

Law of Tourism

ROYAL DECREE 33/2002

We, Qaboos Bin Said, Sultan of Oman,

After perusal of the Constitution of the State issued by the Royal Decree no. 101/96;

The Commercial Register Law no. 3/74 and amendments thereto;

The Commercial Companies Law no.4/74 and amendments thereto;

The Regulations for Travel and Tourism Offices issued by the Royal Decree no. 12/88 and amendments thereto;

And in view of the exigencies of public good;

Hereby decree the following:

Article 1

The provisions of the accompanying Law of Tourism hereby come into force.

Article 2

Who ever engaged in tourist business on the date enforcement of this Law shall reconcile his situation in conformity with its provisions within one year from the date of its enforcement.

Article 3

The Minister of Commerce and Industry shall issue the necessary Executive Regulations of this Law.

Pending the issuance of such regulations, the existing regulations and decisions shall continue to be effective insofar as they are not inconsistent with the provisions of this Law.

Article 4

The aforementioned Royal Decree no.12/88 is repealed and so are all provisions contravening this Law or inconsistent with its provisions.

Article 5

This decree shall be published in the Official Gazette and shall be effective from the date of its publication.

Qaboos Bin Said
Sultan of Oman

Issued on 13th Muharram 1423 A.H.
Corresponding to: 27th March 2002.



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CHAPTER I General Provisions

Article 1

This Law aims at the encouragement, and development of tourism in the Sultanate and the development of its resources and investments, in order to increase its contribution to the national economy, with a view to organising the establishment and exploitation of the tourist regions and the overwhelming tourist ingredients of the country and preparing the necessary administrative bodies and human resources, to encourage and give an impetus to the tourist activity, in a manner that strengthens the civilisation and cultural bonds between the nationals of the Sultanate and the people of other countries.

Article 2

In the application of the provisions of this Law, the following expressions and words carry the meanings specified against each, unless the context requires otherwise:

1. **MINISTRY:** Ministry of Commerce and Industry
2. **MINISTER:** Minister of Commerce and Industry
3. **UNDERSECRETARY:** Undersecretary for Tourism at the Ministry of Commerce and Industry
4. **COMMITTEE:** National Committee for Tourism
5. **DIRECTORATE GENERAL:** Directorate General of Tourism at the Ministry of Commerce and Industry
6. **TOURISM:** Travel or movement of an individual or a group of individuals in or outside the Sultanate for a temporary period, for the purpose of amusement and recreation, research or environmental investigation, natural cure, relaxation or physical exercise.
7. **TOURIST :** A person, national or expatriate, who aims at achieving a tourist objective or more tourist objectives.
8. **TOURIST REGION OR SITE:** Any space of land or territorial or internal waters distinguished by archaeological sites such as castles, forts and museums, natural scenes, environment, live creatures (plants or animals) or special natural phenomena.

9. **TOURIST PROJECT:** An activity related to tourism carried on by natural or juristic persons including the exploitation and management of tourist regions and sites, or construction of hotel establishments, tourist villages and camps, or carrying on the business of tourist transportation or travel and tourist companies or offices.

10. **HOTEL ESTABLISHMENT:**

- (a) Hotels
- (b) Motels prepared for the residence and service of tourists.
- (c) Tourist camps and villages.
- (d) Tourist vessels and the like.
- (e) Hotel apartments, rest houses and other places prepared for the residence of the tourists which are identified by a decision from the Minister.

11. **TOURIST ESTABLISHMENT:**

- (a) Places prepared for receiving tourists and provide them with food stuff and beverages such as specified restaurants, coffee houses entertainment centres and clubs which are identified by a decision from the Minister.
- (b) Means of transportation for transporting tourists for land, sea or air tours.

12. **TOURIST GUIDANCE:** Act of explanation, description and provision of historical, natural, heritage and cultural information to tourists at tourist sites.

13. **TOURIST GUIDE:** Natural person who undertakes tourist guidance.

