

# REARRANGEMENT OF AGRICULTURAL AND FISHING VILLAGES ACT

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Act No. 10580, Apr. 12, 2011  
Act No. 10599, Apr. 14, 2011  
Act No. 10833, Jul. 14, 2011  
Act No. 10893, Jul. 21, 2011  
Act No. 11020, Aug. 4, 2011  
Act No. 11072, Nov. 14, 2011  
Act No. 11319, Feb. 17, 2012  
Act No. 11352, Feb. 22, 2012  
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Act No. 11690, Mar. 23, 2013  
Act No. 11694, Mar. 23, 2013  
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Act No. 12963, Jan. 6, 2015  
Act No. 13383, jun. 22, 2015  
Act No. 13499, Aug. 28, 2015  
Act No. 13805, Jan. 19, 2016  
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Act No. 14480, Dec. 27, 2016

## **Article 1 (Purpose)**

The purpose of this Act is to improve and develop agricultural infrastructure, living environments of rural communities, rural tourism and resort resources, marginal farmland, etc. in an integrated and systematic manner, to raise the competitiveness of the agricultural and fisheries industries and facilitate the improvement of living environments of rural communities, thereby contributing to the construction of modernized rural communities and balanced national development.

## **Article 2 (Definitions)**

The terms used in this Act shall be defined as follows: <Amended by Act No. 10833, Jul. 14, 2011; Act No. 11319, Feb. 17, 2012; Act No. 12963, Jan. 6, 2015; Act No. 13383, Jun. 22, 2015>

1. The term "rural communities" means agricultural villages defined in subparagraph 5 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry and fishing villages defined in subparagraph 6 of Article 3 of the Framework Act on Fishers and Fishing Villages Development;
2. The term "quasi rural community" means a zone, other than a rural community in a Gu, a local government under the jurisdiction of a Metropolitan City (hereinafter referred to as "autonomous Gu of a Metropolitan City"), which is an agricultural promotion area under the Farmland Act or a development restriction zone under the Act on Special Measures for Designation and Management of Development Restriction Zones;
3. The term "rural water" means the domestic water, agricultural water, industrial water, fishery water, and water to prevent environmental pollution, which are needed in rural communities;
4. The term "rural development project" means the following:
  - (a) A project to develop agricultural infrastructure in order to develop and expand agricultural infrastructure;
  - (b) A project to improve the living environments of rural communities;
  - (c) A project to foster rural industries;
  - (d) A project to develop rural tourism and resort resources;
  - (e) A project to develop marginal farmland and others;
5. The term "agricultural infrastructure development and expansion project" means the following:
  - (a) A rural water development project;
  - (b) An agricultural infrastructure improvement project, such as replotting of arable land, improvement of drainage, repairing and mending of agricultural infrastructure, and dredging;
  - (c) A project to expand and develop farmland by means of the reclamation, landfill, land clearing, etc. that are principally aiming at the agricultural and fisheries industries;
  - (d) A project to create an agro-industrial complex and to expand agricultural facilities;
  - (e) A project to prevent water pollution and improve water quality of lakes, such as reservoirs (referring to facilities for storing or controlling river water, river zones, coastal areas, etc. for the purposes of securing rural water, and the surface of water and land at a level below the flood level (the maximum level of river water); hereinafter the same shall apply) and freshwater lakes, and

marshes;

(f) A farmland soil improvement project;

(g) Other projects necessary for the development and use of farmland;

6. The term "agricultural infrastructure" means facilities for the use of subterranean water, such as reservoirs, pumping stations and wells, installations, such as drainage stations, diversion weirs, irrigation channels, drainage channels, puddles, roads (including farm roads, such as agricultural roads referred to in Article 4 of the Act on the Maintenance and Improvement of Road Networks in Agricultural and Fishing Villages; hereinafter the same shall apply), tide embankments, levees and appurtenant facilities, and agricultural facilities, such as production, processing, storage and distribution facilities for agricultural or fisheries products, which are installed through agricultural infrastructure development and expansion projects or used for the preservation of farmland and for agricultural production;

7. The term "safety inspection" means an activity performed by a person having experience and skills to find defects, etc. in agricultural infrastructure either visually or using inspection devices, etc.;

8. The term "thorough safety inspection" means an investigation, measurement, and assessment of the structural safety, causes of defects, etc. of facilities, and subsequent presentation of way to repair or reinforce such facilities, in order to take prompt and appropriate measures against physical and functional defects found in agricultural infrastructure through a safety inspection;

9. The term "safety control" means all activities for the safety of agricultural infrastructure, including safety inspections, thorough safety inspections, maintenance, repairing, mending, restriction on usage, and removal;

10. The term "living environment improvement project" means the following projects to comprehensively refurbish and secure the living environments, residential infrastructure, convenience facilities, welfare facilities, etc. in rural area and quasi rural area, and to improve the welfare of farmers, fishermen, etc.:

(a) A project for building a new rural village equipped with grouped rural houses, communal facilities, etc.;

(b) A rural village development project to rearrange land, houses, etc. of existing villages in a rational way;

(c) A project to rearrange scattered villages;

(d) A project to prevent rural water pollution, such as installation of small scale water supply systems, village sewerage (referring to public sewerage installed in each village of rural areas, among the public sewerage defined in subparagraph 4 of Article 2 of the Sewerage Act), and sewage disposal facilities;

(e) A settlement area development project focusing on the development of areas which serve as a base for life of residents;

- (f) Refurbishment of abandoned houses;
- (g) A project to supply and manage rental houses to rural areas;
- (h) Improvement and expansion of national territory preservation facilities, such as antiflood and afforestation;
- (i) A project to improve rural houses (referring to new construction, expansion, remodeling, and large-scale repair; hereinafter the same shall apply);
- (j) A project to dismantle, remove, and dispose of slate (referring to slate containing asbestos; hereinafter the same shall apply) from installations, such as communal facilities, rural houses, etc.;
- (k) Other projects necessary for improving the living environments of rural areas and quasi rural areas;

11. The term "rural house" means a building (including the structures and land that belong thereto) located in a rural area or quasi rural area, which has a structure of enabling a long-term independent dwelling;

12. The term "abandoned house" means an rural house or building unoccupied or unused for at least one year from the date on which the heads of Sis (in cases of Special Self-Governing Provinces, referring to the Governors of Special Self-Governing Provinces; hereinafter the same shall apply), Guns, and Gus (referring to the heads of autonomous Gus in Metropolitan Cities; hereinafter the same shall apply) confirm whether it is occupied or used;

13. The term "village development zone" means a zone designated and publicly notified pursuant to Article 101 to implement a rural development project in an integrated and planned manner in a rural area and quasi rural area;

14. The term "land substitution" means designating a newly rearranged land lot in replacement of a previous land lot under a rural development project;

15. The term "rural industry" means manufacturing industries, such as food processing, and service industries, such as cultural tourism, which utilize the tangible and intangible resources of rural areas, such as specialties, traditional culture and landscape;

16. The term "rural tourism and resort business" means the following:

(a) Rural tourism and resort complex business: A business of allowing people to use exhibition halls, education halls, local specialty sales facilities, sports facilities, youth training facilities, resort facilities, etc., or providing accommodation facilities, meals, etc., such as resort condominiums, by utilizing the pleasant natural environments, specialties, etc. of rural areas;

(b) Tourist farm business: A business of providing local specialty sales facilities, agricultural experience facilities, sports facilities, resort facilities, accommodation facilities, meals or services, or allowing people to use other annexed facilities by utilizing the natural resources and agro-fishery infrastructure of rural areas;

(c) Weekend farm business: A business of leasing farmland or providing services to those who desire to participate in weekends farming and farming experience, and of making people use other annexed

facilities;

(d) Rural bed and breakfast business: A business of providing accommodations, cooking facilities, breakfast, etc. to guests by using the detached houses defined in Article 2 (2) 1 of the Building Act (referring to detached houses and multi-unit houses under attached Table 1 of the Enforcement Decree of the same Act), which are inhabited by residents of rural areas or quasi rural areas, in an attempt to raise the income of rural areas and quasi rural areas;

17. The term "marginal farmland" means farmland outside an agriculture promotion area designated under Article 28 of the Farmland Act, which has low productivity due to unfavorable conditions for agriculture, and falls under criteria determined by Presidential Decree;

18. The term "development project for marginal farmland and others" means a project to develop marginal farmland in rural areas, their surrounding mountainous areas and other land (hereinafter referred to as "marginal farmland and others") into land used for agriculture, forestry, and fisheries, land for tourism and resort resources, land for multipurpose, etc.

### **Article 3 (Resource Survey)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may conduct a resource survey necessary for the use and development of land, villages, and waters adjacent to the coast for the purpose of rural development. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The subjects of the resource survey for rural development shall be rural areas.

(3) The items of the resource survey, scope of waters adjacent to the coast and other necessary matters shall be prescribed by Presidential Decree.

### **Article 4 (Comprehensive Rural Development Plan, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall formulate a comprehensive plan for rural development in consultation with the heads of relevant government agencies to develop and improve agricultural infrastructure, living environments of rural areas, rural industries, rural tourism and resort resources, marginal farmland, etc., based on the results of the resource survey referred to in Article 3. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The comprehensive plan for rural development referred to in paragraph (1) shall be formulated in accordance with the development plans for the agriculture, farming villages, and the food industry under Article 14 of the Framework Act on Agriculture, Rural Community and Food Industry as well as the development plans of fisheries and fishing villages under Article 7 of the Framework Act on Fishers and Fishing Villages Development, on the condition that the following matters shall be included therein:

<Amended by Act No. 11694, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>

1. Objectives and basic direction-setting for policies of a rural development project;
2. Current state of target areas;
3. Major details of a rural development project;
4. Estimated business expenses.

(3) The head of each local government shall utilize the results of a resource survey referred to in Article 3, if he/she intends to formulate, supplement, or improve a regional development plan.

#### **Article 5 (Preservation and Management of Rural Landscape)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may formulate and pursue basic policies for the preservation, creation, and management of landscape (hereinafter referred to as "rural landscape management") for the performance of rural development projects in consideration of the characteristics of rural areas. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Each rural development project implementer may formulate and implement a plan for the management of rural landscape (hereinafter referred to as "rural landscape management plan") of the target areas of rural development projects, as prescribed by Presidential Decree.

(3) Residents of rural areas or other interested persons may propose the formulation of a rural landscape management plan to a rural development project implementer, and the person who receives such proposal shall notify the proposer of the results of the processing thereof.

(4) Except as otherwise provided for in paragraph (3), matters necessary for the proposal of a rural landscape management plan, the handling of the proposal statement, etc. shall be prescribed by Presidential Decree.

#### **Article 6 (Principle of Agricultural Infrastructure Development and Expansion Project)**

Each project to develop and expand agricultural infrastructure shall be performed in a comprehensive and systematic manner by taking into consideration each of the following matters, so as to boost agricultural productivity through an efficient use of farmland, rural water, and other resources:

1. Soil quality, earth, gradient, and climate of the area in which the relevant project is performed;
2. Cultivated crops;
3. Economic feasibility and rural landscape;
4. Consent of land right holders referred to in Article 9 (3).

#### **Article 7 (Agricultural Infrastructure Development and Expansion Plan and Survey of Its Prearranged Area)**

(1) The Minister of Agriculture, Food and Rural Affairs shall, based on the results of the resource survey referred to in Article 3 and the comprehensive plan for rural development referred to in Article 4, formulate and proceed with agricultural infrastructure development and expansion plans by area and type, such as rice farming, dry-field farming, and greenhouse farming. <Amended by Act No. 11690, Mar. 23, 2013>

(2) In cases under the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs shall, in accordance with the agricultural infrastructure development and expansion plan referred to in paragraph (1), conduct field surveys in the relevant area scheduled for developing and expanding its agricultural infrastructure: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where a person who intends to perform an agricultural infrastructure development and expansion project applies;

2. Where the Minister of Agriculture, Food and Rural Affairs recognizes the necessity of the agricultural infrastructure development and expansion project.

**Article 8 (Formulation of Master Plan for Agricultural Infrastructure Development and Expansion Project)**

(1) With respect to the agricultural infrastructure development and expansion projects deemed feasible as a result of a field survey of the area scheduled for the project pursuant to in Article 7 (2), the Minister of Agriculture, Food and Rural Affairs shall conduct a basic survey of the relevant area, and then formulate a master plan for the project to develop and expand agricultural infrastructure: Provided, That with respect to the replotting of arable land, repairing and mending of agricultural infrastructure, and dredging that are referred to in subparagraph 5 (b) of Article 2, the following persons shall conduct a basic survey and formulate a master plan for the project to develop and expand agricultural infrastructure: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where the project area is located in one Metropolitan City, Do, or Special Self-Governing Province (hereinafter referred to as "City/Do"): The competent Metropolitan City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor");

2. Where the project area spans at least two Cities/Dos: The Mayor/Do Governor designated by the Minister of Agriculture, Food and Rural Affairs in consultation with the competent Mayors/Do Governors.

(2) Notwithstanding the provisions of paragraph (1), the basic survey may be omitted in cases of an agricultural infrastructure development and expansion project recognized to be feasible according to the survey of the area scheduled for a project to develop and expand agricultural infrastructure referred to in Article 7 (2), and prescribed by Presidential Decree, such as a project the scale of which is below a specific scale.

**Article 9 (Formulation, etc. of Action Plan for Agricultural Infrastructure Development and Expansion Project)**

(1) The Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor shall designate a project implementer for the development and expansion of agricultural infrastructure with respect to the feasible projects to develop and expand agricultural infrastructure included in the master plan for the agricultural infrastructure development and expansion project referred to in Article 8. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When intending to perform the project in accordance with the master plan for the agricultural infrastructure development and expansion project, each implementer for the development and expansion of agricultural infrastructure project shall lay out a detailed design for the area concerned and formulate an action plan for the agricultural infrastructure development and expansion project.

(3) Each project implementer for the development and expansion of agricultural infrastructure shall publicly announce the action plan for the agricultural infrastructure development and expansion project (excluding agricultural infrastructure development and expansion projects for repairing of reservoir, etc.

prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs), allow land right holders referred to in Article 11 to peruse the plan, and obtain consent from at least 2/3 of them. <Amended by Act No. 11690, Mar. 23, 2013>

(4) When unable to obtain consent referred to in paragraph (3) due to special causes prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, each project implementer for the development and expansion of agricultural infrastructure shall obtain consent from the owners of at least 2/3 of the benefitted land area in the relevant area. <Amended by Act No. 11690, Mar. 23, 2013>

(5) When dissatisfied with the action plan for the project to develop and expand agricultural infrastructure publicly announced pursuant to paragraph (3), each person holding a right to land, etc. may raise an objection to the project implementer for the development and expansion of agricultural infrastructure within 30 days from the date the public announcement is made. In such cases, the project implementer for the development and expansion of agricultural infrastructure shall inform the person who raised the objection of the results of his/her review on the objection within 30 days from the date the objection is raised, and when the objection raised is reasonable, reflect the relevant matters to the action plan for the project to develop and expand agricultural infrastructure.

(6) When formulating an action plan for the project to develop and expand agricultural infrastructure, each project implementer for the development and expansion of agricultural infrastructure shall apply for approval thereof to the Minister of Agriculture, Food and Rural Affairs, attaching the documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That he/she shall apply for approval thereof to the relevant Mayor/Do Governor, with respect to the replotting of arable land, repairing and mending of agricultural infrastructure, and dredging referred to in subparagraph 5 (b) of Article 2. <Amended by Act No. 11690, Mar. 23, 2013>

(7) When granting approval of the action plan for the project to develop and expand agricultural infrastructure, the Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor shall publicly notify the details thereof. <Amended by Act No. 11690, Mar. 23, 2013>

(8) When intending to amend an approved action plan for the project to develop and expand agricultural infrastructure, each project implementer shall obtain approval therefor from the Minister of Agriculture, Food and Rural Affairs or the relevant Mayor/Do Governor. <Amended by Act No. 11690, Mar. 23, 2013>

(9) When approving the amendment to an action plan for the project to develop and expand agricultural infrastructure pursuant to paragraph (8), the Minister of Agriculture, Food and Rural Affairs or each Mayor/Do Governor shall publicly notify the details thereof: Provided, That the same shall not apply to insignificant matters prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 10 (Project Implementer to Develop and Expand Agricultural Infrastructure)**

Each project to develop and expand agricultural infrastructure shall be implemented by the State, local governments, the Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act (hereinafter referred to as the "Korea Rural Community Corporation"), or landowners: Provided, That the cooperatives referred to in Article 2 of the Agricultural

Cooperatives Act may also implement the agricultural complex creation and agricultural facility expansion project referred to in subparagraph 5 (d) of Article 2.

#### **Article 11 (Persons holding Right to Land)**

Those whose consent is to be obtained pursuant to Article 9 (3) shall be those falling under any of the following subparagraphs, who hold rights to the land in the area in which the relevant project is implemented (hereinafter referred to as "owner of land, etc.):

1. A landowner using the land or making a good profit from the use of land for agricultural purposes;
2. A person holding a real right (including registered leases; hereinafter the same shall apply) to the land besides ownership to use the land or make a good profit from the use of land for agricultural purposes;
3. A landowner using the land for purposes besides agricultural purposes or making a good profit from the use of land for purposes besides agricultural purposes;
4. A person holding a real right to the land besides ownership to use the land for purposes besides agricultural purposes or make a good profit from the use of land for purposes besides agricultural purposes;
5. Other persons determined by Presidential Decree.

#### **Article 12 (Promotion of Enlargement and Grouping of Farmland)**

(1) Each project implementer for the development and expansion of agricultural infrastructure shall perform the relevant project to develop and expand agricultural infrastructure in the way to expand the size of farmland and gather farmland in groups so as to enhance agricultural business management practices, and implement the project in the way to prevent subdivision on farmland.

(2) When necessary to secure land, etc. for a specific purpose, each project implementer for the development and expansion of agricultural infrastructure may designate land substitution by creation pursuant to Article 34.

#### **Article 13 (Efficient Performance of Landfill, Reclamation, or Land Clearing)**

(1) A person that performs a landfill project or reclamation project principally for agricultural or fishery purposes shall formulate a comprehensive plan for land use, including farmland, grassland, rural water supply facilities, rural roads, farming and fishing villages, agricultural convenience facilities, agro-industrial complexes, and sewerage, drainage, and sediment treating facilities, etc.

