

# SHIP SAFETY ACT

[Effective: Feb. 6, 2009]

[Act No. 9446, Feb. 6, 2009, Partially Amended]

Ministry of Land, Transport and Marine Affairs (Marine Affairs Section)

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## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to protect the life and property of the public by prescribing matters necessary for the maintenance of seaworthiness and safety of navigation.

### Article 2 (Definitions)

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

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. The term “ship” refers to an object, (including an object equipped with an Outboard Motor), which is used or which can be used for navigation purposes on or in water and floating marine structures as determined by the Ministry of Land, Transport and Maritime Affairs, such as mobile offshore drilling ships and floating hotels, etc.
2. The term “ship’s facilities” refers to any kind of facility which is installed or is to be installed on a ship, such as a hull, engine, mast and displacement facilities, which is determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.
3. The term “ship’s articles” refers to articles which are installed and kept on a Ship’s Facilities, as determined and publicly announced by the Minister of Land, Transport

and Maritime Affairs, (hereinafter referred to as the “Minister”).

4. The term “engine” refers to an object that consists of a facility such as a motor, kinetic power transmission, boiler, pressure ship and subsidiary organs, and its control device.
5. The term “outboard motor” refers to an engine which can be attached to an outer hull of a ship, and which is easily attachable from the hull in a simple manipulation way.
6. The term “seaworthiness” refers to the ability which a ship must be equipped with in order to secure its own stability, and indicate a performance which enables the ship to achieve safe navigation in certain weather or navigation conditions.
7. The term “load line” refers to the draft ship of full loading which enables a ship to achieve safe navigation, and indicates a maximum line under which the ship is able to navigate safely with passengers or cargo onboard or loaded.
8. The term “stability” refers to a disposition wherein a ship which is floating in equilibrium on the surface of the water is going to return to its original equilibrium at a time when the ship is leaned against one side by an outer force, such as waves or wind, etc.
9. The term “passenger” refers to a person who embarks on a ship and does not fall under any of the following items:
  - (a) Crew;
  - (b) Infants aged below one;
  - (c) Individuals determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs as persons onboard, such as customs officials.
10. The term “passenger ship” refers to a ship which can transport more than 13 passengers.
11. The term “small ship” refers to a ship whose length as measured by a method specified in Article 27(1), Subsection 2 is less than 12 meters.
12. The term “barge” refers to a ship which navigates by being towed or pushed by any other ship.
13. The term “tugboat” refers to a ship which moves any other ship by towing or pushing it.
14. The term “container” refers to an object that is repeatedly used for cargo transportation by a ship, dischargeable by machinery and loadable by an overlapping method, and equipped with devices which enable it to be fixed to a ship or other

containers.

15. The term “bulk carrier” refers to a ship which is used for loading and transporting dry cargo in bulk, such as grains and minerals, etc.
16. The term “loading and unloading apparatus” refers to a machinery device which is used for loading or discharging cargo, (including fuel, food, engines, ship supplies, and other materials for work used for the ship), and which are permanently attached to the structure, etc. of a ship hull.
17. The term “loading and unloading outfits” refers to an article which is attached to and used for Loading and unloading apparatus accessories or the Loading and unloading apparatus itself.

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

- (1) This Act shall apply to either the people of the Republic of Korea or to ships owned by the Korean government, except for ships falling under any of the following subsections:
  1. War ships and police ships;
  2. Ships operated only by oars and poles;
  3. Ships determined by Presidential Decree except for ships set forth in Subsections 1 and 2.
  
- (2) This Act shall apply to ships falling under any of the following subsections as a foreign ship, in whole or in part, under conditions prescribed by Presidential Decree, provided that the provision of Article 68 shall apply to all foreign ships:  
<Amended by Act No. 8381, Feb. 29, 2008>
  1. Ships used for a coastal regular passenger transport business or a coastal irregular passenger transport business in accordance with the provisions of Article 3, Subsections 1 and 2 of the Marine Transportation Act;
  2. Ships used for a coastal cargo transport business in accordance with the provisions of Article 23, Subsection 1 of the Marine Transportation Act.
  
- (3) Notwithstanding the provisions of Sections (1) and (2), this Act may not apply, in whole

or in part, or apply under conditions prescribed by Presidential Decree to ships falling under any of the following subsections:

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. A ship falling under an agreement between the Korean government and another government in connection with the scope of application of this Act;
2. A ship falling under the contingency determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as victim's salvage, etc.;
3. A ship used for temporary navigation as a ship built for the sake of developing a ship with a new characteristic or style;
4. A ship which navigates internationally only exceptionally, such as for sale to another country.

#### **Article 4 (Applying a Standard of Ship's Facilities)**

In the event that Ship Facilities or Ship's Articles installed on a ship are deemed to be equal or superior in performance to the criteria for the Ship's Facilities to be installed according to this Act, the ship shall be deemed as having installed a Ship's Facilities or Ship's Articles pursuant to this Act.

#### **Article 5 (Relationships with International Conventions)**

Where a safety criteria of an International Convention in effect internationally is different from the provisions of this Act in connection with the seaworthiness of a ship put out to international navigation and the safety of human life, the International Convention shall prevail, provided that where the provisions of this Act include stricter criteria than those of the International Convention, the former paragraph shall not apply.

#### **Article 6 (Participation, etc. in Ship Inspection, etc.)**

- (1) Anyone or their agent who wishes to receive the inspection, examination survey, and confirmation of a ship in accordance with this Act shall participate, in person, at the site where such inspections, Examination Survey and confirmation are conducted.

- (2) Anyone who participates in the inspection, etc. of a ship pursuant to Section (1) shall provide the cooperation necessary for inspection, examination survey, and confirmation.
- (3) If anyone who must participate in the inspection, examination survey, and confirmation of a ship in accordance with the provisions of Sections (1) and (2) fails to participate or provide the required cooperation, the Minister may suspend the inspection, examination survey, and confirmation. *<Amended by Act No. 8852, Feb. 29, 2008>*

## **CHAPTER II SHIP INSPECTIONS**

### **Article 7 (Shipbuilding Inspections, etc.)**

- (1) A person who manufactures ships shall undergo a shipbuilding inspection by the Minister in respect of any Ship's Facilities installed in the ships under conditions prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, (hereinafter referred to as a "Shipbuilding Inspection").  
*<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) The Minister shall grant a Certificate for Shipbuilding Inspection as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs to a ship which has passed a Shipbuilding Inspection. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) For a Ship's Facilities which has passed a Shipbuilding Inspection under Section (1), the inspection to be conducted at a time when the ship is first used for navigation among Periodical Inspections under Article 8, Section (1) shall be deemed as having passed.
- (4) The Minister may make a ship which does not undergo a Shipbuilding Inspection under Section (1), including ships imported from a foreign country, undertake an inspection determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs as an

inspection corresponding to a Shipbuilding Inspection, (hereinafter referred to as a “Separate Shipbuilding Inspection”). In this case, the provisions of Sections (2) and (3) shall apply mutatis mutandis to ships having passed a Separate Shipbuilding Inspection.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 8 (Periodical Inspections)**

(1) When a ship is first put to navigation or the validity of a Certificate of Ship Inspection under Article 16 has expired, the person who owns the ship shall undergo the Minister’s inspection for a Ship’s Facilities and Load Line under conditions prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, (hereinafter referred to as a “Periodical Inspection”), provided that for a radio communication facility under Article 29 and Ship Position Transmitters under Article 30, the Minister may, instead, check to see whether the ship has undergone an inspection pursuant to the Radio Waves Act. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister shall grant a Certificate of Ship Inspection determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs to each of the ships which has passed a Periodical Inspection under Section (1) by defining, respectively, the navigation area, the maximum number of allowable persons onboard, and the location of the Load Line. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The necessary matters regarding the kind of navigation area under Section (2), navigation area exceptionally permitted or restricted, and the criteria for calculating the maximum number of allowable persons onboard shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 9 (Intermediate Inspections)**

(1) Any person who owns a ship shall undergo an inspection from the Minister somewhere

between the Shipbuilding Inspection and the Periodical Inspection under conditions prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, (hereinafter referred to as an “Intermediate Inspection”).

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Intermediate Inspection shall be divided into Category 1 and Category 2 and the timing for Intermediate Inspections and matters to be inspected shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister shall record the results of an inspection pursuant to Article 8, Section (2) in the Certificate of Ship Inspection in respect of a ship which has passed an Intermediate Inspection under Section (1).

(4) Anyone who is not able to undergo an Intermediate Inspection due to unavoidable reasons, such as long-term navigation and fishing in overseas waters, (meaning waters other than in Korea, the same shall apply hereunder), may adjourn the period of the Intermediate Inspection under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 10 (Temporary Inspections)**

(1) An owner of a ship falling under any of the following subsections shall undergo an inspection by the Minister, (hereinafter referred to as a “Temporary Inspection”), under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. When renovating or repairing a Ship’s Facilities as determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
2. When changing the content noted in a Certificate of Ship Inspection pursuant to Article 8, Section (2), except for a minor change that is not accompanied by a change of Ship’s Facilities, such as a change in the name, address of the ship-owner, the ship’s name, and/or the shipping port;

3. When changing the use of a ship in accordance with Article 15, Section (2);
  4. When newly installing or changing a radio communication facility in accordance with Article 29;
  5. When under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as a change of a Load Line.
- (2) The Minister shall record the results of inspections in the Certificate of Ship Inspection pursuant to Article 8, Section (2) in respect of a ship which has passed a Temporary Inspection under Section (1). *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) When any ship-owner wishes to temporarily change the content noted in a Certificate of Ship Inspection under Article 8, Section (2), the Minister may grant a Temporary Alteration Certificate determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, notwithstanding Section (1), Subsection 2.  
*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 11 (Temporary Navigation Inspections)**

- (1) In the event of using a ship for navigation prior to receiving a Periodical Inspection or commissioning a foreign ship built in a domestic shipbuilding yard, (meaning a ship which has been built in a domestic shipbuilding yard and has been registered or is to be registered with a foreign country, the same shall apply to this Article), the owner or builder of the ship shall undergo an inspection of the Minister under conditions prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs as to whether the ship has the requisite ability for navigation, (hereinafter referred to as a “Temporary Navigation Inspection”). *<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) The Minister shall grant a Temporary Navigation Certificate determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs to a ship that has passed a Temporary Navigation Inspection under Section (1).  
*<Amended by Act No. 8852, Feb. 29, 2008>*

## **Article 12 (International Convention Inspections)**

(1) An owner of a ship engaged in international navigation shall undergo an inspection by the Minister in accordance with international conventions internationally entered into force in connection with a ship's Seaworthiness and human life safety, (hereinafter referred to as an "International Convention Inspection").

