

# TIDE EMBANKMENT MANAGEMENT ACT

Act No. 1470, Dec. 5, 1963

Amended by Act No. 2179, Jan. 1, 1970

Act No. 4189, Dec. 30, 1989

Act No. 5153, Aug. 8, 1996

Act No. 5454, Dec. 13, 1997

Act No. 6140, Jan. 12, 2000

Act No. 6589, Dec. 31, 2001

Act No. 8852, Feb. 29, 2008

Act No. 10452, Mar. 9, 2011

Act No. 11690, Mar. 23, 2013

Act No. 17317, May 26, 2020

## Article 1 (Purpose)

The purpose of this Act is to improve agricultural productivity, promote the growth of the national economy and conserve national land by having the State or a local government manage tide embankments especially necessary to conserve reclaimed land for agricultural purposes and prevent damage to agricultural and fishery products.

## Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on May 26, 2020>*

1. The term "tide embankment" means an embankment constructed along the seashore for agricultural purposes;
2. The term "managed tide embankment" means a tide embankment managed by the State or a local government;
3. The term "appendage to a tide embankment" means a seawater storage reservoir (referring to a temporary storage of running water coming from inside an embankment or of seawater from an outside an embankment), stage gauge, groyne, and other artificial structure annexed to a tide embankment;
4. The term "tidal water capacity" means the volume of tidewater to be flowed into reclaimed land at the highest tide.

### **Article 3 (Decision of Tide Embankments Managed by the State)**

(1) The owner or manager of any of the following tide embankments may file an application for the management of a relevant tide embankment by the State with the Minister of Agriculture, Food and Rural Affairs: *<Amended on Mar. 23, 2013>*

1. A tide embankment of reclaimed land, the tidal water capacity of which is not less than ten million cubic meters;
2. A tide embankment of reclaimed land, the tidal water capacity of which is neither less than seven million cubic meters nor more than ten million cubic meters, and the distance to the other side of which is not less than four kilometers;
3. Any of the following tide embankments, the beneficiaries of which lack the ability to bear expenses or which is deemed especially necessary for the public security:
  - (a) A tide embankment of reclaimed land, the tidal water capacity of which is neither less than seven million cubic meters nor more than ten million cubic meters, and the distance to the other side of which is less than four kilometers;
  - (b) A tide embankment of reclaimed land, the tidal water capacity of which is neither less than three million cubic meters nor more than seven million cubic meters, and the distance to the other side of which is not less than four kilometers.

(2) Upon receipt of an application under paragraph (1), the Minister of Agriculture, Food and Rural Affairs shall review whether the State needs to manage the relevant tide embankment, and then designate it as a tide embankment to be managed by the State. *<Amended on Mar. 23, 2013>*

### **Article 3-2 (Decision of Tide Embankments Managed by Local Governments)**

(1) The owner or manager of a tide embankment excluding tide embankments managed by the State under Article 3 may file an application for management of the relevant tide embankment by a local government with the head of the competent local government at all levels (hereinafter referred to as "head of a local government").

(2) Upon receipt of an application under paragraph (1), the head of a local government shall review whether the local government needs to manage the relevant tide embankment, and then decide it as a tide embankment to be managed by the local government.

(3) The scope of a tide embankment managed by a Metropolitan City, Do or Special Self-Governing Province (hereinafter referred to as "City/Do") shall be prescribed by ordinance of the relevant City/Do, and the scope of a tide embankment managed by a Si/Gun/autonomous Gu shall be prescribed by ordinance of the relevant Si/Gun/autonomous Gu.

### **Article 4 (Release from Management)**

Where a tide embankment need not be managed as a managed tide embankment, or the original manager files an application, the Minister of Agriculture, Food and Rural Affairs or the head of a local government may release the tide embankment from tide embankments subject to management. <Amended on Mar. 23, 2013>

#### **Article 5 (Public Notice)**

Where the Minister of Agriculture, Food and Rural Affairs or the head of a local government has designated the relevant tide embankment as a managed tide embankment pursuant to Articles 3 and 3-2 or has released the relevant tide embankment from a managed tide embankment pursuant to Article 4, he or she shall publicly notify the following matters: <Amended on Mar. 23, 2013>

1. The location of the tide embankment;
2. The total length and width of a tide embankment and appendages thereto;
3. The tidal water capacity;
4. The domicile and the name of the owner and the original manager thereof.

