

# FISHING MANAGEMENT AND PROMOTION ACT

Amended by Act No. 10458, Mar. 9, 2011

Amended by Act No. 10801, jun. 15, 2011

Act No. 11690, Mar. 23, 2013

## Article 1 (Purpose)

The purpose of this Act is to create a healthy fishing culture and protect fishery resources, contributing to the development of fishing-related industries as well as agricultural and fishing villages, thereby improving the quality of life of the people by prescribing matters concerning the management and promotion of fishing.

## Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "fishing" means the activity of catching fish, shellfish, crustacea and other aquatic animals prescribed by Presidential Decree using tackle including a fishing rod, fishing line, fish hook, etc. (hereinafter referred to as "fishing tackle");
2. The term "fisherman" means a person who fishes or intends to fish at a fishing place;
3. The term "fishing place" means a place, such as the sea, seaside or inland waters, where fishing is done;
4. The term "fishing place business" means a business of providing a place and conveniences so that fishermen can fish, by dividing a specific body of water and installing facilities in a fishing place for profit-making purposes;
5. The term "fishing place proprietor" means a person who operates a fishing place business, and has obtained permits pursuant to Article 10 or has registered his/her business pursuant to Article 16;
6. The term "fishing vessel business" means the business of taking fishermen on board a fishing vessel and guiding them to a fishing place, or allowing them to fish on the fishing vessel;
7. The term "fishing vessel" means a fishing vessel registered pursuant to the Fishing Vessels Act, which is used for the fishing vessel business;
8. The term "fishing vessel proprietor" means a person who operates fishing vessel business, and has reported pursuant to Article 25;
9. The term "bait" means a paste bait, etc. used to attract and catch aquatic animals; and
10. The term "manager of a body of water" means a person who owns or occupies and uses a body of water, etc. falling under Article 3, or substantially controls such body of water by other methods.

### **Article 3 (Scope of Application)**

This Act shall apply to the following bodies of water, etc.:

1. The sea;
2. The seaside under subparagraph 18 of Article 2 of the Fisheries Act;
3. A body of seawater on land artificially created for the purpose of fishery under subparagraph 3 of Article 3 of the Fisheries Act;
4. A body of water for public purposes under subparagraph 2 of Article 2 of the Inland Water Fisheries Act; and
5. A privately-owned body of water under subparagraph 3 of Article 2 of the Inland Water Fisheries Act.

### **Article 4 (Relationship with other Acts)**

- (1) The Excursion Ship and Ferry Business Act shall not apply to the fishing vessel business.
- (2) Except as otherwise provided in other Acts, this Act shall apply to the management and promotion of fishing.

### **Article 5 (Formulation of Criteria for Restrictions on Fishing)**

- (1) The Minister of Oceans and Fisheries may formulate criteria for the species, number, length, weight, etc. of aquatic animals not to be caught by fishing, and for fishing techniques, fishing tackle, the period of time, etc. not to be used for catching aquatic animals (hereinafter referred to as "criteria for restrictions on fishing") for the protection of aquatic ecosystems, fishery resources, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Specific details of criteria for restrictions on fishing under paragraph (1) shall be prescribed by Presidential Decree.
- (3) If a Special Metropolitan City, Metropolitan City, Do or Special Self-governing Province (hereinafter referred to as "City/Do") deems it particularly necessary for the protection of aquatic ecosystems, fishery resources, etc. in waters under its jurisdiction, it may formulate more tightened criteria for restrictions on fishing than on fishing formulated pursuant to paragraph (1) by Ordinance of such City/Do.
- (4) Where the criteria for restrictions on fishing has been formulated or modified pursuant to paragraph (3), the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Governor of a Do or the Governor of a Special Self-governing Province (hereinafter referred to as the "Mayor/Do Governor") shall report the formulation or modification thereof to the Minister of Oceans and Fisheries and take necessary measures so that fishermen can learn such formulation or modification. *<Amended by Act No. 11690, Mar. 23, 2013>*

### **Article 6 (Fishing Restricted Areas)**

- (1) The Governor of a Special Self-governing Province or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu, and in the case of the Han River in the jurisdiction of the Seoul Metropolitan Government, referring to the head of an agency who is in charge of affairs concerning the management of the Han River; hereinafter referred to as "head of a Si/Gun/Gu") may designate and announce a specific

area as a fishing-restricted area, for the protection of aquatic ecosystems and fishery resources and the prevention of accidents of fishermen, etc. In such cases, if the manager of a body of water separately exists, he/she shall consult in advance with the manager of such body of water.

(2) Where the purpose of designating a fishing-restricted area under paragraph (1) has been achieved, or the designating purpose has been lost, or it is necessary to additionally designate an area adjacent to the area subject to designation in order to achieve the original purpose of designation, the head of a Si/Gun/Gu shall fully or partially revoke the designation of the fishing-restricted area, or change the area subject to designation and announce such change. In such cases, if the manager of a body of water separately exists, he/she shall consult with the manager of such body of water in advance.

(3) Where the head of a Si/Gun/Gu designates a fishing-restricted area pursuant to paragraph (1), or changes or revokes such designation pursuant to paragraph (2), he/she shall officially announce on the Official Gazette of the relevant local government such matters prescribed by Presidential Decree as the name and location of the a fishing-restricted area, and has maps etc. in place so that the general public may read them, and install a bulletin board with the official announcements in the fishing-restricted area.

(4) In designating a fishing-restricted area under paragraph (1), the standard, content and installation place of a bulletin board shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, and matters for consideration, such as the period of restriction, procedures for designation, revocation or change of designation, and other necessary matters shall be prescribed by Ordinance of the relevant Special Self-governing Province, or a Si/Gun/Gu (referring to an autonomous Gu, and in the case of the Han River in the jurisdiction of the Seoul Metropolitan Government, referring to an agency that is in charge of affairs concerning the management of the Han River; hereinafter referred to as "Si/Gun/Gu"). <Amended by Act No.

11690, Mar. 23, 2013>

#### **Article 7 (Prohibited Acts on Bodies of Water, etc.)**

No person shall perform any of the following acts when he/she fishes on a bodies of water referred to in the subparagraphs of Article 3:

1. Disposing of fishing tackle or baits without using them for fishing purposes; and
2. Catching aquatic animals, in violation of the criteria for restrictions on fishing under Article 5.

#### **Article 8 (Prohibition of Manufacture of Harmful Fishing Tackle, etc.)**

(1) No person shall use or sell (or provide to many unspecified people) fishing tackle in which harmful substances, such as heavy metals, that may hinder the protection of aquatic ecosystems and fishery resources or endanger fishery products, are contained or remain in excess of the permissible level (hereinafter referred to as "harmful fishing tackle"), or manufacture, import, store, transport or display harmful fishing tackle for sale: Provided, That this shall not apply to cases prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as scientific research, viewing or exhibition. <Amended by Act No.

