

FISHING GROUND MANAGEMENT ACT

Wholly Amended by Act No. 8378, Apr. 11, 2007

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

Act No. 9626, Apr. 22, 2009

Act No. 9627, Apr. 22, 2009

Act No. 10121, Mar. 17, 2010

Act No. 10219, Mar. 31, 2010

Act No. 11073, Nov. 14, 2011

Act No. 11690, Mar. 23, 2013

Act No. 12088, Aug. 13, 2013

Act No. 14476, Dec. 27, 2016

Act No. 14739, Mar. 21, 2017

Article 1 (Purpose)

The purpose of this Act is to prescribe necessary matters concerning the efficient preservation, use, and management of fishing grounds, thereby contributing to preserving and improving the environments of fishing grounds and laying the foundation for sustainable fishery production, raising the productivity of fishing grounds and increasing fishermen's incomes.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 9626, Apr. 22, 2009; Act No. 12088, Aug. 13, 2013>

1. The term "fishing ground" means specific waters open for fishing by a holder of a license under Article 8 of the Fisheries Act (hereinafter referred to as "fishery license") or permit under Article 41 (3) 1 and 3 of the aforementioned Act (hereinafter referred to as "fishery permit");
2. The term "fisheries" means the business of catching or gathering marine fauna and flora after obtaining a fishery license or fishery permit or the business of farming them;
3. The term "simultaneous renewal of licenses and permits" means cancelling the former fishery license or fishery permit concerning the relevant fishing ground while granting a new fishery license or fishery permit to the person whose licence or permit has been cancelled, in order to purify or improve fishing grounds by fishing control area under the jurisdiction of the administrative authority;
4. The term "leaving a fishing ground fallow" means leaving any fishing ground, the productivity of which has deteriorated due to a severe environmental contamination and the frequent occurrences of

diseases, fallow for a specific period;

5. The term "purification and improvement of fishing grounds" means any of the following affairs or those similar thereto, which must be conducted to prevent fishing grounds from being damaged caused by environmental pollution, facilitate the efficient use of fishing grounds, and lay the foundation for sustainable fishery production:

- (a) Removal of sediment in fishing grounds or wastes discarded therein;
- (b) Replacing the bed of fishing grounds or newly covering the bed with soil or sand;
- (c) Relocating facilities installed in fishing grounds;

6. The term "business of purifying or improving fishing grounds" means purifying or improving fishing grounds;

7. The term "fishing ground environment" means the nature and ecology of fishing grounds which include organisms living in fishing grounds and the abiotic environment, such as the seawater surrounding fishing grounds and submarine topography, and the patterns of human behavior in fishing grounds.

Article 3 (Master Plans for Managing Fishing Grounds)

(1) The Minister of Oceans and Fisheries shall formulate a master plan for managing fishing grounds (hereinafter referred to as "master plan") on a five-yearly basis to manage fishing grounds in a comprehensive and systematic manner. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) A master plan shall include the following matters: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Policy goals and basic direction-setting concerning fishing ground management;
2. Measures to preserve fishing ground environments and facilitate the efficient use thereof;
3. Basic direction-setting concerning the purification and improvement of fishing grounds;
4. Other matters deemed necessary by the Minister of Oceans and Fisheries for efficiently managing fishing grounds.

(3) Where the Minister of Oceans and Fisheries intends to formulate a master plan, he/she shall first seek opinions from the relevant Metropolitan City Mayor, Do Governor, or Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") and submit it for deliberation by the Central Committee on the Adjustment of Fisheries under Article 88 of the Fisheries Act (hereinafter referred to as "Central Committee on the Adjustment of Fisheries"). The same procedure shall also be undertaken in relation to any proposed amendment to a master plan. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9626, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>*

(4) Where the Minister of Oceans and Fisheries formulates or amends a master plan, he/she shall notify the competent Mayor/Do Governor thereof, and such Mayor/Do Governor shall notify the head of the relevant Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) of the detailed guidelines for implementing the master plan prescribed by taking into account the master plan,

local conditions, characteristics, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Where the Minister of Oceans and Fisheries formulates a master plan pursuant to paragraph (1), he/she may request the head of the relevant administrative agency to submit necessary data, and the head of the administrative agency so requested shall submit such data, except in extenuating circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 4 (Implementation Plans for Managing Fishing Grounds)

(1) The head of each Si/Gun/Gu (in cases of a Special Self-Governing Province, referring to the Governor of a Special Self-Governing Province; hereinafter the same shall apply) shall formulate an implementation plan for managing fishing grounds (hereinafter referred to as "implementation plan") for fishing grounds under his/her control, on a five-yearly basis, in accordance with the master plan under Article 3 and detailed guidelines for implementation thereof. <Amended by Act No. 12088, Aug. 13, 2013>

(2) An implementation plan shall include the following:

1. Matters concerning the simultaneous renewal of licenses and permits;
2. Matters concerning the appropriate use of fishing grounds, such as adjusting the size of fishing grounds;
3. Matters concerning fallow fishing grounds;
4. Matters concerning the purification and improvement of fishing grounds;
5. Other matters deemed necessary by a Mayor/Do Governor or the head of a Si/Gun/Gu for efficiently managing fishing grounds.

