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	1994·12·22	Act No. 4817
Amended By	1995·12·29	Act No. 5108
Amended By	1996· 8· 8	Act No. 5153
Amended By	1997· 1·13	Act No. 5279
Amended By	1997· 8·22	Act No. 5371
Amended By	1997·12·13	Act No. 5453
Amended By	1997·12·13	Act No. 5454
Amended By	1998· 9·16	Act No. 5555
Amended By	1999· 2· 5	Act No. 5758
Amended By	1999· 2· 5	Act No. 5759
Amended By	1999· 3·31	Act No. 5948
Amended By	1999·12·31	Act No. 6073
Amended By	2000· 1·21	Act No. 6188
Amended By	2000· 1·28	Act No. 6241
Amended By	2002· 1·14	Act No. 6597
Amended By	2002· 2· 4	Act No. 6656
Amended By	2002·12·18	Act No. 6793
Amended By	2002·12·30	Act No. 6841

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to contribute to the strengthening of the agricultural competitiveness, the balanced development of the national economy, and the preservation of the environment of national land through the stabilization of farmers' management and the improvement of productivity, by stipulating necessary matters for the ownership, utilization, preservation, etc. of farmland in order to utilize and manage farmland efficiently.

### Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5758, Feb. 5, 1999; Act No. 6793, Dec. 18, 2002>

1. The term "farmland" means the land that falls under any of the following items:

(a) The land actually used for the cultivation of crops or perennial plants notwithstanding the designated legal category of the said land, whether paddy, field, orchard, or any other category: Provided, That the land as prescribed by the Presidential Decree, such as the grassland created under the Grassland Act, shall be excluded; and

(b) The building site of the improvement facilities (referring to pumping and draining facilities, water channels, agricultural roads, dikes, or any other facilities as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, from among the facilities needed for the preservation or utilization of farmland) installed for the land as prescribed in item (a), and the building site of the facilities as prescribed by the Presidential Decree from among such facilities needed for agricultural production as fixed type greenhouses or mushroom houses;

2.The term "farmer" means an individual who is engaged in the agricultural industry and prescribed by the Presidential Decree;

3.The term "agricultural corporate body" means farming association corporations established under [Article 15 of the Framework Act on Agriculture and Rural Community](#) and agricultural corporations established under [Article 16 of the same Act](#) which meet all of the following conditions:

(a) Deleted; <by Act No. 6793, Dec. 18, 2002>

(b) The total amount of the investment money by farmers shall exceed a half of the total amount of the investment of the agricultural corporation;

(c) The person representing the agricultural corporation shall be a farmer; and

(d) Not less than one half of the persons having executive rights of the agricultural corporation shall be farmers;

4.The term "agricultural management" means farmer's or agricultural corporate body's activities of maintaining and managing agricultural business at his/its own financial risk and responsibility;

5.The term "self-cultivation" means the case where a farmer engages himself constantly in the cultivation of the crops or perennial plants on his own land, the case where a farmer cultivates or grows not less than a half of the farming work with his own labor, or the case where an agricultural corporate body cultivates the crops or grows perennial plants on its own land;

6.The term "entrusted management" means the agricultural management of such a manner in which the owner of the farmland entrusts a part or whole of the farming work to a third party under the commitment that he will pay a certain amount of remuneration for the work of the third party;

7.and 8.Deleted; and <by Act No. 6793, Dec. 18, 2002>

9.The term "diversion of the use of farmland" means the diversion of farmland to other uses than the purpose of agricultural production such as the cultivation of crops or the growth of perennial plants, or the improvement of farmland.

### **Article 3 (Basic Ideas concerning Farmland)**

(1) Since farmland serves as the foundation for the food supply of the nation and for the preservation of the national territorial environment, and the limited and precious natural resource influencing balanced development of agriculture and the national economy, it shall be not only precious preserved but also administered in such a manner as will serve the public interests, and, therefore, the exercise of the rights upon the farmland shall be accompanied by necessary restrictions and limitations.

(2) The farmland shall be owned and used in such a manner as helps enhance the productivity of agriculture, and shall not be the object of speculation.

### **Article 4 (Responsibility of State, etc.)**

(1) The State and the local government shall establish and execute their policies concerning farmland so that the basic ideas concerning the farmland can be realized.

(2) The State and the local government shall try to contribute to the fostering of the agriculture industry and the balanced development of the national economy by means of the preservation of the farmland and the promotion of the reasonable utilization thereof through incorporating necessary regulations and adjustments into the establishment of their policies concerning farmland.

#### **Article 5 (Responsibility of Citizens)**

All the citizens of the nation shall respect the basic ideas concerning farmland and cooperate with the execution of the policies concerning farmland by the State and the local government.

### **CHAPTER II OWNERSHIP OF FARMLAND**

#### **Article 6 (Restriction on Ownership of Farmland)**

(1) The farmland shall not be owned by any person unless he uses or is going to use it for his own agricultural management.

(2) In one of the following cases, even if farmland will or is not be used for his own agricultural management, a person may own the farmland notwithstanding the provisions of paragraph (1): <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5279, Jan. 13, 1997; Act No. 5454, Dec. 13, 1997; Act No. 5555, Sep. 16, 1998; Act No. 5759, Feb. 5, 1999; Act No. 6597, Jan. 14, 2002; Act No. 6656, Feb. 4, 2002; Act No. 6793, Dec. 18, 2002>

1. Where the farmland is owned by the State or the local government;

2. Where the farmland is acquired and owned, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, by such schools as prescribed by the [Elementary and Secondary Education Act](#) and the [Higher Education Act](#), by such public entities, agricultural research organizations, agricultural producers associations, or producers of seeds and seedlings or other agricultural materials or equipment as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, as the land for experiment, research, practice, or the land for cultivating seeds and seedlings which is needed for the fulfillment of their official purposes;

2-2. Where the farmland is owned in order to conduct the weekend or empirical farming (referring to cultivating crops or growing perennial plants as a hobby or leisure activities during the weekend, etc.; hereinafter the same shall apply);

3. Where the farmland is acquired and owned by a person by means of inheritance (including the cases of testamentary gifts to heirs; hereinafter the same shall apply);

4. Where a person who had been engaged in agricultural management for a period longer than that as set forth in the Presidential Decree but gave up the agricultural management, continues to hold the ownership of the farmland which he owned at the time when he gave up his agricultural management;

5. Where mortgaged farmland is acquired and owned by a person in accordance with [Article 12](#) (1) (including the case where the special purpose company under [Article 3 of the Asset-Backed Securitization Act](#) acquires farmland from the mortgagee under [Article 12](#) (1) 1 through 4);

6. Where a person who has obtained the permission on diversion of the use of farmland in accordance with [Article 36](#) (1) (including the authorization, permission, and approval under other Acts by means of which diversion of the use of farmland is legally constructed), or a person who has made a report on diversion of the use of farmland in accordance with [Article 37](#) or [45](#), owns the farmland under consideration;

7. Where a person owns the farmland of which the consultation about diversion of the use as prescribed in [Article 36](#) (2) has been completed;

8. Where such a piece of farmland, of a size smaller than 1,500 square meter, as prescribed by the Presidential Decree from among the pieces of farmland located in the farmland development project districts as set forth in Article 24 (2) of the Korea Agricultural and Rural Infrastructure Corporation and Farmland Management Fund Act, or such a piece of farmland as prescribed in Article 83 (4) of the Rearrangement of Agricultural and Fishing Villages Act, is acquired and owned; and

9. Where farmland is acquired and owned in accordance with one of the follows:

(a) Where the Korea Agricultural and Rural Infrastructure Corporation acquires and owns farmland under the Korea Agricultural and Rural Infrastructure Corporation and Farmland Management Fund Act;

(b) Where farmland is acquired and owned in accordance with Article 16, 43, 56, 67, or 85 of the Rearrangement of Agricultural and Fishing Villages Act;

(c) Deleted; <by Act No. 5759, Feb. 5, 1999>

(d) Where reclaimed farmland is acquired and owned under the [Public Waters Reclamation Act](#);

(e) Where farmland is acquired and owned by means of land expropriation;

(f) Where farmland is acquired and owned under the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor; and

(g) Where farmland is acquired and owned by a project undertaker, etc. in relation to the development projects of land, etc. as prescribed by the Presidential Decree.

(3) During the period of the lease or of the free lease of farmland contracted in accordance with subparagraphs 2 through 4 of [Article 22](#), a person may own even the farmland which is not used for his own agricultural management, notwithstanding the provisions of paragraph (1).

(4) Except for the cases where the ownership of farmland is permitted by this Act, no special exception regarding the ownership of farmland shall be prescribed.

## **Article 7 (Upper Limit of Farmland Ownership)**

(1) A person who has acquired farmland by inheritance, but is not engaged in agricultural management, may own the farmland not exceeding 10,000 square meter from among his inherited farmland.

(2) A person who has given up farming subsequent to running it for not less than such period as prescribed by the Presidential Decree, may own only the farmland not exceeding 10,000 square meter from among the farmland owned at the time of his giving up farming.

(3) A person who intends to make the weekend or empirical farming may own only the farmland less than 1,000 square meter. In this case, the calculation of area shall be the gross area owned by the entire household members.

[This Article Wholly Amended by Act No. 6793, Dec. 18, 2002]

## **Article 8 (Issuance of Qualification Certificate for Acquisition of Farmland)**

(1) A person who intends to acquire farmland shall obtain the qualification certificate for acquisition of farmland from the head of a Shi (referring to a Shi which does not include a Ku, and limited to the farmland located in a ward area in a case of a city of an urban-rural complex form), the head of a Ku (limited to farmland located in a ward area, in the case of a district of a city of an urban-rural complex form), or the head of Eup/Myon (hereinafter referred to as the "head of Shi/Ku/Eup/Myon") who exercises jurisdiction over the area where the farmland in question is located: Provided, That one may acquire farmland without having obtained the qualification certificate for acquisition of farmland in any of the following cases: <Amended by Act No. 5948, Mar. 31, 1999>

1. Where farmland is to be acquired in accordance with the provisions of [Article 6](#) (2) 1, 3, 5, 7 or 9;

2. Where farmland is to be acquired by means of a merger of agricultural corporate bodies; and

3. Where farmland is to be acquired on account of the partition of coowned farmland or such other causes as prescribed by the Presidential Decree.

(2) A person who intends to obtain the qualification certificate for acquisition of farmland under paragraph (1) shall prepare a written agricultural management plan containing the matters of the following subparagraphs, and file an application for its issuance with the head of Shi/Ku/Eup/Myon having jurisdiction over the location of relevant farm land: Provided, That a person who acquires the farmland under [Article 6](#) (2) 2, 2-2, 6 or 8 may apply for its issuance without preparing a written agricultural management plan: <Amended by Act No. 6597, Jan. 14, 2002; Act No. 6793, Dec. 18, 2002>

1. The area of the farmland to be acquired;

2. The methods of securing the labor force, agricultural machinery and equipment required for the agricultural management of the farmland to be acquired; and

3. The current situation concerning the utilization of the farmland which he owns (limited to a person who owns farmland).