11690, Mar. 23, 2013>

(2) The permissible level of harmful substances, etc. under paragraph (1) shall be prescribed by Presidential Decree.

## **Article 9 (Fishermen's Safety Management)**

(1) In worsening weather conditions as prescribed by Presidential Decree, the head of a Si/Gun/Gu or the head of the competent regional station of the Korea Coast Guard may order fishermen to take the following measures in order to ensure the safety of life and the body of fishermen:

1. To move to a safe place; and
2. Not to enter a place, which is deemed necessary for the prevention of accidents by the head of a Si/Gun/Gu or the head of the competent regional station of the Korea Coast Guard.

(2) The head of a Si/Gun/Gu shall formulate and implement guidelines for safety management including matters referred to in the subparagraphs of paragraph (1) and other matters necessary for the safety management of fishermen. In such cases, he/she shall consult about matters concerning the body of seawater with the head of the competent regional station of the Korea Coast Guard.

## **Article 10 (Permits for Fishing Place Business)**

(1) Any person who intends to operate a fishing place business on the bodies of water referred to in subparagraphs 1 through 4 of Article 3 shall obtain permits from the head of a Si/Gun/Gu having jurisdiction over the relevant body of water, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries. The same shall apply where he/she intends to change the location and area of the fishing place and other important matters prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where a body of water, etc. on which a person intends to obtain permits for a fishing place business extends over at least two Sis/Guns/Gus, he/she shall obtain permits from the head of a Si/Gun/Gu having jurisdiction over a body of water with the larger surface area on which he/she intends to obtain permits to operate such business.

(3) Where the head of a Si/Gun/Gu intends to grant permits to a fishing place business, he/she shall consider matters concerning the environmental pollution conditions, such as the purpose or water quality of the relevant body of water, the condition of fishery resources, interests with the fishing personnel, the safety of fishermen, etc.

(4) Where a person obtains permits for a fishing place business under paragraph (1) on a body of water falling under subparagraph 4 of Article 3, he/she shall be deemed to have obtained the following permits or approval; and

1. Permits for the occupation or usage of a body of public water under Article 8 of the Public Waters Management and Reclamation Act; and
2. Approval for use other than purposes for agricultural production infrastructure under Article 23 (1) of the Rearrangement of Agricultural and Fishing Villages Act.

(5) Where applications for permits with respect to a body of water, etc. on the same location are filed contendingly, the head of a Si/Gun/Gu may grant permits in order of precedence prescribed by Presidential Decree.

## **Article 11 (Criteria for Permits for Fishing Place Business)**

(1) The head of a Si/Gun/Gu may grant permits only when the content of an application for permits for a fishing place business meets the following standards:

1. An applicant shall possess facilities and equipment necessary for the safety and convenience of fishermen and the management of the fishing place;
2. An applicant shall buy an insurance policy or subscribe to mutual aid under Article 48;
3. An applicant shall not install facilities or equipment that may compromise the protection of aquatic ecosystems and fishery resources, the safety of fishery products and the creation of healthy fishing culture; and
4. In the case of a fishing place business utilizing a specific part of an aquaculture zone permitted pursuant to Article 8 of the Fisheries Act, only the cultivated fish species permitted shall be provided for fishing.

(2) Standards for facilities and equipment under paragraph (1) 1, and types of facilities and equipment, the installation of which is restricted pursuant to subparagraph 3 of the same paragraph, shall be prescribed by Presidential Decree.

## **Article 12 (Period of Validity of Permits)**

(1) A period of validity of permits for a fishing place business under Article 10 shall be ten years: Provided, That where such period of validity is prescribed by Presidential Decree for the protection of aquatic ecosystems and fishery resources or the implementation of public works, such period of validity may be within ten years.

(2) Where a period of validity of a fishing place business permitted pursuant to paragraph (1) expires, if a fishing place proprietor applies for extension of the period of validity, the head of a Si/Gun/Gu may extend such period up to twice within ten years for each extension.

(3) Notwithstanding paragraphs (1) and (2), in the case of a fishing place business utilizing a part of an area for which the proprietor obtains permits pursuant to the Fisheries Act, the period of validity of permits for the business of such fishing place shall be within the expiration date of permits of the relevant area.

(4) Procedures for application to extend a period of validity under paragraph (2) or other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 13 (Consultation on Use of Body of Water, etc.)**

Where a person who intends to operate a fishing place business on a body of water referred to in subparagraph 4 of Article 3 applies for permits under Article 10, the head of a Si/Gun/Gu shall consult with the manager of a body of water in advance, as prescribed by Presidential Decree. The same shall also apply where the head of a Si/Gun/Gu receives an application for extension of the period of validity pursuant to Article 12 (2).

#### **Article 14 (Revocation of Permits, etc.)**

(1) Where a fishing place proprietor who has obtained permits pursuant to Article 10 falls under any of the following, the head of a Si/Gun/Gu shall revoke such permits, or order him/her to fully or partially suspend the business, for a fixed period not exceeding six months: Provided, That where he/she falls under subparagraph 1 or 2, the head of a Si/Gun/Gu shall revoke such permits:

1. Where he/she has obtained permits for a fishing place business or permits for the modification thereof, or an extension of a period of validity of permit for a fishing place business by deception or other unlawful means;
  2. Where he/she operates business during a period in which business is ordered to be suspended;
  3. Where he/she fails to operate business within one year he/she has obtained permits, or continuously suspends business for at least one year without just cause;
  4. Where he/she operates a fishing place business without permits for change thereof under the latter part of Article 10 (1);
  5. Where he/she fails to meet any of the criteria for permits under Article 11; and
  6. Where a fishing place proprietor has filed a report on the closure of business to the head of the competent taxation office pursuant to Article 5 of the Value-Added Tax Act, or the head of the competent taxation office has cancelled registration of a business proprietor.
- (2) A person whose business permits have been revoked pursuant to paragraph (1) (excluding where business permits have been revoked pursuant to subparagraph 6 of the same paragraph) shall not apply for permits for a fishing place business until one year after the date of revocation of the business permits.
- (3) Specific procedures for disposition under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 15 (Reinstatement, etc.)**

(1) A person who falls under any of the following shall reinstate a fishing place to the original state, such as the removal of facilities or equipment, or other objects installed in the fishing place:

1. A person who has operated a fishing place business without permits for such business;
  2. A person whose permits for a fishing place business have been revoked;
  3. A person who has closed a permitted fishing place business; and
  4. A person who has installed facilities or equipment, the installation of which is restricted pursuant to Article 11 (1) 3.
- (2) Notwithstanding paragraph (1), where a person who is obligated to reinstate a fishing place to the original state (hereinafter referred to as "person obligated to conduct reinstatement") falls under the grounds prescribed by Presidential Decree, including where he/she cannot or does not need to reinstate the fishing place to the original state, the head of a Si/Gun/Gu may exempt him/her from conducting the reinstatement thereof ex officio or upon receiving application of the person with such an obligation to reinstate, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, if a manager of a body of water separately exists, the head of a Si/Gun/Gu shall consult with the manager of such body

of water in advance. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Where a person with an obligation to reinstate fails to take necessary measures for reinstatement under paragraph (1), the head of a Si/Gun/Gu may order him/her to conduct reinstatement within a fixed period.

