FARMLAND ACT

Amended by Act No. 4817, Dec. 22, 1994
Amended by Act No. 5108, Dec. 29, 1995
Act No. 5153, Aug. 8, 1996
Act No. 5279, Jan. 13, 1997
Act No. 5371, Aug. 22, 1997
Act No. 5453, Dec. 13, 1997
Act No. 5454, Dec. 13, 1997
Act No. 5555, Sep. 16, 1998
Act No. 5758, Feb. 5, 1999
Act No. 5759, Feb. 5, 1999
Act No. 5948, Mar. 31, 1999
Act No. 6073, Dec. 31, 1999
Act No. 6188, Jan. 21, 2000
Act No. 6241, Jan. 28, 2000
Act No. 6597, Jan. 14, 2002
Act No. 6656, Feb. 4, 2002
Act No. 6793, Dec. 18, 2002
Act No. 6841, Dec. 30, 2002
Act No. 7335, Jan. 14, 2005
Act No. 7459, Mar. 31, 2005
Act No. 7604, Jul. 21, 2005
Act No. 7775, Dec. 29, 2005
Act No. 8179, Jan. 3, 2007
Act No. 8352, Apr. 11, 2007
Act No. 8466, May 17, 2007
Act No. 8749, Dec. 21, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9276, Dec. 29, 2008
Act No. 9620, Apr. 1, 2009
Act No. 9717, May 27, 2009
Act No. 9721, May 27, 2009
Article 1 (Purpose)

The purpose of this Act is to contribute to the strengthening of agricultural competitiveness, the balanced development of the national economy and the preservation of national land based on the stabilization of farmers' agricultural management and the improvement of agricultural productivity through the efficient utilization and management of farmland by prescribing necessary matters for ownership, utilization, preservation, etc. of farmland.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8749, Dec. 21, 2007; Act No. 9620, Apr. 1, 2009; Act No. 9721, May 27, 2009>

1. The term "farmland" means any of the following pieces of land:
   (a) A rice field, a field, an orchard and other land actually used as farmland for crops, or land for cultivating perennial plants regardless of the legal land category: Provided, That any land prescribed by Presidential Decree, including grassland created under the Grassland Act are excluded herefrom;
   (b) Land for facilities prescribed by Presidential Decree as improvement facilities for the land referred to in item (a) and facilities for production of agricultural and stock farm products installed on the land referred to in item (a);

2. The term "farmer" means an individual person prescribed by Presidential Decree who is engaged in agriculture;

3. The term "agricultural corporation" means an incorporated farming association established under Article 16 of the Act on Fostering and Supporting Agricultural and Fisheries Enterprises, and an agricultural corporation incorporated under Article 19 of the same Act and at least 1/3 of the persons having executive authority of which are farmers;

4. The term "agricultural management" means that a farmer or an agricultural corporation conducts an agricultural business on his/her or its own account and responsibility;

5. The term "self-cultivation" means that a farmer is constantly engaged in the cultivation of crops or the culture of perennial plants in his/her own farmland, or cultivates or cultures at least 1/2 of the farming with his/her own labor, or an agricultural corporation cultivates crops or cultures perennial plants in its own farmland;
6. The term "entrusted management" means the agricultural management that the owner of farmland entrusts all or any part of the farming to another person by agreement with him/her to pay certain remuneration for the farming;

7. The term "diversion of farmland" means that farmland is used for purposes other than for agricultural production or improvement of farmland, such as the cultivation of crops or the culture of perennial plants: Provided, That where the farmland is used as prescribed in subparagraph 1 (b), it shall not be deemed diversion.

Article 3 (Basic Ideology concerning Farmland)

(1) Since farmland is the foundation necessary for supplying food to Korean citizens and for preserving the national environment, and is a valuable finite resource influencing the harmonious development of agriculture and the national economy, it shall be cherished and properly managed for public welfare. The exercise of the rights to farmland shall entail necessary restrictions and obligations.

(2) Farmland shall be owned and used in a manner that enhances agricultural productivity, and shall not become an object of speculation.

Article 4 (Obligations of State, etc.)

(1) The State and local governments shall devise and execute farmland-related policies so that the basic ideology concerning farmland may be realized.

(2) When devising farmland-related policies, the State and local governments shall endeavor to contribute to the fosterage of agriculture and the balanced development of the national economy by making the preservation and reasonable utilization of the farmland possible through necessary regulations and adjustment.

Article 5 (Citizens' Obligations)

Every citizen shall respect the basic ideology concerning farmland and cooperate in the policies concerning farmland executed by the State and local governments.

Article 6 (Restrictions on Ownership of Farmland)

(1) Farmland shall be owned by a person who uses or will use it for his/her own agricultural management.

(2) In any of the following circumstances, notwithstanding paragraph (1), a person may own farmland even if it is not used for his/her own agricultural management: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9276, Dec. 29, 2008; Act No. 9721, May, 27, 2009; Act No. 9758, Jun. 9, 2009; Act No. 11171, Jan. 17, 2012; Act No. 11599, Dec. 18, 2012>

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

2. Where the farmland is acquired and owned, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, by a school under the Elementary and Secondary Education Act, or the Higher Education Act, or by a public organization, agricultural research institution, agricultural producer organization, or a producer of seeds and seedlings or of other agricultural machinery and materials, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, for use as land necessary for experiments, research, practice, or land for producing seeds and seedlings with
a view to conducting his/her intended business;
3. Where the person owns the farmland to conduct weekend or experience farming (referring to the cultivation of crops or culture of perennial plants by an individual, other than a farmer, as a hobby or leisure activity by making use of his/her weekend time, etc.; hereinafter the same shall apply);
4. Where the person acquires and owns the farmland by inheritance (including testamentary gift to an inheritor; hereinafter the same shall apply);
5. Where the person retains the ownership of the farmland owned at the time he/she ceased farming even after he/she, who had conducted agricultural management for a period longer than that prescribed by Presidential Decree, ceased farming;
6. Where the person acquires and owns mortgaged farmland under Article 13 (1) (including where a special purpose company, etc. as defined in Article 3 of the Asset-Backed Securitization Act acquires farmland from any of the mortgagees prescribed by Article 13 (1) 1 through 4);
7. Where the farmland is owned by a person who has obtained a permit to divert farmland under Article 34 (1) (including any authorization, permission, and approval, etc. which is legally construed as a permit to divert farmland under other Acts), or a person who has filed a report on diversion of farmland under Article 35 or 43;
8. Where the person owns farmland, the consultation on diversion of which under Article 34 (2) has been complete;
9. Where the person acquires and owns farmland less than 1,500 square meters as prescribed by Presidential Decree in a farmland development project district under Article 24 (2) of the Korea Rural Community Corporation and Farmland Management Fund Act, or farmland under Article 98 (3) of the Rearrangement of Agricultural and Fishing Villages Act;
9-2. Where the person owns farmland outside an agricultural promotion area referred to in Article 28, the average inclination rate from the uppermost to the lowest parts of which is at least 15 degree, as prescribed by Presidential Decree;
10. In any of the following cases:
   (a) Where the Korea Rural Community Corporation acquires and owns farmland under the Korea Rural Community Corporation and Farmland Management Fund Act;
   (b) Where farmland is acquired and owned pursuant to Article 16, 25, 43, 82 or 100 of the Rearrangement of Agricultural and Fishing Villages Act;
   (c) Where reclaimed farmland is acquired and owned pursuant to the Public Waters Reclamation Act;
   (d) Where farmland is acquired and owned by land expropriation;
   (e) Where farmland is acquired and owned pursuant to the Act on Acquisition of and Compensation for Land, etc. for Public Works following consultation with the Minister for Food, Agriculture, Forestry and Fisheries;
   (f) Where farmland in a planned control area or green-belt area designated under Article 36 of the National Land Planning and Utilization Act, the reservation of which is deemed necessary by the
Public Land Reservation Deliberation Committee established under Article 7 (1) of the Public Land Reservation Act, out of land as defined in subparagraph 1 (a) of Article 2 of the same Act, is acquired and owned by the Korea Land and Housing Corporation. In such cases, the acquired farmland shall be leased or lent gratuitously after being immediately entrusted to the Korea Rural Community Corporation until it is diverted for other purposes.

(3) Where farmland is leased or lent gratuitously under subparagraphs 2 through 6 of Article 23, notwithstanding paragraph (1), the ownership of the farmland may be retained during the period of the lease or lending, despite not being used for his/her own agricultural management.

(4) Except as permitted in this Act, no special case concerning the ownership of farmland shall be prescribed.

Article 7 (Maximum Limit of Farmland Ownership)

(1) A person who has acquired farmland by inheritance but does not conduct agricultural management therein may own a total of 10,000 square meters of the land only, of the farmland inherited.

(2) A person who ceased farming after he/she had conducted agricultural management for a period longer than that prescribed by Presidential Decree may own a total of 10,000 square meters of the farmland only, of the farmland owned as at the time of ceasing farming.

(3) A person who intends to conduct weekend or experience farming may own, in total, less than 1,000 square meters of farmland. In such cases, the area shall be calculated by the gross area owned by all members of his/her household.

(4) Where farmland is leased or lent gratuitously pursuant to subparagraph 7 of Article 23, notwithstanding paragraph (1) or (2), the farmland may continue to be owned during that period, even if the maximum limit of ownership is exceeded.

