

Marine Pollution Control Law

Decree No.34 of 1974

The Sultanate of Oman

We, Qaboos Bin Said, Sultan of Oman, hereby decree the following Marine Pollution Control Law in furtherance of the public, social and economic interests of Our Sultanate and for other purposes beneficial to its People:

MARINE POLLUTION CONTROL LAW

CHAPTER ONE

General Provisions

Article 1.1: It is the declared policy of His Majesty the Sultan and the Government of the Sultanate to prevent, abate and eliminate all forms of pollution of the waters which are adjacent to the territory of the Sultanate of Oman so as to preserve the ecology of the area.

Article 1.2: The terms used in this Law and any regulations promulgated hereunder shall have the following meaning unless otherwise specified:

“Discharge “includes, but is not limited in its meaning to, any spilling, leaking, pumping, pouring, emitting, emptying, throwing, or dumping.

“Minister” means the Minister of Communications and Public Services or any person or persons appointed by the Minister, including a pollution control officer as defined herein, to administer and enforce this Law and any regulations promulgated hereunder; provided, however, that no person or persons so appointed shall have the authority to promulgate regulations hereunder or to authorize the sinking or destruction of a vessel or the destruction of a place on land pursuant to Article 5.7 of this law.

“Occupier” in relation to any place on land means the person actually occupying the place on land, the person in charge of the place on land, or the owner of the place on land; and in relation to road vehicle, means the person in charge of or the owner of the vehicle and not the occupier or owner of the place on land on which the vehicle stands.

“Oil” means oil or liquid hydrocarbon of any kind and without limiting the generosity of the foregoing, includes petroleum of any description, crude oil, furnace oil, lubricating oil, diesel oil, sludge and oil refuse.

“Oil Transmission Apparatus” includes but is not limited to any pipe or pipeline used to carry oil from one place or vessel to another, any pumping or other equipment or storage facilities necessary to utilize such pipes or pipelines and any other devices such as those commonly used in the operation of single-buoy mooring systems for loading or off-loading oil or any facility for storing, pumping or transferring oil in a deep-water port facilities.

“Oily Mixture” means any mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture.

“Owner” in relation to a vessel means the person registered as the owner of the vessel, the person having for the time being either by law or by contract the rights of the owner of the vessel as regards the possession and use thereof, including, but not limited to a charterer of the vessel, and the master of the vessel; and in relation to an oil transmission apparatus, means the owner or the person in charge of the apparatus.

“Place on Land” means anything resting on or anchored to the bed or shore of the sea or of any waters within the pollution-free zone or situated on the mainland of the Sultanate and includes any storage tank or facilities or drilling platforms on rigs, and anything afloat other than a vessel if it is so resting or anchored.

“Pollutant” means (i) oil or oily mixture; (ii) any substance of a dangerous or noxious nature such as sewage, refuse, waste or garbage, which, if added to any waters would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man, provided; however, that such discharges which do not originate from a commercial or industrial source shall not be deemed to be pollutants unless the Minister shall provide otherwise by regulations promulgated hereunder; (iii) any water which contains such a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any waters, degrade, alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any

animal, fish or plant that is useful to man; and (iv) any substance which may be designated by the Minister to be a pollutant pursuant to any regulations promulgated hereunder.

“Pollution Control Officer” means any person or persons appointed by the Minister of Communications and Public Services to carry out those specific duties relating to the enforcement of this Law and any regulations promulgated hereunder.

“Pollution Reception Facilities” means such facilities, which the Minister may authorize to be constructed or maintained for purposes of receiving the discharge or deposit of any ballast or any pollutant.

“Pollution-Free Zone” means that body of water encompassing the Territorial Sea of the Sultanate and those waters extending 38 nautical miles seaward, measured from the outer limits of the Territorial Sea of the Sultanate; provided, however, where the coast of another state is opposite or adjacent to the coast of the Sultanate, the outer limits of the pollution-free zone shall not extend beyond such limits as may have been agreed to with such other states or, of there is no such agreement, the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the Territorial Sea of the Sultanate and the territorial sea of such other state is measured.

“Vessel” means any ship or boat used in navigation including floating barges whether automotive or towed.

CHAPTER TWO

Application of Law

Article 2.1:

- (a) It shall be unlawful for any person to discharge a pollutant into the pollution-free zone from a vessel, a place on land, or an oil transmission apparatus, and each such discharge or, in the case of a continuous discharge, each day the unlawful discharge continues, shall be deemed a separate violation.
- (b) Any person who violates this Article shall be liable upon being found guilty to a fine not exceeding 5,000 Rials Omani for each violation. The amount of the fine to be imposed pursuant to this Article shall be determined on the basis, *inter alia*, of the degree of culpability of the wrongdoer.

