Convention on of Tonnage Measurement of Ships (hereinafter referred to the "Convention") and Schedules thereto;
 - B. Gross Tonnage shall refer to an index used in order to indicate capacity of ships in applying laws and decrees concerning maritime affairs of the Republic of Korea;
 - C. Net Tonnage shall refer to an index used in order to indicate capacity of place within ships provided for transportation of passengers or cargoes in accordance with the Convention and Schedules thereto; and
 - D. Dead Weight Tonnage shall refer to an index used in order to indicate maximum capacity of loading passengers and cargoes to the extent of ensuring security of sailing.
2. Standards for the measurement of tonnages of ships under paragraph 1 shall be provided for in the Ordinance of the Ministry of Maritime Affairs and Fisheries.

Article 4 (Relation with Other Acts)

This Act shall apply to standards for measurement of tonnage of ships, except as otherwise prescribed in other Acts.

Article 5 (Hoisting of National Flag)

Non-Korean ships shall not hoist the national flag of the Republic of Korea.

Article 6 (Prohibition on Call at Non-Open Ports and Transportations between Domestic Ports)

Non-Korean ships shall not be able to enter non-open ports of the Republic of Korea or to transport passengers and cargo between domestic ports: *Provided*, That this provision shall not apply in case when it is otherwise prescribed in Acts or Treaties, in case of shipwreck or escape from capture, or in case when the permission of the Minister of Maritime Affairs and Fisheries is obtained.

Article 7 (Application for Measurement of Gross Tonnage)

1. The owner of a Korean ship shall decide a port of registry in the Republic of Korea and shall apply to the Regional Maritime of registry in the Republic of Korean (including branch office of the Regional Maritime Affairs and Fisheries Office, hereinafter referred to as the "Maritime Transportation Office") having jurisdiction over the port of registry for measuring the gross tonnage of his ship.
2. The Maritime Transportation Office having jurisdiction over the port of registry may request other Maritime Transportation Office to measure the gross tonnage of the ship concerned.
3. When a ship acquired in a foreign country is put in services between ports of foreign countries, the owner of the ship

may apply to a consul of the Republic of Korea for measurement of the gross tonnage of the ship.

Article 8 (Registration and Record)

1. After the owner of a Korean ship has registered his ship, he shall also apply for record of the ship concerned to the Maritime Transportation Office having jurisdiction over the port of registry.
2. When the Maritime Transportation Office receives the application under paragraph 1, it shall make a record thereof in the ship's register and issue the certificate of ship's nationality.
3. Matters necessary for issuance of the certificate of ship's nationality shall be provided for in the Ordinance of the Ministry of Maritime Affairs and Fisheries.
4. Registration of ships shall be separately provided for in Act.

Article 9 (Application for Issuance of Provisional Certificate of Ship's Nationality)

1. In case a person who has acquired a ship at home does not decide a port of registry within the jurisdiction of the Maritime Transportation Office having jurisdiction over the place of acquisition, he may apply for issuance of a provisional certificate of ship's nationality to the Maritime Transportation Office having jurisdiction over the place of acquisition.
2. A person who has acquired a ship in a foreign country may apply at the place of acquisition for issuance of a provisional certificate of ship's nationality to the consul of the Republic of Korea.
3. In the case where it is impossible to apply at the place of acquisition for issuance of a provisional certification of ship's nationality in accordance with paragraph 2, he may apply for issuance at the next first place of arrival.
4. Matters necessary for issuance of a provisional certificate of ship's nationality shall be provided for in the Ordinance of the Ministry of Maritime Affairs and Fisheries.

Article 10 (Hoisting of National Flag and Sailing)

Unless otherwise provided for in the Acts and subordinate statutes, a Korean ship shall not hoist the national flag of the Republic of Korea nor sail, until the ship has received the certificate of the ship's nationality or the provisional certificate of ship's nationality and kept it on board the ship.

