

# FISHERIES ACT

Wholly Amended by Act No.4252, Aug. 1,1990

Amended by Act No.4365, Mar. 8,1991

Act No.5131, Dec. 30,1995

Act No.5153, Aug. 8,1996

Act No.5453, Dec. 13,1997

Act No.5454, Dec. 13,1997

Act No.5911, Feb. 8,1999

Act No.5977, Apr. 15,1999

Act No.6257, Jan. 28,2000

Act No.6398, Jan. 29,2001

Act No.6399, Jan. 29,2001

Act No.6611, Jan. 14,2002

Act No.6656, Feb. 4,2002

Act No.7314, Dec. 31,2004

Act No.7477, Mar. 31,2005

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to enhance and protect the fishery resources by providing for the basic institution relating to the fisheries, and to strive for the development of fisheries and the democratization of the fishing industry by increasing productivity in fisheries through utilizing and managing the waters comprehensively. *<Amended by Act No. 5131, Dec. 30, 1995>*

### Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: *<Amended by Act No. 5131, Dec. 30, 1995>*

1. The term "fisheries" means the fishing, catches transport and marine product processing industries;
2. The term "fishing industry" means an industry catching, gathering or cultivating marine animals and plants; the term "catch transport industry" means an industry transporting catches or products thereof from a fishing ground to a landing place; and the term "marine product

- processing industry" means an industry producing or processing foodstuff, feed, fertilizer, paste and glue, oils and fats or leather by using directly the marine animals and plants as raw materials or materials;
3. The term "cultivating" means an act breeding and cultivating marine animals and plants in artificial ways, and an act using any fishing vessel and gear or installing facilities for such purpose;
  4. The term "fishing ground" means specified waters where the fishing industry is carried on with a license under Article 8;
  5. The term "overseas waters" means the sea area excluding the East Sea, Yellow Sea, Eastern Chinese Sea and the Pacific Ocean area north 25 degrees North Latitude and west 140 degrees East Longitude;
  6. The term "fishery right" means the right to operate the fishery after obtaining a license under Article 8;
  7. The term "fishing in another's piscary" means that a person fishing on permission in another's piscary catches and gathers marine animals and plants in a village fisheries ground; and the term "person fishing on permission in another's piscary" means a person who has reported the fishing industry under Article 44, and who is registered in the fishery right register under the conditions as prescribed by the Presidential Decree, among those who are deemed by a large number of people to have caught and gathered continuously marine animals and plants on the waters before the village fisheries right is established;
  8. The term "person concerned with the fishing industry" means a fisherman and a person engaged in fishing industry; the term "fisherman" means a person who operates the fishing industry; the term "person engaged in fishing industry" means a person engaged in catching, gathering or cultivating marine animals and plants for a fisherman; the term "catches carrier" means a person who operates a catches transport industry; the term "person engaged in catches transport industry" means a person who is engaged in transporting catches or products thereof from a fishing ground to a landing place for a catches carrier; and the term "marine product processor" means a person who operates the marine product processing industry;
  9. The term "beach" means an area between the water level line at full tide and the sea-faced boundary line of land registered in the cadastre; and
  10. The term "leisurely fishing" means an act catching or gathering marine animals and plants with a rod and line, etc. for pleasure.

### **Article 3 (Waters to Which This Act Applies)**

This Act shall apply to the sea, beaches and the sea waters on land created artificially for the purpose of the fishery. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 7314, Dec. 31, 2004>

#### **Article 4 (Fishing Ground Utilization and Development Plan, etc.)**

(1) The head of *Si/Gun/autonomous Gu* shall make a fishing ground utilization and development plan (hereinafter referred to as the "development plan") for the purpose of the comprehensive utilization and development of waters under his jurisdiction, and obtain an approval of the Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as the "Mayor/*Do* governor").

(2) In case where the head of *Si/Gun/autonomous Gu* intends to make a development plan, he shall make a basic survey on waters to be developed and make a plan in consideration of social and economic conditions, and observe the detailed guideline for development plan which is determined by the Mayor/*Do* governor in consideration of local conditions and features and under the basic guideline for development plan determined by the Minister of Maritime Affairs and Fisheries.

*<Amended by Act No. 5153, Aug. 8, 1996>*

(3) If fishing act on waters, on which development plan is to be made, is restricted or prohibited pursuant to the provisions of other Acts and subordinate statutes, the head of *Si/Gun/autonomous Gu* shall obtain in advance an approval of the head of the administrative agency concerned or consult with him.

(4) The head of *Si/Gun/autonomous Gu* shall, where he intends to make a development plan, go through a deliberation of the fisheries coordination committee under Article 89. *<Amended by Act No. 6398, Jan. 29, 2001>*

(5) The development plan approved under paragraphs (1) through (4) may be revised only as prescribed by the Presidential Decree, and the provisions of paragraphs (1) through (4) shall apply *mutatis mutandis* to making and approving the development plan to be revised, approving and consulting by the head of the relevant administrative agency, and a review by the fisheries coordination committee: *Provided*, That an approval or consultation by the head of the relevant administrative agency shall be limited to a case where an approval or consultation is again required due to an addition of new waters and other corresponding causes.

(6) Matters necessary for a formulation of basic guideline and detailed guideline for development plan, and the establishment of and procedures for development plan under paragraphs (1) and (2) shall be determined by the Presidential Decree.

*[This Article Wholly Amended by Act No. 5131, Dec. 30, 1995]*

#### **Article 5 (License, etc. for Fishing Industry to Foreigners)**

(1) When the Mayor/*Do* governor, or the head of *Si/Gun/autonomous Gu* intends to grant a license or permit for the fishing industry prescribed by the Presidential Decree to a foreigner or foreign corporation, he shall in advance consult with the Minister of Maritime Affairs and Fisheries.

*<Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>*

(2) In case where a foreigner or foreign corporation makes an investment in a corporation

established pursuant to Acts of the Republic of Korea (including a corporation under establishment; hereafter the same shall apply in this Article) or in a citizen of the Republic of Korea for the purpose of running a fishing industry under paragraph (1), and where the investment ratio in the relevant corporation or citizen exceeds a majority or the voting right exceeds a majority, the provisions of paragraph (1) shall also apply. *<Amended by Act No. 5131, Dec. 30, 1995>*

(3) To an individual, corporation or association whose State prohibits or restricts an acquisition of fisheries right within that State by a citizen of the Republic of Korea or a corporation or association established under the Acts of the Republic of Korea, the same or similar prohibition or restriction may be applicable to his acquisition of fisheries right within the Republic of Korea. *<Newly Inserted by Act No. 5131, Dec. 30, 1995>*

#### **Article 6 (Public Notice on Service of Documents)**

(1) If it is impossible to serve documents for notifying this Act, an order issued, or disposition taken, under this Act and other matters because the address or residence is not known, or by any other reason, the Minister of Maritime Affairs and Fisheries, the Mayor/Do governor, or the head of *Si/Gun*/autonomous *Gu* (hereinafter referred to as the "administrative authority") shall notify it publicly under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5153, Aug. 8, 1996>*

(2) When the administrative authority makes a public notice under paragraph (1), the documents shall be considered to have arrived at the expiration of thirty days counting from the day following the date of public notice.

#### **Article 7 (Joint Application)**

(1) In case where two or more persons intend to obtain a license or permit jointly under this Act or to file a report on the reported fisheries, they shall appoint one of them as their representative and note him additionally on a written application or a written report. *<Amended by Act No. 6398, Jan. 29, 2001>*

(2) In case as referred to in paragraph (1), if no representative is appointed, they shall appoint one of them as their representative and report it to the administrative authority under the conditions as prescribed by the Presidential Decree. This provisions shall also apply in case where the representative is replaced.

(3) If there is no report as referred to in paragraph (2), the administrative authority shall designate the representative.

## **CHAPTER II LICENSED FISHERIES**

#### **Article 8 (Licensed Fisheries)**

(1) Any person who desires to operate the fishing industry falling under any of the following

subparagraphs, shall obtain the license of the head of *Si/Gun/autonomous Gu*: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

1. Fixed net fisheries:

Fisheries catching marine animals by demarcating specified waters and fixing the fishing gear as designated by the Presidential Decree;

2. Seaweeds cultivating fisheries:

Fisheries cultivating seaweeds by demarcating specified waters and utilizing bed of the waters or providing other necessary facilities under water;

3. Shellfishes cultivating fisheries:

Fisheries cultivating shellfishes by demarcating specified waters and utilizing bed of the waters or providing other necessary facilities under water;

4. Fishes, etc. cultivating fisheries:

Fisheries cultivating marine animals other than shellfishes, by demarcating specified waters and utilizing bed of the waters, providing other necessary facilities under water or other means;

5. Complex cultivating fisheries:

In case of fisheries other than the cultivating fisheries under subparagraphs 2 through 4 and 6, those complexly cultivating two or more different sorts under subparagraphs 2 through 4 in consideration of the features of fishing grounds;

6. Cooperative cultivating fisheries:

Fisheries cultivating objects by means of subparagraphs 2 through 5, by demarcating waters within the scope of specified water depth; and

7. Village fisheries:

Fisheries managing, cultivating, catching and gathering shellfishes, seaweeds or sedentary marine animals by demarcating waters within specified water depth.

(2) The head of *Si/Gun/autonomous Gu* shall, in case where he grants a license for fishery under paragraph (1), do so in the limit of the development plan under Article 4. <Amended by Act No. 5131, Dec. 30, 1995>

(3) The kinds of fisheries under each subparagraph of paragraph (1) and the limit of the fishing ground water depth for the village fisheries and cooperative cultivating fisheries shall be determined by the Presidential Decree, and the matters necessary for the followings shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>

1. Water depth of the fishing ground (excluding cases of the village fisheries and cooperative cultivating fisheries), limit of the fishing zone and distance between fishing grounds;
2. Methods of fishing ground installation, of cultivation, or of catching and gathering;
3. Matters concerning cultivated products or catches;

4. Matters concerning fishing vessel or gear, or use thereof; and
5. Other matters necessary for license for fisheries.

**Article 9 (License for Village Fisheries, etc.)**

(1) The village fisheries shall be licensed only to a fishing village fraternity or a district fishery cooperative association (hereinafter referred to as a "district association") for the purpose of improving the common interest of fishermen residing in a specified area.

(2) The cooperative cultivating fisheries shall be licensed only to a fishing village fraternity, fishery partnership corporation or district association as prescribed in Article 9-2 for the purpose of improving the common interest of fishermen residing in a specified area and increasing productivity of fishing industry.

(3) In case where the waters to be licensed fall under any of the following subparagraphs, the seaweeds cultivating fisheries on the relevant waters and the shellfishes or fishes, etc. cultivating fisheries utilizing bed of the water shall be licensed only to a fishing village fraternity, fishery partnership corporation or district association, which is adjacent to the relevant waters:

1. Where the waters are located in the fishing ground of the village fisheries; and
2. Where the waters are located within 500 meters from the coastline at full tide (in case of the western coast, 1,000 meters), which are deemed necessary for the coordination of the fisheries by the fisheries coordination committee of the relevant *Si/Gun/Gu* under Article 89.

(4) The head of *Si/Gun*/autonomous *Gu* may grant a license for the cultivating fisheries utilizing a large-scale development waters in a bay or regional unit (hereinafter referred to as the "large-scale development waters") only to a district association, notwithstanding the provisions of paragraphs (2) and (3) 2. In this case, scale and operation of vast development waters and other necessary matters shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

*<Amended by Act No. 5153, Aug. 8, 1996>*

(5) If it is deemed necessary for improving the common interest of fishermen and the development of fisheries in a specified area, the head of *Si/Gun*/autonomous *Gu* may grant a license for the fishing industry other than the village fisheries and the cooperative cultivating fisheries to a fishing village fraternity, fishery partnership corporation or district association.

*[This Article Wholly Amended by Act No. 5131, Dec. 30, 1995]*

**Article 9-2 (Promotion of Fishery Partnership Corporation)**

(1) In order to increase productivity by cooperative management of fishing industry and to increase a fishing household's income through collective shipment, processing or export, fishermen may establish a fishery partnership corporation.

(2) The fishery partnership corporation shall be a juristic person.

(3) Members of the fishery partnership corporation are fishermen determined by the articles of

association: *Provided*, That qualification of members of the fishery partnership corporation capable of obtaining a license for the cooperative cultivating fisheries under Article 9 (2) or other necessary matters shall be prescribed by the Presidential Decree. <Amended by Act No. 5977, Apr. 15, 1999>

(4) Non-fisherman determined by the Presidential Decree may invest in the fishery partnership corporation and become semi-member of the corporation. In this case, a voting right shall not be granted.

(5) The name of the fishery partnership corporation shall include a title of "fishery partnership corporation", and any one who is not the fishery partnership corporation under this Act shall not use a title of "fishery partnership corporation".

(6) In case of the establishment of the fishery partnership corporation, more than five fishermen shall jointly prepare the articles of association and take other measures necessary for its foundation.

(7) The fishery partnership corporation shall come into existence upon making a registration for its foundation after passing a resolution at the inaugural assembly at the place where its principal office is located.

(8) Matters necessary for establishment, investment, business, particulars to be contained in the articles of association, dissolution, etc. shall be prescribed by the Presidential Decree.

*[This Article Newly Inserted by Act Nov. 5131, Dec. 30, 1995]*

#### **Article 9-3 (Application Mutatis Mutandis of Other Acts)**

(1) The provisions concerning the cooperatives in the Civil Act shall apply *mutatis mutandis* to the fishery partnership corporation, except for the matters as provided in this Act.

