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ENFORCEMENT DECREE OF THE SHIP ACT

Wholly Amended by Act No. 11143, Jun. 10, 1983

Amended by Act No. 14447, Dec. 23, 1994

Act No. 15135, Aug. 8, 1996

Act No. 15379, May 24, 1997

Act No. 16573, Oct. 11, 1999

Act No. 18312, Mar. 17, 2004

Act No. 20300, Sep. 28, 2007

Act No. 20590, Jan. 31, 2008

Act No. 20722, Feb. 29, 2008

Article 1 (Purpose)

The Purpose of this Enforcement Decree is to prescribe matters delegated by the Ship Act and other necessary matters to enforce such matters.

[This Article Wholly Amended by Act No. 20590, Jan. 31, 2008]

Article 2 (Port of Registry)

- (1) The port of registry under Article 7 (1) of the Ship Act (hereinafter referred to as the "Act") shall be under the names of city, *Eup* or *Myeon*.<Amended by Act No. 20590, Jan. 31, 2008>
- (2) The city, *Eup* or *Myeon* which is to be designated as the port of registry shall be located on the surface of water where ships may navigate.
- (3) The port of registry shall be a port in the territory where the ship owner ordinarily resides in. Provided, That the ship owner can designate the port of registry located in a city, *Eup* or *Myeon* where the owner doesn't ordinarily reside in any of the following cases:<Amended by Act No. 16573, Oct. 11, 1999; Act No. 20590, Jan.

31, 2008>

1. where a ship owner, who is not ordinarily resident in Korea, intends to designate a port of registry;
2. where a ship owner ordinarily resides in a city, *Eup* or *Myeon* where the ship cannot navigate;
3. where there exist other unavoidable reasons.

Article 2-2 (Foreclosure Registration of Small-Type Ships)

Where a head of regional maritime affairs and fisheries office (including a head of a maritime branch office of regional maritime affairs and port office, hereinafter referred to as the “head of regional office”) receives foreclosure registration of a small-type ship under Article 8-3 of the Act, the head of regional office shall register the foreclosure in the ship’s register and notify it to the ship owner without delay. <Amended by Act No. 20722, Feb. 29, 2008>

[This Article Newly Inserted by Act No. 20590, Jan. 31, 2008]

Article 3 (Ships Excluded from Hoisting National Flag and Keeping Ship’s Nationality Certificate)

(1) In any of the following cases, ships may hoist the national flag of the Republic of Korea without keeping an original ship’s nationality certificate or a provisional certificate of ship’s nationality under the proviso of Article 10 of the Act. <Amended by Act No. 16573, Oct. 11, 1999; Act No. 20590, Jan. 31, 2008>

1. in case of a national holiday or other national festivals. Or in case of ship being at the berth in a foreign nation’s port on the nation’s holiday or festival;
2. in other cases than subparagraph 1 such as expressing congratulation or condolence;
3. in case of any barge falling under subparagraph 3 of Article 1-2 (1) of the Act;
4. in other reasonable cases.

(2) Any ship may navigate without keeping an original ship’s nationality certificate or a provisional certificate of ship’s nationality under the proviso of Article 10 of the Act under any of the following cases: <Amended by Act No. 16573, Oct. 11, 1999; Act No. 20590, Jan. 31, 2008>

1. where the ship sets for a trial sailing;
2. where the ship gets the measurement of gross tonnage;
3. where the ship is a barge falling under subparagraph 3 of Article 1-2 (1) of the Act; and

4. in other reasonable cases.

Articles 4 and 5 Deleted <by Act No. 20590, Jan. 31, 2008>

Articles 6 through 9 Deleted <by Act No. 16573, Oct. 11, 1999>

Articles 10 and 11 Deleted <by Act No. 20590, Jan. 31, 2008>

Article 11-2 (Consultation, etc. for Agency Business)