(4) Where a person who is ordered to conduct reinstatement under paragraph (3) fails to conduct such reinstatement, the head of a Si/Gun/Gu may conduct reinstatement on behalf of him/her pursuant to the Administrative Vicarious Execution Act.

(5) Where the head of a Si/Gun/Gu deems it necessary, in order to ensure the fulfillment of an obligation and execution of order to conduct reinstatement under paragraph (1) and paragraph (3) respectively, he/she may have a person with such obligation deposit an amount equivalent to expenses incurred in such reinstatement, as prescribed by Presidential Decree: Provided, That this shall not apply where the person obligated to conduct reinstatement has provided a guarantee necessary for the fulfillment of an obligation to reinstate pursuant to other Acts and subordinate statutes.

#### **Article 16 (Registration of Fishing Place Business)**

(1) Any person who intends to operate a fishing place business on a body of water referred to in subparagraph 5 of Article 3 shall register his/her business with the head of a Si/Gun/Gu having jurisdiction over the relevant body of water, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. The same shall also apply where he/she intends to change important matters prescribed by Presidential Decree, such as the location, area, or name of the fishing place. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where a body of water on which a person intends to register a fishing place business extends over at least two Sis/Guns/Gus, he/she shall register his/her business with the head of a Si/Gun/Gu having jurisdiction over a body of water with the larger surface area on which he/she intends to register his/her business.

#### **Article 17 (Criteria for Registration of Fishing Place Business)**

The head of a Si/Gun/Gu may register a fishing place business only where details of an application for registration of a fishing place business meet each of the criteria referred to in Article 11 (1) 1 through 3.

#### **Article 18 (Period of Validity of Registration)**

(1) A period of validity of registration of a fishing place business under Article 16 shall be ten years: Provided, That in cases prescribed by Presidential Decree, such as cases necessary for public works, the period of validity may be fixed within ten years.

(2) Where a period of validity of a fishing place business registered pursuant to paragraph (1) expires, if a fishing place proprietor applies for extension of the period of validity, the head of a Si/Gun/Gu may grant an extension of such period within a period of ten years for each extension from the day following the expiration date of the period of validity.

(3) Procedures for application to extend a period of validity under paragraph (2) or other necessary matters shall be prescribed by Ordinance of the Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 19 (Revocation of Registration, etc.)**

(1) Where a fishing place proprietor registered pursuant to Article 16 falls under any of the following, the head of a Si/Gun/Gu may fully or partially revoke such registration or order him/her to suspend his/her business, within a fixed period not exceeding six months: Provided, That where he/she falls under subparagraph 1 or 2, the head of a Si/Gun/Gu shall revoke his/her registration:

1. Where he/she has registered a fishing place business or the modifications thereof, or has obtained an extension of the period of validity of registration of a fishing place business by deception or other unlawful means;
  2. Where he/she operates business during the suspension of business;
  3. Where he/she operates a fishing place business without registering the modification thereof under the latter part of Article 16 (1); and
  4. Where he/she fails to meet any of the criteria for registration of a fishing place business referred to in Article 17.
- (2) No person whose registration of business has been revoked pursuant to paragraph (1) shall file an application for registration of a fishing place business, until one year after the date such registration was revoked.
- (3) Specific criteria for disposition under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 20 (Matters to be Observed by Fishing Place Proprietors, etc.)**

(1) Any fishing place proprietor and person engaging in such business shall observe the following matters: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. He/she shall not release fish species that disturb or are likely to disturb the balance in aquatic ecosystems (hereinafter referred to as "release-prohibited fish species" in a fishing place operated by the fishing place proprietor;
  2. He/she shall not pollute the water of the fishing place in excess of acceptable water quality standards;
  3. He/she shall not damage the aquatic ecosystem of the fishing place in excess of acceptable standards for the preservation of aquatic ecosystems; and
  4. He/she shall observe matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, which correspond to the provisions of subparagraphs 1 through 3 because they are deemed necessary for the protection of aquatic ecosystems and fishery resources or ensuring the safety of fishery products.
- (2) Release-prohibited fish species and acceptable water quality standards and acceptable standards for the preservation of aquatic ecosystems shall be prescribed by Presidential Decree.

#### **Article 21 (Succession to Fishing Place Businesses)**

(1) Any person who falls under any of the following subparagraphs shall be a successor to the previous recipient of permits for, or registration of, a fishing place business:

1. Where a person who has obtained permits for, or has registered, a fishing place business transfers such business, the transferee thereof;



2. Where a person who has previously obtained permits for, or has registered, a fishing place business dies, the successor thereof; and
  3. Where corporations are merged, the corporation surviving after merger or a corporation that is incorporated by merger.
- (2) A person who has taken over all facilities and equipment for business in accordance with procedures falling under any of the following subparagraphs, shall succeed to the status of a person who has obtained permits for, or has registered, the former fishing place business under this Act:
1. An auction under the Civil Execution Act;
  2. Conversion under the Debtor Rehabilitation and Bankruptcy Act;
  3. Sale of attached property under the National Tax Collection Act, the Customs Act or the Local Tax Act; and
  4. Other procedures corresponding to the provisions of subparagraphs 1 through 3.
- (3) Any successor to a recipient of permits for, or registration of, the former fishing place business pursuant to paragraphs (1) and (2), shall report the fact of succession to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 22 (Succession to Effect of Administrative Punishment Dispositions)**

- (1) The disposition of an administrative punishment made to the former fishing place proprietor pursuant to Article 14 (1) or 19 (1) shall be effective to a successor to a fishing place proprietor who has succeeded to a fishing place business pursuant to Article 21 (1) for one year from the date the period of such disposition expires.
- (2) The head of a Si/Gun/Gu may continue procedures for disposition of an administrative punishment in progress pursuant to Article 14 (1) or 19 (1) with respect to a fishing place proprietor who has succeeded to a fishing place business pursuant to Article 21 (1).
- (3) Notwithstanding paragraphs (1) and (2), this shall not apply where a fishing place proprietor who has succeeded to a fishing place business pursuant to Article 21 (1) proves that he/she does not know disposition of an administrative punishment made to the former fishing place proprietor or the former fishing place proprietor's offense when he/she succeeds to such business.