(3) Matters necessary for the application, procedures for issuance, etc. under the provisions of paragraphs (1) (main sentence) and (2) shall be prescribed by the Presidential Decree. <Amended by Act No. 6793, Dec. 18, 2002>

(4) Where a person who has acquired farmland after having obtained a qualification certificate for acquisition of farmland in accordance with the provisions of paragraphs (1) (main sentence) and (2), applies for the registration of his ownership of the said farmland, he shall attach the qualification certificate for acquisition of farmland to the application therefor.

#### **Article 9 (Entrusted Management of Farmland)**

The owner of farmland may not entrust the management of his farmland to a third party except for one of the following cases: <Amended by Act No. 5948, Mar. 31, 1999>

1. Where he is conscripted or called under the [Military Service Act](#);
2. Where he stays in a foreign country for not less than 3 months;
3. Where an agricultural corporate body is in the process of liquidation;
4. Where self-cultivation is impossible on account of a disease, school attendance, taking a public office via an election, or such other causes as prescribed by the Presidential Decree;
5. Where the management of farmland has been entrusted under the conditions as prescribed by the an execution plan of the farmland utilization promotion project as set forth in [Article 16](#); and
6. Where a farmer entrusts part of his farming work to a third party since his own labor force is not sufficient to deal with all of his farming work.

#### **Article 10 (Disposition of Farmland, etc. that is Not Used for Agricultural Management)**

(1) Where the owner of farmland has come to fall under one of the following subparagraphs, he shall dispose of the farmland concerned (referring to the area of farmland that exceeds the upper limit of ownership of farmland, in the case as prescribed in subparagraph 5) within 1 year from the date on which the cause in question has occurred: <Amended by Act No. 5948, Mar. 31, 1999; Act No. 6597, Jan. 14, 2002; Act No. 6793, Dec. 18, 2002>

1. When the head of a Shi (limited to a Shi which does not include a Ku: hereafter the same shall apply in this Article, [Articles 11, 19](#) and [65](#)) or the head of Kun/Ku has acknowledged that the owner of farmland does not, or has come not to, use his farmland for his own agricultural management without any justifiable reason as prescribed by the Presidential Decree, such as natural disasters, farmland improvement, diseases, etc.;
2. When 3 months have lapsed since an agricultural corporation which owns farmland failed to meet with the requirement as prescribed in any of the items of subparagraph 3 of [Article 2](#);
3. When the head of a Shi/Kun/Ku has acknowledged that a person who acquired farmland under [Article 6](#) (2) 2 has come not to use the farmland under consideration for the project of the original purpose of its acquirement;
- 3-2. When the head of Shi/Kun/Ku has deemed that a person who acquired farmland under [Article 6](#) (2) 2-2 has come not to use the farmland for the weekend or empirical farming without any justifiable reason as prescribed by the Presidential Decree, such as natural disasters, farmland improvement, diseases, etc.;

4. When a person who acquired farmland in accordance with [Article 6](#) (2) 6 has not started the intended project within 2 years from the day of acquisition of the farmland;

5. When it is found that farmland has been owned to such an extent as exceeds the upper limit of the ownership of farmland as set forth in [Article 7](#);

6. When it is found that farmland was acquired with the qualification certificate for acquisition of farmland as set forth in [Article 8](#) (1) issued by means of a fraud or other unjust means; and

7. When the head of a Shi/Kun/Ku has acknowledged that the owner of farmland has not implemented the contents of the agricultural management plan as set forth in [Article 8](#) (2) without any justifiable reason as prescribed by the Presidential Decree, such as natural disasters, farmland improvement, diseases, etc.

(2) Under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, the head of a Shi/Kun/Ku shall send to the owner of farmland upon whom the duty of disposition of farmland has come to be imposed a notice to the effect that the latter shall dispose of his farmland with the farmland that must be disposed of and the due date by which the farmland in question must be disposed of, and so on, indicated. <Amended by Act No. 5153, Aug. 8, 1996>

#### **Article 11 (Disposition Order and Request for Purchase)**

(1) The head of Shi/Kun/Ku may order the owner of farmland who has not disposed of his farmland in question by the due date of the disposition as set forth in [Article 10](#) (1) to dispose of the farmland in question within 6 months.

(2) Upon receiving the order to dispose of his farmland as set forth in paragraph (1), the owner of farmland may request the Korea Agricultural and Rural Infrastructure Corporation under the Korea Agricultural and Rural Infrastructure Corporation and Farmland Management Fund Act to purchase the farmland in question. <Amended by Act No. 5759, Feb. 5, 1999>

(3) Upon receiving the request to purchase the farmland in question as prescribed in paragraph (2), the Korea Agricultural and Rural Infrastructure Corporation may purchase the said farmland for the price of it according to the standards of publically assessed prices of land as prescribed by the [Public Notice of Values and Appraisal of Lands, etc. Act](#) (referring to the individual land price, of the land in question, estimated in accordance with [Article 10 of the same Act](#), where there is no publicly assessed price for the land in question; hereinafter the same shall apply). In this case, if the real transaction price of the land in the neighborhood of the farmland in question is lower than the publicly assessed value of the farmland in question, the Corporation may purchase it for its price estimated on the basis of the real transaction price. <Amended by Act No. 5759, Feb. 5, 1999>

(4) The fund necessary for the purchase of farmland by the Korea Agricultural and Rural Infrastructure Corporation as prescribed in paragraph (3) shall be financed from the Farmland Management Fund under Article 35 (1) of the Korea Agricultural and Rural Infrastructure Corporation and Farmland Management Fund Act. <Amended by Act No. 5759, Feb. 5, 1999>

#### **Article 12 (Acquisition of Mortgaged Farmland)**

(1) The mortgagee of farmland who falls under one of the following subparagraphs may, where there has been no successful bidder despite the fact that he has held not less than two public auctions in order to execute his mortgage right, may make a bid for the mortgaged farmland in the auction held thereafter and acquire the ownership of the mortgaged farmland in question: <Amended by Act No. 5371, Aug. 22, 1997; Act No. 5555, Sep. 16, 1998; Act No. 5759, Feb. 5, 1999; Act No. 6073, Dec. 31, 1999; Act No. 6597, Jan. 14, 2002; Act No. 6793, Dec. 18, 2002>

1. Local agricultural cooperatives, local livestock cooperatives, cooperatives by item or by business kind and their national federation under the Agricultural Cooperatives Act, fisheries cooperatives by locality, fisheries cooperatives by business kind, fisheries cooperatives for processing marine products and their national federation under the Fisheries Cooperatives Act, or local forestry cooperatives, forestry cooperatives by item or by business kind and their national federation under the Forestry Cooperatives Act;

2. The Korea Agricultural and Rural Infrastructure Corporation;

3. Financial institutions established under the [Banking Act](#) and such other financial institutions as prescribed by the Presidential Decree;

4. The Korea Asset Management Corporation established under the Act on the Efficient Disposal of Non-Performing Assets, etc. of Financial Institutions and the Establishment of the Korea Asset Management Corporation;

5. Special purpose companies under [Article 3 of the Asset-Backed Securitization Act](#); and

6. The agricultural cooperative's property management company established under the Act on the Structural Improvement of Agricultural Cooperatives.

(2) The mortgagee of farmland as prescribed in paragraph (1) 1 and 3 may entrust the disposal of the farmland that he acquired in accordance with paragraph (1) to the Korea Agricultural and Rural Infrastructure Corporation. <Amended by Act No. 5759, Feb. 5, 1999>

## CHAPTER III UTILIZATION OF FARMLAND

### SECTION 1 Promotion, etc. of Utilization of Farmland

#### Article 13 (Establishment of Farmland Utilization Plan)

(1) For the efficient utilization of farmland, the head of Shi/Kun/autonomous Ku (excluding the head of Shi/Kun/autonomous Ku having jurisdiction over the farmland the size of which is same as or smaller than that as prescribed by the Presidential Decree) shall establish a plan for the general utilization of the farmland under his jurisdiction (hereinafter referred to as the "farmland utilization plan"), via the deliberation of the Shi/Kun/Ku Agricultural Administration Council as prescribed in [Article 43 of the Framework Act on Agriculture and Rural Community](#) (hereinafter referred to as the "Shi/Kun/Ku Agricultural Administration Council"), after having listened to the opinion of the inhabitants under the conditions as prescribed by the Presidential Decree. The same shall also apply to the case where modifications are to be made to the contents of the established plan. <Amended by Act No. 5758, Feb. 5, 1999; Act No. 6597, Jan. 14, 2002>

(2) In the farmland utilization plan, the following matters shall be included:

1.Utilization plan by district where farmland is located and by use of farmland;

2.Plan for expansion of management scale for the improvement of the agricultural management and for the efficient utilization of farmland; and

3.Plan for utilization of farmland for uses other than farming.

(3) Having established (including, hereinafter in this Article, the case of revision) the farmland utilization plan in accordance with paragraph (1) of this Article, the head of Shi/Kun/Ku shall have it approved by the Special Metropolitan City Mayor, Metropolitan City Mayor or Do governor (hereinafter referred to as the "Mayor/Do governor"); shall finalize the contents of it; and shall have it available for public purpose. <Amended by Act No. 5454, Dec. 13, 1997>

(4) When the farmland utilization plan is finalized, the Mayor/Do governor, the head of Shi/Kun/autonomous Ku shall make an effort so that the farmland under his jurisdiction may be properly utilized or developed in accordance with the farmland utilization plan, and shall render necessary investment and support for the said purpose.

(5) Matters necessary for the establishment of the farmland utilization plan shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

#### **Article 14 (Execution of Farmland Utilization Promotion Projects)**

The head of Shi/Kun/autonomous Ku, the Korea Agricultural and Rural Infrastructure Corporation, or such other persons as prescribed by the Presidential Decree (hereinafter referred to as the "project operator"), may carry out the projects of the following specifications which are for the promotion of the utilization of farmland in accordance with the farmland utilization plan (hereinafter referred to as the "farmland utilization promotion project"): <Amended by Act No. 5759, Feb. 5, 1999>

1.A project for promoting transfer of the ownership of farmland by means of sales transactions, exchange, partition and merger of farmland;

2.A project for promoting the establishment of the right of lease of farmland (including, hereinafter, the right established by means of a free lease) by means of the long-term lease or the long-term free lease;

3.A project for promoting the entrusted agricultural management; and

4.A project for fostering agricultural management bodies in order to improve agricultural management through the joint use or collectivized use of farmland by farmers or agricultural corporate bodies.

