

Ministerial Resolution

No. 29/99

**To issue the Executive Regulation of the Property Registry Act
Promulgated under Royal Decree No. 2/98**

Based upon Ministerial Resolution No. 2/98;

The Regulatory Regulation of Land Committees and Appeals Committee issued under Ministerial Resolution No. 44/88 and the amendments thereto;

And pursuant to the public interest exigencies,

We have decreed the following:

Article (1): The provisions of the attached Executive Regulation of the Property Registry Act shall be come into force.

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 this Resolution 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.

**Malik bin Suleiman Al Mamari
Minister of Housing**

Issued on :Jamada Awwal 23,1420 A. H.

Corresponding to: September 5,1999 AD

Executive Regulation of Property Registry Act

Chapter I

Applications for Registration

Article (1): Applications for written instruments registration shall be filed with the Land Registry Office or its competent branch. Applications for registration of notarized instruments must be signed by one of the two interested parties. Applications for registration of non-notarized instruments must be signed the party in favour of whom the disposal was made. Applications for registration of an usufruct shall be filed by the owner.

Article (2): Application for registration shall contain the following information and the following instruments and documents shall be attached thereto: -

1. The name of each party, the name of his father and paternal grandfather, his tribe, age, nationality, place of residence and workplace.
2. Capacities of those who act in the stead of others and the extent of their powers.
3. Number, area and boundaries of the Property Unit and its purpose of use, with an indication of the name of the area and block or the name of the village, Wilayah or governorate.
4. The subject of the instrument to be registered with an indication of the value of the disposal, or the amount of debt as far as the mortgage contract is concerned, or the duration of the usufruct to be registered.
5. The original title deed of the real right to be registered.
6. The original instrument to be registered, and if the instrument to be

registered is a lease contract three copies thereof shall be attached to the application.

7. A statement of the principal and ancillary real rights relevant to the Property Unit.

Article (3) Application for registration of a right to inherit must include the name of the testator, the name of his father and paternal grandfather, his tribe, nationality, place of residence, date and place of death; the names of heirs, the names of their parents and paternal grandparents, their age, nationality and place of residence; and information relating to the property units left by the testator, the real rights attached thereto; and the original title deed of the testator. The application must be accompanied by the certification of inheritance or the probate.

Article (4) :The Land Registry Office and all of its branches shall prepare a daybook whose pages shall be numbered and signed by the Land Registrar or his representative. At the end of each work day, the Land Registrar or his representative shall mark same on the daybook and sign it.

Article (5) :Applications shall be recorded in the daybook provided for in Article (4) as per the dates and time of filing thereof and numbered with consecutive numbers. The applicant shall be given a receipt indicating the application number, date and time of filing thereof and the documents and instruments attached thereto.

Article (6):Applications are reviewed to verify that its subjects do not contradict the rights and information contained in the cadastre. If the application does not cause any change in the survey data of the Property Unit and includes such data, instruments and

documents as are stipulated in Article (2), it shall be marked as accepted. However, if the application causes a change in the survey data of the Property Unit, the Directorate General of Town Planning and Survey shall review and inspect the Property Unit on site and carry out the required change, unless there are technical obstacles to prevent this, after verifying the title deed of the Property Unit. Change shall be made in conformity with the owning instruments., The Department can mark the Property Unit by placing signs thereon where appropriate. The Land Registry Office and its competent branch shall, once the application meets the requirements, mark it as accepted.

Article (7): If it was found out during the search that there was a discrepancy between the application for registration due to an overlap between the property borders or because it is associated with the same right subject matter of the application, it shall be considered as an objection which must be investigated and determined by the competent Land Committee.

Article (8):The instrument the application for registration of which is marked as accepted shall be registered after being notarized. If more than one instrument was submitted at the same time and one of the instruments was associated with the other instruments or depended on the registration thereof, registration shall be deferred until such instruments are registered.

Article (9):No scarping, erasure, deletion or overwriting shall be made in the daybook stipulated in Article (4). If it is necessary

to correct a material mistake made by the person in whose custody the daybook is kept, such correction shall be approved by Land Registrar or his representative.

Article (10): The instruments which are accepted for registering the acts and rights to be registered with the Land Registry Office and its competent branches, according to the aforesaid Land Registry Act are as follows:

1. Notarized contract.
2. Legal Certification establishing the right of inheritance.
3. Legal Certification establishing the mandated will.
4. Legal title for the endowment.
5. Valid bequest deed.
6. Decision on expropriation.
7. Final Judgment.
8. Decisions of Land Committee and Appeals Committee.
9. Auction award judgment or the minutes of awarding the auction administratively.