Article 8 (Issuance of Qualification Certificates for Acquisition of Farmland)

(1) Any person who intends to acquire farmland shall obtain a qualification certificate for acquisition of farmland from the head of a Si (referring to the head of a Si which does not have Gus and, in the case of a Si in the form of urban-rural complex, referring to where the seat of the farmland is in the same Si only), the head of a Gu (in the case of a Gu of a Si in the form of urban-rural complex, referring to cases where the seat of the farmland is in the same Gu only), or the head of a Eup or Myeon (hereinafter referred to as the "head of a Si/Gu/Eup/Myeon") having jurisdiction over the seat of the farmland: <Amended by Act No. 9721, May, 27, 2009>

1. Where acquiring farmland under Article 6 (2) 1, 4, 6, 8 or 10 (excluding item (f) of the same subparagraph);

2. Where acquiring farmland by merger of incorporated agricultural corporations;

3. Where acquiring farmland due to the partition of co-owned farmland, or due to other reasons prescribed by Presidential Decree.
(2) A person who intends to obtain a qualification certificate for acquisition of farmland under paragraph (1) shall formulate an agricultural management plan containing each of the following matters and file an application for issuance to the head of a Si/Gu/Eup/Myeon having jurisdiction over the seat of the farmland: Provided, That a person who acquires farmland under Article 6 (2) 2, 3, 7, 9, 9-2 or 10 (f) may file an application for issuance without formulating an agricultural management plan: <Amended by Act No. 9721, May, 27, 2009>

1. The area of the farmland to be acquired;
2. A plan for securing labor force, agricultural machinery, equipment and facilities required for the agricultural management of the farmland to be acquired;
3. The utilization status of the farmland owned (only applicable to a person who owns farmland).

(3) Matters necessary for applications and procedures for issuance under the main sentence of paragraph (1) and paragraph (2) and other matters shall be prescribed by Presidential Decree.

(4) A person who acquires farmland after having obtained a qualification certificate for acquisition of farmland under the main sentence of paragraph (1) and paragraph (2) shall apply for registration of ownership of the farmland, along with the qualification certificate for acquisition of farmland.

Article 9 (Entrusted Management of Farmland)

An owner of farmland shall not entrust the management of his/her own farmland to another person except in any of the following cases:

1. Where conscripted or called under the Military Service Act;
2. Where traveling abroad for at least three months;
3. Where an incorporated agricultural corporation is in the process of liquidation;
4. Where self-cultivation is impossible on account of disease, school attendance, taking public office by election, or due to other reasons prescribed by Presidential Decree;
5. Where the management of farmland is entrusted according to the implementation plan of the farmland utilization promotion project under Article 17;
6. Where a farmer entrusts part of his/her farming work to another person due to lack of his/her own labor force.

Article 10 (Disposal of Farmland, etc. not Used for Agricultural Management)

(1) In any of the following circumstances, an owner of farmland shall dispose of the farmland at issue (in cases falling under subparagraph 6, referring to farmland, the area of which exceeds the maximum limit of ownership of farmland) within one year from the date of occurrence of the relevant cause: <Amended by Act No. 9721, May, 27, 2009>

1. Where an owner fails to use his/her farmland for his/her own agricultural management without justifiable reasons prescribed by Presidential Decree, including natural disasters, farmland improvement, and diseases, or where the head of a Si (referring to a Si which has no Gus; hereafter the same shall apply in this Article)/Gun/Gu has recognized as such;
2. Where three months have passed since an agricultural corporation owning the farmland has failed to meet the requirements of subparagraph 3 of Article 2;
3. Where the head of a Si/Gun/Gu has recognized that a person who acquired the farmland under Article 6 (2) 2 ceases to use the farmland for the relevant intended project;
4. Where the head of a Si/Gun/Gu has recognized that a person who acquired the farmland under Article 6 (2) 3 ceases to use the farmland for weekend or experience farming without any justifiable reasons prescribed by Presidential Decree, including natural disasters, farmland improvement or diseases;
5. Where a person who acquired the farmland pursuant to Article 6 (2) 7 has not commenced the intended project within two years from the date of acquisition of such farmland;
   5-2. Where a person owns the farmland without finishing consultation with the Minister for Food, Agriculture, Forestry and Fisheries under Article 6 (2) 10 (e);
   5-3. Where a person fails to immediately entrust the farmland owned under Article 6 (2) 10 (f) to the Korea Rural Community Corporation;
6. Where it has been proved that the owner of farmland owns the farmland exceeding the maximum limit of ownership of farmland determined under Article 7;
7. Where it has been proved that the farmland was acquired with the qualification certificate for acquisition of farmland issued under Article 8 (1) by fraudulent or other unjust means;
8. Where the head of a Si/Gun/Gu has recognized that the owner of farmland has not implemented the details of the agricultural management plan under Article 8 (2) without justifiable reasons prescribed by Presidential Decree, including natural disasters, farmland improvement or diseases.

(2) The head of a Si/Gun/Gu shall notify the owner of farmland who has become liable to dispose of farmland under paragraph (1) that he/she shall dispose of the farmland, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, with specific information on the farmland subject to disposition and the period of obligation for disposition, etc. <Amended by Act No. 8852, Feb. 29, 2008>

Article 11 (Disposition Orders and Requests for Purchase)

(1) The head of a Si (referring to the head of a Si which does not have Gus)/Gun/Gu may order an owner of farmland who has not disposed of farmland subject to disposition within the period of obligation for disposition under Article 10 to dispose of the farmland within six months.

(2) Where an owner of farmland is ordered to dispose of his/her farmland under paragraph (1), he/she may request the Korea Rural Community Corporation incorporated under the Korea Rural Community Corporation and Farmland Management Fund Act to purchase the farmland. <Amended by Act No. 9276, Dec. 29, 2008>

(3) Upon receipt of a request to purchase farmland under paragraph (2), the Korea Rural Community Corporation may purchase the farmland on the basis of the officially notified land price under the Public Notice of Values and Appraisal of Real Estate Act (referring to the individual land price calculated under Article 9 of the same Act if there is no officially published land price for the relevant land; hereinafter the same shall apply). In such cases, if the actual transaction price of the land in the neighborhood is lower
than the officially published land price, it may purchase the relevant land based on the actual transaction price. <Amended by Act No. 9276, Dec. 29, 2008>

(4) Funds necessary for the purchase of farmland by the Korea Rural Community Corporation under paragraph (3) shall be financed by the Farmland Management Fund under Article 35 (1) of the Korea Rural Community Corporation and Farmland Management Fund Act. <Amended by Act No. 9276, Dec. 29, 2008>

Article 12 (Postponement of Disposition Orders)

(1) Where an owner of farmland who has not disposed of his/her farmland subject to disposition within the period of obligation for disposition under Article 10 (1) falls under any of the following cases, the head of a Si (referring to the head of a Si which does not have Gus; hereinafter the same shall apply)/Gun/Gu may postpone ex officio the disposition order under Article 11 (1) for three years from the date the period of obligation for disposition has passed: <Amended by Act No. 9276, Dec. 29, 2008>
   1. Where the relevant farmland is used for his/her own agricultural management;
   2. Where a consignment sales contract for the relevant farmland has been concluded with the Korea Rural Community Corporation or other person, as prescribed by Presidential Decree.

(2) Where an owner of farmland for whom a disposition order has been postponed under paragraph (1) ceases to fall under any of the subparagraphs of paragraph (1) during the period of postponement of disposition order, the head of a Si/Gun/Gu shall promptly order the disposition postponed.

(3) With regard to an owner of farmland subject to the postponement of disposition order, where the period of postponement has passed without receiving a disposition order under paragraph (2), it shall be deemed that only the obligation for disposition of the farmland for which the disposition order was postponed has been extinguished with respect to the obligation for disposition under Article 10 (1).

Article 13 (Acquisition of Mortgaged Farmland)

(1) If there is no successful bidder, even though the date of auction to execute the mortgage right has been held on at least two occasions, a mortgagee of farmland who falls under any of the following subparagraphs may participate in auction for the mortgaged farmland in the auction held thereafter and acquire ownership of the mortgaged farmland: <Amended by Act No. 9276, Dec. 29, 2008; Act No. 10303, May 17, 2010; Act No. 10522, Mar. 31, 2011; Act No. 10682, May 19, 2011>
   1. Regional agricultural cooperatives, regional livestock cooperatives, cooperatives by item or by business and their national federation and Nonghyup Bank under the Agricultural Cooperatives Act, district fisheries cooperatives, fisheries cooperatives by business, fisheries cooperatives for processed marine products and their national federation under the Fisheries Cooperatives Act, regional forestry cooperatives, forestry cooperatives by item or by business and their national federation under the Forestry Cooperatives Act;
   2. The Korea Rural Community Corporation;
   3. Banks established pursuant to the Banking Act and other financial institutions prescribed by Presidential Decree;
4. The Korea Asset Management Corporation incorporated under the Act on the Efficient Disposal of Non-Performing Assets, etc. of Financial Companies and the Establishment of Korea Asset Management Corporation;
5. Special purpose companies as defined in Article 3 of the Asset-Backed Securitization Act;
6. The agricultural cooperative's asset management company established pursuant to the Act on the Structural Improvement of Agricultural Cooperatives.

(2) The mortgagee of farmland referred to in paragraph (1) 1 and 3 may entrust the disposition of the farmland that he/she has acquired pursuant to paragraph (1) to the Korea Rural Community Corporation. <Amended by Act No. 9276, Dec. 29, 2008>

Article 14 (Formulation of Farmland Utilization Plan)

(1) The head of a Si/Gun/autonomous Gu (excluding the head of a Si/autonomous Gu, the farmland over which he/she has jurisdiction is the same as or smaller than the area prescribed by Presidential Decree) shall hear the opinions of the residents for the efficient utilization of farmland, as prescribed by Presidential Decree, and formulate a plan for the overall utilization of the farmland under his/her jurisdiction (hereinafter referred to as "farmland utilization plan") following deliberation thereon by the Si/Gun/Gu agriculture, fisheries, rural community and food industry policy deliberative council (hereinafter referred to as "Si/Gun/Gu agriculture, fisheries, rural community and food industry policy deliberative council") under Article 15 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry. The same shall also apply to any modification to the formulated plan. <Amended by Act No. 8749, Dec. 21, 2007; Act No. 9717, May 27, 2009>

(2) The following shall be included in each farmland utilization plan:
   1. Utilization plan by district and by use;
   2. Plan for expansion of management scale for the efficient utilization of farmland and the improvement of the agricultural management;
   3. Plan for utilization of farmland for purposes other than farming.

