

INLAND WATER FISHERIES ACT

Wholly Amended by Act No. 6255, Jan. 28, 2000

Amended by Act No. 7477, Mar. 31, 2005

Act No. 8338, Apr. 6, 2007

Act No. 8351, Apr. 11, 2007

Act No. 8377, Apr. 11, 2007

Act No. 8619, Aug. 3, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9626, Apr. 22, 2009

Act No. 9627, Apr. 22, 2009

Act No. 9662, May 8, 2009

Act No. 9724, May 27, 2009

Act No. 9758, jun. 9, 2009

Act No. 10293, May 17, 2010

Act No. 10458, Mar. 9, 2011

Act No. 11427, May 23, 2012

Act No. 11643, Mar. 22, 2013

Act No. 11690, Mar. 23, 2013

Act No. 13184, Feb. 3, 2015

Act No. 14241, May 29, 2016

Act No. 14480, Dec. 27, 2016

Article 1 (Purpose)

The purpose of this Act is to contribute to increasing the income of fishermen through the comprehensive utilization and management of inland waters and protecting and nurturing fishery resources by prescribing fundamental matters concerning inland fisheries.

Article 2 (Definitions)

The definitions of terms used in this Act shall be defined as follows:

1. The term "inland waters" means rivers, dams, lakes, marshes, reservoirs, and other streams or bodies of freshwater or brackish water (mixture of seawater with fresh water) created artificially;
2. The term "public waters" means inland waters owned or managed by the State, local governments or public organizations prescribed by Presidential Decree;

3. The term "private waters" means inland waters naturally or artificially created on the privately owned land;
4. The term "waters manager" means a person who possesses or occupies public waters or private waters, or has actual control thereof by other means;
5. The term "inland fisheries" means the business of capturing, gathering or breeding aquatic animals and plants within inland waters;
6. The term "fish ladder" means a waterway or structure artificially installed to facilitate the smooth migration of aquatic organisms, such as diadromous fishes, etc., inhabiting rivers.

Article 3 (Waters Subject to Application of this Act)

- (1) This Act shall apply to public waters: Provided, That in cases where any special provision exists, this Act shall also apply to private waters.
- (2) This Act shall be applicable to private waters adjoining public waters, both of which unit into one.

Article 4 (Restriction, etc. in Private Waters Adjoining Public Waters)

- (1) The occupiers of private waters adjoining public waters, both of which unit into one, or the owners of the site of such private waters may restrict or prohibit inland fisheries by other persons within such private waters after obtaining permission from the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (referring to the head of the autonomous Gus; in cases of the Han River in Seoul Special Metropolitan City, the head of an agency which takes charge of duties concerning the management of the Han River; hereinafter the same shall apply).
- (2) When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu has granted permission as prescribed in paragraph (1), he/she may allow inland fisheries in such private waters only by the person granted permission.

Article 5 (Formulation of Master Plan)

- (1) For the continuous development of inland fisheries, the Minister of Oceans and Fisheries shall formulate master plans for inland fisheries (hereinafter referred to as "master plan") every five years, concerning the following matters: <Amended by Act No. 13184, Feb. 3, 2015>
 1. Matters concerning basic direction-setting for the development policy on inland fisheries;
 2. Matters concerning nurturing and protecting inland fishery resources;
 3. Matters concerning the improvement in the productivity of inland fisheries;
 4. Matters concerning the creation of a foundation for inland recreational fishing;
 5. Matters concerning the development and dissemination of technology for the utilization and processing of aquatic products produced from inland fisheries;
 6. Matters concerning guidance on the use of medicines for aquatic organisms, management of hygiene, business management techniques, aquaculture technology, etc. to those running inland fisheries (including aquaculture in private waters);
 7. Other matters necessary for the development of inland fisheries.