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister shall issue and grant a International Convention Survey Certificate determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs to a ship that has passed an International Convention Inspection.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(3) In the event that an owner of a International Convention Survey Certificate granted according to the provision of Section (2) violates an International Convention as set forth in Section 1, the Minister may retract the Certificate or suspend or revoke its validity.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Upon receipt of a request of an issuance of a International Convention Survey Certificate by a foreign government, the Minister may issue and grant the Certificate to the ship after conducting an International Convention Inspection pursuant to Section (1).

*<Amended by Act No. 8852, Feb. 29, 2008>*

(5) The necessary matters regarding the kind of International Convention Inspection, issuance, retrieval, suspension of validity and revocation of a International Convention Survey Certificate, and the method for investigating a violation of an International Convention, pursuant to Section 1 or Section 3, shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

## **Article 13 (Approval, etc. of Drawings)**

- (1) Anyone who wishes to undergo a Shipbuilding Inspection, Periodical Inspection, Intermediate Inspection, and/or Temporary Inspection in accordance with the provision of Articles 7 through 10 shall obtain the Minister's approval in advance for the drawings of the ship under conditions prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. The same shall apply to any change of matters obtained through the Minister's approval. *<Amended by Act No. 8852, Feb. 29, 2008>*
  
- (2) Where the drawings which are given for a request for approval in accordance with Section (1) meet the criteria under the provision of Article 26 or Article 28, the Minister shall approve the drawings and put an approval mark on them under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.  
*<Amended by Act No. 8852, Feb. 29, 2008>*
  
- (3) Anyone who has obtained the Minister's approval according to the provision of Section (1) shall build or renovate a ship in accordance with the drawings submitted.  
*<Amended by Act No. 8852, Feb. 29, 2008>*
  
- (4) A ship-owner shall retain the approved drawings in accordance with Section (1) in the ship under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 14 (Preparation, etc. of Inspection)**

- (1) The preparatory matters necessary for conducting a Shipbuilding Inspection, Periodical Inspection, Intermediate Inspection, Temporary Inspection, Temporary Navigation Inspection, (hereinafter all referred to as "Ship Inspections"), shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.  
*<Amended by Act No. 8852, Feb. 29, 2008>*
  
- (2) The owner of a ship shall receive a hull thickness measurement from the Minister under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime

Affairs as a preparation for inspection as referred to in Section (1).

*<Amended by Act No. 8852, Feb. 29, 2008>*

- (3) Notwithstanding the provision of Section (1), the Minister may ease or exempt restrictions on the preparation work for inspections and the submission of documents, etc, in whole or in part, under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, given the structure / facility / size / use of the ship or its navigation area. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 15 (Maintenance of Ship Status After a Ship Inspection)**

- (1) The owner of a ship shall not alter the structural configuration, engines and facilities, etc. of a ship nor make the ship's hull, engines and facilities, etc. work and operate in a normal way after he/she has undergone a Shipbuilding Inspection or Ship Inspection.
- (2) Notwithstanding the provision of Section (1), in the event of changing the length, width, and depth of the ship and the use determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, the owner of a ship shall obtain the Minister's approval thereof under conditions prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 16 (Validity of a Certificate of Ship Inspection and a Certificate for International Convention)**

- (1) The Validity of a Certificate of Ship Inspection pursuant to Article 8, Section (2) and a Certificate for International Convention pursuant to Article 12, Section (2) shall be determined by Presidential Decree within a period of 5 years.
- (2) The Minister may extend the validity of a Ship Survey Certificate and a Certificate for International Convention under Section 1 under conditions as prescribed by Presidential Decree within a period of 5 months. *<Amended by Act No. 8852, Feb. 29, 2008>*

- (3) The validity of a Ship Survey Certificate and a International Convention Survey Certificate for ships which have not passed an Intermediate Inspection and a Temporary Inspection shall be suspended until Intermediate Inspection and Temporary Inspection have been passed.

**Article 17 (Prohibition of Ship Navigation Without a Certificate of Ship Inspection, etc.)**

- (1) Nobody shall put to navigation a ship which does not carry a Ship Survey Certificate under Article 2, Section (2), a Temporary Alteration Certificate under Article 10, Section (3), a Temporary Navigation Certificate under Article 11, Section (2) and a International Convention Survey Certificate under Article 12, Section (2), and a Towing Certificate under Article 43, Section (2), (hereinafter referred to as “Ship Survey Certificate, etc.”) with the ship or retains a Ship Survey Certificate, etc. whose validity has been suspended.
- (2) Nobody shall use a ship for navigation in violation of the navigation-related conditions mentioned in the Ship Survey Certificate, etc.

**CHAPTER III**

**TYPE APPROVAL, ETC. OF SHIP’S ARTICLES OR SMALL SHIPS**

**Article 18 (Type Approval and Examination survey)**

- (1) When a person who seeks to manufacture or import Ship’s Articles or Small Ships publicly announced by the Minister undergoes a Examination Survey according to Section (6), the person shall obtain an approval in respect of the Minister’s type, (hereinafter referred to as “Type Approval”), in advance.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) A person who seeks to obtain a Type Approval under Section (1) shall undergo a Type Approval test, provided that, in the event of being determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as Ship's Articles that have passed a Examination Survey under the Industrial Standardization Act or the production of Small Ships, etc., a Type Approval test may be omitted.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister shall designate and announce a test organization in charge of the Type Approval test as provided in Section (2), (hereinafter referred to the "Designated Test Organization"), under conditions as prescribed by Presidential Decree.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Where a person who has obtained a Type Approval changes the content thereof, the person shall obtain the Minister's approval of said change. In such a case, in the event of changing matters that have an influence on the performances of Ship's Articles or Small Ships, the person shall undergo a Type Approval test under Section (2) for the changed items. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) A person who has obtained Type Approval under Section (1) and the Designated Test Organization under Section (3) shall keep the Ship's Articles that have passed a Type Approval test. In this case, the same shall also apply to cases where change approval has been obtained under Section (4).

(6) A person who has obtained Type Approval or an approval of change under Sections (1) and (4) shall undergo the Minister's Examination Survey for Ship's Articles or Small Ships in accordance with the criteria for a Examination Survey determined and publicly announced by the Minister. In such a case, for Ship's Articles or Small Ships that have passed the examination survey, either a Shipbuilding Inspection or a Ship Inspection which has been first conducted shall be deemed as having been passed.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(7) The Minister shall issue a Certificate of Ship Equipment Inspection for Ship Use of Approved Type that has passed the examination survey, and mark the Ship's Articles

with a sign which indicates the Passing of a examination survey.

*<Amended by Act No. 8852, Feb. 29, 2008>*

- (8) The matters regarding the procedure of Type Approval, the person who has obtained Type Approval, guidance / supervision for the Designated Test Organization, the scope of keeping Ship's Articles and the form / issuance of a Certificate of Examination survey, etc. shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, and the criteria for Type Approval Examination Survey under Section (2) shall be determined / publicly announced by the Minister.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 19 (Cancellation, etc. of Type Approval)**

- (1) When a person who has obtained Type Approval falls under any of the following subsections, the Minister shall may cancel the Type Approval or suspend its validity by defining a certain period within 6 months, provided that, in case of falling under Subsection 1 or 3, the Minister shall cancel the Type Approval:

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. When he/she obtained Type Approval or approval of a change in a false or unlawful manner;
  2. When he/she underwent Examination Survey in a false or unlawful manner;
  3. When Ship's Articles or Small Ships manufactured or imported are not in conformity with the criteria for Ship Facilities under Article 26;
  4. When he/she fails to manufacture or import the Ship's Articles or Small Ships for more than 2 years without a justifiable reason;
  5. When he/she refuses an order of report submission of materials under Article 75.
- (2) When the Designated Test Organization under Article 18, Section (3) falls under any of the following subsections, the Minister may cancel the designation or suspend its validity by defining a certain period within 6 months, provided that in case of falling under Subsection 1 or 3, the Minister shall cancel the designation:

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. When having been designated in a false or unlawful manner;
  2. When no longer carrying out test-related affairs;
  3. When falling short of the criteria for designation as a Designated Test Organization under Article 18, Section (3);
  4. When being deemed as having lost public trust due to errors / mistakes / omissions, etc. of Type Approval Examination survey;
  5. When refusing to conduct Type Approval Examination Survey without a justifiable reason;
  6. When conducting unlawful acts or receiving undue charges in connection with Type Approval Examination survey.
- (3) The matters regarding the cancellation / suspension of Type Approval and the cancellation / suspension as a Designated Test Organization under Sections (1) and (2) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 20 (Designation of Recognized Manufacturing (Maintenance) Factories)**