Article (11): The Land Registry Office and its competent branches shall maintain the registered instruments in the files of the documents pertaining to the Property Unit in accordance to its sequential numbers, or the scheme where the Unit is located.

Article (12): The applications filed with the Land Registry Office and its branches must be related to property units, which fall within their jurisdiction. If property units required to be registered or the data of which are required to be changed fall within the jurisdiction of the Land Registry Office and its branches or fall within the jurisdiction of more than one branch of

the Land Registry Office branches, independent separate application shall be filed with each branch. The application filed with any of the branches shall have no effect except on the property units located within the scope of its jurisdiction.

Article (13):The property units allocation decisions irrespective of the property units nature, the survey drawings, and the documents relating to the delimitation of the property unit and any other data required for registration, shall be referred to the Land Registry Office or its competent branch for registration, after payment of prescribed fees.

Article (14):Contracts of Foreigners and companies' usufruct rights to government lands and the documents relating to the information of the Property Unit subject matter of the usufruct shall be referred to the Land Registry Office or its competent branch for registration.

Chapter II

Record-keeping Method

Article (15): A cadastre shall be allocated for each Property Unit to record its descriptions, natural boundaries and other defining features in such a manner that dispels ignorance as well as the name of the owner or the concerned person and the rights and obligations originating from the unit.. Upon completion of the cadastre, it shall be maintained in the Property Unit file, and a new cadastre shall be opened to record data in respect of the delimitation of the Property Unit, the last owner thereof and the rights originating therefore.

Article (16):The real property rights of the Property Unit and the survey data delimiting same shall not be recorded in the cadastre except after verifying the correctness thereof.

Article (17):The unit number, area, purpose of use; the name of the region and block and the name of the village or town and wilayah or governorate shall be set forth in the section of the cadastre in respect of the delimitation of the Property Unit.

Article (18): In the section of the cadastre relating to the title deed, shall be recorded the right to inherit, which includes real property rights, the disposals that create, decide or amend the title, and the final judgments proving some of these disposals. Registration shall be carried out by writing the full name of the owner as set forth in the instrument. ((The owners)) and the type of disposal subject matter of the instrument under the column ((the reason to own the property)) and the number

and date of the instrument registration under the column ((the title)). In case of joint ownership, each partner shall be given a serial number showing his full name and stating his share in the unit after his name.

Article (19): In the section of the cadastre related to legal restrictions shall be recorded the restrictions stated on the right of ownership, such as the stipulation on the prevention of disposal, usufruct, monopoly right and lease right if the period thereof is more than seven years, and the mortgage and the final judgments establishing any of the above.

Article (20): Easements rights shall be recorded in the section allocated to it in the cadastre of the dominant property and the cadastre of the server property.

Article (21): Marginal notations shall be recorded in the section of the notations such as the announcement of interest in taking and waiving pre-emption. Shall also be recorded the statements of claims relating to entitlement to one of the rights recorded in the cadastre or to the objection to any of such rights, in terms of existence, correctness or validity thereof. This is in addition to the prevention of disposal notations.

Article (22): If the owner disposes of the property unit, an (x) shall be marked beside his name from both sides in red ink then the data relating to the new owner shall be directly written on the following white line in black ink, pursuant to Article No. (18). The new data shall be taken from the instrument establishing such disposal.

Article (23): If a partner disposes of his full share in favour of third parties, an (x) shall be marked beside his name from both

sides in red ink then the new partner's name shall be directly written in black ink at the end of the names. The new partner shall be given the following number of the figures given to the former partners. Such number shall be written in the numerator and the number of acting partner in the denominator.

Article (24): If one of the partners disposes of a joint part of his share, it shall be stricken off by an (x) mark next to his name, as set out in Article (23), and then his name shall be re-written in black ink at the end of the names directly in his remaining part provided that he is given the following serial number in the numerator and the number in the denominator while distinguishing it by the word (remaining), then the name of the new partner shall be written, in accordance with Article (23).

Article (25): Every statement recorded in the cadastral sheets must be appended by an eligible signature of the person who recorded it with the date indicated. The title deeds issued from the recorded data shall be signed by the person who recorded it, and then approved by the Secretary of the Real Estate Registry or his representative.

Article (26): It is not permissible to carry out any scraping, or interpolating or erasing in the cadastral sheets.