(2) Local governments shall formulate specific implementation plans for the advancement of inland fisheries (hereinafter referred to as “implementation plan”) every year, pursuant to the master plan. *<Amended by Act No. 13184, Feb. 3, 2015>*

(3) Where the Minister of Oceans and Fisheries formulates the master plan, he/she shall submit the plan without delay to the relevant standing committee of the National Assembly. *<Newly Inserted by Act No. 13184, Feb. 3, 2015>*

(4) In order to effectively formulate and implement the master plan, the Minister of Oceans and Fisheries may conduct a fact-finding survey on the current state, etc. of inland fisheries. *<Newly Inserted by Act No. 13184, Feb. 3, 2015>*

(5) Other matters necessary for the formulation and implementation of the master plan and implementation plan and a fact-finding survey on the current state shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 13184, Feb. 3, 2015>*

Article 6 (Fishing Licenses)

(1) A person who intends to run any of the following fisheries in inland waters shall obtain a license from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Presidential Decree:

1. Aquaculture: Fisheries cultivating aquatic animals and plants by partitioning off specific waters and installing facilities necessary for aquaculture or by other methods;
2. Fixed shore net fisheries: Fisheries capturing aquatic animals by partitioning off specific waters and laying fishing implements at a certain place;
3. Joint fisheries: Fisheries catching and gathering aquatic animals and plants by nurturing and managing fishery resources by exclusively using specific waters in order to increase the common interests of local residents.

(2) The names, methods and scale of fisheries provided for in subparagraphs of paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 7 (Fishing Rights, etc.)

(1) Those who have obtained a fishing license under Article 6 shall obtain a fishing right by registering in the fishing rights register under Article 17 (1) of the Fisheries Act.

(2) Article 16 (2) and (3) of the Fisheries Act shall apply to the fishing rights under paragraph (1).

(3) The fishing rights obtained by an inland fisheries association under Article 15 shall be owned collectively by such inland fisheries association.

(4) When the original purpose of any of the following facilities is in danger of being undermined due to force majeure events, such as drought, flood, etc., the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may order fishing rights holders to remove fishing facilities or to take necessary measures at the request of a waters manager:

1. Infrastructure for agricultural production under subparagraph 6 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
 2. Multipurpose dams under subparagraph 2 of Article 2 of the Act on Construction of Dams and Assistance, etc. to their Environs.
- (5) If a fishing rights holder fails to take necessary measures in cases under paragraph (4), the head of a Special Self-Governing Province or the head of a Si/Gun/Gu may take such measures as proxy to the minimum extent necessary for the maintenance of the facilities under the subparagraphs of paragraph (4), or require a waters manager to take such measures, and the losses incurred to the fishing rights holder due to such execution by proxy shall not be compensated.
- (6) The Administrative Vicarious Execution Act shall apply mutatis mutandis to execution by proxy under paragraph (5).

Article 8 (Succession to Rights and Duties at Time of Disposition)

The rights and duties accruing to fishing rights holders by orders, disposition, or limitation or conditions under the Fisheries Act and the Fishery Resources Management Act applied mutatis mutandis under this Act or Article 22 shall be transferred along with the fishing rights. The same shall apply to the rights and duties accruing to fishing rights holders by the occupation and use of rivers under statutes relating to rivers.

Article 9 (Fisheries Subject to Permits)

(1) A person who intends to run any of the following fisheries in inland waters shall obtain a permit from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Presidential Decree: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Gill net fisheries: Fisheries capturing aquatic animals using gill nets;
 2. Seedling capturing and gathering fisheries: Fisheries capturing and gathering the seedlings of aquatic animals and plants to breed them or to sell them to aquaculturists, etc.;
 3. Longline fisheries: Fisheries capturing aquatic animals using reels and lines;
 4. Shellfish gathering fisheries: Fisheries capturing and gathering shellfish and other sedentary animals using dredge nets or other fishing implements for gathering shellfish prescribed by Ordinance of the Ministry of Oceans and Fisheries;
 5. Deleted; *<by Act No. 10458, Mar. 9, 2011>*
 6. Fisheries using winged gape nets: Fisheries capturing aquatic animals using winged gape nets;
 7. Fisheries using stationary rectangular nets: Fisheries capturing aquatic animals using stationary rectangular nets.
- (2) When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu grants a permit for fisheries under paragraph (1), he/she shall consider situations concerning the usage, status of resources, management and utilization of inland waters.
- (3) The scale and methods of operating fisheries provided for in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") may, where necessary for the coordination of fisheries, limit the areas of operation, scale and methods, etc. of fisheries subject to a permit with the approval of the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 10 (Order of Priority)

(1) Fishing licenses and fishing permits under Articles 6 and 9 shall be based on the order of priority listed in the following subparagraphs:

1. Inland fisheries associations, juristic persons and other organizations organized for the common interest of local fishermen in the waters for which a fishing license or fishing permit is sought;
2. Persons who ran or were engaged in the same fisheries as those for which an application for a fishing license or fishing permit has been filed;
3. Persons who have experiences and accomplishments concerning the development of inland fisheries and the export of aquatic products.