#### **Article 23 (Disposition of Closure)**

- (1) The head of a Si/Gun/Gu may require the relevant public official to order a person who falls under any of the following subparagraphs to close the relevant fishing place:
1. A person who operates business without obtaining permits, in violation of Article 10 (1), or without registering his/her business, in violation of Article 16 (1); and
  2. A person who continues to operate business after the permits have been revoked pursuant to Article 14 (1) or registration has been revoked pursuant to Article 19 (1).
- (2) The head of a Si/Gun/Gu may have the relevant public official take the following measures for the closure referred to in paragraph (1):

1. Removal or elimination of a signboard or other business markings in the relevant fishing place;
2. Posting a notice, etc. notifying that the relevant fishing place is an unlawful fishing place; and
3. Sealing to prohibit the use of facilities of the relevant fishing place or other apparatus used for business.

(3) Where the head of a Si/Gun/Gu deems it necessary to maintain a seal after sealing under paragraph (2) 3, or a fishing place proprietor or his/her agent requests the head of a Si/Gun/Gu to unseal facilities or other apparatus by promising the closure of the relevant fishing place or with other just causes, the head of a Si/Gun/Gu may unseal such facilities or apparatus.

(4) Where the head of a Si/Gun/Gu intends to close a fishing place pursuant to paragraph (1), he/she shall notify the relevant fishing place proprietor or his/her agent of the closure thereof in writing in advance: Provided, That this shall not apply in urgency, such as where the fishing place should be closed urgently because a safety accident has occurred.

(5) Measures taken under paragraph (2) shall be limited to the minimum extent necessary for stopping such business.

(6) The relevant public official who closes a fishing place pursuant to paragraphs (1) and (2) shall carry a certificate indicating his/her authority and produce it to the persons concerned.

#### **Article 24 (Report on Suspension or Closure, etc. of Business)**

Where a fishing place proprietor falls under any of the following subparagraphs, he/she shall report such fact to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Oceans and Fisheries:

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

1. Where he/she intends to close a fishing place business within the period of validity of permits or registration;
2. Where he/she intends to suspend the business for more than three months;
3. Where he/she intends to resume business after the suspension of business; and
4. Where he/she intends to extend the suspension of business.

#### **Article 25 (Report on Fishing Vessel Business)**

(1) Any person who intends to operate fishing vessel business shall meet the requirements prescribed by Presidential Decree (hereinafter referred to as "requirements for report"), such as the type of vessel eligible to be a fishing vessel, the size, age, facilities, etc. of a fishing vessel, and file a report on the fishing vessel business concerning matters prescribed by Presidential Decree including the number and name of fishing vessel (hereinafter referred to as "matters for reporting") to the head of a Si/Gun/Gu having jurisdiction over the port of registry of the relevant fishing vessel. The same shall also apply where he/she intends to change important matters for report prescribed by Presidential Decree, such as the number and name of a fishing vessel.

(2) Where details of a report made pursuant to paragraph (1) meets the requirements for report, the head of a Si/Gun/Gu shall issue a certificate of reporting on the fishing vessel business.

(3) Matters necessary for methods and procedures for report under paragraph (1) and the issuance of a certificate of reporting under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 26 (Report on Matters for Report, etc.)**

(1) The head of a Si/Gun/Gu in receipt of a report on the fishing vessel business pursuant to Article 25 (1) shall report the matters for report, etc. to the Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, if the fishing vessel business is operated at sea, the head of a Si/Gun/Gu shall notify the chief of the competent regional station of the Korea Coast Guard of the matters for report immediately. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Mayor/Do Governor in receipt of a report pursuant to paragraph (1) shall report the details thereof to the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 27 (Business Area)**

A business area of the fishing vessel business shall be on a body of water under the jurisdiction of the Mayor/Do Governor to which the port of registry of such fishing vessel belongs: Provided, That where the Minister of Oceans and Fisheries designates a body of water between the nearby City/Do as a joint business area as prescribed by Presidential Decree, such joint business area and the body of water under the jurisdiction of the relevant Mayor/Do Governor shall be the business area. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 28 (Fixed Number of Persons on Board)**

The fixed number of persons permitted on board a fishing vessel shall be the maximum number of persons mentioned in an inspection certificate of the fishing vessel under the Fishing Vessels Act.

#### **Article 29 (Obligations for Safe Navigation, etc. of Fishing Vessel Proprietors, etc.)**

(1) A fishing vessel proprietor and his/her crew shall take necessary measures for safe navigation, such as checking the safety of the fishing vessel and weather conditions, and navigate the fishing vessel safely according to the conditions of a body of water, so that no harm may be brought to passengers aboard the fishing vessel.

(2) No fishing vessel proprietor and crew shall perform any of the following acts:

1. Taking persons on board in excess of the fixed number of persons permitted to board under Article 28;
2. Taking persons unfit for boarding, such as a person under 14 years of age not accompanied by his/her guardian or mental patient under subparagraph 1 of Article 3 of the Mental Health Act, on board; and
3. Other acts deemed to harm the safe navigation of a fishing vessel.

(3) Where necessary for the safe navigation of a fishing vessel, a fishing vessel proprietor and his/her crew may have all persons on board, including passengers on board the fishing vessel, etc., wear a life jacket. In such cases, where a passenger does not wear a life jacket, they may refuse his/her boarding.

### **Article 30 (Prohibition of Navigation under Influence of Alcohol, etc.)**

(1) No fishing vessel proprietor and crew shall navigate a fishing vessel under the influence of alcohol or have a fishing vessel proprietor or his/her crew under the influence of alcohol navigate the fishing vessel. In such cases, "under the influence of alcohol" means under the influence of alcohol under Article 41 (5) of the Maritime Safety Act. *<Amended by Act No. 10801, Jun. 15, 2011>*

(2) Where any person who falls under the following (hereinafter referred to in this Article as "relevant public official") finds a considerable reason to the extent that he/she deems that a fishing vessel proprietor and his/her crew have violated paragraph (1), he/she may measure as to whether the fishing vessel proprietor and his/her crew are under the influence of alcohol: In such cases, the fishing vessel proprietor and his/her crew shall comply with such measurement:

1. A police office; and
2. A person who engages in the affairs of water safety among the public officials belong to a Si/Gun/Gu.