(2) The provisions of Article 176 of the Commercial Act shall apply *mutatis mutandis* to the fishery partnership corporation. In such case, the Minister of Maritime Affairs and Fisheries may request the court to dissolve the fishery partnership corporation.

(3) The provisions of Articles 192, 193 and 197 through 202 of the Non-Contentious Case Litigation Procedure Act shall respectively apply *mutatis mutandis* to the registration of the fishery partnership corporation, except for the matters as provided in this Act.

*[This Article Newly Inserted by Act No. 6398, Jan. 29, 2001]*

#### **Article 10 (Disqualification for License)**

The head of *Si/Gun*/autonomous *Gu* shall not grant a license for fishery to any person who falls under any of the following subparagraphs: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 6257, Jan. 28, 2000; Act No. 7314, Dec. 31, 2004>

1. A corporation or organization whose object is not the fishery;
2. Deleted; <by Act No. 5131, Dec. 30, 1995>
3. A person who has the fishing ground whose total areas of acquired fishery rights and applied fishery rights become not less than the areas as prescribed by the Presidential Decree;

4. An enterprise and its affiliated enterprise corresponding to the standards as prescribed by the Presidential Decree (limited to the seaweeds cultivating fisheries and the shellfishes and fishes, etc. cultivating fisheries utilizing bed of the waters);
5. A person who has been sentenced to a punishment more than imprisonment without labor for a violation of this Act, the Fishing Ground Management Act or the Fishing Vessels Act, and for whom two years have not elapsed since the execution of the sentence is terminated or exempted;
6. A person who is under a grace period after having been consigned to a suspended sentence of imprisonment without labor for a violation of this Act, the Fishing Ground Management Act or the Fishing Vessels Act; and
7. A person who has been sentenced to a fine exceeding 1 million won for a violation of this Act, the Fishing Ground Management Act or the Fishing Vessels Act, and for whom two years have not elapsed since the sentence became irrevocable.

#### **Article 11 (Prohibition of License)**

(1) The head of *Si/Gun*/autonomous *Gu* may, in case where the waters subject to a license for fishery come to fall under Article 34 (1) 1 through 5 and 5-2, refuse to grant a license for fishery.

*<Amended by Act No. 5131, Dec. 30, 1995; Act No. 6398, Jan. 29, 2001>*

(2) The head of *Si/Gun*/autonomous *Gu* shall not grant, pursuant to the Presidential Decree, a license for fishery to a person whose license for fishery is revoked by the causes falling under any of subparagraphs 1 and 5 through 8 of Article 35 (excluding the cases falling under any of Article 34 (1) 1 through 5 and 5-2), within the limit of 2 years from the date of revocation of the said license. *<Amended by Act No. 5131, Dec. 30, 1995; Act No. 6398, Jan. 29, 2001; Act No. 7314, Dec. 31, 2004>*

#### **Article 12 (Restriction and Conditions on Fishery)**

The head of *Si/Gun*/autonomous *Gu* may, in case where deemed necessary for a coordination of fisheries, breeding and protection of fishery resources and other public interests in granting a license for fishery, impose any restriction or conditions on a license for fishery. *<Amended by Act No. 5131, Dec. 30, 1995>*

#### **Article 13 (Order of Priority)**

(1) The order of priority in licenses for fishery (excluding licenses for fishery as prescribed in Article 9 (1) through (4)) shall be subject to the following order: *<Amended by Act No. 5131, Dec. 30, 1995; Act No. 6257, Jan. 28, 2000>*

1. A fishery technician who has carried on the same fishery as applied for, or has been engaged in it, or a person who has carried on, or has been engaged in the same fishery as applied for during 5 years before the date of application (excluding the repose term of fishing grounds under the Fishing Ground Management Act);

2. A fishery technician who has carried on, or has been engaged in the fishery falling under Article 41 (2) or (3) (excluding the case as referred to in subparagraph 1 of this paragraph), or a person who has carried on, or has been engaged in the fishery falling under Article 41 (2) or (3) (excluding the case as referred to in subparagraph 1 of this paragraph) for five years before the date of application (excluding the repose term of fishing grounds under the Fishing Ground Management Act); and
  3. A person other than those as referred to in subparagraphs 1 and 2.
- (2) The order of priority among those as referred to in paragraph (1) who are in the same order shall be subject to the following order: *<Amended by Act No. 6257, Jan. 28, 2000>*
1. Any person whose validity term of fishery right is expired at the fishing ground of the relevant fishery at the time of application or execution of fishing ground repose under Article 9 (5) of the Fishing Ground Management Act;
  2. Any fishery technician who has carried on or has been engaged in the same fishery at the fishing ground of fishery as applied for, or a person who has carried on or has been engaged in the same fishery at the fishing ground of fishery as applied for, during five years before the date of application (excluding the repose term of fishing grounds under the Fishing Ground Management Act); and
  3. Any person other than those as referred to in subparagraphs 1 and 2.
- (3) The order of priority among those as referred to in paragraph (2), who are in the same order, shall be subject to the following order: *<Amended by Act No. 5131, Dec. 30, 1995>*
1. A person continually having an address (in case of a corporation or association, it means the seat of an office relating to fishery; hereinafter the same shall apply) since one year ago in the *Si/Gun/autonomous Gu* where the waters subject to a license are located;
  2. A person continually having an address since one year ago in the *Si/ Gun/autonomous Gu* adjacent to the *Si/Gun/autonomous Gu* where the waters subject to a license are located; and
  3. A person other than those as referred to in subparagraphs 1 and 2.
- (4) The head of *Si/Gun/autonomous Gu* shall, in case where a person holding a fishery right to the waters falling under Article 9 (3) and (4) intends to obtain a new license for the same category of fishery in other waters where there exists no person for whose fishery right the validity period is expired, with a condition that he waives a relevant fishery right before the expiration of its validity, put it in the first order, notwithstanding the provisions of paragraphs (1) through (3). *<Amended by Act No. 5131, Dec. 30, 1995>*
- (5) The order of priority of license for the village fisheries and the seaweeds cultivating fisheries, etc. under Article 9 (1) and (3) shall be subject to the order as provided in Article 9 (1) and (3). *<Amended by Act No. 5131, Dec. 30, 1995>*
- (6) The order of priority of license for the cooperative cultivating fisheries as provided in Article 9

(2) shall be subject to the order as provided in Article 9 (2), except in case of transfer or division, etc. under Article 18 (1) as prescribed by the Ordinance of the Ministry of Maritime affairs and Fisheries. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>

(7) Such a person as falling under any of the following subparagraphs may be excluded in determining the order of priority pursuant to paragraphs (1) through (6). In this case, the said exclusion shall be reviewed by the relevant Fisheries Coordination Committee under Article 89: <Newly Inserted by Act No. 5977, Apr. 15, 1999; Act No. 6257, Jan. 28, 2000; Act No. 6398, Jan. 29, 2001>

1. A person who has been imposed an administrative disposition for a violation of this Act or the Fishing Ground Management Act, an order or disposition under this Act or the Fishing Ground Management Act, or any restriction or condition thereunder, at a fishing ground of the relevant fisheries;
2. A person whose management of a fishing ground and operational status of fisheries at the fishing ground of relevant fisheries are deemed as extremely deficient;
3. A person who has transferred, without a justifiable cause, a relevant fishing right which was once acquired; and
4. A person who has received the compensation for losses as his fishery right has been revoked due to the causes falling under Article 81 (1) 1: *Provided*, That this shall not apply to the case where he newly applies for a fishery license as the validity period for such respective fishery right is expired as is already acquired at the time of compensation, or as is transferred or divided under the proviso of Article 18 (1) after such a compensation.

#### **Article 14 (Validity Term of Fishery License)**

(1) The validity term of a fishery license as provided in Article 8 shall be 10 years: *Provided*, That such validity term may be less than 10 years in the case under Article 4 (3) of this Act and Article 8 (5) of the Fishing Ground Management Act and in the case as prescribed by the Presidential Decree for its necessity in a preservation of fishery resources and coordination of fishing industry.

<Amended by Act No. 5131, Dec. 30, 1995; Act No. 6257, Jan. 28, 2000>

(2) The head of *Si/Gun*/autonomous *Gu* shall, excluding the case of causes falling under the proviso of paragraph (1), Article 13 (7) and subparagraphs of Article 34 (1), permit an extension of the validity term, upon a request by the holder of fishery right, within the limit of 10 years from the date of expiration of license term. In this case, if the extension is permitted over several occasions, the gross extension period permitted shall not exceed 10 years. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5977, Apr. 15, 1999>

(3) The head of *Si/Gun*/autonomous *Gu* may, in case where the holder of fishery right does not apply for an extension of validity term, permit an extension of validity term upon an application from any right holder registered for the relevant fishery right. <Amended by Act No. 5131, Dec. 30,

1995>

(4) The fishery right shall be extinguished by an expiration of the validity term of license or the extension period permitted under paragraph (2).

**Article 14-2 (Limited Fishery License for License Restriction Area, etc.)**

(1) The head of *Si/Gun*/autonomous *Gu* may, to a person who intends to run a fishery in the area where the fishery is restricted since it comes to fall under Article 34 (1) 1 through 5 or subparagraph 8 of Article 35 (limited to cases falling under subparagraphs 1 through 5 of Article 34) or on the waters where a fishery license is revoked, grant a license for fishery under Article 8, with a separate designation of license term after consultation with, or an approval by the head of relevant administrative agency (hereinafter referred to as the "limited fishery license").

(2) The provisions of Article 15 (2), proviso of Article 18 (1) and Article 81 (1) shall not apply to a limited fishery license.

(3) The head of *Si/Gun*/autonomous *Gu* shall, in case where the relevant administrative agencies are consulted with or approve on condition that a compensation under other Acts and subordinate statutes is excluded, attach the said condition in granting a limited fishery license.

*[This Article Newly Inserted by Act No. 5131, Dec. 30, 1995]*

**Article 15 (Acquisition and Nature of Fishery Right)**

(1) Any person who has a license for fishery granted under Article 8 or who has a fishery right transferred or divided under Article 18, shall acquire the fishery right by entering it in the fishery right register under Article 16.

(2) The fishery right shall be a real right, and the provisions of the Civil Act concerning the land shall apply *mutatis mutandis* to the matters other than those prescribed in this Act.

(3) The provisions of the Civil Act concerning the right of pledge shall not apply to the fishery right and any right whose object is the fishery right.

(4) The fishery right acquired by a fishing village fraternity which is not a juristic person, shall be under a collective ownership by the fishing village fraternity.

**Article 16 (Registration of Fishery Right)**

(1) The establishment, preservation, transfer, alteration, lapse, restriction on disposal, of the fishery right and the right whose object is the fishery right, and the matters related to a quota or common of piscary shall be entered in the fishery right register.

(2) The entry as referred to in paragraph (1) shall be substituted for the registration.

(3) Matters concerning the entry shall be determined by the Presidential Decree.

**Article 17 (Relation between Fishery Right and Other Acts)**

(1) Any person having the fishery right shall be permitted to perform any act under the Public Waters Reclamation Act and the Public Waters Management Act to the extent that it is required for

the licensed fishery.

(2) The provisions of Article 26 of the Public Waters Reclamation Act shall not apply to the case under paragraph (1). <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5911, Feb. 8, 1999; Act No. 5977, Apr. 15, 1999>

#### **Article 18 (Transfer, Division or Alteration of Fishery Right)**

(1) No fishery right may be transferred, divided or altered: *Provided*, That this shall not apply to the case where the fishery right is altered by the purification and consolidation of fishing grounds under the Fishing Ground Management Act, where the fishery right, for which one year elapsed from the date of commencing the fishing (referring to the date falling under any of the following subparagraphs; hereinafter the same shall apply) after the registration of the fishery right (excluding the village fishery right), is transferred, divided or altered with a permit of the head of *Si/Gun/autonomous Gu* under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries, or where the fishery right is transferred or divided by a merger of corporations or an inheritance: <Amended by Act No. 6398, Jan. 29, 2001>

1. Where the installation of facilities and the spreading of seeds are necessary, the date of completing the installation of facilities and the spreading of seeds;
2. Where the installation of facilities is necessary but the spreading of seeds is not required, the date of completing the installation of facilities; and
3. Where the installation of facilities is not necessary but the spreading of seeds is required, the date of completing the spreading of seeds.

(2) The head of *Si/Gun/autonomous Gu* shall, in case where a person intending to have a fishery right transferred or divided under the proviso of paragraph (1) comes to fall under any of subparagraphs of Article 10 or 11 (2), not grant the relevant permit. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 6398, Jan. 29, 2001>

(3) Notwithstanding the provisions of the main sentence of paragraph (1), any fishery right owned by a fishing village fraternity or district association may be transferred or divided in case where it is mutually transferred or divided between fishing village fraternities themselves, district associations themselves, or between a fishing village fraternity and a district association, due to a merger, division, alteration in operational area or a mutual agreement of the fishing village fraternity or district association. <Amended by Act No. 5131, Dec. 30, 1995>

#### **Article 18-2 (Report on Alteration of Licensed Matters)**

When the holders of fishery rights intend to alter the matters as prescribed by the Presidential Decree, such as the name and address, from among the licensed matters, they shall file a report on alteration with the head of *Si/Gun/autonomous Gu* under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

*[This Article Newly Inserted by Act No. 7314, Dec. 31, 2004]*

**Article 19 (Prohibition of Security on Fishery Right of Fishing Village Fraternity, etc.)**

No fishery right owned by a fishing village fraternity or district association shall be offered as a security.

**Article 20 (Annexing Structures at Time of Security)**

Structures fixed to a relevant fishing ground at the time when a fishery right is offered as a security shall be deemed to be annexed to the fishery right, forming a monolithic entity.