(3) If the head of a Si/Gun/autonomous Gu has formulated the farmland utilization plan (including modifications; hereafter the same shall apply in this Article) under paragraph (1), he/she shall confirm and publicly announce the contents of the plan with the approval of the competent Special Metropolitan City Mayor, Metropolitan City Mayor or Do Governor (hereinafter referred to as "Mayor/Do Governor"), and make the contents of the plan available for public perusal.

(4) When the farmland utilization plan is confirmed, the Mayor/Do Governor, or the head of a Si/Gun/autonomous Gu shall endeavor to ensure that the farmland under his/her jurisdiction may be properly utilized or developed in accordance with the farmland utilization plan, and make necessary investment and support.

(5) Matters necessary for formulating farmland utilization plans shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>
Article 15 (Execution of Farmland Utilization Promotion Projects)
The head of a Si/Gun/autonomous Gu, the Korea Rural Community Corporation or other person prescribed by Presidential Decree (hereinafter referred to as "project operator") may execute any of the following projects to promote the utilization of farmland in accordance with the farmland utilization plan (hereinafter referred to as "farmland utilization promotion project"): <Amended by Act No. 9276, Dec. 29, 2008>

1. A project promoting the transfer of ownership in farmland by means of sale and purchase, exchange, partition, merger, etc. of farmland;
2. A project promoting establishment of the leasehold right of farmland (including rights accruing from gratuitous lending; hereinafter the same shall apply) by means of the long-term lease o long-term gratuitous lending of farmland;
3. A project promoting entrustment of agricultural management;
4. A project fostering agricultural management bodies in order to improve agricultural management by the joint use or collective use of farmland by farmers or agricultural corporations.

Article 16 (Requirements for Farmland Utilization Promotion Projects)
A farmland utilization promotion project shall meet each of the following requirements:

1. Farmland shall be used for the purpose of agricultural management;
2. Establishment of the leasehold right of, transfer of the ownership of farmland, entrustment of and being entrusted with agricultural management shall contribute to the expansion of the scale of the agricultural management of a farmer or an agricultural corporation or to the collectivization of utilization of farmland;
3. It shall contribute to promoting the efficiency of agricultural management by reducing expenses of agricultural management, including both production and distribution expenses of agricultural products through automation, mechanization, etc.

Article 17 (Formulation of Implementation Plans for Farmland Utilization Promotion Projects)
(1) When the head of a Si/Gun/autonomous Gu intends to implement a farmland utilization promotion project, he/she shall formulate an implementation plan for the farmland utilization promotion project, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, and shall finalize it through deliberation by the Si/Gun/Gu agriculture, fisheries, rural community and food industry policy deliberative council. The same shall also apply to any modification to the formulated plan. <Amended by Act No. 8749, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9717, May 27, 2009>

(2) When a project operator, other than the head of a Si/Gun/autonomous Gu, intends to perform a farmland utilization promotion project, he/she shall formulate an implementation plan for the farmland utilization promotion project, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, and submit it to the head of a Si/Gun/autonomous Gu. <Amended by Act No. 8852, Feb. 29, 2008>
(3) If deemed necessary to supplement an implementation plan, the head of a Si/Gun/autonomous Gu may request the relevant project operator to supplement the implementation plan for the farmland utilization promotion project submitted under paragraph (2), specifying the reasons and period for necessary supplementation.

(4) Each of the following matters shall be included in an implementation plan for the farmland utilization promotion project: <Amended by Act No. 8852, Feb. 29, 2008>

1. Areas where the farmland utilization promotion project is to be performed;
2. Matters concerning a person who has ownership or a leasehold right of farmland, a person for whom a leasehold right will be established, a person to whom ownership will be transferred or a person who entrusts agricultural management or who will be entrusted therewith;
3. Matters concerning farmland for which the leasehold right is established, or farmland the ownership of which is transferred or farmland the agricultural management of which is entrusted or farmland a person is entrusted with its agricultural management;
4. Matters concerning the terms of the leasehold right to be established or the details of entrusting or being entrusted with agricultural management;
5. The timing for transfer of the ownership, the price for the transfer, the payment method for price for the transfer, and other matters prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.

Article 18 (Public Notification and Effect of Implementation Plans for Farmland Utilization Promotion Projects)

(1) When the head of a Si/Gun/autonomous Gu has confirmed an implementation for the farmland utilization promotion project under Article 17 (1) or has been submitted an implementation plan under paragraph (2) of the same Article (where he/she requested the project operator to supplement it under paragraph (3) of the same Article, the time the supplementation thereof has been completed), he/she shall, without delay, publicly notify the implementation plan, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, and make it available for public perusal by related persons. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Where public notification of an implementation plan for the farmland utilization promotion project has been made under paragraph (1), the project operator, with the consent of the person referred to in Article 17 (4) 2, shall entrust the registration of the relevant farmland included in the implementation plan for the farmland utilization promotion project, as prescribed by Presidential Decree.

(3) Where the project operator entrusts the registration under paragraph (2), the papers which have finalized the implementation plan for the farmland utilization promotion project under Article 17 (1) or the papers which have made public notification of the implementation plan for the farmland utilization promotion project under paragraph (1) and the written consent under paragraph (2) shall be deemed papers proving the cause of the registration under the Registration of Real Estate Act. <Amended by Act No. 10580, Apr. 12, 2011>
Article 3 of the Act on Special Measures for the Registration of Real Estate shall not apply to the entrustment of registration in accordance with an implementation plan for the farmland utilization promotion project.

**Article 19 (Support to Farmland Utilization Promotion Projects)**

The State and local governments shall provide guidance and arrangement necessary for smoothly performing a farmland utilization promotion project and may partially subsidize expenses incurred in relation to such project within budgetary limits.

**Article 20 (Designation of Surrogate Cultivators, etc.)**

(1) The head of a Si (referring to the head of a Si which has no Gus; hereafter the same shall apply in this Article)/Gun/Gu may ex officio designate a person who will cultivate idle farmland (referring to farmland prescribed by Presidential Decree as one not used for the cultivation of crops or for the culture of perennials; hereinafter the same shall apply) instead of an owner or a lessee of said farmland (hereinafter referred to as "surrogate cultivator"), as prescribed by Presidential Decree, or receive applications from those who desire to cultivate idle farmland to designate surrogate cultivators, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 11171, Jan. 17, 2012>

(2) When the head of a Si/Gun/Gu intends to designate a surrogate cultivator under paragraph (1), he/she shall give prior notice thereof to the owner or the lessee of the farmland, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, and when he/she has designated a surrogate cultivator, he/she shall send a written notice of designation to the surrogate cultivator and the owner or the lessee of the farmland, respectively. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The period for cultivation by surrogate cultivator shall be three year unless prescribed otherwise. <Amended by Act No. 11171, Jan. 17, 2012>

(4) The surrogate cultivator shall pay ten percent of the yield to the owner or the lessee of the relevant farmland as the rent of the farmland, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. In such cases, if the owner or the lessee refuses to receive the rent or if it is impracticable to pay the rent, the surrogate cultivator may deposit the rent of the farmland. <Amended by Act No. 8852, Feb. 29, 2008>

(5) In order for the owner or the lessee of the farmland cultivated by surrogate cultivator to directly cultivate said farmland, he/she shall apply, by no later than three months prior to the expiration of the period for cultivation by surrogate cultivator under paragraph (3) and after the expiration of the period for cultivation by surrogate cultivator, for the suspension of the designation of the surrogate cultivator to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, and upon receipt of such application, the head of a Si/Gun/Gu shall notify the surrogate cultivator and the owner or the lessee of the relevant farmland of the suspension of the designation of the surrogate cultivator within one month from the date of the receipt of the application. <Amended by Act No. 8852, Feb. 29, 2008>
(6) In any of the following cases, the head of a Si/Gun/Gu may terminate the designation of the surrogate cultivator even before the expiration of the period for cultivation by surrogate cultivator:

1. Where the owner or the lessee of the farmland cultivated by a surrogate cultivator applies for termination of the designation as surrogate cultivator with justifiable reasons;
2. Where the surrogate cultivator neglects his/her cultivation;
3. Where there exist other reasons prescribed by Presidential Decree.

**Article 21 (Improvement and Preservation of Soil)**

(1) The State and local governments shall implement projects to improve and preserve soil and devise policies concerning experiments, research, survey, etc. for improving and preserving soil so that farmers and agricultural corporate bodies may continue environmental agricultural management.

(2) In order to achieve the purposes referred to in paragraph (1), the State may partially subsidize, within budgetary limits, the expenses incurred by local governments, agricultural producers' organizations, farmers or agricultural corporations, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries in executing projects to improve and preserve soil. *Amended by Act No. 8852, Feb. 29, 2008*

**Article 22 (Prevention of Fractionation of Farmland Ownership)**

(1) In order to prevent the fractionation of farmland ownership of farmers or agricultural corporations, the State and local governments may give necessary support so that a farmer or an agricultural corporation may be inherited, donated or transferred en bloc.

(2) No farmland where a rearrangement project for agricultural production infrastructure under the Rearrangement of Agricultural and Fishing Villages Act has been performed shall be partitioned except under any of the following circumstances: *Amended by Act No. 9721, May, 27, 2009; Act No. 10599, Apr. 14, 2011*

1. Where the farmland included in a residential area, commercial area or industrial area of an urban area, or in a site for urban/Gun planning facilities under the National Land Planning and Utilization Act is divided;
2. Where the diverted farmland is partitioned with a permit to divert farmland (including authorization, permission, approval, etc. which is legally construed as a permit to divert the use of farmland under other Acts) under Article 34 (1) or with the report on diversion of farmland under Article 35 or 43;
3. Where the farmland is partitioned into pieces of land, of which area after partition may exceed 2,000 square meters;
4. Where the farmland is partitioned due to reasons prescribed by Presidential Decree, including the improvement, exchange, partition or merger, etc. of farmland.

