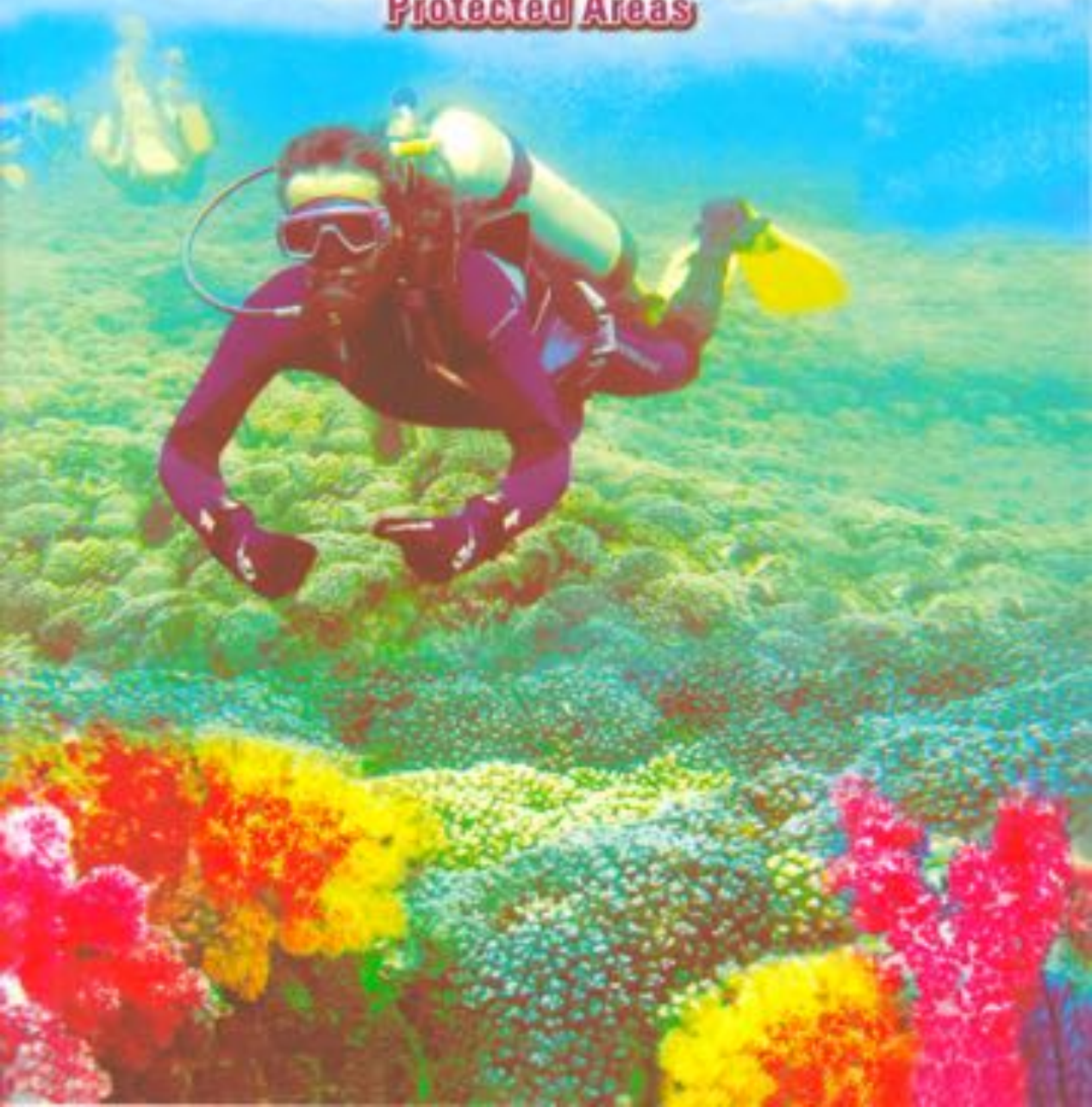




Ministry of Environment and Climate Affairs

**Regulations for Controlling Diving in the Marine
Environment outside the Parameters of Marine
Protected Areas**



Ministerial Decision No. (40/2009)

Issuing Regulations for Controlling Diving in the Marine Environment outside the
Parameters of
Marine Protected Areas

- Based on the Law on the Conservation of The Environment and Prevention of Pollution, issued by Royal Decree No. (114/2001);
- Royal Decree No. (18/2008), specifying the responsibilities of the Ministry of Environment and Climate Affairs and approving the Ministry's Organizational Structure;
- Regulation for Marine Environment Management, issued by Ministerial Decision No. (39/2004);
- Ministry of Finance's approval, and
- According to requisites of public interest,
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The following has been decided:

Article (1): The provisions of the attached Regulations for Organizing Diving Activities in the Marine Environment outside the Parameters of Marine Protected Areas shall be in effect.