(3) Where the head of a Si/Gun/Gu intends to formulate an implementation plan, he/she shall first consult with the competent Mayor/Do Governor and submit it for deliberation by the relevant Si/Gun/Gu Committee on the Adjustment of Fisheries under Article 88 of the Fisheries Act (in cases of a Special Self-Governing Province, referring to the relevant City/Do Committee on the Adjustment of Fisheries; hereinafter referred to as "Si/Gun/Gu Committee on the Adjustment of Fisheries"). The same procedure shall also be undertaken in relation to any proposed amendment to an implementation plan formulated. <Amended by Act No. 9626, Apr. 22, 2009; Act No. 12088, Aug. 13, 2013>

(4) Where the head of a Si/Gun/Gu formulates or amends an implementation plan, he/she shall publicly announce such fact.

Article 5 (Designation, etc. of Fishing Control Area)

(1) Where a fishing ground falls under any of the following cases as the result of inspecting a fishing ground environment under Article 6, the Minister of Oceans and Fisheries may designate the relevant fishing ground as a fishing control area: <Amended by Act No. 12088, Aug. 13, 2013>

1. Where it ceases to meet the criteria for a fishing ground environment provided for in Article 11 (1);
2. Where any obstacle occurs, or is feared to occur, to the preservation of a fishing ground environment.

(2) In designating a fishing control area under paragraph (1) (hereinafter referred to as "fishing control area"), the Minister of Oceans and Fisheries may designate it by including the waters surrounding the relevant fishing grounds, such as the waters between fishing grounds. <Amended by Act No. 12088, Aug. 13,

2013>

(3) Where the Minister of Oceans and Fisheries intends to designate a fishing control area, he/she shall first consult with the competent Mayor/Do Governor and the head of the relevant Si/Gun/Gu and submit it for deliberation by the Central Committee on the Adjustment of Fisheries. The same procedure shall also be undertaken in relation to any proposed amendment to or cancellation of such fishing control area.

<Amended by Act No. 12088, Aug. 13, 2013>

(4) Where the Minister of Oceans and Fisheries designates, amends, or cancels a fishing control area, he/she shall publicly announce such fact. *<Amended by Act No. 12088, Aug. 13, 2013>*

(5) Where all or part of a fishing control area designated under paragraph (1) falls under any of the following cases, the Minister of Oceans and Fisheries shall cancel or change the designation thereof without delay: *<Newly Inserted by Act No. 12088, Aug. 13, 2013>*

1. Where it becomes to meet the criteria for a fishing ground environment provided for in Article 11 (1);
2. Where the cause for designation as a fishing control area ceases to exist;
3. Where the purpose of designation as a fishing control area becomes unattainable.

(6) Any sea area to be designated as a fishing control area shall be prescribed by Presidential Decree, and other necessary matters concerning methods and procedures for designating a fishing control area shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 6 (Inspections of Fishing Ground Environment)

(1) For efficiently utilizing and preserving fishing grounds and for measuring, inspecting, etc. the conditions of a fishing ground environment and sources of pollution, the Minister of Oceans and Fisheries shall establish and operate a network for inspecting fishing ground environments and regularly inspect a fishing ground environment, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 12088, Aug. 13, 2013>*

(2) Whenever necessary, the Minister of Oceans and Fisheries may inspect the environment of a fishing ground deemed necessary to urgently inspect the environment thereof due to serious environmental pollution, or upon a request from the head of a Si/Gun/Gu. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12088, Aug. 13, 2013>*

(3) Necessary matters concerning the details of, methods for, etc. inspecting fishing ground environments under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 6-2 (Information Network on Fishing Ground Environments)

(1) The Minister of Oceans and Fisheries shall establish an information network on fishing ground environments and provide people with information on fishing ground environments, such as the results of an inspection performed under Article 6, as prescribed by Presidential Decree.

(2) If necessary for establishing and operating an information network on fishing ground environments under paragraph (1), the Minister of Oceans and Fisheries may request the heads of the relevant administrative agencies to submit necessary data. In such cases, the heads of the relevant administrative

agencies shall comply therewith, except in extenuating circumstances.