(3) Where the relevant public official (excluding an uniformed police officer) measures as to whether a fishing vessel proprietor and his/her crew are under the influence of alcohol pursuant to paragraph (2), he/she shall carry a certificate of character indicating his/her authority and produce it to the relevant fishing vessel proprietor and his/her crew.

(4) Where a fishing vessel proprietor and his/her crew are dissatisfied with the result of measurement under paragraph (2), the relevant public official may remeasure by methods of blood collection, etc. with the consent of the relevant fishing vessel proprietor and his/her crew.

(5) Where a fishing vessel proprietor or his/her crew falls under a drunken state under the latter part of paragraph (1) as a result of measurement under paragraph (2) or (4), the relevant public official shall take necessary measures, such as restrictions on navigation or boarding, with respect to the relevant fishing vessel proprietor or his/her crew.

### **Article 31 (Prohibition of Navigation under Influence of Drugs)**

No fishing vessel proprietor and crew shall navigate a fishing vessel under the influence of drugs, or have a fishing vessel proprietor or his/her crew under the influence of drugs navigate the fishing vessel. In such cases, "under the influence of drugs" means a state where he/she cannot navigate the fishing vessel normally due to the influence of narcotics, psychotropic drugs or cannabis under Article 2 of the Act on the Control of Narcotics, etc. or hallucinogenic substances under Article 43 of the Toxic Chemicals Control Act.

### **Article 32 (Posting Certificate of Reporting on Fishing Vessel Business, etc.)**

A fishing vessel proprietor shall post a certificate of reporting on the fishing vessel business and matters announced by the head of a Si/Gun/Gu on the fishing vessel, so that passengers may see them properly, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

### **Article 33 (Notices of Arrival and Departure of Vessels, etc.)**

(1) Where a fishing vessel proprietor intends to take passengers on board and arrive at/depart from a port or harbor (hereinafter referred to as "arrival and departure"), he/she shall report the head of an agency in charge of affairs concerning notices of arrival at/departure from a port of fishing vessels (hereinafter referred to as "NOAD administration office"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A fishing vessel proprietor who intends to give notice of the departure from port pursuant to paragraph (1) shall submit a report to the head of the relevant NOAD administration office with a list of crew and passengers to go on board the relevant fishing vessel (hereinafter referred to as "list of persons on board").

(3) A fishing vessel proprietor shall keep a copy of the list of persons on board in the relevant fishing vessel.

### **Article 34 (Restrictions on Departure from Port)**

(1) Where the head of an NOAD administration office deems it necessary for the safety of a fishing vessel proprietor and his/her crew and passengers, he/she may restrict the departure of the fishing vessel from port in consideration of information on weather and water conditions, etc.

(2) Matters necessary for the criteria for restrictions on departure from port, etc. under paragraph (1) shall be prescribed by Presidential Decree.

### **Article 35 (Measures for Safe Navigation, etc.)**

(1) Where the head of a Si/Gun/Gu deems it particularly necessary for the safe navigation and prevention of safety accidents of fishing vessels and the maintenance of order in fishing vessel business, he/she may give the following directions to fishing vessel proprietors, or order them to take the following measures, after hearing the opinions of the chief of the competent police station or the chief of the competent regional station of the Korea Coast Guard:

1. Restrictions on business hours or frequency of navigation;
2. Restrictions on business areas or a temporary suspension of business; and
3. Other matters deemed necessary for the safe navigation and prevention of safety accidents of fishing vessels and the maintenance of order of the fishing vessel business.

(2) The head of a Si/Gun/Gu shall determine and announce matters to be observed by passengers on board a fishing vessel for the purposes of safe navigation of the fishing vessel, prevention of safety accidents for them, prevention of water pollution and protection of fishery resources.

(3) The head of a Si/Gun/Gu shall install a bulletin board mentioning matters that to be observed by fishing vessel proprietors or their crew in a place of arrival and departure where they may see it properly. In such cases the following matters shall be included on the bulletin board:

1. Measures for safe navigation, etc. under paragraph (1);
2. Matters to be observed by fishing vessel proprietors or crews under Articles 29 through 33 and 37 (1);

3. Criteria for restrictions on departure from port under Article 34 (2); and
4. Matters prohibited pursuant to other Acts and subordinate statutes, such as dumping oil, excreta or wastes on the bodies of water referred to in the subparagraphs of Article 3.

#### **Article 36 (Matters to be Observed by Passengers on Board Fishing Vessels)**

Where necessary for safe navigation, a fishing vessel proprietor or his/her crew may take measures so that passengers aboard the fishing vessel observe matters to be observed by them pursuant to Article 35 (2). In such cases, passengers aboard the fishing vessel shall cooperate in measures taken by the fishing vessel proprietor or his/her crew.

#### **Article 37 (Report on Occurrence of Accidents)**

(1) When an accident falls under any of the following, and where the accident has occurred on an inland body of water, a fishing vessel proprietor or his/her crew shall immediately report the occurrence of an accident to the head of a Si/Gun/Gu nearest to the site of the accident, or where the accident has occurred at sea, to the chief of the competent regional station of the Korea Coast Guard, and take necessary measures for the management of the accident:

1. Where a passenger dies on board or goes missing; and
2. Where a collision, stranding or accident that has impacts or is likely to have impacts on the safe navigation of a fishing vessel has occurred.

(2) The head of a Si/Gun/Gu or the chief of a regional station of the Korea Coast Guard in receipt of a report under paragraph (1) shall report an accident to the competent Mayor/Do Governor or the Commissioner of the competent Regional Headquarters of the Korea Coast Guard, respectively and take necessary measures for the management of the accident, such as the rescue of human lives.

#### **Article 38 (Closure of Business, etc.)**

(1) Where a fishing vessel proprietor falls under any of the following subparagraphs, the head of a Si/Gun/Gu may order him/her to close his/her business or to suspend his/her business for a fixed period not exceeding three months: Provided, That where he/she falls under subparagraphs 1 through 3, the head of a Si/Gun/Gu shall order him/her to close his/her business:

1. Where he/she has reported the fishing vessel business by deception or other unlawful means;
2. Where a fishing vessel has been de-registered pursuant to the Fishing Vessels Act;
3. Where he/she operates business during the suspension of business;
4. Where he/she fails to meet requirements for reporting the fishing vessel business under Article 25;
5. Where he/she has encroached upon a business area for the fishing vessel business under Article 27;
6. Where he/she or his/her crew has navigated a fishing vessel under the influence of alcohol in a state that passengers are aboard the fishing vessel, in violation of Article 30 (1);
7. Where he/she or his/her crew has navigated a fishing vessel under the influence of drugs after passengers are aboard the fishing vessel, in violation of Article 31; and
8. Where he/she fails to buy an insurance policy or to subscribe to mutual aid under Article 48.