- (1) The person or company which manufactures or refurbishes Ship's Articles or Small Ships as determined / publicly announced by the Minister may be designated as a Recognized Manufacturing Factory," or a "Recognized Maintenance Factory", (hereinafter referred to as a "Recognized Manufacturing (Maintenance) Factory"), by the Minister. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) The person who seeks to be designated as a Recognized Manufacturing (Maintenance) Factory according to Section (1) shall obtain the Minister's approval for the criteria of its facility / manufacturing / refurbishment, its own inspection criteria and manpower, etc. in accordance with the criteria determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. The same shall apply to a change of approval.  
*<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) Ship's Articles or Small Ships which have been manufactured or refurbished in a

Recognized Manufacturing (Maintenance) Factory as designated by the Minister in accordance with Section (1) and which have passed the Recognized Manufacturing (Maintenance) Factory's own inspection criteria shall be deemed as having passed the earlier of either the Shipbuilding Inspection or Ship Inspection, provided that the Ship's Articles or Small Ships as determined / publicly announced by the Minister shall be deemed as having passed such inspection, only when the same inspection is confirmed by the Minister in person. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Recognized Manufacturing(Maintenance) Factory shall issue a Certificate of Manufacturing(Maintenance) Approved Use for Ship's Articles or Small Ships that have passed its own inspection criteria in accordance with Section (3), and mark the Ship's Articles with a sign of passing its own inspection, provided that, in the event of Ship's Articles or Small Ships which must be confirmed by the Minister in person in accordance with the provision of Section (3), the Minister shall issue a Certificate of Manufacturing(Maintenance) Examination survey and mark the Ship's Articles with a sign of confirmation. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) In the event of designating Recognized Manufacturing (Maintenance) Factory in accordance with Section (1), the Minister shall guide / supervise such Recognized Manufacturing (Maintenance) Factory as to whether the Recognized Manufacturing (Maintenance) Factory is operated / managed as provided in the approval in accordance with Section (2). *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) The necessary matters regarding the procedure for designating Recognized Manufacturing (Maintenance) Factory, procedure for confirming whether such Recognized Manufacturing (Maintenance) Factory is proper or not, form and issuance of a Certificate of Manufacturing (Maintenance) Approved Use / a Certificate of Manufacturing (Maintenance) Examination survey and guidance / supervision of Recognized Manufacturing (Maintenance) Factory, etc. shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.  
*<Amended by Act No. 8852, Feb. 29, 2008>*

## **Article 21**

### **(Cancellation, etc. of Designation of Recognized Manufacturing (Maintenance) Factory)**

(1) When the person who has been designated as Recognized Manufacturing(Maintenance) Factory falls on any of the following subsections, the Minister may cancel the designation or suspend its validity by defining a certain period within 6 months, provided that in case of falling on Subsections 1 and 2, the Minister shall cancel the designation. <Amended by Act No. 8852, Feb. 29, 2008>

1. When the person has been designated as Recognized Manufacturing(Maintenance) Factory in a false or unlawful way;
2. When Ship's Articles or Small Ship manufactured or refurbished does not meet the criteria for Ship's Facilities under Article 26;
3. When the person sells Ship's Articles whose validity has been terminated;
4. When the person fails to continue to manufacture or refurbish the Ship's Articles or a Small Ship for more than 1 year without a justifiable reason;
5. When the Recognized Manufacturing(Maintenance) Factory does not meet the criteria for designation under Article 20, Section (2);
6. When the confirmation under Article 20, section (3) is obtained in an unlawful way;
7. When the person refuses an order of report / submission of materials under Article 75.

(2) When the person whose designation of Recognized Manufacturing (Maintenance) Factory is cancelled in accordance with Section (1) shall not be designated as Recognized Manufacturing (Maintenance) Factory for 1 year after the date of cancellation of such designation.

(3) The matters regarding the cancellation of designation and procedure of Recognized Manufacturing (Maintenance) Factory under Section (1) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

<Amended by Act No. 8852, Feb. 29, 2008>

## **Article 22 (Preliminary Inspection)**

(1) The person who which wishes to manufacture / renovate / repair / refurbish or import Ship's Articles or a Small Ship determined / publicly announced by the Minister may undergo the Minister's inspection (hereinafter referred to as "Preliminary Inspection") in accordance with the criteria determined / publicly announced by the Minister before such Ship's Articles is installed in the ship. In such a case, the necessary matters regarding the procedure for Preliminary Inspection shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The person who seeks to undergo Preliminary Inspection according to Section (1) shall obtain the Minister's approval for the drawings of the Ship's Articles or a Small Ship's hull. In such a case, the provision of Article 13, Section (2) shall apply mutatis mutandis to marking of approval for the drawings of Preliminary Inspection.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister shall issue a Certificate of Preliminary Inspection determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs to Ship's Articles or the hull of a Small Ship passed Preliminary Inspection in accordance with Section (1). In such a case, the Minister shall additionally mark the Ship's Articles with a sign of Pass.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Ship's Articles or the hull of a ship passed Preliminary Inspection under Section (1) criteria shall be deemed as passed the earlier of either Shipbuilding Inspection or Ship Inspection first conducted.

(5) The provision of Article 14, Section (1) shall apply mutatis mutandis to preparation of Preliminary Inspection. In such a case, "Shipbuilding Inspection or Ship" Inspection in the provision of Article 14, Clause 1 shall be deemed as "Preliminary Inspection."

#### **CHAPTER IV TYPE APPROVAL, ETC. OF CONTAINERS**

### **Article 23 (Type Approval and Examination survey, etc. of Containers)**

- (1) In the event of a container which is loaded on a ship and is used for cargo transportation, the person who seeks to manufacture the container whose area of floor is more than the area determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs shall obtain the Minister's approval for type (hereinafter referred to as "Container Type Approval"). *<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) The person who seeks to get Container Type Approval according to Section (1) shall undergo a Type Approval Examination Survey of a test organization (hereinafter referred to as "Assigned Container Test Organization") designated / publicly announced by the Minister. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) Where the person who has obtained Container Type Approval according to Sections (1) and (2) wishes to change the content, the person shall obtain the Minister's approval of a change. In such a case, in the event of changing matters that have an influence on the performance of a container, the person shall additionally undergo a Type Approval Examination Survey under Section (2) for the portion of such a change. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (4) The person who has obtained Container Type Approval or approval of change according to Sections (1) and (3) shall undergo the Minister's Examination Survey for the container (hereinafter referred to as "Container Examination survey") in accordance with the criteria for Examination Survey determined / publicly announced by the Minister. In such a case, the Minister shall deliver a Certificate of Container Examination Survey for the container passed such a Container Examination survey. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (5) A container makers shall put a plate of Type Approval(hereinafter referred to as "Plate of Container Type Approval") indicating holding of Container Type Approval passed Container Examination Survey in accordance with Section (3) on the container and the Minister shall mark such a Plate of Container Type Approval with a sign confirming a

Pass Container Examination survey. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) When the person who has obtained Container Type Approval in accordance with Section (1) falls on any of the following subsections, the Minister may cancel the Type Approval or suspend its validity by defining a certain period within 6 months, provided that in case of falling on Subsection 1, the Minister shall cancel the Type Approval.

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. When the person has obtained Container Type Approval or approval of change in a false or unlawful way.
2. When the person has undergone Container Examination Survey in a false or unlawful way.
3. When the person fails to continue to manufacture a container for more than 2 years after obtaining Container Type Approval or approval of change.

(7) The necessary matters regarding the procedure for Container Type Approval and approval of change, criteria and procedure for designating Assigned Container Test Organization, criteria for Type Approval Test and the guide / supervision of the Person who has obtained Container Type Approval and Assigned Container Test Organization under Section (1) or (6) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(8) The owner or captain of a ship shall not load a container with a Plate of Container Type Approval under Section (5) not attached to the ship into the ship.

#### **Article 24 (Safety Check of Containers)**

(1) A owner of containers shall on his/her own conduct a safety check for the containers after obtaining approval for his/her own safety check method from the Minister. In such a case, the owner may make a safety check business operator conduct such safety check work on behalf of the owner. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The person who conducts safety check work on behalf of the owner of containers

according to the latter sentence of Section (1) shall be equipped with qualifications under conditions as prescribed by the Minister's Decree.

*<Amended by Act No. 8852, Feb. 29, 2008>*

- (3) The necessary matters regarding the criteria / method and procedure for approval of safety check and the criteria and guide / supervision, etc. of safety check business operators and under Section (1) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 25 (Non-Use, etc. of Containers)**

- (1) Anyone shall not load a container whose safety check has not been undergone according to Article 24 into a ship nor use the container for cargo transport.

- (2) Anyone who finds a container which can pose a threat to the safety of human life and a ship due to breakage / erosion or crack or a hazardous deformation, etc. shall immediately report the fact to the Minister. *<Amended by Act No. 8852, Feb. 29, 2008>*

- (3) Upon finding or receiving a report of, a container under Section (2), the Minister may open and repair the container or take a necessary step necessary for safety, such as transshipment or destruction, etc. of cargo loaded on the container.

*<Amended by Act No. 8852, Feb. 29, 2008>*

- (4) The Minister may ask the owner of a container to pay the expenses required for taking a step under Section (3). *<Amended by Act No. 8852, Feb. 29, 2008>*

- (5) In the event of being unable to know the owner of a container under Section (4) or his/her location, the Minister may sell the cargo loaded on the container by public auction and apply to the expense required for a step taken under Section (3). In such a case, if there is any money left after applying to the expense, the Minister shall deposit the remaining money. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) The necessary matters regarding the step for safety of a container, procedure for requesting expenses and procedure for applying such expenses under Section (3) through (5) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

## **CHAPTER V CRITERIA, ETC. FOR SHIP FACILITY**

### **Article 26 (Standards of Ship's Facilities)**

A Ship's Facilities shall be in conformity with a Standards of Ship's Facilities determined / publicly announced by the Minister. *<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 27 (Mark, etc. of Load Line)**

(1) The Load Line shall be marked on the following ships according to the criteria determined / publicly announced by the Minister, provided that in the event of submarine ships and other ships as set forth in the Ordinance of the Ministry of Land, Transport and Maritime Affairs, marking of Load Line may be omitted.