Article 7 Deleted. <by Act No. 12088, Aug. 13, 2013>

Article 8 (Simultaneous Renewal of Licenses and Permits)

(1) If deemed necessary for efficiently managing fishing grounds, the head of a Si/Gun/Gu may implement the simultaneous renewal of licenses and permits for each fishing control area under his/her jurisdiction: Provided, That the head of a Si/Gun/Gu may need not implement the simultaneous renewal of licenses and permits for the fishing control area in which any person excluded from the priority list of fishery licenses under Article 13 (7) of the Fisheries Act engages in fisheries after undergoing deliberation by the relevant Si/Gun/Gu Committee on the Adjustment of Fisheries. <Amended by Act No. 9626, Apr. 22, 2009; Act No. 12088, Aug. 13, 2013>

(2) Where the head of a Si/Gun/Gu intends to implement the simultaneous renewal of licenses and permits, he/she shall first gather consensus from holders of fishery licenses or fishery permits in the relevant fishing control area concerning the timing for the simultaneous renewal of licenses and permits, etc. and then submit it for deliberation by the relevant Si/Gun/Gu Committee on the Adjustment of Fisheries. <Amended by Act No. 12088, Aug. 13, 2013>

(3) Where a fishery license or fishery permit is cancelled pursuant to Article 35 of the Fisheries Act (including cases applicable mutatis mutandis in accordance with Article 49 of the aforementioned Act) in a fishing ground within a fishing control area for which the simultaneous renewal of licenses and permits has been undertaken, no head of a Si/Gun/Gu shall grant any new fishery license or fishery permit in the waters of such fishing ground before the expiration of the term of validity (including the extended term of validity; hereinafter the same shall apply) of fishery licenses or fishery permits granted to other adjacent fishing grounds inside such fishing control area. <Amended by Act No. 9626, Apr. 22, 2009; Act No. 12088, Aug. 13, 2013>

(4) Where a fishery license is cancelled pursuant to Article 35 of the Fisheries Act or the term of validity of a fishery license expires in a fishing ground within a fishing control area for which the simultaneous renewal of licenses and permits under the proviso to paragraph (1) has not been undertaken, no head of a Si/Gun/Gu shall grant any new fishery license in the waters of such fishing ground before the expiration of the term of validity of fishery licenses granted to other adjacent fishing grounds within such fishing control area. <Amended by Act No. 9626, Apr. 22, 2009; Act No. 12088, Aug. 13, 2013>

(5) Where the head of a Si/Gun/Gu grants a new fishery license or fishery permit or allows the extension of the term of validity of such fishery license within a fishing control area for which the simultaneous renewal of licenses and permits has been undertaken, he/she shall grant fishery licenses or fishery permits or allow the extension of the term of validity of such fishery licenses to correspond to the term of validity of fishery licenses or fishery permits of other adjacent fishing grounds inside such fishing control area.

(6) Necessary matters concerning procedures, methods, etc. for the simultaneous renewal of licenses and permits under paragraph (1) shall be prescribed by Presidential Decree.

Article 9 (Fallow Fishing Grounds)

(1) The head of a Si/Gun/Gu may formulate a plan for leaving fishing grounds fallow (hereinafter referred to as "plan for leaving a fishing ground fallow") within a fishing control area in which fishery licenses have been granted. <Amended by Act No. 12088, Aug. 13, 2013>

(2) Where the head of a Si/Gun/Gu intends to formulate a plan for leaving a fishing ground fallow, he/she shall first consult with any fishery license holder within such fishing ground concerning the timing, period, method, etc. thereof. The same procedure shall also be undertaken in relation to any amendment to a plan for leaving a fishing ground fallow.

(3) Where the head of a Si/Gun/Gu formulates or amends a plan for leaving a fishing ground fallow, he/she shall publicly announce such fact and allow perusal of people relevant thereto.

(4) The head of a Si/Gun/Gu shall preferentially purify and improve a fishing ground during the period for leaving the fishing ground fallow in accordance with the plan for leaving the fishing ground fallow.

(5) The head of a Si/Gun/Gu shall grant a new fishery license within a fishing ground not left fallow during the term of validity of fishery license, after leaving such fishing ground fallow for two years from the date on which the term of validity of such fishery license expires: Provided, That a new fishery license may be granted within fishing grounds prescribed by Presidential Decree, although such fishing grounds are not left fallow.

(6) Necessary matters concerning the formulation and perusal of plans for leaving fishing grounds fallow, and matters concerning fallow fishing grounds shall be prescribed by Presidential Decree.