(2) Notwithstanding paragraph (1), the order of priority of fishing permits under Article 9 may be prescribed by Ordinance (referring to Ordinance of the Seoul Special Metropolitan City in cases of the Han River under the jurisdiction of the Seoul Special Metropolitan City; the same shall apply hereinafter) of the relevant Special Self-Governing Province or Si/Gun/Gu (referring to an autonomous Gu, and to an agency in charge of the duties concerning the management of the Han River in cases of the Han River under the jurisdiction of the Seoul Special Metropolitan City; the same shall apply hereinafter), considering the situation, etc. of local fisheries.

(3) When the Governor of a Special Self-Governing Province and the head of a Si/Gun/Gu determines the order of priority as prescribed in paragraphs (1) and (2), he/she may exclude any of the following persons from the order of priority. In such cases, the determination shall undergo the deliberation of the Inland Fisheries Coordination Council established in the Special Self-Governing Province or a Si/Gun/Gu:

1. Persons who have been issued administrative disposition in the waters, for which they intend to obtain a fishing license or fishing permit, due to the violation of an order, disposition, limitation or condition under the Fisheries Act and the Fishery Resources Management Act applied mutatis mutandis under this Act or Article 22;
2. Persons whose management and operation of fishing ground are deemed extremely poor, for which a fishing license or fishing permit is sought;
3. Persons who obtained fishing rights under Article 7 (1) and have transferred them without good cause.

(4) The Inland Fisheries Coordination Council under the latter part, other than the subparagraphs of paragraph (3) shall consist of the representatives of fishermen of inland waters and persons having considerable knowledge and experience in inland fisheries. In such cases, matters necessary for the composition, operation, etc. of the Inland Fisheries Coordination Council shall be prescribed by Municipal

Ordinance of the relevant Si/Gun/Gu.

(5) Notwithstanding paragraph (4), the Special Self-Governing Province or a Si/Gun/Gu which has established and operated any Si/Gun/Gu fisheries coordination committee (in cases of the Special Self-Governing Province, referring to the City/Do fisheries coordination committee; the same shall apply hereinafter) under Article 88 of the Fisheries Act may require such Si/Gun/Gu fisheries coordination committee to perform the functions of the Inland Fisheries Coordination Council.

Article 11 (Fisheries subject to Reporting)

(1) A person who intends to run fisheries prescribed by Presidential Decree, which are fisheries other than those provided for in Articles 6 and 9, in inland waters shall report thereon to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(2) A person who intends to run fisheries provided for in subparagraphs of Article 6 (1), subparagraphs of Article 9 (1), or paragraph (1), in private waters shall report thereon to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(3) The Governor of a Special Self-Governing Province, and the head of a Si/Gun/Gu shall understand the current circumstances and actual status of fisheries in private waters under their jurisdictions, as prescribed by Ordinance of the Ministry of Oceans and Fisheries; the Governor of a Special Self-Governing Province shall notify such matters to the Minister of Oceans and Fisheries, and the head of a Si/Gun/Gu shall notify the same to the Minister of Oceans and Fisheries through Mayors/Do Governors. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 12 (Consultation on Use of Waters)

(1) When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu has received an application for a license or permit or a report under Article 6, 9 or 11 (1), he/she shall consult with a relevant inland waters manager in advance. The same shall apply to permission to extend the period of license under Article 13 (3).

(2) When the inland waters manager has received a request for consultation on the use of waters under paragraph (1), he/she shall give priority to the request insofar as the maintenance of facilities and purpose of preservation of such waters are not obstructed.

Article 13 (Term of Validity of Fisheries)

(1) The term of validity of fishing licenses under Article 6 (1) 1 shall not exceed ten years: Provided, That in cases prescribed by Presidential Decree in order to protect fishery resources and to coordinate fisheries, the term of validity may be less than ten years.

(2) The term of validity of fishing licenses under Article 6 (1) 2 and 3, of fisheries subject to permit under Article 9 (1) and of fisheries subject to reporting under Article 11 shall be five years: Provided, That where necessary for the implementation of public utilities and in cases prescribed by Presidential Decree, such term of validity may be less than five years.