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. A ship which is put out to international navigation.
  2. A ship whose length determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs (hereinafter referred to as "Length") is 12 meters or longer.
  3. A ship whose length is less than 12 meters falling under any of the following items.
    - (a) A Passenger Ship
    - (b) A ship which loads / transports dangerous objects in bulk under Article 41.
- (2) Anyone shall not transport passengers and cargo in excess of Load Line marked according to the provision of Section (1).

## **Article 28 (Keeping Stability)**

(1) An owner of a ship which falls on any of the following subsections shall keep Stability according to a criteria determined / publicly announced by the Minister, provided that in the event of a ship determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as a ship which is used for towing, rescue for marine accidents, dredging or surveying, etc, the same shall not apply.

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. A Passenger Ship
2. A ship whose length is 12 meters or longer

(2) In connection with Stability under Section (1), an owner of a ship shall submit the materials for Stability to the Minister for approval as to whether or not the Stability is appropriate, and shall provide all necessary materials approved for Stability to the captain of the ship. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) In the event of use of a computer program to calculate Stability for approval under Section (2), the owner shall comply with the calculation method for Stability as determined / publicly announced by the Minister.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The necessary matters regarding the criteria / procedure of approval in respect of Stability under Sections (2) and (3) and how to develop the materials for Stability and the computer program to use for calculation purposes, etc. shall be determined / publicly announced by the Minister. *<Amended by Act No. 8852, Feb. 29, 2008>*

## **Article 29 (Radio Communication Facilities)**

(1) An owner of a ship which falls under any of the following subsections shall obtain a radio communication facility necessary for carrying out Global Maritime Distress and Safety System under the International Convention for Safety of Life at Sea. In such a case, said radio communication facility shall be in conformity with the performance and

criteria outlined under the Radio Waves Act:

1. A Passenger Ship which is put to international navigation;
  2. A ship whose gross tonnage is 300 tons or more and is put to international navigation, other than ships of the foregoing Subsection 1.
- (2) A ship determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs other than ships under the provisions of each subsection of Section (1) shall be equipped with a radio communication facility in accordance with criteria determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. In such a case, the radio communication facility shall be in conformity with the performance and criteria outlined under the Radio Waves Act. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) No person shall navigate a ship without radio communication facility equipped for navigation under Section (1) and (2), provided that, in the event of using a ship for one time navigation with a Certificate of Temporary Navigation Inspection or conducting a trial run of a ship, the same shall not apply.

### **Article 30 (Ship Position Transmitter)**

- (1) An owner of a ship determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs shall have the ship equipped with a device which automatically transmits the position of the ship, (hereinafter referred to as a “ship position transmitter”), in accordance with criteria determined / publicly announced by the Minister in order to secure the ship’s safety of navigation and to enable a quick response to marine accidents. The Ship Position Transmitter shall function properly.  
*<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) Where a radio communication facility under Article 29, Section (1) or (2) has a function of a Ship Position Transmitter, the ship shall be deemed as being equipped with a Ship Position Transmitter.
- (3) In the event of determining that frequent appearances of piracy may pose a threat to the

safety of a ship, the captain of the ship may stop the functioning of the Ship Position Transmitter. In such a case, the captain shall record the fact in a logbook.

## **CHAPTER VI STEPS FOR SAFE NAVIGATION**

### **Article 31 (Authority of Captains)**

No person shall obstruct nor interfere with the captain's professional judgment for the safety of a ship.

### **Article 32 (Keeping Publication for Navigation)**

An owner of a ship shall keep publications for navigation, such as charts, tide tables, etc. as determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs in the ship under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 33 (Securing, etc. of the Field of View in a Steering House)**

(1) An owner of a ship shall take all necessary steps to secure a sufficient field of view under the criteria determined / publicly announced by the Minister for the steering house of the ship. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) An owner of a ship shall install a communication device according to the criteria determined / publicly announced by the Minister in the place where the steering house and the steering gears of the ship are installed.

*<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 34 (Confirmation, etc. of Loading and unloading apparatus)**

(1) An owner of a ship with Loading and unloading apparatus and Loading and unloading outfits, (hereinafter referred to as a “Cargo Handling System”), shall receive a confirmation of the Minister for limit load, limit angle, and limit radius, (hereinafter referred to as “Limit Load, etc.”), in accordance with the criteria determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) In the event of making a confirmation according to Section (1), the Minister shall grant a Certificate of Limit Load, etc. as determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) An owner of a ship which has received a confirmation according to Section (1) shall mark the Cargo Handling System with a sign of Limit Load etc. as confirmed under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) An owner of a ship which has received a confirmation according to Section (1) shall not use the Cargo Handling System in violation of those matters outlined in Limit Load, etc.

### **Article 35 (Recording and Keeping of a Cargo Handling System Inspection)**

(1) In the event of conducting a Periodical Inspection or an Intermediate Inspection on the Cargo Handling System, the Minister shall make out a Cargo Handling System inspection blotter and record the inspection content therein under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister shall keep the documents determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs in respect of an inspection on the Cargo Handling System, such as a Cargo Handling System inspection blotter mentioned under Section (1). *<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 36 (Providing of Cargo Information)**

(1) A shipper who tries to transport cargo which might cause hazards for ships or the passengers onboard shall provide the captain of the ship the information on said cargo before loading the cargo.

(2) The type of cargo for which information must be provided pursuant to Section (1) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 37 (Provision, etc. of a Toxic Gas Density Measuring Device)**

In the event of loading and transporting cargo in bulk which may generate hazardous gas or create a lack of oxygen, an owner of a ship shall supply the captain of the ship with a device which is capable of measuring the density of hazardous gas or oxygen, and its operating manual, under conditions as prescribed / publicly announced by the Minister.

*<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 38 (Safety Steps for Use of Sterile Medicines)**

In the event of using sterile medicines, such as disinfectants, etc. in order to sterilize a ship, the captain of the ship shall take all safety steps as prescribed / publicly announced by the Minister. *<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 39 (Methods, etc. for Loading ? Lashing Cargo)**

(1) An owner of a ship shall prepare Cargo Securing Manual which provides for a method for loading / lashing cargo prior to loading or lashing the cargo onto the ship, and obtain the Minister's approval under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

- (2) Where an owner of a ship loads or lashes cargo, cargo units, (tools for transportation which are not attached to a ship, such as cars and movable tanks, etc.), and cargo loaded into cargo units, the owner shall comply with the Cargo Securing Manual approved in accordance with Section (1).
- (3) Where an owner of a ship loads / transports cars and cargo into a transport carrier, (meaning a ship in which decks capable of loading / transporting cars, etc. which are used for land transportation are installed), such as cars, the owner shall comply with the Cargo Securing Manual approved in accordance with Section (1), and take all necessary steps under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (4) Where an owner of a ship accepts / loads cargo into a container, the owner shall comply with the Cargo Securing Manual approved in accordance with Section (1), and shall not accept / load cargo in excess of the full gross weight specified in the Container Type Approval plate.
- (5) All necessary matters regarding the method for loading / lashing cargo under Sections (1) through (4) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 40 (Transport of Bulk Cargo)**

- (1) An owner of a ship shall provide to the captain of said ship the information in respect of the ship's Stability / nature of the cargo and a method for loading cargo prior to transporting the bulk cargo.
- (2) An owner of a ship who attempts to transport bulk cargo shall take all necessary safety steps.
- (3) The necessary matters regarding a ship's Stability, the nature of the cargo, the content of

the process of loading the cargo and safety steps, etc. shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 41 (Transport of Dangerous Articles)**

(1) Any person who tries to load / transport or store dangerous articles in a ship shall load / transport or store such said dangerous articles in accordance with a method suitable for preventing danger and for preserving the safety of life at sea.

(2) Any person who tries to load / transport or store dangerous articles according to Section (1) shall undergo a Minister's inspection or obtain his/her approval in respect of the appropriateness of the method. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The necessary matters regarding the type, utensils, packaging, transport, loading, and the method for storing, inspection or approval, etc. of dangerous articles as referred to Sections (1) and (2) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Notwithstanding Sections (1) through (3), the criteria for the facility of both a ship which transports radioactive substances and a ship which transports hazardous liquids in bulk shall be determined / publicly announced by the Minister.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 42. (Enhanced Inspection of Tank Carriers, etc.)**

(1) An owner of a tank carrier / bulk carrier and a dangerous bulk carrier, (excluding LPG bulk carriers), shall undergo a Minister's inspection, (hereinafter referred to as a "Enhanced Inspection"), for those matters determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as the confirmation, etc. of the thickness of the materials consisting of the ship hull's structure, in addition to a Shipbuilding

Inspection and a Ship Inspection, provided that the same shall not apply to a ship which is not put to international navigation and as determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) For a tank carrier, etc. that has passed a Enhanced Inspection, the Minister shall record the results of the inspection in a Certificate of Ship Inspection under Article 8, Section (2). *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The method and procedure for the Enhanced Inspection under Section (1) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 43 (Tugboat Navigation Inspection for Tugboats)**

(1) In the event of towing a barge and other structures, etc., an owner of a tugboat shall undergo a Minister's inspection, (hereinafter referred to as a "Tugboat Navigation Inspection"), under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister shall grant a Certificate of Tugboat Navigation Inspection determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs for a tugboat that has passed a Tugboat Navigation Inspection. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) An owner of a tugboat shall keep a Certificate of Tugboat Navigation Inspection under Section (2) in the tugboat.

(4) The provision of Article 14, Section (1) shall apply mutatis mutandis to a tugboat that has undergone a Tugboat Navigation Inspection in accordance with Section (1). In such a case, a "Shipbuilding Inspection or Ship Inspection" shall be deemed as a "Tugboat Navigation Inspection."

