

# ENFORCEMENT DECREE OF THE SHIP ACT

Wholly Amended by Presidential Decree No. 11143, jun. 10, 1983

Amended by Presidential Decree No. 14447, Dec. 23, 1994

Presidential Decree No. 15135, Aug. 8, 1996

Presidential Decree No. 15379, May 24, 1997

Presidential Decree No. 16573, Oct. 11, 1999

Presidential Decree No. 18312, Mar. 17, 2004

Presidential Decree No. 20300, Sep. 28, 2007

Presidential Decree No. 20590, Jan. 31, 2008

Presidential Decree No. 20722, Feb. 29, 2008

Presidential Decree No. 22195, jun. 10, 2010

Presidential Decree No. 22829, Apr. 4, 2011

Presidential Decree No. 24443, Mar. 23, 2013

## Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Ship Act and matters necessary for the implementation thereof.

## Article 2 (Port of Registry)

(1) The port of registry prescribed in Article 7 (1) of the Ship Act (hereinafter referred to as the "Act") shall be named after the relevant Si/Eup/Myeon.

(2) In order to be a port of registry, a Si/Eup/Myeon shall be adjacent to waters navigable by ships.

(3) The port of registry shall be determined by the domicile of the owner of the relevant ship: Provided, That a Si/Eup/Myeon that is not a shipowner's domicile may be designated as the port of registry in any of the following cases:

1. Where a shipowner not domiciled in the Republic of Korea intends to designate a place in the Republic of Korea as the port of registry;
2. Where a shipowner's domicile is in a Si/Eup/Myeon away from waters navigable by ships;
3. Where a shipowner intends to designate an open port designated as a special zone for ship registration, as prescribed in Article 221 (1) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City;
4. In any extenuating circumstance to designate any Si/Eup/Myeon, other than the Si/Eup/Myeon to which a shipowner's domicile belongs, as the port of registry.

## **Article 2-2 (Registration of Seizure of Small Ships)**

Upon receipt of a request to register the seizure of a small ship prescribed in Article 8-3 of the Act, the administrator of a relevant regional maritime affairs and port administration (including the head of a maritime affairs office affiliated with the relevant regional maritime affairs and port administration; hereinafter referred to as the "administrator of the regional administration") shall record the seizure in the ship register and shall notify the shipowner of such registration without delay.

## **Article 3 (Hoisting of National Flag and Exemption from Keeping Certificate of Ship's Nationality, etc.)**

(1) Cases where a ship is permitted to hoist the national flag of the Republic of Korea, without keeping a certificate of the ship's nationality or a provisional certificate thereof in the ship, under the proviso to Article 10 of the Act are as follows:

1. A national holiday or any other day on which a national event is held: Provided, That hoisting the national flag on a national holiday of a foreign country is permitted only when a ship is anchored in the foreign country;
2. When a ship offers congratulations or condolences in any case other than those referred to in subparagraph 1;
3. Where a ship is a barge defined by Article 1-2 (1) 3 of the Act;
4. Where any other good ground exists.

(2) Cases where a ship is permitted to sail without keeping a certificate of the ship's nationality or a provisional certificate thereof in the ship, under the proviso to Article 10 of the Act, are as follows:

1. Where it is intended to operate a ship for sea trial;
2. Where it is intended to measure the gross tonnage of a ship;
3. Where a ship is a barge defined by Article 1-2 (1) 3 of the Act;
4. Where any other good ground exists.

**Articles 4 and 5 Deleted.** <by Presidential Decree No. 20590, Jan. 31, 2008>

**Articles 6 through 9 Deleted.** <by Presidential Decree No. 16573, Oct. 11, 1999>

**Articles 10 and 11 Deleted.** <by Presidential Decree No. 20590, Jan. 31, 2008>

## **Article 11-2 (Consultation, etc. on Entrusted Administrative Affairs)**

(1) Where the Minister of Oceans and Fisheries or the administrator of a regional administration intends to entrust the Korea Ship Safety Technology Authority under Article 45 of the Ship Safety Act (hereinafter referred to as the "Authority") or the Korean Register of Shipping under Article 60 (2) of the said Act (hereinafter referred to as the "Korean Register") with the execution of administrative affairs pursuant to Article 29-2 (1) of the Act, he/she shall determine the scope of such administrative affairs and consult with the Authority or the Korean Register thereon. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(2) When the Minister of Oceans and Fisheries or the administrator of a regional administration entrusts the Authority or the Korean Register with the execution of administrative affairs, as prescribed in paragraph (1) or revokes the entrustment of administrative affairs, he/she shall give public notice of such

fact. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(3) Matters necessary for the method of carrying out administrative affairs entrusted to the Authority or the Korean Register, shall be prescribed by the Minister of Oceans and Fisheries or the administrator of each regional administration. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