Article 2.2:

- (a) It shall be unlawful for any vessel to discharge a pollutant into the pollution-free zone and each discharge or, in the case of a continuous discharge, each day the unlawful discharge continues, shall be deemed a separate violation.
- (b) Any vessel which violates this Article shall be liable upon being found guilty to a fine which shall not exceed the aggregate amount of 0.05 Rials Omani for each ton of the vessel's tonnage, but in no event shall such fine exceed 25,000 Rials Omani for each violation. Each of the owners of the vessel, as defined herein, shall be jointly and severally liable for the payment of any such fine imposed on the vessel pursuant to this Article.

Article 2.3:

- (a) It shall be unlawful for any owner of a vessel or owner or occupier of a place on land or oil transmission apparatus to fail to comply with and carry out all of their obligations under : (i) Chapter Six of this Law relating to the payment of any costs incurred or damages suffered as a result of a n unlawful discharge of a pollutant; (ii) Chapter Four of this Law relating to reporting, record-keeping and insurance requirements; or (iii) any regulations promulgated hereunder.
- (b) Any person who violates this Article shall be liable upon being found guilty to a fine not exceeding 2,000 Rials Omani. The amount of the fine to be

imposed pursuant to this Article shall be determined on the basis, inter alia, of the degree of culpability of the wrongdoer.

Article 2.4:

- (a) It shall be unlawful for any vessel registered in the Sultanate to discharge a pollutant into any waters beyond the pollution-free zone, and each such discharge or, in the case of a continuous discharge, each day the unlawful discharge continuous, shall be deemed a separate violation.

- (b) Any vessel which violates this Article shall be liable upon being found guilty to a fine which shall not exceed the aggregate amount of .05 Rials Omani for each ton of the vessel's tonnage, but in no event shall such fine exceed 25,000 Rials Omani for each violation. Each of the owners of the vessel, as defined herein, shall be jointly and severally liable for the payment of any such fine imposed on the vessel pursuant to this Article.

Article 2.5:

In addition to the penalties imposed by Articles 2.1(b) and 2.3(b) of this Law, if a master of a vessel has violated Article 2.1(a) or 2.3(a) of this Law, or if any vessel or vessels of which he is master has or have been violated Article 2.2(a) or 2.4(a) of this Law, or any combination of such violations, more than three times, such master shall be liable upon being found guilty to an additional fine not less than 3,000 Rials Omani or imprisonment for a period not exceeding six months, or both.

Article 2.6:

For purposes of prosecuting a vessel for violation of Articles 2.2(a) or 2.4(a) of this Law, it shall be presumed that the unlawful discharge of a pollutant was committed by the, master of the vessel or any other person on board the vessel who appears to be in charge of the vessel whether or not such person has been or can be identified and such discharge shall be deemed to be the act of the vessel.

Article 2.7:

A written notice stating that Article 2.1(a), 2.3(a) or 2.5, of this Law, as the case may be, has been violated and that a fine in a specified amount has been imposed shall be delivered by hand, or, if that is impracticable, by mail, to the person against whom the fine is to be imposed.

Article 2.8:

A written notice stating that Article 2.2(a) or 2.4(a) of this Law, as the case may be, has been violated and that a fine in a specified amount has been imposed upon a vessel shall either be delivered by hand to the master of such vessel, or affixed or posted on a conspicuous part of such vessel and, unless payment of such fine or security for the payment thereof is delivered to the Minister or his representative within twenty-four hours of the delivery or affixing of such written notice, a pollution control officer may seize the vessel in accordance with Article 5.8 of this Law.

Article 2.9:

If any owner of a vessel or owner or occupier of a place on land or oil transmission apparatus violates the provisions of this Law or any regulations promulgated hereunder, such owner or occupier shall, in addition to any sanction imposed pursuant to Article 2.1(b) or 2.3(b) of this Law and any civil liability accruing under Chapter Six of this Law, be subject, on the basis of the Minister's recommendation subsequent to the third offense, to the temporary or permanent forfeiture of any or all rights granted to such owner or occupier pursuant to any

permit, registration or authorization by or from, or any agreement with, the Government of the Sultanate; provided the ministry, department or agency of the Government of the Sultanate which issued any such permit or authorization or which maintains such registration or is a party to or responsible for such agreement, concurs with the recommendation.