**Article 23 (Lease or Gratuitous Lending of Farmland)**

Except under any of the following circumstances, no farmland shall be leased or lent gratuitously: *Amended by Act No. 9276, Dec. 29, 2008; Act No. 9721, May, 27, 2009*
1. Where the farmland referred to in Article 6 (2), 1, 4 through 9, 9-2 and 10 is leased or lent gratuitously;
2. Where the farmland is leased or lent gratuitously pursuant to an implementation plan for the farmland utilization promotion project under Article 17;
3. Where the farmland owned is leased or borrowed gratuitously by a person who has not be engaged temporarily in agricultural management on grounds of disease, conscription, school attendance, taking public office by election, or other inevitable reasons prescribed by Presidential Decree;
4. Where the farmland that have been used for a person's own agricultural management for at least five years is leased or lent gratuitously out of the pieces of the farmland owned by the person prescribed by Presidential Decree, who has ceased to be engaged in agricultural management due to attaining the age of 60 or older;
5. Where the farmland owned under Article 6 (1) is leased or lent gratuitously to a person intending to conduct weekend or experience farming, or to a person who conducts as his/her business the lease of farmland to a person intending to conduct weekend or experience farming;
6. Where the farmland owned by an individual pursuant to Article 6 (1) is leased or lent gratuitously upon entrustment to the Korea Rural Community Corporation or other person prescribed by Presidential Decree;
7. Where any of the following farmland is leased or lent gratuitously upon entrustment to the Korea Rural Community Corporation and other person prescribed by Presidential Decree:
   (a) Farmland owned in excess of the maximum limit of ownership provided for in Article 7 (1) by a person who is not engaged in agricultural management and who has acquired the farmland by inheritance;
   (b) Farmland owned in excess of the maximum limit of ownership under Article 7 (2) by a person who ceased farming after he/she had been engaged in agricultural management for a period longer than that prescribed by Presidential Decree.

Article 24 (Contracting Method for Lease or Gratuitous Lending of Farmland and Confirmation thereof)

(1) Each contract of lease (limited to lease to those intending to be engaged in agricultural management; hereafter the same shall apply in this Section) or of gratuitous lending (limited to gratuitous lending to those intending to be engaged in agricultural management) shall be, in principle, entered into in writing.
(2) Each contract of lease referred to in paragraph (1) shall, despite the non-existence of its registration, begin to take effect in relation to a third party from the date following the date on which the lessee obtains confirmation from the head of a Si/Gu/Eup/Myeon having jurisdiction over the seat of the farmland and takes delivery of the farmland.
(3) The head of a Si/Gu/Eup/Myeon shall retain the confirmation ledgers of farmland lease and shall, in receipt of a request for confirmation from a lessor or lessee possessing a deed of lease, confirm the lease and record the details thereof in the ledgers, as prescribed by Ordinance of the Ministry for Food,
Agriculture, Forestry and Fisheries.

**Article 24-2 (Term of Lease)**

(1) The term of lease shall be for at least three years.

(2) When the term of lease is not set or is shorter than three years, the lease shall be deemed agreed to remain valid for three years.

(3) Notwithstanding paragraph (1), each lessor may set the term of lease to be shorter than three years when there exist extenuating circumstances prescribed by Presidential Decree, such as diseases and conscription. In such cases, the lessee may claim the determined term of less than three years remain valid.

(4) Paragraphs (1) through (3) shall be equally applied to the term of lease when the lease is extended, renewed or re-concluded.

**Article 24-3 (Mediation, etc. concerning Lease Contracts)**

(1) When the contracting parties to a lease fails to reach a mutual agreement on the lease contract in terms of the term of lease, rents, etc., they may apply for mediation to the head of a Si/Gun or to the head of an autonomous Gu having jurisdiction over the seat of the farmland.

(2) The head of a Si/Gun/Gu or the head of an autonomous Gu shall, upon receipt of an application for mediation pursuant to paragraph (1), without delay organize a farmland lease mediation committee and commence the mediation procedures.

(3) When the contracting parties to a lease accept a mediation proposal prepared by the farmland lease mediation committee referred to in paragraph (2), such mediation proposal shall be construed as the terms and conditions of the contract concluded between the contracting parties to the relevant lease.

(4) The farmland lease mediation committee referred to in paragraph (2) shall be comprised of three members, including one chairperson, and the position of the chairperson shall be occupied by the deputy head of a Si/Gun or by the deputy head of an autonomous Gu, and the members thereof shall be commissioned by the head of a Si/Gun or by the head of an autonomous Gu among those who have nothing to do with those stakeholders in the mediation, among the members of the deliberation council on policies for the Si/Gun/Gu agriculture, fisheries, farming and fishing villages and the food industry referred to in Article 15 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry.

(5) Matters necessary for the organization, operation, etc. of farmland lease mediation committees referred to in paragraph (2) shall be prescribed by Presidential Decree.

**Article 25 (Implicit Renewal)**

Where the lessor fails to give the lessee notice of his/her intention that he/she will not renew the lease or will change the terms and conditions of the lease by no later than three months before the lease ends, the lease shall be deemed renewed under the same terms and conditions as the previous one at the time the validity of the lease has been terminated. <Amended by Act No. 11171, Jan. 17, 2012>

**Article 26 (Succession to Legal Status of Lessor)**
A transferee of the leased farmland shall be deemed succeeded to the legal status of the lessor of the farmland under this Act.

**Article 26-2 (Imperative Provisions)**

Any contract in contravention of this Act and to the disadvantage of the lessee shall be nullified.

**Article 27 (Special Cases of Lease of State Farmland and Public Farmland)**

Articles 24, 24-2, 24-3, 25, 26 and 26-2 shall not apply to the farmland which constitutes the State property or public property under the State Property Act, or the Public Property and Commodity Management Act. <Amended by Act No. 11171, Jan. 17, 2012>

**Article 28 (Designation of Agricultural Promotion Areas)**

1. Mayors/Do Governors shall designate an agricultural promotion area for the efficient utilization and preservation of farmland.

2. Agricultural promotion areas referred to in paragraph (1) may be designated as classified into the following specific-use areas: <Amended by Act No. 8852, Feb. 29, 2008>

   1. Agricultural promotion areas: an area required to be used for agricultural purposes through the collectivization of farmland to the scale prescribed by the Minister for Food, Agriculture, Forestry and Fisheries as an area for which agricultural promotion is to be planned and which falls under any of the following items:

      (a) An area where the farmland being used or to be used for agricultural purposes has been collectivized as an area where a farmland creation project or an agricultural infrastructure rearrangement project has been performed or is being performed;

      (b) An area where the farmland being used for agricultural purposes has been collectivized as an area other than that under item (a);

   2. Agricultural protection areas: an area necessary for the protection of agricultural environment, including the securing source of water supply and preservation of water quality in an agricultural promotion area.

**Article 29 (Areas Eligible for Designation as Agricultural Promotion Areas)**

Green-belt areas, management areas, agriculture and forestry areas, and natural environment preservation areas designated pursuant to the National Land Planning and Utilization Act are eligible for designation as an agricultural promotion area under Article 28: Provided, That green-belt areas in the Special Metropolitan City shall be excluded.

**Article 30 (Procedures for Designation of Agricultural Promotion Areas)**

1. A Mayor/Do Governor shall designate an agricultural promotion area with the approval of the Minister for Food, Agriculture, Forestry and Fisheries, following deliberation thereon by the City/Do agriculture, fisheries, rural community and food industry policy council under Article 15 of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry (hereinafter referred to as "City/Do agriculture, fisheries, rural community and food industry policy council"). <Amended by Act No. 8749, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9717, May 27, 2009>
(2) When a Mayor/Do Governor has designated an agricultural promotion area under paragraph (1), he/she shall, without delay, publicly announce such fact and notify the related agencies thereof and shall have the head of a Si/Gun/autonomous Gu make it available for public perusal.

(3) Where a green-belt area or planned management area designated pursuant to the National Land Planning and Utilization Act is included in an agricultural promotion area, the Minister for Food, Agriculture, Forestry and Fisheries shall consult with the Minister of Land, Transport and Maritime Affairs before he/she approves the designation of the agricultural promotion area under paragraph (1).

<Amended by Act No. 8852, Feb. 29, 2008>

(4) Procedures for designation of agricultural promotion areas and other necessary matters for such designation shall be prescribed by Presidential Decree.

Article 31 (Change and Cancellation of Agricultural Promotion Areas, etc.)

(1) Where there are reasons prescribed by Presidential Decree, the relevant Mayor/Do Governor may change or cancel an agricultural promotion area or a specific-use area.

(2) Article 30 shall apply mutatis mutandis to the procedures, etc. for change or cancellation of agricultural promotion areas or specific use areas under paragraph (1): Provided, That any change of matters prescribed by Presidential Decree, including changing an agricultural protection area to an agricultural promotion area, etc. may be made without deliberation by the City/Do agriculture, fisheries, rural community and food industry policy council or the approval of the Minister for Food, Agriculture, Forestry and Fisheries, as prescribed by Presidential Decree. <Amended by Act No. 8749, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9717, May 27, 2009>

Article 31-2 (Listening to Opinions of Residents)

When a Mayor/Do Governor intends to designate, change or cancel an agricultural promotion area pursuant to Articles 30 and 31, he/she shall give prior notice of the details thereof to each owner of the relevant land and listen to the opinions of the relevant local residents, as prescribed by Presidential Decree: Provided, That the same shall not apply to either of the following circumstances:

1. When notice is given to each of the land owners pursuant to other Acts and subordinate statutes;
2. When any person to whom notice shall be given remains unknown or his/her address, residence or place where notice shall be given remains unknown.