Article (27): A material error in the cadastre shall be corrected by placing a mark indicating such correction. The correction shall be consequent to the error mark directly and shall be signed by the respective person who carries out same for the errors that occur during recording. If the error was discovered after registration, a mark is placed to avail such error. Correcting the error shall be in the first white line on the

section specified for stating the mistake and shall be signed by the director of the relevant department. A minute shall be drafted explaining the error, its causes and the manner of its detection . The same procedures shall be followed if the error occurs in the title deed or an alternative title deed is issued after receiving the first title deed.

Article (28):The Land Registry Office and all of its branches shall generate a file for each Property Unit to keep the recorded instruments; the registration minutes from which the data set forth in the cadastre are extracted; the survey fees and the survey planning forms, and other documents necessary for registration as well as fees receipts, in accordance with the rules established by the Land Registry Office for archiving and this file shall be an integral part of the cadastre.

Article (29):Each branch of the Land Registry Office shall prepare statements of records, notations and changes that have been carried out in the register. The statements shall be sent at the end of each month to the Land Registry Office.

Article (30):The properties of the citizens of GCC countries, in the instances where it is permitted by law to own a property, shall be recorded in a special register prepared in the Land Registry Office for this purpose, indicating the name, nationality and type of use and the date of ownership, in addition to any other data about the Property Unit.

Article (31):The property units of each owner, the area of each, or the joint area shall be recorded based upon the actual data contained in cadastre in the personal alphabetical index prepared by the Land Registry Office and its branches.

Article (32):When applying for registration of a Property Unit for the missions of foreign countries, in accordance with the aforesaid Property Registry Act, the condition of reciprocal treatment shall be verified through the Ministry of Foreign Affairs.

Article (33):Decisions rendered by the competent Land Committee on the validity of the endowment shall be registered pursuant to the legal deeds approved by the Ministry of Awqaf and Religious Affairs. A legal deed after its verification by the Committee shall be considered the evidentiary instrument of the endowment under which the title deed is issued.

Chapter III

Announcement of Settlement Resolution and Viewing of Registered Rights

Article (34): The resolution on defining the settlement area shall be announced through audio-visual media one time fifteen days prior to the commencement of works and two times through a daily newspaper; the first on the day following the adoption of the resolution and the second ten days prior to the commencement of works by ten days. Moreover, it shall be announced at the offices of the housing departments. The competent court, the municipality and governors (wolat) who have jurisdiction over the settlement area shall be notified. The resolution shall be posted on the notice board at the governors' offices.

Article (35): Any interested party may review the property rights subject matter of registration after payment of the determined fee. There shall be various fees as long as there are various registration applications and property units.

Article (36): Review applications shall be filed using the form prepared for this purpose with the Land Registrar or his deputy. Review shall take place in the places of archiving the documents and shall be in the presence of the concerned official, who shall indicate in the respective book that review has been made with applicant's signature.

Part IV

Notarization

Article (37): Legal documents and acts subject matter of registration shall be notarized in two copies, one is kept in the Property Unit file and the other is submitted to the person in the favor of whom the document is issued.

Article (38):In cases of a power of attorney the subject matter of which includes one legal act, it is obligatory to attach the original power of attorney to the notarized instrument. In the power of attorney the subject matter of which includes more than one legal act, the notary public shall be acquainted, with the copy thereof marked that it is a true copy. The notary public shall affix his signature and name thereon.

Article (39):In case that the authorized representative signs the instrument as the concerned person could not affix his signature or his fingerprint on the instrument, the notary shall draft a record indicating the reason therefore in the presence of two witnesses, and sign it with them with an indication of his name.

Chapter V

Change Procedures and Impacts

Article (40): The Property Unit may be split into more than one unit provided that in every separated part the unit specifications shall be provided, and the split shall meet the requirements of the basic planning and design approved for the zone.

Article (41): The applicant for unit split shall provide a chart defining the units to be separated and its forms, with a survey plan prepared for every separated unit showing its area, use and easements.

Article (42): A cadastre shall be allocated to each separated unit and each shall be given a new serial number which begins from the last serial numbers of the units or the files; where same is referred to in the original cadastre of the Property Unit. All real estate data for each separated unit shall be recorded in this cadastre. The rights of the original unit shall be transferred to the separated units and may be limited to one unit or a number of separated units with the consent of the rightful party.

Article (43): Without prejudice to the registered rights of third parties, a owner may request the integration of more than one Property Unit. The integration request must be accompanied by the real estate unit chart subject matter of merger approved by the Directorate General of Town Planning and Survey.