Article 2.10:

In the event that a determination is made pursuant to Article 5.1 of this Law that there has been a violation of any of the provisions of this Chapter Two or that any sanctions may be imposed upon any person or vessel pursuant to this Chapter Two, such person or vessel shall have the right to appeal such determination to the Committee for the Settlement of Maritime Disputes on or before the 45th day after notice of such violation or sanctions has been served by hand upon or mailed to such person or vessel. If the determination is affirmed by the Committee, the person or vessel shall have a final right to recourse to the Council of Ministers. The decision of the Council shall be final.

Article 2.11:

In the event that a determination is made pursuant to Article 5.1 of this Law to impose a fine for the violation of any one or more Articles 2.1(a), 2.3(a) or 2.5 of this Law, such fine shall be paid on or before the 45th day after the notice thereof has been served by hand upon or mailed to the person upon whom the fine has been imposed unless, prior to such date, such determination has been appealed pursuant to Article 2.10 of this Law. In the event that, in any such appeal, the determination to impose a fine is affirmed shall be paid to the Minister or his representative on or before the seventh day after the decision on appeal has become final.

CHAPTER THREE

Special Defenses

Article 3.1:

Where a person or a vessel is charged with an offense under Article 2.1(a), 2.2(a) or 2.4(a) of this Law, respectively, it shall be a defense to prove that the pollutant in question was discharged for the purpose of :

- a) Saving life;
- b) Securing the safety of any vessel; or
- c) Preventing serious damage to any vessel, its cargo, any place on land or any oil transmission apparatus;

provided, however, that a defense under this Article shall not be available if the Minister is satisfied that the discharge of a pollutant was not necessary for the purpose alleged in the defense or was not a reasonable step to take in the circumstances.

Article 3.2:

Where a person or vessel is charged with an offence under Article 2.1(a), 2.2(a) or 2.4(a) of this Law, respectively, it shall also be a defense to prove that the pollutant in question was discharged:

- a) As a direct consequence of accidental damage to a vessel, place on land or oil transmission apparatus, as the case may be, when the accident did not occur as a result of negligence on the part of the person asserting the defense; or
- b) By reason of leakage which was not due to negligence on the part of the person asserting the defense;

provided, however, that as soon as practicable after the damage occurred or the leak was discovered, all reasonable steps were taken to prevent, or (if it could not be prevented) to stop or reduce the discharge of the pollutant, and that the events were immediately reported to the Minister in accordance with Articles 4.4 and 4.5 of this Law.

Article 3.3 :

Where an owner or occupier of a place on land or an oil transmission apparatus is charged with an offense under Article 2.1(a) of this Law, it shall be a defense to

prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the owner or occupier, and the case may be.

Article 3.4:

Where a discharge of a pollutant occurs or is intensified as a direct result of actions taken by or at the direction of a pollution control officer pursuant to Article 5.7 of this Law, to prevent, reduce or stop pollution, then no offence shall be charged under Article 2.1(a), 2.2(a), 2.4(a) or 2.5 of this Law for such discharge or such intensification of a discharge, as the case may be.

Article 3.5:

Where a discharge of a pollutant occurs at a pollutant reception facility or any other place selected by the Minister to receive the discharge of any ballast or any pollutant and at such times and in such manner as the Minister may prescribe, then such a discharge shall not constitute an offence under Article 2.1(a), 2.2(a), 2.4(a) or 2.5 of this Law.

CHAPTER FOUR

Record-Keeping, Reporting and Insurance Requirements

Article 4.1:

Every vessel registered in the Sultanate shall maintain an oil record book within which the owner, master or other person in charge of the vessel shall record the name, number and capacity of the cargo and fuel tanks in the vessel. In addition, such person shall record in the oil record book the date, hour and specific geographical position of the vessel at the time of each of the following events:

- a) The carrying out of the loading, delivery or other transfer of oil cargo, indicating the specific type of oil involved;
- b) The ballasting of oil cargo or fuel tanks, the discharging of ballast from, and the cleaning of such oil tanks, indicating the specific type of oil carried or utilized by the vessel as the case may be, both prior to ballasting and after discharging ballast;
- c) The separating of oil from water, or from other substances, in any mixture containing oil;
- d) The discharging of oil or oily mixtures from the vessel for the purpose of securing the safety of the vessel, or of preventing damage to any vessel or cargo, or of saving lives, indicating the specific type of oil involved; and
- e) The discharging of oil or oily mixtures from the vessel as a result of a collision or accident, indicating the specific type of oil involved.