(3) Except for cases in which grounds falling under the provisos to paragraphs (1) and (2), subparagraphs of Article 10 (3), and Article 16 (1) 1 and 2 exist, the Governor of a Special Self-Governing Province and

head of a Si/Gun/Gu shall allow the extension of term of validity within the period prescribed in the main sentence of paragraph (1) and the main sentence of paragraph (2) from the date on which the term of validity of fisheries expires if a fishing rights holder files an application. In such cases, when permission for extension has been granted on more than two occasions, total extended period of permission shall not exceed ten years for aquaculture, and five years for fisheries subject to permit.

Article 14 (Coordination of Waters of Operations)

(1) Where inland waters, for which a license or permission is to be obtained or a report is to be filed under Article 6, 9 or 11, extends over two or more Special Metropolitan Cities, Metropolitan Cities, Dos or Special Self-Governing Provinces, the relevant Mayors/Do Governors shall have consultations and determine an agency to receive an application for a license or permit, or a report.

(2) Where inland waters, for which a license or permit is to be obtained or a report is to be filed under Article 6, 9 or 11, extends over two or more Sis/Guns/Gus, the Mayor/Do Governor having jurisdiction over the relevant Sis/Guns/Gus shall determine an agency to receive an application for a license or permit, or a report.

Article 15 (Inland Fisheries Association)

(1) Fishermen of inland waters residing in a specific area may organize an inland fisheries association for the purpose of increasing their common interests.

(2) An inland fisheries association shall be established in each administrative district where inland waters for fisheries are located; residents in an area adjoining such inland waters shall be eligible for membership in such association; and the number of its members shall be five or more persons.

(3) To organize an inland fisheries association, the articles of association shall be prepared and resolved by the inaugural meeting.

(4) Matters to be stated in the articles of association, dissolution, organization, operation, etc. of an inland fisheries association shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 16 (Restriction, etc. on Fisheries for Public Interest)

(1) In any of the following cases, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may restrict or suspend a fishing license, or fisheries subject to a permit or reporting, or revoke a fishing license or fishing permit:

1. Cases falling under any of Article 34 (1) 1 through 4, 8 and 9 of the Fisheries Act, which are applied *mutatis mutandis* under Article 22;
2. Where it is necessary to restrict or prohibit fisheries in the relevant waters under other Acts;
3. Cases falling under any of the subparagraphs 1 through 5 of Article 35 of the Fisheries Act, which are applied *mutatis mutandis* under Article 22;
4. Where aquatic animals and plants have been cultured or released in inland waters without obtaining approval for transplanting fishery resources under Article 35 (1) 5 of the Fishery Resources Management Act, which is applied *mutatis mutandis* under Article 22.

(2) The head of a related administrative agency may request the Governor of a Special Self-Governing Province or heads of Sis/Guns/Gus to place restrictions, etc. on fisheries for the public interest under paragraph (1).

(3) Procedures for placing restrictions, etc. on fisheries for the public interest as prescribed in paragraph (1) 1 through 4 and matters necessary for requesting to place restrictions, etc. on fisheries for the public interest under paragraph (2) shall be prescribed by Presidential Decree.

Article 16-2 (Hearings)

When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu intends to revoke a fishing license or fishing permit under Article 16 (1), he/she shall hold a hearing.

Article 17 (Subsidies, etc.)

The Minister of Oceans and Fisheries, Mayors/Do Governors or heads of Sis/Guns/Gus (hereinafter referred to as "administrative offices") may, within budgetary limits, grant a subsidy or provide a loan for all or some of the expenses incurred in encouraging and promoting inland fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 18 (Order in Recreational Fishing)

The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may, for the proliferation and protection of inland fishery resources, protection of inland water ecosystem, and establishment of order in recreational fishing, etc., place restrictions on fishing gear, time, fishes to capture, areas, etc. for the recreational fishing, such as angling, as prescribed by Presidential Decree.

Article 19 (Prohibition of Harmful Fishing Methods)

No one shall capture or gather aquatic animals and plants in inland waters using explosives, poisons or electricity: Provided, That this shall not apply where permission for use thereof has been obtained from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu.

Article 19-2 (Securing Migration Routes for Aquatic Organisms, such as Diadromous Fishes, etc.)

(1) Any person who uses fishing gear in a river, which blocks the migration routes of aquatic organisms, such as diadromous fishes, etc., shall leave one fifth or more of the entire width of the river open for the migration of aquatic organisms, such as diadromous fishes, etc., after choosing a place at which the river is as deep as or deeper than its average depth.