#### **Article 15 (Requirements for Farmland Utilization Promotion Project)**

The farmland utilization promotion project shall satisfy the following requirements:

1.Farmland shall be used for the purpose of agricultural management;

2.Creation of the lease, transfer of the ownership of farmland, entrustment of agricultural management shall be done in such a way as contributes to the expansion of the scale of the agricultural management by a farmer or by an agricultural corporation or to the collective

utilization of farmland; and

3. Contributions shall be made to raising the efficiency of agricultural management such as saving the cost of agricultural management at the stages of both production and distribution through the automatization and mechanization of farming facilities and works.

#### **Article 16 (Establishment of Execution Plan for Farmland Utilization Promotion Project)**

(1) The head of Shi/Kun/autonomous Ku, when intending to execute the farmland utilization promotion project, shall establish an execution plan for the farmland utilization promotion project under the conditions as prescribed by the Ordinance of the Ministry of the Agriculture and Forestry; and shall finalize it via the deliberation of the Shi/Kun/Ku Agricultural Administration Council. The same shall also apply to the case where modifications are to be made to the contents of the finalized plan. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5948, Mar. 31, 1999; Act No. 6597, Jan. 14, 2002>

(2) Where a project operator other than the head of Shi/Kun/autonomous Ku intends to execute the farmland utilization promotion project, he shall establish an execution plan for the farmland utilization promotion project under the conditions as prescribed by the Ordinance of the Ministry of the Agriculture and Forestry, and shall submit it to the head of Shi/Kun/autonomous Ku. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5948, Mar. 31, 1999>

(3) The head of Shi/Kun/autonomous Ku may, if deemed necessary, request the project operator to supplement the execution plan for the farmland utilization promotion project submitted under paragraph (2), specifying such cause and period for supplementation. <Amended by Act No. 5948, Mar. 31, 1999>

(4) The following matters shall be included in the execution plan for the farmland utilization promotion project: <Amended by Act No. 5153, Aug. 8, 1996>

1. The area subject to the farmland utilization promotion project;

2. Information about the owner of farmland, the lessee thereof, the lessee-to-be thereof, the owner-to-be, the person who is to entrust agricultural management or the person who is to be entrusted therewith;

3. Information about the farmland for which the right of lease is to be created, or the farmland the ownership of which is to be transferred, or the farmland the agricultural management of which is to be entrusted;

4. Matters concerning the contents of the lease to be made or the entrustment of agricultural management to be made; and

5. The time for the transfer of the ownership of farmland, the payment required for the said transfer, the payment method therefor, and such other matters as prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

(5) Deleted. <by Act No. 5948, Mar. 31, 1999>

#### **Article 17 (Public Notice and Legal Effects of Execution Plan for Farmland Utilization Promotion Project)**

(1) When the head of Shi/Kun/autonomous Ku has finalized the execution plan for the farmland utilization promotion project under [Article 16](#) (1) or has received it under paragraph (2) of the same Article (in case where he requests the project operator to supplement it under paragraph (3), the time when such supplementation is completed), he shall, without delay, make public notification under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, and have it available for the perusal of the persons concerned. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5948, Mar. 31, 1999>

(2) In a case where the public notification of the execution plan for the farmland utilization promotion project has been made under paragraph (1), the project operator shall obtain the consent of such persons as referred to in [Article 16](#) (4) 2 and included in the execution plan for the farmland utilization promotion project under the conditions as prescribed by the Presidential Decree, and shall entrust the registration of the farmland concerned. <Amended by Act No. 5948, Mar. 31, 1999>

(3) In a case where the project operator entrusts the registration as set forth in paragraph (2), the paper of the finalization of the execution plan for the farmland utilization promotion project under [Article 16](#) (1) or the paper of public notice of the execution plan for the farmland utilization promotion project under paragraph (1), and the paper of the consent as set forth in paragraph (2), shall be regarded as the paper that proves the ground of the registration as prescribed in [Article 40 \(1\) 2 of the Registration of Real Estate Act](#). <Amended by Act No. 5948, Mar. 31, 1999>

(4) The provisions of [Article 3 of the Act on Special Measures for the Registration of Real Estate](#) shall not apply to the entrustment of the registration in accordance with the execution plan for the farmland utilization promotion project.

#### **Article 18 (Support for Farmland Utilization Promotion Project)**

The State and the local government shall render necessary guidance and mediation services required for smooth execution of the farmland utilization promotion project and, and may extend financial support, within the limit of the relevant budget, to cover a part of the fund required for the execution of the said project.

#### **Article 19 (Designation of Cultivator by Proxy)**

(1) The head of Shi/Kun/Ku may designate the person who cultivates the idle farmland (referring to the farmland which is not used for the cultivation of the crops or for the growth of perennial plants and, at the same time, prescribed by the Presidential Decree) instead of the owner or the lessee of the farmland in question (hereinafter referred to as the "cultivator by proxy") under the conditions as prescribed by the Presidential Decree.

(2) When desiring to designate the cultivator by proxy in accordance with paragraph (1), the head of Shi/Kun/Ku shall, in advance, inform the owner or the lessee of the farmland in question thereof under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry; and when he designated the cultivator by proxy, he shall send the letter of designation to the cultivator by proxy and the owner or the lessee of the farmland in question, respectively. <Amended by Act No. 5153, Aug. 8, 1996>

(3) The period for the cultivation by proxy shall be 1 year unless it is prescribed otherwise.

(4) The cultivator by proxy shall pay one tenth of the harvest he makes to the owner or the lessee of the farmland concerned as the rent of the said farmland, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. In this case, if it is not possible to pay the rent or if the owner or the lessee concerned refuses to accept the rent, the cultivator by proxy may deposit it. <Amended by Act No. 5153, Aug. 8, 1996>

(5) In case where the owner or the lessee of the farmland concerned desires to cultivate the said farmland for himself, he shall apply, no later than 3 months before the expiration of the period for the cultivation by proxy as set forth in paragraph (3), for the suspension of the designation of the cultivator by proxy after the expiration of the said period, to the head of Shi/Kun/Ku under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry; and the head of Shi/Kun/Ku who received the said application, shall notify the cultivator by proxy and the owner or the lessee of the farmland concerned of the suspension of the designation of the cultivator by proxy within 1 month from the date of the receipt of the application. <Amended by Act No. 5153, Aug. 8, 1996>

(6) The head of Shi/Kun/Ku may cancel the designation of the cultivator by proxy even before the expiration of the period for the cultivation by proxy, in case where the owner or the lessee of the farmland being cultivated by proxy claims for the cancellation of the said designation with the materials which constitute prima facie proof for their claim, or where the cultivator by proxy neglects his duty of cultivation, or where there are such other reasons as prescribed by the Presidential Decree.

(7) Deleted. <by Act No. 5948, Mar. 31, 1999>

## **Article 20 (Improvement and Preservation of Soil)**

(1) The State and the local government shall devise policies concerning the implementation of such projects as are for the improvement and preservation of the soil, and policies concerning the experiment, research, survey, etc. for the improvement and preservation of the soil so as to help farmers and agricultural corporate bodies continue their agricultural management in a pro-environmental manner.

(2) In order to achieve the purpose as prescribed in paragraph (1), the State may provide local governments, such agricultural producers' associations as prescribed by the Ordinance of the Ministry of Agriculture and Forestry, farmers, or agricultural corporate bodies that implement such projects for the improvement and preservation of the soil, etc. with part of the fund required for the implementation of the said projects, within the limit of the budget. <Amended by Act No. 5153, Aug. 8, 1996>

## **Article 21 (Prevention of Subdivision of Farmland Ownership)**

(1) In order to prevent the subdivision of farmland ownership by farmers or agricultural corporate bodies, the State and the local government may render necessary support to make the ownership of farmland to be succeeded to, donated to, or transferred to one farmer or one agricultural corporate body in the manner of package transaction.

(2) The farmland on which a project for rearranging agricultural production basis under the Rearrangement of Agricultural and Fishing Villages Act has been implemented, shall not be

divided, except for the case falling under any of the following subparagraphs: <Newly Inserted by Act No. 6793, Dec. 18, 2002>

1. Where the farmland included in the residential area, commercial area and industrial area within the urban area under the National Land Planning and Utilization Act, or the farmland included in the sites for urban planning facilities, is divided;
2. Where such farmland is divided as have been diverted by obtaining permission for diversion of the use of farmland under [Article 36](#) (1) (including the authorization, permission, approval, etc. for which a legal fiction of the permission of the use of farmland is made under other Acts), or by filing a report on diversion of the use of farmland under [Article 37](#) or [45](#);
3. Where the farmland is divided into each piece of which the area exceeds 2,000 square meter; and
4. Where the farmland is divided due to the reasons prescribed by the Presidential Decree, such as the improvement, exchange, or partition and merger of the farmland.

## **SECTION 2 Lease of Farmland, etc.**

### **Article 22 (Lease or Free Lease of Farmland)**

Except for the case falling under any of the following subparagraphs, no farmland shall be leased with charge or leased free of charge: <Amended by Act No. 6793, Dec. 18, 2002>

1. Where the farmland falling under [Article 6](#) (2) 1, and 3 through 9 is leased with charge or leased free of charge;
2. Where the farmland is leased with charge or leased free of charge pursuant to the execution plan for farmland utilization promotion project under [Article 16](#);
3. Where such farmland is leased with charge or leased free of charge, as is owned by a person who has come not to engage temporarily in agricultural management due to the disease, conscription, school attendance, taking a public office by election, and other unavoidable reasons as prescribed by the Presidential Decree;
4. Where such farmland is leased with charge or leased free of charge, as has been utilized in a person's own agricultural management for more than 5 years, from among the pieces of the farmland owned by a person as prescribed by the Presidential Decree, who has come to engage no longer in agricultural management due to the advanced age of 60 or more; and
5. Where such farmland as owned under [Article 6](#) (1) is leased with charge or leased free of charge to a person intending to conduct the weekend or empirical farming, or to a person who has the lease to a person intending to conduct the weekend or empirical farming as his business.

### **Article 23 (Method of Contracting Lease or Free Lease)**

A contract for a lease (limited to the lease to a person intending to conduct an agricultural management; hereafter the same shall apply in [Article 26](#)), or a free lease (limited to the free lease to a person intending to conduct an agricultural management), shall be in principle drawn up in the written form. <Amended by Act No. 6793, Dec. 18, 2002>

## **Articles 24 and 25**

Deleted. <by Act No. 5948, Mar. 31, 1999>

## **Article 26 (Implicit Renewal)**

In case where the lessor did not notify the lessee of his intention to refuse the renewal of the present lease or to change the conditions of the present lease until 3 months before the expiration of the term of validity of the said lease, the same lease as the present one shall be regarded as being automatically concluded at the time of the expiration of the term of validity of the present lease.

## **Article 27**

Deleted. <by Act No. 5948, Mar. 31, 1999>

## **Article 28 (Succession to Legal Status of Lessor)**

The person to whom the ownership of the farmland on lease has been transferred shall be considered as having succeeded to the legal status of the lessor of the farmland in question as prescribed in this Act.