(2) Farmland created through a reclamation project or landfill project principally for agricultural or fishery purposes shall be developed in the way to be suitable for agricultural mechanization and enlargement of farmland.

(3) The provisions of the Public Waters Management and Reclamation Act shall apply to the licenses, authorization, public notification, etc. of the reclamation projects or landfill projects principally for agricultural or fishery purposes. <Amended by Act No. 10272, Apr. 15, 2010>

(4) When necessary to increase the size of farmland, the State may take measures related to the development of farmland, such as investigation, determination, public notification, etc. of target areas of land clearing.

#### **Article 14 (Management and Disposal of Property Created by Performing Agricultural Infrastructure Development and Expansion Project)**

(1) Of the property created by performing an agricultural infrastructure development and expansion project, the land, such as reclaimed land, cleared land, and borrow-pits, and other things (hereinafter referred to as "reclaimed land, etc.") that are not offered to agricultural infrastructure shall be managed and disposed by the project implementer for the development and expansion of agricultural infrastructure by using any of the following methods, as prescribed by Presidential Decree:

1. Lease;
2. Sale;
3. Direct use;
4. Temporary use.

(2) When intending to manage or dispose of reclaimed land, etc. pursuant to paragraph (1), each project implementer for the development and expansion of agricultural infrastructure shall obtain approval from the Minister of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Where reclaimed land, etc. is disposed of pursuant to paragraph (1), the sale price thereof shall be used for the following purposes: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Redemption of liabilities prescribed by Presidential Decree and creation of financial resources of a project for the maintenance and management of agricultural infrastructure, etc.;
2. Performance of rural development projects;
3. Purposes stipulated by other statutes, articles of association, or regulations;
4. Other purposes prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(4) Where disposing of reclaimed land, etc. which is created through an agricultural infrastructure development and expansion project (including projects in which the farmland management fund is invested pursuant to Article 34 of the Korea Rural Community Corporation and Farmland Management Fund Act; hereafter the same shall apply in this Article) performed by the State, the sale price thereof shall be paid to the farmland management fund referred to in Article 31 of the Korea Rural Community Corporation and Farmland Management Fund Act, notwithstanding the provisions of paragraph (3).

(5) The provisions of paragraphs (1) through (3) shall not apply to the pebbles, sand, and other by-products that are generated through dredging work for the agricultural infrastructure managed by the Korea Rural Community Corporation without budgetary support from the State or local governments.

#### **Article 15 (Rural Water Use Rationalization Plan, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs shall formulate and proceed with a rural water use rationalization plan for the efficient development, use, and preservation of rural water. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs shall develop rural water systematically and use it rationally, and may designate and operate rural water zones for the control and preservation of water quality. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) When designating a rural water zone pursuant to paragraph (2), the Minister of Agriculture, Food and Rural Affairs shall notify the relevant Mayors/Do Governors of such fact to have them publicly notify such fact: Provided, That the rural water zones spanning at least two Cities/Dos shall be publicly notified by the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the formulation and promotion of a rural water use rationalization plan under paragraph (1) and designation, operation, etc. of rural water zones referred to in paragraph (2) shall be prescribed by Presidential Decree.

(5) The Minister of Agriculture, Food and Rural Affairs shall apply the provisions of paragraph (3) mutatis mutandis where intending to amend a rural water use rationalization plan. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 16 (Management and Transfer of Control of Agricultural Infrastructure Built by State, etc.)**

(1) When the relevant agricultural infrastructure development and expansion project is complete, each project implementer for the development and expansion of agricultural infrastructure shall manage the agricultural infrastructure installed through the project.

(2) Notwithstanding the provisions of paragraph (1), the Minister of Agriculture, Food and Rural Affairs may decide to have the Korea Rural Community Corporation take over and manage agricultural infrastructure falling under any of the following subparagraphs. In such cases, the Minister of Agriculture, Food and Rural Affairs shall hear opinions of the Korea Rural Community Corporation in advance: <Amended by Act No. 11690, Mar. 23, 2013>

1. Agricultural infrastructure installed through an agricultural infrastructure development and expansion project performed by the State;

2. Of the agricultural infrastructure managed by a local government or landowner, the agricultural infrastructure for which the local government or landowner requests the Minister of Agriculture, Food and Rural Affairs to have the Korea Rural Community Corporation take over and manage it.

(3) When taking over agricultural infrastructure pursuant to paragraph (2), the Korea Rural Community Corporation shall become an universal successor to the rights and obligations of the State, local governments or landowners, which are generated in connection with the agricultural infrastructure.

(4) Notwithstanding the provisions of paragraph (1), the Minister of Agriculture, Food and Rural Affairs may, when either of the following subparagraphs applies, decide in advance to have the Korea Rural Community Corporation take over and manage agricultural infrastructure installed through an agricultural infrastructure development and expansion project. In such cases, the Minister of Agriculture, Food and Rural Affairs shall hear opinions of the Korea Rural Community Corporation before making such decision, and the Korea Rural Community Corporation may register as the possessions of the Korea Rural Community Corporation in advance the land that the State, local governments or landowners purchased for the installation of the agricultural infrastructure: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where the State performs the agricultural infrastructure development and expansion project;

2. Where a local government or landowner performs the agricultural infrastructure development and expansion project at the request of the relevant local government or landowner.
- (5) The provisions of paragraph (3) shall apply mutatis mutandis to succession to rights and obligations by the Korea Rural Community Corporation that takes over agricultural infrastructure in accordance with a decision referred to in paragraph (4).

#### **Article 17 (Registration of Agricultural Infrastructure)**

Anyone who manages agricultural infrastructure pursuant to Article 16 (hereinafter referred to as "agricultural infrastructure manager") shall register the agricultural infrastructure he/she manages with the relevant Metropolitan City Mayor/Do Governor or the head of a Si/Gun/Gu according to the following classifications, as prescribed by Presidential Decree. <Amended by Act No. 11319, Feb. 17, 2012>

1. A Mayor/Do Governor: The following agricultural infrastructure:
  - (a) Reservoirs, pumping stations, drainage stations, tide embankments and levees among agricultural infrastructure;
  - (b) Agricultural infrastructure that spans two or more local governments being composed of any Si, Gun, or autonomous Gu of a Metropolitan City;
2. The head of a Si/Gun/Gu: Any agricultural infrastructure, other than the agricultural infrastructure referred to in subparagraph 1.

#### **Article 18 (Management of Agricultural Infrastructure)**

(1) Each agricultural infrastructure manager shall always manage the agricultural infrastructure in good faith and formulate a safety control plan of agricultural infrastructure, as prescribed by Presidential Decree.

(2) Each agricultural infrastructure manager shall take measures for the maintenance of agricultural infrastructure, repairing and mending of facilities, etc., and conduct a safety inspection and a thorough safety inspection in accordance with the safety control plan referred to in paragraph (1).

(3) No person shall engage in any of the following conduct without a justifiable ground determined by Presidential Decree, such as cases where an emergency measure is needed for the prevention of damage caused by a natural disaster or for lifesaving:

1. Destroying major structural parts of agricultural infrastructure to hinder its original purpose or use;
2. Operating floodgates or acquiring water without the permission of the manager of an agricultural infrastructure to hinder the use and management of rural water;
3. Illegally occupying or using agricultural infrastructure.

#### **Article 19 (Education on Safety Control)**

The Minister of Agriculture, Food and Rural Affairs shall formulate and implement education and training plans for the improvement of ability of those who engage in agricultural infrastructure safety control.

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

#### **Article 20 (Formulation of Contingency Plan for Agricultural Infrastructure, etc.)**

(1) A person that intends to install agricultural infrastructure determined by Presidential Decree, such as the construction of reservoirs, shall formulate a comprehensive contingency plan (hereinafter referred to as "contingency plan") necessary for preventing and reducing damage to the lives and property of the people, which may be caused by emergency circumstances, such as the collapse of agricultural infrastructure, within one year after the installation of the agricultural infrastructure is commenced. In such cases, he/she shall pre-consult with the heads of relevant administrative agencies.

(2) A person that has formulated a contingency plan shall inform the heads of relevant administrative agencies of the formulated contingency plan without delay. In such cases, the heads of relevant administrative agencies so notified shall take measures necessary for the implementation of the contingency plan.

(3) When a significant change occurs in agricultural infrastructure after the construction of the agricultural infrastructure is commenced or completed, any person that has formulated a contingency plan shall amend the contingency plan, taking into account such change. The provisions of the latter part of paragraph (1) and provisions of paragraph (2) shall apply mutatis mutandis to the amendment to a contingency plan.

(4) Matters to be included in a contingency plan and detailed matters concerning the formulation of and amendment to the contingency plan shall be determined by Presidential Decree.

#### **Article 21 (Prevention of Pollution of Rural Water and Improvement of Water Quality, etc.)**

(1) When rural water is at risk of being polluted by flowing-in pollutants to impair the living environments of rural areas, the Minister of Agriculture, Food and Rural Affairs or each agricultural infrastructure manager may request the Minister of Environment or the heads of local governments to issue or take any of the following orders or measures: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12516, Mar. 24, 2014>

1. Provisions of Articles 12, and 39 through 44 of the Water Quality and Aquatic Ecosystem Conservation Act;
2. Provisions of Articles 25 (2), 33, 40 (1) and (2), and 41 (1) of the Sewerage Act;
3. Provisions of Articles 10 (2), 17 (4), and 25 (10) of the Act on the Management and Use of Livestock Excreta;
4. Provisions of Articles 16 and 16-3 of the Groundwater Act.

(2) The Minister of Environment or each Mayor/Do Governor shall not refuse the request referred to in paragraph (1) without just grounds.

(3) When any of the following polluted rural water is at risk of impairing agriculture and the living environments of rural areas, the Minister of Agriculture, Food and Rural Affairs may formulate and implement measures for the improvement of quality of rural water: <Amended by Act No. 11690, Mar. 23, 2013>

1. Pollution of water in lakes, such as reservoirs and freshwater lakes, and marshes;
2. Pollution of rural water by pollutants generated in or discharged from farmland;
3. Pollution of rural water by facilities inducing the pollution of ground water referred to in Article 16-2 of the Groundwater Act.

(4) In order to formulate measures to prevent pollution of rural water and to improve water quality, the Minister of Agriculture, Food and Rural Affairs shall build and operate a nationwide rural water quality measuring network in consultation with the Minister of Environment. In such cases, the Minister of Agriculture, Food and Rural Affairs shall notify the Minister of Environment of the plan for building and operating a measuring network, and the Minister of Environment shall include such plan in the determination and public notification of the plan for building a measuring network referred to in Article 10 of the Water Quality and Aquatic Ecosystem Conservation Act. <Newly Inserted by Act No. 12963, Jan. 6, 2015>

(5) The Minister of Agriculture, Food and Rural Affairs shall furnish the result of operation of the rural water quality measuring network built under paragraph (4) to the Minister of Environment. <Newly Inserted by Act No. 12963, Jan. 6, 2015>

#### **Article 22 (Restrictions on Construction of Factories in Up-stream Area of Reservoir)**

(1) No factory defined in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act (hereafter referred to as "factory" in this Article) or industrial complex defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act (hereafter referred to as "industrial complex" in this Article) shall be established in an up-stream area determined by Presidential Decree of a reservoir for the preservation of quality of rural water. <Amended by Act No. 11020, Aug. 4, 2011>

(2) Notwithstanding paragraph (1), the head of a Si/Gun/Gu may approve the establishment of factories and industrial complexes that are not wastewater-discharging facilities in areas prescribed by Presidential Decree, among areas where the establishment of factories and industrial complexes is restricted.

(3) With regard to the establishment of a factory in an up-stream area of a reservoir, where the reservoir is located within the jurisdiction of the head of another Si/Gun/Gu, the head of a Si/Gun/Gu shall pre-consult with the head of the relevant Si/Gun/Gu.

#### **Article 23 (Use of Agricultural Infrastructure for Purposes other than its Original Purpose)**

(1) Where an agricultural infrastructure manager intends to use agricultural infrastructure or water for purposes other than its original purpose, or intends to permit other person to use it, he/she shall obtain approval from the head of the relevant Si/Gun/Gu: Provided, That the same shall not apply where the agricultural infrastructure manager is the Korea Rural Community Corporation, and in cases of insignificant matters determined by Presidential Decree within the extent the maintenance or management of the agricultural infrastructure is not hindered.

(2) Uses for other purposes referred to in paragraph (1) shall be limited to the extent the original purpose or use is not hindered.

(3) Each agricultural infrastructure manager may collect all or some expenses incurred in maintaining or repairing agricultural infrastructure from those who use the agricultural infrastructure or water for purposes, other than its original purpose.

(4) In collecting expenses incurred in the use for other purposes referred to in paragraph (3), such expenses may be collected in the same manner as delinquent local taxes are collected.

(5) Procedures for, period and scope of use for other purposes of, and scope of collection of expenses, scope of use of collected expenses and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 23 (Permission for Use of Agricultural Infrastructure)**

(1) Where an agricultural infrastructure manager intends to use agricultural infrastructure or water for other than its originally intended purposes, or intends to permit a third person to use it, he/she shall obtain permission for use from the head of the relevant Si/Gun/Gu: Provided, That the same shall not apply where the agricultural infrastructure manager is the Korea Rural Community Corporation, and in cases of insignificant matters determined by Presidential Decree within the extent the maintenance or management of the agricultural infrastructure is not hindered. <Amended by Act No. 14480, Dec. 27, 2016>

(2) Permission for use referred to in paragraph (1) shall be limited to the extent the original purpose or use is not hindered. <Amended by Act No. 14480, Dec. 27, 2016>

(3) Each agricultural infrastructure manager may collect all or some expenses incurred in maintaining or repairing agricultural infrastructure as usage fees from those who use the agricultural infrastructure or water after obtaining permission for use. <Amended by Act No. 14480, Dec. 27, 2016>

(4) In collecting usage fees from a user under paragraph (3), such fees may be collected in the same manner as delinquent local taxes are collected. <Amended by Act No. 14480, Dec. 27, 2016>

(5) Procedures for, period and scope of permission for use, scope of collection of usage fees and scope of use of collected usage fees, and other necessary matters, shall be prescribed by Presidential Decree. <Amended by Act No. 14480, Dec. 27, 2016>

#### **Article 24 (Disuse of Agricultural Infrastructure)**

(1) When each agricultural infrastructure manager has any of the following grounds, he/she may disuse all or part of the agricultural infrastructure registered under Article 17 after obtaining approval from the relevant Metropolitan City Mayor/Do Governor or the head of a Si/Gun/Gu: <Amended by Act No. 11319, Feb. 17, 2012>

1. Where farmland, etc. benefitted by the agricultural infrastructure to be disused is diverted for other purposes;
2. Where furnishing the facility to replace the agricultural infrastructure to be disused is completed;
3. Where repairing agricultural infrastructure destroyed by natural disasters or other causes beyond human control is not economically feasible.

(2) The sale price of agricultural infrastructure to be disused pursuant to paragraph (1) shall be used in the same manner as referred to in Article 14 (3).

#### **Article 25 (Land Substitution Plans)**

(1) Where necessary to perform an agricultural infrastructure development and expansion project, the implementer of the agricultural infrastructure development and expansion project shall formulate a land substitution plan to determine land to exist after the project is performed, which will replace existing land

before the project is performed, and to liquidate financially the imbalance between interests, which results therefrom.

(2) In a land substitution plan, substitute land shall correspond to previous land on the condition that substitute land resulting from the performance of agricultural infrastructure development and expansion project shall be designated collectively so as to contribute to the rationalization of agriculture.

(3) A person entitled to substitute land shall be a landowner registered in the land register.

(4) The land substitution plan shall include the following matters, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Land substitution plan and liquidation money for each landowner;
2. Details of previous land and land to exist after the performance of projects by land lots;
3. Details of land for which substitute land is not designated and others, such as specially-treated land;
4. Other matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(5) Substitute land that results from the performance of an agricultural infrastructure development and expansion project shall be designated as farmland in principle: Provided, That it may be designated as non-farmland if a request or consent of a landowner is made when such project is performed in concurrence with a living environment improvement project.

(6) The range of increase and decrease of the land area to be designated as substitute land for each landowner shall not exceed 20 percent in comparison with the land area calculated as prescribed by Presidential Decree: Provided, That where a land area equivalent to 20 percent of such calculated land area is below 1,000 square meters, it may be increased or decreased up to 1,000 square meters.

(7) In cases of land, other than State land, public land, or land owned by the Korea Rural Community Corporation, the land category of which is a ditch, road, river, levee, or puddle which is not actually cultivated, and in cases of owners of land below 1,000 square meters in size in a land substitution planning zone, such land shall be liquidated financially without designating substitute land: Provided, That where there is a resolution by the general meeting of beneficiaries referred to in Article 40 (including where a resolution by the board of representatives replaces a resolution by the general meeting of beneficiaries), substitute land may be also designated to the owners of land below 1,000 square meters in size.

(8) When formulating a land substitution plan pursuant to paragraph (1), each project implementer for the development and expansion of agricultural infrastructure shall, if a right besides ownership or restriction on disposal is established or imposed for all or some of previous land, designate a portion of land to become the object of the right besides ownership and the restriction of disposal in the land to be exchanged with the previous land.

#### **Article 26 (Authorization of Land Substitution Plan)**

(1) When necessary after the completion of an agricultural infrastructure development and expansion project because of the nature of the project, the relevant project implementer for the development and expansion of agricultural infrastructure shall formulate a land substitution plan for the area in which the agricultural infrastructure development and expansion project is performed and obtain authorization

thereof from the relevant Mayor/Do Governor without delay: Provided, That the projects, the beneficiary area of which is at least 30 million square meters, shall obtain authorization thereof from the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) When a project implementer for the development and expansion of agricultural infrastructure intends to obtain authorization referred to in paragraph (1), he/she shall publicly announce the summary of the land substitution plan and other necessary matters for at least 14 days and give individual notice to the owners of land, etc. in the area concerned and obtain consent from at least 2/3 of the owners of land, etc.

(3) When a person who has an interest in a land substitution plan publicly announced pursuant to paragraph (2) is dissatisfied with the land substitution plan, he/she may raise an objection to the project implementer for the development and expansion of agricultural infrastructure within 15 days from the date the public announcement is terminated.