**Article 44 (Restriction of the Use of Highly Flammable Fuels, etc.)**

No person shall use fuels / lubricants which are very vulnerable to inflammability, as determined publicly announced by the Minister, on a ship.

*<Amended by Act No. 8852, Feb. 29, 2008>*

**CHAPTER VII KOREA SHIP SAFETY TECHNOLOGY AUTHORITY**

**Article 45 (Establishment of the Korea Ship Safety Technology Authority)**

(1) The Minister shall establish the Korea Ship Safety Technology Authority, (hereinafter referred to as the “Authority”), in order to secure safety in respect of a ship’s navigation and research / develop and supply the technology in respect of a ship or Ship’s Facilities by being empowered by the Minister’s affairs or when acting for the Minister.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Authority shall be a juristic person.

**Article 46 (Activities of the Authority)**

The Authority shall conduct each of the following duties:

1. Vicarious execution of approval of a ship or Ship’s Articles drawings;
2. Vicarious execution of approval of a ship or Ship’s Articles drawings;
3. Vicarious execution of confirmation of Ship’s Articles or Small Ships manufactured or refurbished at a Recognized Manufacturing(Maintenance) Factory;
4. Vicarious execution of Examination Survey of Ship’s Articles or Small Ships / containers;
5. Vicarious execution of approval in respect of loading / lashing, etc. of cargo;
6. Investigation / examination / research for securing a ship’s Seaworthiness and the safety of human life at sea and the development and supply of technologies in respect

- of securing such ship's Seaworthiness and the safety of human life at sea;
7. Research and analysis of the criteria for technologies under the International Convention for the safety of ships;
  8. Work of entrusted services, such as supervision, etc. for designing / manufacturing ships;
  9. Research / education and publicity for preventing marine accidents;
  10. Work entrusted by, or acting for, the government or local governments according to laws; and
  11. Other activities as defined by the Authority's articles of incorporation as a business necessary for achieving the purposes of establishing the Authority.

**Article 47 Deleted** <by Act No. 9446, Feb. 6, 2009>

**Article 48 (Executives)**

- (1) The Authority shall have 9 directors, including 1 chairman and 1 auditor, as its executives. The chairman and 3 directors shall be standing and 5 directors and 1 auditor shall be non-standing. <Amended by Act No. 9446, Feb. 6, 2009>
- (2) The chairman shall represent the Authority and manage the entire business of the Authority.
- (3) Deleted <by Act No. 9446, Feb. 6, 2009>
- (4) Deleted <by Act No. 9446, Feb. 6, 2009>

**Article 49 Deleted** <by Act No. 9446, Feb. 6, 2009>

**Article 50 (Appointment of Agents)**

A chairman may appoint an agent who is capable of performing acts at trial or other than trials in respect of the businesses of the Authority among employees, under conditions as prescribed by the articles of incorporation.

**Article 51 Deleted** <by Act No. 9446, Feb. 6, 2009>

**Article 52 Deleted** <by Act No. 9446, Feb. 6, 2009>

**Article 53 Deleted** <by Act No. 9446, Feb. 6, 2009>

**Article 54 (Appointment and Dismissal of Employees)**

The employees of the Authority shall be appointed and dismissed by the chairman under conditions as prescribed by the articles of incorporation.

**Article 55 (Procurement of Funds)**

Procurement of the funds required for operating the Authority and conducting the activities shall be in accordance with any of the following subsections:

1. Government subsidies or loans;
2. Revenues generated by conducting the activities under Article 46;
3. Asset operation proceeds;
4. Other incidental revenue.

**Article 56 (Support for Expenses)**

- (1) The state may support the Authority for expenses necessary for conducting the activities under Article 46 within the scope of its budget.

(2) In the event of being necessary for operating the Authority, the state may lend to the Authority or have the Authority use / benefit from state-owned properties or articles free of charge in accordance with the provisions of the State Properties Act and the Act on the Management of Articles.

**Article 57 Deleted** <by Act No. 9446, Feb. 6, 2009>

**Article 58 (Guidelines / Supervision of the Activities)**

The Minister shall supervise any of the following subsections of the Authority's activities:

1. Matters in respect of conducting the activities properly under Article 46;
2. Other matters defined in other laws and regulations.

*[Wholly Amended by Act No. 9446, Feb. 6, 2009]*

**Article 58-2 (Duty of Keeping Confidential Information Secret)**

The Authority's executives or employees or those who have assumed its post shall not disclose, or make fraudulent use of, any secrets obtained in the course of conducting his/her duties.

*[This Article Newly Inserted by Act No. 9446, Feb. 6, 2009]*

**Article 58-3 (Non-Use of Similar Titles)**

Those who are not the Authority under this Article shall not use the name of Korea Ship Safety Technology Authority or any similar names.

*[This Article Newly Inserted by Act No. 9446, Feb. 6, 2009]*

### **Article 59 (Application Mutatis Mutandis of Civil Act)**

Unless otherwise provided for in this Act and the Act on the Operation of Public Organizations, regulation in respect of incorporated foundations in the Civil Act shall apply mutatis mutandis to the Authority. <Amended by Act No. 9446, Feb. 6, 2009>

## **CHAPTER VIII AGENCY FOR INSPECTION AFFAIRS, ETC.**

### **Article 60 (Agency for Inspection Affairs, etc.)**

(1) The Minister may have the Authority conduct its affairs, such as Shipbuilding Inspections? Ship Inspections and Approvals for Drawings, etc. which fall under any of the following subsections, (hereinafter referred to as “Affairs of Inspection, etc.”), on behalf of the Minister. In such a case, the Minister shall enter into an arrangement under conditions as prescribed by Presidential Decree:

<Amended by Act No. 8852, Feb. 29, 2008>

1. Shipbuilding Inspections, issuance of a Certificate of Shipbuilding Inspection and Additional Shipbuilding Inspection under Article 7, Sections (1), (2), and (4);
2. Periodical Inspections and issuance of a Certificate of Ship Inspection under Article 8, Sections (1) and (2);
3. Intermediate Inspections under Article 9, Section (1);
4. Temporary Inspections and issuance of a Certificate of Temporary Change under Article 10, Sections (1) and (3);
5. Temporary Navigation Inspections and issuance of a Certificate of Temporary Navigation Inspection under Article 11, Sections (1) and (2);
6. International Convention Inspections and issuance of a International Convention Survey Certificate under Article 12, Sections (1), (2), and (4);
7. Approval and marking of drawings under Article 13, Sections (1) and (2);
8. Thickness measurements for hull under Article 14, Section (2);
9. Extension of validity of a Certificate of Ship Inspection and a Certificate for

- International Convention under Article 16, Section (2);
10. Examination Survey of Ship's Articles and Small Ships, issuance of a Certificate of Examination survey, and marking indicating a Pass under Article 18, Sections (6) and (7);
  11. Confirmation of Ship's Articles and Small Ships, issuance of a Certificate of Confirmation, and marking indicating a Pass under the provisory clauses of Article 20, Sections (3) and (4);
  12. Preliminary Inspections, approval and marking of approval of drawings, and marking of approval, issuance of a Certificate of Preliminary Inspection and marking indicating a Pass under Article 22, Section (1) or (3);
  13. Approval of materials for Stability under Article 28, Sections (2) and (3);
  14. Confirmation of Limit Load, etc. and issuance of a Certificate of Limit Load, etc. under Article 34, Sections (1) and (2);
  15. Preparing and filling-in the Cargo Handling System Inspection Blotter under Article 35, Section (1);
  16. Approval of Cargo Securing Manual under Article 39, Section (1);
  17. Enhanced Inspections under Article 42, Section (1); or
  18. Tugboat Navigation Inspections and issuance of a Certificate of Tugboat Navigation Inspection under Article 43, Sections (1) and (2).
- (2) For the sake of ship insurance's subscription and maintenance, the Minister may form a public corporation, (hereinafter referred to as a "Ship Classification Corporation"), which conducts the work, (hereinafter referred to as "Classification Work"), of assessment in respect of registration and Seaworthiness of ships and which is determined / publicly announced by the Minister carry out Affairs of Inspection, etc. falling under any of the Subsections of Section (1) on behalf of the Minister only for those ships, (hereinafter referred to as "Classification Registered Ships"), which have enrolled or try to enroll on the register which the Ship Classification Corporation manages. In such a case, the Minister shall enter into an arrangement under conditions as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) The period of the arrangements under the latter part other than those falling under any of the Subsections of Section (1) and the arrangement under Section (2) shall be within 5

years and may be extended under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

- (4) In the event of conducting vicariously Affairs of Inspection, etc. in accordance with Sections (1) and (2), the Authority and Classification Corporation shall obtain the Minister's approval by forming their own inspection regulations in respect of the vicarious execution of duties. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 61 (Steps Due to Failure to Conduct Vicarious Execution Affairs)**

When the Minister acknowledges or is concerned that the Authority and Ship Classification Corporation has failed to conduct the Affairs of Inspection, etc. under Article 60, Sections (1) and (2), the Minister may conduct such said Affairs of Inspection, etc.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 62 (Supervision for Execution Affairs)**

- (1) Where the Authority and Ship Classification Corporation violates the arrangement under the latter part, other than any of the Subsections of Article 60, Section (1) and the latter part of Section (2), the Minister may cancel or suspend the vicarious execution affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

- (2) The necessary matters regarding the requirements for the cancellation or suspension of the vicarious execution under Section (1) shall be determined by Presidential Decree.