(2) The Mayors/Do Governors or the heads of Sis/Guns/Gus may, if deemed necessary for securing the migration routes of aquatic organisms, such as diadromous fishes, etc., determine the relevant waters and period and place restrictions on fisheries.

(3) A person who intends to install artificial structures in a river. which block the flow of water, shall leave part of the river open for a fish route or install a fish ladder after consultation with the Minister of Oceans and Fisheries: Provided, That this shall not apply to any of the following cases, in which a person who intends to install a dam with a size greater than a specific size prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among the dams falling under Article 39 of the River Act, takes measures necessary for the breeding and protection of fish resources, such as the building of fish spawning grounds

and breeding facilities and the release of fingerlings, after consultation with the Minister of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where the installation of fish ladders is deemed by the Minister of Oceans and Fisheries to be inappropriate in terms of the peculiarities of the dam or the surrounding natural features and conditions;
2. Where the number of diadromous fishes inhabiting the river is found to be considerably small during a specific period prescribed by Ordinance of the Ministry of Oceans and Fisheries, as a result of a survey on the habitats of fish species which is, upon request, conducted by fishery-related national or public testing and research institutes.

(4) Standards, procedures, etc. for restrictions on fisheries referred to in paragraph (2) shall be prescribed by Municipal Ordinance of the relevant local government, as prescribed by Ordinance of the Ministry of Oceans and Fisheries; and the procedures for consultation and the standards and methods, etc. for installing fish ladders, as prescribed in paragraph (3) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 19-3 (Formulation and Implementation of Comprehensive Management Plans, etc. for Fish Ladders)

(1) The Minister of Oceans and Fisheries shall formulate and implement every five year a comprehensive management plan for fish ladders (hereinafter referred to as "comprehensive management plan") including the following matters in order to systematically install and manage fish ladders: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Basic objectives of and direction-setting for fish ladders;
2. Matters concerning installation and follow-up management of fish ladders;
3. Matters concerning development and supply of fish ladders;
4. Matters concerning procurement of resources necessary for installation and management of fish ladders;
5. Other matters that the Minister of Oceans and Fisheries deems necessary for installation and management of fish ladders.

(2) Where the Minister of Oceans and Fisheries intends to formulate or modify a comprehensive management plan, he/she shall consult with the head of a relevant central administrative agency and the relevant local governments in advance: Provided, That this shall not apply where he/she modifies minor matters prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries may request the head of a relevant central administrative agency and a relevant local government to submit data, if necessary for formulating a comprehensive management plan. In such cases, the head of the relevant central administrative agency and the relevant local government shall comply with such request, except in extenuating circumstances. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) A respective Mayor/Do Governor shall formulate and implement a Si/Do management plan for fish ladders (hereinafter referred to as "Si/Do plan") each year in accordance with the comprehensive

management plan.

(5) The head of a Si/Gun/Gu shall formulate and implement a Si/Gun/Gu management plan for fish ladders (hereinafter referred to as "Si/Gun/Gu plan") each year in accordance with a respective Si/Do plan.

(6) When formulating plans for Sis/Dos and Sis/Guns/Gus, respectively, Mayors/Do Governors and the heads of Sis/Guns/Gus shall listen to the opinions of the relevant agencies, inland fisheries association and residents in advance. The same shall apply where they shall modify Si/Do plans and Si/Gun/Gu plans.

Article 19-4 (Fact-Finding Surveys)

(1) The Minister of Oceans and Fisheries and the heads of local governments shall, on a regular basis, conduct a survey on the actual status of the installation and management of fish ladders and reflect its findings in the respective comprehensive management plan, a plan for Si/Do and a plan for Si/Gun/Gu.

<Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries and the heads of local governments may request the head of the relevant central administrative agency or local government or the head of a public institution as defined in the Act on the Management of Public Institutions, an obligator for installation of fish ladders referred to in Article 19-2 (3), or other relevant corporation and organization to submit necessary data or require them to state their opinions, if necessary for conducting a survey on actual status provided for in paragraph (1). In such cases, the head of the relevant central administrative agency shall comply with such request, except in extenuating circumstances. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The timing for, scope and method of conducting a survey on actual status provided for in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 19-5 (Creation and Operation of Database for Management of Fish Ladders)