Article 10 (Adjustments, etc. of Fishing Ground Size)

(1) Where the head of a Si/Gun/Gu grants a new fishery license or fishery permit in the waters for which the term of validity of a fishery license or fishery permit expires, if deemed necessary to facilitate the efficient use of fishing grounds and preserve and improve the fishing ground environment in consideration of the outcomes of evaluation of the fishing ground environment under Article 11-2, he/she shall grant a fishery license or fishery permit by adjusting the size and location of existing fishing grounds. <Amended by Act No. 12088, Aug. 13, 2013>

(2) No head of a Si/Gun/Gu shall grant any new fishery license or fishery permit in a fishing ground that has lost its self-purification capacity as a result of evaluation of the fishing ground environment under Article 11-2. <Amended by Act No. 12088, Aug. 13, 2013>

Article 11 (Establishment, etc. of Criteria for Fishing Ground Environment)

(1) Where deemed necessary to protect people's health, the Minister of Oceans and Fisheries may establish the criteria for the fishing ground environment concerning water quality, sediment, etc. which impose restrictions or prohibitions on catching, gathering, or farming marine flora and fauna, and publicly announce them. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The head of a Si/Gun/Gu may impose restrictions or prohibitions on catching or gathering any of the following marine flora and fauna in a fishing ground:

1. Marine flora and fauna inhabiting a place that fails to satisfy the criteria for the fishing ground environment under paragraph (1);
2. Marine flora and fauna which fails to satisfy the standard requirements of ingredients under Article 7 (1) of the Food Sanitation Act.
- (3) The head of a Si/Gun/Gu may impose restrictions or prohibitions on farming marine flora and fauna in any fishing ground that fails to satisfy the criteria for the fishing ground environment under paragraph (1).
- (4) Where the head of a Si/Gun/Gu intends to order restrictions or prohibitions under paragraphs (2) and (3), he/she shall first prescribe detailed provisions relating to such restrictions or prohibitions, such as the types of marine flora and fauna subject to such restrictions or prohibitions, timing, sea areas, etc., and publicly announce them.

Article 11-2 (Evaluation of Fishing Ground Environment)

- (1) For maintaining the safety of marine flora and fauna produced in a fishing ground and the productivity of a fishing ground, the head of a Si/Gun/Gu shall conduct an evaluation of the environment of each fishing ground (hereinafter referred to as "evaluation of the fishing ground environment") by not later than one year before the date on which the term of validity of the fishery license or fishery permit expires.
- (2) Matters necessary for the subject matter, methods, procedures, etc. of the evaluation of the fishing ground environment shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 12 (Duty to Manage Fishing Grounds)

- (1) A holder of a fishery license or fishery permit shall collect and dispose of sediment in fishing grounds or waste discarded therein (hereinafter referred to as "clearing of fishing grounds"), as prescribed by Presidential Decree, in order to preserve and improve the fishing ground environment: Provided, That the same shall not apply to waste, etc. generated by disasters under the Framework Act on the Management of Disasters and Safety. *<Amended by Act No. 12088, Aug. 13, 2013>*
- (2) A fishing ground in which purification and maintenance works are performed shall be deemed cleared pursuant to the former part of paragraph (1).
- (3) A holder of a fishery license or fishery permit may outsource a clearing of fishing grounds to any business of purifying and improving fishing grounds registered under Article 17.
- (4) Matters necessary for the frequency, etc. of clearings of fishing grounds shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 12088, Aug. 13, 2013>*

Article 13 (Fishermen's Duty to Manage Fishing Grounds)

- (1) No holder of a fishery license or fishery permit and person engaging in fisheries (hereafter referred to as "fisherman" in this Article) shall abandon or neglect fishing gear, such as fishing nets or ropes, aquaculture facilities, etc. in any fishing ground while performing fishing activities.
- (2) Where a fisherman intends to scrap fishing gear, such as fishing nets or ropes, aquaculture facilities, etc., he/she shall dispose of them in a place established or operated by the head of a Si/Gun/Gu or request other parties to dispose of them: Provided, That where fishing gear, such as fishing nets or ropes, aquaculture facilities, etc. fall under the category of industrial waste defined in subparagraph 3 of Article 2

of the Wastes Control Act, they shall be disposed of pursuant to Article 18 of the aforementioned Act.

(3) Where a fisherman uses a buoy to install fishing gear, such as fishing nets or ropes, aquaculture facilities, etc. in any fishing ground, he/she shall use commodities satisfying standards prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 14 (Implementation Plan for Purifying and Improving Fishing Grounds, etc.)

