

INLAND WATER FISHERIES DEVELOPMENT PROMOTION ACT

Act No. 2835, Dec. 31, 1975
Amended by Act No. 4252, Aug. 1, 1990
Act No. 5153, Aug. 8, 1996

Article 1 (Purpose)

The purpose of this Act is to promote the comprehensive development of inland water fisheries and to attempt at protection and cultivation of marine resources, and, thereby, to contribute to increasing the income of farmers and fishermen, by means of determining the basic matters concerning the development of inland water fisheries. Q

Article 2 (Consideration of Policies)

1. The government shall consider comprehensive policies for promotion of the development of inland water fisheries and assist experimental research projects for the development and dissemination of such techniques as are for the increase of inland water resources, improvement of the productivity of inland water fisheries and use and processing, etc. of inland water fisheries products.
2. The local governments shall consider their policies in accordance with those of the central government.

Article 3 (Definitions)

For the purpose of this Act, the definitions of terms shall be as follows:

1. The term "inland water" means rivers, dams, lakes, reservoirs and water streams or water surfaces of other artificially created fresh waters or stream waters; and
2. The term "inland water manager" means the person who exercises a substantial control over any public or private inland water through means of ownership, occupation and other methods.

Article 3-2 (Waters Subject to Application of this Act)

1. This Act shall not apply to any inland water that is not a public inland water surface, unless there are special provisions otherwise.
2. This Act shall apply to any inland water that is formed as one body of water when a non-public inland water is connected with a public water surface. *[This Article Newly Inserted by Act No. 4252, Aug. 1, 1990]*

Article 3-3 (Inland Water Fisheries and Private Inland Waters)

The occupier of any private inland water that is formed as one body of water by being connected with a public inland water or the owner of the ground thereof, may restrict or prohibit the uses related with inland water fisheries, with the permission of the *Do* governor. *[This Article Newly Inserted by Act No. 4252, Aug. 1, 1990]*

Article 4 (Inland-Water Development Council)

1. In order to provide advice and suggestions as requested by the Minister of Maritime Affairs and Fisheries in establishing policies concerning the development of inland waters, the Inland Water Development Council (hereinafter referred to as the "Council") shall be established in the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5153, Aug. 8, 1996>*
2. Matters concerning the organization and operation of the Council as prescribed in paragraph 1 shall be determined by the Presidential Decree.

Article 5 (Designation, etc. of Development Area)

1. If it is necessary, in order to properly execute the policies as referred to in Article 2, the Minister of Maritime Affairs and Fisheries shall designate and publicly announce inland water development areas. *<Amended by Act No. 5153, Aug. 8, 1996>*
2. In a case where the Minister of Maritime Affairs and Fisheries designates and publicly announces the

- development areas as prescribed in paragraph 1, he shall allow the inland water managers enough time to start the development under consideration. <Amended by Act No. 5153, Aug. 8, 1996>
3. When drawing up the plan for the designation as prescribed in paragraph 1, the opinions of the ministries and agencies concerned shall be taken into consideration, and the deliberation of the Council shall be undergone.
 4. The inland water managers, within the development areas as prescribed in paragraph 1, shall be obligated to develop inland water fisheries under the conditions as prescribed by the Presidential Decree.

Article 6 (Vicarious Execution of Development)

1. In a case where the obligator prescribed in Article 5.4 does not fulfill the development obligation within the time period prescribed in Article 5.2 or notifies that he has no intention to do the development work, the Minister of Maritime Affairs and Fisheries may have the government or a person who is designated by the government to do the development work instead of the inland water manager. <Amended by Act No. 5153, Aug. 8, 1996>
2. The government or the person who is designated by the government to do the development work vicariously as prescribed in paragraph 1 shall have the right to development and use within the valid period for fisheries as referred to in Article 10.1 and pay the inland water manager fees for the use of the inland water under the conditions as prescribed by the Presidential Decree.