Article (2): Permit fees for diving in the marine environment outside the Parameters of Marine Protected Areas, stipulated in Article (4) of the above mentioned Ministerial Decision No. (39/2004) shall be cancelled, as well as the fourth chapter of the same, along with all provisions that contradict with the attached Regulations or in conflict with its clauses.

Article (3): This Decision shall be published in the Official Gazette and shall be effective on the date following its publication.

Humood bin Faisal Al-Busaidi
Minister of Environment & Climate Affairs

Issued on: 8 /Ramadan/1430 H

CT: 29/August/ 2009

Regulations for Controlling Diving in the Marine Environment

Outside the Parameters of Marine Protected Areas

Article (1): For the implementation of the provisions of these Regulations, the following words and expressions shall have the meaning set against each of them unless otherwise stated:

The Ministry = Ministry of Environment and Climate Affairs.

The Directorate = Directorate General for Nature Conservation.

The Concerned Department = Marine Environment Conservation Department.

Concerned Government Agencies = Ministry of Defence (Royal Navy of Oman), Ministry of Heritage and Culture, Ministry of Tourism, Ministry of Transport and Communication, Ministry of Fisheries Wealth, Royal Oman Police (Coast Guard & Directorate General of Civil Defence).

The Marine Environment = The Sultanate's beaches, sea ports and wharfs, territorial waters and adjacent locations, the Exclusive Economic Zone, its sea bed, all its components, living and non-living resources, and all constructions and projects thereupon, be those stationary or mobile.

Diving = to swim underwater for prolonged periods with the aid of Self-contained Underwater Breathing Apparatus (SCUBA).

Diver = A scientifically, practically and physically qualified person with a valid diving license from an internationally recognized diving organization.

Diving Equipment = Equipment used by divers to prolong their underwater time, including dive cylinders, Buoyancy Control Device (BCD), weight belts, face masks, flippers and air regulators.

Diving Instructor = A qualified person licensed by an internationally recognized diving organization to conduct dive courses.

Diving Crew = Diving Personnel qualified to accompany divers on diving trips.

Diving Flag = An internationally recognized colored flag (International Code Flag 'A') to be in the boat while practicing diving to alert the presence of divers on location to other operators.

Diving Club/Company = An organization officially licensed by the concerned Government Authorities to engage in diving activities.

Article (2): Diving in the marine environment outside the Parameters of Marine Protected Areas is prohibited without obtaining a Permit from the Ministry. The terms and conditions stated in the permit shall be adhered to according to Appendix No. 2 of these Regulations.

Article (3): Diving is prohibited in locations that have security considerations; listed in Appendix No.1 of these regulations.

Article (4): For diving activities, diving clubs/companies are required to have a highly qualified, experienced and physically fit diving crew to accompany divers during diving activities. Both the diving instructor and the crew need to have experience in first aid and rescue operations.

Article (5): The Ministry's authorized personnel shall have access to all diving clubs/companies at all times to ensure compliance with the provisions of these regulations. The club/company's concerned staff shall take the necessary actions to facilitate this process.

Article (6): The boat used for diving activities shall be specifically designed and equipped for diving purposes and needs to be registered with the concerned government authorities to engage in diving activities. They shall be further equipped with first aid and safety equipment. Emergency telephone numbers shall be visibly posted on the boats. The boat handler needs to be trained in the safe deployment and recovery of divers under instructions from a Dive Marshal.

Article (7): Diving equipment owned by diving clubs/companies need to be in good condition at all times, and should be tested before being handed to divers and before starting diving activities.

Article (8): Diving clubs/companies shall coordinate with the Coast Guard and The Ministry for night dives, in order to identify diving locations and dates. Boat Lights need to be switched on and the diving flag to be clearly hoisted onto the boat all times during diving activities.