**Article 21 (Consent of Co-Owner)**

(1) No co-owner of the fishery right may dispose of his share or offer it as a security without the consent of other co-owners.

(2) In case as referred to in paragraph (1), if it is impossible to obtain the consent because the address or residence of a co-owner is unknown or by any other reason, it shall be notified publicly under the conditions as prescribed by the Presidential Decree.

(3) When a public notice is made under paragraph (2), the consent shall be considered to have been given at the end of 30 days, unless an objection is raised within 30 days counting from the day following the date of public notice.

**Article 22 (Consent of Registered Holder of Fishery Right)**

No fishery right may be divided, altered or waived without a consent of the registered holder of fishery right.

**Article 23 (Succession to Right and Duty at Time of Disposal)**

Any right and duty brought about to a holder of fishery right due to this Act, an order and disposition under this Act, or a restriction or condition thereunder, shall be transferred together with the fishery right.

**Article 24 Deleted.** *<by Act No. 5977, Apr. 15, 1999>*

**Article 25 (Auction of Fishery Right)**

(1) If a license for fishery is revoked under Article 31 (2), subparagraphs 2 through 7 of Article 35 or subparagraph 8 of Article 35 (limited to a case falling under Article 34 (1) 6 or 7), a person who is registered as a mortgagee on the fishery right may request an auction of the fishery right within 30 days counting from the day following the day when he has received the notification under Article 36.

(2) In case where an auction is requested under paragraph (1), the fishery right shall be considered to continue within the limit of the auction's object from the day when the license is revoked to the day when the auction's procedure is ended.

(3) The amount obtained by the auction shall be appropriated for the auction expenses and the

performance of obligation to the mortgagee under paragraph (1), and the remainder shall be reverted to the National Treasury.

(4) When the successful bidder pays up the auction price, the revocation of the fishery license shall be considered not to take effect.

**Article 26 Deleted.** <by Act No. 5977, Apr. 15, 1999>

**Article 27 (Use of Control Vessel and Restriction and Prohibition Thereof)**

(1) If a holder of fishery right desires to use a fishing vessel necessary for controlling a fishing ground of his fishery (hereinafter referred to as the "control vessel"), it shall be designated by the head of *Si/Gun/autonomous Gu*. In this case, the control vessel shall be limited to a fishing vessel owned by the holder of fishing right (including a person exercising a fishery right under Article 37) or a leased one. <Amended by Act No. 5153, Aug. 8, 1996>

(2) The head of *Si/Gun/autonomous Gu* may, in case where deemed necessary for the proliferation and protection of the fishery resources and the coordination of the fisheries, restrict or prohibit the fishing vessels and gear to be used as a control vessel according to the types of fishery, size of fishing grounds or kinds of marine animals and plants, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5131, Dec. 30, 1995>

(3) If a holder of fishery right fails to provide a fishing ground of the licensed fishery with a control vessel, he may use a fishing vessel designated under paragraph (1) or that of the fishery permitted or reported under Articles 41 (1) 1, (2) 1, (3) or 44 (1), obtaining an approval thereof by the head of the *Si/Gun/autonomous Gu*.

(4) A holder of fishery right, who has a use of control vessel designated under paragraph (1), shall not use the relevant control vessel for the purpose of catching, gathering or cultivating marine animals and plants on the waters other than the designated fishing zone or the area approved under paragraph (3): *Provided*, That this shall not apply to a control vessel on which a fishery permission under Article 41 or 44 has been granted or a report thereon has been made.

(5) The size, number and horsepower of engine of a control vessel under paragraphs (1) and (3) and a designation or approval of its use and other matters necessary for the use of control vessel shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5131, Dec. 30, 1995>

**Article 28 (Designation, etc. of Wintering or Summering Ground)**

(1) The Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor may, in case where deemed necessary for wintering or summering of marine animals and plants, designate specified waters as a wintering or summering zone. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5454, Dec. 13, 1997>

(2) A holder of fishery right of the cultivating fishery under Article 8 (1) 2 through 6 may, in case

where he intends to winter or summer the marine animals and plants cultivated in a zone under paragraph (1), demarcate specified waters as a wintering or summering ground, and use it therefor. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

(3) In case where deemed unavoidable for the efficient utilization and control of wintering or summering ground, the head of *Si/Gun/autonomous Gu* may take necessary measures such as a coordination of waters, or the Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor may have the head of *Si/Gun/autonomous Gu* take necessary measures. <Newly Inserted by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

(4) Matters necessary for the designation of the wintering or summering zone under paragraphs (1) through (3), the facilities, management method, etc. of the wintering or summering ground shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

#### **Article 29 (Protected Zone)**

(1) In order to protect the fishery right of the fixed net fisheries, a protected zone shall be established.

(2) Matters necessary for the restriction on or prohibition of any act disturbing the exercise of fishery right in a protected zone under paragraph (1) shall be determined by the Presidential Decree, and those necessary for the range of the protected zone under paragraph (1) shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996>

#### **Article 30 (Report on Suspension of Business and Waiver of Fishing Rights)**

(1) A person who operates the fishery after acquiring a fishery right shall, in case he intends to continually suspend his business for one or more years, report it in advance to the head of *Si/Gun/autonomous Gu* with fixing a suspension period: *Provided*, That he shall not suspend the business before commencement of the fishery under Article 31 (1), and not suspend continually for two or more years. <Amended by Act No. 5131, Dec. 30, 1995>

(2) Notwithstanding the provisions of the proviso of paragraph (1), where it is impossible to secure the seed due to the natural disasters and other inevitable reasons, a person may be subject to an extension of the business suspension period within the scope of less than one year, after filing in advance a report thereon with the head of *Si/Gun/autonomous Gu*. <Newly Inserted by Act No. 7314, Dec. 31, 2004>

(3) A person who has made a report under paragraphs (1) and (2) shall, in case where he intends to resume the fishery before the expiration of reported suspension period, report it in advance to the head of *Si/Gun/autonomous Gu*. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 7314, Dec.

31, 2004>

(4) The period under paragraphs (1) and (2) shall not include the period in which the fishery is suspended by the order pursuant to Article 34, 52, or 79 and the period in which the fishing ground is reposed under the Fishing Ground Management Act. <Amended by Act No. 6257, Jan. 28, 2000; Act No. 7314, Dec. 31, 2004>

(5) When the holders of fishery rights intend to waive the fishery rights, they shall file a report thereon with the head of *Si/Gun*/autonomous *Gu* under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Newly Inserted by Act No. 7314, Dec. 31, 2004>

#### **Article 31 (Commencement, etc. of Fishery)**

(1) Any person who has acquired the fishery right, shall commence the fishery within one year after he acquires the fishery right: *Provided*, That if it is prescribed by the Presidential Decree, the head of *Si/Gun*/ autonomous *Gu* may adjust the relevant period within the limit of two years. <Amended by Act No. 5131, Dec. 30, 1995>

(2) The head of *Si/Gun*/autonomous *Gu* may, in case where one year has passed since a person who has acquired the fishery right commenced the fishery, and where deemed that a comprehensive utilization of the fishing ground has not been accomplished due to his keeping the fishing ground continually in an idle status, alter or cancel the relevant fishery right. <Amended by Act No. 5131, Dec. 30, 1995>

(3) The period under paragraph (1) or (2) shall not include the period in which the fishery is suspended by the order pursuant to Article 34, 52 or 79 and the period in which the fishing ground is reposed under the Fishing Ground Management Act. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 6257, Jan. 28, 2000>

#### **Article 32 (Prohibition of Another's Control)**

(1) Any holder of fishery right shall not have another person control the operation of the fishery actually.

(2) The limit of controlling the operation of the fishery actually under paragraph (1) shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Newly Inserted by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>

#### **Article 33 (Prohibition, etc. of Lease)**

A fishery right shall not be an object of the lease. In this case, if a member of fishing village fraternity, that of a district association, or the fishery partnership corporation composed of the members of fishing village fraternity or those of a district association exercises the fishery right owned by the relevant fishing village fraternity or district association pursuant to the fishing ground management rules under Article 38, it shall not be considered as a lease. <Amended by Act No.

6398, Jan. 29, 2001>

**Article 34 (Restriction, etc. on Licensed Fishery by Necessity of Public Interest)**

(1) The head of *Si/Gun*/autonomous *Gu* may restrict or suspend the licensed fishery, moor fishing vessels, or restrict the departure from or entry into the port in the following cases: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 6257, Jan. 28, 2000; Act No. 6398, Jan. 29, 2001; Act No. 6656, Feb. 4, 2002>

1. Where required for the proliferation and protection of the fishery resources;
2. Where required for the military training and the protection of major military bases;
3. Where requested by the Minister of Defense as deemed necessary for the national defense;
4. Where required for the navigation, anchorage, mooring of vessels or the laying of subaqueous cables;
5. Where required for the public utilities under Article 4 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor;
- 5-Where required for the prevention of safety accidents in fishing activities;
- 2.
6. Where a holder of fishery right violates this Act or the Fishing Ground Management Act, an order or disposition under this Act or the Fishing Ground Management, or any restriction or condition there under; and
7. Where a holder of fishery right violates any agreement related to the fishery with foreign countries, or the generally recognized rules of international laws, and Acts and subordinate statutes of foreign countries related to the fishery.

(2) Matters concerning the procedures for restriction, etc. on the fishery under paragraph (1) 1 through 5 shall be determined by the Presidential Decree.

(3) Matters concerning the restriction, etc. on the fishery under paragraph (1) 5-2 shall be prescribed by the Joint Ordinances of the Ministry of National Defense, the Ministry of Government Administration and Home Affairs, and the Ministry of Maritime Affairs and Fisheries. <Newly Inserted by Act No. 6398, Jan. 29, 2001>

(4) In case where the Mayor/*Do* governor makes a disposition of restriction, etc. on the fishery because it falls under paragraph (1) 6 and 7, matters concerning the criteria and procedure therefor shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996>

(5) The control over a fishing vessel which is subject to a disposition of mooring under paragraph (1) 6 or 7 shall be conducted by a person designated or approved under Article 27 (1) and (3). <Amended by Act No. 5131, Dec. 30, 1995>

**Article 35 (Revocation of Licensed Fishery)**

In any of the following cases, the head of *Si/Gun*/autonomous *Gu* may revoke a license for fishery under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries: *Provided*, That if it violates the provisions of subparagraph 1, the relevant license shall be revoked: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 7314, Dec. 31, 2004>

1. Where the license for fishery is granted in a false or other unlawful way;
2. Where it falls under subparagraph 1 of Article 10;
3. Deleted; <by Act No. 5131, Dec. 30, 1995>
4. Deleted; <by Act No. 5977, Apr. 15, 1999>
5. Where a holder of fishery right violates the provisions of Article 30 (1) and (2) or 31 (1);
6. Where a holder of fishery right has another person actually control over the operation of the relevant fishery in violation of Article 32;
7. Where a holder of fishery right leases the fishery right in violation of Article 33; and
8. Where it falls under any of subparagraphs of Article 34 (1) in addition to cases as referred to in subparagraphs 1 through 7.

#### **Article 36 (Notification on Revocation of Fishery Right)**

When the head of *Si/Gun*/autonomous *Gu* revokes a license for fishery, he shall notify it without delay to the right holder registered as to the relevant fishery right. <Amended by Act No. 5131, Dec. 30, 1995>

#### **Article 37 (Control over Fishing Ground by Fishing Village Fraternity, etc.)**

(1) The fishery right owned by a fishing village fraternity shall be exercised by members of the relevant fishing village fraternity pursuant to the fishing ground management rules under Article 38: *Provided*, That in case of the village fishery right, a person who is not a member of the fraternity may exercise the village fishery right, if he satisfies all of the following conditions:

<Amended by Act No. 5131, Dec. 30, 1995>

1. He shall have an address in the competent area of the fishing village fraternity;
2. There is a decision of the general meeting of fishing village fraternity on the exercise of village fishery right; and
3. A report on the fishery under Article 44 has been completed.

(2) Except as prescribed by the Presidential Decree, the fishery right owned by a district association shall be exercised by any member of the relevant district association who has an address in the operational zone of the fishing village fraternity, using as its operational zone the area adjacent to the relevant fishing ground pursuant to the fishing ground management rules under Article 38.

(3) Deleted. <by Act No. 5977, Apr. 15, 1999>

(4) Exercising means and exercising priority of the fishery right under paragraphs (1) and (2),

facility volumes classified by the fishing village fraternity, by members of fishing village fraternity and by members of associations, coordination of the area, and other matters necessary for the management of fishing grounds shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

**Article 38 (Fishing Ground Management Rules)**

(1) Any fishing village fraternity and district association which have acquired a fishery right under Article 9 shall, as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries, formulate the fishing ground management rules necessary for the qualification of those who are able to enter into the relevant fishing ground or exercise a fishery right, the method of such entry, exercising method of a fishery right, the time and method of the fishery, charge for fishing in another's piscary and for exercising a fishery right and other management of the fishing grounds. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

(2) If the fishing ground management rules under paragraph (1) are contrary to this Act or the Fishing Ground Management Act and an order or disposition under this Act or the Fishing Ground Management Act, or restriction or conditions thereunder, the head of *Si/Gun*/autonomous *Gu* may order measures necessary for the correction such as an alteration, etc. of the fishing ground management rules. <Newly Inserted by Act No. 5131, Dec. 30, 1995; Act No. 6257, Jan. 28, 2000>

**Article 39 (Restriction, etc. on Exercise of Fishery Right)**

Notwithstanding the provisions of Article 37 (1) or (2), in case of those who correspond to the criteria under the Presidential Decree, their exercise of fishery right may be restricted or prohibited with respect to the fishing ground of fishing village fraternity or district association, for the purpose of equal increase in the incomes of members of the fraternity or association.