Article 11 (Hoisting of National Flag and Marking)

A Korean ship shall, in accordance with the provisions of the Ordinance of the Ministry of Maritime Affairs and Fisheries, hoist the national flag of the Republic of Korea and mark its name, port of registry, gross tonnage, draft height and other necessary matters as provided for in the Ordinance of the Ministry of Maritime Affairs and Fisheries.



Article 12 (Review of Certificate of Ship's Nationality)

1. The owner of a Korean ship shall submit the certificate of ship's nationality to the Maritime Transportation Office having jurisdiction over the port of registry (or the Maritime Transportation Office at the nearest distance if there are inevitable reasons for sailing) for review.
2. The date of review pursuant to paragraph 1 shall be the date of regular inspection pursuant to Article 5 . 1 . A of the Ship Safety Act (or the date 4 years after the date when the certificate of ship's nationality was first issued or was previously reviewed, in case of a ship to which the Ship Safety Act is not applicable).
3. In case the certificate of ship's nationality can not be submitted for review by the date under paragraph 2 due to sailing abroad or other inevitable reasons, the owner of the ship concerned shall apply for the approval of postponement thereof to the Maritime Transportation Office having jurisdiction over the port of registry by the date. The same shall apply when the certificate of ship's nationality can not be submitted for review by the postponed date.
4. In cases the owner of a Korean ship fails to submit the certificate of ship's nationality for review by the date under paragraph 2 or the postponed date under paragraph 3 the Maritime Transportation Office having jurisdiction over the port of registry may request the owner of the ship to submit the certificate of ship's nationality for review with a period of not longer than 1 month designated, and if the owner of the ship fails to take the procedures within the period without due causes, the certificate of ship's nationality concerned shall lose its validity. In this case the Maritime Transportation Office having jurisdiction over the port of registry shall *ex officio* make a record of cancellation thereof.

Article 13 (Certificate of International Tonnage, etc.)

1. The owner (ship's manager in case of co-ownership of the ship, or ship's husband in case of lease of the ship; hereinafter the same in this Article) of a Korean ship not less than 24 meters in length shall not serve the ship concerned on international voyage without being issued to him the certificate of international tonnage (which shall refer to a certificate in which international gross tonnage and net tonnage are entered; hereinafter the same) by the Minister of Maritime Affairs and Fisheries and keeping it on board the ship.
2. In the case where the Minister of Maritime Affairs and Fisheries receives the application for issuance of the

certificate of international tonnage, he shall issue the certificate of international tonnage to the applicant after he measures the international gross tonnage and net tonnage of the ship concerned.

3. Articles 17, 19 and 20 shall apply *mutatis mutandis* to the certificate of international tonnage.
4. In case a Korean ship falls under the following subparagraphs, the owner of the ship shall return the certificate of international tonnage to the Minister of Maritime Affairs and Fisheries within 2 weeks from the date when the fact has become known to him: *Provided*, That he is enable to return the certificate of international tonnage due to destruction or loss thereof or other reasons, he shall report the reason to the Minister of Maritime Affairs and Fisheries:
 - A. In case the ship fails under Article 22 . 1 . A and . B or . D;
 - B. In case the ship no longer serves international voyages; and
 - C. In case the ship becomes less than 24 meters in length.
5. Confirmation of international tonnage (which shall refer to a document in which international gross tonnage and net tonnage are entered, hereinafter the same) may be issued to the owner of a Korean ship less than 24 meters in length who desires to put the ship concerned to services for international routes by the Minister of Maritime Affairs and Fisheries.
6. Paragraphs 2 through 4 shall apply *mutatis mutandis* to the confirmation of international tonnage. In this case, "the certificate of international tonnage" shall be deemed "the confirmation of international tonnage", and "less than 24 meters in length", "not less than 24 meters in length".
7. Matters necessary for issuance of the certificate of international tonnage and the confirmation of international tonnage shall be provided for in the Ordinance of the Ministry of Maritime Affairs and Fisheries.