Article 32 (Restrictions on Conduct in Specific-Use Areas)

(1) No one shall engage in any conduct of utilizing farmland directly unrelated to agricultural production or farmland improvement within an agricultural promotion area: Provided, That the foregoing shall not apply to any of the following: <Amended by Act No. 9721, May, 27, 2009; Act No. 11171, Jan. 17, 2012>

1. Installation of processing and treatment facilities for agricultural and fishery products prescribed by Presidential Decree (referring to agricultural, forest, stock farm and fishery products; hereinafter the same shall apply) and of experimental and research facilities related to the agricultural and fisheries industries (referring to the agricultural, forestry, livestock, and fisheries industries; hereinafter the same shall apply);
2. Installation of children's playgrounds, village halls and other convenience facilities and welfare facilities necessary for farmers' community life prescribed by Presidential Decree;
3. Installation of farmers' housing, fishermen's housing or other agricultural facilities, livestock facilities and fishery facilities prescribed by Presidential Decree;
4. Installation of national defense and military facilities;
5. Installation of rivers, banks or other facilities for the preservation of national land corresponding thereto;
6. Repairs, restoration and movement of cultural assets, excavation of buried cultural properties, installation of tombstones, monuments or other similar structures;
7. Installation of roads, railroads, and other public facilities prescribed by Presidential Decree;
8. Using the farmland as a place for exploration for the exploitation of underground resources or for mining of underground mineral and for concentration and piling up of ore;
9. Installation of facilities prescribed by Presidential Decree and necessary for development of agricultural and fishing villages, including the development of income sources of agricultural and fishing villages, etc.

(2) No one shall engage in any conduct of utilizing land, except the following conducts, within an agricultural protection area:
   1. Utilizing the land for activities referred to in the subparagraphs of paragraph (1);
   2. Installation of buildings, structures and other facilities prescribed by Presidential Decree and necessary for the increase of farmers' income;
   3. Installation of buildings, structures and other facilities prescribed by Presidential Decree and necessary for improving the living conditions of farmers.

(3) The provisions of restriction on conduct in paragraphs (1) and (2) shall not apply to existing buildings, structures and other facilities installed with the authorization, permission or approval, etc. obtained or with the report made under the related Acts and subordinate statutes at the time of the designation of the agricultural promotion area.

(4) The provisions of restriction on conduct in paragraphs (1) and (2) shall not apply to any construction works or project being performed by the person (referring to the person who has commenced the construction works or the project being performed where it is not required to obtain authorization, permission or approval, etc. or make a report under the related Acts and subordinate statutes or in cases of no necessity of report) who is performing the construction work or the project with the authorization, permission, approval, etc. obtained or the report made thereof with respect to each of the following subparagraphs under the related Acts and subordinate statutes at the time of designation of the agricultural promotion area:
   1. Construction of buildings;
   2. Installation of structures and other facilities;
3. Changes in the form and quality of the land;
4. Other conducts corresponding to those referred to in subparagraphs 1 through 3.

**Article 33 (Expansion of Development Investment and Priority to Supporting Agricultural Promotion Areas)**

(1) The State and local governments shall give priority in making investment in the improvement and rearrangement of farmland and agricultural facilities, the expansion of road for agricultural and fishing villages and of distribution facilities for agricultural products, and other projects for development of agriculture for an agricultural promotion area, as prescribed by Presidential Decree.

(2) The State and local governments shall give priority in providing necessary support, including subsidies or tax reduction under the Restriction of Special Taxation Act, to farmers or agricultural corporations cultivating crops or culturing perennial plants on farmland in an agricultural promotion area.

**Article 33-2 (Requests for Purchase of Farmland in Agricultural Promotion Areas)**

(1) A farmer or agricultural corporation taking possession of farmland in an agricultural promotion area may request the Korea Rural Community Corporation incorporated under the Korea Rural Community Corporation and Farmland Management Fund Act (hereinafter referred to as "Korea Rural Community Corporation) to purchase such farmland.

(2) Upon receipt of a request for purchase made under paragraph (1), the Korea Rural Community Corporation may purchase the relevant farmland based on the value appraised by appraisal business operators provided in the Public Notice of Values and Appraisal of Real Estate Act.

(3) Expenses incurred by the Korea Rural Community Corporation in purchasing farmland pursuant to paragraph (2) shall be loaned from the Farmland Management Fund.

**Article 34 (Permits to Divert Farmland and Consultation)**

(1) Any person who intends to divert farmland to another use shall obtain a permit from the Minister for Food, Agriculture, Forestry and Fisheries, as prescribed by Presidential Decree, except in any of the following cases. The same shall also apply where he/she intends to change principal matters, including the area or boundary of the permitted farmland, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9721, May, 27, 2009>

1. Where farmland is diverted through consultation legally construed as permission on diversion of the farmland under other Acts;
2. Where the diversion is made to the farmland following consultation made under paragraph (2) or the farmland excluded from that subject to consultation under the proviso to paragraph (2) 1 as farmland in an urban area or planned control area under the National Land Planning and Utilization Act;
3. Where the diversion of the farmland is made upon filing a report under Article 35;
4. Where the farmland illegally reclaimed without obtaining a permit to divert a mountainous district under Article 14 of the Management of Mountainous Districts Act or without filing a report under Article 15 of the same Act is restored to a forest ;
5. Where the diversion of the farmland is made in order to change the form and quality of the land or to install structures with a permit from the River Management Office under the River Act.

(2) In any of the following cases, the competent Minister or the head of a local government shall consult in advance on the diversion of farmland with the Minister for Food, Agriculture, Forestry and Fisheries, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9721, May, 27, 2009; Act No. 10599, Apr. 14, 2011>

1. When designating a residential area, commercial area or industrial area or determining urban planning facilities in an urban area under the National Land Planning and Utilization Act, where farmland is included in the land of relevant planned area or in the land of planned facilities: Provided, That this shall not apply where an already designated residential area, commercial area or industrial area is changed to an area for another purpose or to cases where urban/Gun planning facilities are determined to be installed in an already designated residential area, commercial area or industrial area;

1-2. When designating a district unit planning area in a planned control area under the National Land Planning and Utilization Act, where farmland is included in the land of the relevant planned area;

2. Where any development activity is permitted under Article 56 of the National Land Planning and Utilization Act on farmland in a green-belt area or a restricted development area in an urban area under the same Act, or changes in the form and quality of the land is permitted under the proviso to the part other than each subparagraph of Article 12 (1) of the Act on Special Measures for Designation and Management of Development Restriction Zones.

Article 35 (Reports on Diversion of Farmland)

(1) Any person who intends to divert farmland to a site for any of the following facilities shall file a report to the head of a Si/Gun/autonomous Gu, as prescribed by Presidential Decree. The same shall also apply to any intended modification to the reported matters: <Amended by Act No. 9721, May, 27, 2009; Act No. 11171, Jan. 17, 2012>

1. Farmers' housing, fishermen's housing, facilities for agriculture and livestock (excluding improvement facilities and production facilities for agricultural and stock farm products under subparagraph 1 (b) of Article 2), facilities for distribution and processing of agricultural and fishery products;
2. Convenience facilities for community life of farmers, including children's playground and village hall;
3. Research facilities related to agriculture and fisheries, and fisheries facilities, including fish farms and fish nurseries.

(2) Matters concerning the scope and scale of the facilities requiring reporting, restrictions on installation in an agricultural promotion area and the scope of the installers, etc. under paragraph (1) shall be prescribed by Presidential Decree.

Article 36 (Permits to Temporarily Use Farmland for other Purposes)
(1) Any person who intends to temporarily use farmland for any of the following purposes shall obtain a permit from the head of a Si/Gun/autonomous Gu on condition that he/she will reinstate it to farmland after having used it for such other purpose for a certain period, as prescribed by Presidential Decree. The same shall also apply to any intended modification to the permitted matters: Provided, That the State or a local government shall consult with the head of a Si/Gun/autonomous Gu:

1. Where installing simple facilities for agriculture, fisheries and livestock (excluding improvement facilities and production facilities for agricultural and stock farm products under subparagraph 1 (b) of Article 2) and simple facilities for treatment of agricultural and fishery products which do not require a building permit or building report under the Building Act;
2. Where installing a field office or incidental facilities, other facilities corresponding to such office and facilities or piling up or burying goods for the principally intended project (applicable only to any project permitted in relevant farmland);
3. Where excavating soil, stones, and minerals prescribed by Presidential Decree.

(2) Where the head of a Si/Gun/autonomous Gu is requested by the competent Minister or the head of a local government for consultation on the temporary use of farmland for other purposes in relation to the authorization, permission or approval, etc. on a project or a project plan, etc. under other Acts, he/she may consult with the competent Minister or the head of a local government on the premise that the competent Minister or the head of a local government, when authorizing, permitting or approving the project or the project plan, shall attach conditions to a person who intends to implement the relevant project that he/she shall reinstate the farmland to its original state after using it for other purposes for a certain period.

(3) Where the head of a Si/Gun/autonomous Gu grants a permit under paragraph (1) or makes consultation under paragraph (2), he/she may have a person who intends to implement the project submit the plan for restoration to farmland and deposit reinstatement expenses, as prescribed by Presidential Decree.

(4) Standards for the calculation of, and timing and procedure for the payment of, reinstatement expenses, and other necessary matters under paragraph (3) shall be prescribed by Presidential Decree.

Article 37 (Restrictions on Permits to Divert Farmland, etc.)

(1) In granting a permit to divert farmland under Article 34 (1), the Minister for Food, Agriculture, Forestry and Fisheries shall not permit the diversion of farmland to be used as a site for any of the following facilities: Provided, That diversion of farmland in an urban area, planned management area or development promotion area under the National Land Planning and Utilization Act may be permitted, even if it is used as a site for any of the following facilities: <Amended by Act No. 8466, May 17, 2007; Act No. 8852, Feb. 29, 2008>

1. Air pollutants discharge facilities as defined in subparagraph 9 of Article 2 of the Clean Air Conservation Act, prescribed by Presidential Decree;
2. Wastewater discharge facilities as defined in subparagraph 10 of Article 2 of the Water Quality and Ecosystem Conservation Act, prescribed by Presidential Decree;
3. Facilities prescribed by Presidential Decree, which are likely to impair agricultural promotion or the preservation of farmland.