**Article 40 (Restriction on Entry into Fishing Ground, etc.)**

(1) A holder of fishery right to the village fisheries shall allow those who enter the fishing ground under subparagraph 7 of Article 2 to do so, under the conditions as prescribed by the fishing ground management rules under Article 38. <Amended by Act No. 5131, Dec. 30, 1995>

(2) In case where deemed necessary for the proliferation and protection of marine animals and plants and the maintenance of order in the fishery, a holder of fishery right and those who have the common of piscary under paragraph (1) may impose, by mutual consent, a restriction on the fishery.

(3) Any restriction, condition or suspension attached to a license for the village fisheries under Article 12 or 34 (1) 1 through 5 and 5-2 shall be considered as a restriction, condition or suspension attached to the entry into a fishing ground by the person having the common of piscary. <Amended

*by Act No. 5131, Dec. 30, 1995; Act No. 6398, Jan. 29, 2001*>

(4) If a holder of fishery right or a person fishing in another's piscary violates the consent under paragraph (2) or the ruling under Article 85 (2), or if a person fishing in another's piscary violates the restriction, condition or suspension under paragraph (3), the head of *Si/Gun/* autonomous *Gu* may restrict or suspend the licensed fishery, or revoke the license, or restrict, suspend or prohibit the entry into the fishing ground. *<Amended by Act No. 5131, Dec. 30, 1995>*

### CHAPTER III PERMITTED AND REPORTED FISHERIES

#### Article 41 (Permitted Fishery)

(1) Any person who desires to operate the following fisheries, shall obtain a permission for each fishing vessel or gear from the Minister of Maritime Affairs and Fisheries: *<Amended by Act No. 5153, Aug. 8, 1996>*

1. Fishery using a powered fishing vessel exceeding the gross tonnage of eight tons or a powered fishing vessel under the gross tonnages of eight tons which is required for protecting the fishery resources and coordinating the fisheries and prescribed by the Presidential Decree (hereinafter referred to as "inshore fishery"); and
2. Fishery using overseas water area as operational zone (hereinafter referred to as "deep-sea fishery").

(2) Any person who desires to operate the following fisheries, shall obtain a permission for each fishing vessel, gear or facility from the Mayor/*Do* governor: *<Amended by Act No. 5131, Dec. 30, 1995; Act No. 7314, Dec. 31, 2004>*

1. Fishery other than the inshore fishery and that under paragraph (3), using a non-powered fishing vessel, a powered fishing vessel under the gross tonnage of eight tons, or a powered fishing vessel under the gross tonnages of eight to ten tons as prescribed by the Presidential Decree for the safe operation of fishing vessels and coordination of fishery (hereinafter referred to as "coastal fishery");
2. Fishery cultivating the marine animals and plants in the sea waters on land created artificially (hereinafter referred to as the "cultivation fishery in sea waters on land"); and
3. Fishery producing the marine seedling by installing facilities on the regularly demarcated sea, beach or sea waters on land created artificially (including an interim rearing of the produced marine seedling for a fixed period; hereinafter referred to as "fishery producing the marine seedling").

(3) Any person who desires to operate the fishery as prescribed by the Presidential Decree by a non-powered fishing vessel, a powered fishing vessel with gross tonnage of less than five tons, or fishing gear with specifying the fixed waters (hereinafter referred to as "demarcated fishery"), shall

obtain a permission from the head of *Si/Gun*/autonomous *Gu* for every fishing vessel and fishing gear. <Amended by Act No. 7314, Dec. 31, 2004>

(4) The types of fishery to be permitted under paragraphs (1) through (3) shall be determined by the Presidential Decree, whereas the name of each type of fishery, tonnage of fishing vessels, horsepower of engines, fixed number of permissions for coastal fishery and demarcated fishery and the restrictions on the volume of bottoms to be used for the relevant fishery, the accessory vessels, kinds and sizes of fishing gear to be used, the cultivating animals and plants of cultivation fishery in sea waters on land, the kind of seedling of fishery producing the marine seedling, the criteria for facilities of fishery producing the marine seedling, and other matters necessary for permission shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries: *Provided*, That the priority in granting permissions shall be determined by the administrative agency which grant permissions for the relevant fishery, in consideration of the given condition of fisheries, etc.

<Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999; Act No. 7314, Dec. 31, 2004>

(5) Deleted. <by Act No. 5131, Dec. 30, 1995>

(6) The administrative agency shall not grant a permission for fishery to a person whose permission for fishery is revoked by any cause as prescribed in subparagraph 1, 5, 6 or 8 of Article 35 (excluding cases as prescribed in Article 34 (1) 1 through 5 and 5-2) and to the fishing vessel and gear concerned, in the limit of one year after the permission is revoked under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6398, Jan. 29, 2001>

#### **Article 42 (Experimental, Research or Training Fishery)**

(1) Any person who desires to operate an experimental fishery other than those provided in Article 8, 41, or 44 for the purpose of developing any new fishing gear, technique or ground shall apply for the approval of such an experimental fishery under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

(2) The Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor may, in case where deemed necessary for the development of a new fishing gear, technique or ground of fishery other than those under Article 8, 41 or 44 in consideration of the status of fishery resources and the conditions of fishing industries, or where an application pursuant to paragraph (1) is deemed as appropriate, conduct an experimental fishery jointly with the fishermen, the applicant under paragraph (1) and the experiment and research institutions, etc. In this case, the Mayor/*Do* governor shall formulate a plan for experimental fishery and obtain approval thereof from the Minister of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999; Act No. 6398, Jan. 29, 2001>

(3) In case where the experiment and research institutions, fishery technique guidance and dissemination institutions, training or educational institutions, which are designated by the Minister of Maritime Affairs and Fisheries, intend to conduct a research or training fishery, they may, notwithstanding the provisions of paragraphs (1) and (2), Articles 8, 41 and 44, conduct a research or training fishery. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999; Act No. 7314, Dec. 31, 2004>

(4) Matters necessary for the experimental fishery or the research or training fishery under paragraphs (2) and (3) shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5977, Apr. 15, 1999>

[This Article Wholly Amended by Act No. 5131, Dec. 30, 1995]

#### **Article 43 (Validity Term of Fishery Permission, etc.)**

The validity term of the fishery permission as provided in Article 41 shall be five years: *Provided*, That in cases as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries such as a case of using fishing vessels by lease, the validity term may be shortened. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

#### **Article 44 (Reported Fishery)**

(1) A person who desires to carry on the fishery other than that as provided in Article 8, 41 or 42, which is designated by the Presidential Decree, shall report each fishing vessel, gear or facility to the head of *Si/Gun*/autonomous *Gu* under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5131, Dec. 12, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999; Act No. 7314, Dec. 31, 2004>

(2) The validity term of a report as referred to in paragraph (1) shall be five years from the date the report is received: *Provided*, That in case necessary for carrying out the public utility or other case as prescribed by the Presidential Decree, the validity term may be shortened.

(3) The head of *Si/Gun*/autonomous *Gu* shall, upon receiving a report on fishery under paragraph (1), deliver the fishery report certificate to the reporter.

(4) A person who has reported the fishery under paragraph (1) shall observe the provisions of the following subparagraphs: <Newly Inserted by Act No. 5131, Dec. 30, 1995>

1. He shall operate the fishery over 60 days a year in the water area controlled by the head of *Si/Gun*/autonomous *Gu* governing his address and fishing area;
2. He shall not operate the fishery on the waters where fisheries are restricted or prohibited by other Acts and subordinate statutes;
3. He shall observe matters determined by the Presidential Decree for fishery dispute or fishery coordination, etc.; and
4. Deleted. <by Act No. 5977, Apr. 15, 1999>

(5) If a person who has reported the fishery under paragraph (1) violates the observance provisions as referred to in paragraph (4), the head of *Si/Gun/autonomous Gu* may restrict or prohibit the reported fishery, or moor fishing vessels. <Newly Inserted by Act No. 5131, Dec. 30, 1995>

(6) If a person who has reported the fishery comes to fall under any of the following subparagraphs, his report of fishery loses its validity. In this case, when the validity of report is lost as it falls under subparagraph 1 or 2, a person who has made the relevant report shall not report on the fishery under paragraph (1) during the period as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries within the limit of one year after the erasure from the public register under paragraph (7) and in consideration of the kind of reported fishery and the causes of losing validity, etc.:

<Newly Inserted by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>

1. When he violates the observance provisions under paragraph (4) three times or more;
2. When he violates the restriction or prohibition of reported fishery or dispositions of mooring fishing vessel under paragraph (5) two times or more; and
3. When the causes for making a discontinuance report of reported fishery under Article 44-2 (3) have occurred.

(7) If a report of fishery loses its validity under paragraph (6), the head of *Si/Gun/autonomous Gu* shall erase it without delay from the public register related to the reported fishery, and notify the reporter of its contents. <Newly Inserted by Act No. 5131, Dec. 30, 1995>

#### **Article 44-2 (Alteration, Abrogation, etc. of Permitted Fishery and Reported Fishery)**

(1) If a person, who has obtained a permission for the fishery under Article 41, desires to alter the permitted particulars, he shall obtain an alteration permit from the authorizing government agency, or make an alteration report to the said agency. <Amended by Act No. 5977, Apr. 15, 1999>

(2) If a person who has reported the fishery under Article 44 desires to alter the reported particulars, he shall make an alteration report to the government agency to which he has reported.

(3) If a person who has obtained a permission for the relevant fishery or reported the relevant fishery under Article 41 or 44 discontinues the relevant fishery or is unable to carry on the relevant fishery, he shall report thereon to the relevant administrative agency. <Amended by Act No. 5977, Apr. 15, 1999; Act No. 7314, Dec. 31, 2004>

(4) Particulars and procedures of alteration permit, alteration report and discontinuance report under paragraphs (1) through (3), and other necessary matters shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996>

[This Article Newly Inserted by Act No. 5131, Dec. 30, 1995]

#### **Article 45 (Provisions to be Applied Mutatis Mutandis)**

(1) The provisions of Articles 11 (1), 12, 14-2, 17, 30 (1) through (4), 31 (1) and (3), 32, 34 and subparagraphs 1, 5, 6 and 8 of Article 35 and Article 47 (1) 2 shall apply *mutatis mutandis* to the

permitted fishery as prescribed in Article 41. <Amended by Act No. 5153, Dec. 30, 1995; Act No. 7314, Dec. 31, 2004>

(2) The provisions of Article 34 shall apply *mutatis mutandis* to the reported fishery as prescribed in Article 44.

## CHAPTER IV CATCH TRANSPORT INDUSTRY

### Article 46 (Registration for Catch Transport Industry)

(1) Any person who desires to operate a catch transport industry shall register each fishing vessel to be used for the said catch transport industry with the head of *Si/Gun*/autonomous *Gu* having jurisdiction over the place of his address or the loading port of relevant fishing vessel: *Provided*, That this shall not apply to the cases falling under any of the following subparagraphs: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999; Act No. 7314, Dec. 31, 2004>

1. Where a person who has obtained a fishery license under Article 8 transports marine animals and plants he catches, gathers or cultivates;
2. Where a person who has reported the fishery under Article 44 transports marine animals and plants he catches, gathers or cultivates by a fishing vessel designated under Article 27 or that licensed for fishery under Article 41; and
3. Where a person who has obtained a deep-sea fishery license under Article 41 (1) 2 transports the catches he catches or gathers and products thereof.

(2) Deleted. <by Act No. 5977, Apr. 15, 1999>

(3) The criteria for qualification of catch transport business operators and for registration of catch transport industry under the provisions of paragraph (1) shall be prescribed by the Presidential Decree, whereas the matters of the following subparagraphs shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries: <Amended by Act No. 7314, Dec. 31, 2004>

1. Tonnage of fishing vessels, horsepower of engines;
2. Criteria for facilities of catch transport industry; and
3. Kinds of the catch goods to be transported or the products thereof.

(4) The administrative agency shall not, with respect to a person whose registration for catch transport industry has been revoked pursuant to Article 47 (1) and the corresponding fishing vessels, accept the registration of catch transport industry within the limit of one year from such revocation of registration under the conditions as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Newly Inserted by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

### Article 47 (Restriction, Suspension or Revocation of Catch Transport Industry)

(1) If a person who has been registered for catch transport industry falls under any of the following subparagraphs, the head of *Si/Gun*/autonomous *Gu* may restrict his registered catch transport industry, order a suspension of his business for a specified period of not more than six months, or revoke his registration: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999; Act No. 7314, Dec. 31, 2004>

1. Where he carries the catches caught in violation of the Acts and subordinate statutes of foreign countries, an agreement with foreign countries relating to fisheries, or this Act or orders under this Act, or the products thereof;
2. Where the Administrator of the Korea Customs Service demands a suspension of fishery or a revocation of registration for a person who has been conclusively and irrevocably sentenced to imprisonment without prison labor or more severe punishment for a violation of the Customs Act; and
3. Where he violates this Act, orders or dispositions under this Act, or any restrictions or conditions thereunder.

(2) The criteria and procedures for the disposition under paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996>

**Article 48 Deleted.** <by Act No. 5977, Apr. 15, 1999>

**Article 49 (Registration, etc. for Marine Product Processing Industry)**

The registration of and report, etc. on the marine product processing industry shall be prescribed by the separate Acts.

