

SULTANI DECREE

NO. 48/89

PROMULGATING THE REGULATIONS FOR THE VESTING OF  
TITLE TO FLATS AND STOREYS

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 Sultani Decree No. 5/80 promulgating the Land Law, and the amendments thereto

And in accordance with the requirements of the public interest

HAVE DECREED AS FOLLOWS

Article 1

The provisions of the annexed Regulations for the vesting of title to flats and storeys shall have effect.

Article 2

By way of exception to the provisions of the Lands Law aforesaid, "companies wholly owned by Omanis may" acquire title to land in order to erect buildings thereon with the intention of conveying title therein.

Article 3

The Minister of Housing shall promulgate the necessary decisions for the implementation of the provisions of this Decree.

Article 4

This Decree shall be gazetted in the Official Gazette and it shall come into force from the date of its gazetting.

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The Regulations for the Vesting of Title to Flats and Storeys

PART I

Definitions

Article 1

Unless the context requires a different meaning, the following words and expressions shall have the meanings appearing opposite each of them :-

(a)- flat, storey or premises:

each separate part of the building having its own owner or owners, including in particular any walls dividing the rooms, and any water and gas pipes, electrical wiring, sanitary fittings, or other fixed appliances which are therein, as well as the outer door, the doors, windows, balconies, tiles and wood-work covering the floor, ceiling and walls.

(b)- common parts:

every other part of the building provided for common use by all owners, including in particular the land upon which the building has been erected, the foundations, the main walls, the entrances, the courtyards, the roofs, the lifts, the corridors and hallways, the floor supports, the ceilings, the water and gas pipes and electrical wiring (save such of the same as are within the storey, flat or premises), the stairway, the doorkeeper's lodge and his living quarters, the common garden or gardens, the entrance works and the car parking spaces.

(c)- registrable real estate unit:

every storey, flat or premises subject to the provisions of this law having a specific site, and specific boundaries and area, so that the parts thereof are not separated one from another by any intervening public or private property.

PART II

Chapter 1  
General Provisions

Article 2

- (1) Ministries and governmental bodies having the relevant competence, companies wholly owned by Omanis and individuals may erect buildings with the intention of conveying title to all or some of the storeys, flats and premises therein.

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- (2) The provisions of these regulations shall apply to existing buildings and to those the erection of which may be authorized after the coming into effect hereof.

Chapter 2

Provisions as to Title to Flats, Storeys or Premises

Article 3

If there is more than one owner of the various storeys, flats or premises of the building, they shall be considered as co-owners holding title in common to the land and to those parts of the building provided for common use by all, these being in particular : the foundations, the main walls, the entrances, the courtyards, the roofs, the lifts, the corridors and hallways, the floor supports and the pipework of every kind, except that which is within the storey, flat or premises, provided always there be nothing to the contrary in the title deeds.

Article 4

Each co-owner holding in common shall have absolute title in his share and he shall be entitled to have the enjoyment of the same, possess any benefits accruing thereto and use it to his advantage, in such a way as not to prejudice the rights of the other co-owners.

Article 5

The common parts of the building shall be indivisible. Each owner's share therein shall be proportionate to the part he owns in the building, and no owner may dispose of his share independently of the part he owns.

Article 6

Title to party walls between two flats or two premises shall be held in common by the respective owners thereof.

## Article 7

The owner of any flat, storey or premises may not make any alterations to the common parts of the building without the approval of all owners.

He may without the approval of the owners make alterations which facilitate the use of a common part without changing its designated purpose and without prejudicing the other owners, provided that this be at his own expense.

## Article 8

- (a) The costs of the preservation of the common parts and the maintenance, management and renovation thereof where necessary, shall be shared by all the owners, and, as between them, each shall contribute in proportion to what he owns.

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- (b) No owner may disclaim his share in the common parts in order to escape participation in the above-mentioned costs.

## Article 9

- (1) The owner of the lower storey shall carry out the works and repairs necessary to prevent the upper storeys falling down.
- (2) If he refuses to undertake such repairs the competent court may order that they shall be effected within such reasonable time as it shall stipulate, and if such time expires without the effecting of the same, the court may order the sale of the lower storey. The court may in any event order urgent repairs to be effected.

## Article 10

- (1) If the building collapses the owner of the lower storey shall rebuild that storey. If he fails to do so, the court may order the sale of that storey, unless the owner of the upper storey requests that he rebuild the lower storey at the expense of its owner to such extent as will enable the damage actually sustained on the upper floor to be made good.
- (2) In the latter case, the owner of the upper storey may prevent the owner of the lower storey from occupying it or having the use thereof until he discharges his liability, and he may obtain leave of the court to rent out such storey or occupy it in satisfaction of his entitlement.

## Article 11

The owner of the upper storey may not increase the height of the structure belonging to him or demolish or misuse it in a manner prejudicial to the lower storeys.

### PART III

#### The Management of Real Property and Owners' Associations

##### Article 12

- (1) Whenever there is co-ownership of any property divided into storeys, flats and premises all the owners shall form an association amongst themselves for the management of the common parts of the real property.
- (2) The purpose of forming the association may also be the building or the purchasing of properties in order to distribute title to the parts thereof amongst its members.

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##### Article 13

The owners' association shall possess juristic personality separate from that of its members and independent financial capacity. It shall also have a manager to implement its decisions.

##### Article 14

The association may with the approval of the majority of its members adopt bye-laws in order to ensure that the common property is properly used and managed.

##### Article 15

If there are no bye-laws for management, or if such bye-laws contain no provisions for certain matters, the management of the common parts shall be vested in the association, and its decisions in this respect shall be binding, provided that notice of the meeting be given by registered letter to all parties concerned, and decisions be passed by a majority of the owners calculated on the basis of the shares.

##### Article 16

The Minister of Housing shall by decision promulgate model bye-laws for owners' associations to ensure the use and proper management of the common parts of the property.

The bye-laws shall deal, inter alia with the conduct of the association's affairs, the bases for defining the obligations and duties of its members and regulating the exercise of their rights, and the basis for the representation of the owners and the seller of the property if more than one.

## Article 17

The Ministry of Housing and its ancillary administrative units shall oversee the verification of the creation of the associations mentioned in this law and supervise what they do, and in particular they shall have power to :-

- 1- verify the creation of the association and have stated the names of its members and its legal representative;
- 2- monitor the giving of notice of any meeting of the association to assume its functions;
- 3- examine complaints and grievances submitted by the parties concerned in respect of the decisions of the association, and take a decision on the same if need be.

## PART IV

## Article 18

Each flat, storey or premises shall have a real property document, and title therein shall be registered according to the regulations and provisions regulating the same.

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