#### **Article 63 (Execution of Measuring Ship Hull Thickness)**

- (1) The Minister may have a company, (hereinafter referred to as an "Agency for Hull Thickness Measurement"), which is proper for the criteria for designation as determined / publicly announced by the Minister, and is determined / publicly announced by the Minister, carry out the work of measuring ship hull thickness under Article 14, Section 2

on behalf of the Minister, provided that, in the event of being incapable to measure ship hull thickness in Korea for any unavoidable reason, such as long-term navigation / fishing, etc., the Minister may have a foreign Thickness Measurement Agency measure such ship hull thickness under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) All necessary matters regarding the vicarious execution and cancellation of the vicarious execution of the Thickness Measurement Agency under Section (1) shall be determined by Presidential Decree, and all necessary matters regarding guidelines / supervision, etc. of such Thickness Measurement Agency shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 64 (Execution of Container Examination survey, etc.)**

(1) The Minister may have a company, (hereinafter referred to as an “Agency for Container Examination survey, etc.”), which is appropriate in terms of the criteria for designation as determined / publicly announced by the Minister, and is determined / publicly announced by the Minister, carry out the work falling under any of the following subsections on behalf of the Minister: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Container Examination Survey under Article 23, Section (4);
2. Marking of confirmation of a Plate of Container Type Approval as referred to Article 23, Section (5);

(2) All necessary matters regarding the vicarious execution and cancellation of execution of the Agency for Container Examination survey, etc. under Section (1) shall be determined by Presidential Decree, and all necessary matters regarding guidelines / supervision, etc. of such Agency for Container Examination survey, etc. shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 65 (Execution of Inspection / Approval In Respect of Dangerous Articles)**

(1) The Minister may have a company, (hereinafter referred to as an “Agency for Dangerous Articles Inspection, etc.”), which is appropriate in terms of the criteria for designation as determined / publicly announced by the Minister, and is determined / publicly announced by the Minister, carry out the work in respect of inspection and approval for loading / transporting and storing such dangerous articles on behalf of the Minister.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) All necessary matters regarding the execution and cancellation of the execution of the Agency for Dangerous Articles, etc. under Section (1) shall be determined by Presidential Decree, and all necessary matters regarding guidelines / supervision, etc. of such said Agency for Dangerous Articles, etc. shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 66 (Acknowledgement of Inspection Conducted by Foreign Governments, etc.)**

(1) Where the content of the law and regulations in respect of ship safety being implemented by a country to which a foreign ship belongs is equal to or higher than this Act, the Inspection, etc. Affairs for the foreign ship conducted by such foreign government or an agency thereof, (hereinafter referred to as a “Foreign Government, etc.”), shall be deemed as Inspection, etc. Affairs in conformity with this Act.

(2) A certificate issued by a Foreign Government, etc. after conducting Inspection, etc. Affairs in accordance with Section (1) shall be deemed as having the same effect of the instrument issued in accordance with this Act, except for a certificate issued by a Foreign Government, etc. of a country which does not admit the effects of the instrument issued in accordance with this Act.

### **Article 67 (Indemnity Liability of the Inspection Agency)**

- (1) Where the Authority, Classification Corporation, Agency for Container Examination survey, etc. and Agency for Dangerous Articles, etc., (hereinafter referred to as the “Inspection Agency”), inflicts damage on other people or companies illegally in conducting such vicarious execution affairs, the state shall compensate for such said damages.
- (2) In the event that an Inspection Agency inflicts damage by intention or gross negligence in connection with the compensation for damages under Section (1), the state is entitled to a right of recourse for such indemnity against the Inspection Agency.
- (3) The recourse for indemnity against an Inspection Agency under Section (2) shall be limited to the maximum amount determined by Presidential Decree.

## **CHAPTER IX PORT STATE CONTROL**

### **Article 68 (Port State Control)**

- (1) The Minister may check to see whether the structure / facility of a foreign ship and the ship crew’s ship operating knowledge, etc. are appropriate for the International Convention on the Safety of Ships, as determined by Presidential Decree, and take any necessary steps, (hereinafter referred to as “port state control”).  
*<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) In the event of conducting Port State Control under Section (1), the Minister may have his/her public officials board, in person, a foreign ship which calls at, or is scheduled to call at, Korean ports or harbors to conduct such Port State Control activities. In such a case, said public official shall prevent the navigation of the foreign ship from being delayed unnecessarily. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) Where the Minister finds, as a result of the Port State Control under Section (1), that the structure / facility of foreign ships and the crews' ship operating knowledge fall short of the criteria for the International Convention under Section (1), the Minister may order the ship to take corrective steps, such as repair, etc.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Where the Minister determines that, owing to the defects in respect of the structure / facility of foreign ships and the crews' ship operating knowledge, etc, there is a prominent risk to ships and people onboard, the Minister may order an detention.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(5) In the event of being satisfied with an order for taking a corrective step or an Detension under Sections (3) and (4), an owner of a foreign ship may fill in a reason for such dissatisfaction within 90 days after being given the order, and file an objection to the Minister. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) The Minister who has received an objection in accordance with Section (5) shall order the public officials affiliated with his/her department to investigate as to whether an order for taking a corrective step or an Detension is illegal or unreasonable, and notify the applicant of the result within 60 days, provided that, in the event of there being unavoidable situations, the Minister may extend the notification due date within a scope of less than 30 days. *<Amended by Act No. 8852, Feb. 29, 2008>*

(7) Any person who is dissatisfied with an order for taking a corrective step or an Detension shall not file an administrative litigation without undergoing the procedure of raising an objection under Sections (5) and (6), provided that, in the event of falling under the provisions of Article 18, Sections (2) and (3) of the Administrative Litigation Act, the same shall not apply.

(8) All necessary matters regarding steps for foreign ships and raising an objection under Section (3) or Section (7) shall be determined by Presidential Decree.

## **Article 69 (Foreign Country Port State Control)**

- (1) An owner of a ship shall comply with the International Convention regulations so that the Port State Control of the foreign country's port authorities may not pinpoint the defects of the ship.
- (2) In the event that a Korean ship which was given a Detention by the Port State Control of a foreign country's port authorities makes port in Korea, the Minister may check, (hereinafter referred to as a "Special Check"), the structure / facility, etc. of the ship under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, provided that, in the event of necessity, such as a request for confirmation by the foreign government, the foreign government may conduct a Special Check. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) Where deemed necessary to take a step for a Korean ship falling under any of the following subsections in order to prevent an detention for foreign ports, the Minister may conduct a Special Check of the structure / facility of the ship under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs:  
*<Amended by Act No. 8852, Feb. 29, 2008>*
  1. A bulk ship / dangerous articles carrier whose age exceeds 15 years;
  2. Other ships as determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs.
- (4) Where deemed necessary for securing a ship's safety as a result of conducting a Special Check under Sections (2) and (3), the Minister may give the owner of the ship an detention order, or a corrective / complementary order under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.  
*<Amended by Act No. 8852, Feb. 29, 2008>*

## **Article 70 (Public Announcement)**

For a Korean ship which was given a Detention due to the Port State Control of a foreign country's port authorities, the Minister may publicly announce the name, gross tonnage, and

detention fact, etc. of said ship. *<Amended by Act No. 8852, Feb. 29, 2008>*

## **CHAPTER X SPECIAL INSPECTIONS, ETC.**

### **Article 71 (Special Inspections)**

- (1) Where a large-scaled maritime accident in respect of a ship's safety occurs or similar accidents continue to occur, the Minister may conduct an inspection, (hereinafter referred to as a "Special Inspection"), of the structure / facility of the ship under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) In the event of conducting a Special Inspection under Section (1), the Minister shall publicly announce any necessary matters, such as the scope of the target ships and the ship owner's preparations 30 days prior to such a Special Inspection, and give notice to the owners of the ships in person. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) Where deemed necessary for securing a ship's safety as a result of a Special Inspection under Section (1), the Minister may give to the owner of the ship an Detensionor a corrective / supplementary order under conditions as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (4) The provisions of Article 15, Section (1) and Article 16, Section (3) shall apply mutatis mutandis to ships which have undergone a Special Inspection under Section (1). In such a case, a "Ship Inspection" pursuant to Article 15, Section (1) and an "Intermediate Inspection and Temporary Inspection" pursuant to Article 16, Section (3) shall be deemed as "Special Inspections".

### **Article 72 (Re-Inspection, etc.)**

- (1) Where any Person who has undergone inspections / examination surveys and confirmations by an Agency for Inspection in accordance with the provisions of Article 60, Sections (1) and (2), (including cases where the Minister conducted vicariously such inspections ? examination surveys and confirmations in person in accordance with Article 61 or agencies conducted the inspections ? examination surveys and confirmations), Article 63, Section (1), Article 64, Section (1) and Article 65, Section (1) are dissatisfied with the result of such said inspections / examination surveys and confirmations, the person may apply to the Minister for a re-inspection / re- Examination Survey and re-confirmation accompanied by a reason within 90 days after the receipt of a notice of the result. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (2) The Minister who receives an application for a re-inspection / re- Examination Survey and re-confirmation in accordance with the provision of Section (1) shall have public officials affiliated with his/her Ministry conduct a re-inspection, etc. in person and provide the result to the applicant within 60 days, provided that under unavoidable situations, the Minister may extend the due date for the notice within the scope of less than 30 days. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) Anyone who is dissatisfied with the Agency for Inspection's inspection / examination survey, and confirmation may not file an administrative litigation without going through the procedure of re-inspection / re- Examination Survey and re-confirmation under Sections (1) and (2), provided that, in the event of falling under the provisions of Article 18, Sections (2) and (3) of the Administrative Litigation Act, the same shall not apply.

## **CHAPTER XI SUPPLEMENTARY PROVISIONS**

### **Article 73 (Ship Inspection by Ship Classification Corporation)**

A ship classification registered ship shall be deemed as having passed at the time when the ship undergoes a Ship Inspection in accordance with this Act only for a Ship's Facilities and a

Load Line as determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

**Article 74 (Confirmation, etc. Following a Report of Defects)**

(1) Anyone who discovers defects in a ship's Seaworthiness and Safety Equipment may report the fact to the Minister under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) In the event of being given a report according to Section (1), the Minister shall immediately have a public official affiliated with his/her Ministry confirm said fact under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) Where, as a result of a confirmation under Section (2), the Minister acknowledges that the defects are material and that the continued use of the ship for navigation may pose a threat to the ship and the passengers onboard, the Minister may apply an Detension until the defects are corrected, under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) No person shall make known or disclose nor report to any third party the personal information of a person who has submitted a report according to the provision of Section (1) or the fact of knowing the reporter's identity.