## **Article 29 (Special Case of Lease of State or Public Farmland)**

In regard to the farmland owned by the State or other public entities in accordance with the [State Properties Act](#) or the [Local Finance Act](#), the provisions of [Articles 23](#), [26](#) and [28](#) shall not apply. <Amended by Act No. 5948, Mar. 31, 1999>

## **CHAPTER IV PRESERVATION, ETC. OF FARMLAND**

### **SECTION 1 Designation and Administration of Agricultural Development Regions**

## **Article 30 (Designation of Agricultural Development Regions)**

(1) The Mayor/Do governor shall designate agricultural development regions for the efficient utilization and preservation of farmland.

(2) The agricultural development regions under paragraph (1) may be designated, in distinction of the areas of the following uses: <Amended by Act No. 5153, Aug. 8, 1996>

1. Agricultural development area: referring to the area, falling under one of the following items, in which agricultural development must be promoted and, at the same time, in which the farmland must be collectivized to such an extent as determined by the Minister of Agriculture and Forestry so that it can be used for agricultural purposes:

(a) The area where the land currently being used or to be used for agricultural purposes has been collectivized from among the area where a farmland creation project or an agricultural infrastructure creation project has been implemented or is currently being implemented; and

(b) The area, other than that as prescribed in item (a), where the land being used for agricultural purposes has been collectivized; and

2. Agricultural protection area: referring to the area necessary for the protection of such agricultural environment as securing the irrigational water source for the agricultural development area and preserving the quality of water therefor.

### **Article 31 (Objects of Designation of Agricultural Development Regions)**

Objects of designation of the agricultural development regions under [Article 30](#) shall be the green-belt region, management region, agricultural-forestry region, and natural environment preservation region under the National Land Planning and Utilization Act: Provided, That the greenbelt region in the Special Metropolitan City shall be excluded.

[This Article Wholly Amended by Act No. 6793, Dec. 18, 2002]

### **Article 32 (Procedures of Designation of Agricultural Development Regions)**

(1) The Mayor/Do governor shall designate an agricultural development region after the approval of the Minister of Agriculture and Forestry through the deliberation of the City/Do Agricultural Administration Council as prescribed in [Article 43 of the Framework Act on Agriculture and Rural Community](#) (hereinafter referred to as the "City/Do Agricultural Administration Council"). <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5758, Feb. 5, 1999; Act No. 6597, Jan. 14, 2002>

(2) Having designated the agricultural development region in accordance with paragraph (1), the Mayor/Do governor shall, without any delay, give a public notice thereof and notify the related authorities thereof and shall let the head of Shi/Kun/autonomous Ku make it available for public perusal.

(3) Where the green-belt region or the planned control region under the National Land Planning and Utilization Act is to be included in the agricultural development region, the Minister of Agriculture and Forestry shall consult with the Minister of Construction and Transportation before approving the designation of the agricultural development region in accordance with paragraph (1). <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5454, Dec. 13, 1997; Act No. 6597, Jan. 14, 2002; Act No. 6793, Dec. 18, 2002>

(4) The procedures for the designation of the agricultural development region and other necessary matters concerning the said designation, shall be prescribed by the Presidential Decree.

### **Article 33 (Change or Cancellation of Agricultural Development Region, etc.)**

(1) Where there exists such a cause as prescribed by the Presidential Decree, the Mayor/Do governor may change or cancel the agricultural development region or the areas of specific uses. <Amended by Act No. 6597, Jan. 14, 2002>

(2) The provisions of [Article 32](#) shall apply mutatis mutandis to the procedures, etc. for change or cancellation of the agricultural development region or the areas of specific uses under paragraph (1): Provided, That the change of the matters prescribed by the Presidential Decree, such as the case of changing the agricultural protection area to the agricultural

development area, may be made without deliberations of the City/Do Agricultural Administration Council, or the approval of the Minister of Agriculture and Forestry under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002>

#### **Article 34 (Restrictions on Acts to be Done in Areas of Specified Uses)**

(1) No act of utilizing the land that is not directly related to agricultural production or farmland improvement, may be allowed within the agricultural development area: Provided, That this shall not apply to the acts of utilizing the land in one of the following ways:

1. Installation of processing or treatment facilities for the agricultural-fishery products as prescribed by the Presidential Decree (hereinafter, referring to agricultural, forest, livestock, fisheries products) or of such research or experimental facilities as are related to the agricultural and fishing industry (hereinafter, referring to as the agricultural, forestry, livestock, fisheries industry);

2. Installation of children's playgrounds, village halls, or other convenience facilities for farmers' societies prescribed by the Presidential Decree;

3. Installation of farmers' houses or such other facilities of agricultural or livestock industrial purposes as prescribed by the Presidential Decree;

4. Installation of national defense facilities or military facilities;

5. Installation of rivers, dikes, or other such facilities for the preservation of the national land;

6. Repair, restoration or movement of cultural properties, exploration of buried cultural properties, or installation of tombstones, monuments or other similar structures;

7. Installation of roads, railroads, facilities for the supply of electricity, or such other public facilities as prescribed by the Presidential Decree;

8. The act of using the land for the exploration of underground natural resources, and for the mining of underground minerals or ores, for the classification and amassing of the underground minerals or ores dug out; and

9. Installation of such facilities as are necessary for the development of agricultural and fishing villages, like the development of agricultural and fishing village income sources, and so on, and as prescribed by the Presidential Decree.

(2) The acts of utilizing the land under the following subparagraphs, shall not be allowed within the agricultural protection area: Provided, That this provision shall not apply to the cases of utilizing the land as prescribed in any of subparagraphs of paragraph (1) of this Article: <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6597, Jan. 14, 2002>

1. Installation of the air-pollutants discharge facilities as prescribed in subparagraph 9 of [Article 2 of the Clean Air Conservation Act](#);

2. Installation of the wastewater discharge facilities as prescribed in subparagraph 5 of [Article 2 of the Water Quality Conservation Act](#);

3. Installation of the specified wastes disposal facilities as prescribed in subparagraph 4 of [Article 2 of the Wastes Control Act](#);

4. Installation of the facilities prescribed by the Presidential Decree from among the type one residential facilities and type two residential facilities under [Article 2 \(2\) 3 and 4 of the Building Act](#);

5. Installation of the lodging facilities and amusement facilities under [Article 2 \(2\) 11 and 12 of the Building Act](#); and

6. Installation of the facilities the building site of which exceeds the scale(s) as prescribed by the Presidential Decree.

(3) With respect to the existing buildings, structures, or other facilities which have already been installed with the approval, permission or authorization, etc. obtained or with the necessary report made in accordance with the related Acts and subordinate statutes at the time of the designation of the agricultural development region, the restrictions as prescribed in the provisions of paragraphs (1) and (2) shall not be applicable.

(4) With respect to the person who is being engaged in a project after having obtained the approval, permission, authorization, etc. of the construction of buildings, of the installation of structures or other facilities, of the change of the shape and quality of the land, or other similar works, or after having made the necessary report, in accordance with the relevant Acts and subordinate statutes, at the time of the designation of the agricultural development region (referring to the person who has already started a construction work or a project, in case where there was no need to obtain the approval, permission, authorization, etc. or to make a report according to the relevant Acts and subordinate statutes), the restrictions as prescribed in the provisions of paragraphs (1) and (2) shall not be applicable in so far as the construction work or project under consideration concerned.

### **Article 35 (Expansion of Development Investment or Giving First Priority in Making Development Investment to Agricultural Development Region)**

(1) Under the conditions as prescribed by the Presidential Decree, the State and the local government shall make an investment, with the first priority given to the agricultural development region, in the projects which are for the improvement or maintenance of farmland and agricultural facilities or for the expansion of the roads for agricultural and fishing villages and the expansion of agricultural products distribution facilities, or in other projects which are for agricultural development in general.

(2) The State and the local government shall support, prior to others, the farmers or the agricultural corporate bodies that are engaged in the cultivation of crops or the growth of perennial plants on the farmland within the agricultural development region with such necessary aids as financial aid, tax reduction benefits in accordance with the [Restriction of Special Taxation Act](#), and so on. <Amended by Act No. 6793, Dec. 18, 2002>

### **SECTION 2 Diversion of Use of Farmland**

#### **Article 36 (Permission and Consultation on Diversion of Use of Farmland)**

(1) A person who desires to divert the use of farmland shall obtain the permission of the Minister of Agriculture and Forestry via the confirmation of it by the Farmland Administration Committee which exercises jurisdiction over the area where the farmland in question is located under the conditions as prescribed by the Presidential Decree, except for the cases of the following subparagraphs. The same shall also be applicable to the case he intends to alter the principal matters as prescribed by the Presidential Decree, such as the area or boundary of the permitted farmland: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002; Act No. 6793, Dec. 18, 2002; Act No. 6841, Dec. 30, 2002>

1. Where the diversion of the use of farmland is to be made via the consultation as set forth in other Acts that is legally fictionalized as permitted to divert it;

2. Where the diversion of use is to be made for the farmland that passed through the consultation as prescribed in paragraph (2) or for the farmland that was excluded from the objects of the consultation in accordance with the proviso of paragraph (2) 1, both of which are located in the urban area under the National Land Planning and Utilization Act;

3. Where the diversion of the use of farmland is to be made after the report on the diversion in question is made in accordance with [Article 37](#);

4. Where the farmland illegally reclaimed is to be restored into forest without obtaining permission for the diversion of a mountainous district and filing a report thereon under Articles 14 and 15 of the Management of Mountainous Districts Act; and

5. Where the diversion of the use of farmland is to be made in order to change the shape or quality of the land or to install a construction with the necessary permission obtained from the River Management Office in accordance with the [River Act](#).

(2) In one of the following cases, the competent Minister or the head of the local government shall consult, in advance, with the Minister of Agriculture and Forestry about the diversion of the use of farmland, under the conditions as prescribed by the Presidential Decree: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6241, Jan. 28, 2000; Act No. 6597, Jan. 14, 2002; Act No. 6793, Dec. 18, 2002>

1. In designating or deciding the residential area, commercial area, industrial area, or urban planning facilities, within the urban area under the [National Land Planning and Utilization Act](#), where farmland is included in the said area(s) or in the building site of the said facilities to be installed: Provided, That this shall not apply to the case where the already designated residential area, commercial area or industrial area is to be changed into an area of another purpose or the case where urban planning facilities are decided to be installed in the residence area, business area, or industrial area which has already been designated; and

2. Where the permission for development acts is given under [Article 56 of the National Land Planning and Utilization Act](#) to the farmland located in the green-belt region and the restricted development area within the urban area under the same Act, or the permission for change of the shape and quality of the land is given under the proviso of other portion than each subparagraph of [Article 11 \(1\) of the Act on Special Measures for Designation and Management of Areas of Restricted Development](#).