(4) When a project implementer for the development and expansion of agricultural infrastructure receives the objection referred to in paragraph (3), he/she shall apply for adjudication to the relevant Mayor/Do Governor, attaching thereto his/her opinion on the appropriateness of such objection within 15 days from the date the period of raising an objection terminates: Provided, That with respect to agricultural infrastructure development and expansion projects performed by the State or Mayors/Do Governors or authorized by the Minister of Agriculture, Food and Rural Affairs pursuant to the proviso to paragraph (1), he/she shall make such application to the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(5) When no objection referred to in paragraph (3) is raised or a project implementer for the development and expansion of agricultural infrastructure has applied for adjudication pursuant to paragraph (4), he/she shall apply for approval of a land substitution plan to the Minister of Agriculture, Food and Rural Affairs or to the relevant Mayor/Do Governor, attaching thereto necessary documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(6) When the Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor grants approval under paragraph (5), he/she shall publicly notify such fact without delay and inform the head of the relevant Si/Gun/Gu and registry office of such fact. <Amended by Act No. 11690, Mar. 23, 2013>

(7) The provisions of paragraphs (1) through (6) shall apply mutatis mutandis where a project implementer for the development and expansion of agricultural infrastructure intends to correct or change an authorized land substitution plan: Provided, That a project implementer shall correct or change any of the following matters and then inform the person holding the right to grant authorization of such fact:

1. Error in and omission of minor matters to be entered which have no effect on a third person's interest, such as address, name, number of land lot, and land category;
2. Change of ownership of previous land, and change or establishment of rights besides ownership to and restrictions on disposal of previous land, which have no effect on a third person's interest.

(8) Where the Minister of Agriculture, Food and Rural Affairs or a Mayor/Do Governor is notified by a project implementer for the development and expansion of agricultural infrastructure of the correction or

change of a land substitution plan in accordance with the proviso to paragraph (7), he/she shall publicly notify the details thereof without delay and inform the project implementer, head of the relevant Si/Gun/Gu, and registry office of the details thereof. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 27 (Vicarious Execution of Land Substitution)**

Where a project implementer for the development and expansion of agricultural infrastructure intends to establish a land substitution plan, he/she may have the corporations in the following subparagraphs vicariously execute the duty of land substitution in order to carry out the duty of land substitution with fairness:

1. Korea Rural Community Corporation;
2. A corporation regularly employing not less than three land substituters.

#### **Article 28 (Qualification of Land Substituter)**

(1) The land substituter referred to in subparagraph 2 of Article 27 shall be a person certified as a land substituter by passing the land substituter qualification examination set by the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for the land substituter's examination referred to in paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 29 (Grounds for Disqualification of Land Substituter)**

No person that falls under any of the following subparagraphs shall become a land substituter: <Amended by Act No. 12428, Mar. 18, 2014>

1. An adult ward or limited ward;
2. A person who was sentenced to imprisonment without prison labor or a heavier punishment in connection with the duty of land substitution and for whom the execution of such punishment is not terminated (including cases where the execution of such punishment is deemed to have been terminated) or exempted;
3. A person who is under the suspension of the execution of imprisonment without prison labor or a heavier punishment as declared by a court in connection with the duty of land substitution.

#### **Article 30 (Revocation of Qualification of Land Substituter, etc.)**

The Minister of Agriculture, Food and Rural Affairs shall, when a land substituter obtains a land substituter's license by false or other fraudulent means, revoke the land substituter's license: Provided, That where a land substituter comes to fall under any of the subparagraphs of Article 29, such land substituter shall be disqualified from obtaining such a license. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 31 (Registration of Land Substitution Agency)**

A corporation that intends to vicariously execute the duty of land substitution pursuant to subparagraph 2 of Article 27 shall be registered as a land substitution agency with the Minister of Agriculture, Food and Rural Affairs as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 32 (Revocation of Registration, etc. of Land Substitution Agency)**

(1) The Minister of Agriculture, Food and Rural Affairs may, when a corporation registered as a land substitution agency falls under any of the following subparagraphs, revoke the registration or order the suspension of duty for a period not longer than three years: Provided, That in cases under subparagraph 1 or 2, he/she shall revoke the relevant registration: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where the corporation makes the registration referred to in Article 31 by false or other fraudulent means;
2. Where the corporation conducts the duty of land substitution during the period of suspension of duty;
3. Where the corporation fails to make up for deficient land substituters within three months from the date on which it falls short of the number of land substituters to be regularly employed pursuant to subparagraph 2 of Article 27.

(2) Detailed criteria for revoking the registration and suspending the performance of duties which are referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in consideration of the cause of the relevant disposition, degree of violation, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

### **Article 33 (Reporting on Change of Rights)**

When restrictions are imposed on transferring, establishing, changing, or extinguishing a right to land in an area where an agricultural infrastructure development and expansion project is performed before the authorization referred to in Article 26 (1) is granted, the persons concerned shall report such fact to the project implementer for the development and expansion of agricultural infrastructure.

### **Article 34 (Substitute Lands, etc. Created for Specific Purpose, etc.)**

(1) Each project implementer for the development and expansion of agricultural infrastructure may designate land necessary for the purposes in each of the following subparagraphs, which are specified in the business plan as substitute land:

1. Land for agricultural infrastructure to be newly built for the performance of the project;
2. Land for facilities for the rationalization of agricultural management and improvement of agricultural structure, such as rice processing complex and joint collection center;
3. Other land for facilities prescribed by Presidential Decree for the development of rural areas and improvement of the welfare of farmers and fishermen.

(2) When substitute land is designated pursuant to paragraph (1), the substitute land shall be designated for those who give prior consent among the State, local governments, implementers of agricultural infrastructure development and expansion projects, and those prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That where land for agricultural infrastructure is designated as substitute land for an implementer of an agricultural infrastructure development and expansion project, such consent is not required otherwise. *<Amended by Act No. 11319, Feb. 17, 2012; Act No. 11690, Mar. 23, 2013>*

(3) In cases of designating substitute land pursuant to paragraph (1), except for those prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, liquidation shall be made financially, and the method of, and timing for paying and collecting the relevant amounts shall be determined in a land substitution plan. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Substitute land acquired pursuant to paragraph (2) shall be managed and disposed of, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Where there exists previous land used for a specific purpose, other than agricultural purposes, in a land substitution planning zone, land shall be designated in a specific purpose zone besides farmland specified in the business plan to guarantee such purpose: Provided, That the same shall not apply where the relevant landowner give consent.

(6) When a landowner requests or consents, each implementer of an agricultural infrastructure development and expansion project may designate all or part of a building, including land created through the implementation of the project as substitute land to replace previous land.

#### **Article 35 (Special Case of Non-Designation of Substitute Land, etc.)**

(1) When a previous landowner requests or consents at the time of determining a land substitution plan, the previous land for which such request or consent is made or given may be replaced by designating substitute land in excess of the scope referred to in Article 25 (6) or financially liquidated without designating substitute land. In such cases, the method of and timing for paying and collecting the money shall be specified in the land substitution plan.

(2) Where a person holds a right based on superficies, lease and loan of previous land for which substitute land is not designated pursuant to paragraph (1), or a person holds a right to such land, the subject matter of which is making a profit from the use of the land, such person's consent shall be obtained.

(3) Land for which substitute land is not designated pursuant to paragraph (1) may be disposed of in the following order: <Amended by Act No. 11690, Mar. 23, 2013>

1. Designation of substitute land pursuant to Article 34;
2. Designation of substitute land where with a consent by a person wishing to enlarge the scale of agriculture from among those prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That in such cases, notwithstanding the provisions of Article 25 (6), the area of the substitute land may be increased.

#### **Article 36 (Exchange of Functions of Public Facility Land Except for State and Public Land)**

The land necessary for installation of a new facility to replace another facility which has been used for public purposes on land owned by the Korea Rural Community Corporation due to such facility's disuse or modification shall be exchanged with the land of the disused facility and undergo liquidation procedures as prescribed by the land substitution plan.

#### **Article 37 (Effects of Disposition of Land Substitution and Liquidation Amount)**

(1) Where a notice of disposition of land substitution is made, the substitute land to be delivered in accordance with a land substitution plan shall be deemed previous land from the date following the date the land substitution plan is publicly notified, and a right to the previous land for which substitute land is not designated in accordance with the land substitution plan shall be deemed extinguished on the date public notification is made.

(2) Substitute land specified in the relevant land substitution plan pursuant to Article 34 shall be deemed acquired by the person to whom the substitute land is delivered on the date following the date public notification is made pursuant to Article 26 (6).

(3) Land exchanged pursuant to Article 36 shall be deemed substitute land delivered in accordance with the relevant land substitution plan. In such cases, the provisions of paragraph (1) shall apply mutatis mutandis thereto.

(4) The provisions of paragraph (1) shall have no effect on the rights exclusive to previous land in accordance with administrative or judicial original transcripts.

(5) Where public notification referred to in Article 26 (6) is made, each project implementer for the development and expansion of agricultural infrastructure shall pay or collect liquidation amounts in accordance with the publicly notified land substitution plan. In such cases, the liquidation amounts shall be liquidated within 90 days from the date land substitution is authorized.

(6) A surcharge may be imposed on those who fail to pay a liquidation amount in accordance with the disposition of land substitution by the deadline for payment, within the scope of 0.5 percent of the liquidation amount in accordance with a resolution by the general meeting of beneficiaries referred to in Article 40 (including where a resolution by the board of representatives replaces a resolution by the general meeting of beneficiaries).

(7) When a liquidation amount according to the disposition of land substitution fails to be paid by the deadline for payment, the liquidation amount and surcharge may be collected in the same manner as delinquent local taxes are collected. In such cases, the executives and employees of the Korea Rural Community Corporation that directly impose a delinquency disposition shall be deemed public officials.

### **Article 38 (Designation of Land for Temporary Use)**

(1) If necessary even before the construction work of the project is completed, a project implementer for the development and expansion of agricultural infrastructure may designate land in the area in which the relevant project is performed as land for temporary use to replace previous land as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. In such cases, he/she shall take into account matters to be specified in the land substitution plan pursuant to Article 25. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where a project implementer for the development and expansion of agricultural infrastructure designates land for temporary use pursuant to paragraph (1), he/she shall inform those who hold the ownership, superficies, leases, or loans of use of the land for temporary use and previous land of the land for temporary use, previous land, the date the use is commenced, etc.

(3) Where land for temporary use is designated pursuant to paragraph (1), a person holding the rights referred to in paragraph (2) to previous land may use or use for profit-making the whole or part of the land for temporary use under the same terms and conditions as those of the previous land in accordance with the details of the relevant rights provided by Acts or contracts for a period from the notified date of commencement of use to the date the public notification referred to in Article 26 (6) is made.

(4) In cases falling under paragraph (1), no person holding rights referred to in paragraph (2) to previous land shall use previous land or make profits therefrom.

(5) Where land for temporary use is designated pursuant to paragraph (1), no person holding rights referred to in paragraph (2) to the land for temporary use shall use the land for temporary use or make profits therefrom from the date such use is commenced pursuant to paragraph (2) until the date of public notification under Article 26 (6).

(6) Each project implementer for the development and expansion of agricultural infrastructure shall compensate for losses that may be generally caused by the designation of land for temporary use referred to in paragraph (1).

(7) Each project implementer for the development and expansion of agricultural infrastructure may collect from those benefitting from the designation of land for temporary use referred to in paragraph (1) an amount equivalent to such benefit.

(8) The provisions of Article 37 (7) shall apply mutatis mutandis to the collection of benefits referred to in paragraph (7): Provided, That the same shall not apply where a landowner performs the agricultural infrastructure development and expansion project.

#### **Article 39 (Valuation of Land Price)**

The valuation of the price of previous land shall be determined through conducting a survey prior to the commencement of works and the valuation of the price of the land to be delivered as substitute land, after the completion of works.

#### **Article 40 (General Meeting of Beneficiaries)**

(1) The valuation of the price of land before and after the performance of projects, grading, division of land substitution zones, etc. and other important matters not provided for in this Act shall be determined through the resolution by the general meeting of beneficiaries of the area in which the relevant agricultural infrastructure development and expansion project is performed: Provided, That where the total number of beneficiaries of the area exceeds 100 persons, a resolution by the board of representatives referred to in paragraph (2) may replace the resolution by the general meeting of beneficiaries.

(2) The board of representatives shall be comprised of representatives appointed at the general meeting of beneficiaries and the number of representatives shall be at least 30 persons on the condition that one representative shall be added for every 20 beneficiary exceeding 100 persons.

(3) Matters concerning the organization and operation of the general meeting of beneficiaries and board of representative shall be determined by Presidential Decree.

#### **Article 41 (Land Substitution Deliberation Committee)**

(1) Each project implementer for the development and expansion of agricultural infrastructure shall organize and operate a land substitution deliberation committee to effectively deal with civil petitions or adjust conflicts between interested persons on land substitution.

(2) Matters concerning the organization and operation of the land substitution deliberation committee shall be determined by Presidential Decree.

#### **Article 42 (Registration Following Disposition of Land Substitution)**

(1) Each project implementer for the development and expansion of agricultural infrastructure shall, when obtaining authorization under Article 26 (1), commission with the registration of land and buildings that are relevant with the disposition of the relevant land substitution without delay.

(2) Each project implementer for the development and expansion of agricultural infrastructure shall, when changing a marking of registered land is necessary to commission with the registration of substitute land, commission with the registration for change in lieu of landowners. In such cases, the registration shall be considered as registration caused by an agricultural infrastructure development and expansion project.

(3) Necessary matters concerning registration following the disposition of land substitution shall be determined by the Regulations of the Supreme Court.

#### **Article 43 (Execution of Exchange, Division, and Consolidation)**

(1) When there is a request of at least two farmland owners or when landowners agree despite the absence of requests by farmland owners, the head of each Si/Gun/Gu or the Korea Rural Community Corporation may execute the exchange, division, and consolidation of rights to farmland, rights to land needed to use farmland, and rights to the use of agricultural infrastructure and rural water (hereinafter referred to as "exchange, division, and consolidation").

(2) When the head of a Si/Gun/Gu or the Korea Rural Community Corporation executes exchange, division, and consolidation pursuant to paragraph (1), he/she shall formulate an exchange, division, and consolidation plan to obtain authorization thereof from the relevant Mayor/Do Governor, publicly notify the summary thereof, and inform the head of the relevant Si/Gun/Gu and registry office of such plan.

(3) The provisions of Article 9 shall apply mutatis mutandis where a Mayor/Do Governor intends to grant approval of an exchange, division, and consolidation plan referred to in paragraph (2).

(4) At least two landowners may execute exchange, division, and consolidation through mutual agreement when necessary for the grouping of farmland.

#### **Article 44 (Method of Determining Exchange, Division and Consolidation)**

(1) Where an exchange, division and consolidation plan is prepared pursuant to Article 43, the size and price of the farmland to be newly acquired by farmland owners shall not be much different compared with the size and price of the farmland that he/she is to lose.

(2) No exchange, division, and consolidation plan shall be determined for farmland which has been imposed with restriction on disposal and prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, as well as for farmland for which superficies or a right to lease is established as the object of

seizure, provisional seizure or provisional disposition. <Amended by Act No. 11690, Mar. 23, 2013>

(3) A exchange, division, and consolidation plan of the ownership of farmland shall prescribe the farmland to be acquired by the person holding the ownership, farmland to be relinquished and timing of transfer of ownership, as a result of exchange, division, and consolidation.

(4) In addition to the matters provided for in paragraphs (1) through (3), the method of determining the exchange, division, and consolidation plan or other necessary matters shall be prescribed by Presidential Decree.

#### **Article 45 (Effect of Exchange, Division, and Consolidation)**

When the public notification referred to in Article 43 (2) is made, the ownership shall be transferred in accordance with the publicly notified exchange, division, and consolidation plan, superficies, leases, or loans of use shall be established, previous rights corresponding thereto shall be extinguished, and easements shall be either established or extinguished.

#### **Article 46 (Exchange, Division and Consolidation of Rights besides Ownership)**

The provisions of Articles 44 and 45 shall apply mutatis mutandis to exchange, division and consolidation of the superficies, leases, or loans of use involving farmland.

#### **Article 47 (Liquidation Money, etc. of Exchange, Division, and Consolidation)**

(1) When public notification referred to in Article 43 (2) is made, the head of each Si/Gun/Gu or the Korea Rural Community Corporation shall pay or collect proceeds of liquidation in accordance with the publicly notified exchange, division, and consolidation plan.

(2) The provisions of Article 37 (7) shall apply mutatis mutandis to cases of collecting liquidation money pursuant to paragraph (1).

(3) When the head of a Si/Gun/Gu or the Korea Rural Community Corporation obtains authorization referred to in Article 43 (2), he/she or it shall commission with registration concerning the relevant exchange, division, and consolidation plan.

#### **Article 48 (Claim for Reduction, Refund or Increase of Rents, etc.)**

(1) Where the use of land which is the object of a superficies, easement, or lease is infringed as a result of the performance of an agricultural infrastructure development and expansion project, the person holding the superficies, easement, or lease to the land may claim for the reduction of land rent, price of easement, or rent, or claim for the refund of the land rents, consideration for easement, or rents that are paid in advance.

(2) Where the utility value of land the subject matters of a superficies, easement or lease increases as a result of the performance of an agricultural infrastructure development and expansion project, the owner or lessor of the land may claim for the increase of land rent, price of easement, or rent.

(3) Each person that holds a superficies, easement, or lease may, when receiving the claim referred to in paragraph (2), may be exempted from the relevant obligation by renouncing the relevant right or cancelling the relevant contract.

#### **Article 49 (Renouncement of Rights or Cancellation of Contracts)**

(1) Where, as a result of the performance of an agricultural infrastructure development and expansion project, the objective of establishing a superficies or easement fails to be achieved or the objective of getting a lease or loan of use fails to be achieved, the person holding the superficies or easement, and lessee or borrower of the loan of use may renounce the relevant right or cancel the relevant contract.

(2) In cases of renouncing a right or cancelling a contract pursuant to paragraph (1), the person holding the right may claim the relevant project implementer for the development and expansion of agricultural infrastructure to compensate for the losses to be incurred as a result of the renouncement of the right or cancellation of the contract.

(3) Where a loss is compensated pursuant to paragraph (2), the relevant project implementer for the development and expansion of agricultural infrastructure may claim compensation to the landowner as prescribed by Presidential Decree.

#### **Article 50 (Effect of Easement)**

(1) Each easement to land for which a land substitution plan is determined shall continue to run with that land as it was even after the public notification referred to in Article 26 (6) is made.