(2) When the Minister for Food, Agriculture, Forestry and Fisheries, or the head of a Si/Gun/autonomous Gu grants a permit or makes consultation (including consultation legally construed as permission on the diversion of farmland under other Acts) on any diversion of farmland under Article 34 or grants a permit and makes consultation on any temporary use of farmland for another purpose under Article 36, he/she may restrict the diversion of farmland or the temporary use of farmland for other purpose where such farmland falls under any of the following subparagraphs: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where the farmland to be diverted needs to be preserved as superior farmland because it is included in the area where agricultural production infrastructure has been rearranged or where a rearrangement project for agricultural production infrastructure is to be performed;
2. Where the diversion of the relevant farmland or the temporary use of such farmland for another purpose seriously hinders sunshine, ventilation and consolidated cultivation or brings about the removal of farmland improvement facilities, thereby substantially influencing the agricultural management of farmland in the neighborhood;
3. Where the diversion of the relevant farmland or the temporary use of such farmland for another purpose is likely to impair farmland in the neighborhood or farmland improvement facilities, including washouts, etc.;
4. Where the project plan and the funding plan to realize the objectives of the diversion are unclear;
5. Where the area of the farmland to be diverted is excessively larger than that needed to realize the objectives of the diversion.

Article 38 (Farmland Preservation Charges)

(1) Any of the following persons shall pay charges for preservation, management and creation of farmland (hereinafter referred to as "farmland preservation charges") to a person who operates and manages the Farmland Management Fund: <Amended by Act No. 9721, May, 27, 2009>

1. A person who has obtained a permit to divert farmland under Article 34 (1);
2. A person who intends to divert farmland (including farmland excluded from consultation under the proviso to Article 34 (2) 1) in a planned land of the area or in a planned land for facilities, for which consultation on the diversion of farmland has been completed under Article 34 (2) 1;
2-2. A person who intends to divert farmland in a planned land of the area, for which consultation on the diversion of farmland has been completed under Article 34 (2) 1-2;
3. A person who intends to divert farmland, for which consultation on the diversion of farmland has been completed under Article 34 (2) 2;
4. A person who intends to divert farmland for which consultation legally construed as a permit to divert the farmland has been completed under other Acts;
5. A person who intends to divert farmland after filing a report on the diversion of the farmland under Article 35 or 43.
(2) If the Minister for Food, Agriculture, Forestry and Fisheries recognizes that there exist inevitable reasons making it impracticable to pay farmland preservation charges in lump-sum where a government-funded agency, local corporation or local public corporation diverts farmland to land for facilities for an industrial complex, as diversion of farmland prescribed by Presidential Decree, he/she may allow them to pay the farmland preservation charges in installments, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Where the Minister for Food, Agriculture, Forestry and Fisheries intends to allow the installment payments of farmland preservation charges under paragraph (2), he/she shall have a person who intends to pay the farmland preservation charges in installments deposit in advance the insurance certificate of payment guarantee, etc. for the farmland preservation charges to be paid in installments, as prescribed by Presidential Decree: Provided, That the same shall not apply where a person who intends to pay the farmland preservation charges in installments is the State, a local government or other person prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(4) In any of the following cases, a person who operates and manages the Farmland Management Fund shall refund the corresponding farmland preservation charges, as prescribed by Presidential Decree;
1. Where permission for a person who paid the farmland preservation charges has been cancelled under Article 39;
2. Where a project plan of a person who paid the farmland preservation charges has been modified;
3. Where the area of farmland to be diverted has been reduced as compared with the beginning by other corresponding reasons.

(5) In any of the following cases, the Minister for Food, Agriculture, Forestry and Fisheries may reduce or exempt the farmland preservation charges, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008>
1. Where the State or a local government diverts farmland for official or public purposes;
2. Where farmland is diverted to install important industrial facilities prescribed by Presidential Decree;
3. Where farmland is diverted to install facilities referred to in any subparagraph of Article 35 (1) or other facilities prescribed by Presidential Decree.

(6) The amount of the farmland preservation charges shall be computed by applying the standard levy prescribed by Presidential Decree within the extent of publicly announced individual land price of the related farmland under the Public Notice of Values and Appraisal of Real Estate Act.

(7) Where a person liable to pay the farmland preservation charges fails to pay them by the payment deadline, the Minister for Food, Agriculture, Forestry and Fisheries shall issue a demand notice stating the time limit not exceeding ten days within ten days after the payment deadline expires. <Amended by Act No. 9721, May, 27, 2009>

(8) Where a person liable to pay the farmland preservation charges fails to pay them by the payment deadline under paragraph (7), the Minister for Food, Agriculture, Forestry and Fisheries shall impose additional charges as classified in the following subparagraphs on the person: <Newly Inserted by Act No.>
1. When a farmland preservation charge is paid within one week from the date following the payment deadline: An amount equivalent to one percent of the payment in arrears;
2. When a farmland preservation charge is paid after the lapse of one week from the date following the payment deadline: An amount equivalent to five percent of the payment in arrears.

(9) Where a person liable to pay the farmland preservation charges fails to pay them and additional charges by the designated deadline after having received the demand notice, the Minister for Food, Agriculture, Forestry and Fisheries may collect them in the same manner as delinquent national taxes or local taxes are collected. <Newly Inserted by Act No. 9721, May, 27, 2009>

(10) Where any of the following causes occurs, the Minister for Food, Agriculture, Forestry and Fisheries may make a disposition of deficits on the related farmland preservation charges: Provided, That when seizable property is found after the disposition of deficits in the case falling under subparagraphs 1, 3 and 4, he/she shall cancel said disposition of deficits without delay and make a disposition on default: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where the allotted amount appropriated for making up the amount in arrears falls short of the amount in arrears after the disposition on default has been completed;
2. Where the extinctive prescription of the rights to receive the farmland preservation charges has been completed;
3. Where the estimated value of gross property which is the object of the disposition on default leaves no room for remainder after appropriating it for covering the expenses for disposition on default;
4. Where it is recognized that there is no possibility for collection by the reasons prescribed by Presidential Decree, including the defaulter's death, having gone missing.

(11) Where the Minister for Food, Agriculture, Forestry and Fisheries has a person delegated with authority under Article 51 or a person entrusted with the affairs of operation and management of the Farmland Management Fund under Article 35 (2) of the Korea Rural Community Corporation and Farmland Management Fund Act conduct the affairs concerning imposition and collection of the farmland preservation charges, the former shall pay fees to the latter, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9276, Dec. 29, 2008; Act No. 11171, Jan. 17, 2012>

(12) A person who operates and manages the Farmland Management Fund shall pay the amount after deducting fees under paragraph (11) from the amount to be received as farmland preservation charges under paragraph (1) to the Farmland Management Fund. <Amended by Act No. 9721, May, 27, 2009>

(13) The deadline and procedure for the payment of farmland preservation charges, and other necessary matters shall be prescribed by Presidential Decree.

**Article 39 (Cancellation of Permits to Divert Farmland, etc.)**

Where a person who has obtained a permit to divert farmland under Article 34 (1) or obtained a permit to temporarily use farmland for other purpose under Article 36 or reported on the diversion of farmland under Article 35 or 43 falls under any of the following subparagraphs, the Minister for Food, Agriculture,
Forestry and Fisheries, or the head of a Si/Gun/autonomous Gu may cancel the permit or order suspension of the related construction works, suspension of the operation, reduction of the scale of the business, modification of the project plan, and other necessary measures, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries: Provided, That where he/she falls under subparagraph 7, the relevant permit shall be cancelled: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9721, May, 27, 2009>

1. Where it is proved that he/she has obtained the permit or has filed the report by fraudulent or other illegal means;
2. Where he/she violates the purpose or any condition of the permission;
3. Where he/she modifies the project plan or project scale without a permit or report;
4. Where he/she, having obtained the permit or having filed the report, has not commenced the intended project for farmland diversion, including creation of building sites and installation of facilities, etc. for at least two years or has suspended the construction works for at least one year after having commenced the intended project for farmland diversion without justifiable reasons prescribed by Presidential Decree, including modification of the project plan related to the intended project for farmland diversion;
5. Where he/she has not paid the farmland preservation charges;
6. Where a person who has obtained a permit or has filed the report applies for cancellation of the permit or withdraws the report;
7. Where a person who obtained the permit has violated an order for measure under the main sentence of this Article, including suspension of the related construction works, etc.

Article 40 (Approval for Alteration of Use)

(1) Where a person intends to use any farmland being used or used for an intended project of farmland diversion for another purpose within the period prescribed by Presidential Decree through any of the following procedures, he/she shall obtain the approval of the head of a Si/Gun/autonomous Gu:
   1. A permit to divert farmland under Article 34 (1);
   2. Consultation on the farmland diversion under Article 34 (2) 2;
   3. A report on the farmland diversion under Article 35 or 43.

(2) A person who intends to use any farmland diverted to a site for facilities for which the farmland preservation charges are reduced or exempted as a site for facilities of which rate of reduction or exemption of the farmland preservation charges is different from that of the said site and who is subject to approval under paragraph (1) shall pay the corresponding farmland preservation charges, as prescribed by Presidential Decree.

Article 41 (Restrictions on Changes of Land Category of Farmland)

No farmland shall be changed to fall under any land category other than a field, rice field or orchard except in any of the following cases:
1. Where a permit to divert farmland (including consultation legally construed as permission on the diversion of farmland under other Acts) has been obtained under Article 34 (1) or diversion of farmland has been filed under paragraph (2) of the same Article;
2. Where diversion of farmland has been made for the purpose described in Article 34 (1) 4 or 5;
3. Where diversion of farmland has been made after filing a report on the diversion of farmland under Article 35 or 43;
4. Where farmland is changed to a site for land improvement facilities as defined in subparagraph 1 (b) of Article 2 of this Act by implementing a development project of water supply for agricultural and fishing villages or an improvement project of the agriculture production infrastructure as defined in subparagraph 5 (a) or (b) of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
5. Where the head of a Si/Gun/autonomous Gu recognizes that the reinstatement of farmland is almost impossible because the form and quality of the farmland has been substantially changed on grounds of natural disasters or other force majeure.

Article 42 (Reinstatement, etc.)

(1) Where a person engages in any of the following conducts, the Minister for Food, Agriculture, Forestry and Fisheries, or the head of a Si/Gun/autonomous Gu may order the person who has engaged in such conduct to reinstate the farmland within a designated period: <Amended by Act No. 8852, Feb. 29, 2008>

1. Where he/she has diverted farmland or has used it for another purpose without a permit to divert farmland under Article 34 (1) or without a permit to temporarily use farmland for another purpose under Article 36;
2. Where he/she has diverted farmland without filing a report on the diversion of farmland under Article 35 or 43;
3. Where a permit to divert farmland has been cancelled under Article 39;
4. Where a person who filed a report on the diversion of farmland has violated an order for measure under Article 39.