### **Article 37 (Report on Diversion of Use of Farmland)**

(1) The person who intends to divert the use of his farmland into the building site for one of the facilities of the following subparagraphs, shall make a report on his intention to the head

of Shi/Kun/autonomous Ku via the confirmation by the Farmland Administration Committee which exercises jurisdiction over the area where the farmland in question is located according to the provisions of Presidential Decree. The same shall also apply to the case where modifications are to be made to the reported contents:

1. Farmers' houses, facilities of agricultural purposes, facilities of processing or distributing agricultural-fishery products;
2. Children playgrounds, village halls, or other convenience facilities for farmers' societies; and
3. Research facilities related to agriculture and fisheries; such fishery facilities as fish farms, fish nurseries, and so on.

(2) Necessary matters concerning the scope and scale of the facilities subject to a report, or the restriction on installation within the agricultural development area, or the scope of the installers as prescribed in paragraph (1), shall be prescribed by the Presidential Decree.  
<Amended by Act No. 6597, Jan. 14, 2002>

### **Article 38 (Permission of Temporary Use of Farmland for Other Purposes Than Original One)**

(1) The person who intends to temporarily use his farmland for such a use as prescribed in one of the following subparagraphs, shall obtain the permission for doing so from the head of Shi/Kun/autonomous Ku under the condition that he will restore the said farmland into its original state as farmland after using it for a certain period, under the conditions as prescribed by the Presidential Decree. The same shall also apply to the case where modifications are to be made to the permitted contents. In a case where the State or the local government is the person of the temporary use of farmland, it shall consult with the head of Shi/Kun/autonomous Ku: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002>

1. In a case where the person concerned is to install simple agricultural facilities or simple facilities of processing agricultural-fishery products which need not the permission or the report obtained or made as prescribed in the [Building Act](#);

2. In a case where the person concerned is to install the field office or incidental facilities or other similar facilities for the project of the main purpose (limited to such projects as are permitted to be carried out on the farmland concerned); or is to pile up or bury things for the said project; and

3. In a case where the person concerned is to mine such clay and pebbles, or minerals or ores as are prescribed by the Presidential Decree.

(2) Where the head of Shi/Kun/autonomous Ku has been requested, by the competent Minister or the head of the local government, for a consultation about the temporary use of farmland for other purposes in relation to the authorization, permission, approval, etc. of such a project or project plan as prescribed in other Acts, he may accept the consultation under the condition that the competent Minister or the head of the local government shall give the authorization, permission, approval, etc. under the condition that the undertaker of the project must restore the farmland concerned into its original state as farmland after using it for a certain period.  
<Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002>

(3) Where giving the permission as prescribed in paragraph (1) or when consulting as prescribed in paragraph (2), the head of Shi/Kun/autonomous Ku may order the undertaker of the project to submit the plan for the restoration into farmland and to deposit the expenses

needed for the restoration under the conditions as prescribed by the Presidential Decree.  
<Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002>

(4) The expenses needed for the restoration as prescribed in paragraph (3) shall be estimated by the standards as prescribed by the Presidential Decree, and the time and procedures for the deposit and other necessary matters shall be prescribed by the Presidential Decree.

### **Article 39 (Restriction on Permission of Diversion of Use of Farmland)**

(1) In giving the permission on the diversion of the use of farmland in accordance with [Article 36](#) (1), the Minister of Agriculture and Forestry shall not permit the diversion of use if the farmland to be used as the building site of the facilities of one of the following subparagraphs except for the farmland within the urban region, planned control region and development promotion region under the [National Land Planning and Utilization Act](#): <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6793, Dec. 18, 2002>

1. Such facilities as prescribed by the Presidential Decree from among the air pollutants discharge facilities as set forth in subparagraph 9 of [Article 2 of the Clean Air Conservation Act](#);

2. Such facilities as are prescribed by the Presidential Decree from among the wastewater discharge facilities as prescribed in subparagraph 5 of [Article 2 of the Water Quality Conservation Act](#); and

3. Such facilities as are prescribed by the Presidential Decree from among the facilities which are apprehended to be possibly in the way of the agricultural development or the preservation of farmland.

(2) In one of the following cases, the Minister of Agriculture and Forestry and the head of Shi/Kun/autonomous Ku may put a restriction on the diversion of the use of farmland or the temporary use of farmland for other purposes when giving the permission on or consulting about the diversion of the use of farmland in accordance with [Article 36](#) (including the consultation that is fictionalized as the diversion of the use of farmland by other Acts) or when giving the permission on or consulting about the temporary use of farmland for other purposes in accordance with [Article 38](#): <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002>

1. In a case where the farmland the use of which is desired to be diverted is the farmland which is needed to be preserved as the farmland of a superior quality since the agricultural production infrastructure has been constructed for it or since it is incorporated into the region for which a project of constructing the agricultural production infrastructure is scheduled to be executed;

2. In a case where the diversion of the use of the farmland concerned or the temporary use of the said farmland for another purpose is to remarkably influence the agricultural management of the farmland in its neighborhood by hindering, seriously, the exposure to the sunshine, the ventilation or the general cultivation, or by resulting in the removal of farmland improvement facilities;

3. In a case where the diversion of the use of the farmland concerned or the temporary use of the said farmland for another purpose is apprehended to bring about outflow of clay and sand causing, thereby, some damage on the farmland or the farmland improvement facilities in its

neighborhood;

4. In a case where the project plan and the plan of supplying the necessary fund for the realization of the diversion of the use of farmland, are not clear and plausible enough; and

5. In a case where the size of the area subjected to the intended diversion of the use of farmland is larger than that needed to realize the intended diversion.

#### **Article 40 (Farmland Creation Cost)**

(1) The person who falls under one of the following subparagraphs, shall pay the cost required to create a piece of farmland, the size of which is equivalent to that of the farmland the use of which is to be diverted (hereinafter referred to as the "farmland creation cost") to the person who operates and manages the Farmland Management Fund:

1. The person who is obtaining the permission on the diversion of the use of farmland under [Article 36](#) (1);

2. The person who desires to divert the use of the farmland within the urban planning district, which has undergone the consultation about the diversion of the use of farmland in accordance with [Article 36](#) (2) 1 or within the building site where urban planning facilities are scheduled to be installed (including the farmland excluded from the list of the objects of the consultation in accordance with the proviso of subparagraph 1 of the same paragraph of the same Article);

3. The person who desires to divert the use of farmland which has passed through the consultation about the diversion of the use of farmland under [Article 36](#) (2) 2;

4. The person who desires to divert the use of farmland which has passed through the consultation that is fictionalized as the permission of the diversion of the use of farmland under other Acts; and

5. The person who desires to divert the use of farmland after having made the necessary report on the diversion of the use of farmland in accordance with [Article 37](#) or [45](#).

(2) The Minister of Agriculture and Forestry may, if deemed that there exists an inevitable reason for the difficulty of paying in lump sum the farmland creation costs in the case of farmland diversion as prescribed by the Presidential Decree, such as where the Government-invested agency, local corporation and local complex diverts the farmland into the site for industrial complex, make them to pay the farmland creation costs in installment. <Newly Inserted by Act No. 6597, Jan. 14, 2002>

(3) The Minister of Agriculture and Forestry shall, where he intends to make it possible to pay the farmland creation costs in installment under paragraph (2), have the person who intends to pay the farmland creation costs in installment under the conditions as prescribed by the Presidential Decree deposit in advance the insurance certificate for guaranteeing a payment of farmland creation costs to be paid in installment: Provided, That the same shall not apply in case where the person who intends to pay the farmland creation cost in installment is the State, local government and other person as prescribed by the Presidential Decree. <Newly Inserted by Act No. 6597, Jan. 14, 2002>

(4) In a case where the size of the farmland the use of which is desired to be diverted has been reduced from that as of the date of the deposit of the farmland creation cost due to the permission on the diversion of the use of the farmland having been cancelled under the

provisions of [Article 41](#), due to a change of the project plan, or other similar reasons, the person who operates and manages the Farmland Management Fund shall return the portion of the farmland creation cost corresponding to that for the reduced area to the person who deposited the farmland creation cost under the conditions as prescribed by the Presidential Decree.

(5) In one of the following cases, the Minister of Agriculture and Forestry may decrease or exempt the farmland creation cost, under the conditions as prescribed by the Presidential Decree: <Amended by Act No. 5153, Aug. 8, 1996>

1. In a case where the State or the local government is to divert the use of farmland for an official or public purpose;

2. In a case where the diversion of the use of farmland is to be made in order to install such important industrial facilities as prescribed by the Presidential Decree; and

3. In a case where the diversion of the use of farmland is to be made in order to install such facilities as set forth in [Article 37](#) (1) or such facilities as prescribed by the Presidential Decree.

(6) The unit price of the farmland creation cost shall be decided upon and given a public notice of, for each piece of farmland, by the Minister of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

(7) In a case where the person who is supposed to deposit the farmland creation cost has not deposited it within the given time limit, it may be collected in the same manner as the delinquent national taxes or the delinquent local taxes are collected. <Amended by Act No. 6597, Jan. 14, 2002>

(8) The Minister of Agriculture and Forestry may pay the fees under the conditions as prescribed by the Presidential Decree, in case where he has the person to whom the authority is delegated under [Article 53](#), or the person who is entrusted with the affairs of operation and management of the Farmland Management Fund under Article 35 (2) of the Korea Agricultural and Rural Infrastructure Corporation and Farmland Management Fund Act, to deal with the affairs of imposing and collecting the farmland creation costs. <Newly Inserted by Act No. 6597, Jan. 14, 2002>

(9) The amount excluding the fees under paragraph (8), from among the amount to be collected as the farmland creation costs under paragraph (1), shall be paid into the Farmland Management Fund. <Newly Inserted by Act No. 6597, Jan. 14, 2002>

(10) The time limit for payment and procedures for the deposit of the farmland creation cost, and other necessary matters concerning it shall be prescribed by the Presidential Decree. <Amended by Act No. 6597, Jan. 14, 2002>

#### **Article 41 (Cancellation, etc. of Farmland Diversion Permission)**

In a case where the person who obtained the permission on the diversion of the use of farmland under [Article 36](#) (1), or the person who obtained the permission to temporarily use farmland for another purpose under [Article 38](#), or the person who reported on the diversion of the use of farmland under [Article 37](#) or [45](#), falls under any of the following subparagraphs, the Minister of Agriculture and Forestry, the head of Shi/Kun/autonomous Ku may cancel the permission, or may release the order to stop the related construction works, may suspend the business operation concerned, may release the order to reduce the scale of the business

concerned, may release the order to change the project plan concerned, or may take other necessary dispositions, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry: Provided, That where the person concerned falls under subparagraph 6, the permission concerned shall be cancelled: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002>

1. In a case where it is found out that the permission was obtained or the report was made by means of a fraud or other illegal methods;

2. In a case where the purpose or the conditions of the permission have been violated or not observed, or where the project plan or the project scale has been changed without the necessary permission or report obtained or made;

3. In a case where the projects whose purpose is the diversion of the use of farmland such as the creation of building sites, the installation of facilities, etc. have not been started for not less than 2 years after the permission or the report was obtained or made, or where the projects whose purpose is the diversion of the use of farmland has been suspended for not less than 1 year after they were started, without any justifiable reason as prescribed by the Presidential Decree, such as alteration in the business plan relevant to the project aiming at a diversion of farmland;

4. In a case where the farmland creation cost has not been deposited;

5. In a case where the person who obtained the permission has applied for the cancellation of the said permission or where the person who submitted the report has withdrawn the said report; and

6. In a case where the person who obtained the permission has violated the order to stop the construction works or other orders or dispositions released or taken in accordance with the purview of this Article.