(1) The Minister of Oceans and Fisheries may create and operate a database concerning the management of fish ladders based on a survey on actual status conducted under Article 19-4 in order to systematically manage the fish ladders. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may entrust the creation and operation of a database provided for in paragraph (1) to a specialized agency, if necessary for efficiently creating and operating a database. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The creation and operation of a database provided for in paragraph (1), and matters necessary for entrustment provided for in paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 19-6 (Follow-Up Management of Fish Ladders)

(1) The Minister of Oceans and Fisheries and the head of a relevant local government may require the relevant public official to inspect or peruse the following for the effective follow-up management of fish ladders. In such cases, the public official who inspects or peruses shall carry a document indicating his/her authority and present it to interested persons: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A survey on the actual status of management and maintenance of fish ladders;

2. A feasibility study of installation of fish ladders;
3. Perusal of the related ledgers or documents of the person who has installed fish ladders pursuant to Article 19-2 (3).

(2) A person who has installed fish ladders pursuant to Article 19-2 (3) shall implement follow-up management including the improvement and repair of the installed fish ladders on a regular basis, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and may allocate manpower necessary therefor. In such cases, the State or a local government may, within budgetary limits, support the person who has installed fish ladders with expenses incurred in follow-up management and allocation of manpower. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) When conducting an inspection or perusal pursuant to paragraph (1), no related person shall refuse, obstruct or evade such inspection or perusal without good cause.

Article 19-7 (Orders to Take Measures, etc.)

(1) When it is deemed that a person who has installed fish ladders under Article 19-2 (3) fails to assume an obligation to implement follow-up management under Article 19-6 (2) and, therefore, poses a substantial potential risk to the management of fish ladders, the Minister of Oceans and Fisheries and the head of a relevant local government may order him/her to take corrective action or necessary measures, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) With respect to a river where a fish ladder has been installed pursuant to Article 19-2 (3), where it is necessary to install additional fish ladders as a result of a survey on actual status conducted under Article 19-4 and an inspection conducted under Article 19-6 (1), the Minister of Oceans and Fisheries or the head of a local government may order the relevant obligator to install the additional fish ladders. In such cases, the Minister of Oceans and Fisheries and the head of a local government may, within budgetary limits, support the relevant obligator with expenses incurred in installing the additional fish ladders. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 20 (Relationship with other Acts)

Where a license or permit is obtained or a report is filed as prescribed in Article 6, 9 or 11, permission or approval in the following subparagraphs shall be deemed to have been obtained, or a discussion shall be deemed to have been held: *<Amended by Act No. 14480, Dec. 27, 2016>*

1. Discussion with river management agencies under Article 6 of the River Act or approval therefrom;
2. Permission to occupy and use rivers as prescribed in Article 33 of the River Act and permission to use river water as prescribed in Article 50 of the same Act;
3. Permission for occupation and use under Article 26 of the Act on Construction of Dams and Assistance, etc. to their Environs;
4. Permission for occupation and use under Article 8 of the Public Waters Management and Reclamation Act;
5. Permission for use under Article 23 (1) of the Rearrangement of Agricultural and Fishing Villages Act.

Article 21 (Compensation)

(1) A person who has suffered loss due to any of the following dispositions may request for compensation from the administrative offices which have issued such disposition:

1. Where he/she has been issued a disposition of restriction, suspension or revocation of his/her fishing license, fisheries subject to a permit or reporting due to a ground falling under Article 16 (1) 1 (limited to cases falling under Article 34 (1) 1 through 4 of the Fisheries Act) and 2: Provided, That where fisheries subject to a permit or reporting is restricted due to a ground falling under Article 16 (1) 1 (limited to cases falling under Article 34 (1) 1 through 3 of the Fisheries Act), such cases shall be excluded;
2. Where the extension of the term of validity of a fishing license under Article 13 has not been permitted due to a ground falling under Article 16 (1) 1 (limited to cases falling under Article 34 (1) 1 through 4 of the Fisheries Act) of this Act and Article 34 (1) 6 of the Fisheries Act;
3. Where he/she has been issued an order to move or remove articles obstructing a survey or inspection under Article 72 (2) of the Fisheries Act, which is applied mutatis mutandis under Article 22;
4. Where he/she has been issued an order to remove articles obstructing the passage of anadromous fishes under Article 43 (2) of the Fishery Resources Management Act, which is applied mutatis mutandis under Article 22.

(2) The provisions of Article 81 (2) through (4) of the Fisheries Act shall apply to compensation under paragraph (1).