(1) The Minister of Oceans and Fisheries shall annually formulate implementation guidelines concerning the purification and improvement of fishing grounds and notify Mayors/Do Governors thereof, the Mayors/Do Governors shall notify the heads of Si/Gun/Gu of the detailed guidelines for the purification and improvement of fishing grounds prescribed by taking into account the implementation guidelines notified, local conditions, characteristics, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The head of a Si/Gun/Gu shall annually formulate an implementation plan for purifying and improving fishing grounds (hereinafter referred to as "implementation plan for purifying and improving fishing grounds") under his/her jurisdiction in accordance with the detailed guidelines for the purification and improvement of fishing grounds under paragraph (1).

(3) Where the head of a Si/Gun/Gu intends to formulate an implementation plan for purifying and improving fishing grounds under paragraph (2), he/she shall first submit it for deliberation by the relevant Si/Gun/Gu Committee on the Adjustment of Fisheries. The same procedure shall also be undertaken in relation to any proposed amendment to an implementation plan for purifying and improving fishing grounds. <Amended by Act No. 12088, Aug. 13, 2013>

(4) Where the head of a Si/Gun/Gu formulates or amends an implementation plan for purifying and improving fishing grounds, he/she shall publicly announce such fact.

(5) Necessary matters concerning procedures for formulating an implementation plan for purifying and improving fishing grounds, the details thereof, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 15 (Purification and Maintenance of Fishing Grounds)

The head of each Si/Gun/Gu shall purify and improve any fishing ground under his/her jurisdiction in accordance with an implementation plan for purifying and improving fishing grounds.

Article 16 (Outsourcing of Purification and Improvement of Fishing Grounds)

(1) Where deemed necessary for efficiently purifying and improving fishing grounds, the head of a Si/Gun/Gu may fully or partially outsource the purification and improvement of such fishing grounds to any business of purifying and maintaining fishing grounds registered under Article 17.

(2) Where a registered business of purifying and improving fishing grounds intends to engage in business of purifying and improving fishing grounds outsourced under paragraph (1), he/she shall use ships registered under Article 17.

Article 17 (Registration, etc. of Business of Purifying and Improving Fishing Grounds)

(1) A person who intends to purify and improve fishing grounds shall satisfy the criteria for registration prescribed by Presidential Decree, such as ships and technical human resources, capital, facilities, and equipment, and file for registration with the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. The same shall apply to revisions to registered matters. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a person who files for registration or revised registration under paragraph (1) intends to suspend, re-open, or close the business of purifying and improving fishing grounds, he/she shall report thereon to the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 18 (Restrictions on Registration)

None of the following persons (in cases of juristic persons, including their representatives) shall file for registration for the business of purifying and improving fishing grounds under Article 17: <Amended by Act No. 9627, Apr. 22, 2009; Act No. 12088, Aug. 13, 2013; Act No. 12484, Mar. 18, 2014>

1. An adult-ward;
2. A person who has been declared bankrupt and has not been reinstated;
3. A person sentenced to imprisonment without prison labor or a heavier punishment for violating this Act, the Fisheries Act or the Fishery Resources Management Act and for whom one year has not passed from the date on which the execution of the sentence was terminated (including where the execution of such sentence is deemed terminated) or the exemption from the sentence was made definite;
4. A person sentenced to a stay of execution of imprisonment without prison labor or a heavier punishment for violating this Act, the Fisheries Act, or the Fishery Resources Management Act and who is during a period of such stay;
5. A person for whom one year has not passed from the date on which the registration of his/her business of purifying and improving fishing grounds is cancelled.

Article 19 (Succession to Business)

(1) Where a person who has registered his/her business of purifying and improving fishing grounds transfers such business or deceases, or where a corporation is merged with another, such transferee, successor, or a corporation which survives the merger or is newly established after the merger shall succeed the status of the former registered business of purifying and maintaining fishing grounds.

(2) A person who fully acquires facilities and equipment for the business of purifying and maintaining fishing grounds in accordance with any of the following procedures shall succeed the rights and duties incidental to the relevant registration: <Amended by Act No. 10219, Mar. 31, 2010; Act No. 14476, Dec. 27, 2016>

1. Auction under the Civil Execution Act;
2. Conversion into cash under the Debtor Rehabilitation and Bankruptcy Act;

3. Sale of seized property under the National Tax Collection Act, Customs Act, or Local Tax Collection Act;

4. Other procedures corresponding to those falling under subparagraphs 1 through 3.

(3) A person who succeeds the rights and duties upon registration of the business of purifying and maintaining fishing grounds under paragraphs (1) and (2) shall report thereon to the relevant Mayor/Do Governor within one month, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The provisions of Article 18 shall apply mutatis mutandis to succession under paragraphs (1) and (2).