(2) Where a person fails to reinstate farmland in violation of the reinstatement order issued under paragraph (1), the Minister for Food, Agriculture Forestry and Fisheries, or the head of a Si/Gun/autonomous Gu may reinstate such farmland by vicarious execution. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Administrative Vicarious Execution Act shall apply to procedures for vicarious execution under paragraph (2).

Article 43 (Special Cases for Permits to Divert Farmland)

When a person obliged to obtain a permit to divert farmland under Article 34 (1) intends to divert any farmland under Article 6 (2) 9-2, the person may divert the farmland after reporting to the head of a Si/Gun/autonomous Gu, as prescribed by Presidential Decree, notwithstanding Article 34 (1) or 37 (1).

Articles 44 through 48 Deleted. <by Act No. 9721, May, 27, 2009>

Article 49 (Formulating and Keeping Farmland Ledgers)

(1) For the efficient utilization and management of farmland by ascertaining the actual status of ownership and utilization of the farmland, the head of a Si/Gu/Eup/Myeon shall formulate and keep a farmland ledger.
(2) If necessary to formulate and arrange a farmland ledger under paragraph (1) and to ascertain the actual status of utilization of farmland, the head of a Si/Gu/Eup/Myeon may require the owner of the farmland to report necessary matters or require a relevant public official to investigate the conditions thereof.

(3) If the contents of farmland ledger are modified, the head of a Si/Gu/Eup/Myeon shall, without delay, arrange such modification in the farmland ledger.

(4) Where matters to be recorded in a farmland ledger under paragraph (1) are recorded through an electronic data processing system, the electronic file (referring to the magnetic disc, magnetic tape or other farmland ledger recorded and kept by similar means to the aforesaid ones) shall be deemed the farmland ledger under paragraph (1).

(5) Matters necessary for the form, formulation and management of the farmland ledger and for the electronic data processing system, etc. shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 50 (Public Perusal of Farmland Ledgers or Issuance of Copies thereof, etc.)

(1) If the head of a Si/Gu/Eup/Myeon is requested for perusal of a farmland ledger or for issuance of a copy thereof, he/she shall make the farmland ledger available for perusal or shall issue a copy thereof, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(2) If the head of a Si/Gu/Eup/Myeon receives an application by a farmer or an agricultural corporation who conducts self-cultivation on his/her or its own farmland, he/she shall issue a certificate of self-cultivation, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

Article 51 (Delegation and Entrustment of Authority, etc.)

(1) The Minister for Food, Agriculture, Forestry and Fisheries may delegate part of his/her authority vested under this Act to a Mayor/Do Governor and the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister for Food, Agriculture, Forestry and Fisheries may entrust part of his/her affairs under this Act to the Korea Rural Community Corporation, an agriculture-related agency or organization, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9276, Dec. 29, 2008>

(3) The Minister for Food, Agriculture, Forestry and Fisheries may, as prescribed by Presidential Decree, require a person entrusted with the affairs of operation and management of the Farmland Management Fund under Article 35 of the Korea Rural Community Corporation and Farmland Management Fund Act to perform the affairs of receiving farmland preservation charges under Articles 38 (1) and 40 (2) on his/her behalf. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9276, Dec. 29, 2008>

Article 52 (Monetary Rewards)

The Minister for Food, Agriculture, Forestry and Fisheries may pay a monetary reward to person who reports on or denounces any of the following persons to the competent authorities or an investigation agency, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008>
1. A person who has been issued a qualification certificate for acquisition of farmland under Article 8 (1) for the purpose of ownership of farmland by fraudulent or other unjust means in violation of any restriction on ownership of farmland under Article 6 or the maximum limits of ownership of farmland under Article 7;
2. A person who has violated Article 32 (1) or (2);
3. A person who has diverted farmland without a permit to divert farmland under Article 34 (1) or a person who has obtained a permit to divert farmland under Article 34 (1) by fraudulent or other unjust means;
4. A person who has diverted farmland without filing a report under Article 35 or 43;
5. A person who has used farmland for other use without a permit to temporarily use farmland for other use under Article 36 (1);
6. A person who has used diverted farmland for another use without approval therefor in violation of Article 40 (1).

Article 53 (Special Cases for Restrictions on Conducts with Respect to Parcel of Farmland Extended over Agricultural Promotion Area and Agricultural Protection Area, etc.)
(1) Where a parcel of farmland is extended over both an agricultural promotion area and an agricultural protection area, and part of the farmland belonging to the agricultural promotion area is smaller than the size prescribed Presidential Decree, when the restriction on conduct under Article 32 is applied to such part of the farmland, the provisions concerning agricultural protection areas shall be applied.
(2) Where part of a parcel of farmland is extended over an agricultural promotion area and the area of the farmland belonging to the agricultural promotion area is smaller than the size prescribed by Presidential Decree, Article 32 (1) and (2) shall not be applied to the said part of the farmland.

Article 54 (Investigations into Ownership of Farmland, etc.)
(1) The Minister for Food, Agriculture, Forestry and Fisheries, or the head of a Si/Gun/autonomous Gu may require a public official under his/her jurisdiction to inspect or investigate the actual status to ascertain facts concerning the ownership, transaction, utilization or diversion of farmland by any of the following persons: <Amended by Act No. 8852, Feb. 29, 2008>
1. An incorporated agricultural corporation;
2. A person entrusted with the management of farmland;
3. A lessor of farmland;
4. A lender of farmland for free use;
5. A person who has obtained a permit to divert farmland;
6. A project operator of a farmland utilization promotion project.
(2) A public official who conducts an inspection or investigation under paragraph (1) shall carry a certificate of identification indicating his/her authority and shall produce it to related persons.
(3) Matters necessary for inspections, investigations and certificates referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended
Article 55 (Hearings)
Where the Minister for Food, Agriculture, Forestry and Fisheries or the head of a Si/Gun/autonomous Gu intends to engage in any of the following conducts, he/she shall hold a hearing: <Amended by Act No. 8852, Feb. 29, 2008>
1. Notification of occurrence of disposition obligation of the farmland, etc. not used for agricultural management under Article 10 (2);
2. Cancellation of a permit to divert farmland under Article 39.

Article 56 (Fees)
Any of the following persons shall pay fees prescribed by Presidential Decree:
1. A person who applies for the issuance of a qualification certificate for acquisition of farmland under Article 8;
2. A person who applies for permission under Article 34 or 36;
3. A person who files a report on the diversion of farmland under Article 35 or 43;
4. A person who applies for approval for diversion of use of farmland under Article 40;
5. A person who applies for the issuance of a copy of a farmland ledger or a copy of a self-cultivation certificate under Article 50.

Article 57 (Penal Provisions)
(1) A person who diverts the use of any farmland in an agricultural promotion area without having obtained a permit to divert farmland under Article 34 (1) or obtains a permit to divert farmland by fraudulent or other unjust means shall be punished by imprisonment for not more than five years, or by a fine not exceeding the amount equivalent to the price of the relevant land according to the publicly notified individual land price (hereinafter referred to as "land price").
(2) A person who diverts the use of any farmland outside an agricultural promotion area without having obtained a permit to divert farmland under Article 34 (1) or obtains a permit to divert farmland by fraudulent or other unjust means shall be punished by imprisonment for not more than three years, or by a fine not exceeding the amount equivalent to 50 percent of the relevant land price.
(3) The punishment of imprisonment and fines referred to in paragraphs (1) and (2) may be imposed concurrently.

Article 58 (Penal Provisions)
Any of the following persons shall be punished by imprisonment for not more than five years, or by a fine not exceeding 20 million won:
1. A person who violates Article 32 (1) or (2);
2. A person who uses farmland for another purpose without having obtained a permit to temporarily use farmland for other purposes under Article 36 (1);
3. A person who uses diverted farmland for other purposes without having obtained approval, in violation of Article 40 (1).
Article 59 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding ten million won:

1. A person who obtains a qualification certificate for acquisition of farmland under Article 8 (1) by fraudulent or other unjust means for the purpose of ownership of farmland in violation of restrictions on the ownership of farmland under Article 6 or the maximum limit of ownership of farmland under Article 7;

2. A person who diverts farmland for other uses without filing a report under Article 35 or 43.

Article 60 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding ten million won:

1. A person who entrusts the agricultural management of his/her own farmland to another person, in violation of Article 9;

2. A person who leases or gratuitously lends his/her own farmland, in violation of Article 23.

Article 61 (Joint Penal Provisions)

Where a representative of a corporation, or an agent, employee, or other servant of a corporation or individual commits a violation under Articles 57 through 60 in connection with the business of the corporation or individual, in addition to the punishment of such violator, the corporation or individual shall be punished by a fine under each relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

Article 62 (Non-Performance Penalties)

(1) The head of a Si (referring to the head of a Si which has no Gus; hereafter the same shall apply in this Article)/Gun/Gu shall impose a non-performance penalty equivalent to 20 percent of the land price of the relevant farmland on a person who has failed to perform a disposition order by the specified period without justifiable reasons prescribed by Presidential Decree, including consultation on any request for purchase filed under Article 11 (2) after having been ordered a disposition under Article 11 (1) (including cases falling under Article 12 (2)).

(2) The head of a Si/Gun/Gu shall give a prior written notice stating his/her intention to impose and collect a non-performance penalty to the relevant person prior to the imposition of the non-performance penalty under paragraph (1).

(3) When imposing a non-performance penalty under paragraph (1), the head of a Si/Gun/Gu shall impose the non-performance penalty with a notice specifying the amount of the non-performance penalty, the reason for the imposition, the payment period, the agency receiving the payment, the method of filing objections and the agency with which objections are to be filed, etc.