#### **Article 6 (Management of Tide Embankments)**

(1) The Minister of Agriculture, Food and Rural Affairs shall exercise overall control over the comprehensive planning, investigation, and supervision regarding the State management of tide embankments and other necessary matters, and the competent Metropolitan City Mayor, the competent Do Governor, and the Governor of the competent Special Self-Governing Province (hereinafter referred to as the "Mayor/Do Governor") shall exercise overall control over the comprehensive planning, investigation and supervision regarding a local government's management of tide embankments and other necessary matters: Provided, That where the comprehensive coordination is required when managing tide embankments or where the disposition made by the Mayor/Do Governor is deemed inappropriate, the Minister of Agriculture, Food and Rural Affairs may cancel or correct such disposition or take other necessary measures. <Amended on Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs or the head of a local government may appoint an organization prescribed by Presidential Decree to conduct business concerning the management of a tide embankment on his or her behalf. <Amended on Mar. 23, 2013>

(3) In cases of paragraph (2), the Minister of Agriculture, Food and Rural Affairs or the head of a local government may have an organization that conducts business concerning the management of a tide embankment on his or her behalf manage the expenses incurred in the management thereof.

(4) Matters necessary for the management of funds incurred in the management of a tide embankment shall be prescribed by Presidential Decree.

#### **Article 7 (Bearing of Management Expenses)**

Expenses incurred in the State management of tide embankments shall be paid from the national treasury, and expenses incurred in a local government's management of tide embankments shall be paid from the national treasury and local finance: Provided, That the Minister of Agriculture, Food and Rural Affairs may provide special support from the national treasury to tide embankments in special regions, such as islands, etc., from among tide embankments managed by a local government, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

**Article 8 Deleted.** <Jan. 12, 2000>

**Article 9 Deleted.** <Dec. 31, 2001>

### **Article 10 (Emergency Measures in State of Emergency)**

When necessary to avoid failure of a managed tide embankment or to recover after natural disasters or other emergency situations, the Minister of Agriculture, Food and Rural Affairs or the head of a local government may do the following acts: <Amended on Mar. 23, 2013; May 26, 2020>

1. Requesting neighboring residents to engage in emergency measures;
2. Using land, houses, and other necessary things temporarily;
3. Removing or changing an artificial structure or other obstacle;
4. Using soil, stones, trees, and other things.

### **Article 11 (Compensation for Losses)**

(1) The Minister of Agriculture, Food and Rural Affairs or the head of a local government shall pay fair compensation to a person who has sustained losses due to an act under Article 10. <Amended on Mar. 23, 2013>

(2) Matters necessary for compensation under paragraph (1) shall be prescribed by Presidential Decree.

### **Article 12 (Bearing of Expenses by Users)**

Where all or part of a managed tide embankment also fulfills the utility of another artificial structure, the Minister of Agriculture, Food and Rural Affairs or the head of a local government may have the user thereof fully or partially bear the expenses incurred in the construction of the tide embankment or other management within the extent of benefits received from the relevant tide embankment. <Amended on Mar. 23, 2013>

### **Article 13 (Maintenance and Repair by Beneficiaries)**

Where a beneficiary receives special benefits directly from the use of a managed tide embankment for a purpose other than its original purpose, the Minister of Agriculture, Food and Rural Affairs or the head of a local government may have such beneficiary fully or partially bear the expenses incurred in maintaining

or repairing the relevant tide embankment, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

**Article 14 (Delegation of Authority)**

The Minister of Agriculture, Food and Rural Affairs may partially delegate his or her authority granted under this Act to the Mayor/Do Governor, and the Mayor/Do Governor may partially delegate his or her authority to the head of a Si/Gun/autonomous Gu, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

**Article 15 Deleted.** <Mar. 9, 2011>

ADDENDUM <Act No. 1470, Dec. 5, 1963>

This Act enters into force on the date of its promulgation.

ADDENDUM <Act No. 2179, Jan. 1, 1970>

This Act enters into force on the date of its promulgation.

ADDENDUM <Act No. 4189, Dec. 30, 1989>

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

ADDENDA <Act No. 5153, Aug. 8, 1996>

**Article 1 (Enforcement Date)**

This Act shall, within thirty days after its promulgation, enter into force on the enforcement date of the Presidential Decree under amended provisions of Article 41 relating to organization of the Ministry of Maritime Affairs and Fisheries, and the National Maritime Police Agency.

**Articles 2 through 4 Omitted.**

ADDENDUM <Act No. 5454, Dec. 13, 1997>

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

ADDENDUM <Act No. 6140, Jan. 12, 2000>

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

ADDENDA <Act No. 6589, Dec. 31, 2001>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2002. (Proviso Omitted.)

**Articles 2 through 8 Omitted.**

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

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That ... <omitted>... *the amended provisions of a statute, among statutes to be amended under Article 6 of the Addenda, which was promulgated before this Act enters into force but the enforcement date of which has yet to arrive, shall enter into force on the enforcement date of the relevant statute.*)

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 10452, Mar. 9, 2011>

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

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

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 17317, May 26, 2020>

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

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