Article 20 (Cancellation, etc. of Registration)

(1) Where a registered business of purifying and maintaining fishing grounds falls under any of the following cases, the relevant Mayor/Do Governor may cancel such registration or issue an order to suspend business for a specified period of up to six months: Provided, That in cases falling under subparagraph 1 or 2, such registration shall be cancelled: *<Amended by Act No. 9626, Apr. 22, 2009>*

1. Where registration or amended registration is filed by fraudulent or other wrongful means;

2. Where it falls under any subparagraph of Article 18;

3. Where it ceases to meet the registration standards under Article 17 (1);

4. Where a ship used for purifying and maintaining fishing grounds is used for capturing, gathering, or culturing marine flora and fauna, in violation of Articles 41, 42, 47, and 66 of the Fisheries Act.

(2) The detailed criteria and procedures for administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries in consideration of the types, severity, etc. of violation. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 21 (Application Mutatis Mutandis of other Acts)

The provisions of Articles 16 and 17 of the Fishery Resources Management Act shall apply mutatis mutandis to prevention of possession or transportation, prevention of disposal and processing, or prevention of sales of, and an order to discharge marine flora and fauna captured, gathered, or cultured, in violation of this Act or orders under this Act. *<Amended by Act No. 9627, Apr. 22, 2009>*

Article 22 (Hearings)

Where a Mayor/Do Governor intends to cancel the registration of the business of purifying and maintaining fishing grounds pursuant to Article 20, he/she shall hold a hearing.

Article 23 (Access, etc. to Fishing Grounds)

(1) Any public official who inspects or evaluates a fishing ground environment under Article 6 or 11-2 may engage in any of the following activities where necessary for such inspection or evaluation: *<Amended by Act No. 12088, Aug. 13, 2013>*

1. Access to a fishing ground subject to an inspection or evaluation;

2. Collect samples necessary for an inspection or evaluation in a minimum quantity;

3. Where deemed particularly necessary, use or remove facilities installed in a fishing ground.

(2) A person who intends to enter a fishing ground under paragraph (1) shall notify each person engaging in fishing in the relevant fishing ground or other managers in the fishing ground (hereinafter referred to as "manager of a fishing ground") of the date, time and place, by no later than five days prior to the intended date of entrance.

(3) Where a public official who inspects or evaluates a fishing ground environment intends to engage in an activity falling under paragraph (1) 2 or 3, he/she shall obtain prior consent from the manager of the relevant fishing ground: Provided, That if the manager of the relevant fishing ground is unknown or any other inevitable ground exists, he/she need not obtain consent from the manager of the relevant fishing ground. *<Amended by Act No. 12088, Aug. 13, 2013>*

1. through 3. Deleted. *<by Act No. 12088, Aug. 13, 2013>*

(4) A public official who intends to engage in an activity under paragraph (1) shall carry a certificate indicating his/her authority and produce it to interested parties, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(5) Where a public official inspects or evaluates a fishing ground environment under paragraph (1), no manager of the relevant fishing ground shall refuse, interfere with, or evade any public official's activity specified in accordance with subparagraphs of paragraph (1) without any justifiable ground. *<Newly Inserted by Act No. 12088, Aug. 13, 2013>*

Article 24 (Compensation for Loss)

(1) Where a person suffers loss due to any activity specified in Article 23 (1), the Minister of Oceans and Fisheries or the head of the relevant Si/Gun/Gu shall compensate for such loss. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12088, Aug. 13, 2013>*

(2) The Minister of Oceans and Fisheries or the head of the relevant Si/Gun/Gu shall consult on any loss under paragraph (1) with the person who suffers loss. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12088, Aug. 13, 2013>*

(3) If no agreement under paragraph (2) is reached or no consultation is possible, the adjudication claim may be filed with the competent committee for land appropriation.

Article 25 (Subsidies from National Treasury)

The State may fully or partially subsidize expenses incurred in purifying or improving fishing grounds under Article 15 within budgetary limits.

Article 26 (Delegation and Entrustment of Authority)

(1) The Minister of Oceans and Fisheries may partially delegate his/her authority under this Act to the head of an agency under his/her control or a Mayor/Do Governor, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12088, Aug. 13, 2013>*

(2) A Mayor/Do Governor may partially delegate his/her authority under this Act to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(3) The head of a Si/Gun/Gu may partially entrust his/her duties under this Act to an institution or organization having professional investigative and research functions related to fisheries, as prescribed by

Presidential Decree. <Newly Inserted by Act No. 12088, Aug. 13, 2013>

Article 27 (Penal Provisions)

(1) Any of the following persons shall be punished by imprisonment for not more than seven years or by a fine not exceeding 70 million won: <Amended by Act No. 14739, Mar. 21, 2017>

1. A person who abandons or neglects fishing gear or aquaculture facilities in a fishing ground, in violation of Article 13 (1);
2. A person who disposes of fishing gear or aquaculture facilities, or requests third parties to dispose of them, in a place, other than places established and operated by the head of the relevant Si/Gun/Gu, in violation of the main sentence of Article 13 (2).