**Article 75 (Order, etc. of Reporting Submitting Materials)**

(1) In the event of falling under any of the following subsections, the Minister may require an owner of a ship, anyone who has obtained Type Approval as referred to Article 18, Section (1), a Designated Test Organization under Article 18, Section (3), a Recognized Manufacturing(Maintenance) Factory under Article 20, Section (1), a Person who has

obtained Container Type Approval under Article 23, Section 1, a Safety Check Business Operator, the Authority, the Ship Classification Corporation, an Agency for Hull Thickness Measurement, an Agency for Container Examination survey, etc. and an Agency for Dangerous Articles, etc., (hereinafter referred to as “Ship Owner, etc.”), to report the necessary matters or submit the relevant materials.

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. All necessary matters in respect of the guidelines / supervision pursuant to the provisions of Article 18, Section (8), Article 20, Section (5), Article 23, Section (7), Article 24, Section (3), Article 63, Section (2), and Article 65, Section (2);
  2. All necessary matters in respect of steps for preventing risks of the facilities and navigation for a ship’s Seaworthiness and life safety; or
  3. All necessary matters in respect of supervision in respect of the provisions of Article 60, Sections (1) and (2).
- (2) Where, as a result of reviewing the content of a report and the content of the submitted materials under Section (1), the Minister acknowledges that the contents are difficult to assist the achievement of the purpose of any of Section (1), the Minister may have a public official affiliated with his/her Ministry access the ship or the workplaces to investigate the books / documents and facilities.
- <Amended by Act No. 8852, Feb. 29, 2008>*
- (3) In the event of an investigation under Section (2), the Minister shall notify the Ship Owner, etc. of the investigation plan, including the investigator, investigation date and time, / reason and content, etc. no less than 7 days prior to said investigation, provided that if, in the event of an emergency situation or where giving prior notice according to a ship navigation schedule, the Minister acknowledges that it is difficult to achieve the purpose of any of Section (1) due to the destruction of evidence, etc., the same shall not apply. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (4) The public official who makes an investigation under Section (2) shall carry a certificate to indicate his/her authority, show it to the concerned people, and, upon entering & exiting the ship or workplace, provide a document stating his/her name, / entry & exit time, and entry & exit purpose, etc.

(5) Where, as a result of an investigation of a ship or workplace in accordance with Section (2), the Minister acknowledges that the ship or workplace has breached this Act or order there of, the Minister may apply an Detension or impose a disposition in respect of repairing / supplementing, under conditions as prescribed by Presidential Decree.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(6) In the event of applying an detention order, etc. in accordance with the provision of Section (5), if the cause is removed, the Minister shall immediately lift such said detention, order, etc.

#### **Article 76 (Ship Inspection officer)**

Where deemed necessary, the Minister may appoint a person with a qualification determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs among the public officials affiliated with his/her Ministry as a ship inspection officer, and have him/her conduct the affairs falling under any of the following subsections:

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. Affairs in respect of a Shipbuilding Inspection, Periodical Inspection, Intermediate Inspection, Temporary Inspection, Temporary Navigation Inspection, Inspection for International Conventions, inspection on whether the method for loading dangerous cargo pursuant to Article 41, Section (2) is appropriate, Enhanced Inspection, Tugboat Navigation Inspection, Special Check, Special Inspection and a Re-Inspection / Re-Examination Survey / Re-Confirmation pursuant to Article 72, Section (2);
2. Affairs in respect of a Examination Survey of Ship's Articles or Small Ships pursuant to Article 18, Section (6), Confirmation of Ship's Articles or Small Ships pursuant to a proviso of Article 20, Section (3) and Container Examination Survey pursuant to Article 23, Section (4);
3. Affairs in respect of conducting the work in person due to difficulties in execution affairs pursuant to Article 61;
4. Affairs in respect of Port State Control pursuant to Article 68;
5. Affairs in respect of confirmation of the fact of reporting defects pursuant to Article

74, Section 2; or

6. Affairs in respect of an entry & exit / investigation of a ship or workplace pursuant to Article 75, Section (2).

### **Article 77 (Ship Surveyor)**

(1) The Authority and Ship Classification Corporation which conducts vicariously an execution in accordance with Article 60, Sections (1) and (2) may have ship inspectors conduct such executions in person. In such a case, the qualifications of the ship inspection officers shall apply mutatis mutandis to the qualifications of the ship inspectors.

(2) In the event that a ship inspector violates this Act or an order thereof in conducting his/her work, the Minister may request the Authority or Ship Classification Corporation to dismiss the ship inspector or suspend the ship inspector's duties within the scope of a less than one-year period. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) In the event of being requested of a dismissal or suspension of duties pursuant to Section (2), the Authority or Ship Classification Corporation shall immediately take any steps necessary for the concerned ship inspector and report the fact to the Minister.

*<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 78 (Hearing)**

In the event of suspending the affairs of the workplace or Agency for Inspection, etc. designated by this Act or canceling its designation, suspending or cancelling the validity of Type Approval for the Ship's Articles / Small Ships and containers which have obtained Type Approval, or requesting the suspension of the ship inspector's duties, the Minister shall hold a hearing under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 79 (Investigation and Research)**

The Minister may conduct an investigation and research any necessary items for securing a ship's Seaworthiness and life safety, and for effectively conducting duties in connection with International Conventions in respect of a ship's safety.

*<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 80 (Fees)**

(1) Anyone who falls under any of the following subsections shall pay a fee to the Minister under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, provided that, in the event that an Agency for Inspection conducts an execution for inspection / confirmation / Examination Survey and approval, etc. under this Act shall pay a fee defined by the Agency for Inspection to the Agency:

*<Amended by Act No. 8852, Feb. 29, 2008>*

1. Anyone who applies for a Shipbuilding Inspection / Ship Inspection / Additional Shipbuilding Inspection or Inspection for International Convention;
2. Anyone who applies for approval of drawings under Article 13, Section (1);
3. Anyone who applies for approval of a change under Article 15, Section (2);
4. Anyone who applies for Type Approval or approval of a change thereof under Article 18, Sections (1) and (4);
5. Anyone who applies for Examination Survey of Ship's Articles or Small Ships under Article 18, Section (6);
6. Anyone who applies for a designation of a Recognized Manufacturing(Maintenance) Factory under Article 20, Section (1);
7. Anyone who applies for confirmation under the proviso of Article 20, Section (3);
8. Anyone who applies for a Preliminary Inspection under Article 22, Section (1);
9. Anyone who applies for approval of drawings under Article 22, Section (2);
10. Anyone who applies for Container Type Approval or approval of a change thereof under Article 23, Sections (1) and (3);
11. Anyone who applies for Container Examination Survey under Article 23, Section (4);
12. Anyone who applies for approval for a method of safety check under Article 24, Section (1);

13. Anyone who applies for approval for materials of Stability under Article 28, Section (2);
  14. Anyone who applies for confirmation for Limit Load, etc. as referred to in Article 34, Section (1);
  15. Anyone who applies for approval for Cargo Securing Manual under Article 39, Section (1);
  16. Anyone who applies for Examination Surveyor approval in respect of the appropriateness of dangerous articles under Article 41, Section (2);
  17. Anyone who applies for a Enhanced Inspection or Tugboat Navigation Inspection;
  18. Anyone who applies for an issuance or re-issuance of instruments under Article 7, Section (2), Article 8, Section (2), Article 10, Section (3), Article 11, Section (2), Article 12, Section (2) / (4), Article 18, Section (7), Article 20, Section (4), Article 22, Section (3), the latter paragraph of Article 23, Section (4), Article 34, Section (2) and Article 43, Section (2).
- (2) Where the Authority or Ship Classification Corporation measures ship hull thickness according to Article 60, Sections (1) and (2), or where an Agency for Hull Thickness Measurement measures ship hull thickness according to Article 63, the Authority, the Ship Classification Corporation, or the Agency for Hull Thickness Measurement may receive a fee for measuring such ship hull thickness under conditions as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.
- <Amended by Act No. 8852, Feb. 29, 2008>*
- (3) Where an Agency for Inspection or an Agency for Hull Thickness Measurement collects a fee in accordance with the provision of Section (1) and the provision of Section (2), the Agency for Inspection or the Agency for Hull Thickness Measurement shall obtain the Minister's approval by defining the criteria for the fee. The same shall apply to a change of any matters approved. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (4) Where an Agency for Inspection or an Agency for Hull Thickness Measurement collects fees in accordance with the provision of Section (1) and the provision of Section (2), the fees shall be deemed as those of such an Agency for Inspection or Agency for Hull Thickness Measurement.

(5) For a ship which has been given a corrective order or an Detension in accordance with the provision of Article 68, Sections (3) and (4) as a result of a finding of defects by Port State Control under the same said Article, the Minister may collect fees necessary for confirming whether such defects have been corrected or not.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(6) In the event of conducting a Special Check in accordance with a proviso of Article 69, Section (2), the Minister may collect fees for the necessary facility, such as airfares, etc.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 81 (Empowerment, etc. of Authority)**

(1) The authority of the Minister under this Act may be delegated to the heads of Regional Maritime Affairs & Port Offices, (including the heads of Regional Marine Affairs Offices under the wing of the head of the Regional Maritime Affairs & Port Office. The same shall apply hereunder), or the Mayor of a Special Metropolitan City / Mayors of Metropolitan Cities / Do governors / Special Self-Do governor, (hereinafter referred to as “Mayor/Do governor”), in part, under conditions as prescribed by Presidential Decree.

