

Royal Decree

No. 2/98

To Promulgate the Property Registry Act

We, Qaboos bin Said, Sultan of Oman

Having perused the Basic Law of the State promulgated under Royal Decree No. 101/96,;

The Land Law promulgated under Royal Decree No. 5/80 and amendments thereto;

Royal Decree No. 5/81 organizing the usufruct of the lands of the Sultanate and amendments thereto;

The Financial Law promulgated under Royal Decree No. 56/82 and amendments thereto;

The Government Lands Entitlement Regulation issued under Royal Decree No. 81/84 and amendments thereto;

The Apartments and Floors Ownership Investment Regulation issued under Royal Decree No. 48/89;

Royal Decree No. 24/95 amending provisions of some laws relating to lands; and

Pursuant to the public interest exigencies,

We have decreed the following:

Article (1): The provisions of the attached Act Resolution shall be applicable in respect of the Property Register.

Article (2): The Minister of Housing shall issue such regulations and resolutions as are necessary for the implementation of the provisions hereof. Until such regulations and resolutions are issued, the current regulations shall remain applicable in so far as they would not contradict the provisions of the present Act.

Article (3): Any provisions that violate or contradict the provisions of the attached Act shall be deemed null and void.

Article (4): This Decree shall be published in the official gazette and shall come into force from the date of its publication.

Issued on : ShawwaL 25 , 1418, A.H.

Corresponding to: February 22, 1999 AD

**Qaboos Bin Said
Sultan of Oman**

Part I

General Provisions

Article (1):The system aims at controlling the right of ownership and other real rights presented to the Property Unit in order to achieve the necessary protection for the property ownership and other real rights, and to ensure stability and transaction thereunder.

Article (2):The Property Registry is a set of cadastres, each of which pertains to a specific Property Unit. The documents and records of registration are deemed complementary to the Property Registry.

Article (3) :The Land Registry Office and its branches carry the in rem registration works in accordance with the provisions of this Regulation.

Article (4) :One cadastre or more is allocated for each province (Wilaya) in the governorates and other regions of the Sultanate.

Article (5) :A Property Unit in the application of the provisions of this Regulation is:

First: every plot of land located in one surveying section and jointly owned by one or more persons provided that no part thereof is separated from the other parts by a border of public or private property or has any rights or obligations that no other parts have.

Second: Buildings.

Third: Mines and quarries.

Fourth: Public utilities.

Article (6): Full publicity shall be provided for real property rights subject matter of registration in accordance with the procedures set by the Executive Regulation.

Article (7): The Land Registry Office and its branches shall prepare a personal alphabetical index to record the properties of each owner on the basis of the data established in the Land Registry.

Article (8): Originals of written instruments, records, files or documents shall not be transferred from the Property Registry offices; and the judicial authorities or the administrative bodies with judicial jurisdiction may review same in situ.

Article (9): All the rights and actions that have been recorded at the Land Registry Office in accordance with the rules in force prior to the implementation of the provisions hereof shall be enforceable against all.

Article (10): The original real rights, in the application of the provisions hereof, shall mean:

1. Right of ownership.
2. Rights deriving from the right of ownership, namely:
 - a - Right of usufruct.
 - b - Right to use.
 - c- Right of residence.
 - d - Right to monopolize.
 - e - Easements rights, such as right of stream, right of storm drain, right of place with a view, right of passage.

Article (11): Ancillary real rights, in the application of the provisions hereof, shall mean the following:

1. Mortgage
2. Pledge

3. Right of jurisdiction.

4. Right of lien.

Article (12):The cadastre shall have probative force with regard to the validity of data contained therein, which may be changed only pursuant to the present Regulation.

Article (13):The Land Registry Office and its branches shall be competent to register and notarize the legal instruments and acts made with respect to the Property Unit and to the changes thereto; each within its respective sphere of competence.

Article (14):Registration in accordance with the provisions hereof shall be based on precise survey engineering works that determine the Property Unit, its location, its engineering form and the encumbrances thereon. The Survey Department shall mark the boundaries of the Property Unit.

Article (15):The Secretariat of Land Registry and its branches shall issue the title deeds on their intended form on the basis of the data established in the property folio. Only one title deed may be issued per Property Unit.

Article (16):If the title deed is lost or damaged, a duplicate title deed in lieu of lost or damaged original deed may be issued at the Owner's request according to the procedures set by the Executive Regulation.

Article (17):Any interested person may request the Secretariat of Land Registry or its competent branch to issue a certificate of the data established in the cadastre regarding the Property Unit.

Article (18):Only the title deeds or the certificates issued by the Land Registry Office or its branches may be accepted as proof of ownership or real right.