#### **Article 12 (Delegation of Authority)**

Pursuant to Article 31 of the Act, the Minister of Oceans and Fisheries shall delegate his/her authority over the following matters to the administrator of each regional maritime affairs and port administration.

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1. Permitting non-Korean ships to call at closed ports or to transport passengers or cargo between domestic ports under the proviso to Article 6 of the Act;
2. Measuring international gross tonnages or net tonnages and issuing certificates or written verification of international tonnage;
3. Taking measures for administrative affairs entrusted under Article 29-2 of the Act, receiving reports on the performance of duties related to such measures and entrusted administrative affairs, confirming the results of execution of entrusted administrative affairs, and taking measures necessary therefor.
4. Imposing and collecting administrative fines prescribed in Article 35 of the Act.

#### **Article 13 (Guidelines for Imposition of Administrative Fines)**

The guidelines for the imposition of administrative fines prescribed in Article 35 (1) and (2) of the Act, are as prescribed in the attached Table.

#### **ADDENDA**

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

This Decree shall enter into force on the date specified by Ordinance of the Ministry of Transportation.

##### **Article 2 (Repeal, etc. of Statutes)**

- (1) The Regulations on the Nationality, etc. of Small Ships are hereby repealed.
- (2) All certificates of a ship's nationality issued under the Regulations on the Nationality, etc. of Small Ships before this Decree enters into force shall be deemed issued under this Decree.

##### **Article 3 Omitted.**

##### **Article 4 (Transitional Measure concerning Authorization for Sailing)**

Authorization granted for sailing under former provisions before this Decree enters into force, shall be deemed provisional permission for sailing granted under the amended provisions of Article 3 (2).

#### **ADDENDA <Presidential Decree No. 14447, Dec. 23, 1994>**

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

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

##### **Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 15135, Aug. 8, 1996>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 8 Omitted.**

ADDENDA <Presidential Decree No. 15379, May 24, 1997>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDUM <Presidential Decree No. 16573, Oct. 11, 1999>

This Decree shall enter into force on October 16, 1999.

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>

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

ADDENDA <Presidential Decree No. 20300, Sep. 28, 2007>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on November 4, 2007.

**Articles 2 through 7 Omitted.**

ADDENDUM <Presidential Decree No. 20590, Jan. 31, 2008>

This Decree shall enter into force on February 4, 2008. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 20722, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDUM <Presidential Decree No. 22195, Jun. 10, 2010>

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

ADDENDA <Presidential Decree No. 22829, Apr. 4, 2011>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability concerning Calculation of Building Volume Ratio according to Amendment of the Enforcement Decree of the Building Act)**

The amended provisions of Article 119 (1) 4 (d) of the Enforcement Decree of the Building Act, shall apply where a building permit is issued after this Decree enters into force.

**Article 3 (Applicability concerning Authorization for Changes according to Amendment of the Enforcement Decree of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents)**

The amended provisions of subparagraph 3 of Article 27 of the Enforcement Decree of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents, shall apply where a change is made to any of the terms and conditions of authorization for the establishment of an association, after this Decree enters into force.

**Article 4 (Transitional Measures concerning Penalty Surcharges or Administrative Fines)**

(1) The former provisions shall apply to all violations committed before this Decree enters into force, for the purposes of applying the guidelines for the imposition of a penalty surcharge or an administrative fine for such violations.

(2) No penalty surcharge or an administrative fine imposed for a violation committed before this Decree enters into force shall be included in the number of violations committed under the amended provisions of this Decree.

ADDENDA <Presidential Decree No. 24443, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**