Article 21-2 (Prohibition of Poaching and Harvest)

(1) Where the Minister of Oceans and Fisheries deems it necessary for the breeding and protection of inland fishery resources, he/she may determine the prohibited periods, areas, body lengths, body weights, etc. in relation to the poaching and harvest of fishery resources. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The details of prohibition of poaching and harvest, including the prohibited periods, areas, body lengths, body weights, etc. of inland fishery resources provided for in paragraph (1) shall be prescribed by Presidential Decree.

Article 22 (Application mutatis mutandis of the Fisheries Act and Fishery Resources Management Act)

Except for those provisions prescribed by this Act, the related provisions of the Fisheries Act and the Fishery Resources Management Act shall apply mutatis mutandis.

Article 23 (Fees)

A person who intends to obtain a license or permit, or to obtain an extension of license period as prescribed in this Act shall pay fees prescribed by Municipal Ordinance of a Special Self-Governing Province or the relevant Si/Gun/Gu.

Article 24 (Delegation or Entrustment of Authority)

(1) Part of the authority of the Minister of Oceans and Fisheries prescribed by the Fisheries Act and the Fishery Resources Management Act which apply mutatis mutandis under this Act and Article 22 may be

delegated to the Mayors/Do Governors, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Part of the authority of the Mayors/Do Governors prescribed by the Fisheries Act and the Fishery Resources Management Act which apply mutatis mutandis under this Act and Article 22 may be delegated to the heads of Sis/Guns/Gus, as prescribed by Presidential Decree.

(3) Among the affairs of an administrative agency prescribed by the Fishery Resources Management Act, part of them may be entrusted to any of the following, as prescribed by Presidential Decree: <Newly Inserted by Act No. 14241, May 29, 2016>

1. The Korea Fisheries Resources Agency prescribed in Article 55-2 of the Fishery Resources Management Act;
2. The Korea Rural Community Corporation prescribed in Article 3 of the Korea Rural Community Corporation and Farmland Management Fund Act.

Article 25 (Penalty Provisions)

(1) A person who poaches and harvests aquatic animals and plants in inland waters, using explosives, poisons, or electricity, in violation of Article 19 shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won. <Newly Inserted by Act No. 11643, Mar. 22, 2013>

(2) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 11643, Mar. 22, 2013; Act No. 13184, Feb. 3, 2015>

1. A person who runs fisheries without obtaining a license or permit under Article 6 (1) or 9 (1);
2. A person who obtains a license or permit under Article 6 (1) or 9 (1) by fraud or other wrongful means;
3. A person who violates a disposition of restriction or suspension of fisheries provided for in Article 16 (1);
4. Deleted; <by Act No. 11643, Mar. 22, 2013>
5. A person who fails to leave part of a river open for the migration routes of fishes, in violation of Article 19-2 (1);
6. A person who violates a restrictive measure on fisheries taken by the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu provided for in Article 19-2 (2);
7. A person who fails to leave part of a river open or to install a fish ladder, in violation of Article 19-2 (3);
8. A person who poaches and harvest inland fishery resources, in violation of the prohibition of poaching and harvest provided for in Article 21-2;
9. A person who possesses, distributes, processes, keeps or sells fishery resources or their products poached or harvested, in violation of Article 17 of the Fishery Resources Management Act which applies mutatis mutandis under Article 22;

10. A person who does construction in protected waters, in violation of Article 47 (2) of the Fishery Resources Management Act which applies mutatis mutandis under Article 22, or poaches and harvests fishery resources, in violation of paragraph (3) of the same Article;

11. A person who does an act, for which he/she shall obtain a permit, without obtaining a permit or does an act differently from the details of a permit, in violation of Article 52 (2) of the Fishery Resources Management Act which applies mutatis mutandis under Article 22.

Article 26 (Confiscation, etc.)

(1) In cases falling under Article 25, the catches, fishing vessels, fishing gears, explosives or toxic chemicals possessed or held by an offender may be confiscated.

(2) Where all or part of the goods possessed or held by an offender under paragraph (1) cannot be confiscated, an amount corresponding thereto may be collected.

Article 27 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding five million won: *<Amended by Act No. 11427, May 23, 2012>*

1. A person who runs fisheries without reporting under Article 11 (1) and (2);

2. A person who fails to implement a corrective order or to take measures or order to install additional fish ladders issued under Article 19-7 (1) and (2).