*[This Article Wholly Amended by Act No. 6399, Jan. 29, 2001]*

**Article 50 Deleted.** <by Act No. 6399, Jan. 29, 2001>

**Article 51 (Provisions to be Applied Mutatis Mutandis)**

(1) The provisions of Articles 11, 12, 30 (1) through (4), 31 (1) and (3), 32, 34 (1) 2, 3, and 5-2, subparagraphs 1, 5 and 6 of Article 35, Articles 41 (6), 44 (3) and 44-2 (1), (3) and (4) shall apply *mutatis mutandis* to the catch transport industry. <Amended by Act No. 5977, Apr. 15, 1999; Act No. 6398, Jan. 29, 2001; Act No. 7314, Dec. 31, 2004>

(2) Deleted. <by Act No. 6399, Jan. 29, 2001>

*[This Article Wholly Amended by Act No. 5131, Dec. 30, 1995]*

## **CHAPTER V COORDINATION OF FISHERIES**

**Article 52 (Order on Coordination of Fisheries)**

(1) For the fishery control, sanitation control, distribution order and other fishery coordination, the

matters necessary for the following subparagraphs may be determined by the Presidential Decree:

*<Amended by Act No. 5131, Dec. 30, 1995; Act No. 5977, Apr. 15, 1999>*

1. Restriction or prohibition on catching, gathering and cultivating marine animals and plants and on disposing the catches and products thereof;
  2. Restriction or prohibition on the number, size and equipment of fishing vessels and fishing methods;
  3. Restriction or prohibition on the operational zone, time of fishery, kinds of marine animals and plants to be caught and gathered;
  4. Restriction or prohibition on manufacturing, selling, holding, shipping or using fishing gear;
  5. Fixed number of the permit for inshore fisheries, restriction of bottoms capacity, and restriction or prohibition on permission for fisheries;
  6. Number or qualification of fishermen and persons engaged in fisheries;
  7. Restriction or prohibition on catching and gathering by persons other than fishermen;
  8. Restriction or prohibition for enforcing the convention relating to the fisheries with foreign countries, or the generally recognized rules of international law, and the Acts and subordinate statutes of foreign countries relating to the fisheries;
  9. Restriction or prohibition on packages and containers of marine products; and
  10. Deleted. *<by Act No. 5977, Apr. 15, 1999>*
- (2) The Presidential Decree as referred to in paragraph (1) may provide necessary penal provisions.
- (3) The penal provisions as referred to in paragraph (2) may include provisions concerning fine not exceeding five million won, detention or minor fine. *<Amended by Act No. 5131, Dec. 30, 1995>*
- (4) The whole or part of catches, products, fishing vessels and gear, marine animals and plants possessed or held by a person who violates the provisions of paragraph (1) may be confiscated: *Provided*, That if it is impossible to confiscate it, the value thereof may be collected in addition.

#### **Article 53 (Coordination of Operational Water Area, etc.)**

- (1) If it is necessary for the coordination of fisheries between the City and *Do*, the Minister of Maritime Affairs and Fisheries may coordinate the operational water area by any means such as designation of a joint operational water area, etc., under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5131, Aug. 8, 1996>*
- (2) If it is necessary for the coordination of fisheries between the *Si/ Gun*/autonomous *Gu*, the Mayor/*Do* governor may coordinate the operational water area by any means such as designation of a joint operational water area, etc., under the conditions as prescribed by the Presidential Decree.
- (3) If there exists an agreement on coordination of operational water area, such as fixing a joint operational water area or matters for permit of fishery or restriction on fishery among the fishery cooperatives by district or type of industry, the fishing village fraternity and the fishermen, etc. and where deemed particularly necessary for coordination of fishery, the Minister of Maritime Affairs

and Fisheries or the Mayor/*Do* governor may permit or restrict the relevant operations notwithstanding the restrictions or conditions of operational water area under this Act, with a decision on operational area, period of operation, number of operational vessels, and conditions, etc. <Newly Inserted by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>

**Article 54 (Determination of Fixed Number of Permission, etc.)**

(1) In determining the fixed number of fishery permissions and bottoms capacity as prescribed in Article 41 (4) or 52 (1) 5, the status of fishery resources, number of persons currently operating the relevant fishery, and other natural and social conditions, etc. shall be taken into consideration.

<Amended by Act No. 5131, Dec. 30, 1995>

(2) In determining the fixed number and bottoms capacity under paragraph (1), it shall be subject to the deliberation of the relevant fisheries coordination committee as prescribed in Article 89.

<Amended by Act No. 5131, Dec. 30, 1995>

**Article 54-2 (Fixing of Gross Allowable Stock of Fishing)**

(1) In case where deemed particularly necessary for preservation and control of fishery resources, the Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor may fix a gross allowable stock of fishing, with a decision on the type of subjected fishes and fishery area. <Amended by Act No. 5153, Aug. 8, 1996>

(2) In fixing a gross allowable stock of fishing under paragraph (1), the resource status of type of subjected fishes shall be preferentially taken into consideration, with reference to the power of fishing vessels catching the type of subjected fishes at the time of fixing a gross allowable stock of fishing, and other natural and social conditions, etc.

(3) Matters necessary for enforcing the gross allowable stock of fishing under paragraph (1), such as the kind of fisheries and the scale of fishing vessels subject to the said stock shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 5131, Dec. 30, 1995]

**Article 55 (Designation, etc. of Leisurely Fishing Ground)**

(1) The fishing village fraternity or the district cooperative may, for the purpose of promoting the common interest of fishermen, operate the leisurely fishing ground (referring to the tourist fishing ground, such as an experience study or fishing, etc.; hereinafter the same shall apply) by obtaining a designation thereof from the head of *Si/Gun*/autonomous *Gu* for a specific district of relevant waters within the limit not impeding the fishery as prescribed by the Presidential Decree from among the licensed and permitted fisheries of the relevant fishing village fraternity or the district cooperative.

(2) The fishing village fraternity or the district cooperative shall, where it files an application for a designation as the leisurely fishing ground under paragraph (1), determine the methods for leisurely

fishing, fees for usage, matters to be observed by users, and other matters concerning the management and operation of the leisurely fishing ground, and attach them to the relevant written application.

(3) The designation of leisurely fishing ground, creation of fishery resources at the leisurely fishing ground, kinds of fishery animals and plants subject to catch and gathering, methods of catch and gathering, and other matters necessary for the management and operation, shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. In such case, the catch and gathering of fishery animals and plants at the leisurely fishing ground may be determined by other methods than the fishery as provided in Articles 8, 41 and 44.

(4) The head of *Si/Gun*/autonomous *Gu* may, where the leisurely fishing ground is not managed or operated pursuant to paragraph (3), revoke the relevant designation.

*[This Article Wholly Amended by Act No. 6398, Jan. 29, 2001]*

**Article 56 Deleted.** <by Act No. 6398, Jan. 29, 2001>

**Article 57 (Prohibition of Fisheries Other than Licensed, Permitted or Reported Fisheries)**

No person shall catch, gather or cultivate the marine animals and plants by any method of fishery other than that as prescribed by this Act: *Provided*, That on the waters designated as the rearing waters under Article 70 (1), he may catch and gather the marine animals and plants by a method of fishery observing the management rules of the relevant waters.

**Article 58 (Removal, etc. of Facilities)**

(1) A holder of fishery right or a person who has obtained a permit for fishery shall, in case where the validity of relevant fishery right or permit is lost, or the period of fishery ends, remove the facilities installed or the animals and plants cultivated on the fishing ground or waters within the period as determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries: *Provided*, That the Mayor/*Do* governor or the head of *Si/Gun*/autonomous *Gu* may, in case where deemed impossible to remove such facilities or cultivated things, or unnecessary to remove them, exempt a person liable for such removal from the relevant obligation, upon his application. <*Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996*>

(2) If any person is exempted from the obligation under the proviso of paragraph (1), he shall be considered to have waived the ownership in the relevant facilities and cultivated things.

(3) If a person liable to remove the facilities or cultivated things under paragraph (1) fails to remove such facilities or cultivated things even at the expiration of the obligatory term of removal, the administrative agency may remove the relevant facilities or cultivated things under the conditions as prescribed by the Administrative Vicarious Execution Act.

(4) The provisions of paragraphs (1) through (3) shall apply *mutatis mutandis* to the facilities and cultivated things installed by a person who does not obtain any license or permit of the fishery.

### **Article 59 (Installation and Protection of Marks)**

- (1) The administrative agency may order fishermen to install the marks of fishing grounds, vessels and gears.
- (2) No person shall move, damage, alter or conceal the marks installed under paragraph (1).

### **Article 60 (Supervision)**

- (1) In case where the Minister of Maritime Affairs and Fisheries deems that the order or disposition of the Mayor/*Do* governor or the head of *Si/Gun*/autonomous *Gu* is contrary to this Act or an order issued under this Act, and where the Mayor/*Do* governor deems that the said actions of the head of *Si/Gun*/autonomous *Gu* is in the same way, he may order a correction thereof with a designation of period, or take any necessary measures such as suspension or revocation, etc. against the whole or part thereof. *<Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>*
- (2) The administrative agency may, in case where deemed particularly necessary for the policy of fisheries, take necessary measures against fishermen, catch transporters, persons engaged in catch transport industry or marine product processors under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5131, Dec. 30, 1995>*

### **Article 61 (Revocation, etc. of Seamen's Competency Certificate)**

- (1) The administrative agency may, in case where a person who is engaged in the fishery or catch transport industry violates this Act or orders issued under this Act, request the head of the relevant administrative agency to revoke or suspend the seaman's competency certificate or reprimand the seamen. *<Amended by Act No. 7314, Dec. 31, 2004>*
- (2) The head of the relevant administrative agency shall, upon receiving a request as referred to in paragraph (1), comply with it.

### **Article 62 (Fishery Inspection Official)**

- (1) A fishery inspection official may, in case where deemed necessary for the fishery coordination, safe operation, prevention of unlawful fishery, and the establishment of orderly distribution of marine products, enter any fishing ground, vessel, business place, office, warehouse or other places to inspect books, documents or other things, or ask any questions to the persons concerned, or have a fishing vessel stop or sail about. *<Amended by Act No. 5977, Apr. 15, 1999>*
- (2) If it is necessary for the fishery coordination, etc., the administrative agency may have a fishery inspection official enter another person's land to make a survey or inspection, and if it is inevitable, have him move or remove anything impeding the survey or inspection.
- (3) A fishery inspection official performing his duties under paragraphs (1) and (2) shall carry a certificate indicating his competence and show it to the persons concerned.
- (4) Matters necessary for the qualification and certificate of a fishery inspection official as referred to in paragraphs (1) through (3) shall be determined by the Presidential Decree.

### **Article 63 (Power of Judicial Police)**

A fishery inspection official shall perform the duty of the judicial police with respect to the acts violating this Act or an order issued under this Act under the conditions as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officials and Scope of Their Duties.

### **CHAPTER VI Deleted.**

**Articles 64 through 66 Deleted.** <by Act No. 5977, Apr. 15, 1999>

### **CHAPTER VII PROTECTION AND CONTROL OF RESOURCES**

#### **Article 67 (Designation of Protected Waters)**

(1) The Minister of Maritime Affairs and Fisheries may, in case where deemed particularly necessary for the proliferation and protection of the fishery resources, designate *ex officio* the protected waters under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996>

(2) The Mayor/*Do* governor may, upon a request of the head of *Si/Gun/* autonomous *Gu* or *ex officio*, designate the waters deemed suitable for spawning of the marine animals, developing the seeds and saplings of marine animals and plants, or growing the fries, as the protected waters. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 6398, Jan. 29, 2001>

(3) The Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor shall, where he designates the protected waters under paragraph (1) or (2), consult in advance with the public waters management agency under Article 4 of the Public Waters Management Act, which controls the relevant waters. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6398, Jan. 29, 2001>

(4) The Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor may, where deemed that it is unnecessary to maintain the relevant waters as the protected waters, revoke the designation of protected waters upon a request of the Mayor/*Do* governor or the head of *Si/Gun/* autonomous *Gu*, or *ex officio*. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6398, Jan. 29, 2001>

(5) When the Minister of Maritime Affairs and Fisheries or the Mayor/*Do* governor designates the protected waters or revokes such designation under paragraphs (1), (2) and (4), he shall notify it publicly without delay. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6398, Jan. 29, 2001>

#### **Article 68 (Control over Protected Waters)**

(1) The Mayor/*Do* governor shall control the protected waters under his jurisdiction within the limit of designation purposes: *Provided*, That if the protected waters belong to the jurisdiction of two or more Mayor/*Do* governors, the Minister of Maritime Affairs and Fisheries may designate the Mayor/*Do* governor who is to control the relevant protected waters, or directly control it.

<Amended by Act No. 5153, Aug. 8, 1996>

(2) Matters necessary for the control of the protected waters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996>

#### **Article 69 (Restriction on or Prohibition of Construction Work and Fishing)**

(1) Any person who performs a reclaiming or dredging work or who intends to execute any construction work which might cause an alteration in the flux or water level within the protected waters (excluding a harbor zone), shall obtain an approval of the Minister of Maritime Affairs and Fisheries or the competent Mayor/*Do* governor. <Amended by Act No. 5153, Aug. 8, 1996>

(2) No person shall operate any fishing in the protected waters.

#### **Article 70 (Designation of Rearing Waters)**

(1) The Mayor/*Do* governor may, for the purpose of the efficient utilization and control of fishery resources, designate the following waters as rearing waters with an approval of the Minister of Maritime Affairs and Fisheries: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>

1. Waters wherein the sedentary marine animals and plants inhabit in bulk; and
2. Waters wherein the marine seeds and saplings are stocked or the facilities are installed, for the purpose of fostering the fishery resources.