- (1) Where the Minister of Land, Transport and Maritime Affairs or a head of regional maritime affairs and port office has the Korea Ship Safety Technology Association (hereinafter referred to as the "Authority") established under Article 45 (1) of the Ship Safety Act or the Ship's Classification Corporation (hereinafter referred to as the "Classification Corporation") established under Article 60 (2) of the same Act perform the duties on his behalf, the Minister and the head shall consult on the scope of the duties in advance with the authority and the classification corporation: <Amended by Act No. 20300, Sep. 28, 2007; Act No. 20722, Feb. 29, 2008>
- (2) The Minister of Land, Transport and Maritime Affairs or a head of regional office, who has the authority or the corporation perform the duties on his behalf under paragraph (1) or cancels it, shall give notice. <Amended by Act No. 20300, Sep. 28, 2007; Act No. 20722, Feb. 29, 2008>
- (3) Necessary matters concerning work process and handling will be determined by the Minister of Land, Transport and Maritime Affairs or a head of regional office. <Amended by Act No. 20300, Sep. 28, 2007; Act No. 20722, Feb. 29, 2008>

[This Article Newly Inserted by Act No. 16573, Oct. 11, 1999]

Article 12 (Delegation of Authority)

The Minister of Land, Transport and Maritime Affairs shall delegate any of the following authority to a head of regional maritime and port office under Article 31 of the Act: <Amended by Act No. 15135, Aug. 8, 1996; Act No. 15379, May 24, 1997; Act No. 16573, Oct. 11, 1999; Act No. 20722, Feb. 29, 2008>

1. permit for ships to enter non-open ports of the Republic of Korea or to transport passengers and cargoes between domestic port under Article 6 of the Act;

2. measurement of international gross tonnage or net tonnage under Article 13 of the Act or issuance of international tonnage certificate or international tonnage confirmation;
3. matters concerning duties as performed by the agency, receipt of report and confirmation under Article 29-2 of the Act;
4. Imposition and collection of fines under Article 35 of the Act.

Article 13 (Fines)

- (1) Where the Minister of Land, Transport and Maritime Affairs or a head of regional office (hereinafter referred to as the “imposer of fine for negligence”) imposes fines under Article 35 of the Act, he shall investigate and confirm violations and send a written notice indicating incident and the amount of fines to the person subjected to a disposition taken to impose a fine for negligence against him. *<Amended by Act No. 20722, Feb. 29, 2008>*
- (2) Where the imposer of fine for negligence imposes fines, he shall give more than 10 days for oral or written statement (including electronic documents) of opinion to the person subjected to a disposition taken to impose a fine for negligence against him. If there is no opinion statement during the period, it shall be considered that the person subjected to fine for negligence doesn't have any opinion to state. *<Amended by Act No. 18312, Mar. 17, 2004>*
- (3) The imposer of fine for negligence shall consider the reason and outcome of the alleged violation when determining the amount of fine. The standard for imposition shall be stipulated in the Table.
- (4) The procedure of fine imposition shall be prescribed by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 20722, Feb. 29, 2008>*

[This Article Newly Inserted by Act No. 16573, Oct. 11, 1999]

ADDENDA <Act No. 11143, 10 Jun. 1983>

Article 1 (Enforcement Date) This Presidential Decree shall take effect from the date prescribed by the Ordinance of the Ministry of Transport.

Article 2 (Abolition of Act)

- (1) The regulations for shipping on small-type ships, etc. shall be abolished.
- (2) Any shipping certificate issued under the regulations for shipping on small type ships, etc. before this Decree takes effect shall be considered as having been issued under this Decree.

Article 3 (Revision of Other Acts) Omitted

Article 4 (Interim Measures on Authorization for Navigation) Any authorization for navigation issued under the provisions prior to the enforcement of this Decree shall be considered as a provisional authorization for navigation issued under the revised provisions of Article 3 (2).

ADDENDA (Ministry of Construction and Transportation and Subordinate Organizations) <Act No. 14447, 23 Dec. 1994>

Article 1 (Enforcement Date) This Decree will take effect from its promulgation date.
<Proviso Omitted>

Articles 2 through 4 Omitted

Article 5 (Revision of Other Acts) (1) and <169> Omitted

<170> the Enforcement Decree of the Ship Act shall be revised as follows:

The “Ordinance of the Ministry of Transport” in Articles 4 (2), 6 (4) and 11 shall be revised as the “Ordinance of the Ministry of Construction and Transportation”.

<171> through <205> Omitted

ADDENDA (Ministry of Maritime Affairs and Fisheries and Subordinate Organization)
<Act No. 15135, 8 Aug. 1996>

Article 1 (Enforcement Date) This Decree shall take effect from its promulgation date.