(2) Where an easement holder's benefit becomes unnecessary as a result of the performance of an agricultural infrastructure development and expansion project, the relevant easement shall be extinguished.

(3) An easement holder that has become unable to be benefitted as before as a result of the performance of an agricultural infrastructure development and expansion project may claim for the establishment of an easement within the scope preserving the benefit: Provided, That the foregoing shall not apply where the price of easement is reduced according to the claim referred to in Article 48.

#### **Article 51 (Deadline of Claim for Land Rent, etc.)**

Except for cases falling under Article 50 (2), the reduction, refund, or increase of land rents, etc., renouncement of rights, or cancellation of contracts which are referred to in Articles 48 through 50 and the effect of an easement shall not be claimed 30 days after the date the authorization of a land substitution plan or exchange, division, and consolidation plan is publicly notified.

#### **Article 52 (Principle of Improvement of Living Environments of Rural Communities)**

If deemed necessary in consideration of conditions of regional development, security of income sources, etc. when performing a living environment improvement project, the Minister of Agriculture, Food and Rural Affairs shall perform the living environment improvement project in concurrence with an agricultural infrastructure development and expansion project, rural tourism and resort resources development, and development project for marginal farmland and others. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 53 (Basic Policies on Improvement of Living Environments of Rural Communities)**

(1) The Minister of Agriculture, Food and Rural Affairs shall establish the basic policies to improve the living environments of rural communities to guide the directions of living environment improvement projects and policy enforcement. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Basic policies to improve the living environments of rural communities shall be in accordance with a comprehensive national land planning under the Framework Act on the National Land, Urban/Gun master planning under the National Land Planning and Utilization Act and a national environment comprehensive plan under the Framework Act on Environmental Policy, and other plans under other Acts. *<Amended by Act No. 10599, Apr. 14, 2011>*

#### **Article 54 (Formulation of Living Environment Improvement Plans)**

(1) If necessary to implement a living environment improvement project, the head of a Si/Gun/Gu shall formulate a living environment improvement plan every five years and obtain approval thereof from the relevant Mayor/Do Governor after deliberation by the Si/Gun/Gu deliberation council on policies for agriculture, farming villages, and the food industry established under Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry. *<Amended by Act No. 11694, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>*

(2) Where the head of a Si/Gun/Gu has obtained approval of a living environment improvement plan from the relevant Mayor/Do Governor pursuant to paragraph (1), he/she shall publicly notify matters prescribed by Presidential Decree and make them available to the public for perusal.

(3) Where a Mayor/Do Governor has granted approval of a living environment improvement plan pursuant to paragraph (1), he/she shall report it to the Minister of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) If the head of a Si/Gun/Gu intends to amend a living environment improvement plan referred to in paragraph (1), he/she shall comply with paragraphs (1) through (3): Provided, That where he/she intends to amend insignificant matters prescribed by Presidential Decree, both deliberation by the Si/Gun/Gu deliberation council on policies for agriculture, farming villages, and the food industry, and approval from the relevant Mayor/Do Governor may be omitted. *<Amended by Act No. 11694, Mar. 23, 2013>*

(5) The head of a Si/Gun/Gu may appoint an expert in the fields of rural planning and rural area development as a living environment improvement master planner to take overall control of and coordinate all processes for formulating a living environment improvement plan or rural village development plan referred to in Article 101.

(6) Matters concerning qualification requirements, scope of duties, operation, etc. of a living environment improvement master planner referred to in paragraph (5) shall be prescribed by Presidential Decree.

#### **Article 55 (Details of Living Environment Improvement Plans)**

A living environment improvement plan shall include the following: *<Amended by Act No. 11319, Feb. 17, 2012>*

1. Objectives of and basic direction-setting for a living environment improvement project;
2. Performance goals and indicators;
3. Matters concerning development, such as construction, development, and improvement of rural villages;

4. Matters concerning the refurbishment of abandoned houses;
5. Matters concerning the improvement and expansion of national land-preserving facilities, such as antiflood and afforestation;
6. Matters concerning the improvement of rural houses (including a project to dismantle, remove, and dispose of slate in accordance with subparagraph 10 (j) of Article 2);
7. Matters concerning the improvement and expansion of living infrastructure, such as roads, water works and sewerage, and waste water treatment facilities;
8. Matters concerning the improvement and expansion of educational, cultural, and welfare facilities;
9. Matters concerning the development of rural tourism and resort resources, fostering of rural industries, such as agro-industrial complexes, and improvement and expansion of living environments in connection with other regional development projects;
10. Improvement and development of rural water and drainage facilities;
11. Matters concerning the preservation of the landscape and natural environment of rural villages;
12. Other projects determined by Presidential Decree.

#### **Article 56 (Living Environment Improvement Project Implementers)**

(1) A living environment improvement project shall be performed by the head of a Si/Gun/Gu: Provided, That the head of a Si/Gun/Gu may appoint the following persons as project implementers for all or some projects in order to efficiently promote living environment improvement projects: <Amended by Act No. 11319, Feb. 17, 2012; Act No. 13805, Jan. 19, 2016>

1. The Korea Rural Community Corporation;
  - 1-2. A local public enterprise pursuant to the Local Public Enterprises Act (only applicable to projects under subparagraph 10 (a), (b), and (g) of Article 2, which correspond to the scope of application under Article 2 of the Local Public Enterprises Act);
  2. A village development cooperative established pursuant to Article 57 (1) (limited to projects falling under subparagraph 10 (a) and (b) of Article 2);
  3. A corporation established by the head of a Si/Gun/Gu, the Korea Rural Community Corporation, a local public enterprise pursuant to the Local Public Enterprises Act (hereinafter referred to as "local public enterprise"), or village development cooperative through joint investment with the Korea Land and Housing Corporation established under the Korea Land and Housing Corporation Act (hereinafter referred to as the "Korea Land and Housing Corporation") or a housing builder registered pursuant to Article 4 of the Housing Act (hereinafter referred to as "housing builder") (limited to projects falling under subparagraph 10 (a) and (b) of Article 2);
  4. A rural house owner (limited to projects falling under subparagraph 10 (f), (i), and (j) of Article 2).
- (2) When a Mayor/Do Governor or the head of a Si/Gun/Gu designates a project implementer, he/she may preferentially designate a proposer of designation of a village development zone referred to in Article 103 as a project implementer.

(3) When necessary for efficiently promoting living environment improvement projects under subparagraph 10 (a) and (b) of Article 2, the head of a Si/Gun/Gu may entrust the Korea Rural Community Corporation, the Korea Land and Housing Corporation, a local public enterprise, or a housing builder with the implementation of all of some of the projects. <Amended by Act No. 11319, Feb. 17, 2012>

(4) When a project implementer designated pursuant to paragraph (1) falls under any of the following cases, a Mayor/Do Governor or the head of a Si/Gun/Gu may replace the project implementer:

1. Where authorization, permission, approval, or designation is revoked pursuant to Article 116 (1);
2. Where deemed impractical to achieve the objectives of the living environment improvement project due to the nonpayment or bankruptcy of the project implementer or other causes similar thereto.

#### **Article 57 (Establishment of Village Development Cooperatives and Organization of Promotion Committee)**

(1) A person who intends to perform a project referred to in subparagraph 10 (a) and (b) of Article 2 in a village development zone may establish a village development cooperative upon obtaining authorization from the head of the competent Si/Gun/Gu. The same shall also apply where any authorized matter is modified or a village development cooperative is dissolved.

(2) Where a person intends to establish a village development cooperative pursuant to paragraph (1), he/she shall organize a village development cooperative establishment promotion committee (hereinafter referred to as "promotion committee") as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs with the consent of not less than 2/3 of the total number of the owners of and superficies holders to the land and buildings in the village development zone, and shall obtain approval by the head of the relevant Si/Gun/Gu. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for the method of and procedures for the establishment of village development cooperatives, qualifications of members, operation, management, promotion committee, etc. shall be prescribed by Presidential Decree.

(4) The head of each Si/Gun/Gu may direct and supervise village development cooperatives for their sound operation.

#### **Article 58 (Formulation of Master Plan for Living Environment Improvement Project)**

(1) When necessary to promote matters included in a living environment improvement plan, the head of each Si/Gun/Gu may formulate a master plan to implement a living environment improvement project for each subdivided project.

(2) When the head of a Si/Gun/Gu intends to formulate or amend a master plan to implement a living environment improvement project referred to in paragraph (1), he/she shall pre-gather consensus from residents in the area in which the project is performed, and consult with the relevant Mayor/Do Governor and relevant organizations: Provided, That the same shall not apply when intending to amend insignificant matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(3) When the head of a Si/Gun/Gu formulates or amends a master plan to implement a living environment improvement project referred to in paragraph (1), he/she shall publicly notify it.

#### **Article 59 (Formulation of Action Plan for Living Environment Improvement Project)**

(1) When a living environment improvement project implementer intends to promote the relevant living environment improvement project, he/she shall formulate an action plan for a living environment improvement project in accordance with a living environment improvement plan referred to in Article 54, a master plan for the living environment improvement project referred to in Article 58, and a rural village development plan referred to in Article 101: Provided, That with respect to the areas for which the Urban/Gun management plan under the National Land Planning and Utilization Act has been formulated as at the time of formulating an action plan for a living environment improvement project, the action plan for the living environment improvement project may be formulated in accordance with the relevant Urban/Gun management plan. *<Amended by Act No. 10599, Apr. 14, 2011>*

(2) Where a living environment improvement project implementer is the head of a Si/Gun/Gu, he/she shall perform the project upon formulating an action plan for the living environment improvement project referred to in paragraph (1), and a living environment improvement project implementer, other than the heads of Sis/Guns/Gus, shall formulate an action plan for a living environment improvement project and obtain approval thereof from the head of the competent Si/Gun/Gu.

(3) When performing a project that meets requirements prescribed by Presidential Decree among the projects referred to in subparagraph 10 (a) and (b) of Article 2, each living environment improvement project implementer shall obtain approval from the competent Mayor/Do Governor, notwithstanding paragraph (2).

(4) When the head of a Si/Gun/Gu has formulated an action plan for a living environment improvement project or has approved such action plan or has obtained approval from the competent Mayor/Do Governor, he/she shall publicly notify it, as prescribed by Presidential Decree, and make it available to the public for perusal.

(5) When the head of a local government has approved an action plan for a living environment improvement project pursuant to paragraph (2) or (3), he/she shall report such fact to the competent Mayor/Do Governor or the Minister of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 60 (Details of Action Plan for Living Environment Improvement Project)**

An action plan for a living environment improvement project shall include the following matters:

1. Name of project;
2. Objective of project;
3. Major project details;
4. Detailed statement of business expenses;
5. Financing plan and annual investment plan;

6. Period of project implementation;
7. Project implementer;
8. Effects of project;
9. Detailed design drawings and books;
10. Details, maintenance and management, and disposal plan of infrastructure and common use facilities;
11. Detailed statement of land, etc. to be expropriated or used (only where applicable);
12. Other matters determined by Presidential Decree.

#### **Article 61 (Modification of Action Plan for Living Environment Improvement Project)**

A living environment improvement project implementer shall, when intending to modify the details of an action plan for a living environment improvement project due to a circumstantial change, etc., follow the procedures referred to in Article 59: Provided, That insignificant matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs may be modified after reporting them to the heads of Sis/Guns/Gus. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 62 (Land Substitution of Living Environment Improvement Project)**

The provisions pertaining to land substitution of Articles 28 through 49 of the Urban Development Act shall apply mutatis mutandis to cases where a living environment improvement project implementer intends to substitute land to perform the projects referred to in subparagraph 10 (a) and (b) of Article 2.

#### **Article 63 (Special Cases concerning Designation of Project Implementers)**

When the Korea Rural Community Corporation or a local public enterprise is designated as a living environment improvement project implementer or an entrusted implementer pursuant to Article 56, it shall be deemed a project entity defined in subparagraph 10 of Article 2 of the Housing Act, and to subsequently have obtained the registration of a business operator or filed a business report in the following subparagraphs: <Amended by Act No. 11319, Feb. 17, 2012; Act No. 13499, Aug. 28, 2015; Act No. 13805, Jan. 19, 2016>

1. Registration of rental business operators under Article 5 of the Special Act on Private Rental Housing;
2. Reporting on certified architect's business under Article 23 of the Certified Architects Act.

#### **Article 64 (Refurbishment of Abandoned Houses)**

When an abandoned house in a rural area or quasi rural area substantially undermines public interest or is likely to undermine its surroundings, the head of a Si/Gun/Gu may order the owner of the abandoned house to take necessary measures, such as removal, reconstruction, and repair after deliberation by the construction committee established under Article 4 of the Building Act. In such cases, the owner of the abandoned house shall take the measures within 60 days except in extenuating circumstances.

#### **Article 65 (Procedures, etc. for Refurbishment of Abandoned Houses)**

(1) Where the head of a Si/Gun/Gu orders the removal of an abandoned house pursuant to Article 64, he/she may remove the abandoned house ex officio, as prescribed by Presidential Decree, if the owner of

the house fails to comply with the order without any extenuating circumstances.

(2) Where the whereabouts of the owner of an abandoned house to be removed pursuant to paragraph (1) is unknown, a public announcement shall be placed in a daily newspaper at least once informing that the abandoned house is to be removed ex officio if the order is not complied with, and if the owner of the house fails to do so within 60 days from the date of public announcement, the house may be removed ex officio.

(3) In cases falling under paragraphs (1) and (2), the head of a Si/Gun/Gu shall pay a reasonable indemnity to the owner of an abandoned house, as prescribed by Presidential Decree. In such cases, when the owner of the abandoned house refuses to accept the indemnity or paying the indemnity is impracticable because the whereabouts of the owner of the abandoned house is unknown, he/she shall deposit the indemnity.

(4) When the head of a Si/Gun/Gu removes an abandoned house pursuant to paragraph (1) or (2), he/she shall put the building register to rights without delay, and when setting the building register to rights, he/she shall commission the competent registry office with the cancellation of the registration upon giving it notice without delay to the effect that the relevant abandoned house was removed under this Act.

#### **Article 66 (Support for Voluntary Removers)**

Where the owner of an abandoned house who voluntarily carried out an order for removal issued by the head of the competent Si/Gun/Gu pursuant to Article 64 desires to renovate his/her house for agricultural purposes, the head of the competent Si/Gun/Gu may give priority to him/her in granting renovation funds referred to in Article 67.

#### **Article 67 (Creation, etc. of Rural House Renovation Funds)**

(1) The State and local governments shall create necessary funds, as prescribed by Presidential Decree (hereinafter referred to as "rural house renovation funds"), to efficiently perform the refurbishment of abandoned houses and renovation of rural houses referred to in subparagraph 10 (f), (i) and (j) of Article 2. *<Amended by Act No. 11319, Feb. 17, 2012>*

(2) A plan to operate rural house renovation funds shall be established by the Minister of Agriculture, Food and Rural Affairs in consultation with the Minister of Strategy and Finance and the Minister of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Rural house renovation funds shall be used only for the following purposes: *<Amended by Act No. 11319, Feb. 17, 2012>*

1. Subsidies or loans to those who perform a rural house improvement project referred to in subparagraph 10 (i) and (j) of Article 2;
2. Subsidies or loans to those who desire to improve rural houses;
3. Expenses for the quality control of rural houses;
4. Expenses for removal of abandoned houses and indemnities referred to in Articles 64 and 65;
5. Expenses for operation and management of the rural house renovation funds.

#### **Article 68 (Sale, etc. of Rural Houses, etc.)**

(1) A living environment improvement project implementer may substitute, sell, or lease the land created by the implementation of a living environment improvement project (hereinafter referred to "created land"), rural houses and other facilities.

(2) Matters concerning the determination of supply prices of created land, rural houses, and other facilities, and the method of and procedures for the supply thereof shall be prescribed by Presidential Decree.

#### **Article 69 (Usage of Created Land)**

A person supplied with created land (excluding the State and local governments; hereinafter the same shall apply) shall construct rural houses, etc. in accordance with a usage approved pursuant to Article 59.

#### **Article 70 (Restrictions, etc. on Resale of Created Land)**

(1) No person supplied with created land shall resell (including transfer of title, purchase and sale, and all other acts accompanying the change of rights, but excluding inheritance; hereinafter the same shall apply) the created land until he/she completes the registration of transfer of ownership after building rural houses or other facilities on it for the usage for which such created land is supplied: Provided, That the same shall not apply to cases prescribed by Presidential Decree, such as the occupational circumstance of a person supplied with created land.

(2) In cases of reselling created land in violation of paragraph (1), the relevant legal act shall be nullified, and the relevant project implementer may repurchase the created land by paying a sum of the value of the created land as at the time the created land was supplied and the amount calculated by applying thereto the average interest rate of time deposits with a maturity of one year sold by banks under the Banking Act. <Amended by Act No. 10303, May 17, 2010>

#### **Article 70-2 (Establishment of Arterial Facilities)**

@Article 28 of the Housing Act shall apply mutatis mutandis to the establishment of arterial facilities (referring to arterial facilities defined in subparagraph 17 of Article 2 of the Housing Act) upon the implementation of living environment improvement projects. <Amended by Act No. 13805, Jan. 19, 2016>

#### **Article 71 (Technical Support, etc.)**

(1) The Minister of Agriculture, Food and Rural Affairs shall provide planning and technical support to facilitate the implementation of the living environment improvement projects, such as the establishment, examination, and designing of a living environment improvement plan, a master plan for the living environment improvement project, a rural village development plan, and an action plan for the living environment improvement project, and for the quality control of facilities to be created under the living environment improvement projects, and may reimburse the expenses therefor within budgetary limits. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs may establish and operate a planning and technical support team, as prescribed by Presidential Decree, to provide technical support for design and execution, which is necessary for establishing a living environment improvement plan, a master plan for the living environment improvement project, a rural village development plan, and an action plan for the

living environment improvement project pursuant to paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 72 (Fostering of and Support for Rural Industries)**

The State and local governments shall prepare and execute comprehensive support measures necessary for the fostering of rural industries.