(2) When the Mayor/*Do* governor makes a request for the approval as referred to in paragraph (1), he shall prepare the rearing waters control rules and append it to the written request.

(3) The designation and control rules of the rearing waters as referred to in paragraphs (1) and (2) and other matters necessary for the rearing waters shall be determined by the Presidential Decree.

#### **Article 71 (Control over Rearing Waters)**

(1) The Mayor/*Do* governor may have the head of *Si/Gun*/autonomous *Gu* control the rearing waters within the limit of the designation purposes.

(2) Deleted. <by Act No. 5977, Apr. 15, 1999>

(3) Matters necessary for the provisions of paragraph (1) shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999>

#### **Article 72 (Supports to Autonomous Management of Fishery)**

(1) The administrative agency may preferably render the administrative, technical and financial supports to the fishermen's organization which has protected and managed the fishery resources, has improved the fishery operations autonomously, and has enacted and executed its own regulations for maintaining the order of fishery.

(2) Matters necessary for the criteria for executing its own regulations under the provisions of paragraph (1), the scope of fishermen's organization, and the methods and procedures, etc. for

supporting fishermen's organization shall be provided by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

*[This Article Newly Inserted by Act No. 7314, Dec. 31, 2004]*

**Article 72-2 Deleted.** <by Act No. 6257, Jan. 28, 2000>

**Article 73 (Prohibition of Harmful Fishing Method)**

No person shall catch and gather the marine animals and plants using explosives, poisonous objects or electric current, or store or use the harmful chemicals such as inorganic acids and other poisonous objects for the purpose of cultivating the marine animals and plants or of removing the alien substances attached to the fishing gears or fishing nets: *Provided*, That this shall not apply to a case where he has obtained a permit of such use from an administrative agency or the competent agency. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 6398, Jan. 29, 2001>

**Article 74 (Protection of Anadromous Fishes, etc. and Artificial Incubation and Stocking)**

(1) The administrative agency may, in case where deemed obstructive to the passage of anadromous fishes, restrict or prohibit an installation of structures in a specified area on the waters.

(2) If any structures as referred to in paragraph (1) are deemed obstructive to the passage of anadromous fishes, the administrative agency may order the owner, occupant or installer of the relevant structures to execute any construction works necessary for removing the obstacle.

(3) Any person who intends to artificially incubate the anadromous fishes and other marine animals and plants as designated by the administrative agency and stock them, shall report the following matters to the head of *Si/Gun/autonomous Gu*: *Provided*, That this shall not apply to a case where an administrative agency, experiment and research institution, fishery technique guidance and dissemination institution, training or educational institution as referred to in Article 42 (3), stocks them: <Amended by Act No. 5977, Apr. 15, 1999; Act No. 6398, Jan. 29, 2001>

1. Waters wherewith a stocking is to be made; and
2. Period, place and numbers for a stocking to be made.

**Article 75 (Prohibition of Sale, etc. of Illegal Catches)**

No person shall hold, transport, dispose of, process or sell the marine animals and plants caught, gathered or cultivated, and the products thereof, in violation of this Act or an order issued under this Act. <Amended by Act No. 5131, Dec. 30, 1995>

**Article 76 (Order to Stock Illegal Catches)**

(1) In case where deemed possible to restore to the state before a catching and gathering by stocking the marine animals and plants caught and gathered in violation of this Act or an order issued under this Act, and where deemed necessary for the proliferation and protection of fishery resources, a fishery control official may order the stocking of the relevant marine animals and plants caught and gathered.

(2) Any person who receives the order as referred to in paragraph (1), shall at once stock them.

#### **Article 77 (Survey and Report on Resources)**

(1) A holder of fishery right, a person having obtained permission for fishery, or a person having reported on fishery shall make a report on the operational status, catch records, landing volume or sales records of the relevant fishery to the competent administrative agency for his license, permit or report. <Amended by Act No. 5131, Dec. 30, 1995>

(2) The fishery subject to the report under paragraph (1) and other matters necessary for the report shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>

#### **Article 78 (Prohibited Area, Period and Objects of Fishery)**

In determining the prohibited area, prohibition period and prohibition objects of the fishery under Articles 52 (1) 1 and 3, and 79 (1) 1, the operational status of fishery and the movement, etc. of subjected resources shall be taken into consideration.

#### **Article 79 (Order on Resource Protection)**

(1) For the purpose of proliferation and protection of marine animals and plants, matters necessary for the following subparagraphs shall be determined by the Presidential Decree: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 6398, Jan. 29, 2001>

1. Restriction on or prohibition of catching and gathering marine animals and plants;
2. Restriction on or prohibition of fishing gear, method or vessel;
3. Restriction on or prohibition of gathering or removing substances necessary for the proliferation and protection of marine animals and plants;
4. Deleted; <by Act No. 7477, Mar. 31, 2005>
5. Restriction on, prohibition or approval of carrying in, transplanting the marine animals and plants from the foreign counties or carrying them out to the foreign counties;
6. Restriction on or prohibition of the acts discarding or dropping the substances or materials harmful to marine animals and plants, and the contamination and pollution of water quality;
7. Matters concerning the prevention of blight of marine animals and plants, and restriction on or prohibition of the use of chemicals or substances for the cultivation and the blight prevention;
8. Restriction on or prohibition of the export of fries or infant shells of marine animals and plants; and
9. Restriction or prohibition for the purpose of proliferation and protection of marine animals and plants that face with an exterminatory crisis.

(2) The provisions of Article 52 (2) through (4) shall apply *mutatis mutandis* to a case where the provisions of paragraph (1) are violated.

(3) The administrative agency may order any person who has violated the matters as provided in

each subparagraph of paragraph (1), to take measures necessary for restoring to the status quo: *Provided*, That in case where deemed difficult to restore to the *status quo*, it shall be excluded. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 6398, Jan. 29, 2001>

**Articles 79-2 through 79-4 Deleted.** <by Act No. 6611, Jan. 14, 2002>

**Article 80 (Reward)**

The Minister of Maritime Affairs and Fisheries may award a prize to those who inform the relevant agency of the violators of this Act or an order issued under this Act, or render a distinguished service in arresting them, or make a special contribution to the protection of fishery resources and the establishment of order in fisheries, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996>

**CHAPTER VIII COMPENSATION, SUBSIDY AND RULING**

**Article 81 (Compensation)**

(1) Any person who suffers a loss by the disposition due to the causes falling under any of the following subparagraphs may claim its compensation to the administrative agency which made the relevant disposition:

1. Where he receives a disposition to the licensed, permitted or reported fishery by any reason falling under the provisions of Article 34 (1) 1 through 5 and subparagraph 8 of Article 35 (limited to cases falling under Article 34 (1) 1 through 5), or an extension of the validity term of fishery license under Article 14 is not permitted by the relevant reason: *Provided*, That a case where the permitted or reported fishery is restricted by the reasons falling under the provisions of Article 34 (1) 1 through 3 (referring to a case where they are applicable *mutatis mutandis* under Article 45 (1) and (2)) shall be excluded;
2. Where he is ordered to move or remove anything impeding the survey and inspection under Article 62 (2); and
3. Where he is ordered to remove a substance obstructing the passage of anadromous fishes under Article 74 (2).

(2) If there is a person who receives any benefit from a disposition which has caused the compensation as referred to in paragraph (1) (hereinafter referred to as "beneficiary"), the administrative agency which made the disposition may have the beneficiary bear wholly or partially the amount of compensation within the limit of the benefit he receives. In this case, if the beneficiary fails to pay the amount determined to be borne by him, it shall be collected according to the examples of the disposition of the national taxes in arrears.

(3) The beneficiary under paragraph (2) shall not undertake any act or construction work which causes a loss to a person entitled to claim for a compensation under paragraph (1) unless a prior

compensation is made: *Provided*, That this shall not apply to the case where he has obtained a consent of the person entitled to claim for the compensation.

(4) The criteria for and payment method of the compensation as referred to in paragraph (1) and other matters necessary for the compensation shall be determined by the Presidential Decree.

#### **Article 82 (Compensation for Damages due to Contamination of Water)**

(1) If damages are caused to a licensed fishery by contamination of water due to construction or operation of industrial facilities and other business places, or vessels, marine facilities as prescribed in subparagraph 10 of Article 2 of the Prevention of Marine Pollution Act and development, etc. of submarine mining area, an operator of these facilities causing such contamination shall give a proper compensation to the sufferers under the conditions as prescribed by the related Acts and subordinate statutes. *<Amended by Act No. 4365, Mar. 8, 1991>*

(2) If an operator of the facility causing a contamination under paragraph (1) transfers his business after damages occur, the operator of facility at the time when the damages occur, and the operator who is the transferee of such facility, shall jointly make the relevant compensation.

**Article 83 Deleted.** *<by Act No. 5977, Apr. 15, 1999>*

#### **Article 84 (Deposit of Compensation)**

(1) The compensation as prescribed in Article 81 shall be deposited in any of the following cases: *<Amended by Act No. 5977, Apr. 15, 1999>*

1. Where a person to be compensated refuses or evades the receipt of compensation;
2. Where the address or residence of the person to be compensated is not known; and
3. Where there is a rightful person who has enrolled or registered the fishery right, land or substance which is the object of compensation: *Provided*, That this shall not apply to the case where the rightful person gives a consent.

(2) If the compensation is deposited under paragraph (1) 3, the rightful person who has enrolled or registered or a litigant may exercise his right to such deposited amount.

#### **Article 85 (Ruling on Common of Piscary)**

(1) If there is any dispute on the common of piscary under Article 40 (1), or the consent under Article 40 (2) is not achieved or is unable to make, a holder of fishery right or a person for the common of piscary may request a ruling to the Mayor/*Do* governor or the head of *Si/Gun/autonomous Gu*. *<Amended by Act No. 5131, Dec. 30, 1995>*

(2) The Mayor/*Do* governor or the head of *Si/Gun/autonomous Gu* shall, upon receiving a request for ruling under paragraph (1), make a ruling through a deliberation of the relevant City/*Do* or *Si/Gun/Gu* fisheries coordination committee as prescribed in Article 89. *<Amended by Act No. 5131, Dec. 30, 1995>*

#### **Article 86 (Ruling on Fishing Ground Area, etc.)**

(1) If any dispute arises on the area of fishing ground, scope of fishery right, protected zone or method of fishery, the interested person may request a ruling thereon to the Mayor/Do governor or the head of *Si/ Gun/autonomous Gu*. *<Amended by Act No. 5131, Dec. 30, 1995>*

(2) When the Mayor/Do governor or the head of *Si/Gun/autonomous Gu* makes a ruling under paragraph (1), he shall do it through a deliberation of the relevant City/Do or *Si/Gun/Gu* fisheries coordination committee as prescribed in Article 89. *<Amended by Act No. 5131, Dec. 30, 1995>*

#### **Article 87 (Subsidy, etc.)**

(1) The administrative agency may, in case where deemed necessary for the encouragement and promotion of fisheries, grant a subsidy or provide financial loans. *<Amended by Act No. 5977, Apr. 15, 1999>*

(2) The matters necessary for the criteria and procedures for financial loans under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Newly Inserted by Act No. 5977, Apr. 15, 1999>*

#### **Article 88 (Regulations relating to Compensation, Subsidy and Ruling)**

Matters other than those as prescribed in this Chapter, which are necessary for the compensation, subsidy and ruling, shall be determined by the Presidential Decree.

### **CHAPTER IX FISHERIES COORDINATION COMMITTEE**

#### **Article 89 (Establishment of Fisheries Coordination Committee)**

In order to deliberate matters on the coordination, compensation, or ruling, etc. for the fisheries, the central fisheries coordination committee shall be established in the Ministry of Maritime Affairs and Fisheries, and the City/Do or *Si/Gun/Gu* fisheries coordination committee in each City/Do or *Si/Gun/autonomous Gu*. *<Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996>*

#### **Article 90 (Functions of Fisheries Coordination Committee)**

(1) The functions of the central fisheries coordination committee shall be as follows: *<Amended by Act No. 5153, Aug. 8, 1996; Act No. 6257, Jan. 28, 2000>*

1. Advice on matters which the Minister of Maritime Affairs and Fisheries refers to it;
2. Proposal on matters necessary for the development of the fisheries and maintenance of the order in the fishery;
3. Coordination of conflicts by fishery;
4. Coordination of conflicts on fisheries between the Cities/Dos; and
5. Other deliberation on matters as prescribed by this Act or the Fishing Ground Management Act.

(2) The functions of the City/Do fisheries coordination committee shall be as follows: *<Amended by Act No. 5977, Apr. 15, 1999; Act No. 6257, Jan. 28, 2000>*

1. Advice on matters which the Mayor/Do governor refers to it;

2. Proposal on matters necessary for the development of the fisheries and maintenance of the order in the fishery;
3. Deliberation and coordination on the compensation for loss related to the fishery or dispute on the fishery;
4. Deleted; <by Act No. 6398, Jan. 29, 2001>
5. Coordination of conflicts on fisheries between the *Si/Gun/autonomous Gu*;
6. Deliberation of the order of priority in granting fishing permissions under the proviso of Article 41 (4); and
7. Other deliberation on matters as prescribed by this Act or the Fishing Ground Management Act.