14. **TIME SHARING SYSTEM:** A system that enables a person to purchase an undivided share in a hotel or tourist unit, obtain the right to utilise or the right to use such portion with participation of others in the remaining shares or share the time of use of such portion among them in a manner that each one of them benefits from it during the period of time specified for him every year.

15. **EXECUTIVE REGULATIONS:** Executive Regulations of this Law.

Article 3

The Ministry shall, in co-ordination with the concerned authorities, supervise the organisation, development, advancement and promotion of tourism in the Sultanate. It shall, in particular:

1. Make an overall assessment of the tourist potential and resources available in the Sultanate.
2. Prepare national plans and programs for the development of tourism, within the general five-year plan of the State, study new tourist projects, attract investors to them, specify the means of executing them, co-ordinate between the existing tourist sectors and projects and assess their activities.
3. Conduct researches and studies to locate problems and obstacles to an outburst of tourist activity and suggest appropriate solutions.
4. Contribute to the formulation of the general policy for developing consciousness among the citizens in respect of the national heritage and civilisation of the country, so as to rise the standard of the national participation in the tourist industry.
5. Propose the conclusion of international agreements in the field of tourism and consolidate relations with international government and non-government organisations and agencies concerned with the affairs of tourism.
6. Fix the fees for tourist services.
7. Control the prices of commodities and services provided in hotel and tourist establishments.
8. Consider the establishment of specialised schools, institutes and colleges to prepare trained human resources to carry on tourist activity or introduce courses related to tourist activity in the existing curricula of education, so as to contribute to the support and development of tourist activity.
9. Improve the techniques of tourist promotion and marketing and consider the establishment of a specialised body for this purpose.

The Ministry may entrust specialised foreign tourist companies and offices with carrying out certain marketing and promotional assignments.

10. Organise conferences and seminars on different aspects of tourism with the intention of introducing the Sultanate and its tourist potential and participate in international tourist conferences and exhibitions.
11. Prepare draft laws and decisions pertaining to tourist activity and give opinion on the proposed laws related to tourist affairs.
12. Specify the conditions, procedure and fees for companies or licensed contractors to bring professional troupes to hold shows in the Sultanate and organise and observe their performance at such shows, to ensure that they are in accordance with the provisions of the Executive Regulations.
13. Consider the exemption of tourist projects from the prescribed taxes, duties and any privileges that might be granted to such companies.

Article 4

Establishments, companies and offices engaged in a tourist business shall not be allowed to commit any acts inconsistent with public order, public morals or undermine the safety of the society or the security and stability of the country.

Article 5

Without prejudice to the provisions of the World Trade Organisation conventions, foreign tourist companies may be licensed to set up their branches or offices in the Sultanate, pursuant to the provisions of this Law and its Executive Regulations.

Article 6

The Ministry (Directorate General) shall keep a special register for the registration of the entities licensed to carry on tourist activity in the Sultanate, pursuant to the provisions of this Law.

The Executive Regulations shall specify the method of keeping the register, the information to be entered therein and the fees for extracting such information or making amendments or additions thereto.

Article 7

Tourist companies, other establishments licensed to carry on tourist activity, branches and offices operating in the Sultanate shall submit to the Directorate General a statement every six months of the tourist programs carried out.

Such programs shall be kept confidential and the concerned employees of the Ministry shall not be permitted to disclose any information relating to them to a third party.

These companies, establishments, branches and offices shall also undertake to submit to the Ministry of Information all the tourist publications and leaflets issued by them for distribution among the tourists in and outside the Sultanate for obtaining approval and permission for printing and distributing, in co-ordination with the Ministry of Commerce and Industry.