Articles 2 through 6 Omitted

Article 7 (Revision of Other Acts) (1) and <101> Omitted

<102> The Enforcement Decree of the Ship Act shall be revised as follows:

The “head of maritime and port authority” in Articles 2 (3), 1 and 12 shall be revised as the “Minister of Maritime Affairs and Fisheries”.

The “Ordinance of the Ministry of Transport” in Articles 4 (2), 6 (4) and 11 shall be revised as the “Ordinance of the Ministry of Maritime Affairs and Fisheries”.

<103> through <116> Omitted

Article 8 Omitted

ADDENDA (Ministry of Maritime Affairs and Fisheries and Subordinate Organization)
<Act No. 15379, 24 May 1997>

Article 1 (Enforcement Date) This Decree shall take effect from its promulgation date.

Articles 2 and 3 Omitted

Article 4 (Revision of Other Acts) (1) and <16> Omitted

<17> The Enforcement Decree of the Ship Act shall be revised as follows:

The “head of regional maritime and port authority” in Article 12 shall be revised as the “administrator of regional maritime affairs and port office”.

<18> through <33> Omitted

Article 5 and 6 Omitted

ADDENDA <Act No. 16573, 11 Oct. 1999>

This Decree shall take effect from 16 Oct. 1999.

ADDENDA <Act No. 18312, 17 Mar. 2004>

This Decree shall take effect from its promulgation date.

ADDENDA (Enforcement Decree of Ship Safety Act) <Act No. 20300, 28 Sep. 2007>

Article 1 (Enforcement Date) This Decree shall take effect from 4 Nov. 2007.

Articles 2 through 5 Omitted

Article 6 (Revision of Other Acts)

(1) through (3) Omitted

(4) The Enforcement Decree of Ship Act shall be revised as follows:

“Korea Society of Ship Inspection and Technology (hereinafter referred to as the “Inspection Association”) under Article 7 of the Ship Safety Act or Article 8 of the same Act” shall be revised as the “Korea Ship Safety Authority (hereinafter referred to as the “authority”) under Article 45 (1) of the Ship Safety Act or under Article 60 (2) of the same Act”. The “inspection association or classification corporation” shall be revised as the “authority or classification corporation”. The “inspection association” in paragraphs (2) and (3) of the same Article shall be revised as the “authority”.

(5) through (15) Omitted

Article 7 Omitted

ADDENDA <Act No. 20590, 31 Jan. 2008>

This Decree shall take effect from 4 Feb. 2008. Provided, That revised provisions of Article 2-2 shall take effect from 1 Jul. 2008.

ADDENDA (Ministry of Land, Transport and Maritime Affairs and Subordinate Organization) <Act No. 20722, 29 Feb. 2008>

Article 1 (Enforcement Date) This Decree shall take effect from its promulgation date. Provided, That among the Presidential Decrees to be revised under ADDENDA Article 6, the provisions to be revised of the Decrees which were promulgated before the

enforcement date of this Decree but whose enforcement date hasn't arrived shall take effect on the enforcement date of each corresponding Presidential Decree.

Article 2 through 5 Omitted

Article 6 (Revision of Other Acts) (1) through <59> Omitted

<60> The Enforcement Decree of Ship Act shall be revised as follows:

The “head of a regional maritime affairs and fisheries office (including the head of a branch office of regional maritime affairs and fisheries office; hereinafter referred to as the “head of regional office”) stipulated in Article 2-2 of the Decree shall be revised as the “head of a regional maritime affairs and port office (including the head of a branch office of regional maritime affairs and port office; hereinafter referred to as the “head of regional office”).

The “Minister of Maritime Affairs and Fisheries” stipulated in Article 11-2 (1), (2) and (3), Article 12 and 13 (1) of the Decree shall be revised as the “Minister of Land, Transport and Maritime Affairs”.

The head of a regional maritime affairs and fisheries office” stipulated in Article 12 shall be revised as the “head of a regional maritime affairs and port office”.

The “Ordinance of the Ministry of Maritime Affairs and Fisheries” stipulated in Article 13 (4) shall be revised as the “Ordinance of the Ministry of Land, Transport and Maritime Affairs.”

<61> through <138> Omitted