#### **Article 73 (Formulation of Master Plan to Foster Rural Industries)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may determine guidelines necessary for formulating a plan for fostering rural industries in consultation with the heads of the relevant central administrative agencies. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The head of any Si/Gun/Gu who intends to enforce measures for fostering rural industries pursuant to Article 72 shall formulate a master plan for fostering rural industries every three years and submit it to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries through the relevant Mayor/Do Governor. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The master plan for fostering rural industries shall include the following matters:

1. Objectives and basic direction-setting for development of rural industries;
2. Matters concerning the fostering of human resources necessary for the development of rural industries, and cooperative systems between industries, academic circles, and research institutions, etc.;
3. Matters concerning the fostering of enterprises and creation of investment environment for the development of rural industries;
4. Matters concerning the creation of the agro-industrial complex referred to in Article 78 and invigoration of the operation thereof;
5. Matters concerning annual investment plans and financing;
6. Other matters necessary for the fostering of rural industries.

(4) When the head of a Si/Gun/Gu intends to formulate a master plan for fostering rural industries, he/she shall pre-gather consensus from civil organizations, residents, etc. in the area under his/her jurisdiction.

(5) Matters necessary for the formulation of and procedures for determining a master plan for fostering rural industries, etc. shall be prescribed by Presidential Decree.

#### **Article 74 (Establishment of Action Plan to Foster Rural Industry)**

(1) In order to efficiently carry out a master plan for fostering rural industries established pursuant to Article 73, the head of each Si/Gun/Gu shall establish an annual action plan for fostering rural industries and submit it to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries through the relevant Metropolitan City Mayor/Do Governor. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for the establishment of, modification of, procedures for submission of the rural industry fostering action plan, etc. shall be prescribed by Presidential Decree.

#### **Article 75 (Designation of Rural Industry Support Body)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may designate an organ, etc. equipped with human resources, organization, etc. necessary to support duties concerned with rural industries fostering policies and relevant plans, such as investigation, study, assessment, and consulting, as a rural industry fostering support body. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of each local government may reimburse the expenses for conducting support duties to the rural industry fostering support body designated pursuant to paragraph (1) within budgetary limits. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for the conditions of and procedures for designation of the support body referred to in paragraph (1), support duties, etc. therefor shall be prescribed by Presidential Decree.

(4) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, when the rural industry fostering support body designated pursuant to paragraph (1) is deemed incapable of performing the duty to support the fostering of rural industries or fails to satisfy the conditions of designation referred to in paragraph (3), order to take corrective measures, setting a period not longer than two months. <Amended by Act No. 11690, Mar. 23, 2013>

(5) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, when the rural industry fostering support body falls under any of the following subparagraphs, revoke the designation thereof as prescribed by Presidential Decree: Provided, That he/she shall revoke the designation concerned in cases under subparagraph 1: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where the rural industry fostering support body is designated by false or other fraudulent means;
2. Where the rural industry fostering support body has failed to conduct supportive activities to foster rural industries for not less than one year without any justifiable ground;
3. Where the rural industry fostering support body fails to take corrective measures upon receipt of the corrective order referred to in paragraph (4).

#### **Article 76 (Assessment)**

(1) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall assess the following matters: <Amended by Act No. 11690, Mar. 23, 2013>

1. Results of performance of the master plans to foster rural industries and annual action plans by the heads of Sis/Guns/Gus;
2. Other matters requiring assessment in connection with the performance of plans to foster rural industries.

(2) Matters concerning criteria and procedures for the assessment referred to in paragraph (1) shall be prescribed by Presidential Decree.

(3) The State may grant financial incentives to local governments which produce distinguished results in the assessment referred to in paragraph (1) within budgetary limits.

### **Article 77 (Basic Policies for Supporting Development of Agro-Industrial Complexes)**

The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall formulate basic policies for supporting the development of agro-industrial complexes in order to foster the rural industrial complex creation project referred to in Article 50 (1) of the Framework Act on Agriculture, Rural Community and Food Industry and Article 39 (1) of the Framework Act on Fishers and Fishing Villages Development. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>

### **Article 78 (Support for Development of Agro-Industrial Complexes)**

(1) The head of each Si/Gun/Gu shall designate and develop agro-industrial complexes after obtaining approval from the relevant Metropolitan City Mayor/Do Governor, in order to develop industries in rural areas under his/her jurisdiction as prescribed in the Industrial Sites and Development Act.

(2) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or each Metropolitan City Mayor/Do Governor may reimburse expenses for the development of agro-industrial complexes to the heads of Sis/Guns/Gus within budgetary limits each year. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Each Metropolitan City Mayor/Do Governor shall, upon designating or approving the agro-industrial complex referred to in paragraph (1), report it to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 79 (Support for Sale of Products)**

The State and local governments may take measures necessary to facilitate the sale of products, such as support for the export of products manufactured in agro-industrial complexes and acceleration of systematization, etc., and the State, local governments, public organizations, and public institutions may enter into a private contract on the purchase of products with the manufacturers.

### **Article 80 (Support for Preservation of Rural Environment)**

The State and local governments may reimburse expenses necessary for the installation and management of the environment preservation facility referred to in Article 29 of the Framework Act on Environmental Policy by a company that moves into an agro-industrial complex. <Amended by Act No.10893, Jul. 21, 2011>

### **Article 81 (Support and Fostering of Rural Tourism and Resorts)**

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, each Metropolitan City Mayor/Do Governor, or the head of a Si/Gun/Gu may promote each of the following policies in order to preserve the natural landscape of rural and quasi rural areas and to increase the income of rural areas by supporting and fostering rural tourism and resorts: <Amended by Act No. 11501, Oct. 22, 2012; Act No. 11690, Mar. 23, 2013>

1. Development of tourism and resort resources through the utilization of the natural environments, farming activities, traditions and culture, etc. of rural areas;
2. Fostering rural tourism and resort business;
3. Investigation, research, and public relations for invigoration of rural tourism and resort business.

(2) The scale of and criteria for facilities of rural tourism and resort business shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 82 (Development of Rural Tourism and Resort Complexes)**

(1) The head of a Si/Gun/Gu may designate rural tourism and resort complexes for direct development in rural areas as prescribed by Presidential Decree, or require those who have obtained approval of business plans pursuant to paragraph (2) to develop such complexes.

(2) When a person, other than the heads of Sis/Guns/Gus, intends to develop a rural tourism and resort complex designated pursuant to paragraph (1), he/she shall formulate a business plan, and obtain approval thereof from the head of the relevant Si/Gun/Gu, as prescribed by Presidential Decree. The same shall apply where he/she intends to amend important matters prescribed by Presidential Decree among approved ones.

(3) When the head of a Si/Gun/Gu designates or cancels a rural tourism and resort complex, or approves or revokes a business plan of rural tourism and resort complex, he/she shall publicly notify such fact as prescribed by Presidential Decree. <Amended by Act No. 12963, Jan. 6, 2015>

#### **Article 83 (Development of Tourist Farms)**

(1) Farmers defined in subparagraph 2 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry (hereinafter referred to as "farmers"), fishermen defined in subparagraph 3 of Article 3 of the Framework Act on Fishers and Fishing Villages Development (hereinafter referred to as "fishermen"), the Korea Rural Community Corporation, or other farmers' or fishermen's organizations determined by Presidential Decree may develop tourist farms. <Amended by Act No. 13383, Jun. 22, 2015>

(2) A person that intends to develop a tourist farm shall formulate a business plan and obtain approval thereof from the head of the relevant Si/Gun/Gu, as prescribed by Presidential Decree. The same shall apply where he/she intends to amend important matters determined by Presidential Decree among approved ones.

#### **Article 84 (Allotment Sales of Land and Facilities)**

When a project implementer for the development of a rural tourism and resort complex and tourist farm (hereinafter referred to as "rural tourism and resort site") receives the inspection on the completion of construction under Article 114, he/she may sell or lease the land and facilities thereof.

#### **Article 85 (Rural Tourism and Resort Site Business Operator's Report, etc.)**

(1) A rural tourism and resort complex business may be run by the heads of Sis/Guns/Gus or those who are reported to the heads of Sis/Guns/Gus, and a tourist farm business may be run by those referred to in Article 83 (1) and reported to the heads of Sis/Guns/Gus.

(2) When a person other than the heads of Sis/Guns/Gus intends to run a rural tourism and resort site business, he/she shall prepare an operation plan as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries, to make a report on rural tourism and resort site business operator to the head of the relevant Si/Gun/Gu. The same shall apply

where he/she intends to modify reported matters or close down his/her business. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for the method of, procedures for, etc. of the report referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The head of any Si/Gun/Gu who receives a rural tourism and resort site business operator's report pursuant to paragraphs (1) and (2) shall deliver a certificate of completion of report to the person who makes the report as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries, and prepare and manage a report register. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Where a person who is reported as a rural tourism and resort site business operator pursuant to paragraph (4) leases farmland subject to a rural tourism and resort site business, the provisions of Articles 23 through 26 of the Farmland Act shall not apply thereto.

#### **Article 86 (Reporting by Rural Bed and Breakfast Business Operators)**

(1) A person who intends to run a rural bed and breakfast business shall report on rural bed and breakfast business operator to the head of the relevant Si/Gun/Gu as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. The same shall apply where he/she modifies reported matters or closes his/her business. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for the method of, procedures for, etc. of reporting referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Upon receipt of a report pursuant to paragraph (2), the head of each Si/Gun/Gu shall confirm reported matters, and deliver a certificate of completion of report to the relevant reporting person, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Deleted. <by Act No. 12963, Jan. 6, 2015>

#### **Article 86-2 (Matters to be Observed by Rural Bed and Breakfast Business Operators)**

Each rural bed and breakfast business operator shall observe the following matters:

1. A rural bed and breakfast business operator shall post the certificate of completion of report referred to in Article 86 (3) and a schedule of lodging fees at a place easily visible in his/her house for rural bed and breakfast business;
2. A rural bed and breakfast business operator shall comply with the standards for service and safety prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries to enhance service level, and shall receive education conducted by the head of the relevant Si/Gun/Gu to enhance the level of service and safety, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries.

Fisheries;

3. A rural bed and breakfast business operator may serve breakfast for lodge guests, and, in such cases, cost thereof shall be included in the lodging fee.

#### **Article 87 (Succession to Rural Tourism and Resort Site Business)**

(1) A person that falls under any of the following subparagraphs shall succeed to the status of the person who reported a previous rural tourism and resort site business:

1. Where a person who reported a rural tourism and resort site business transfers the business, the transferee thereof;
2. Where a person who reported a rural tourism and resort site business is dead, the successor thereto;
3. Where a corporation merges with another corporation, the corporation surviving the merger or is established in the course of the merger.

(2) A person who acquires the whole business facilities and installations in accordance with any of the following procedures shall succeed to the status of a person who reported the previous rural tourism and resort site business under this Act:

1. Auction under the Civil Execution Act;
2. Auction under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, Customs Act or Local Tax Act;
4. Other procedures corresponding to those prescribed in subparagraphs 1 through 3.

(3) Notwithstanding paragraph (1) or (2), in cases of a tourist farm, only a person referred to in Article 83 (1) shall succeed to the status of a person who has reported a previous rural tourism and resort site business.

(4) A person who succeeds to the status of a person who reported a previous rural tourism and resort site business pursuant to paragraph (1) or (2) shall report it to the head of the competent Si/Gun/Gu within one month, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 88 (Guidance, Supervision, etc.)**

The head of a Si/Gun/Gu may direct or supervise rural tourism and resort site business operators or rural bed and breakfast business operators, and if deemed necessary, order rural tourism and resort site business operators or rural bed and breakfast business operators to improve their facilities and operation. <Amended by Act No. 11319, Feb. 17, 2012; Act No. 12963, Jan. 6, 2015>

#### **Article 89 (Closure, etc. of Place of Business)**

(1) When a rural tourism and resort site business operator or a rural bed and breakfast business operator falls under any of the following cases, the head of the relevant Si/Gun/Gu may order such business operator to close the relevant place of business or to suspend business in whole or in part, fixing a period not exceeding six months: Provided, That in cases falling under subparagraph 7, he/she shall order such business operator to close the place of business:

1. Where the business operator fails to conduct the business for at least one year without just grounds;
2. Where the business operator fails to cultivate crops in the tourist farm and weekend farm for at least one year;
3. Where the business operator violates the scale of or criteria for facilities referred to in Article 81 (2);
4. Where the business operator develops the tourist farm without obtaining approval, or approval of change under Article 83 (2);
5. Where the business operator transfers or acquires the tourist farm business in violation of Article 87 (1) and (3);
6. Where the business operator fails to fulfill the order for improvement of facilities and operation referred to in Article 88;
7. Where the business operator conducts the business during a period of suspension of business.

(2) When six months have not passed since an order to close the place of business is issued for a violation of the subparagraphs of paragraph (1), neither rural tourism and resort site business nor rural bed and breakfast business shall be conducted in the place for which the order to close the place of business is issued.

(3) Detailed criteria for issuing an order to close the place of business or to suspend business under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries in consideration of the causes of such dispositions, degree of violation, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) When a rural tourism and resort site business operator or a rural bed and breakfast business operator ordered to close the place of business pursuant to paragraph (1) continues to operate the place of business, the head of the relevant Si/Gun/Gu may assign relevant public officials to take the following measures to close the relevant place of business:

1. Removal of signboards and other business marks in the relevant place of business;
2. Attachment of notices, etc. informing that the relevant place of business is an illegal place of business;
3. Sealing of equipment or facilities indispensable for the operation of the place of business to make them unusable.

(5) When keeping the sealing referred to in paragraph (4) 3 is deemed unnecessary after conducting the sealing, or when a business operator or a representative thereof promises to close the relevant place of business or requests the cancellation of sealing on a justifiable ground, the head of the relevant Si/Gun/Gu may cancel the sealing. The same shall apply where the removal of notices, etc. referred to in paragraph (4) 2 is requested.

#### **Article 90 (Succession to Effect of Disposition of Administrative Sanction)**

(1) Any of the following rural tourism and resort site business operators or rural bed and breakfast business operators shall assume the burden of any disposition of an administrative sanction imposed for a violation of the subparagraphs of Article 89 (1) with respect to a previous rural tourism and resort site

business operator or rural bed and breakfast business operator:

1. A person who makes a report of rural tourism and resort site business or rural bed and breakfast business again after making a report of closure of business referred to in the latter part of Article 85 (2) or latter part of Article 86 (1);
2. A person who acquires a rural tourism and resort site business pursuant to Article 87 (1).

(2) With respect to those who fall under any subparagraph of paragraph (1), an administrative disposition procedure which is in progress pursuant to Article 89 (1) may continue to proceed.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the same shall not apply where it is proved that unawareness of the fact that a previous rural tourism and resort site business operator or rural bed and breakfast business operator received any disposition of an administrative sanction or commit violations.

#### **Article 91 (Basic Policies on Development of Marginal Farmland and Others)**

The Minister of Agriculture, Food and Rural Affairs may set up basic policies on the development of marginal farmland and others for the efficient management, use, and development of marginal farmland, etc. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 92 (Types of Development of Marginal Farmland, etc.)**

An area designated and publicly notified as a district for developing marginal farmland, etc. pursuant to Article 94 may be developed in the following ways in consideration of regional conditions: <Amended by Act No. 11690, Mar. 23, 2013>

1. Creation of farmland and installation of facilities for agriculture, forestry and fisheries, such as pomiculture, horticulture, special purpose crops, livestock farming zone, and fish farms;
2. Installation of facilities for the development and utilization of rural tourism and resort resources, such as rural tourism and resort complexes, tourist farms, and tourist accommodation facilities;
3. Installation of houses and housing sites and farmland annexed thereto, industrial facilities, culture and art-related facilities, such as exhibition halls, and museums, sports facilities, youth training facilities, medical centers, educational and training facilities, and welfare facilities for the elderly;
4. Installation of other facilities prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, which are necessary for the facilitation of the development of rural areas.

#### **Article 93 (Investigation and Public Notification of Marginal Farmland)**

- (1) The head of a Si/Gun/Gu may investigate marginal farmland in rural areas.
- (2) When the head of a Si/Gun/Gu conducts the investigation referred to in paragraph (1), he/she shall publicly notify the results thereof and offer them for public inspection.
- (3) Matters necessary for the investigation and public notification of marginal farmland referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 94 (Designation and Public Notification of Districts for Developing Marginal Farmland, etc.)**

- (1) The head of a Si/Gun/Gu may designate an area in need of development in marginal farmland, etc. as a district for developing marginal farmland, etc.

(2) When the head of a Si/Gun/Gu intends to designate a district for developing marginal farmland, etc., he/she shall publicly notify it after pre-consulting with the heads of relevant administrative agencies. The same shall apply where modifying or cancelling it.

(3) Requirements for designating districts for developing marginal farmland, etc., and other necessary matters, shall be determined by Presidential Decree.

#### **Article 95 (Designation of Districts for Developing Marginal Farmland, etc. by Application)**

(1) A person that intends to develop marginal farmland, etc. located in an area which is not a district for developing marginal farmland, etc. publicly notified pursuant to Article 94 may apply for the designation of a district for developing marginal farmland, etc. to the head of the relevant Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The head of any Si/Gun/Gu in receipt of an application pursuant to paragraph (1) may designate and publicly notify a district for developing marginal farmland, etc. pursuant to Article 94.

#### **Article 96 (Implementation of Development Projects of Marginal Farmland, etc.)**

(1) A development project of marginal farmland, etc. shall be performed by the heads of Sis/Guns/Gus or those who have obtained approval for a development project plan of marginal farmland, etc. pursuant to paragraph (2).

(2) Where a person, other than the head of a Si/Gun/Gu, intends to perform a development project of marginal farmland, etc. in all or part of the marginal farmland development district, he/she shall establish a development project plan of marginal farmland, etc. and obtain approval from the head of the relevant Si/Gun/Gu therefor, as prescribed by Presidential Decree. The same shall also apply where he/she intends to modify matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in the approved development project plan of marginal farmland, etc. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 97 (Application Mutatis Mutandis of Relevant Provisions)**

The provisions of Section 3 of Chapter III (Articles 25 through 51) shall apply mutatis mutandis to cases where land substitution, exchange, division, or consolidation is required as a result of a development project of marginal farmland, etc. referred to in Article 92.

#### **Article 98 (Allotment Sale of Land and Facilities)**

(1) When the implementer of a development project of marginal farmland, etc. passes an inspection on the completion of construction pursuant to Article 114, he/she may sell in allotment or lease the relevant land and facilities.

(2) Article 8 of the Farmland Act shall not apply to the purchase of farmland created through development projects of marginal farmland, etc. and Articles 23 through 26 of the same Act shall not apply to the lease thereof.