(4) The head of a Si/Gun/Gu may impose and collect a non-performance penalty under paragraph (1) once a year until the disposition order is performed, from the date the disposition order was first issued.
(5) When a person who was ordered a disposition under Article 11 (1) (including cases under Article 12 (2)) has performed the order, the head of a Si/Gun/Gu shall immediately discontinue the imposition of new non-performance penalty, but shall collect the non-performance penalty already imposed.
(6) A person dissatisfied with the disposition of imposition of a non-performance penalty under paragraph (1) may file an objection with the head of a Si/Gun/Gu within 30 days from after receipt of notice of the disposition.
(7) Where a person who was ordered a disposition of imposition under paragraph (1) files an objection under paragraph (6), the head of a Si/Gun/Gu shall, without delay, notify the competent court, which, in turn, shall proceed to a trial in accordance with the procedure for trial on fines for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.
(8) Where neither objection is filed within the period under paragraph (6) nor a non-performance penalty under paragraph (1) is paid within the payment deadline, the non-performance penalty shall be collected in the same manner as delinquent local taxes are collected.

ADDENDA

Article 1 ( Enforcement Date )
This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 1 (b) of Article 2, subparagraph 7 of Article 2, Articles 8 (2) 2, 35 (1) 1 and 36 (1) 1, and Article 15 (28), (35) and (66) of Addenda shall enter into force on July 4, 2007.

Article 2 ( Transitional Measures concerning Enforcement Date )
As prescribed by the proviso to Article 1 of Addenda, the former subparagraph 1 (b) of Article 2, subparagraph 9 of Article 2, Articles 8 (2) 2, 37 (1) 1 and 38 (1) 1 corresponding to the amended provisions shall apply until the amended provisions of subparagraph 1 (b) of Article 2, subparagraph 7 of Article 2, Articles 8 (2) 2, 35 (1) 1 and 36 (1) 1 enter into force.

Article 3 ( Transitional Measures concerning Site of Facilities Necessary for Agricultural Production )
The former provisions shall apply to a site of facilities necessary for agricultural production under subparagraph 1 (b) of Article 2 installed with a permit to divert farmland under the former Farmland Preservation and Utilization Act and the Farmland Expansion and Development Promotion Act or with the report on the farmland diversion under the previous Act on the Special Measures for Development of Agricultural and Fishing Villages as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force.

Article 4 ( Transitional Measures concerning Existing Owners of Farmland )
(1) Articles 6 (1), 10, 11, 23 and 62 shall not apply to the ownership of the farmland with respect to a person who owned the farmland as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force. However, Article 43-3 of the former Act on the Special Measures for Development of Agricultural and Fishing Villages shall apply to the period for disposition and the purchase in consultation, etc. with respect to the farmland subject to the disposition, of which disposition has not
been made by a person who is to dispose of under Article 43-2 (2) of the former Act on the Special Measures for development of Agricultural and Fishing Villages.

(2) A person who owned the farmland exceeding the maximum limit of ownership of farmland under Article 7 as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, may continue to own the relevant farmland notwithstanding the provisions of the same Article.

Article 5 (Transitional Measures concerning Designation of Agricultural Promotion Area)

The agricultural promotion area designated under the former Act on the Special Measures for Development of Agricultural and Fishing Villages as at the time this Act enters into force shall be deemed designated under this Act.

Article 6 (Transitional Measures concerning Permits to Divert Farmland, etc.)

(1) A person who has obtained a permit to divert farmland and a person who has filed a report on farmland diversion under the former Farmland Preservation and Utilization Act, the Act on the Special Measures for Development of Agricultural and Fishing Villages and the Farmland Expansion and Development Promotion Act as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, shall be deemed to have obtained a permit to divert farmland or a permit to temporarily use farmland for another purpose or to have filed a report on farmland diversion under this Act.

(2) The farmland which was passed through the consultation concerning the farmland diversion or on which the consent or the approval was obtained concerning the farmland diversion under the former Farmland Preservation and Utilization Act as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, shall be deemed to have been passed through consultation concerning the farmland diversion under this Act.

(3) The farmland located in an area designated as the residential area, the commercial area and the industrial area under Article 17 (1) of the Urban Planning Act and the farmland not passed through the consultation concerning the farmland diversion under the former Farmland Preservation and Utilization Act as the farmland designated as the planned site of the urban planning facilities as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, shall be deemed to have been passed through consultation concerning the farmland diversion under Article 34 (2) 1 of this Act.

Article 7 (Transitional Measures concerning Farmland Creation Costs, etc.)

(1) A person who has paid the cost required to create farmland under Article 4 (4) of the former Farmland Preservation and Utilization Act or the amount required for the new development of farmland under Article 53 (3) of the former Farmland Expansion and Development Promotion Act as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, shall be deemed to have paid the farmland preservation charges under this Act.

(2) A person who was notified to pay the cost required to create farmland under Article 4 (4) of the former Farmland Preservation and Utilization Act or the amount required for the new development of farmland under Article 53 (3) of the former Farmland Expansion and Development Promotion Act as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, shall be deemed to have
been notified to pay the farmland preservation charges under this Act.

(3) An amount per unit classified by farmland of the farmland creation cost determined and publicly notified under Article 4 (5) of the former Farmland Preservation and Utilization Act as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, shall be deemed to have been determined and publicly notified under this Act.

(4) Where the farmland located in an area designated as the residential area, the commercial area and the industrial area through the consultation made before July 29, 1981 under Article 4 (2) of the Farmland Preservation and Utilization Act is diverted to another use after January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, Article 38 (1) 2 shall not be applicable to this.

Article 8 (Transitional Measures concerning Certificates of Farmland Purchase and Sale)

Any person who was issued the certificate of farmland purchase and sale under Article 19 (2) of the former Farmland Reform Act and under Article 19 of the former Farmland Lend-Lease Management Act as at January 1, 1996, the date the Farmland Act, Act No. 4817 enters into force, shall be deemed to have been issued the qualification certificate for acquisition of farmland under in this Act.

Article 9 (Transitional Measures concerning Farmland Ledger)

The farmland ledger referred to in Article 14 of the former Farmland Preservation and Utilization Act as at the time this Act enters into force shall be deemed the farmland referred to in this Act.

Article 10 (Transitional Measures according to Restrictions on Partition of Farmland)

The amended provisions of Article 22 (2) shall not apply to the partition of farmland for which application was made or of the case where authorization and permission accompanying the partition of farmland under the related Acts and subordinate statutes was applied as at January 1, 2003, the date the amended Act of the Farmland Act, Act No. 6793 entered into force.

Article 11 (Transitional Measures concerning Restrictions on Conduct in Agricultural Protection Areas)

The former provisions shall apply to the restriction on conduct of a person who has obtained the authorization, permission or approval, or made the report and applied for the authorization, permission or approval under the provisions of related Acts and subordinate statutes concerning the installation of a building, a structure and other facilities restricted under the amended provisions of Article 32 (2) in the agricultural protection area as at January 22, 2006, the date the amended Act of the Farmland Act, Act No. 7604 entered into force.

Article 12 (Transitional Measures concerning Production Facilities of Agricultural and Stock Farm Products in Definition of Farmland)

Notwithstanding subparagraph 1 (b) of Article 2 and subparagraph 7 of the same Article, the former provisions shall apply to a site for production facilities of agricultural and stock farm products on which farmland diversion was permitted or on which a report on farmland diversion was accepted under the former provisions as at July 4, 2007, the date the amended Act of the Farmland Act, Act No. 8179 enters into force.
Article 13 (General Transitional Measures concerning Disposition, etc.)

The conduct of an administrative agency or the conduct to an administrative agency under the former provisions at the time when this Act enters into force shall be deemed as the conduct of an administrative agency or the conduct to an administrative agency under this Act equivalent to the former provisions.

Article 14 (Transitional Measures concerning Penal Provisions)

When the penal provisions apply to the conduct prior to the date this Act enters into force, the former provisions shall apply.

Article 15 Omitted.

Article 16 (Relation with Other Acts and Subordinate Statutes)

Where the former Farmland Act or the provisions thereof have been cited by other Acts and subordinated statutes as at the time this Act enters into force, if the provisions equivalent to those provisions cited are in this Act, this Act or the equivalent provisions shall be deemed to have been cited in place of the former provisions.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8749, Dec. 21, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9276, Dec. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 9620, Apr. 1, 2009>
Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 9717, May 27, 2009>

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9721, May 27, 2009>

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

Article 2 (Applicability to Consultation on Diversion of Farmland)
The amended provisions of Article 34 (2) 1-2 shall apply to consultations made to designate a Class II district-unit planning area on or after the date this Act enters into force.

Article 3 (Applicability to Demand Notices and Additional Charges)
The amended provisions of Article 38 (7) through (9) shall apply to farmland preservation charges imposed on or after the date this Act enters into force.

Article 4 Omitted.

ADDENDA <Act No. 9758, Jun. 9, 2009>

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

Articles 2 through 23 Omitted.

ADDENDA <Act No. 10303, May 17, 2010>

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 10522, Mar. 31, 2011>

Article 1 (Enforcement Date)
This Act shall enter into force on March 2, 2012. (Proviso Omitted.)

Articles 2 through 28 Omitted.

ADDENDA <Act No. 10580, Apr. 12, 2011>
Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10599, Apr. 14, 2011>

Article 1 (Enforcement Date)
This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10682, May 19, 2011>

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 11171, Jan. 17, 2012>

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

Article 2 (Applicability to Period of Cultivation by Surrogate Cultivators)
The amended provisions of Article 20 (3) shall apply to the first cultivator designated as a surrogate cultivator on or after the date this Act enters into force.

Article 3 (Applicability to Term of Lease)
The amended provisions of Article 24-2 shall apply to the first lease contract concluded on or after the date this Act enters into force.

Article 4 (Applicability to Imposition of Additional Charges of Farmland Preservation Charges)
The amended provisions of Article 38 (8) shall apply to an additional charge imposed on an overdue amount to be first collected on or after the date this Act enters into force.

ADDENDA <Act No. 11599, Dec. 18, 2012>

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

Articles 2 through 4 Omitted.