Article 14 (Certificate of Dead Weight Tonnage)

1. A certificate of dead weight tonnage (which shall refer to a certificate in which dead weight tonnage is entered, hereinafter the same) may be issued to the owner of a Korean Ship by the Minister of Maritime Affairs and Fisheries.
2. Article 13 . 2, . 3 and . 4 . A shall apply *mutatis mutandis* to the certificate of dead weight tonnage. In this case, "the certificate of international tonnage" shall be deemed "the certificate of dead weight tonnage."
3. Matters necessary for the issuance of the certificate of dead weight tonnage shall be provided for in the Ordinance of the Ministry of Maritime Affairs and Fisheries.

Article 15 (Measures at Time of Change in Ownership of Ship)

1. In the case the owner of a ship recorded in accordance with Article 8 . 2 is changed, new owner shall make a record of change within 2 weeks after the date when the event occurred with the Maritime Transport Office having jurisdiction over the port of registry.
2. Article 8 . 2 shall apply *mutatis mutandis* to the record of change under paragraph 1.
3. The ship which fails to make the record of change in accordance with paragraph 1 shall not be put to sailing service: *Provided*, That the same shall not apply until 2 weeks after the owner of the ship was changed.

Article 16 (Changes in Name of Ship)

When it is intended to change the name of a Korean ship, the approval of the Minister of Maritime Affairs and Fisheries shall be obtained.

Article 17 (Application for Re-measurement of Gross Tonnage of Ship)

1. When the gross tonnage of a ship has changed due to repairing or remodelling, the owner of the ship shall without delay apply to the Maritime Transport Office having jurisdiction over the port of registry of the ship, for re-measuring the gross tonnage of the ship concerned.
2. The provisions of Article 7 . 2 and . 3 shall apply *mutatis mutandis* to the application of re-measuring under paragraph 1.

Article 18 (Changes in Matters for Record)

When changes have occurred in the matters already recorded, the owner of a ship shall apply for change of record within two weeks after they have become known to him.

Article 19 (Rewriting of Certificate of Ship's Nationality)

In the case where the matters already described in the certificate of ship's nationality have changed, the owner of the ship shall apply for rewriting of the certificate within two weeks after the facts have become known to him.

Article 20 (Re-issuance of Certificate of Ship's Nationality)

In case the certificate of a ship's nationality is lost, defaced or destroyed, the owner of the ship shall apply for re-issuance thereof within two weeks after the fact has become known to him.

Article 21 (Application for Provisional Certificate of Ship's Nationality in Foreign Countries)

1. In the case of a Korean ship anchors at a port of a foreign country and the certificate of its ship's nationality is lost, defaced or destroyed, or changes have taken place in the certificate, the captain of the ship may apply at the anchorage place for a provisional certificate of his ship's nationality to the consul of the Republic of Korea.
2. In the case of a Korean ship sailing to a foreign country and the causes under paragraph 1 occur, the captain may apply at the first place of arrival for a provisional certificate of his ship's nationality to the consul of the Republic of Korea.
3. In case it is impossible to apply for a provisional certificate of ship's nationality in accordance with the provisions of paragraphs 1 and 2, the captain may apply for issuance of a provisional certificate at the next first place of arrival to the consul of the Republic of Korea.

Article 22 (Cancellation of Record and Return of Certificate of Ship's Nationality)

1. In the case a Korean ship falls under one of the following subparagraphs, the owner of the ship shall apply for cancellation of record thereof within two weeks after the fact thereof has become known to him, and shall without delay return the certificate of the ship's nationality to the Maritime Transportation Office having jurisdiction over the port of registry;
 - A. In the case the ship is destroyed or lost, sunk or dismantled;
 - B. In the case the ship loses the nationality of the Republic of Korea;
 - C. In the case the ship becomes the ship under Article 26; and
 - D. In the case existence of the ship has been unclear for 3 months.
2. If, in case of paragraph 1, the owner of the ship fails to apply for cancellation of record, the Maritime Transport Office having jurisdiction over the port of registry shall request the owner of the ship to apply for the cancellation of the record of the ship with a period of not more than one month designated, and if the owner fails to apply for cancellation of record within the period, the Maritime Transport Office shall *ex officio* make cancellation of the record.