#### **Article 42 (Approval of Change of Use Originally Designated)**

(1) The person who desires to use, for another purpose and within the period as prescribed by the Presidential Decree, the land that is now being used or has been used for a project whose purpose is the diversion of the use of farmland after the farmland diversion permission obtained in accordance with [Article 36](#) (1), or after the consultation about the diversion of the use of farmland undergone in accordance with paragraph (2) 2 of the same Article, or after the report on the diversion of the use of farmland made in accordance with [Article 37](#) or [45](#), shall obtain the approval of it from the head of Shi/Kun/autonomous Ku.

(2) As for the person, from among those who are supposed to obtain the approval as prescribed in paragraph (1) of this Article, who desires to divert the farmland, which has already been diverted into the building site for such facilities for which the farmland creation cost has been reduced, again into a building site for other facilities for which the reduction rate of the farmland creation cost is different from that of the former case, he shall pay the farmland creation cost corresponding to the difference between the two cases under the conditions as prescribed by the Presidential Decree.

#### **Article 43 (Restriction on Changes of Legal Categories of Farmland)**

The legal category of farmland shall not be changed into any others than that of the field, the

paddy, or the orchard, except for the cases of the following subparagraphs: <Amended by Act No. 6597, Jan. 14, 2002>

1. In case where the permission on the diversion of the use of farmland (including the consultations that is fictionalized as the diversion of the use of farmland by other Acts) has been obtained under [Article 36](#) (1), or where the diversion of the use of farmland has been already completed under paragraph (2) of the same Article;
2. In case where the original purpose of farmland has been diverted into being used for the purposes as prescribed in [Article 36](#) (1) 4 or 5;
3. In case where the diversion of the use of farmland has been made after the report on the diversion of the use of farmland made under [Article 37](#) or [45](#);
4. In case where it is changed into the building site of the land improvement facilities under subparagraph 1 (b) of [Article 2](#) by the execution of the project for development of water for the agricultural and fishing villages or for improvement of agricultural production basis under subparagraph 3 (a) or (b) of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act; and
5. In case where the head of Shi/Kun/autonomous Ku acknowledges that the restoration of farmland into its original state as farmland is almost impossible since the shape and the quality of the farmland has been changed so seriously due to natural disasters or other unavoidable circumstances.

#### **Article 44 (Restoration of Farmland, etc.)**

(1) In one of the following cases, the Minister of Agriculture and Forestry, or the head of Shi/Kun/autonomous Ku, may order the person concerned to restore the farmland in question into its original state as farmland with the due date designated by the Minister himself: <Amended by Act No. 5153, Aug. 8, 1996>

1. Where the diversion of the use of farmland or the temporary use of farmland for another purpose has been made without the farmland diversion permission obtained under [Article 36](#) (1) or without the permission for the temporary use obtained under [Article 38](#);
2. Where the diversion of the use of farmland has been made without the report on the diversion of the use of farmland made under [Article 37](#) or [45](#);
3. Where the permission on the diversion of the use of farmland has been cancelled under [Article 41](#); and
4. Where a person who made a report on the diversion of the use of farmland has violated the orders or dispositions released or taken under [Article 41](#).

(2) Where the person concerned has not restored the farmland in question in violation of the restoration order as prescribed in paragraph (1), the Minister of Agriculture and Forestry or the head of Shi/Kun/autonomous Ku may restore the said farmland into its original state as farmland by executing it by proxy. <Amended by Act No. 5153, Aug. 8, 1996>

(3) With respect to the procedures of the execution by proxy as set forth in paragraph (2), the relevant provisions of the [Administrative Vicarious Execution Act](#) shall be applicable mutatis

mutandis.

#### **Article 45 (Special Cases of Farmland Diversion Permission)**

Where the person who is supposed to obtain the farmland diversion permission in accordance with [Article 36](#) (1) desires to divert the use of the farmland within the region as prescribed by the Presidential Decree to the land utilization acts permitted in the Class-II district unit planning district under the National Land Planning and Utilization Act, he may divert it, notwithstanding the provisions of [Article 36](#) (1) or [39](#) (1), after reporting on it to the head of Shi/Kun/autonomous Ku, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 6793, Dec. 18, 2002>

### **SECTION 3 Farmland Administration Committee, etc.**

#### **Article 46 (Establishment of Farmland Administration Committee)**

(1) For the efficient management of farmland and of the lease of it, the Farmland Administration Committee (hereinafter referred to as the "Committee") shall be established for each Shi (hereafter in this Section, referring to such Shis which are not divided into Kus; and limited to the Dong, in a case where the Shi in question is one of an urban-rural complex form), for each Ku (hereafter in this Section, limited to the Dong, in the case of a Ku within a Shi of an urban-rural complex form), and for each Eup/Myon respectively: Provided, That this provision shall not apply to the cases of Shis/Kus/Eups, or Myons that has no farmland in the area of its jurisdiction.

(2) In a case where it has been found necessary in consideration of the characteristics of the region in question and the distributive situation of the farmland in question, the Mayor/Do governor may have only one Farmland Administration Committee established for not less than two adjoining Shis/Kus/Eups/Myons, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6597, Jan. 14, 2002>

#### **Article 47 (Composition of Committee)**

(1) The Committee shall be composed of not less than 10 but not more than 40 members including one chairman and one vice-chairman.

(2) The persons of the following subparagraphs shall be the members of the Committee: <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5454, Dec. 13, 1997; Act No. 5759, Feb. 5, 1999; Act No. 6597, Jan. 14, 2002>

1. The head of the Shi/Ku/Eup/Myon concerned;

2. Not less than 5 but not more than 30 persons who have been commissioned by the Mayor (including the Special Metropolitan City Mayor or Metropolitan City Mayor) or the head of a Kun from among the persons who have been engaged in the agricultural management within the Shi/Ku/Eup/Myon under the jurisdiction of his Committee for not less than the period as prescribed by the Ordinance of the Ministry of Agriculture and Forestry; and

3. One person from among his executives or employees recommended respectively by the head of the local development agency of agricultural and fishing villages having jurisdiction over

Shi/Ku/Eup/Myon or making them as its business area, of the Korea Agricultural and Rural Infrastructure Corporation, of the Agricultural Cooperative, or of such an agriculture-related agency or association as prescribed by the Presidential Decree.

(3) The position of the chairman of the Committee shall be filled by the head of Shi/Ku/Eup/Myon concerned and that of the vice-chairman shall be filled by the person elected through the mutual vote among the members of the Committee. In a case as prescribed in [Article 46](#) (2), the head of the Shi/Ku/Eup/Myon whose area of jurisdiction covers the largest area of farmland, shall be the chairman of the Committee.

(4) The chairman may organize and operate a subcommittee composed of not more than 5 persons including the chairman himself to carry out the confirmation work as prescribed in subparagraph 4 of [Article 48](#). In this case, the resolution of the subcommittee shall be considered as the same thing as that of the Committee.

(5) The term of office, election and dismissal of the members of the Committee, the organization, meetings, and other matters necessary for the operation of the Committee, shall be prescribed by the Presidential Decree.

#### **Article 48 (Function of Committee)**

The Committee shall take care of the matters of the following subparagraphs:

1. Investigation, etc. of the farmland which is not used for the agricultural management by the owner himself, as set forth in [Article 10](#) (1);

2. Consultation about the establishment of the execution plan for the farmland utilization promotion project as prescribed in [Article 16](#);

3. Deleted; <by Act No. 5948, Mar. 31, 1999>

4. Confirmation of the farmland diversion permission as prescribed in [Article 36](#) (1), or of the report on the diversion of the use of farmland as prescribed in [Article 37](#); and

5. Such other matters, relating to the management of farmland, as prescribed by the Presidential Decree.

#### **Article 49 (Subsidy for Expenses)**

The State may provide a subsidy for the expenses necessary for the operation of the Committee, within the limit of the relevant budget.

#### **Article 50 (Legal Fiction in Case of Applying Penal Provisions)**

The members of the Committee, as set forth in [Article 47](#) (2), who are not public officials, shall be regarded as public officials in applying penal provisions of the [Criminal Act](#) or other Acts.

#### **Article 51 (Drawing Up and Keeping, on File, of Farmland Ledger)**

(1) For the efficient utilization and management of the farmland under his jurisdiction by understanding the current situation of the ownership and utilization of the said farmland, the head of Shi/Ku/Eup/Myon shall draw up and keep, on file, the farmland ledger.

(2) In a case where it is necessary in order to draw up the farmland ledger as prescribed in paragraph (1) of this Article or to understand the current of the utilization of the farmland under his jurisdiction, the head of Shi/Ku/Eup/Myon may have the owner of the farmland in question to report on necessary matters or have the related public official(s) investigate the relevant situation.

(3) In a case where there has occurred anything that will cause a change in the farmland ledger, the head of Shi/Ku/Eup/Myon shall, without any delay, adjust the farmland ledger accordingly.

(4) In a case where the information to be recorded into the farmland ledger has been recorded through the electronic data processing system, the electronic file (referring to the magnetic disc, magnetic tape, or other similar devices used to record and keep the information for the farmland ledger) shall be considered as the same thing as the farmland ledger as set forth in paragraph (1) of this Article.