(2) Any of the following persons shall be punished by an administrative fine not exceeding three million won: *<Amended by Act No. 11427, May 23, 2012>*

1. A person who violates a recreational fishing order issued under Article 18;

1-2. A person who refuses, obstructs or evades an inspection or the perusal without good cause, in violation of Article 19-6 (3);

2. A person who fails to comply with an order, in violation of Article 16 of the Fishery Resources Management Act which applies mutatis mutandis under Article 22.

(3) Administrative fines provided in paragraphs (1) and (2) shall be imposed and collected by administrative offices, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning License, etc.)

(1) Any person who has obtained a license or permit for fishery or reported on fishery under the former Inland-Water Fisheries Development Promotion Act as at the time this Act enters into force, shall be deemed to have obtained the said license or permit or reported on fishery under this Act until the validity period of the relevant licensed fishery expires.

(2) With respect to persons who have obtained a license for breeding fisheries in private waters under Article 7 (3) of the former Inland Water Fisheries Development Promotion Act as at the time this Act

enters into force, the former provisions shall govern until the validity period of the relevant licensed fishery expires.

(3) Persons who have obtained a permit for fishery under Article 8 (1) 2 and 5 of the former Inland-Water Fisheries Development Promotion Act as at the time this Act enters into force, shall be deemed to have made a respective report under Article 11 (1) until the validity period of the relevant licensed fishery expires.

Article 3 (Transitional Measures concerning Changes of Offices in Charge of Dispositions)

Persons who have obtained a license for fishery from the Mayor/Do Governor under Article 7 (1) of the former Inland-Water Fisheries Development Promotion Act as at the time this Act enters into force, shall be deemed to have obtained a license for relevant fishery from the head of a Si/Gun/Gu under Article 6 (1) until the validity period of the relevant licensed fishery expires

Article 4 (Transitional Measures concerning Administrative Dispositions)

Any administrative dispositions received under the former provisions as at the time this Act enters into force shall be deemed the administrative dispositions received under this Act.

Article 5 (Transitional Measures concerning Penalty Provisions)

In the application of penalty provisions to the offenses committed prior to this Act entering into force, the former provisions shall govern.

Article 6 Omitted.

Article 7 (Relations with other Acts)

In cases where other Acts have cited the former Inland-Water Fisheries Development Promotion Act or provisions thereof as at the time this Act enters into force, if any provisions corresponding thereto exists in this Act, they shall be deemed to have cited this Act or corresponding provisions in this Act in lieu of the former provisions.

ADDENDA <Act No. 7477, Mar. 31, 2005>

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

(2) (General Transitional Measures concerning Administrative Dispositions, etc.) As at the time this Act enters into force, a disposition taken by an administrative agency under the former provisions shall be deemed a disposition taken by an administrative agency under this Act, and any application or report made or any other acts done to an administrative agency under the former provisions, as the application or report made or other acts done to an administrative agency under this Act.

(3) Omitted.

(4) (Transitional Measures following Amendment of other Act) In the application of the penalty provisions to any acts which have been committed in violation of the Fisheries Act prior to this Act entering into force, the former Fisheries Act shall prevail.

ADDENDA <Act No. 8338, Apr. 6, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 17 Omitted.

ADDENDA <Act No. 8351, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 15 Omitted.

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.

ADDENDUM <Act No. 8619, Aug. 3, 2007>

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

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. 9627, Apr. 22, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDUM <Act No. 9662, May 8, 2009>

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

ADDENDUM <Act No. 9724, May 27, 2009>

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

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. 10293, May 17, 2010>

(1) (Enforcement Date) This Act shall enter into force one month after the date of its promulgation: Provided, That the amended provisions of subparagraph 4 of Article 20 shall enter into force on October 16, 2010.

(2) (Transitional Measures concerning Fisheries subject to Reporting) Those who have reported under the former Article 11 (2) as at the time this Act enters into force shall be deemed to have reported under the amended provisions of Article 11 (2).

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

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDUM <Act No. 11427, May 23, 2012>

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

ADDENDA <Act No. 11643, Mar. 22, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures for Penalty Provisions)

The previous penalty provisions shall apply to violations that have been committed before this Act enters into force.

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.

ADDENDUM <Act No. 13184, Feb. 3, 2015>

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

ADDENDUM <Act No. 14241, May 29, 2016>

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

ADDENDA <Act No. 14480, Dec. 27, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