(2) A person who receives an order to close his/her business pursuant to paragraph (1) shall not report the fishing vessel business until one year after the date his/her business is closed.

(3) Specific criteria for disposition under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 39 (Report on Closure of Business, etc.)**

(1) A person who intends to close a fishing vessel business shall report such fact to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, when he/she has closed a fishing vessel business at sea, the head of a Si/Gun/Gu shall notify the chief of the competent regional station of the Korea Coast Guard of matters reported to him/her without delay.

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

(2) Where a fishing vessel proprietor has reported the closure of business to the head of the competent taxation office pursuant to Article 5 of the Value-Added Tax Act, or the head of the competent taxation office has de-registered proprietor, the head of a Si/Gun/Gu may erase matters for report ex officio.

**Article 40 (Formulation of Standards for Baits)**

(1) Where necessary to ensure the safety of baits, the Minister of Oceans and Fisheries may formulate standards for content of specific substances by type of baits (hereinafter referred to as "standards for baits"). <Amended by Act No. 11690, Mar. 23, 2013>

(2) Specific details of standards for baits shall be prescribed by Presidential Decree.

**Article 41 (Prohibition on Manufacture of Baits, etc.)**

No person shall sell baits breaching the standards for baits, or manufacture, import, use, store, transport or display such baits for sale.

**Article 42 (Measures, such as Disuse)**

(1) Where a bait is found in breach of standards for baits as a result of the test thereof under Article 50, the Minister of Oceans and Fisheries, the Mayor/Do Governor or the head of a Si/Gun/Gu may have the relevant public official attach or disuse the relevant bait, or have the manufacturer, importer or dealer of the relevant bait withdraw or disuse such bait, or order him/her to take necessary measures by determining the objectives, methods of handling, etc of such bait so that danger in the safety of the relevant bait may be removed. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A public official who attaches or disuses baits pursuant to paragraph (1) shall carry a certificate indicating his/her authority and produce it to the persons concerned.

(3) Matters necessary for methods and procedures for attachment or disuse under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Where a person who received an order to disuse baits pursuant to paragraph (1) fails to comply with such order, the Minister of Oceans and Fisheries, the Mayor/Do Governor or the head of a Si/Gun/Gu may disuse such baits on his/her behalf pursuant to the Administrative Vicarious Execution Act. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 43 (Master Plan for Promotion of Fishing, etc.)**

(1) The Minister of Oceans and Fisheries shall formulate and implement a master plan to promote fishing every five years for the development of the fishing industry and fishing-related industries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Oceans and Fisheries formulates a master plan to promote fishing under paragraph (1), he/she shall seek opinions from related experts, etc., and when he/she deems the presented opinions appropriate, he/she shall reflect such opinions in the master plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The following matters shall be included in a master plan to promote fishing under paragraph (1):

1. The basic objective of the promotion of fishing and the direction of the promotion thereof;
2. Matters concerning the reinforcement of connection between fishing-related industries and fisheries;
3. Matters concerning the creation and protection of fishery resources subject to fishing;
4. Matters concerning the creation of the foundation of fishing; and
5. Other matters necessary for the promotion of fishing.

(4) The Minister of Oceans and Fisheries may formulate and implement yearly plans within the limits of a master plan for the promotion of fishing under paragraph (1) in consideration of the current status of fishing and the trends of fishing-related industries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) When necessary for the formulation and implementation of a master plan for the promotion of fishing under paragraph (1) and yearly plans under paragraph (4), the Minister of Oceans and Fisheries may request the heads of the relevant local governments to provide cooperation with him/her. In such cases, the heads of the relevant local governments requested to provide cooperation shall comply with his/her request except in special circumstances. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 44 (Designation of Exemplary Fishing Places, etc.)**

(1) The Minister of Oceans and Fisheries may designate fishing places meeting the standards prescribed by Ordinance of the Ministry of Oceans and Fisheries among the fishing places permitted pursuant to Article 10 or registered pursuant to Article 16 as an exemplary fishing place. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A person who intends to obtain designation as an exemplary fishing place shall file an application for the designation thereof with the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Where an exemplary fishing place falls under any of the following subparagraphs, the Minister of Oceans and Fisheries may revoke the designation thereof: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where it has been designated by deception or other unlawful means; and
2. Where it fails to meet any of the criteria for designation under paragraph (1).

(4) Matters necessary for designation procedures for an exemplary fishing place, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*



(5) Expenses incurred for facilities of a fishing place, or incurred in the operation or environmental improvements thereof may be provided to exemplary fishing places designated pursuant to paragraph (1) within the budgetary limits according to the standards determined by the Minister of Oceans and Fisheries.

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

#### **Article 45 (Support to and Promotion of Fishing-related Industries, etc.)**

(1) The Minister of Oceans and Fisheries, the Mayor/Do Governor and the head of a Si/Gun/Gu shall support and promote the fishing industry and fishing-related industries for the development of agriculture and fisheries as well as agricultural and fishing villages, the protection of rights of fishermen and fishing-related proprietors, the creation of healthy fishing culture and the development of fishing-related industries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries, the Mayor/Do Governor and the head of a Si/Gun/Gu may support the formulation and operation of fishing-related organizations and nonprofit corporations in order to achieve the purpose referred to in paragraph (1). *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Where a fishing-related organization or nonprofit corporation under paragraph (2) intends to promote the activities of educational training, public relations, etc. on its members and fishermen, the Minister of Oceans and Fisheries may provide necessary expenses within the budgetary limits. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Matters necessary for details of and criteria for support under the provisions of paragraphs (1) through (3) shall be prescribed by Presidential Decree.

#### **Article 46 (Honorary Observers)**

(1) The Minister of Oceans and Fisheries may appoint fishermen and executives and employees of fishing-related organizations or corporations as honorary observers and have them observe, guide and enlighten for the safety management of fishing places, the protection of fishery resources and the creation of healthy fishing culture. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may pay expenses to honorary observers necessary for observation activities, within budgetary limits. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for qualifications, certificate, appointment methods, and duty of honorary observers under paragraph (1), and details and methods of payment, etc. of expenses incurred in observation activities under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 47 (Education and Public Relations)**

(1) Fishing place proprietors and fishing vessel proprietors shall receive professional training provided by the Minister of Oceans and Fisheries for the safety of fishermen and the protection of fishery resources. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries, the Mayors/Do Governors and the heads of Sis/Guns/Gus shall provide training as well as promote public relations actively for the creation of healthy fishing culture and improvements in the welfare of anglers. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for the curriculum and expenses of training and institutions thereof under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 48 (Buying Insurance Policies, etc.)**

Fishing place proprietors and fishing vessel proprietors shall buy an insurance policy or subscribe to mutual aid in order to compensate for damage to persons intending to use a fishing place, passengers aboard a fishing vessel and crew, as prescribed by Presidential Decree.