Article 23 (Term of Validity of Provisional Certificate of Ship's Nationality)

1. The term of validity of a provisional certificate of a ship's nationality shall not exceed one year.
2. If, even when the term under paragraph 1 has elapsed, there exists an unavoidable reason, the captain of the ship may apply for the re-issuance of another provisional certificate of ship's nationality with evidence showing the reason thereof.

Article 24 (Loss of Validity of provisional Certificate of Ship's Nationality)

When a ship arrives at its port of registry, the provisional certificate of ship's nationality shall lose its validity even before the expiration of its effective period.

Article 25 (Application *Mutatis Mutandis* to Provisional Certificate of Ship's Nationality)

The provisions of Articles 19, 20 and 22 shall apply *mutatis mutandis* to a provisional certificate of ship's nationality, In this case the certificate of ship's nationality shall be deemed the provisional certificate of ship's nationality.

Article 26 (Special Measures for Small Boats, etc.)

The provisions of Articles 7 through 25 shall not apply to ships less than 20 tons in gross tonnage, small ships, or boats operated only or generally with row, and matters necessary for nationality, measurement of gross tonnage and marking thereof shall be provided for in the Presidential Decree.

Article 27 (Official Inspection on Board)

1. A Maritime Transportation Office may, if deemed necessary for ensuring the enforcement of matters or the performance of obligations as provided for in this Act or the convention, order its officials to inspect ships on board with regard to gross tonnages, records, marks, certificates of international tonnage (including documents equivalent to the certificates of international tonnage issued by foreign countries which are parties to the convention in accordance with the convention), confirmations of international tonnage or certificates of dead weight tonnage of ships.
2. The officials who conduct the official inspection pursuant to paragraph 1 shall present persons concerned certificates showing their authorities.

Article 28 (Business of Maritime Transport Office in Foreign Countries)

The functions of the Maritime Transport Office in foreign countries shall be performed by the consuls of the Republic of Korea.

Article 29 (*Mutatis Mutandis* Application of Commercial Act)

The provisions of Chapter 5 of the Commercial Act concerning the maritime commerce shall apply *mutatis mutandis* to ships used for sailing even if they are not used for the purpose of commercial transactions: *Provided*, That the same shall not apply to state-owned or public-owned ships.

Article 30 (Fees)

A person who desires to obtain permission, approval, records, measurements of tonnage or review pursuant to this Act shall pay fees in accordance with the Ordinance of the Ministry of Maritime Affairs and Fisheries.

Article 31 (Delegation of Authority)

The Minister of Maritime Affairs and Fisheries may delegate part of his authority to the chiefs of the Regional Maritime Affairs and Fisheries Office in accordance with the Presidential Decree. ☐

Article 32 (Penal Provisions)

1. A captain of a foreign ship, which has, for the purpose of falsely assuming Korea's nationality, hoisted the national flag of the Republic of Korea, or sailed by bearing a certificate of Korean ship's nationality or a Provisional certificate of Korean ship's nationality shall be punished by imprisonment for not more than five years or by a fine not exceeding 5,000,000 won: *Provided*, That this provision shall not apply in case a ship concerned has hoisted the national flag of the Republic of Korea in order to escape capture.
2. The same shall apply in case when Korean ships have hoisted flags other than the national flag of the Republic of Korea for the purpose of falsely assuming other country's nationality.
3. If, in case of paragraphs 1 and 2, the nature of the offense is serious, the ship concerned may be confiscated.

Article 33 (Penal Provisions)

1. A captain of a ship which has violated the provisions of Articles 6, 10 or 15 . 3 shall be punished by imprisonment for not more than five years, or by a fine not exceeding 5,000,000 won.
2. The same shall apply in case the captain concerned keeps another ship's certificate of ship's nationality or provisional certificate of ship's nationality for the purpose of presenting it at the time of inspection by officials pursuant to Article 27.
3. If, in case of paragraphs 1 and 2, the nature of the offense is serious, the ship concerned may be confiscated.