Article (9): Government agencies, after coordinating with the Ministry, can be issued permits to carry out diving activities in the marine environment outside the parameters of Marine Protected Areas for the purposes of scientific research, or any other purpose within the agencies' functions. The Coast Guard headquarters shall be notified of such activities.

Article (10): Individuals holding internationally recognized diving licenses, but who are not members of any diving club/company, are entitled to carry out diving activities after obtaining the necessary permits from the Ministry. Boats used need to have an emergency plan as well as safety equipment.

Article (11): During diving, it is prohibited to engage in any activities related to fishing. No damage is to be caused to marine life or to coral reefs, which are not to be dislocated.

Article (12): During diving, it is prohibited to engage in any archeological activities; surveys; excavation or collection of archeological items from the seabed of the marine environment in the Sultanate.

Article (13): Licensed divers are not allowed to use their private boats in conducting commercial diving activities.

Article (14): To obtain a diving permit in the marine environment outside the parameters of Marine Protected Areas, the following documents need to be completed:

First: Documents required for conducting diving activities by diving clubs/companies:

A: Application to register the club/company, to be submitted to the concerned Department in the Ministry.

B: A valid commercial register and a lease contract of the club/company's place of operations.

C: Valid approvals of the concerned government authorities.

D: Valid registration and insurance documents for the boats used in diving activities.

Second: Documents required to obtain annual diving permits for individuals:

A: Completing diving permit application at the concerned department in the Ministry.

B: All diving licenses, a photocopy of identification card and a personal photograph.

Article (15): Permit fees shall be collected as follows:

Permit type	Period	Amount (Rials Omani)
Club/Company	Annual	RO 200
Individual	Annual	RO 25
	One Day Only	RO 3 (per receipt)

The above fees are applicable for renewals. Annual permit renewal must be done within one month prior to expiry. An additional fee of RO 50 for clubs/companies, RO 10 for individuals shall be collected for delays.

Article (16): The above fees do not apply to government authorities or agencies and individuals conducting diving activities for scientific or research

purposes, as well as diving crews in clubs/companies registered with the Ministry while conducting diving activities on behalf of such authorities/agencies.

Article (17): Without prejudice to any severe penalty, those violating the provisions of these regulations shall be penalized under the provisions stated in the Law on the Conservation of the Environment and Prevention of Pollution issued by Royal Decree No. (114/2001).

Appendix No. (1)

Areas Restricted for Diving

1. Al-Alam Royal Palace and its parameters, extending to Khour Maghab, Sidab bound.
2. Areas adjacent to Royal Palaces.
3. Sultan Qaboos Port and areas parallel to the harbor.
4. Oil constructions and oil loading buoys.
5. All desalination plants.
6. Ship wreckage in the vicinity of high profile locations; e.g. ports and VIP residences.
7. Areas in the vicinity of coastline constructions; e.g. Bustan Palace Hotel at times of high level conferences.
8. Marine Protected Areas; unless prior approval of concerned authorities is obtained.
9. Al Fahal Island at night; prior permit from Coast Guard Headquarters required.
10. Ra'as Muscat.
11. Sidab area.
12. Said bin Sultan Naval Base.
13. Musandam Naval Base.
14. Areas adjacent to main harbors and fishing ports
15. Military and high security locations.
16. Abalone habitats in Dhofar Governorate and Al-Wusta Region; prior approval of the Ministry of Fisheries required.
17. Fisheries, especially those using floating cages for culturing fish.

Appendix 2

Regulations and Conditions for Diving Permits outside the Parameters of Marine Protected Areas

1. The provisions listed in the Regulations for Controlling Diving in the Marine Environment outside the Parameters of Marine Protected Areas, issued by Ministerial Decision No.(40/2009) shall be adhered to, and all applicable laws and regulations complied with.
2. In the case of daily permits obtained by clubs/companies for individuals, the date stated on the permit shall be adhered to.
3. An Emergency Plan and safety equipment shall be available on boats used for diving.
4. Divers must avoid diving in locations used by professional fishermen.
5. Divers must be educated and cautioned about damages caused to, and the importance of preserving, coral reefs.
6. The use of spear-guns is prohibited during diving activities.
7. Diving equipment, particularly dive cylinders, should be securely fastened onto the boat.