#### **Article 49 (Fees)**

Any person who falls under any of the following subparagraphs shall pay fees, as prescribed by Ordinance of the Ministry of Oceans and Fisheries or by Municipal Ordinance: <Amended by Act No. 11690, Mar. 23, 2013>

1. A person who applies for permits for fishing place business or permits for change thereof pursuant to Article 10 (1);
2. A person who applies for registration of a fishing place business or registration of change thereof pursuant to Article 16 (1);
3. A person who reports succession to the fishing place business pursuant to Article 21 (3);
4. A person who reports the fishing vessel business or reports change thereof pursuant to Article 25 (1); and
5. A person who applies for the designation of an exemplary fishing place pursuant to Article 44 (2).

#### **Article 50 (Access, Inspection, etc.)**

(1) Where the Minister of Oceans and Fisheries, the Mayor/Do Governor or the head of a Si/Gun/Gu deems it necessary for the guidance and supervision of fishing-related business and ensuring the safety of baits, he/she may have persons who manufacture, import, sell or store fishing tackle, and fishing place proprietors, fishing vessel proprietors, persons who manufacture, import, sell or store baits and other relevant persons make necessary reports or submit necessary data, and have the relevant public officials have access to the following places to inspect facilities, books or other articles or inquire of the persons concerned: <Amended by Act No. 11690, Mar. 23, 2013>

1. A place where fishing tackle is manufactured, imported, sold or stored;
  2. A fishing place open for business after obtaining permits for a fishing place business pursuant to Article 10 or after registering a fishing place business pursuant to Article 16;
  3. A fishing vessel open for business after reporting the fishing vessel business pursuant to Article 25;
  4. A place where baits are manufactured, imported, sold or stored; and
  5. Other fishing-related places, including game fishing places, under Article 65 of the Fisheries Act.
- (2) Where the relevant public official conducts an inspection pursuant to paragraph (1), he/she may collect minimal necessary articles free of charge.
- (3) Where the relevant public official has access to a place or conducts an inspection pursuant to paragraph (1), the relevant persons, such as a fishing place proprietor or fishing vessel proprietor shall not refuse,

interfere with or evade his/her access or inspection without any just cause.

(4) The relevant public official who has access to a place or conducts an inspection pursuant to paragraph (1) shall carry a certificate of character indicating his/her authority and produce it to the persons concerned.

(5) Procedures for access, inspection, etc. under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 51 (Hearings)**

Where the Minister of Oceans and Fisheries or the head of a Si/Gun/Gu intends to make a disposition falling under any of the following, he/she shall hold a hearing: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Revocation of permits for a fishing place business under Article 14;
2. Revocation of registration of a fishing place business under Article 19;
3. An order to close the fishing vessel business under Article 38; and
4. Revocation of designation of an exemplary fishing place under Article 44 (3).

#### **Article 52 (Delegation and Entrustment of Authority)**

(1) The Minister of Oceans and Fisheries may delegate part of his/her authority under this Act to the head of an agency under his/her jurisdiction or the Mayor/Do Governor, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may entrust part of his/her authority under this Act to a fishing-related organization or nonprofit corporation under Article 45 (2), as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 53 (Penal Provisions)**

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment of not more than one year or by a fine not exceeding ten million won:

1. A person who has manufactured or imported harmful fishing tackle for sale, in violation of the main sentence of Article 8 (1);
2. A person who has operated a fishing place business without obtaining permits for a fishing place business or permits for change thereof under Article 10 (1);
3. A person who has obtained permits for a fishing place business or permits for change by deception or other unlawful means;
4. A person who has removed or damaged a notice or seal attached by the relevant public official pursuant to Article 23 (2) 2 and 3 respectively; and
5. A person who has manufactured or imported baits breaching the standards for baits, for sale, in violation of Article 41.

(2) Any person who falls under any of the following shall be punished by imprisonment of not more than six months or by a fine not exceeding five million won: *<Amended by Act No. 10801, Jun. 15, 2011>*

1. A person whose fishing place business or change thereof has been registered by deception or other unlawful means;
2. A person who operates a fishing place business without registering the business or change thereof under Article 16 (1);
3. A person who releases release-prohibited fish to a fishing place operated by a fishing place proprietor, in violation of Article 20 (1) 1;
4. A person who operates fishing vessel business without reporting the fishing vessel business under the forepart of Article 25 (1);
5. A person who navigates a fishing vessel under the influence of alcohol in a place exempt from the application of the Maritime Safety Act, such as on a river, lake or marsh where no vessel navigating in the ocean can continue navigation, or a person who allowed another person under the influence of alcohol to navigate a fishing vessel, in violation of Article 30 (1);
6. A person who fails to comply with measurement by the relevant public official under Article 30 (2) though there is a considerable reason that he/she is deemed to have navigated a fishing vessel under the influence of alcohol in a place exempt from the application of the Maritime Safety Act, such as on a river, lake or marsh where no vessel navigating at sea can continue navigation;
7. A person who leaves port, in violation of measures for restrictions on departure from port under Article 34 (1);
8. A person who refuses or evaded an order under Article 35 (1) 1 or 2; and
9. A person who continues to operate the fishing vessel business which is closed pursuant to Article 38 (1).

#### **Article 54 (Joint Penal Provisions)**

If the representative of a corporation, or an agent, employee or other worker of a corporation or individual commits an offense referred to in Article 53 regarding the affairs of such corporation or individual, not only shall the offender be punished but the corporation or individual also shall be punished by a fine referred to in the relevant Article: Provided, That this shall not apply where the corporation or individual has not neglected to pay considerable attention to and to supervise the relevant affairs in order to prevent such offense.