(2) Any person who abandons or neglects fishing gear or aquaculture facilities in a fishing ground, in violation of Article 13 (1) shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won. <Amended by Act No. 14739, Mar. 21, 2017>

Article 28 (Penal Provisions)

Any person who possesses and transports marine flora and fauna, disposes of and processes them, or sells them, or any person who fails to comply with an order to discharge them, in violation Articles 16 and 17 of the Fishery Resources Management Act applied mutatis mutandis under Article 21 shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won. <Amended by Act No. 9627, Apr. 22, 2009; Act No. 14739, Mar. 21, 2017>

Article 29 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won:

1. A person who fails to comply with a restriction order or prohibition order under Article 11 (2) or (3);
2. A person who purify or improve a fishing ground by proxy without using the registered ships, in violation of Article 16 (2);
3. A person who operates the business of purifying or improving fishing grounds without filing registration, in violation of Article 17 (1).

Article 30 Deleted. <by Act No. 12088, Aug. 13, 2013>

Article 31 (Confiscation)

(1) In cases falling under Article 28, marine flora and fauna owned or possessed by a criminal shall be confiscated.

(2) If it is impracticable to confiscate all or some marine flora and fauna owned or possessed by a criminal pursuant to paragraph (1), the value of such flora or fauna shall be imposed.

Article 32 (Joint Penal Provisions)

If a representative of a corporation, or an agent, employee, or other servant of a corporation or individual commits any offense falling under Articles 27 through 29 with regard to the affairs of such corporation or individual, not only shall such actor be punished accordingly, but such corporation or individual also shall be punished by a fine prescribed in the corresponding provisions: Provided, That this shall not apply

where such corporation or individual has not been negligent in giving due attention and supervision in connection with the relevant affairs to prevent such offense. <Amended by Act No. 12088, Aug. 13, 2013>

Article 33 (Administrative Fines)

(1) A person who fails to clear fishing grounds in violation of Article 12 (1) shall be charged an administrative fine not exceeding five million won. <Newly Inserted by Act No. 12088, Aug. 13, 2013>

(2) Any of the following persons shall be charged an administrative fine not exceeding two million won: <Amended by Act No. 12088, Aug. 13, 2013>

1. Any person who uses a commodity that fails to satisfy the requirements under Article 13 (3);
2. Any person who fails to report under Article 17 (2);
3. Any person who fails to report the succession of business under Article 19 (3);
4. Any person who refuses, interferes with, or evades the access to a fishing ground, collection of samples, or use or removal of facilities by a public official who inspects or evaluates the fishing ground environment, in violation of Article 23 (5).

(3) Administrative fines falling under paragraphs (1) and (2) shall be imposed and collected by the Minister of Oceans and Fisheries, Mayors/Do Governors, or heads of Sis/Guns/Gus, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12088, Aug. 13, 2013>

(4) and (5) Deleted. <by Act No. 11073, Nov. 14, 2011>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 3 of Article 2, Articles 3 (4), 4, 5, 6 (2), 7 (4), 8, 11, 12, 13 (1) and (2), 14 through 20, 22, 25, 27, 29, 30, 32, and 33 (1) shall enter into force on June 29, 2007, and the amended provisions of Article 13 (3) shall enter into force on December 29, 2008.

Article 2 (Transitional Measure concerning Enforcement Date)

Before the amended provisions of subparagraph 3 of Article 2, Articles 3 (4), 4, 5, 6 (2), 7 (4), 8, 11, 12, 14, 15, 22, 25, 29, 30, 32, and 33 (1) enter into force under the proviso to Article 1 of the Addenda, the previous provisions corresponding thereto of subparagraph 3 of Article 2, Articles 3 (4), 4, 5, 6 (2), 7 (4), 8, 11, 12, 13, 14 (1), 21, 24, 27, 28, 30, and 31 (1) shall apply.

Article 3 (Transitional Measure concerning Application of Penalty related to Regulations)

Where Articles 16 through 19 and subparagraph 2 of Article 27 of the Fishing Ground Management Act No. 6257 become invalid under Article 2 of the Addenda of the same Act, the application of penalties to any offence committed before the corresponding provisions become invalid shall be governed by the previous provisions until they become invalid.