(3) The size of farmland that a person who is not a farmer or fisherman may acquire pursuant to paragraph (2) shall be less than 1,500 square meters. <Amended by Act No. 11319, Feb. 17, 2012; Act No. 13383, Jun. 22, 2015>

### **Article 99 (Investment)**

The State and local governments may invest the farmland management funds, local government's expenses, etc. for the efficient preservation, use, and development of marginal farmland, etc.

### **Article 100 (Purchase and Sale, etc. of Marginal Farmland, etc.)**

(1) The provisions of Article 8 of the Farmland Act shall not apply where an implementer of development project for marginal farmland and others, who is designated pursuant to Article 96, purchases farmland located in a marginal farmland and others development district.

(2) The Korea Rural Community Corporation may purchase or sell marginal farmlands and other necessary lands, or sell them after development pursuant to Article 96.

(3) When selling pursuant to paragraph (2), assistance may be provided to those to be fostered as full-time farmers and agricultural corporations pursuant to Article 18 of the Korea Rural Community Corporation and Farmland Management Fund Act.

### **Article 101 (Formulation of Village Development Plan and Designation of Village Development Zone)**

(1) A Mayor/Do Governor may designate a village development zone upon request by the head of a Si/Gun/Gu to perform rural development projects in an integrated and systematic manner.

(2) When the head of a Si/Gun/Gu intends to request the designation of a village development zone pursuant to paragraph (1), he/she shall formulate a rural village development plan (hereinafter referred to as "village development plan") and submit it to the relevant Mayor/Do Governor through deliberation by the Si/Gun/Gu deliberation council on policies for agriculture, farming villages, and the food industry referred to in Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry.

*<Amended by Act No. 11694, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>*

(3) A village development plan shall include the following matters: Provided, That matters specified in subparagraphs 10 through 14 shall be included only when necessary:

1. Name, location, and size of a village development zone;
2. When performing a development project by dividing a village development zone into at least two project performance zones, matters concerning the division of the zone;
3. Matters concerning the land use plan;
4. Matters concerning the construction of new rural villages or re-development of existing rural villages referred to in subparagraph 10 (a) and (b) of Article 2;
5. Matters concerning the installation of major infrastructure, such as roads, water works, and sewerage;
6. Matters concerning the renovation of rural houses;
7. Matters concerning the rural landscape management;
8. Matters concerning environment preservation plans and prevention of pollution;
9. Matters concerning the creation of communities;
10. Matters concerning the development and expansion of agricultural infrastructure;
11. Matters concerning the development of rural tourism and resort resources;

12. Matters concerning the fostering and development of rural industries;
13. Matters concerning the installation of sanitary, medical, educational, and welfare facilities;
14. Matters concerning the development of regional specialization;
15. Matters concerning subsidization of business expenses;
16. Expected period of project implementation;
17. Matters concerning expected project implementers and method of performance of development projects;
18. Detailed statement of land to be expropriated or used, real rights, and rights;
19. Other matters prescribed by Presidential Decree.

(4) When a Mayor/Do Governor is requested to designate a village development zone pursuant to paragraph (1), he/she may designate the village development zone after consulting with the heads of relevant administrative agencies: Provided, That where the village development zone he/she intends to designate falls under the conditions prescribed by Presidential Decree, he/she shall obtain approval from the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(5) When a Mayor/Do Governor designates a village development zone pursuant to paragraph (4), he/she shall, if the village development plan under paragraph (3) includes a plan for the designation or modification of a specific use area as or to a planned control area, designate the village development zone through deliberation by the local urban planning committee referred to in Article 113 of the National Land Planning and Utilization Act.

(6) When a Mayor/Do Governor intends to obtain approval from the Minister of Agriculture, Food and Rural Affairs for the designation of a village development zone pursuant to the proviso to paragraph (4), he/she shall submit it for deliberation by the local urban planning committee referred to in Article 113 of the National Land Planning and Utilization Act. <Amended by Act No. 11690, Mar. 23, 2013>

(7) When a village development zone is designated, the relevant Mayor/Do Governor shall publicly notify matters prescribed by Presidential Decree, and send the copies of relevant documents to the heads of relevant administrative agencies and the head of the Si/Gun/Gu having jurisdiction over the relevant village development zone, and the head of the Si/Gun/Gu upon receiving the relevant documents shall offer them for public inspection.

(8) Where a village development zone is designated and publicly notified, matters pre-consulted with the heads of relevant administrative agencies concerning the formulation of a master plan to develop and expand agricultural infrastructure referred to in Article 8, formulation of a living environment improvement plan referred to in Article 54, designation and public notification of districts for developing marginal farmland, etc. referred to in Article 94, etc. shall be deemed designated, formulated, approved, etc. in accordance with the details of the refurbishment plan publicly notified pursuant to paragraph (7).

**Article 102 (Designation of Village Development Zones and Modification of Village Development Plans)**

Modifications to village development plans and designation of village development zones shall follow the procedure referred to in Article 101: Provided, That when insignificant matters prescribed by Presidential Decree are modified, the deliberation of the Si/Gun/Gu deliberation council on policies for agriculture, farming villages, and the food industry referred to in Article 101 (2) may be omitted. <Amended by Act No. 11694, Mar. 23, 2013>

#### **Article 103 (Proposal of Designation of Village Development Zones)**

(1) A person that falls under any of the subparagraphs of Article 56 (1) and intends to perform a rural development project in a village development zone may propose the designation of a village development zone to the head of the relevant Si/Gun/Gu, by preparing a village development plan, and a written village development project proposal prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(2) When the head of each Si/Gun/Gu deems the details of the proposal referred to in paragraph (1) appropriate and establishes a village development plan, he/she shall follow the procedure referred to in Article 101.

(3) The head of each Si/Gun/Gu may have the proposer of the designation of a village development zone bear the whole or part of the expenses necessary for establishing a village development plan and designating the village development zone.

#### **Article 104 (Hearing Opinions of Residents, etc.)**

(1) Where intending to designate the rural tourism and resort complex referred to in Article 82, marginal farmland and others development district referred to in Article 94 or 95, and village development zone referred to in Article 101, the opinions of residents shall be collected as prescribed by Presidential Decree.

(2) When intending to establish a plan for a rural development project pursuant to the provisions of Chapters III through VII, each rural development project implementer shall hear the opinions of residents, relevant experts, etc. and when such opinions are deemed reasonable, reflect them to the plan for the rural development project: Provided, That in cases of confidential matters concerning national security or insignificant matters determined by Presidential Decree, such opinions need not be collected.

#### **Article 105 (Public Notification, etc. of Project Areas and Districts)**

Where designating an area for which an action plan for the project to develop and expand agricultural infrastructure referred to in Article 9 is approved, a rural tourism and resort complex referred to in Article 82, a district for developing marginal farmland, etc. referred to in Article 94 or 95, or a village development zone referred to in Article 101, the public notification of the topographical map of the area, zone, complex, and district (hereinafter referred to as "area, district, etc."), gathering consensus from residents, etc. shall be governed by Article 8 of the Framework Act on the Regulation of Land Use.

#### **Article 106 (Relationship with other Acts)**

(1) Where a village development zone is designated and publicly notified pursuant to Article 101, matters pre-consulted with the heads of relevant administrative agencies concerning the following designation, decision, determination, etc. shall be deemed designated, decided, determined, etc. in accordance with the

details of a village development plan publicly notified pursuant to Article 101 (8): <Amended by Act No. 10599, Apr. 14, 2011>

1. Designation of tourist sites and tourism complexes under Article 52 of the Tourism Promotion Act;
  2. Designation or modification of planned management areas which are not urban areas among special-purpose areas under Article 36 of the National Land Planning and Utilization Act, and determination of an Urban/Gun management plan under Article 30 of the same Act, which designates or modifies settlement districts among special-purpose districts under Article 37 of the same Act (limited to cases meeting the requirements referred to in Article 51 (3) of the same Act, where a planned management area is designated or modified);
  3. Determination of an Urban/Gun management plan under Article 30 of the National Land Planning and Utilization Act, which modifies fishery resources protection zones to cancel them pursuant to Article 40 of the same Act;
  4. Determination of an Urban/Gun management plan under Article 30 of the National Land Planning and Utilization Act, which designates the district unit planning zone under Article 51 of the same Act;
  5. Formulation of business plans under Article 6 of the Islands Development Promotion Act, and determination of business plans under Article 7 of the same Act;
  6. Designation of logistics complexes under Article 22 of the Act on the Development and Management of Logistics Facilities;
  7. Designation of agro-industrial complexes under Article 8 of the Industrial Sites and Development Act.
- (2) Where a rural development project implementer obtains approval of a plan for a rural development project pursuant to Article 9, 58, 59, 82, 83, or 96, matters pre-consulted under paragraph (4) shall be deemed obtained the following permission, authorization, consultation, agreement, license, cancellation, reporting, approval, etc. (hereinafter referred to as "authorization, permission, etc."), and when a plan for a rural development project is publicly notified, authorization, permission, etc. shall be deemed publicly notified or announced under relevant Acts: <Amended by Act No. 9763, Jun. 9, 2009; Act No. 10272, Apr. 15, 2010; Act No. 10331, May 31, 2010; Act No. 10599, Apr. 14, 2011; Act No. 11319, Feb. 17, 2012; Act No. 11352, Feb. 22, 2012; Act No. 12248, Jan. 14, 2014; Act No. 12329, Jan. 21, 2014; Act No. 12738, Jun. 3, 2014; Act No. 13805, Jan. 19, 2016>

1. Building permits under Article 11 of the Building Act, building reporting under Article 14 of the same Act, and permission for or reporting on temporary buildings under Article 20 of the same Act;
2. Permits to extract aggregate under Article 22 of the Aggregate Extraction Act and reporting on selection, cleaning, etc. of aggregate under Article 32 of the same Act;
3. Permits to occupy and use public waters under Article 8 of the Public Waters Management and Reclamation Act, approval of or reporting on an action plan for occupancy or use under Article 17 of the same Act, reclamation licenses of public waters under Article 28 of the same Act, public notification of reclamation licenses under Article 33 of the same Act, consultation on or approval of reclamation

performed by the State, etc. under Article 35 of the same Act, and approval and public notification of action plans for reclamation of public waters under Article 38 of the same Act;

4. Deleted; <by Act No. 10272, Apr. 15, 2010>

5. Permission for use or profit-making under Article 20 of the Public Property and Commodity Management Act;

6. Approval of resort condominium business plans under Article 15 of the Tourism Promotion Act;

7. Permission for use under Article 30 of the State Property Act;

8. Determination (excluding determination of and modifications to special-purpose areas, special-purpose districts, and special-purpose zones) of Urban/Gun management plans under Article 30 of the National Land Planning and Utilization Act, determination of an Urban/Gun management plans to establish Urban/Gun planning facilities under Article 43 of the same Act, permission for development activities under Article 56 of the same Act, designation of Urban/Gun planning facility project implementers under Article 86 of the same Act, and authorization of an action plan under Article 88 of the same Act;

9. Permits to convert farmland under Article 34 (1) of the Farmland Act, and reporting on conversion of farmland under Article 35 of the same Act;

10. Permission for the execution of a road work by a person who is not a road management agency under Article 36 of the Road Act, permission for an act in an area adjacent to a road under Article 40 of the same Act, permission for occupation and use of a road under Article 61 of the same Act, and consultation with and approval of a road management agency under Article 107 of the same Act;

11. Designation of urban development project implementers under Article 11 of the Urban Development Act, and authorization of urban development project action plans under Article 17 of the same Act;

12. Permits under Article 35 (1) 1, 2, and 4 of the Cultural Heritage Protection Act and permits to use State-owned land under the proviso to Article 66 of the same Act;

13. Permits to open private roads under Article 4 of the Private Road Act;

14. Permits to fell trees, etc. under Article 14 of the Erosion Control Work Act, and cancellation of designation of land to be treated for land erosion under Article 20 of the same Act;

15. Permits to fell standing timber, etc. and reporting thereon under Article 36 (1) and (4) of the Creation and Management of Forest Resources Act, permits to do acts inside forest protection zones (excluding forest genetic resources protection zones) and reporting thereon under Article 9 (1) and (2) 1 and 2 of the Forest Protection Act;

16. Permits to change land shape, quality, etc. in industrial complexes under Article 12 of the Industrial Sites and Development Act;

17. Change and cancellation of preserved mountainous districts under Article 6 of the Mountainous Districts Management Act, cancellation of designation as restricted areas on mountainous district conversion or on temporary use of mountainous district under Article 11 of the same Act, permits for

mountainous district conversion under Article 14 of the same Act, reporting on mountainous district conversion under Article 15 of the same Act, permits for temporary use of mountainous district conversion and reporting thereon under Article 15-2 of the same Act, and permits for collection of earth and rocks under Article 25 of the same Act;

18. Consent to building permits, etc. under Article 7 of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act;

19. Permits to perform small river works under Article 10 of the Small River Maintenance Act, and permits to occupy and use, etc. small rivers under Article 14 of the same Act;

20. Authorization for general waterworks business under Article 17 of the Water Supply and Waterworks Installation Act, and authorization for private-use waterworks business under Article 52 of the same Act;

21. Approval to perform construction works in protected waters under Article 47 (2) of the Fishery Resources Management Act;

22. Permission of acts in park areas under Article 23 of the Natural Parks Act;

23. Permits to rebury an unknown person's grave under Article 27 of the Act on Funeral Services, etc.;

24. Authorization of or reporting on plans for electric facility installation works for electric business under Article 61 of the Electric Utility Act, and authorization for or reporting on plans for private-use electric facility installation works under Article 62 of the same Act;

25. Approval of business plans under Article 15 of the Housing Act;

26. Permission for installation and operation of youth training facilities under Article 11 of the Juvenile Activity Promotion Act;

27. Approval of business plans under Article 12 of the Installation and Utilization of Sports Facilities Act;

28. Permission for change of land shape and quality under Article 21-2 of the Grassland Act, and permission for, reporting on, or consultation on grassland conversion under Article 23 of the same Act;

29. Examination on the publication of maps, etc. under Article 15 (3) of the Act on the Establishment, Management, etc. of Spatial Data, and reporting on commencement, change, or completion of works under Article 86 (1) of the same Act;

30. Approval of or reporting on the installation of waste disposal facilities under Article 29 of the Wastes Control Act;

31. Consultation on and approval of a sewerage improvement master plan, authorization for installation of public sewerage, permission for performance of works, permit to occupy, reporting on installation of draining facilities, and reporting on installation of private-use sewerage under Articles 6, 11, 16, 24, 27, and 34 of the Sewerage Act;

32. Consultation or approval with river management authorities under Article 6 of the River Act, permission for performance of river improvement works under Article 30 of the same Act, permission for occupation and use of rivers under Article 33 of the same Act, permission for acts within flood

control zones under Article 38 of the same Act, permission for use of river water under Article 50 of the same Act, and concession of abandoned riverbeds, etc. under Article 85 of the same Act.

(3) Where a person who intends to run a rural tourism and resort site business pursuant to Article 85 (1) makes a rural tourism and resort site business operator's report to the head of the relevant Si/Gun/Gu, he/she shall be deemed to have made the following reporting:

1. Reporting on business prescribed by Presidential Decree among athletic facility businesses subject to reporting under the Installation and Utilization of Sports Facilities Act;
2. Reporting on accommodation or public bathhouse business under the Public Health Control Act;
3. Reporting on business prescribed by Presidential Decree among food service businesses under the Food Sanitation Act.

(4) Where the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the head of a local government formulates or approves an action plan for the rural development project or where the head of a Si/Gun/Gu accepts a rural tourism and resort site business operator's report, if a matter falling under each subparagraph of paragraph (1) or (2) is included therein, he/she shall pre-consult with the heads of relevant administrative agencies. In such cases, the heads of relevant administrative agencies shall submit their opinions within 30 days from the date on which they are requested for consultation: Provided, That in extenuating circumstances, the period may be extended by up to ten days. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 107 (Special Case of Application of other Statutes)**

Where performing a rural development project under this Act, the following matters shall not be applied thereto: <Amended by Act No. 12248, Jan. 14, 2014>

1. Maintenance and improvement of roads, establishment of a road master plan and establishment of a road maintenance and improvement plan under Articles 5 through 7 of the Act on the Maintenance and Improvement of Road Networks in Agricultural and Fishing Villages;
2. Collection of occupation and use fees, etc. under Articles 37 and 50 of the River Act;
3. Collection of occupation and use fees under Article 66 of the Road Act.

#### **Article 108 (Financial Support)**

(1) The heads of relevant central administrative agencies and the heads of local governments shall earmark a budget for business expenses to efficiently promote rural development projects.

(2) The Government may subsidize or lend all or some of funds for rural development projects under this Act.

(3) If deemed necessary in entrusting the performance of the project, any rural development project implementer may give all or some of the funds subsidized pursuant to paragraph (2) to an entrusted project implementer even before the project is completed.

(4) When the project implementers referred to in Article 56 (1) 2 and 3 subsidize the whole or part of funds for performing the new rural village construction project or existing rural village development project referred to in subparagraph 10 (a) and (b) of Article 2, the State and local governments may, if

there is special grounds for not completing a project entitled to subsidization within the period for performing the project, or when necessary to achieve the objectives of the project, perform the project entitled to subsidization at the expense of the project implementer by concluding a contract, and reimburse the expenses ex post facto.

(5) Matters necessary for the method of, procedures for, etc. reimbursement of expenses for the projects entitled to subsidization referred to in paragraph (4) shall be determined by Presidential Decree.

**Article 109 (Delegation and Entrustment of Authorities)**

(1) Part of the authority of the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries under this Act may be delegated to Metropolitan City Mayors/Do Governors or entrusted to agriculture, forestry and fishery-related organizations, such as the Korea Rural Community Corporation, or to corporations established for the purposes of examining qualifications, etc. as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Each Metropolitan City Mayor/Do Governor may re-delegate part of authority which has been delegated to him/her under paragraph (1) to the heads of Sis/Guns/Gus after obtaining approval from the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

**Article 110 (Expropriation of Land, etc.)**

(1) Land, buildings, and land annexed thereto which are needed for rural development projects shall be purchased by negotiation in principle.

(2) When necessary in performing a rural development project, a rural development project implementer (excluding where a project implementer is the landowner referred to in Article 10 and a civilian, such as the village development cooperatives referred to in Article 56 or house owners) may expropriate, use, remove, or change land or things in the area in which the project is performed.

(3) Where using remaining land for its previous purpose is not possible as a result of the expropriation or use of part of land for a rural development project, the owner of the land may claim the rural development project implementer to expropriate or use the remaining land.