Article (44):The integration of Property Units into other property unit or more shall result in cancelling the cadastre sheets of the units to be merged. A new cadastre sheet shall be allocated where the data of the physical status of the unit resulting from the merger is registered in addition to the real estate rights on the integrated units, and shall be given the number of the first Property Unit to be integrated in the scheme or the first file number of the integrated units.

Article (45):The merger and the separation shall be implemented in situ by lifting the delimitation signs or placing same after carrying out the measurements and area calculation, preparation of the survey drawings and recording the data changes on the survey planning forms. The draftsman shall sign the survey drawing and the planning change form, with an indication of his name.

Chapter VI

Property Unit and Engineering Drawing

Article (46):A Property Unit, according to the respective definition indicated in the Property Registry Act, shall be delineated by marks in situ to separate it from the adjacent units, and the Directorate General of Town Planning and Survey shall carry out the delineation process.

Article (47):The Property Units delineation marks shall be placed on their borders or on the direction transfer points and at the beginning and the end of the curve if the boundary is curved. A mark in the center could be placed if necessary. Visible fragments which could be sketched and do not require a mark must be lifted. In case of fixed walls or fences on the borders of Property Units, these shall be considered borders therefore and no marks are required to be placed thereon in situ, after verifying that they are placed on the right borders.

Article (48):The Directorate General of Town Planning and Survey shall carry out an engineering drawing, which shows the topographical details, the border drawings, the area, the number of the unit ,the block and the zone, type of use and the construction terms and nature, as well as any necessary particulars required to demark the Property Unit such as trees, palm trees, type of land and delineation mark positions. A copy of the cadastre drawing shall be submitted after payment of the specified delineation fees.

Chapter VII

Title Deed

Article (49):The Land Registry Office or its competent branches shall issue one title deed for each Property Unit. In the case of joint owners of the property and upon the failure to reach an agreement on who has the right among them to receive the title deed, it shall be kept in the property file of the unit, and thereby it shall be indicated in the cadastre sheet. Each one of the owners is given at his request a certificate of real estate data, after the payment of the prescribed fees.

Article (50):An application for a certificate of real estate data shall be forwarded to the Land Registrar or his deputy explaining the required data, attached with a copy of the applicant's ID card or passport copy. The data certificate is issued from the actual data recorded in the cadastre sheet of the unit after the payment of the prescribed fees. There will be numerous fees in case of numerous property units..

Article (51):In case of loss or damage of a title deed, it is permissible at the request of the owner to issue a deed in lieu of a lost or damaged, in accordance with the following procedures. A damaged title, which has no real estate data defining the property unit, is treated just as a missing deed.

1 - Procedures for the issue of alternative deed in lieu of lost:

A - Applying for obtaining a deed in lieu of lost to which shall be attached notification report issued the Royal Oman

Police that includes the place, date and cause of loss and an announcement in a daily newspaper about the loss of the deed, indicating the Property Unit, its area and location, and a copy of the owner's I.D card or passport.

B - Payment of Prescribed Fees:

A deed in lieu of lost is issued 30 days after the date of announcement . In the case of finding the original title deed, it must be handed over to the Land Registry Office or its competent branch. In this case, the fee is non-refundable.

2 - Procedures for the Issue of a Deed in lieu of Damaged:

A - Submitting an application for obtaining a deed in lieu of damaged to which shall be attached the damaged deed and a copy of the owner's ID card or passport.

B - Payment of Prescribed Fees.

A deed in lieu of damaged shall be issued after matching the related data of the damaged deed with the real estate cadastre.

Chapter VIII

Fees

Article (52):The person in whose name the Property Unit is registered shall be bound to pay all prescribed fees.

Article (53):No fees collected by the Land Registry Office or its competent branches shall be reimbursed according to the relevant Property Registry Act except in the following circumstances:

- 1 - An error in estimating the fees.
- 2 - Invalid notarization procedures or registration because of an error in the notarization or registration.

Article (54):Registration fees are collected on the basis of the real value of the Property Unit at the time of registration or the price specified in the contract, whichever is higher.

Article (55):The Land Registry Office or its competent branch may conduct the necessary investigations to determine the real value of the Property Unit.

Article (56):If it is determined after the completion of the procedures that the fees collected are not consistent with the real value of the property, the owner shall pay the difference in addition to the fines provided for in the said Property Registry Act if it is proved that he deliberately evaded the payment of fees. Collection of the difference in case of non-payment shall be in accordance with the established procedures of the Taxes and Fees Collection Regulation and other amounts owed to the administrative units of the State, promulgated by Royal Decree No. 32/94.