Article 7 (Fishery Subject to Licensing)

1. Any person who intends to run a fishery business falling under one of the following subparagraphs shall be licensed by the *Do* governor: <Amended by Act No. 5153, Aug. 8, 1996>
 - A. Aquaculture fishery: The fishery of breeding marine animals and plants in any public inland water or a private inland water designated as a development area, by marking off certain parts of the said inland water or by installing other facilities;
 - B. Fixed implements fishery: The fishery of capturing fish by marking off certain parts of the inland water and setting up fishing implements fixed in the said part;
 - C. Joint fishery: The fishery of fostering and capturing marine animals and plants by means of an exclusive use of a certain part of an inland water, in order to contribute to the increase of common profits of the local residents; and
 - D. Algae gathering fishery: The fishery of fostering and gathering, in a certain part of an inland water surface, water shield and other algae as designated by the Minister of Maritime Affairs and Fisheries.
2. The titles, methods and scales of the fisheries referred to in paragraph 1.A through C shall be publicly announced by the Minister of Maritime Affairs and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996>
3. In a case where a person who runs an aquaculture fishery, equipped with such facilities as prescribed by the Presidential Decree, within a certain part of a private inland water applies for it, the license as prescribed in paragraph 1.A may be granted.
4. When licensing any farmland improvement facilities for the fisheries as prescribed in paragraph 1, the *Do* governor shall consult, in advance, with the manager of the inland water concerned under the conditions as prescribed by the Presidential Decree.

Article 8 (Fishery, etc. Subject to Permission.)

1. Any person who intends to do a fishery or an act of capturing which falls under one of the following subparagraphs, shall obtain the permission from the *Do* governor:
 - A. Gill-net fishery: The fishery or capturing act that is done in inland- waters using gill nets;
 - B. Cast-net fishery: The fishery or capturing act that is done in inland- waters with cast-nets;
 - C. Seed gathering fishery: The fishery of capturing the seeds and saplings of marine animals and plants for the purpose of cultivation;
 - D. Long lines fishery: The fishery of capturing fish in inland-waters using reels and long lines;
 - E. Weirs fishery: The fishery of capturing fishes by means of intercepting streams of rivers and setting up weirs;
 - F. Shellfish gathering fishery: The fishery of capturing shellfish or other sedentary marine animals in inland-waters using trammels and nets or other instruments; and
 - G. Angling business: The business of running a place for angling by marking off a certain part of an inland water and installing other necessary facilities.
2. In a case where the Minister of Maritime Affairs and Fisheries deems it necessary for the increase and protection of marine resources and for coordination of various kinds of fishery, etc., he may designate as a fishery subject to allow other kinds of fisheries than those prescribed in paragraph 1, after deliberation of the Council. <Amended by Act No. 5153, Aug. 8, 1996>
3. When granting the permission for the kinds of fishery as prescribed in paragraph 1, the *Do* governor shall take into consideration the purpose of the use of the inland water concerned, condition of the marine

resources concerned, and the situation of the management and utilization concerned.

Article 9 (Fishery Subject to Reporting)

Any person who intends to do one of the kinds of fishery other than those referred to in Articles 7 and 8 shall report to the Do governor.

Article 10 (Term of Validity for Fishery)

1. The term of validity for the fishery subject to licensing, as referred to in Article 7 .1.A, the fishery subject to licensing as referred to in paragraph 1.B.through D of the same Article, and the fishery subject to permission referred to in Article 8, and the fishery subject to reporting as referred to in Article 9 shall be no more than ten years, five years, and three years, respectively.
2. In a case where a person who has a fishery right applies at the expiration of the term of validity of the fishery concerned, the *Do* governor shall permit an extension of the license term within the terms prescribed in paragraph 1, except for the cases where any reason exists falling under one of the following subparagraphs: <Amended by Act No. 4252, Aug. 1, 1990>
 - A. When any reason exists falling under one of the subparagraphs of Article 34.1 of the Fisheries Act, or when the inland water for which permission for extension is intended, is an inland water where fishery acts are restricted or prohibited under the provisions of other Acts and subordinate statutes;
 - B. When the whole or part of the fishing grounds with an expired license term is poorly managed, or when the development records are remarkably poor; and
 - C. When the plan for increasing marine animals and plants released by administrative agencies is not executed.

Article 11 (Fishery Right)

1. A person who is granted a fishery license under the provisions of Article 7 shall acquire the pertinent fishery right at the same time as the license is granted.
2. Article 15.2 and 3 of the Fisheries Act shall apply to the fishery rights. <Amended by Act No. 4252, Aug. 1, 1990>
3. In a case where there is an obvious danger of occurrence of serious obstacles to the original purposes of any farmland improvement facilities, owing to such unavoidable disasters as droughts, floods, etc., the *Do* governor may order the person holding the fishery right to remove the fishery facilities or to take other necessary measures upon application by the inland water manager.
4. In a case as prescribed in paragraph 3, when the person holding the fishery right does not take the necessary measures, the inland water manager may vicariously execute the necessary measures within the minimum range necessary for maintenance of the farmland improvement facilities; the losses incurred by the fishery right holder through this shall not be compensated.
5. The Administrative Vicarious Execution Act shall apply *mutatis mutandis* to the vicarious execution prescribed in paragraph 4.