Part II
On Establishment of Rights

Chapter I
Registration

Article (19): Real Rights shall not be established in the cadastre folios unless they originated or were decided because of one of their acquisition reasons; and the folio data may be extracted from the planning and survey entities' records and from the decisions of the competent committees.

Article (20): Descriptions, natural boundaries, consequential rights, constraints and transactions carried out in respect of each Property Unit as well as the names of its owners and interested persons shall be established in the folio pertaining to each Property Unit.

Article (21): Properties may be registered in the name of foreign state missions to be used as headquarters or residence thereof provided that same shall be based on the principle of reciprocal treatment.

Article (22): Endowment deeds approved by the Ministry of Awqaf and Religious Affairs shall be presented to local committees for consideration in preparation for their registration.

Chapter II

Settlement

Article (23): Settlement means inspection on the ground to identify and designate the rights reported in respect of the Property Unit and verify its owners and the documents they hold.

Article (24): The Minister of Housing shall pass a resolution to determine the settlement area among the areas for which survey data are available. The resolution shall include the formation of a settlement committee, the date of commencement of works and the information that shall be contained in the minutes of the Committee's work.

Article (25): The Minister's resolution referred to in the previous article shall be announced through media, as determined by the Executive Regulations.

Article (26): Dissemination of the announcement shall result in ceasing the courts' examination of claims of ownership and other real rights in respect of property units within the settlement areas. Courts shall thus refer such cases to the settlement committees as soon as notified of announcement.

Article (27): Settlement Committees shall refer its work minutes to the competent land committees for deliberation in accordance with the legal provisions and resolutions regulating the same.

Part III

Acts and Rights to be Registered

Article (28):All acts that would create, transfer, eliminate or change an original real right, as well as the final judgments proving any of the foregoing, shall be registered with the Secretariat of Property Registry or its branches. These acts include: endowment (waqf), testament and pre-emption. Non-registered acts and judgments shall have no effect other than that of pure personal obligations between the two parties.

Article (29):All acts and final judgments determining an original real right must be registered. In case of failure to register these rights, the same would not be enforceable against third parties and shall have no effect other than that of pure personal obligations between the parties thereto. Such judgment shall be applied to the property division even if inherited possessions were the subject matter of the said division.

Article (30):All acts that create, determine, transfer or may eliminate an ancillary real right as well as the final judgments proving any of the foregoing, shall be registered. In case of failure to register these rights, the same would not be enforceable against third parties and shall have no other effect but that of pure personal obligations between the parties thereto.

Article (31):Right of inheritance must be registered if the estate includes real property rights, by registering the documentary

evidences of the inheritance right, including the share of each heir. Until such registration is completed, the acts carried out by the heir shall have no effect other than that of pure personal obligations. Registration may be limited to a part of the estate on which the acts of the heirs would be based.

Article (32): Right of usufruct associated with a Property Unit shall be registered for foreigners and companies in accordance with the provisions of the aforesaid Royal Decree No. 5 / 81.

Article (33): Rights of lease associated with a property must be registered if the lease period exceeds more than seven years, in addition to the judgments and resolutions establishing same. In case of failure to register these rights, the same would not be enforceable against third parties beyond the said period.

Article (34): Pre-emption, in the implementation of the provisions hereof, shall mean the buyer's right to own a property, even by force, as long as he paid the price thereof and usual expenses. A pre-emptive right is decided by the competent court.

Article (35): The declaration of desire to exercise a pre-emptive right shall be marked in the property folio. Accordingly, if the right of the pre-emptive right holder is decided under a judgment recorded in the register, the said right shall be enforceable against those who have been entitled to real rights with effect from the date of endorsement. The marking of the declaration of desire to exercise a pre-emptive right in the property folio will not produce such effect unless the final ruling establishing the pre-emption is recorded within one year from the date of issue thereof.

Article (36): The plaintiff in cases concerning a real property right shall provide a copy of the statement of claim, after being notified to the litigants by the court or the administrative entity with judicial jurisdiction,, to the Land Registry Office, so as to note in the margin of the cadastre, the plaintiff's requests in the case. As a result of the notation, the plaintiff's right, if decided by a final ruling, shall be considered to have been recorded since the notation of the case, provided that the ruling is registered within a year from the date of becoming final. Any concerned person could request the Property Registrar to erase this notation if the case was dismissed or ended without reporting any rights other than those recorded in the register.

Article (37): The final judgments and acts to be recorded are the ones issued by the courts of the Sultanate within the jurisdiction of which the property is located.

Article (38): An official mortgage, in the implementation of the provisions hereof, shall mean the contract that causes the mortgagee to acquire a real right on a property whereby the mortgagee shall have priority over regular mortgagees and mortgagees of a lesser rank in having any amount to which he is entitled, paid to him from the price of the property, and the possession shall remain in the hands of the mortgagor.