(3) The functions of the *Si/Gun/Gu* fisheries coordination committee shall be as follows:

<Amended by Act No. 5977, Apr. 15, 1999; Act No. 6257, Jan. 28, 2000>

1. Deliberation on eligibility of the permitted fishery and matters on priority under Article 8;
2. Deliberation on the development plan;
3. Deliberation on matters concerning control over the fishing ground, such as regulations of the fishing ground control in the village fishing industry, etc.;
4. Deliberation on matters concerning control over the fishing ground of vast development waters;
5. Deliberation of the order of priority in granting fishing permissions as prescribed in the proviso of Article 41 (4);
6. Proposal on matters necessary for the development of the fisheries and maintenance of the order in the fishery;
7. Coordination on the compensation for loss related to the fishery or dispute on the fishery;
8. Proposal on restrictions of fisheries for protection and control of natural resources;
9. Advice on matters which the head of *Si/Gun/autonomous Gu* refers to it; and
10. Other deliberation on matters as prescribed by this Act or the Fishing Ground Management Act.

(4) If it is deemed necessary for coordination of the fishery, the Minister of Maritime Affairs and Fisheries or the head of *Si/Gun/autonomous Gu* may hold the joint fisheries coordination committee. In this case, matters necessary for organization and operation, etc. of the joint fisheries coordination committee shall be prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996>

(5) The fisheries coordination committee as provided in Article 89 may, if necessary for its activities, demand the interested persons to attend the committee or to present data, or request the administrative agency to have any public official concerned ask a question or make an investigation. In this case, such administrative agency shall, upon receiving such request, comply with it unless there is any special reason.

[This Article Wholly Amended by Act No. 5131, Dec. 30, 1995]

### **Article 91 (Composition and Operation of Fisheries Coordination Committee)**

- (1) The fisheries coordination committee as prescribed in Article 89 shall be composed of the representatives of fishermen and persons of rich learning and experience in the fishery.
- (2) The composition and operation of the fisheries coordination committee as prescribed in paragraph (1), and other necessary matters shall be determined by the Presidential Decree.

## **CHAPTER X SUPPLEMENTARY PROVISIONS**

### **Article 91-2 (Surcharge Disposition)**

- (1) The administrative agency may, in case of a disposition of restricting or suspending the licensed fisheries due to the causes falling under Article 34 (1) 6 and 7 (including cases whereto these provisions apply *mutatis mutandis* under Article 45), Article 47 (1) 3, impose, in lieu of the relevant disposition of restricting or suspending, a penalty surcharge not exceeding ten million won. *<Amended by Act No. 6399, Jan. 29, 2001>*
- (2) Amount of surcharge classified by the kinds and extent of violation, on which surcharge is imposed as referred to in paragraph (1), and other necessary matters shall be determined by the Presidential Decree.
- (3) In case where the surcharge under paragraph (1) is not paid within a fixed period, the administrative agency shall collect it according to the examples of disposition of national or local taxes in arrears.
- (4) The surcharge collected under paragraphs (1) and (3) shall be placed at the disposal of the competent collecting agencies (including subsidy and financial loans), but it shall not be appropriated for usage other than the project of fishery guidances. *<Amended by Act No. 6398, Jan. 29, 2001>*
- (5) Procedures for usage and objects of the surcharge collected under paragraphs (1) and (3), and other necessary matters shall be prescribed by the Presidential Decree.
- (6) The administrative agency shall formulate and execute an operational plan for the amount collected as the surcharge.

*[This Article Newly Inserted by Act No. 5131, Dec. 30, 1995]*

### **Article 92 (Delegation and Entrustment of Authority)**

- (1) A part of authorities under this Act may, under the conditions as prescribed by the Presidential Decree, be delegated by the Minister of Maritime Affairs and Fisheries to the heads of agencies under his control or the Mayor/*Do* governor, by the Mayor/*Do* governor to the head of *Si/Gun*/autonomous *Gu*, respectively.
- (2) The Minister of Maritime Affairs and Fisheries may, under the conditions as prescribed by the Presidential Decree, entrust the President of the National Federation of Fisheries Cooperatives

under the Fisheries Cooperatives Act with a part of his authorities under this Act.

*[This Article Wholly Amended by Act No. 6398, Jan. 29, 2001]*

#### **Article 92-2 (Fees)**

Any person who files an application or modified application for the license, permission, approval or registration or a report thereon under this Act, shall pay the fees under the conditions as determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries (limited to the case where an application is filed with the Minister of Maritime Affairs and Fisheries) or the Municipal Ordinances of the City/*Do* or the *Si/ Gun*/autonomous *Gu* (limited to the case where an application is filed with the Mayor/*Do* governor or the head of *Si/Gun*/autonomous *Gu*).

*[This Article Newly Inserted by Act No. 6398, Jan. 29, 2001]*

#### **Article 93 (Hearing)**

Where the administrative agency desires to take a disposition falling under any of the following subparagraphs, it shall hold a hearing: *<Amended by Act No. 5977, Apr. 15, 1999; Act No. 6399, Jan. 29, 2001; Act No. 7314, Dec. 31, 2004>*

1. Revocation of a fishery right referred to in Article 31 (2);
2. Revocation of a licensed fishery referred to in Article 35 (including the cases applied *mutatis mutandis* under the provisions of Article 51);
3. Revocation of a license, or prohibition of fishing in another's piscary, referred to in Article 40 (4);
4. Revocation of registration referred to in Article 47;
5. Deleted; and *<by Act No. 5977, Apr. 15, 1999>*
6. Revocation of designation referred to in Article 55 (4).

*[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]*

#### **Article 93-2 (Annual Report concerning Policies of Fishery)**

The Minister of Maritime Affairs and Fisheries shall draw up an annual document in which the trends and policies on fishery are clarified, and report it to the National Assembly. *<Amended by Act No. 5153, Aug. 8, 1996>*

*[This Article Newly Inserted by Act No. 5131, Dec. 30, 1995]*

### **CHAPTER XI PENAL PROVISIONS**

#### **Article 94 (Penal Provisions)**

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine of two million to twenty million won:

*<Amended by Act No. 5131, Dec. 30, 1995; Act No. 5977, Apr. 15, 1999; Act No. 6399, Jan. 29, 2001>*

1. A person who operates the fishing industry without obtaining the fishery right as prescribed by this Act, and who operates fisheries without a permission or registration as prescribed in Articles 41 (1) through (3), and 46 (1);
  2. A person who violates a disposition of restricting or suspending the fishing industry or mooring the fishing vessel, which is taken under Article 34 (1) 2 and 3 (including the cases applied *mutatis mutandis* under Article 45 (1)); and
  3. A person who violates the provisions of Article 57.
- (2) In the case as referred to in paragraph (1), the imprisonment and fine may be imposed together.

#### **Article 95 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than two years or a fine not exceeding five million won: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5977, Apr. 15, 1999; Act No. 6399, Jan. 29, 2001; Act No. 7314, Dec. 31, 2004>

1. A person who obtains a license or permit, or makes a registration as prescribed in Article 8 (1), 14-2 (1), 41 (1) through (3), 46 (1) by a false or other unlawful means;
2. A person who transfers, divides or alters the fishery right or offers it as security, and who has the fishery right transferred or divided, or receives it as security, in violation of the provisions of Article 18 (1) and (3) or 19;
3. A person who uses a vessel not designated as a control vessel in violation of the provisions of Article 27 (1), and who uses the control vessel for the purpose of catching, gathering or cultivating marine animals and plants on the waters which is not a designated or approved fishing ground area, in violation of the provisions of Article 27 (4);
4. A person who controls actually the operation of relevant fishery in violation of the provisions of Article 32 (1) (including the cases applied *mutatis mutandis* under Article 45 (1) or 51), and who has the fishery right or obtains a permit and has another person control actually the operation of relevant fishery;
5. A person who leases and hires the fishery right in violation of the provisions of Article 33;
6. A person who transports catches or products thereof under Article 47 (1) 1;
7. A person who catches and gathers marine animals and plants on the rearing waters using fishing method and gear not conformed to the control rules of the waters in violation of the proviso of Article 57;
8. Deleted; <by Act No. 6398, Jan. 29, 2001>
9. A person who violates the provisions of Article 73 or 75; and
10. A person who violates the order to stock with fishes under Article 76.

#### **Article 96 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than one year or a fine not exceeding three million won: <Amended by Act No. 5131, Dec. 30, 1995; Act Nos. 6398 & 6399, Jan. 29, 2001>

1. Deleted; <by Act No. 5131, Dec. 30, 1995>
2. In case where a disposition of restricting and suspending, or mooring the fishing vessel is taken because it falls under Article 34 (1) 1, 4, 5, 6, 7 (including the cases applied *mutatis mutandis* under Article 45) and Article 47 (1) 2, a person who violates the relevant disposition;
3. and 4. Deleted; <by Act No. 5131, Dec. 30, 1995>
5. A person who fails to make a mark on the fishing vessel, or damages, alters or conceals a mark made on the relevant fishing vessel, in violation of the provisions of Article 59;
6. A person who disobeys inspection of books, documents or other things or fails to comply with an order to stop or return the fishing vessel under Article 62 (1);
7. Deleted; <by Act No. 6398, Jan. 29, 2001>
8. Deleted; and <by Act No. 6257, Jan. 28, 2000>
9. Deleted. <by Act No. 6398, Jan. 29, 2001>

**Article 97 Deleted.** <by Act No. 6398, Jan. 29, 2001>

**Article 98 (Fine for Negligence)**

(1) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding five million won: <Amended by Act No. 5131, Dec. 30, 1995; Act No. 5153, Aug. 8, 1996; Act No. 5977, Apr. 15, 1999; Act Nos. 6398 & 6399, Jan. 29, 2001; Act No. 7314, Dec. 31, 2004>

1. A person who fails to file an alteration report under the provisions of Article 18-2;  
1-A person who suspends the business or operates the fishery without making a report as prescribed in Article 30 (1) through (3) (including the cases applied *mutatis mutandis* under Article 45 (1) or 51);
2. A person who fails to start the fishery within one year after acquiring the fishery right or obtaining the permission, or leaves the relevant waters in idle state consecutively even at the expiration of one year after starting the fishery, in violation of the provisions of Article 31 (1) (including the cases applied *mutatis mutandis* under Article 45 (1)) or (2);
3. A holder of fishery right who violates measures necessary for the management of fishing ground as referred to in Article 37 (4);
4. A holder of fishery right who has made a specified person exercise a fishery right in unconformity with the reported fishing ground management rules as referred to in Article 38 (1), and a person who has exercised the fishery right thereof;
5. A person who violates measures of correction, such as the changes, etc. in the fishing ground

- management rules as referred to in Article 38 (2);
6. A person who violates the restriction on or prohibition of exercising the fishery right as prescribed in Article 39, or a holder of fishery right who has made the person violate it;
  7. A person who fails to allow the entry into a fishing ground in violation of the provisions of Article 40 (1) or (4), or a person who violates a disposition of restricting, suspending or prohibiting the entry into a fishing ground;
  8. A person who carries on the reported fishery without making a report under Article 44 (1);
  9. A reported fishery operator who fails to perform matters to be observed under Article 44 (4);
  10. A person who fails to obtain an alteration permit, or to make an alteration report or an abrogation report under Article 44-2: *Provided*, That the matters of alteration registration under Article 17 (1) of the Fishing Vessels Act shall be excluded;
  11. A person who operates a leisurely fishing ground without obtaining a designation under Article 55 (1);
  12. Deleted; <by Act No. 6398, Jan. 29, 2001>
  13. A person who fails to remove facilities installed or animals and plants cultivated within the period determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries in violation of the provisions of Article 58 (1) (including the cases applied *mutatis mutandis* under Article 58 (4));
  14. A person who fails to post marks on the fishing ground or gear, or moves, damages, alters, or conceals the posted marks, in violation of the provisions of Article 59;
  15. A person who refuses or interferes with the survey, inspection and moving, removal of obstacles under Article 62 (2), or a person who evades the questions of the fishery inspection official, or make a false statement;
  16. A person who executes a construction work within the protected waters without obtaining an approval under Article 69 (1), or operates a fishing in the protected waters in contravention of paragraph (2) of the same Article;
  - 16-A person who fails to comply with the restriction, prohibition or orders under Article 74, or to  
2. file a report thereon;
  17. A person who fails to make a report as prescribed in Article 77 (1) or makes a false report; and
  18. A person who refuses, interferes with or evades a question or investigation as prescribed in Article 90 (5), or presents false data or makes a false statement.
- (2) A fine for negligence as referred to in paragraph (1) shall be imposed and collected by the administrative agency under the conditions as prescribed by the Presidential Decree.
- (3) Any person who is dissatisfied with the disposition of the fine for negligence under paragraph (2), may raise an objection to the administrative agency within thirty days after he is informed of the disposition.

(4) If a person who is subject to a disposition of the fine for negligence under paragraph (2), has made an objection under paragraph (3), the administrative authority shall notify it without delay to the competent court, which shall, upon receiving the notification, bring the case of fine for negligence to a trial under the Non-Contentious Case Litigation Procedure Act.

(5) If no objection is made and no fine for negligence is paid within the period as referred to in paragraph (3), it shall be collected according to the examples of the disposition of national taxes in arrears.

#### **Article 99 (Confiscation)**

(1) In cases as prescribed in Articles 94, 95 and subparagraphs 2 and 6 of Article 96, the catches, products, fishing vessel and gear, explosives or poisonous substance possessed or held by the offender may be confiscated: *Provided*, That if a person is punished not less than twice within the latest five years, by falling under the provisions of Article 94 (1) 3, the catches, fishing vessel and gear shall be confiscated. <Amended by Act No. 5131, Dec. 30, 1995; Act No. 7314, Dec. 31, 2004>

(2) If it is impossible to confiscate all or part of things possessed or held by the offender under paragraph (1), the value thereof may be collected additionally.