Article 4.2:

Every vessel not registered in the Sultanate but which receives or delivers oil from or to a port facility or oil transmission apparatus within the territorial waters of the Sultanate, shall maintain an oil record book within which the owner, master or other person in charge of the vessel shall record the name, number and capacity of the cargo and fuel tanks in the vessel. In addition, such person shall record in the oil record book the date, hour or specific geographical position of the vessel at the time of each of the events set forth in subparagraphs (a) through (e) in Article 4.1 of this Law, to the extent that any such events occur while the vessel is within the pollution-free zone.

Article 4.3:

The owner, master or other person in charge of a vessel required to maintain an oil record book under Article 4.1 or 4.2 of this Law shall, upon the request of the Minister, or a pollution control officer, make such book available for inspection either while the vessel is in port in the Sultanate or while the vessel is within the territorial waters of Oman.

Article 4.4:

The owner, master or other person in charge of any vessel traveling through the waters of the pollution-free zone shall report to the Minister forthwith, the occurrence of any of the events set forth in Article 4.1 of this Law to the extent any of such events occur while the vessel is traveling within the pollution-free zone. Such reports shall be made as soon as practicable after the occurrence of the event or in such manner as the Minister shall prescribe by regulation.

Article 4.5:

The owner or occupier of a place on land or an oil transmission apparatus located within Omani territorial waters from which a discharge of a pollutant into the pollution-free zone originates, shall report to the Minister forthwith the occurrence of any such discharge. Such reports shall include the type of pollutant, the time, the date and the specific geographical location where the event occurred shall be made as promptly as possible after the occurrence of the event.

Article 4.6:

Subject to such regulations as may be promulgated by the Minister, the owner of any Omani-registered vessel which carries a pollutant in bulk or any non-Omani vessel which carries a pollutant in bulk to or from any Omani port, shall submit to the Minister on or before the vessel's entry into the pollution-free zone or, in the

case of a vessel which regularly receives or delivers oil from or to a port facility or oil transmission apparatus within the territorial waters of the Sultanate, on or before the vessel's first entry into the pollution-free zone and thereafter on or before January 1st of each year such vessel is subject to the terms of this Article, evidence of financial responsibility in the form of insurance or an indemnity bond or any other evidence of financial responsibility satisfactory to the Minister in an amount equal to the lesser of (i) the aggregate amount of ten Rials Omani. Such insurance, indemnity bond or other undertaking of financial responsibility shall remain in effect in accordance with its terms as submitted to the Minister and any changes or amendments thereto shall promptly be filed with the Minister.

CHAPTER FIVE

Administration and Enforcement

Article 5.1:

A pollution control officer or any other person designated by the Minister for this purpose shall investigate and review the facts relating to any alleged violation of this Law and such person or persons shall, upon the completion thereof, determine: i) whether a violation of this Law occurred and the sanctions, if any, to be imposed therefore; and for ii) whether civil liability accrued under Chapter Six hereof as a result of the discharge from a vessel, a place on land or an oil transmission apparatus as the case may be.

Article 5.2:

The Minister may, independently or in conjunction with other interested ministries, departments and agencies of the Government of the Sultanate, do one or both of the following:

- a) Construct and maintain pollutant reception facilities on land or within the territorial waters of the Sultanate; and
- b) Promulgate regulations requiring vessels using ports within the Sultanate or traveling though the pollution-free zone to discharge or deposit in such pollutant reception facilities any ballast or any pollution.

Article 5.3:

The Minister may, independently or in conjunction with other interested ministries, departments and agencies of the Government of the Sultanate, promulgate regulations prescribing the type of equipment with which Omani-registered vessels which use Omani ports or pass through the pollution-free zone must be fitted in order to minimize the risk of pollution.

Article 5.4:

Subject to the limitations set forth in this Article and such regulations as may be promulgated hereunder, the Minister shall authorize one or more pollution control officers to enforce a prohibition on the transfer of oil or other pollutants to or from vessels in the Omani territorial waters between the hours of 6.00 P.M. and 6.00 A.M. where such transfers have not been authorized by the Director General of Petroleum and Mineral Resources. The Minister may, however, upon reasonable

notice to the Minister or a pollution control officer from persons wishing to effect night transfers of oil, suspend the prohibition in this Article.