Article 34 (Penal Provisions)

1. Any person who has written false records in the ship's register by deceiving the officials concerned shall be punished by imprisonment for not more than five years or by a fine not exceeding 5,000,000 won.
2. Attempted crime under paragraph 1 shall be punished.

Article 35 (Penal Provisions)

A captain who has not hoisted the national flag of the Republic of Korea in violation of Article 11 shall be punished by a fine not exceeding 1,000,000 won.

Article 36 (Penal Provisions)

An owner of a ship who falls under one of the following subparagraphs shall be punished by a fine not exceeding 1,000,000 won:

1. In case he has not marked matters under Article;
2. In case he has violated Article 13 . 1, . 3 or . 4;
3. In case he has violated Articles 16 through 20 or 22; and
4. In case he has violated the provisions of the Presidential Decree which stipulate the nationality of ship measurement of gross tonnage or mark pursuant to Article 26.

Article 37 (Penal Provisions)

Any person who has refused, obstructed or evaded an official inspection under Article 27 shall be punished by a fine not exceeding 1,000,000 won.

Article 38 (Applicable Provisions)

1. The provisions of Articles 32, 33 and 35 shall apply to those persons who perform the duties of captains on their behalf.
2. In the case of an owner of a ship is a minor, quasi-incompetent or incompetent, the provisions of Article 36 shall apply to his statutory agent: *Provided*, That the same shall not apply when a minor or quasi-incompetent has the same capacity as an adult with regard to a business.
3. The provisions of Article 36 shall also apply to a ship's husband, a representative or a liquidator of a commercial

company or other juridical person.

Article 39 (Exclusion of Application of Provisions on Complicity in Criminal Act)

Articles 30 through 32 of the Criminal Act shall not apply to the crimes as provided for in Articles 32, 33 and 35.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Repeal of Act)

The Act on Tonnage Measurement of Ship shall be hereby repealed.

Article 3 (Transitional Measures for Tonnage of Ships of Existing Ships)

1. Notwithstanding the amended provisions of Article 3 . 2, standards for measurement of tonnage of this Act (hereinafter referred to as the "existing ship") shall be those under the previous provisions: *Provided*, That with regard to an existing ship which made a repair as prescribed in the Ordinance of the Ministry of Maritime Affairs and Fisheries (hereinafter referred to as the "specific repair") after enforcement of this Act, the same shall not apply after the date (hereinafter referred to as the "first re-measurement date") when it first underwent re-measurement or measurement (including dispositions equivalent thereto) due to the specific repair.
2. Notwithstanding the amended provisions of Article 3 . 2, the standards for measurement of net tonnage shall be those under previous provisions: *Provided*, That with regard to the existing ship under the following, the same shall not apply after the date as prescribed in the following respectively:
 - A. The first re-measurement date in case of an existing ship (excluding one which became an existing ship under subparagraph 2 or 3 before the specific repair concerned was made) which made the specific repair after enforcement of this Act;
 - B. The date when measurement pursuant to Article 13 . 2 was made in case of an existing ship to which the certificate of international tonnage was issued; and
 - C. The date when measurement pursuant to Article 13 . 6 to which paragraph 2 of the same Article applies *mutatis mutandis* was made in the case of an existing ship to which the confirmation of international tonnage was issued.
3. With regard to an existing ship not less than 24 meters in length which serves to international voyages, the amended provisions of to Article 13 . 1 shall not apply during the period (hereinafter referred to as the "grace period") which commences on the effective date of the treaty and ends on the date (the first re-measurement date in case of a ship which made the specific repair prior thereto) 12 years thereafter.
4. Notwithstanding the provisions of paragraph 3, the certificate of international tonnage may be issued to the owner of a ship under the same paragraph even during the grace period.

Article 4 (Transitional Measures for Previous Disposition)

Dispositions or other activities taken before the enforcement of this Act in accordance with previous provisions other than those under Article 3 of the Addenda shall be deemed to have been taken in accordance with this Act.

Article 5 (Transitional Measures for Penal Provisions)

Application of penal provisions to the activities committed before the enforcement of this Act shall be made in accordance with previous provisions.

Article 6 Omitted.