#### **Article 55 (Fines for Negligence)**

(1) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won: *<Amended by Act No. 10801, Jun. 15, 2011>*

1. A person who fishes in a fishing-controlled area designated and announced by Article 6 (1);
2. A person who disposes of fishing tackle or baits without using them for fishing purposes, in violation of subparagraph 1 of Article 7;
3. A person who catches any aquatic animal, in violation of the criteria for restrictions on fishing under subparagraph 2 of Article 7;

4. A person who uses or sells harmful fishing tackle (including the act of providing many unspecified people with harmful fishing tackle) or stores, transports or displays harmful fishing tackle for sale, in violation of the main sentence of Article 8 (1);
  5. A person who violates matters to be observed by a fishing place proprietor and his/her employees under the provisions of Article 20 (1) 2 through 4;
  6. A person who fails to report the fact of succession to a fishing place business by the fixed deadline, in violation of Article 21 (3);
  7. A person who violates the duty of safe navigation of a fishing vessel proprietor, etc. under Article 29 (2) and (3);
  8. A person who violates measures, such as restrictions on navigating or going aboard, under Article 30 (1) in a place exempt from the application of the Maritime Safety Act, such as on a river, lake or marsh where no vessel navigating at sea can continue navigation;
  9. A person who refuses or evades an order under Article 35 (1) 3;
  10. A person who fails to report the occurrence of an accident or to take measures to handle the accident under Article 37 (1);
  11. A person who sells baits breaching the standards for baits or uses, stores, transports or displays such baits for sale, in violation of Article 41;
  12. A person who refuses, interferes with or evades attachment or disuse, or refuses, interferes with or evades an order to withdraw or disuse baits breaching the standards for baits or to take measures for removal of harm for safety purposes under Article 42;
  13. A person who fails to complete professional training for fishing place proprietors, etc. under Article 47 (1);
  14. A person who refuses to make a report or to submit data under Article 50 (1), or makes a false report or submits false data; and
  15. A person who refuses, interferes with or evades the relevant public official's access to a place, etc. without just cause when the relevant public official conducts an inspection under Article 50 (3).
- (2) Any person who falls under any of the following shall be punished by a fine for negligence not exceeding one million won:
1. A person who refuses or evades an order to take measures to ensure the safety of life and health of fishermen under the subparagraphs of Article 9 (1);
  2. A person who fails to report the suspension, closure or resumption of a fishing place business or an extension of the period of suspension under Article 24 by the fixed deadline;
  3. A person who operates a fishing vessel business without reporting change of the fishing vessel business under the latter part of Article 25 (1);
  4. A person who fails to attach a certificate of reporting on the fishing vessel business on the fishing vessel, in violation of Article 32;

5. A person who fails to give a clearance or entrance notice under Article 33 or leaves or enters port after giving a false notice;
  6. A person who refuses or interferes with measures taken by a fishing vessel proprietor or his/her crew with respect to matters to be observed under Article 35 (2), in violation of Article 36; and
  7. A person who fails to report the closure of the fishing vessel business under Article 39 by the fixed deadline.
- (3) The Minister of Oceans and Fisheries, the Mayor/Do Governor or the head of a Si/Gun/Gu shall impose and collect fines for negligence under paragraphs (1) and (2), as prescribed by Presidential Decree.
- <Amended by Act No. 11690, Mar. 23, 2013>*

ADDENDA *<Act No. 10458, Mar. 9, 2011>*

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

This Act shall enter into force one year and six months after the date of its promulgation: Provided, That Articles 47 (1) and (3) and 55 (1) 13 shall enter into force two years and six months after the date of their promulgation.

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

The Charter Fishing Business Act is hereby repealed.

#### **Article 3 (General Transitional Measures)**

Where provisions applicable to dispositions, procedures and other acts under the former Charter Fishing Business Act or the former Inland Water Fisheries Act at the time this Act enters into force exist in this Act, dispositions shall be deemed made, procedures shall be deemed followed and other acts shall be deemed performed pursuant to this Act.

#### **Article 4 (Transitional Measures concerning Permits to Operate Fishing Business)**

(1) A person who has obtained permits for fishing business pursuant to Article 9 (1) 5 of the former Inland Water Fisheries Act at the time this Act enters into force may operate fishing business in accordance with the former provision within the period of validity of such permits notwithstanding Articles 10 and 11.

(2) Where the period of validity of permits to operate fishing business under paragraph (1) expires, a person who intends to continue fishing business shall obtain permits to newly operate fishing business pursuant to this Act.

#### **Article 5 (Transitional Measures concerning Report on Fishing Business)**

(1) A person who has reported fishing business pursuant to Article 11 of the former Inland Water Fisheries Act at the time this Act enters into force may operate fishing business in accordance with the former provisions within the period of validity of such report notwithstanding Articles 16 and 17.

(2) Where the period of validity of a report on fishing business under paragraph (1) expires, a person who intends to continue a fishing place business shall newly register a fishing place business pursuant to this Act.

#### **Article 6 (Transitional Measures concerning Report on Business of Providing Fishing Vessel)**

A person who has reported the fishing vessel business pursuant to Article 4 of the former Charter Fishing Business Act at the time this Act enters into force shall be deemed to have reported the fishing vessel business pursuant to this Act, and the period of validity of such business shall be the remainder of the former period of validity.

#### **Article 7 (Transitional Measures concerning Change of Agency in charge of Reports on Fishing Vessel Business in Han River under Jurisdiction of Seoul Metropolitan Government)**

A person who has reported a fishing vessel business to the head of an autonomous Gu with respect to the Han River in the jurisdiction of the Seoul Metropolitan Government pursuant to the former Charter Fishing Business Act at the time this Act enters into force shall be deemed to have reported to the head of an agency in charge of affairs on the management of the Han River pursuant to this Act.

#### **Article 8 (Transitional Measures concerning Closure of Fishing Vessel Business)**

Notwithstanding Article 38, the former Charter Fishing Business Act shall apply to offenses committed by fishing vessel proprietors before this Act enters into force.

#### **Article 9 (Transitional Measures concerning Penal Provisions and Fines for Negligence)**

(1) The former Charter Fishing Business Act and the former Inland Water Fisheries Act shall apply when the provisions of penal provisions or fines for negligence apply to acts performed before this Act enters into force.

(2) The former Inland Water Fisheries Act shall apply when penal provisions apply to acts violating the provisions on fishing business of the former Inland Water Fisheries Act by the deadline of the application of Articles 4 (1) and 5 (1) of Addenda after this Act enters into force.

#### **Article 10 Omitted.**

#### **Article 11 (Relationship with other Acts)**

Where the former Charter Fishing Business Act, the former Inland Water Fisheries Act or a provision thereof is cited by other Acts and subordinate statutes at the time this Act enters into force, if such provision corresponding thereto exists in this Act, this Act or the relevant Article of this Act shall be deemed cited in lieu of the former Charter Fishing Business Act, the former Inland Water Fisheries Act or the provision thereof.

ADDENDA <Act No. 10801, Jun. 15, 2011>

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

This Act shall enter into force six months after the date of its promulgation: Provided, That Article 8 (7) of Addenda shall enter into force on September 10, 2012.

#### **Articles 2 through 9 Omitted.**

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

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