*<Amended by Act No. 8852, Feb. 29, 2008>*

(2) A Mayor/Do governor may re-delegated part of his/her authority delegated in accordance with the provision of Section (1) to Mayors / heads of Gun / Gu, (meaning the head of a Self-Gu), after obtaining the Minister’s approval.

*<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 82 (Public Official in Applying Penal Provisions)**

The executives and employees of an Agency for Inspection under Article 60, Sections (1) and (2), Article 64, Section (1) or Article 65, Section (1) shall be deemed as public officials in applying Article 129 or Article 132 of the Criminal Act.

## **CHAPTER XII PENAL PROVISIONS**

### **Article 83 (Penal Provisions)**

A person who falls under any of the following subsections shall be punished by one year or less imprisonment or a fine of 10 million won or less:

1. A person who fails to undergo a Shipbuilding Inspection in violation of Article 7;
2. A person who has undergone a Shipbuilding Inspection / Ship Inspection or International Convention Inspection under Article 7 or Article 12 in a false or unlawful manner;
3. A person who has obtained Type Approval, approval of a change thereof, and / or Examination Survey under Article 18, Sections (1), (4), and (6) in a false or unlawful manner;
4. A person who has obtained a designation of a Recognized Manufacturing (Maintenance) Factory as referred to Article 20, Section (1) in a false or wrongful manner;
5. A person who has undergone a Preliminary Inspection under Article 22, Section (1) in a false or unlawful manner;
6. A person who has undergone Container Type Approval, approval of a change thereof, and / or Examination Survey under Article 23, Section (1), (3) and (4) in a false or unlawful manner;
7. A person who has undergone a Enhanced Inspection under Article 42, Section (1) in a false or unlawful manner;
8. A person who has undergone a Tugboat Navigation Inspection under Article 43, Section (1) in a false or unlawful manner;
9. A person who revealed, disclosed, or announced to any third party an item in violation of Article 74, Section (4).

### **Article 84 (Penal Provisions)**

(1) In the event of committing an action falling under any of the following subsections, an owner, captain, or crew of a ship shall be punished by one year or less imprisonment or a fine of 10 million won or less: <Amended by Act No. 8852, Feb. 29, 2008>

1. When navigating a ship beyond a navigation area as defined in a Ship Survey Certificate under Article 8, Section (2);
2. When using a ship for navigation while boarding passengers in excess of the maximum number of allowable persons onboard, as defined in a Certificate of Ship Inspection under Article 8, Section (2);
3. When using a ship for navigation in violation of the location of the Load Line provided in a Ship Survey Certificate under Article 8, Section (2);
4. When changing the length / width / depth or use of a ship without obtaining the Minister's permission in violation of Article 15, Section (2);
5. When using a ship for navigation without possessing a Ship Survey Certificate, etc. or with a Ship Survey Certificate, etc. whose validity has been suspended, in violation of Article 17, Section (1);
6. When using a ship for navigation in violation of the conditions in respect of navigation provided in a Ship Survey Certificate, etc. in violation of Article 17, Section (2);
7. When loading containers with a Plate for Container Type Approval not attached to a ship, into the ship, in violation of Article 23, Section (8);
8. When covering up / changing or deleting the mark of Load Line in violation of Article 27, Section (1);
9. When transporting passengers or cargo in excess of the Load Line in violation of Article 27, Section (2);
10. When using a ship for navigation without keeping a radio communication facility in place in violation of Article 29, Section (3).

(2) If and when a captain of a ship violates the matters provided for in Section (1) in connection with the ship owner's affairs, an owner as well as the captain of the ship shall be punished by a fine provided for in the same said Article.

(3) In the event that a crew of a ship violates the matters provided for in Section (1), the

captain as well as the crew of the ship shall be punished by a fine provided for in the same Article, provided that, where the captain is not negligent in delivering the duty of control / supervision over the crew, the same shall not apply.

- (4) In the event that an agent, (where an owner of a ship is a corporation, including a representative of the corporation), user, or any other employee of a ship violates the foregoing Section (1) in connection with the ship owner's affairs, such agent, user, or any other employee shall be subject to the same punishment provided for in the same Section. In such a case, the owner of the ship shall be punished by a fine provided for in the same said Section.

#### **Article 85 (Penal Provisions)**

A person who falls under any of the following subsections shall be punished by a fine of 5 million won or less:

1. A person who has undergone an inspection or obtained approval as to whether a loading / transporting or a storage method of dangerous articles under Article 41, Section (2) is appropriate or not, in a false or unlawful manner;
- 1-2. A person who has revealed or used personally a secret made known in the course of doing his/her job in violation of Article 58-2;
2. A person who has not complied with an order under Article 69, Section (4);
3. A person who has not complied with an order under Article 71, Section (3);
4. A person who has reported ship defects under Article 74, Section (1) in a false or misleading way;
5. A person who has not complied with an Detension under Article 74, Section (3);
6. A person who has made a false report or has submitted false documents in violation of Article 75, Section (1);
7. A person who has refused / obstructed or avoided public officials' entry & exit under Article 75, Section (2) without a justifiable reason;
8. A person who has not complied with a disposition under Article 75, Section (5).

### **Article 86 (Penal Provisions)**

A person who falls under any of the following subsections shall be punished by a fine of 2 million won or less:

1. A person who has used a ship for navigation without keeping Stability in violation of Article 28, Section (1);
2. A person who has towed barges and structures, etc. without undergoing a Tugboat Navigation Inspection in violation of Article 43, Section (1);
3. A person who has used highly flammable fuel oil / lubricant oil, etc. in violation of Article 44.

### **Article 87 (Exceptions to the Application of Penal Provisions)**

Where an owner of a ship who has violated this Act or order thereof is a State or local autonomous government, the penal provisions shall not apply.

### **Article 88 (Application of Penal Provisions)**

In the provisions in respect of an owner of a ship under this Act in applying penal provisions, in the event of sharing a ship, if the administrator of the ship has been appointed, the provisions in respect of an owner of a ship shall apply to the ship administrator; if the ship has been rented, to the borrower; and if the ship has been chartered, to the person who is actually in charge of controlling / operating the ship, respectively. The provisions in respect of a captain of a ship shall apply to the person who acts as a proxy for the captain.

### **Article 89 (Fine for Negligence)**

- (1) Any person who falls under any of the following subsections shall be punished by a fine for negligence not exceeding 2 million won:
1. person who fails to undergo a Ship Inspection without any justifiable cause;
  2. A person who fails to keep drawings approved in place on the ship in violation of Article 13, Section (4);

3. A person who has changed the layout / engines / facility, etc. of a ship in violation of Article 15, Section (1);
4. A person who fails to keep Ship's Articles having passed the Type Approval test or approval of changes thereof under Article 18, Section 5;
5. A person who has failed to conduct a Container Safety Check in violation of Article 24, Section (1);
6. A person who has used a container without conducting a Container Safety Check in violation of Article 25, Section (1);
7. A person who has not provided materials for Stability to a captain of a ship in violation of Article 28, Section (2);
8. A person who has obstructed or interfered with a captain's professional judgment in violation of Article 31;
9. A person who has not kept periodicals for navigation purposes on the ship in violation of Article 32.
10. A person who has not secured a field of view in a steering house in violation of Article 33, Section (1);
11. A person who has not installed communication devices at a location somewhere between a steering house and a place where the steering gears are installed in violation of Article 33, Section (2);
12. A person who has not marked Limit Load, etc. in violation of Article 34, Section (3);
13. A person who has used the Cargo Handling System in violation of items in Limit Load, etc. in violation of Article 34, Section (4);
14. A person who has not kept documents for a Cargo Handling System inspection blotter, etc. on a ship in violation of Article 35, Section (2);
15. A person who has not provided to the captain information in respect of the cargo in violation of Article 36, Section (1);
16. A person who has not provided to the captain instruments which are capable of measuring the density of poisonous gas or oxygen and the manuals thereof in violation of Article 37;
17. A person who has not taken sufficient safety steps in violation of Article 38;
18. A person who has not complied with the approval content and loaded or lashed cargo in violation of Article 39, Section (2);
19. A person who has not taken sufficient safety steps in violation of Article 39, Section

- (3);
20. A person who has accepted / loaded cargo in excess of the max. gross weight specified in a Plate for Container Type Approval in violation of Article 39, Section (4);
  21. A person who has not provided to the captain information in respect of Ship Stability / cargo's nature and a method for loading the cargo in violation of Article 40, Section (1);
  22. A person who has not taken a safety step in violation of Article 40, Section (2).
  23. A person who has loaded / transported or stored dangerous articles in violation of Article 41, Section (1);
  24. A person who has neither undertaken an inspection nor obtained approval for the appropriateness of loading / transporting or the method for the storage of dangerous articles under Article 41, Section (2) without any justifiable cause;
  25. A person who has not undertaken an Enhanced Inspection under Article 42, Section (1) without any justifiable cause;
  26. A person who has not kept a Towing Certificate on the tugboat in violation of Article 43, Section (3);
  - 26-2. A person who has used a similar name in violation of Article 58-3;
  27. The owner of a Korean ship whose detention has been suspended by the Port State Control of a foreign country's port authorities in violation of Article 69, Section (1);
  28. A person who has not provided a report or materials as required under Article 75, Section (1) without any justifiable cause.
- (2) The captain of a ship which has not operated a Ship Position Transmitter under Article 30, Section (1) without any justifiable cause shall be punished by a fine for negligence not exceeding 1 million won.
- (3) The fine for negligence pursuant to Sections (1) and (2) shall be imposed / collected by the Minister under conditions as prescribed by Presidential Decree.  
<Amended by Act No. 8852, Feb. 29, 2008>
- (4) Deleted. <by Act No. 9446, Feb. 6, 2009>

(5) Deleted. < by Act No. 9446, Feb. 6, 2009>

(6) Deleted. < by Act No. 9446, Feb. 6, 2009>

**ADDENDA** <No. 9446, Feb. 6, 2009>

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