Article 11-2 (Succession to Rights and Responsibilities at Time of Taking Dispositions)

The rights and responsibilities acquired by a holder of a fishery right under this Act, or the orders or dispositions effected by this Act, or restrictions or conditions thereon shall be transferred together with the fishery right. The same shall apply also to the rights and responsibilities acquired by a holder of a fishery right in connection with the occupation of a river under the Acts and subordinate statutes on rivers. [This Article Newly Inserted by Act No. 4252, Aug. 1, 1990]

Article 12 (Financial Support)

In a case where the government deems it necessary for the purpose of promoting the development of inland waters, it may grant subsidies or render other necessary financial supports under the conditions as prescribed by the Presidential Decree.

Article 13 (Order in Fish-Related Recreations)

In a case where the Minister of Maritime Affairs and Fisheries deems it particularly necessary

for the increase and protection of the marine resources in the inland waters and for the establishment of order in the fish-related recreations, he may control fishing implements, periods, and targets with regard to the fish-related recreational acts, such as angling, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996>

Article 14 (Relation with Other Acts)

1. Fisheries that have obtained a license or permission under this Act shall be considered to have acquired the permission, approval, or rights under the following subparagraphs within the range needed for the licensed or permitted fisheries:
 - A. The agreement or approval as referred to in Articles 5 and 6 of the River Act;
 - B. The permission as referred to in Article 25 of the River Act;
 - C. The right to occupy a river as referred to in Article 3 of the Specific Multi-Purpose Dams Act;
 - D. The approval for use as referred to in Article 158-4 of the Agricultural Community Modernization Promotion Act; and
 - E. The permission for occupation and use as referred to in Article 4 of the Public Waters Management Act.
2. Managers of inland-waters, in a case where the Minister of Maritime Affairs and Fisheries requests their consultation on the use of inland waters under the conditions as prescribed by this Act, shall give his consent in preference to others, to the extent that it does not obstruct the purpose of maintaining and preserving the facilities for the inland waters under consideration. <Amended by Act No. 5153, Aug. 8, 1996>

Article 15 (Delegation of Authorities)

Under the conditions as prescribed by the Presidential Decree, the Minister of Maritime Affairs and Fisheries and Do governors may delegate to the Do governors and the heads of Shi/Kun, respectively, part of their authorities determined in this Act or in the Fisheries Act which shall apply *mutatis mutandis* under the provisions of Article 16. <Amended by Act No. 5153, Aug. 8, 1996>

Article 16 (Application *Mutatis Mutandis*)

Matters other than those especially prescribed in this Act shall be governed under the conditions as prescribed by the Fisheries Act.

Article 17 (Penal Provisions)

The person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding five hundred thousand on:

1. Any person who runs a fishery business or does fishery acts without being granted the license or permission referred to in Articles 7 and 8; and
2. Any person who obtains the license or permission referred to in subparagraph 1 by means of fraud.

Article 18 (Penal Provisions)

Any person who operates a fishery business without reporting as referred in Article 9 and any person who violates the provisions of Article 13 shall be punished by imprisonment for not more than six months or by a fine not exceeding three hundred thousand won.

Article 19 (Enforcement Decree)

Necessary matters concerning the enforcement of this Act shall be prescribed by the Presidential Decree.

ADDENDA

1. (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
2. (Transitional Measures) Any person who has obtained the license or permission for fishery under the Fisheries Act before the date this Act enters into force, shall be considered to have obtained the said license or permission under the provisions of this Act.

ADDENDA <Act No. 4252, Aug. 1, 1990>

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

Articles 2 through 15 Omitted.

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

Article 1 (Enforcement Date)

This Act shall enter into force, within 30 days after the date of its promulgation, on the enforcement date of the Presidential Decree on organization of the Ministry of Maritime Affairs and Fisheries and the Korea National Maritime Police Agency referred to in the amendment provision of Article 41.

Articles 2 through 4 Omitted.