(4) Where a rural development project's master plan or action plan is publicly notified, which includes a detailed list of land, etc. subject to expropriation, the recognition of project and public notification of project recognition referred to in Article 20 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects and Article 22 of the same Act shall be deemed rendered, and an application for adjudication shall be made within the period for performance of project, notwithstanding the provisions of Articles 23 (1) and 28 (1) of the same Act.

(5) When anyone suffers any loss from removing or changing land or things pursuant to paragraph (2), each rural development project implementer shall make a reasonable compensation to such person.

(6) Except as otherwise expressly provided for in this Act, the provisions of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the expropriation, use, removal, or change conducted under paragraphs (2) and (3). *<Amended by Act No. 14480, Dec. 27, 2016>*

(7) Paragraphs (1), (2), and (5) shall apply mutatis mutandis to waters adjacent to the coast necessary for rural development projects: Provided, That "purchase by negotiation" in paragraph (1) shall be construed as "compensation."

**Article 110-2 (Support for Residents Suffering Damage from Construction, etc. of Reservoirs)**

(1) The implementer of an agricultural infrastructure development and expansion project may pay settlement subsidies and livelihood stabilization subsidies to those who do not move to a new settlement place among migrants from submerged areas (persons who lose their base of livelihood due to the implementation of an agricultural infrastructure development and expansion project to construct, repair, or mend reservoirs, or to the maintenance of agricultural infrastructure, and who are subject to migration measures in accordance with Article 78 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects) and to other persons prescribed by Presidential Decree.

(2) Matters necessary for standards for calculation of subsidies under paragraph (1), application procedures, and method of payment thereof shall be prescribed by Presidential Decree.

**Article 110-3 (Registration of Creation, etc. of Divided Superficies)**

(1) A project implementer for the development and expansion of agricultural infrastructure may consult with the owner of land, etc. located in the area in which the project is performed, about the use of ground space or underground space of the relevant land by creation or transfer of divided superficies; and divided superficies may be created for him/her or transferred to him/her based thereon.

(2) Where a project implementer for the development and expansion of agricultural infrastructure has been adjudged to expropriate or use divided superficies by creation or transfer under the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects, he/she may unilaterally file an application for the registration of creation or registration of transfer of the divided superficies by applying mutatis mutandis Article 99 of the Registration of Real Estate Act.

(3) Matters necessary for the procedures for registration of divided superficies to use the ground space or underground space of land shall be prescribed by the Supreme Court Regulations.

(4) Notwithstanding Articles 280 and 281 of the Civil Act, the duration of divided superficies under paragraphs (1) and (2) shall continue until the period of existence of the agricultural infrastructure expires.

**Article 111 (Restrictions on Acts, etc. in Village Development Zones, etc.)**

(1) A person who intends to do any act prescribed by Presidential Decree, such as construction of buildings, installation of structures, change of land shape or quality, collection of earth and rocks, land division, and heaping things, in an area, district, etc., shall obtain permission from the head of the relevant Si/Gun/Gu. The same shall also apply to any intended modification to permitted matters.

(2) Any of the following acts may be done without obtaining permission, notwithstanding paragraph (1):

1. Taking emergency measures necessary for disaster relief or settlement of disasters;
2. Other acts determined by Presidential Decree.

(3) A person that has started on a work or project in connection with an act requiring permission pursuant to paragraph (1) but for which permission has already been obtained in accordance with relevant statutes

as at the time of designating and publicly notifying the relevant area, district, etc. or permission is not to be obtained may proceed with the work or project after making a report to the head of the relevant Si/Gun/Gu as prescribed by Presidential Decree.

(4) The head of a Si/Gun/Gu may order those who violate the provisions of paragraph (1) to reinstate it to the original state. In such cases, when the person that receives such order fails to fulfill the duty, the head of the relevant Si/Gun/Gu may vicariously execute it in accordance with the Administrative Vicarious Execution Act.

(5) Except as otherwise expressly provided for in this Act, the provisions of Articles 57 through 60 and 62 of the National Land Planning and Utilization Act shall apply mutatis mutandis to permission referred to in paragraph (1).

(6) Permission obtained pursuant to paragraph (1) shall be deemed obtained pursuant to Article 56 of the National Land Planning and Utilization Act.

#### **Article 112 (Concession of State and Public Land, etc.)**

(1) Notwithstanding the provisions of the State Property Act, Public Property and Commodity Management Act, Road Act, and River Act, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries may, when he/she deems that the use of all or some of the roads, irrigation channels, drainage ways, levees, ditches, reservoirs and riverbeds, which are state-owned or public property, needs to be disused in order to carry out rural development projects, concede such state-owned or public land without compensation to the landowners or project implementers of the area in which rural development projects are carried out, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Each landowner or project implementer of the area of a rural development project may donate to the State or local governments without compensation a land for new facilities (referring to newly constructed roads, irrigation channels, drainage ways, levees, ditches, reservoirs, riverbeds, etc.) to replace the state and public land that he/she takes over without compensation pursuant to paragraph (1) as a result of the implementation of the rural development project.

(3) Notwithstanding the provisions of the State Property Act, Public Property and Commodity Management Act, and State Forest Administration and Management Act, the state-owned general property and public-owned general property in the area in which a rural development project is performed may be sold to the rural development project implementer by means of private contract.

#### **Article 113 (Advance Payment)**

Each rural development project implementer may accept advance payments for all or some of the price of the land or facility that he/she develops from those who intend to purchase or use such land or facility as prescribed by Presidential Decree.

#### **Article 114 (Inspection and Approval on Completion of Construction)**

(1) Where a rural development project implementer completes a rural development project, he/she shall apply for approval on the completion of construction by a person with authority to approve action plans

and business plans for rural development projects without delay, as prescribed by Presidential Decree: Provided, That when necessary to efficiently promote a rural development project, he/she may apply for approval on the completion of construction may be performed for completed parts even before the rural development project is fully completed. <Amended by Act No. 14480, Dec. 27, 2016>

(2) A person with authority to approve action plans and business plans for rural development projects in receipt of an application for approval on completion of construction under paragraph (1) shall conduct an inspection on the completion of construction without delay. <Newly Inserted by Act No. 14480, Dec. 27, 2016>

(3) A person with authority to approve action plans and business plans for rural development projects shall approve the completion of construction without delay after conducting an inspection on the completion of construction under paragraph (2), if the project is deemed implemented as approved by the action plan and business plan, and notify such fact to the rural development project implementer after making a public notification thereon; and where the project is not completed as approved by the action plan and business plan, he/she shall issue an order without delay to conduct supplementary works. etc. <Amended by Act No. 14480, Dec. 27, 2016>

(4) When a rural development project implementer obtains approval on the completion of construction referred to in paragraph (3), he/she shall be deemed received an inspection, approval, etc. on the completion of construction of the relevant project by obtaining approval, permission, etc. which is deemed approval of a plan for a rural development project under subparagraphs of Article 106 (1) and (2). In such cases, the head of the administrative agency related to the relevant project deemed approved, permitted, etc. may request the person with authority to approve action plans and business plans for rural development projects to allow him/her to participate in the relevant inspection on the completion of construction. <Newly Inserted by Act No. 14480, Dec. 27, 2016>

(5) A rural development project implementer shall notify the kinds and detailed list of public facilities newly installed by implementing the rural development project to each managing authority of the relevant public facilities before conducting an inspection on the completion of construction, and the relevant public facilities shall be deemed attributed to the State or a local government that manages the relevant public facilities when each managing authority is notified of the approval on completion of construction after the completion of the project. <Newly Inserted by Act No. 14480, Dec. 27, 2016>

(6) When necessary to efficiently conduct the duty of inspection on the completion of construction, a person with authority to approve action plans and business plans for rural development projects may fully or partially delegate the duty of inspection on the completion of construction referred to in paragraph (1) to the heads of local governments or entrust to those with professional inspection skills determined by Presidential Decree, as prescribed by Presidential Decree.

#### **Article 115 (Entrustment of Land Survey, Designing, Supervision of Works, etc.)**

(1) A rural development project implementer may, when necessary for the performance of a rural development project, entrust land survey, designing, and supervision of works to a person prescribed by Presidential Decree, among those engaged in the rural development work such as the Korea Rural

Community Corporation.

(2) A agricultural infrastructure manager may entrust safety inspections and thorough safety inspections to a person prescribed by Presidential Decree, such as the Korea Rural Community Corporation, in order to fulfill the duty of safety control.

(3) A rural development project implementer or each agricultural infrastructure manager may, when necessary, have the person to whom he/she entrusted the land survey, designing, supervision of works, safety inspection, and thorough safety inspection referred to in paragraphs (1) and (2) make necessary reports or request such person to submit data.

(4) The price level for the entrustment referred to in paragraphs (1) and (2) and standards of cost shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries in consideration of the kind of business and details of works. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 116 (Revocation of Permission, etc.)**

(1) When a rural development project implementer under this Act falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and the heads of local governments may revoke authorization, permission, approval, or designation under this Act, issue an order to suspend construction or to take measures for the construction, change, moving, removal, or reinstatement of things, or impose other necessary dispositions, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries: Provided, That in cases falling under subparagraph 1 or 2, they shall revoke authorization, permission, approval, or designation: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where the rural development project implementer obtains any of the following authorization, permission, approval, or designation fraudulently or deceptively:

(a) Authorization under Article 26 (1), 43 (2), or 57 (1);

(b) Permission under Article 111 (1);

(c) Approval under Article 9 (7), 14 (2), 23 (1), 24 (1), 54 (1), 57 (2), 59 (2), 78 (1), 82 (2), 83 (2), or 96 (2);

(d) Designation under Article 95 (2) or 101 (4);

2. Where continuing to perform a rural development project is impossible because of a circumstantial change or is deemed likely to substantially undermine public interest;

3. Where the rural development project implementer amends an action plan or business plan without obtaining approval referred to in Article 9 (8), 61, 82 (2), 83 (2), or 96 (2).

(2) When ordering measures or imposing a disposition pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and the heads of local governments shall publicly notify it as prescribed by Presidential Decree, and the heads of local governments shall report important matters to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Detailed criteria for the revocation of permission, etc. referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries in consideration of the cause of the disposition, degree of violation, etc. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 116 (Revocation of Permission, etc.)**

(1) When a rural development project implementer under this Act falls under any of the following cases, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and the heads of local governments may revoke authorization, permission, approval, or designation under this Act, issue an order to suspend construction or to take measures for the construction, change, moving, removal, or reinstatement of things, or impose other necessary dispositions, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries: Provided, That in cases falling under subparagraph 1 or 2, they shall revoke authorization, permission, approval, or designation: <Amended by Act No. 11690, Mar. 23, 2013; by Act No. 14480, Dec. 27, 2016>

1. Where the rural development project implementer obtains any of the following authorization, permission, approval, or designation fraudulently or deceptively:

- (a) Authorization under Article 26 (1), 43 (2), or 57 (1);
- (b) Permission under Article 23 (1) or 111 (1);
- (c) Approval under Article 9 (7), 14 (2), 24 (1), 54 (1), 57 (2), 59 (2), 78 (1), 82 (2), 83 (2), or 96 (2);
- (d) Designation under Article 95 (2) or 101 (4);

2. Where continuing to perform a rural development project is impossible because of a circumstantial change or is deemed likely to substantially undermine public interest;

3. Where the rural development project implementer amends an action plan or business plan without obtaining approval referred to in Article 9 (8), 61, 82 (2), 83 (2), or 96 (2).

(2) When ordering measures or imposing a disposition pursuant to paragraph (1), the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and the heads of local governments shall publicly notify it as prescribed by Presidential Decree, and the heads of local governments shall report important matters to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Detailed criteria for the revocation of permission, etc. referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries in consideration of the cause of the disposition, degree of violation, etc. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 117 (Cancellation of Designation)**

(1) Each area, district, etc. shall be deemed canceled as of the date following the date falling under any of the following subparagraphs:

1. Where an application is not made to obtain approval of an action plan for the project to improve a living environment referred to in Article 59 by the date one year has passed since the date the village

development zone referred to in Article 101 was designated and publicly notified: The date one year has passed;

2. Where the relevant project is not performed by the date two years have passed since the date the rural tourism and resort complex referred to in Article 82 or the district for developing marginal farmland, etc. referred to in Article 94 was publicly notified: The date two years have passed;

3. The date the relevant project performed in an area, district, etc. is complete.

(2) Where the designation of a village development zone is cancelled pursuant to paragraph (1) 1, if designation, decision, determination, etc. exists that is referred to in the subparagraphs of Article 106 (1), the relevant village development zone shall be deemed reinstated or abolished.

(3) When the designation of an area, district, etc. is cancelled pursuant to paragraph (1), a person with authority to designate areas, districts, etc. shall publicly notify it as prescribed by Presidential Decree and notify the heads of relevant administrative agencies of such cancellation, and the heads of Sis/Guns/Gus shall offer relevant documents for public inspection. In such cases, the public notification of topographical maps, gathering consensus from residents, etc. that follow such cancellation shall be governed by the provisions of Article 8 of the Framework Act on the Regulation of Land Use.

#### **Article 118 (Hearings)**

When intending to impose any of the following dispositions, the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, and the heads of local governments shall hold a hearing:

*<Amended by Act No. 11319, Feb. 17, 2012; Act No. 11690, Mar. 23, 2013>*

1. Revocation of a land substituter's license under the main sentence of Article 30;

2. Revocation of registration of corporations executing the duty of land substitution as agents or suspension of duty by up to three years under Article 32;

3. Revocation of authorization for establishment of village development cooperatives under Article 57 (1);

4. Orders for removal issued to the owners of abandoned houses under Article 64;

5. Revocation of designation of the rural industry fostering supportive body under Article 75 (5);

6. Orders to close a place of business and to suspend business by up to six months of rural tourism and resort site business or rural bed and breakfast business under Article 89;

7. Revocation of authorization, permission, approval, or designation, suspension of construction, or measures for the reconstruction, change, relocation, removal, or reinstatement of things under Article 116.

#### **Article 119 (Reporting and Inspections)**

(1) The head of a local government shall report on the progress of rural development projects to the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries on a regular basis.

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

(2) If necessary for enforcing this Act, the Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries, and the heads of local governments may require rural development project

implementers to file necessary reports or to submit data, and have public officials under their jurisdiction investigate duties concerning such projects. <Amended by Act No. 11690, Mar. 23, 2013>

(3) A public official who conducts an investigation pursuant to paragraph (2) shall carry a certificate indicating his/her authority and produce it to related persons.

#### **Article 120 (Land Surveys, Inspections, or Inspection of Documents, etc.)**

(1) When necessary for any of the following persons to conduct a land survey, etc. in connection with a rural development project, he/she may enter a third party's land, etc. for land survey or inspection: Provided, That he/she shall give notice in advance to the occupants of land and waters adjacent to the coast (including those licensed to engage in licensed fisheries under Article 8 (1) of the Fisheries Act) thereof:

1. Public officials of the State and local governments;
2. Executives and employees of the Korea Rural Community Corporation;
3. Executives and employees of cooperatives, cooperatives' federation, fishing village fraternities under the Fisheries Cooperatives Act, and those entrusted by them;
4. A person proving that he/she conducts the duty of land substitution.

(2) Where it is impracticable to give notice under paragraph (1), such fact shall be publicly announced, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) When any loss is incurred by an act referred to in paragraph (1), the relevant rural development project implementer shall compensate for an ordinary loss.

(4) A person who falls under each subparagraph of paragraph (1) may request a free inspection, reproduction, or issuance of certified copies or registry certificates of necessary documents, account books, or drawings to the registry office, tax office, or Si/Gun/Gu/Eup/Myeon/Dong office having jurisdiction over the land and waters adjacent to the coast which are relevant to the project in question. <Amended by Act No. 10580, Apr. 12, 2011>

(5) When a request is made for the inspection, reproduction, or issuance of certified copies or registry certificates of books pursuant to paragraph (4), the relevant government offices shall comply with such request without delay. <Amended by Act No. 10580, Apr. 12, 2011>

#### **Article 121 (Special Cases of Applications for Land Alteration)**

(1) The provisions of Articles 78 through 81 of the Act on the Establishment, Management, etc. of Spatial Data shall not apply to land alteration, etc. that takes place following the disposition of land substitution: Provided, That each rural development project implementer shall, when performing works relevant to a rural development project, which is followed by a disposition of land substitution, conduct a confirmed cadastral survey and take procedures for division without delay after the completion of the works, and the provisions of Article 26 of the Act on the Establishment, Management, etc. of Spatial Data shall apply to land division. <Amended by Act No. 12738, Jun. 3, 2014>

(2) When land alteration takes place as a result of the performance of a rural development project, the performer of the development project shall report it to the head of the relevant Si/Gun. *<Amended by Act No. 14297, Dec. 2, 2016>*

#### **Article 122 (Suspension of other Registration)**

After the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or a Mayor/Do Governor authorizes and publicly notifies a land substitution plan and an exchange, division, and consolidation plan for a rural development project, no other registration or enrollment of the land and waters adjacent to the coast in the area in which the project is performed shall be made unless registration or enrollment subsequent to the rural development project is made: Provided, That this shall not apply where the applicant who made registration or enrollment proves the fact that the cause of the registration or enrollment occurred before the authorization for the land substitution plan and the exchange, division, and consolidation plan is publicly notified with a document in which a fixed date is entered. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 123 (Deliberation on Rural Development Projects)**

The comprehensive plan for rural development and other important matters concerning rural development shall undergo deliberation by the central deliberative council on policies for agriculture, farming villages, and the food industry referred to in Article 15 of the Framework Act on Agriculture, Rural Community and Food Industry or the central deliberative council on policies for fisheries and fishing villages referred to in Article 8 of the Framework Act on Fishers and Fishing Villages Development. *<Amended by Act No. 11694, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>*

#### **Article 124 (Maintaining of Cooperative System between Government Departments)**

(1) The heads of the central administrative agencies and the heads of local governments shall provide preferential support for the implementation of projects included in the action plan for the rural development project which fall under their jurisdiction.

(2) The Minister of Agriculture, Food and Rural Affairs or the Minister of Oceans and Fisheries shall provide preferential support to village development zones so that investment in various kinds of projects for the structural improvement of rural areas are made in such zones. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 125 (Rural Development Agreement)**

(1) The Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, the heads of the relevant central administrative agencies, and the heads of local governments may make a mutual agreement on rural development to ensure rural development projects are promoted in connection with business affairs for development of education, medical care, transportation, culture, and environments in rural areas. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The State and local governments shall endeavor to provide budgetary support for the promotion of projects following the rural development agreement.