#### **Article 100 (Joint Penal Provisions)**

If a representative of a juristic person, or an agent, servant or employee of a juristic or private person commits an act contrary to the provisions of Articles 94 through 96 in relation to affairs of the juristic or private person, the fine as prescribed in the respective Articles shall be imposed on the representative of the juristic person, the juristic or private person in addition to punishment of the offender. <Amended by Act No. 6398, Jan. 29, 2001>

### **ADDENDA**

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

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

#### **Article 2 (Transitional Measures concerning Fishery Already Licensed, etc.)**

Any fishery and marine manufacturing industry licensed, permitted, approved or reported pursuant to the previous provisions before this Act enters into force, shall be considered to have been licensed, permitted, approved or reported under this Act until the validity term expires.

#### **Article 3 (Transitional Measures concerning Categories of Licensed Fisheries)**

Of the fisheries licensed pursuant to the previous provisions before the enforcement of this Act, the fishery using the seabed or cultivating seaweeds or marine animals as prescribed by the Presidential Decree, which is "cultivating fishery", shall be considered as "first class cultivating fisheries"; other cultivating fisheries, as "second class cultivating fisheries"; "stationary fisheries", as "fixed net

fisheries"; and "first joint fisheries", as "joint fisheries".

**Article 4 (Transitional Measures concerning Second and Third Joint Fisheries)**

(1) The second or third joint fisheries which was licensed before the enforcement of this Act and is in the course of its validity term, shall be considered to be effective until the period which adds five years to the expiration date of validity term.

(2) The second or third joint fisheries which has obtained an extension permit of license before the enforcement of this Act, and is in the course of its extended permit period, shall be considered to be effective from the date of first extension permit to the end of five years.

**Article 5 (Transitional Measures concerning Gross Tonnage of Fishing Vessels)**

With respect to the fishing vessels whose gross tonnage is measured pursuant to the previous provisions of the Ship Act under the main sentence of Article 3 of Addenda of the Amendment of the Ship Act (Act No. 3641) at the time of the enforcement of this Act, the term "eight tons" used in Article 41 (1) and (2) shall be respectively considered as the term "ten tons" until their re-measurement after the enforcement of this Act.

**Article 6 (Transitional Measures concerning Fishery Right Already Offered as Security)**

The fishery right excluding a joint fishery right offered as security pursuant to the previous provisions from among those owned by a fishing village fraternity or district association before the enforcement of this Act, shall be governed by the previous provisions.

**Article 7 (Transitional Measures concerning Control Vessel)**

Any fishing vessel used in a fishing ground licensed pursuant to the previous provisions before the enforcement of this Act shall be considered as a control vessel designated by the Mayor/*Do* governor under this Act from the enforcement date of this Act to the end of one year.

**Article 8 (Transitional Measures concerning Fishing Ground Control of Fishing Village Fraternity, etc.)**

The fishing ground control rules of the fishing village fraternity or district association, which are authorized for the fishery right owned by the fishing village fraternity or district association pursuant to the previous provisions before the enforcement of this Act, shall be considered the fishing ground control agreement approved under this Act from the enforcement date of this Act to the end of one year.

**Article 9 (Transitional Measures concerning Administrative Disposition)**

Any administrative disposition taken under the previous provisions before the enforcement of this Act shall be considered as an administrative disposition taken under this Act.

**Article 10 (Transitional Measures concerning Transfer of Address)**

Any person who has the fishery right whose remaining validity term is less than two years at the time when this Act enters into force, and who has transferred an address to the area under the

jurisdiction of the City/ *Do* wherein the relevant waters are located for the purpose of obtaining a new license for the same kind of fishery on the said waters within one year retroactively from the expiration date of validity term of the said fishery right, as the validity term of the fishery right is terminated, shall be considered to have continually held an address since one year ago in the area under jurisdiction of the relevant City/ *Do*, regardless of the provisions of subparagraph 2 of Article 10.

**Article 11 (Transitional Measures concerning Person Fishing in Another's Piscary)**

(1) Any person who is registered as a person fishing in another's piscary pursuant to the previous provisions at the time when this Act enters into force, shall be considered as a person fishing in another's piscary under this Act.

(2) Any person who is recognized to habitually enter into a fishing ground of a joint fishery at the time when this Act enters into force, and who is not registered in the fishery right register as a person fishing in another's piscary pursuant to the previous provisions, shall be considered as a person fishing in another's piscary only when he is registered in the fishery right register under Article 16 within two years from the enforcement date of this Act.

**Article 12 (Transitional Measures concerning Protected Waters)**

(1) The protected waters designated pursuant to the previous provisions before this Act enters into force shall be considered as the protected waters designated under this Act.

(2) Any fishing act on the protected waters at the time of the enforcement of this Act shall be governed by the previous provisions until the expiration date of designated period of the protected waters: *Provided*, That when two years have passed from the enforcement date of this Act, no fishing act as prescribed in Article 69 (2) shall be done on the relevant protected waters.

(3) Any person who has consulted with the Minister of the Maritime Affairs and Fisheries or Mayor/*Do* governor for the purpose of carrying out a reclamation or dredging or other construction work pursuant to the previous provisions on the protected waters at the time when this Act enters into force, shall be considered to have consulted with or obtained the approval of the Minister of Maritime Affairs and Fisheries or Mayor/ *Do* governor under this Act.

**Article 13 (Transitional Measures concerning Compensation for Fishery Right)**

Any compensation caused by a disposition against a licensed fishery before this Act enters into force, shall be governed by the previous provisions.

**Article 14 (Transitional Measures concerning Penal Provisions)**

The application of the penal provisions to any act before the enforcement of this Act shall be governed by the previous provisions.

**Article 15 (Amendments of Other Acts)**

(1) through (4) Omitted.

(5) In cases where the Fisheries Act or its provisions are cited in other Acts and subordinate statutes, this Act or relevant provisions of this Act shall be considered to be cited if there are provisions corresponding thereto in this Act.

**ADDENDA <Act No. 4365, Mar. 8, 1991>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 13** *Omitted.*

**ADDENDA <Act No. 5131, Dec. 30, 1995>**

**Article 1 (Enforcement Date)**

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

**Article 2 (Abrogative Act)**

The Fisheries Promotion Act shall be abrogated.

**Article 3 (Transitional Measures concerning Licensed Fisheries)**

Of the first class cultivating fisheries and the second class cultivating fisheries licensed as the fisheries pursuant to the previous provisions at the time when this Act enters into force, the fishery cultivating seaweeds, that cultivating shellfishes, and that cultivating other marine animals than shellfish, shall be considered respectively as a seaweed cultivating fishery, a shellfish cultivating fishery and a fish, etc. cultivating fishery pursuant to this Act, and the joint fisheries shall be considered as the village fisheries and the cooperative cultivating fisheries (limited to the case of cultivating).

**Article 4 (Transitional Measures concerning Prohibition Period of Licensed Fisheries)**

The prohibition period of licensed fisheries for a person whose license of fisheries is prohibited by the previous provisions at the time when this Act enters into force, shall be governed by the previous provisions, notwithstanding the amended provisions of Article 11 (2).

**Article 5 (Transitional Measures concerning Designation of Control Vessel)**

The control vessel which is designated, at the time when this Act enters into force, pursuant to the previous provisions by the Mayor/*Do* governor, shall be considered as a control vessel designated by the head of *Si/Gun*/autonomous *Gu* under this Act. In case of a control vessel designated under the previous provisions, the designation of fishing ground control vessel may be granted to the owner of fishing vessel until the scrapping of relevant fishing vessel, notwithstanding the amended provisions of Article 27 (1).

**Article 6 (Transitional Measures concerning Business Suspension of Licensed Fisherman, etc.)**

The period of business suspension of a licensed and permitted fisherman who suspended his business before the commencement of fishery under the previous provisions at the time when this Act enters into force, and whose period of business suspension is not expired, shall be governed by the previous provisions until the expiration date of the period of relevant business suspension, notwithstanding the amended provisions of Article 30 (1).

**Article 7 (Transitional Measures concerning Fishing Ground Control of Fishing Village Fraternity, etc.)**

The fishing ground control rules of a fishing village fraternity or district association approved pursuant to the previous provisions before the enforcement of this Act, shall be considered as those reported under the amended provisions of Article 38 (1).

**Article 8 (Transitional Measures concerning Cultivating Fishery on Land and Seed Producing Fishery on Land)**

The cultivating fishery on land and seed producing fishery (limited to the fishery producing marine seeds on land) licensed pursuant to the previous provisions of Article 41 (2) before the enforcement of this Act, shall be governed by the previous provisions until the expiration date of effective period of the relevant license.

**Article 9 (Transitional Measures concerning Previous Fishery License and Administrative Disposition, etc.)**

Fishery license, administrative disposition, order, designation, and other acts by the administrative agency, or various applications and reports and other acts to the administrative agency pursuant to the previous provisions (limited to the part concerning the amendments of this Act) before the enforcement of this Act, shall be considered as the acts corresponding thereto by or to the administrative agency under the amended provisions of this Act.

**Article 10 (Transitional Measures concerning Penal Provisions)**

The application of the penal provisions to any act before the enforcement of this Act shall be governed by the previous provisions.

**Article 11** *Omitted.*

**Article 12 (Relation to Other Acts and Subordinate Statutes)**

In case where other Acts and subordinate statutes make a quotation from the previous provisions at the time when this Act enters into force, and where there exist the provisions in this Act which correspond to them, it shall be considered as making a quotation of this Act or provisions of this Act in lieu of the previous provisions.

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

**Article 1 (Enforcement Date)**

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

*[This Act shall enter into force on the date of its promulgation under the Presidential Decree No. 15135, Aug. 8, 1996]*

**Articles 2 through 4 Omitted.**

**ADDENDA <Act No. 5453, Dec. 13, 1997>**

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

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

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

**ADDENDA <Act No. 5911, Feb. 8, 1999>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 8 Omitted.**

**ADDENDA <Act No. 5977, Apr. 15, 1999>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Articles 41 (4), 42 (2) through (4), 46 through 51, and 87 shall enter into force six months after the date of its promulgation.

**Article 2 (Transitional Measures concerning Licensed Fishery)**

Notwithstanding the amended provisions of Article 14 (2), the previous provisions shall apply to the approval of a validity extension of the licenses for fishery which has been licensed or renewed at the time when this Act enters into force.

**Article 3 (Transitional Measures concerning Experimental Fishery)**

Notwithstanding the amended provisions of Article 42 (1), the experimental fishery which is permitted pursuant to the previous provisions at the time when this Act enters into force shall be considered to be valid until the validity of such permissions expire.

**Article 4 (Transitional Measures concerning Catch Transport and Marine Products Processing)**

**Industry)**

Those who are permitted for the catch transport or marine products processing industry pursuant to the previous provisions at the time when this Act enters into force shall be considered to have registered for the catch transport or marine products processing industry pursuant to the amended provisions of Articles 46 (1) and 49 (1).

**Article 5 (Transitional Measures concerning Compensation in Respect to Permit on Land Use, etc.)**

Notwithstanding the amended provisions of Article 83, the previous provisions shall apply to the compensation of losses sustained by the acts as referred to in the previous provisions of Article 64 or 65 at the time when this Act enters into force.

**Article 6 (Transitional Measures concerning Penal Provisions)**

The application of penal provisions to acts performed before this Act enters into force shall be dealt with by the previous provisions.

**ADDENDA <Act No. 6257, Jan. 28, 2000>****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. 6398, Jan. 29, 2001>**

(1) (Enforcement Date) This Act shall enter into force on October 1, 2001: *Provided*, That the amended provisions of paragraph (4) of the Addenda shall enter into force on January 29, 2001.

(2) (Transitional Measures concerning Pay Fishing Place or Experience Fishing Ground) A pay fishing place or an experience fishing ground designated under the previous provisions at the time of enforcement of this Act shall be deemed a leisurely fishing ground designated under the amended provisions of Article 55: *Provided*, That the matters concerning the management and operation of a leisurely fishing ground under the amended provisions of Article 55 (2) shall be determined within 6 months from the enforcement date of this Act, and shall be submitted to the head of *Si/ Gun* or autonomous *Gu*.

(3) (Transitional Measures concerning Penal Provisions and Fine for Negligence) In applying the penal provisions and fine for negligence to the activities committed before the enforcement of this Act, the previous provisions shall govern.

(4) Omitted.

**ADDENDA <Act No. 6399, Jan. 29, 2001>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on September 1, 2001.

**Articles 2 through 9 Omitted.**

**ADDENDA <Act No. 6611, Jan. 14, 2002>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

**ADDENDA <Act No. 6656, Feb. 4, 2002>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2003.

**Articles 2 through 12 Omitted.**

**ADDENDA <Act No. 7314, Dec. 31, 2004>**

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

(2) (Transitional Measures concerning Persons Who have Filed Report on Previous Cultivation Fishery on Land, etc.) A person who has filed a report on the cultivation fishery on land or the seedling production fishery on land under the previous provisions of Article 44 (1) at the time of enforcement of this Act shall be deemed to have received a permission for the cultivation fishery in sea waters on land or the seedling production fishery pursuant to the amended provisions of Article 41 (2) not later than the expiration date of valid period of the relevant reported fishery.

(3) (Transitional Measures following Alteration of Administrative Agency) A person who has registered the catch transport industry to the Mayor/ *Do* governor under the previous provisions at the time of enforcement of this Act shall be deemed to have registered the catch transport industry to the head of *Si/Gun*/autonomous *Gu* pursuant to the amended provisions of Article 46 (1).

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

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

(2) through (4) Omitted.