(5) Necessary matters concerning the format, drawing up and management of the farmland ledger and concerning the electronic data processing system, shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

#### **Article 52 (Public Perusal of Farmland Ledger or Issuance of Copy, etc. Thereof)**

(1) When there has been a request for a perusal of the farmland ledger or for issuance of a copy thereof, the head of Shi/Ku/Eup/Myon shall render the farmland ledger available for the perusal or shall issue a copy thereof, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

(2) When there has been a request by the farmer or the agricultural corporate body who cultivates his/its own farmland, the head of Shi/Ku/Eup/Myon shall issue the self-cultivation certificate, under the conditions as prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996>

### **CHAPTER V SUPPLEMENTARY PROVISIONS**

#### **Article 53 (Delegation or Entrustment, etc. of Rights)**

(1) The Minister of Agriculture and Forestry may delegate part of his rights as prescribed in this Act to the Mayor/Do governor, the head of Shi/Ku/Eup/Myon, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996>

(2) The Minister of Agriculture and Forestry may entrust part of his official affairs as prescribed in this Act to the Korea Agricultural and Rural Infrastructure Corporation, to an agriculture-related agency or association, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5759, Feb. 5, 1999>

(3) The Minister of Agriculture and Forestry may, under the conditions as prescribed by the Presidential Decree, have the person who is entrusted with the affairs of operation and management of the Farmland Management Fund under Article 35 of the Korea Agricultural and Rural Infrastructure Corporation and Farmland Management Fund Act, to deal as proxy with the affairs of collecting the farmland creation costs under [Article 40](#) (1) and [42](#) (2).  
<Newly Inserted by Act No. 6597, Jan. 14, 2002>

#### **Article 54 (Monetary Reward)**

The Minister of Agriculture and Forestry may provide the person who reported on or accused anyone who falls under any of the following subparagraphs to the competent authority or an investigation agency with a monetary reward, under the conditions as prescribed by the Presidential Decree: <Amended by Act No. 5153, Aug. 8, 1996>

1. The person who has acquired the qualification certificate for acquisition of farmland as prescribed in [Article 8](#) (1), by means of a fraud or other illegal methods, for the purpose of owning farmland against the restriction on or the upper limit of farmland ownership as set forth in [Article 6](#) or [7](#);
2. The person who has violated the provisions of [Article 34](#) (1) or (2);
3. The person who has diverted farmland to other uses without having obtained the farmland diversion permission as prescribed in [Article 36](#) (1); or, the person who has obtained the said farmland diversion permission by means of a fraud or other illegal methods;
4. The person who has diverted farmland to other uses without making the report as set forth in [Article 37](#) or [45](#);
5. The person who has temporarily used farmland for other purposes without having obtained the permission for the temporary use of farmland for other purposes as prescribed in [Article 38](#) (1); and
6. The person who has used the already diverted farmland for still other purposes without having obtained the necessary approval, in violation of the provisions of [Article 42](#) (1).

#### **Article 55 (Special Cases of Putting Restrictions on Acts within Parcel of Farmland that is Located Both in Agricultural Development Area and Agricultural Protection Area, etc.)**

(1) In a case where a parcel of farmland is located both in the Agricultural Development Area and the Agricultural Protection Area, and where the portion of the said farmland located in the Agricultural Development Area is smaller than the size as prescribed by the Presidential Decree, if the restriction on acts as prescribed in [Article 34](#) is to be applied to the said portion of the farmland, the provisions of restriction concerning the Agricultural Protection Area shall be applied.

(2) In a case where only a portion of a parcel of farmland is located in the Agricultural Development Area and the said portion located in the Agricultural Development Area is smaller than the size as prescribed by the Presidential Decree, the provisions of [Article 34](#) (1) and (2) shall not be applied to the said portion of the farmland.

#### **Article 56 (Inspection of Ownership, etc., of Farmland)**

(1) As for the agricultural corporate body, the person who has been entrusted with the agricultural management of farmland, the lessor of farmland in the case of a lease, the lessor of farmland in the case of a free lease, the person who has obtained the farmland diversion permission, or the project operator, the Minister of Agriculture and Forestry or the head of Shi/Kun/autonomous Ku may have public officials under his control inspect or investigate such materials as are related to the ownership, transaction, utilization or diversion of farmland. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5948, Mar. 31, 1999>

(2) The public official who inspects or investigates matters as prescribed in paragraph (1), shall carry a certificate indicating his authority with himself and shall show it to the persons concerned.

(3) Necessary matters concerning the inspection, the investigation and the certificate of authority as referred to in paragraphs (1) and (2), shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 5948, Mar. 31, 1999>

#### **Article 57 (Public Hearing)**

In case where the Minister of Agriculture and Forestry, or the head of Shi/Kun/autonomous Ku desires to make activities falling under any of the following subparagraphs, he shall hold a public hearing:

1. Notification of an occurrence of liability to dispose of the farmland, etc. which is not used for agricultural management under [Article 10](#) (2); and

2. Revocation of a permit for exclusive use under [Article 41](#).

[This Article Wholly Amended by Act No. 6597, Jan. 14, 2002]

#### **Article 58 (Fee)**

A person who applies for the issuance of the qualification certificate for acquisition of farmland under [Article 8](#), a person who applies for the permission under [Article 36](#) or [38](#), a person who makes a report on the diversion of the use of farmland under [Article 37](#) or [45](#), a person who applies for the approval of change of the original purpose of farmland under [Article 42](#), and a person who applies for the issuance of a copy of the farmland ledger or a copy of the self-cultivation certificate as prescribed in [Article 52](#); these shall pay the fee for the service received under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5948, Mar. 31, 1999>

### **CHAPTER VI PENAL PROVISIONS**

#### **Article 59 (Penal Provisions)**

(1) The person who has diverted the use of the farmland within the agricultural development area without having obtained the farmland diversion permission as prescribed in [Article 36](#) (1) or who has obtained the said farmland diversion permission by means of a fraud or other illegal methods shall be punished by not more than 5 years of imprisonment or by a fine not exceeding the amount which is equivalent to the price of the farmland concerned according to

the publicly notified individual land value (hereinafter referred to as the "land value").  
<Amended by Act No. 5153, Dec. 29, 1995>

(2) The person who has diverted the use of the farmland outside the agricultural development area without having obtained the farmland diversion permission as prescribed in [Article 36](#) (1) or the person who has obtained the said farmland diversion permission by means of a fraud or other illegal methods, shall be punished by not more than 3 years of imprisonment or by the fine not exceeding the amount corresponding to 50% of the land value of the farmland concerned.

(3) The two different cases of imprisonment and of fine as set forth in the provisions of paragraphs (1) and (2) of this Article may be imposed concurrently.

#### **Article 60 (Penal Provisions)**

The person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than 5 years or a fine not exceeding 20 million won:

1. The person who has violated the provisions of [Article 34](#) (1) or (2);
2. The person who has used farmland for other purposes without having obtained the permission for temporary use of farmland for other purposes as prescribed in [Article 38](#) (1); and
3. The person who has used the already diverted farmland for another purpose without having obtained the necessary authorization in violation of the provisions of [Article 42](#) (1).

#### **Article 61 (Penal Provisions)**

The person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than 3 years or by the fine not exceeding 10 million won:

1. The person who has acquired the qualification certificate for acquisition of farmland as prescribed in [Article 8](#) (1) by means of a fraud or other illegal methods for the purpose of owning farmland in violation of the restriction on or the upper limit of the ownership of farmland as set forth in [Article 6](#) or [7](#); and
2. The person who has diverted farmland to other uses without having made the report as set forth in [Article 37](#) or [45](#).

#### **Article 62 (Penal Provisions)**

The person who falls under any of the following subparagraphs shall be subject to a fine not exceeding 10 million won: <Amended by Act No. 6597, Jan. 14, 2002>

1. The person who has entrusted the agricultural management of his own farmland to another person in violation of the provisions of [Article 9](#); and
2. The person who has leased with charge or has leased free of charge his own farmland in violation of the provisions of [Article 22](#).

### **Article 63 (Joint Penal Provisions)**

In a case where the representative of a juristic person, the proxy servant or employee, of a juristic person or a natural person, has committed such an act of violation as prescribed in the provisions of [Articles 59](#) through [62](#) in relation with the official matters of the said juristic person or natural person, not only the violator himself shall be properly punished, but also the said juristic person or natural person shall be subject to such a fine as set forth in the respective Articles.

### **Article 64**

Deleted. <by Act No. 5948, Mar. 31, 1999>

### **Article 65 (Charge of Forcing Execution)**

(1) With respect to the person who has received the order to take the measures as prescribed in [Article 11](#) (1), but has not executed it within the designated period without any justifiable reason as prescribed by the Presidential Decree, such as the case where requesting a purchase under [Article 11](#) (2) and in the process of consultation thereof, the head of Shi/Kun/Ku shall impose, on him, the charge of forcing the execution which corresponds to 20% of the notified land value of the farmland concerned. <Amended by Act No. 6597, Jan. 14, 2002>

(2) The head of Shi/Kun/Ku shall admonish people of his intention of imposing and collecting the charge of forcing execution in a written form, before he actually imposes it in accordance with paragraph (1) of this Article.

(3) When imposing the charge of forcing execution as prescribed in paragraph (1) of this Article, the head of Shi/Kun/Ku shall do it by means of a written paper which elucidates the imposed amount of the charge of forcing execution, the reason for the imposition, the payment period and the payment recipient, the method of raising an objection, the agency where to raise the objection, and so on.

(4) The head of Shi/Kun/Ku may impose and collect the charge of forcing execution as prescribed in paragraph (1) of this Article, once a year, counting from the day on which the first order for taking a measure is made, until the said order is to be executed.

(5) When the person who was ordered to take such a measure as prescribed in [Article 11](#) (1) has executed the said order, the head of Shi/Kun/Ku shall immediately stop imposing a new charge of forcing execution, but shall collect the already imposed charge of forcing execution.

(6) The person who is dissatisfied with the imposition of the charge of forcing execution under paragraph (1), may raise an objection to the head of Shi/Kun/Ku within thirty days after he is notified of the said imposition. <Amended by Act No. 6188, Jan. 21, 2000>

(7) Where the person who is subject to the disposition of imposition under paragraph (1) raises an objection under paragraph (6), the head of Shi/Kun/Ku shall, without delay, notify the competent court, which, in turn, shall proceed to a trial in accordance with the procedure of trial on a fine for negligence pursuant to the [Non-Contentious Case Litigation Procedure Act](#). <Newly Inserted by Act No. 6188, Jan. 21, 2000>

(8) Where no objection is raised within the period as prescribed to in paragraph (6), and no charge as referred to in paragraph (1) is paid within the payment period, the charge shall be

collected by referring to the practices of dispositions on local taxes in arrear. <Newly Inserted by Act No. 6188, Jan. 21, 2000>

## ADDENDA

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

This Act shall enter into force on January 1, 1996.

### **Article 2 (Repeal of Other Acts)**

The Acts of the following subparagraphs shall be repealed:

1. The Farmland Reform Act;
2. The Act on the Special Measures for the Consolidation of the Farmland Reform Project;
3. The Farmland Preservation and Utilization Act;
4. The Farmland Lend-Lease Management Act; and
5. The Enhancement of Soil Fertility Act.

### **Article 3 (Transitional Measures concerning Redemption of Farmland Price of Distributed Farmland and Registration thereof)**

The redemption of the farmland price of the distributed farmland and the registration thereof, which has not yet been finished under the Farmland Reform Act and the Act on the Special Measures for the Consolidation of the Farmland Reform Project at the time of the enforcement of this Act, shall be finished, in accordance with the relevant provisions of the former Acts above mentioned, within 3 years from the date of the enforcement of this Act.