Article 5.5:

For purpose of taking emergency actions to eliminate pollution or ascertaining whether a provision of this Law or any regulation promulgated hereunder has been or is being complied with, any pollution control office is empowered to go on board a vessel or an oil transmission apparatus in the pollution-free zone or enter a place on land in the Sultanate, to examine equipment or cords, to require a person to answer questions relating to compliance with this Law, or to effect emergency measures under Article 5

Article 5.6:

Any pollution control officer is empowered to arrest without warrant any person who has committed an offense under this Law or any regulations made hereunder for which a sentence of imprisonment may be imposed, and to take such person into custody to be dealt with according to the Law.

Article 5.7:

In event of an accident to or in a vessel, a place on land or an oil transmission apparatus which results in or could result in large-scale pollution of the pollution-free zone, the Minister may authorize one or more pollution control officers for purposes of preventing, stopping or reducing pollution or the risk of pollution, to direct the owner, master, occupier or person in charge of such vessel, place on land or apparatus, as the case may be, to take or refrain from taking specific actions, or, if such actions prove to be inadequate, to take any and all necessary independent action, including but not limited to the sinking or the destruction of the vessel or the destruction of the place on land or oil transmission apparatus as the case may be.

Article 5.8:

The Minister or any pollution control officers authorized by the Minister shall be empowered to detain or seize a vessel within the pollution-free zone in the name of the Government of the Sultanate:

- a) When a vessel violates Article 2.2(a) or 2.4(a) of this Law and the payment of the fine imposed under sub-paragraph (b) of each of those Articles or security for the payment of such fine is not delivered to the Minister in accordance with the conditions of Article 2.8 of this Law;

- b) When an accident to or in a vessel occurs which could result in large-scale pollution of the pollution-free zone and the Minister or a pollution control officer issue directives to the vessel under Article 5.7 of this Law which are not immediately carried out;
- c) When an owner, master or person in charge of the vessel to be seized violates Article 2.1(a), 2.3(a) or 2.5 of this Law and payment of the fine imposed under Article 2.1(b), 2.3(b) or 2.5 of this Law or security for the payment of such fine is not delivered to the Minister in accordance with the conditions of Article 2.11 of this Law; or
- d) When an owner, master or person in charge of the vessel to be seized is civilly liable under Article 6.1 of this Law and payment of the amount due or security for payment of said amount is not delivered to the Minister in accordance with the conditions of Article 6.3 of this Law; or
- e) When the Minister shall have reason to believe that the fines which may be or have been imposed under Chapter Two of this Law would not be paid if so imposed or will be paid in accordance with the provisions of this Law.

Article 5.9:

Where a vessel is seized or detained pursuant to Article 5.8 of this Law, the Minister or a pollution control officer so authorized by the Minister may order re-delivery of the vessel to the person(s) from whom it was seized if any amounts payable by such person(s) or security for the payment of said amounts are delivered to the Minister.

Article 5.10:

Where a vessel is seized or detained pursuant to Article 5.8 of this Law and any fines imposed or any liability accrued under this Law are not paid within thirty days of the seizure, the Minister may recover such amounts, with costs, out of the proceeds of a public sale of the vessel and its cargo to be held pursuant to this Article not earlier than then days after notice thereof has been published in the Official Gazette, or out of any security given pursuant to this Law, and any seized property not so sold and any surplus funds arising from any sale shall thereupon be re-delivered or paid as the case may be, to the person(s) from whom the property was seized.

Article 5.11:

The Minister may demand any monies due as a result of: i) a fine imposed under Article 2.1 (b), 2.2(b), 2.3(b), 2.4(b) or 2.5 of this Law or ii) civil liability imposed under Article 6.1 of this Law. If such demand is not satisfied in accordance with the procedures set forth in this Law, the Minister may initiate a money action in the appropriate forum either within the Sultanate or in any other jurisdiction, to recover all monies due. Such an action may be brought by the Minister on behalf of either the Sultanate or any person injured by the pollution discharge, or both. In the event the Minister sues on behalf of an injured individual or class of persons, he shall maintain any proceeds recovered as a fund for the benefit of and distribute such funds to the person or persons who suffered damages.

Article 5.12:

The Minister shall promptly remit to the Department of Finance of the Government of the Sultanate all monies collected pursuant to Article 5.11 of this Law except such amounts as are held for the benefit of person or persons who suffered damages.

Article 5.13:

The Minister may appoint that number of pollution control officers and other persons which may be necessary to carry out the provisions of this Law and regulations promulgated hereunder.