### **Article 126 (Repairing Fraternities)**

(1) When deemed necessary for the maintenance and management of agricultural infrastructure outside the construction works management area referred to in Article 11 of the Korea Rural Community Corporation and Farmland Management Fund Act, the head of each Si/Gun/Gu may organize and operate a repairing fraternity the members of which are users of the agricultural infrastructure, and entrust it with the maintenance and management of agricultural infrastructure.

(2) Matters necessary for organization and operation of repairing fraternities shall be prescribed by the Municipal Ordinances of Sis/Guns/autonomous Gus in Metropolitan Cities in accordance with the criteria prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11319, Feb. 17, 2012; Act No. 11690, Mar. 23, 2013>*

(3) Each repair fraternity may collect expenses incurred in the maintenance and management of agricultural infrastructure from its members after obtaining authorization from the head of the competent Si/Gun/Gu.

(4) If any person fails to reimburse expenses referred to in paragraph (3), each repair fraternity may request the head of the competent Si/Gun/Gu to collect them, as prescribed by Presidential Decree. In such cases, the repair fraternity shall pay a fee prescribed by Presidential Decree to the head of the competent Si/Gun/Gu.

(5) The head of a Si/Gun/Gu in receipt of a request to collect expenses pursuant to paragraph (4) may collect them in the same manner as delinquent local taxes are collected.

(6) The State or local governments may subsidize all or some of expenses incurred in the operation of repairing fraternities, such as the maintenance and management, etc. of agricultural infrastructure, within budgetary limits.

### **Article 127 (Collection of Unauthorized Occupancy and Use Penalties)**

(1) An agricultural infrastructure manager shall collect an unauthorized occupancy and use penalty from those who occupy or use agricultural infrastructure without obtaining permission to use it (including those who continue to occupy or use agricultural infrastructure without re-obtaining permission to use it, even after the validity of permission to use it expires), as prescribed by Presidential Decree. *<Amended by Act No. 14480, Dec. 27, 2016>*

(2) When unauthorized occupancy and use penalties referred to in paragraph (1) is not paid by the payment deadline, arrears may be collected, as prescribed by Presidential Decree.

(3) Unauthorized occupancy and use penalties and arrears referred to in paragraphs (1) and (2) shall revert to the relevant agricultural infrastructure manager, and the scope of use of the money shall be determined by Presidential Decree.

(4) An unauthorized occupancy and use penalty referred to in paragraph (1) may be paid in installments, as prescribed by Presidential Decree.

(5) When an unauthorized occupancy and use penalty or arrears referred to in paragraphs (1) and (2) remains unpaid by the deadline, the relevant agricultural infrastructure manager may collect it directly or

request the head of the relevant local government to collect it in the same manner as delinquent local taxes are collected.

#### **Article 128 (Removal of Illegal Facilities)**

(1) Each agricultural infrastructure manager may, directly or through a request to the head of the relevant local government, issue an order for the restoration to the original condition of facilities occupying or installed in agricultural infrastructure without a justifiable ground.

(2) The State or heads of local governments may, when a person in receipt of the order referred to in paragraph (1) fails to fulfill the order, vicariously execute it in accordance with the Administrative Vicarious Execution Act.

#### **Article 129 (Legal Fiction of Public Officials for Purposes of Penalty Provisions)**

Executives or employees of relevant institutions, organizations, etc. engaged in entrusted duties pursuant to Articles 109 (1), 114 (6), and 115 (1) and (2) shall be deemed public officials for the purposes of penalty provisions applied under Articles 129 through 132 of the Criminal Act. *<Amended by Act No. 14480, Dec. 27, 2016>*

#### **Article 130 (Penalty Provisions)**

(1) Any of the following persons shall be punished by imprisonment with prison labor for not exceeding five years or by a fine not exceeding 50 million won: *<Amended by Act No. 12811, Oct. 15, 2014>*

1. A person who obstructs the original purpose or use of agricultural infrastructure by destroying a major structural parts thereof in violation of Article 18 (3) 1;
2. A person who obstructs the use and management of rural water by operating a floodgate or accepting water without permission from the agricultural infrastructure manager in violation of Article 18 (3) 2.

(2) A person that resells created land in violation of Article 70 shall be punished by imprisonment with prison labor for not exceeding three years or by a fine not exceeding 100 million won.

(3) A person that illegally occupies or uses agricultural infrastructure in violation of Article 18 (3) 3 shall be punished by imprisonment with prison labor for not exceeding two years for by a fine not exceeding 20 million won. *<Amended by Act No. 12811, Oct. 15, 2014>*

(4) Any of the following persons shall be punished by imprisonment with prison labor for not exceeding one year or by a fine not exceeding ten million won:

1. A person conducting a rural tourism and resort site business without reporting under the former part of Article 85 (2);
2. A person conducting a rural tourism and resort site business after reporting under the former part of Article 85 (2) fraudulently or deceptively;
3. A person who fails to report after transferring or acquiring the rural tourism and resort site business referred to in Article 87;
4. A person who continues to conduct a business during the period of suspension of business, being subject to an order to suspend business referred to in Article 89 (1), or continues to conduct a business, being subject to an order to close a place of business;

5. A person who removes or destroys notices, sealing, etc. which are attached by relevant public officials pursuant to Article 89 (4), without just grounds;
6. A person who does an act falling under Article 111 (1) without obtaining permission or permission for change.

#### **Article 131 (Joint Penalty Provisions)**

When the representative of a corporation, or an agent, employee, or other servant of a corporation or individual commits an offense under Article 130 in connection with the duties of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual also shall be punished by a fine prescribed in the relevant Article: Provided, That the same shall not apply where the corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties, to prevent such offense.

#### **Article 132 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 12963, Jan. 6, 2015>

1. A person who conducts a rural tourism and resort site business without reporting a change in violation of the latter part of Article 85 (2);
2. A person who conducts a rural tourism and resort site business after reporting a change referred to in the latter part of Article 85 (2) fraudulently or deceptively;
- 2-2. A person who conducts a rural bed and breakfast business without complying with matters to be observed under Article 86-2;
3. A person who fails to comply with an order for improvement referred to in Article 88;
4. A person who interferes with measures referred to in Article 89 (4);
5. A person who refuses or interferes with the removal or change of land or other things referred to in Article 110 (2);
6. A person who fails to submit a report or data under Article 115 (3) or makes a false report or submits false data;
7. A person who fails to submit a report or data, makes a false report, or refuses or interferes with an inspection, or submits false data under Article 119 (2);
8. A person who refuses or interferes with a land survey or inspection referred to in Article 120.

(2) Administrative fines referred to in paragraph (1) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs, the Minister of Oceans and Fisheries, or the heads of local governments, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

#### ADDENDA

#### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the provisions of Article 22 (29) of the Addenda shall enter into force on March 26, 2010; the amended

provisions of Articles 127 and 128, one year after their promulgation.

**Article 2 (Applicability to Action Plans for Agricultural Infrastructure Development and Expansion Projects, etc.)**

The amended provisions of Article 9 shall begin to apply from the first action plan for the project to develop and expand agricultural infrastructure, formulated or amended after this Act enters into force.

**Article 3 (Applicability to Notification of Land Substitution Plans, etc.)**

The amended provisions of Article 26 (2) shall begin to apply from the first land substitution plan, formulated or amended after this Act enters into force.

**Article 4 (Applicability to Action Plans for Living Environment Improvement Projects)**

The amended provisions of Article 59 shall begin to apply from the first action plan to improve a living environment, formulated or amended after this Act enters into force.

**Article 5 (Applicability to Special Cases of Designation of Living Environment Improvement Project Implementers)**

The amended provisions of Article 63 shall begin to apply from the project designated as the first living environment improvement project implementer after this Act enters into force.

**Article 6 (Applicability to Restrictions on Resale of Created Land)**

The amended provisions of Article 70 shall begin to apply from the first created land that solicits those who wish to be supplied with the created land after this Act enters into force.

**Article 7 (Applicability to Reporting on Rural Tourism and Resort Site Business, etc.)**

The amended provisions of Articles 85 through 87 shall begin to apply from the first reporting, change, or closure of rural tourism and resort site business and rural bed and breakfast business or the first transfer or acquisition of rural tourism and resort site business after this Act enters into force.

**Article 8 (Applicability to Period of Consultation with Relevant Administrative Agencies)**

The amended provisions of Article 106 (4) shall begin to apply from the first matter consulted with a relevant administrative agency after this Act enters into force.

**Article 9 (Transitional Measures concerning Development of Rural Tourism and Resort Resources, etc.)**

Rural resorts designated in accordance with the former Act on the Promotion of Income Source Development for Agricultural and Fishing Villages and Act on the Special Measures for Development of Agricultural and Fishing Villages, on June 23, 1995 on which the Rural Development Act (Act No. 4823) entered into force, shall be deemed rural tourism and resort sites under this Act.

**Article 10 (Transitional Measures following Abolition of the Farmland Expansion and Development Promotion Act)**

Farmland development projects in progress in accordance with the former Farmland Expansion and Development Promotion Act, on June 23, 1995 on which the Rural Development Act (Act No. 4823) entered into force and matters under Articles 32, 33, 35, 36, and 45 of the same Act and the proviso to paragraph (3) of the Addenda thereto, shall be governed by the former provisions.

**Article 11 (Transitional Measures following Amendment of the Agricultural Community Modernization Promotion Act)**

Farmland improvement projects and farmland improvement facilities governed by the Agricultural Community Modernization Promotion Act, on June 23, 1995 on which the Rural Development Act (Act No. 4823) entered into force, shall be deemed agricultural infrastructure development and expansion projects and agricultural infrastructure under this Act.

**Article 12 (Transitional Measures concerning Rural Water Use Rationalization Plans, etc.)**

Rural water use rationalization plans formulated in accordance with the former Act on the Special Measures for Development of Agricultural and Fishing Villages and rural water zones established and publicly notified in accordance with the same Act, on July 29, 2000 on which the amended Rural Development Act (Act No. 6221) entered into force, shall be deemed rural water use rationalization plans and rural water zones under this Act; and settlement and living sphere development plans under Article 34 of the same Act and settlement and living sphere development projects performed or are in progress in accordance with the said plans shall be deemed living environment improvement plans, and living environment improvement projects performed or in progress in accordance with the said plans under this Act.

**Article 13 (Transitional Measures concerning Repairing Fraternities)**

Repairing fraternities governed by the former Korea Agricultural and Rural Infrastructure Corporation and Farmland Management Fund Act, on January 1, 2003 on which the amended Rural Development Act (Act No. 6819) entered into force, shall be deemed repairing fraternities under this Act.

**Article 14 (Transitional Measures concerning Contingency Plans for Agricultural Infrastructure)**

A person that was installing or operating agricultural infrastructure in accordance with the former provisions, on November 5, 2005 on which the amended Rural Development Act (Act No. 7680) entered into force, shall complete the formulation of a contingency plan within a period determined by Presidential Decree within ten years after the date the same Act enters into force.

**Article 15 (Transitional Measures following Abolition of the Hinterlands Development Promotion Act)**

Development plans and annual business plans determined in accordance with the former Hinterlands Development Promotion Act, on March 28, 2008 on which the amended Rural Development Act (Act No. 9008) entered into force, shall be deemed living environment improvement plans and action plans for living environment improvement projects under this Act.

**Article 16 (Transitional Measures concerning Agricultural Infrastructure Development and Expansion Projects)**

Agricultural infrastructure development and expansion projects which formulated action plans for agricultural infrastructure development and expansion projects in accordance with the former provisions as at the time this Act enters into force, shall be governed by the former provisions of Articles 10 and 12.

**Article 17 (Transitional Measures concerning Living Environment Improvement Plans)**

Living environment improvement project development plans formulated in accordance with the former provisions as at the time this Act enters into force, shall be deemed living environment improvement plans formulated in accordance with the amended provisions of Article 54.

**Article 18 (Transitional Measures concerning Reporting on Rural Tourism and Resort Site Business Operators and Rural Bed and Breakfast Business Operators)**

Those designated as rural tourism and resort site business operators and rural bed and breakfast business operators pursuant to the former provisions as at the time this Act enters into force, shall be deemed reported as rural tourism and resort site business operators and rural bed and breakfast business operators pursuant to the amended provisions of Articles 85 and 86.

**Article 19 (Transitional Measures concerning Village Development Zones)**

Village development zones designated and publicly notified pursuant to the former provisions as at the time this Act enters into force, shall be deemed village development zones under the amended provisions of Article 101.

**Article 20 (General Transitional Measures concerning Dispositions, etc.)**

An act conducted by or in relation to an administrative agency pursuant to the former provisions as at the time this Act enters into force, shall be deemed the corresponding act conducted by or in relation to an administrative agency under this Act.

**Article 21 (Transitional Measures concerning Penalty Provisions and Administrative Fines)**

The application of penalty provisions or administrative fines imposed regarding offenses committed before this Act enters into force, shall be governed by the former provisions.

**Article 22 Omitted.**

**Article 23 (Relations with other Statutes)**

Where other statutes (including statutes promulgated before this Act enters into force, but the date they are to enter into force, has not yet arrived) cited the former provisions of the Rural Development Act as at the time this Act enters into force, if provisions corresponding thereto exist in this Act, they shall be deemed cited the corresponding provisions of this Act in lieu of the former provisions.

ADDENDA <Act No. 9763, Jun. 9, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 8 Omitted.**

ADDENDA <Act No. 9924, Jan. 1, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2010.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 10272, Apr. 15, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 14 Omitted.**

ADDENDA <Act No. 10303, May 17, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 10331, May 31, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 13 Omitted.**

ADDENDA <Act No. 10580, Apr. 12, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10599, Apr. 14, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

ADDENDUM <Act No. 10833, Jul. 14, 2011>

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

ADDENDA <Act No. 10893, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 11020, Aug. 4, 2011>

### **Article 1 (Enforcement Date)**

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

### **Articles 2 through 11 Omitted.**

ADDENDA <Act No. 11072, Nov. 14, 2011>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Applicability to Support for Residents Suffering Damage from Construction, etc. of Reservoirs)**

The amended provisions of Article 110-2 shall apply from the first agricultural infrastructure development and expansion project that obtains approval for the action plan for the agricultural infrastructure development and expansion project under Article 9, or that obtains authorization for project implementation under Article 12 of the Rearrangement of Agricultural and Fishing Villages Act as partially amended by Act No. 8588 after January 1, 2009.

ADDENDA <Act No. 11319, Feb. 17, 2012>

### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 17 and 24 shall enter into force three months after the date of its promulgation.

### **Article 2 (Applicability to Establishment of Arterial Facilities)**

The amended provisions of Article 70-2 shall apply from the first arterial facility to be established after this Act enters into force.

### **Article 3 (Transitional Measures for Registration of Agricultural Infrastructure)**

The agricultural infrastructure under the amended provisions of subparagraph 2 of Article 17 among agricultural infrastructure registered with a Mayor/Do Governor in accordance with the former provisions as at the time this Act enters into force shall be deemed registered with the head of a Si/Gun/Gu in accordance with the amended provisions of Article 17.

ADDENDA <Act No. 11352, Feb. 22, 2012>

### **Article 1 (Enforcement Date)**

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

### **Articles 2 through 14 Omitted.**

ADDENDUM <Act No. 11501, Oct. 22, 2012>

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. 11694, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 12248, Jan. 14, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 25 Omitted.**

ADDENDA <Act No. 12329, Jan. 21, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 12428, 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 Person, etc.)**

An adult ward or limited ward under the amended provisions of subparagraph 1 of Article 29 shall be deemed to include a person who remains to be under the effect of declaration as incompetent or quasi-incompetent under Article 2 of the Addenda to the Civil Act (Act No. 10429).

ADDENDA <Act No. 12516, Mar. 24, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 19 Omitted.**

ADDENDA <Act No. 12738, Jun. 3, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 12811, Oct. 15, 2014>

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

ADDENDUM <Act No. 12963, Jan. 6, 2015>

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 21 (4) and (5) shall enter into force one year after the date of its promulgation.

ADDENDA <Act No. 13383, Jun. 22, 2015>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 13499, Aug. 28, 2015>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 13805, Jan. 19, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force on August 12, 2016.

**Articles 2 through 22 Omitted.**

ADDENDUM <Act No. 14297, Dec. 2, 2016>

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

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

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 23 and 116 (1) shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Registration of Creation, etc. of Divided Superficies)**

The amended provisions of Article 110-3 shall begin to apply from the first case of consulting about or applying for adjudication on the use of ground space or underground space of land after this Act enters into force.

**Article 3 (Applicability to Deemed Authorization or Permission Related to Cases where Rural Development Project Implementer Obtains Approval on Completion of Construction)**

The amended provisions of Article 114 (4) shall also apply where an inspection on completion of construction has been received before this Act enters into force, in the case of which, a person with authority to approve action plans and business plans for rural development projects consults with the head of a related administrative agency as to the inspection on completion of construction pursuant to the amended provisions of Article 114 (3), after this Act enters into force.

**Article 4 (Transitional Measures concerning Permission for Use of Agricultural Infrastructure)**

The application filed for the use of any agricultural infrastructure for other than its originally intended purposes under the former Article 23 (1) or the use of any agricultural infrastructure for other than its originally intended purposes after obtaining approval, as at the time the amended provisions of Article 23 (1) enter into force, shall be deemed filed or obtained permission for use thereof under the amended provisions of Article 23 (1).

**Article 5 (Transitional Measures concerning Inspection on Completion of Construction)**

(1) An inspection on completion of construction received under the former Article 114 as at the time this Act enters into force, shall be deemed approval on completion of construction obtained under the amended provisions of Article 114.

(2) Each application filed to receive an inspection on completion of construction under the former Article 114 (1) as at the time this Act enters into force, shall be deemed filed for approval on completion of construction under the amended provisions of Article 114 (1).

**Article 6 (Transitional Measures concerning Notification to Managing Authorities as to Public Facilities Newly Installed)**

Notwithstanding the amended provisions of Article 114 (5), where a rural development project implementer completes a rural development project before this Act enters into force, the kinds and detailed list of public facilities newly installed by implementing the rural development project may be notified within six months after this Acts enters into force.

**Article 7 Omitted.**