### **Article 4 (Transitional Measures concerning Building Sites for Necessary Facilities for Agricultural Production)**

As for the building sites of the necessary facilities for agricultural production as set forth in subparagraph 1 (b) of [Article 2](#), which have been installed after the farmland diversion permission obtained in accordance with the relevant provisions of the former Farmland Preservation and Utilization Act or the former Farmland Expansion and Development Promotion Act, or after the report on the diversion of the use of farmland made in accordance with the relevant provisions of the former Act on the Special Measures for Development of Agricultural and Fishing Villages, at the time of the enforcement of this Act, they shall be governed by the former provisions concerned.

### **Article 5 (Transitional Measures concerning Existing Owner of Farmland)**

(1) The provisions of [Articles 6](#) (1), [10](#), [11](#), [22](#) and [65](#) shall not apply to the farmland owned by the existing owner of farmland at the time of the enforcement of this Act: Provided, That,

as for the time period for the disposal and the purchase, by agreement, etc. of the farmland which the person who is supposed to dispose of farmland in accordance with Article 43-3 (2) of the previous Act on the Special Measures for Development of Agricultural and Fishing Villages, has not disposed of, and therefore, is now subject to the disposal, they shall be governed by the provisions of Article 43-3 of the previous Act on the Special Measures for Development of Agricultural and Fishing Villages.

(2) The person who has owned farmland to such an extent as exceeds the upper limit as set forth in [Article 7](#) at the time of the enforcement of this Act, may continue to own the farmland concerned notwithstanding the provisions of the same Article.

#### **Article 6 (Transitional Measures concerning Municipal Ordinances on Upper Limit of Rent)**

The existing Municipal Ordinances of the Shi (including those of the Seoul Special Metropolitan City and Metropolitan Cities) or the Kun concerning the upper limit of the rent of farmland under the previous Farmland Lend-Lease Management Act at the time of the enforcement of this Act, shall be regarded as the Municipal Ordinances of the local government concerned in accordance with this Act.

#### **Article 7 (Transitional Measures concerning Designation of Agricultural Development Region)**

The agricultural development region having been designated under the previous Act on the Special Measures for Development of Agricultural and Fishing Villages at the time of the enforcement of this Act, shall be regarded as the same thing as the agricultural development region designated under this Act.

#### **Article 8 (Transitional Measures concerning Farmland Diversion Permission, etc.)**

(1) The person who has obtained the farmland diversion permission or who has reported on the diversion of the use of farmland under the previous Farmland Preservation and Utilization Act, the previous Farmland Expansion and Development Promotion Act, or the Act on the Special Measures for Development of Agricultural and Fishing Villages, at the time of enforcement of this Act, shall be regarded as having obtained the farmland diversion permission or the permission on the temporary use of farmland for other purposes or as having reported on the diversion of the use of farmland under the conditions as prescribed by this Act.

(2) The farmland which has passed through the consultation about the diversion of the use of farmland or which has obtained the approval or authorization under the previous Farmland Preservation and Utilization Act at the time of the enforcement of this Act, shall be regarded as having passed through the consultation about the diversion of the use of farmland under the conditions as prescribed by this Act.

(3) As for the farmland which is located within such an area as the residence area, the business area, the industrial area designated as such in accordance with Article 17 (1) of the [Urban Planning Act](#), or the farmland designated as the building site of the urban planning facilities as set forth in the said provisions; if it has not passed through the consultation about the diversion of the use of farmland under the previous Farmland Preservation and Utilization Act at the time of the enforcement of this Act, it shall be regarded as having passed through the consultation about the diversion of the use of farmland in accordance with [Article 36](#) (2) 1 of this Act.

## **Article 9 (Transitional Measures concerning Farmland Creation Cost)**

(1) The person who has paid the cost required to create farmland in accordance with Article 4 (4) of the previous Farmland Preservation and Utilization Act or the cost needed for the new development of farmland in accordance with Article 53 (3) of the previous Farmland Expansion and Development Promotion Act at the time of the enforcement of this Act, shall be regarded as having paid the farmland creation cost as prescribed by this Act.

(2) The person who has been notified to pay the cost required to create farmland in accordance with Article 4 (4) of the previous Farmland Preservation and Utilization Act or the cost needed for the new development of farmland in accordance with Article 53 (3) of the previous Farmland Expansion and Development Promotion Act at the time of the enforcement of this Act, shall be regarded as having been notified to pay the farmland creation cost in accordance with this Act.

(3) The farmland creation cost for each unit of each piece of farmland decided upon and publicly announced in accordance with Article 4 (5) of the previous Farmland Preservation and Utilization Act at the time of the enforcement of this Act, shall be considered as the same thing as that decided upon and publicly announced under this Act.

(4) As for the case of the diversion of the use of the farmland located within such an area as the residence area, the business area, or the industrial area designated via the consultation made before July 29, 1981, in accordance with Article 4 (2) of the previous Farmland Preservation and Utilization Act, after the enforcement of this Act, provisions of [Article 40](#) (1) 2 shall not be applicable.

## **Article 10 (Transitional Measure concerning Certificate of Farmland Transaction)**

The person who has received the certificate of farmland transaction in accordance with Article 19 (2) of the previous Farmland Reform Act and in accordance with provisions of Article 19 of the previous Farmland LendLease Management Act at the time of the enforcement of this Act, shall be regarded as having received the qualification certificate for acquisition of farmland as prescribed in this Act.

## **Article 11 (Transitional Measures concerning Farmland Administration Committee)**

The farmland administration committee and its members under the previous Farmland Lend-Lease Management Act at the time of the enforcement of this Act, shall be regarded as the farmland administration committee and its members under the conditions as prescribed by this Act.

## **Article 12 (Transitional Measures concerning Farmland Ledger)**

The farmland ledger made under Article 14 of the previous Farmland Preservation and Utilization Act at the time of the enforcement of this Act, shall be regarded as the farmland ledger made under the conditions as prescribed by this Act.

## **Article 13 (Transitional Measures concerning Public Notices, Dispositions, Orders, Designation and Pending Actions under Previous Acts)**

Public notices, administrative dispositions, orders, designation or other actions made by administrative agencies, or various kinds of applications, reports or other actions made towards administrative agencies, before the enforcement of this Act, under the previous Farmland Preservation and Utilization Act, the Farmland Lend-Lease Management Act, and the Act on the Special Measures for Development of Agricultural and Fishing Villages (limited to the part related to the amendment of the Act on the Special Measures for Development of Agricultural and Fishing Villages as set forth in Article 15 (1) of the Addenda of the said Act), shall be regarded as the corresponding actions made by or towards the administrative agencies concerned in accordance with the relevant provisions of this Act.

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

As for the acts of violation against the previous Farmland Reform Act, the Farmland Preservation and Utilization Act, the Farmland Lend-Lease Management Act and the Act on the Special Measures for Development of Agricultural and Fishing Villages, committed before the enforcement of this Act, the relevant penal provisions of the previous Farmland Reform Act, of the Farmland Preservation and Utilization Act, of the Farmland Lend-Lease Management Act and of the Act on the Special Measures for Development of Agricultural and Fishing Villages shall apply.

#### **Article 15 (Amendment of Other Acts)**

Omitted.

#### **Article 16 (Relation with Other Acts and Subordinate Statutes)**

In a case where provisions of the previous Farmland Reform Act, Act on the Special Measures for the Consolidation of the Farmland Reform Projects, Farmland Preservation and Utilization Act, Farmland Lend-Lease Management Act, Act on the Special Measures for Development of Agricultural and Fishing Villages or Enhancement of Soil Fertility Act, have been quoted in other Acts and subordinate statutes at the time of the enforcement of this Act, and where there are provisions, in this Act, corresponding to the quoted ones, the said provisions of this Act shall be regarded as having been quoted in lieu of the actually quoted provisions.

**ADDENDA** <Act No. 5108, Dec. 29, 1995>

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

This Act shall enter into force 6 months after the date of its promulgation.

#### **Articles 2 through 8**

Omitted.

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

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

This Act shall enter into force, within 30 days from the date of its promulgation, on the date of the Presidential Decree on the organization of the Ministry of Maritime Affairs and Fisheries and of the National Marine Police Agency as prescribed by the amended provisions of [Article 41](#) enters into force.

**Articles 2 through 4**

Omitted.

**ADDENDA** <Act No. 5279, Jan. 13, 1997>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3**

Omitted.

**ADDENDA** <Act No. 5371, Aug. 22, 1997>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9**

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. 5555, Sep. 16, 1998>

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

(2) Omitted.

**ADDENDA** <Act No. 5758, Feb. 5, 1999>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2000.

**Articles 2 through 11**

Omitted.

**ADDENDA** <Act No. 5759, Feb. 5, 1999>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2000. (Proviso Omitted.)

**Articles 2 through 18**

Omitted.

**ADDENDUM** <Act No. 5948, Mar. 31, 1999>

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

**ADDENDA** <Act No. 6073, Dec. 31, 1999>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3**

Omitted.

**ADDENDUM** <Act No. 6188, Jan. 21, 2000>

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

**ADDENDA** <Act No. 6241, Jan. 28, 2000>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2000.

## **Articles 2 through 7**

Omitted.

### **ADDENDA** <Act No. 6597, Jan. 14, 2002>

(1) (Enforcement Date) This Act shall enter into force on April 1, 2002: Provided, That the amended provisions of [Articles 33](#), [37](#) (2) and [43](#) shall enter into force on the date of its promulgation.

(2) (Application Example to Payment of Farmland Creation Costs in Installment) The amended provisions of [Article 40](#) (3) shall apply from the cases receiving an application for a permit of farmland diversion, a request for consultation on farmland diversion, a report on farmland diversion, for the first time after the enforcement of this Act.

(3) (Transitional Measures for Restriction on Activities within Agriculture Protection Area) Previous provisions shall govern the restriction on the activities of the person who has obtained, or filed a report thereon, the authorization, permit or approval, etc. under the relevant Acts and subordinate statutes for the installation of buildings, structures, and other facilities within the agriculture protection area whose installation is restricted under [Article 34](#) (2) 4 and 5, and the person who has filed an application for such authorization, permit or approval, etc.

(4) (Transitional Measures for Permission, etc. of Temporary Use of Farmland for Other Usage) The person who has obtained permission of temporary use of farmland for other usage or consultation thereon under the previous provisions at the time of enforcement of this Act, shall be deemed to have obtained permission of temporary use of farmland for other usage or consultation thereon from the head of Shi/Kun/autonomous Ku under the amended provisions of [Article 38](#).

(5) (Transitional Measures for Penal Provisions) The previous provisions shall govern in the application of penal provisions to the activities committed prior to the enforcement of this Act.

### **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. 6793, Dec. 18, 2002>

(1) (Enforcement date) This Act shall enter into force on January 1, 2003.

(2) (Transitional Measures for Restriction on Division of Farmland) The amendments to [Article 21](#) (2) shall not apply to the division of farmland in case where any farmland division has been requested at the time of enforcement of this Act, or where any authorization or permission accompanying the farmland division has been requested pursuant to the related

Acts and subordinate statutes.

**ADDENDA** <Act No. 6841, Dec. 30, 2002>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12**

Omitted.