

SULTANI DECREE

No. 5/80

PROMULGATING THE LANDS LAW OF 1980

WE, QABOOS BIN SA'ID, SULTAN OF OMAN

Having considered Sultani Decree No. 26/75 promulgating the Law Regulating the Administrative Apparatus of the State and the amendments thereto

And the Law for the Distribution of Productive Lands No.4/72

And the Law for the Regulating of Lands No. 6/72

And the Law of Expropriation of Property for Public Benefit No.64/78

And Law No.1/74 as to the Establishing and Regulating of the Municipality of the Capital and the amendments thereto, being Law No.1/75

And Sultani Decree No.18/77 placing with the Ministry of Finance the competence to take in charge and manage the private property of the state, immovable and moveable, and to care for and preserve the same

HAVE DECREED AS FOLLOWS

Part One

Operation of the Law

Article 1

Only individuals enjoying Omani nationality shall benefit from the provisions of this law, and foreigners or companies, even those of them which are Omani, shall not benefit from it, except for those of them exempted therefrom by specific sultani decree and in accordance with its terms.

Article 2

The provisions of this law shall not derogate from the competences conferred by law upon the municipalities, the ministries and the other units of local government.

Article 3

Any laws promulgated in relation to the regulating and distribution of state lands which are contrary to or conflict with the provisions of this law shall be repealed, and notably Laws Nos. 4/72 and 6/72 aforesaid.

Article 4

"The ministry" or "the minister" in this law shall mean the Ministry of Land Affairs & Municipalities and its minister or whoever lawfully deputises for him.

Part Two

Statal Domain

Article 5

All lands of the Sultanate shall be owned by the state, save for lands excepted by specific provision in this law.

Article 6

Statal domain, land and buildings, shall consist of "statal public domain" and "statal private domain". Whatsoever has been dedicated to the public benefit by law, or has become dedicated to the public benefit in fact, shall be deemed to be public domain.

Article 7

It shall not be permissible for any dealing of any kind whatever to be effected in relation to statal public domain, unless by specific law the public benefit aspect is no longer present.

With statal private domain however, dealings therein shall be permissible in accordance with the provisions of this law. With statal domain of both varieties, public and private, it shall not be permissible to impugn the right to enjoyment thereof or to acquire ownership thereof by usurpation or occupation, other than as exempted therefrom by specific provision in this law. A usurper or an occupier shall be

required to vacate the same, with resort to force if need be, and without compensation, this being without prejudice to the penalties stated in this law or any other law.

Article 8

Excluded from statal domain shall be properties settled as *waqf* endowment, and that which the ownership thereof is established to be in Omani individuals or which constitutes them owners in accordance with the provisions of this law.

Part Three

Chapter One - Property Settled as *Waqf* Endowment

Article 9

Deemed to be property settled as *waqf* endowment shall be all that for which there subsists vouching in law, validated by the Ministry of Awqaf & Islamic Affairs and registered with the Ministry of Land Affairs & Municipalities, as to its being constituted as *waqf*.

Article 10

Any dispute arising between the Ministry of Awqaf & Islamic Affairs and the Ministry of Land Affairs & Municipalities as to the validity of a *waqf* endowment or the registration thereof shall be placed before the Council of Ministers for the determination thereof by decision which is final and not amenable to challenge.

Article 11

It shall not be permissible for there to be any dealing in property settled as *waqf* endowment by way of sale, leasing-out, substitution or any other form of dealing. Nor shall it be permissible for it to be expropriated or for temporary possession to be taken of it by the government or its administrative units save with prior reference to the Ministry of Awqaf & Islamic Affairs and in accordance with the provisions of the Islamic *shari'a* prevailing in the Sultanate.

Chapter Two - Ownership by Individuals

Section One - Non-agricultural Lands

Article 12

Any Omani whose ownership of land, whether built upon or vacant, is evidenced by valid legal writing confirmed by the Ministry of Land Affairs & Municipalities shall be the owner of the same. The said owner shall bespeak from the ministry a deed evidencing registration of his ownership of the said land and of the buildings standing thereon, if any, unless he had obtained such deed prior to the promulgation of this law. In the submitting of applications for the registration of ownership of the lands referred to in the articles of this law, and in the evidencing of the ownership thereof, there shall be followed the procedures laid down in the implementing regulations.