Article (39): A pledge, in the implementation of the provisions hereof, shall mean the contract whereby a person undertakes, in guarantee for a debt owed by him or by others, to place the property in the custody of the pledge or another person agreed upon by the parties to the contract. The said

contract generates a real right on the property whereby the mortgagee shall have priority over regular mortgagees and mortgagees of a lesser rank in having any amount to which he is entitled, paid to him from the price of the property.

Part IV

Notarization

Article (40):The Land Registry Office and its branches shall notarize such legal instruments and acts as are related to the Property Unit. Only legal deeds or contracts notarized by the Land Registry Office, or its branches or the government entities so authorized by the Ministry, in accordance with the procedures and rules in this regard, may be accepted as a documentary evidence of legal acts.

Article (41):Written instruments shall be notarized at the Land Registry Office or its branches or at the government entities so authorized by the Ministry. The notary public may, if one of the contracting parties was unavoidably detained, to move to his residence at his request after payment of the prescribed fee.

Article (42):The notary public shall, before proceeding with notarization, confirm the identity of the contracting parties and the legal capacity of each one of them, the capacity of any person acting in the stead of another and the extent of his authority.

Article (43):Prior to the signing of the written instrument by the concerned persons, the notary public shall read out the full version of the instrument and explain to them the legal effect arising therefore, and shall himself and the concerned parties sign it and write their names on it.

Article (44):The power of attorney, in the implementation of the provisions hereof, shall mean the contract, which allows the attorney to carry out a specific action in favor of the

constituent. The attorney may not contract with himself unless the same is stipulated expressly.

Article (45):The power of attorney must be specific, explicit and stipulate the act to be made, in particular the act of sale, mortgage, donation, division or waiver. The power of attorney that contains general terms shall only empower the attorney to carry out management works.

Article (46):If the concerned person in the written instrument to be notarized is deaf / mute, blind / deaf, or blind / mute, and is unable to express his will because of this, the competent court shall select an assistant for him to sign the instrument.

Article (47):If the concerned person is unable to affix his signature or fingerprint on the written instrument because of disability or illness, he shall select an assistant to sign on his behalf.

Part V
Registration and Change Procedures
Chapter I
Registration Procedures

Article (48): Applications for registration shall be filed with the Land Registry Office or its competent branch in accordance with the procedures and conditions set by the Executive Regulation.

Article (49): Applications for registration must include such information and documents as are specified by the Executive Regulation .The applications shall be recorded as per the date and time of filing thereof.

Article (50): Registration with the Land Registry Office and its branches shall be in conformity with the documents submitted and by order of priority of the entry of the applications diligently and legibly and without any erasures, deletions, alterations or interpolations.

Article (51): Upon the failure to carry out the application entry procedures due to lack or insufficiency of the required data or documents, the concerned person shall be notified in order to remedy such shortage or insufficiency, within one month from the date of notification, otherwise the application shall be deemed void and null.

Article (52): The competent authorities must refer the property file to the Land Registry Office or its competent branch to register the plot as soon as it is allocated.

Chapter II

Change Procedures

Article (53): Changes may be made to the information contained in the Property Register only in pursuance of notarized documents emanating from those who dispose of the rights established in the register, or in pursuance of a final judgment or decision issued by an administrative authority that possesses competent jurisdiction, all without prejudice to the rights of third parties. The Property Registrar may correct the material errors in the record ex officio, or at the request of the concerned persons, and he shall draw up a report specifying the error, its causes and how it was detected.

Article (54): Any person whose rights have changed or been deleted by any recording, erasure, or endorsement or correction, shall be notified in his elected domicile. Any statement with regard to the change shall be included in the title deed.

Article (55): The owner of a Property must notify Land Registry Office or its relevant branch of every change to the Unit so that it can be established in the cadastre.

Part VI

Fees

Article (56):The Land Registry Office and its branches shall not complete the notarization and registration procedures or any other procedures provided for in this Regulation, except after the payment of prescribed fees and charges. These fees shall be fixed by the Minister of Housing, following the approval of the Ministry of Finance.

Article (57):The administrative units of the State shall be exempted from the registration and notarization fees payable by them in implementation of the provisions hereof and shall be also exempted from the fees of obtaining copies or certificates or extracts requested accordingly.

Article (58):Fees that have been collected in accordance herewith shall not be refunded except in such cases as are determined by the Executive Regulation.

Part VII

Penalty

Article (59): Without prejudice to any stricter penalty, whoever succeeds to record a written instrument so as to steal or generate a real right on the Property Unit in violation of the provisions of this Regulation in spite of his knowledge of such violation, shall be fined Omani Rials Two Hundred , and such fine shall be reduced by half in case of attempt to commit the said offense.

Article (60): Whoever deliberately evades paying all or part of the fees prescribed in accordance herewith, shall pay a fine equal to twice the value of the unpaid fees.