Article 5.14:

The Minister may promulgate regulations exempting any vessels or classed of vessels or any person or classes of persons from any provision of this Law or of any regulation promulgated hereunder, either absolutely or subject to such conditions as the Minister shall determine, specifying the basis or other reason for such exemption and why such exemption is in the interest of the Sultanate.

Article 5.15:

The Minister may, if so authorized by His Majesty the Sultan, represent the Government of the Sultanate in negotiations with any other government or international organizations concerning any agreement or treaty, which would assist the Minister in accomplishing the general pollution control objectives of this Law; provided, however, that accession to and ratification of any such agreement or treaty will require the express written approval of His Majesty the Sultan.

Article 5.16:

The Minister shall promulgate such additional rules and regulations as may be required to carry out the policies, purposes and terms of this Law.

Article 5.17:

Regulations promulgated by the Minister, amendments thereto and cancellations thereof shall become effective on the 30th day after publication thereof in the Official Gazette unless:

- a) His Majesty the Sultan decrees that such proposed regulations, amendments or cancellations shall become effective on some other date and such other date is published in the Official Gazette;
- b) His Majesty the Sultan amends such proposed regulations, amendments or cancellations in which case the regulations, amendments or cancellations, as so amended, shall be published in the Official Gazette and shall become effective on such 30th day or on such other day as may be set by his Majesty the Sultan; or
- c) His Majesty the Sultan revokes such proposed regulations, amendments or cancellations and such revocation is published in the Official Gazette.

CHAPTER SIX
Civil Liability for Costs and Damages

Article 6.1:

If a determination is made pursuant to Article 5.1 of this Law that a discharge of a pollutant into the pollution-free zone originated from a vessel, a place on land, or oil transmission apparatus, then the owner of such vessel or the owner or occupier of such place on land or oil transmission apparatus, as the case may be, shall, subject to the limitations set forth in Articles 6.2 and 6.4 of this Law and without regard to whether there is a finding of culpability or negligence, be liable:

- a) For the costs incurred by the Government of the Sultanate or any other person in preventing, stopping, reducing or eliminating the pollution from the waters of the pollution-free zone and in restoring the ecology of the area to the condition existing prior to the discharge; and
- b) For the damages suffered by the Government of the Sultanate or any other person as a result of the discharge, in addition to the costs referred to in subparagraph (a) of this Article.

Article 6.2:

Notwithstanding any other provision of this Law, the aggregate amount recoverable under Article 6.1(b) of this Law in respect of any discharge of a pollutant into the pollution-free zone, whether it is a single discharge or a continuous discharge from a single source, from a vessel, place on land or oil transmission apparatus, or the imposition of liability on any person or persons in connection with such discharge shall not exceed an aggregate of 4,000,000 Rials Omani, and in the case of ,liability arising form a discharge by a vessel, the lesser of an aggregate of 4,000,000 Rials Omani or the aggregate amount of ten Rials Omani for each ton of the vessel's tonnage.

Article 6.3:

A written notice that a person is liable for specified costs incurred or damages suffered under Article 6.1 of this Law shall be delivered to the person by hand, or if that is impracticable, by mail or some other method of service reasonably designed to apprise the person of the liability, and unless payment for the amount or amounts specified in the notice or security for the payment of such amount or amounts is delivered to the Minister within 45 days of the service of such notice, the Minister may take such additional actions as are authorized and appropriate

under this Law; unless, prior to such date, such person has appealed such determination in accordance with Article 6.6 of this Law.

Article 6.4:

The occupier of a place on land shall be exempted from the liability to pay the costs or damages set forth in Article 6.1 of this Law, if it is proven that the discharge of a pollutant was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

Article 6.5:

Nothing in this Law shall prohibit any private person from seeking compensation against any other person for damages suffered as a result of a discharge of a pollutant.

Article 6.6:

If a determination is made pursuant to Article 6.1 of this Law, that a person is civilly liable, the person or persons adversely affected by such determination shall have the right to appeal that determination to the Committee for the Settlement of Maritime Disputes. If the determination is affirmed by the Committee, the person shall have a final right of recourse to the Council of Ministers. The decision of the Council shall be final.

CHAPTER SEVEN

Effectiveness

Article 7.1:

The provisions of any decree, law or regulation inconsistent with any provision hereof are hereby revoked.

Article 7.2:

The provisions of this Decree shall immediately be effective from the date of its publication in the Official Gazette.

Decreed by us at our Diwan at Salalah on the 14th day of Rajab 1394 A.H. and being the 3rd day of August 1974 A.D.