Article 4 (Transitional Measure concerning Application of Penalty related to Regulations)

In applying the amended provisions of Article 12 (2), the purification of coastal waters under Article 72-2 of the Fisheries Act as at January 29, 2001, on the enforcement date of the Fishing Ground Management Act No. 6257 shall be deemed the purification and maintenance of fishing grounds under this Act.

Article 5 (Transitional Measure incidental to Change of Authority)

(1) Sea areas subject to fishing ground management which are designated by the relevant Mayors/Do Governors under the former part of Article 5 at the time the partial amendment to the Fishing Ground Management Act No. 8130 enters into force shall be deemed designated by the heads of the relevant Sis/Guns/Gus pursuant to the amended provisions of Article 5.

(2) The concurrent renewal of license, etc. carried out by the relevant Mayors/Do Governors under the former part of Article 8 at the time the partial amendment to the Fishing Ground Management Act No. 8130 enters into force shall be deemed the concurrent renewal of licenses and permission carried out by the heads of the relevant Sis/Guns/Gus pursuant to the amended provisions of Article 8.

(3) Restriction, or prohibition imposed or notification made by the relevant Mayors/Do Governors pursuant to the former part of Article 11 (2) through (4) at the time the partial amendment to the Fishing Ground Management Act No. 8130 enters into force shall be deemed a restriction or prohibition imposed or a notification made by the heads of the relevant Sis/Guns/Gus pursuant to the amended provisions of Article 11.

(4) Any person who is registered to engage in the business of fishing ground purification or maintenance as a proxy under the directions of the relevant Mayors/Do Governors under the former part of Article 15 at the time the partial amendment to the Fishing Ground Management Act No. 8130 enters into force shall be deemed to act as a proxy under the directions of the heads of the relevant Sis/Guns/Gus under the amended provisions of Article 16.

Article 6 (General Transitional Measure concerning Disposition, etc.)

Any behavior conducted by the administrative agency or behavior in relation to the administrative agency pursuant to the previous provisions at the time this Act enters into force shall be deemed behavior conducted by the administrative agency under this Act or behavior in relation to the administrative agency, which corresponds thereto.

Article 7 (Transitional Measure concerning Penalties or Fines for Negligence)

In applying the penal provisions or provisions concerning fines for negligence to offences committed before this Act enters into force, the previous provisions shall apply.

Article 8 Omitted.

Article 9 (Relationship with other Acts and Subordinate Statutes)

A citation to the former Fishing Ground Management Act or any provision thereof by any other Act or subordinate statute shall be deemed a citation to this Act or the relevant Article hereof in lieu of the former provision, if such relevant provision exists in this Act.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 9627, Apr. 22, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDUM <Act No. 10121, Mar. 17, 2010>

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

ADDENDA <Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force from January 1, 2011.

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 11073, Nov. 14, 2011>

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

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

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12088, Aug. 13, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 18 shall enter into force on the date of its promulgation.

Article 2 (Special Provisions on Evaluation of Fishing Ground Environments)

In cases of a fishing ground the remaining term of validity of fishery license or fishery permit of which is not less than one year, but less than one year and six months, among fishing grounds subject to the evaluation of fishing ground environments under the amended provisions of Article 11-2 as at the time this Act enters into force, the head of the competent Si/Gun/Gu shall complete the evaluation of a fishing ground environment within six months after this Act enters into force.

Article 3 (Transitional Measures concerning Replacement of Authority Designating Fishing Control Areas)

Any fishing control area designated by the head of a Si/Gun/Gu under the former provisions as at the time this Act enters into force shall be deemed designated by the Minister of Oceans and Fisheries under the amended provisions of Article 5 (1).

Article 4 (Transitional Measures concerning Restriction on Registration for Business of Purifying and Maintaining Fishing Grounds)

The period of restriction on registration under the former subparagraph 3 or 5 of Article 18 which has passed one year after the amended provisions of Article 18 enter into force shall be deemed expired under the amended provisions of subparagraph 3 or 5 of Article 18.

ADDENDA <Act No. 12484, Mar. 18, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Incompetent Persons, etc.)

Persons against whom the declaration of the incompetency or quasi-competency takes in effect under Article 2 of the Addenda to the amended Civil Act (Act No. 10429) shall be deemed adult-wards under the amended provisions of subparagraph 1 of Article 18 (including cases applicable mutatis mutandis under Article 19 (4)).

ADDENDA <Act No. 14476, Dec. 27, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 14739, Mar. 21, 2017>

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

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