Article 13

Any Omani who demonstrates to the ministry that from a date prior to first January 1970 he has been occupying, or he with his predecessors before him has occupied without interruption between the respective occupations, land built upon for residential purposes, shall be entitled to be the owner of the land and the buildings standing thereon, whatever kind of material was used in the building, to the extent of the area actually occupied, provided that the occupation is peaceful, overt and uncontested. He shall apply to the ministry for his ownership to be recorded and registered in accordance with the provisions of this law.

Article 14

Any Omani who demonstrates to the ministry that for a period of at least five years prior to first January 1970 he has been occupying, or he with his predecessors before him has occupied in a continuous manner, land utilised for non-residential purposes, shall be entitled to be the owner of the land and any installations erected thereon, provided that the occupation is peaceful, overt and uncontested. He shall make application to the ministry for his ownership to be recorded and registered in accordance with the provisions of this law.

Article 15

Any Omani who has from a date subsequent to first January 1970 occupied land for any purpose without having a valid legal writing as to his ownership thereof, or has occupied land of an area in excess of what he owns pursuant to a valid legal writing in accordance with article 7 of this law, shall be referred to the Directorate of Lands in the ministry, or to the local lands committee in the *wilaya*, as the case may

be, so that he may be required to vacate the land in whole or in part, and to provide compensation if need be.

Article 16

Any Omani who occupies, or has with his predecessors before him occupied, land utilised in commerce or industry or leasing it out or any other non-residential purpose for a period of less than five years prior to first January 1970 shall have his case referred to the Directorate of Lands in the ministry, or to the local lands committee in the *wilaya*, as the case may be, for the same to be considered: either it will recommend that he be vested with ownership of the said land immediately or upon the expiry of a further period, with him continuing to occupy the land, or it will require him to leave the land, or part thereof, and to provide compensation if need be.

Article 17

The ministry shall be at liberty to vest ownership of a plot of land in, or lease the same out to, any person of Omani nationality who makes application to it therefor, provided that the vesting or the leasing-out be effected in accordance with the procedures and conditions laid down in the implementing regulations to this law.

Article 18

In the distribution of lands priority shall be given to the people of the area in which such lands are situate.

Article 19

Any person in whom ownership of a plot of land is vested shall use the same for the purpose he announced when making his application.

Section Two - Agricultural Lands

Article 20

The ministry shall in co-ordination with the Ministry of Agriculture & Fisheries set the minimum for the area of land considered to be agricultural in accordance with the rules for the distribution of agricultural lands in the Sultanate.

There shall have effect in relation to agricultural lands all provisions relating to the establishing of ownership of non-agricultural lands and the registration of ownership thereof as are stated in section one of chapter two of this law.

Part Three

Chapter One - Applications for Ownership and the Determining of Disputes

Article 21

Without prejudice to the right to litigate before the competent *shari'a* courts and the procedures relating thereto, the ministry shall have competence to consider applications for ownership by individuals, as referred to in articles 12, 13, 14 and 17 of this law. The ministry shall also have competence to determine disputes arising out of the application of the provisions of this law. This shall be through the central committee appointed by the minister in the general *diwan* of the ministry or the local lands committees in the *wilayat*, as the case may be, and in accordance with the location of the land which is the subject-matter of the dispute and the provisions of the implementing regulations to this law.

Article 22

The body competent to examine the information, deeds and documents required pursuant to the provisions of this law shall be entitled to summon the parties to the dispute and their witnesses if need be, whether directly or through the competent executive authorities.

Article 23

The implementing regulations to the law shall state all other detailed rules and procedures, and particularly in relation to the model-formats for applications, statements of claim, the time-limits set for each, and the amount of the fees required, as accords with each case, as well as the procedures for the considering of applications, cases and objections. The implementing regulations aforesaid shall also set out the rules and procedures for the leasing-out and sale of statal domain.

Chapter Two - Objections

Article 24

Forthwith upon the rendering of decisions by the competent body a summary of the same shall be published in the Official Gazette, with a statement describing the land which is the subject of the application or the dispute.