CHAPTER II

National Committee for Tourism

Article 8

A committee called 'National Committee for Tourism' shall be established. It shall be constituted by a decision from the Minister in the following manner:

1. Minister of Commerce and Industry: Chairman
2. Undersecretary for Tourism at the Ministry: Deputy Chairman
3. A representative of each of the following entities in the rank of the Ministry's Undersecretary or the equivalent thereof:
 - a - Ministry of Heritage and Culture
 - b - Ministry of Information
 - c - Ministry of Regional Municipalities, Environment and Water Resources
 - d - Ministry of National Economy
 - e - Ministry of Transport and Telecommunications
 - f - Ministry of Housing, Electricity and Water
 - g - Office of the Minister of State and Governor of Dhofar
 - h - Royal Oman Police
 - i - Muscat Municipality
- 4 - Chairman, Tourism Committee, Oman Chamber of Commerce and Industry

5 - Executive President, Oman Centre for Investment Promotion & Export Development.

6 - Five Omani personalities with experience in tourist work representing the private sector, selected by the Oman Chamber of Commerce and Industry for a period of three years, subject to renewal.

Article 9

The National Committee for Tourism shall activate the tourist activity and accelerate the tourist drive in the Sultanate. It shall, in particular:

1. Survey and study the opportunities of tourist investment and attract the national and foreign private sector thereto in co-operation with the concerned authorities.
2. Explore the removal of obstacles to the allotment of land to set up tourist regions, establishments and projects and propose appropriate solutions in accordance with the Foreign Capital Investment Law, the Law of Right to Utilisation and other laws in force in the Sultanate.
3. Assess and review the existing programs for the development of tourist regions.
4. Advise on the proper means to facilitate and simplify the procedure for setting up tourist projects.
5. Propose programs for the coaching and training of the necessary Omani manpower for work in the tourist sector.
6. Propose solutions for providing financial support and the necessary financing of tourist projects.
7. Evaluate the programs for tourist promotion and marketing and support their development.

The Committee shall form subcommittees or specialised working teams to study the subjects in its area of jurisdiction and may seek the assistance of national and foreign expertise it deems appropriate.

Article 10

The Committee shall convene its meetings periodically, at least once every three months, at the invitation of the Chairman.

The meetings of the Committee shall be valid if attended by a majority of its members provided that the Chairman or the Deputy Chairman is among them.

The Committee shall issue its recommendations with a majority vote of the members present. In case of a tie-up, the Chairman shall have the casting vote.

CHAPTER III

Establishment and Exploitation of Tourist Regions and Sites

Article 11

The Ministry shall, in co-ordination with the concerned authorities, define and survey the tourist regions and sites in the Sultanate and pursue the location of new regions and sites having potential for tourist exploitation.

Such definition shall be made by a decision from the Minister after the approval of the Council of Ministers.

The Ministry shall supervise the exploitation and management of these regions and sites, organise, pursue their administration, construction, and approve the necessary plans for this purpose.

Article 12

No natural or juristic person may occupy a tourist site or region or a part thereof or utilise, exploit or dispose of it, without a license from the Ministry.

Nor may an hotel or tourist establishment be set up, utilised or managed without a license from the Ministry.

The Executive Regulations shall regulate the conditions and procedure for granting licenses and the cases and conditions of their suspension and cancellation.

CHAPTER IV

Organisation of Hotel and Tourist Establishments

Article 13

Hotel and tourist establishments shall be classified into appropriate grades or levels.

Such classification may be reviewed according to the result of their technical and administrative

inspection.

The Executive Regulations shall state the rules, procedure and conditions of inspection.

Article 14

Sectorial Societies may be established for different areas of tourist activity, pursuant to the provisions of the Law of Private Societies, to safeguard the common interest of their members, work for the solution of their problems with the concerned authorities and submit necessary suggestions for activating and developing the tourist drive in the Sultanate.

Article 15

Hotel establishments run by the time-sharing system may not be established, utilised or managed without a license from the Ministry.

The Executive Regulations shall specify the necessary conditions and procedure for carrying on such business.

Article 16

The Executive Regulations shall specify the rules and provisions regulating the time-sharing system provided that the following rules shall be included:

- (a) Withdrawal or grace period.
- (b) Necessary documents and the procedure for their authentication.
- (c) Particulars to be provided in the contract concluded between the seller and the buyer.
- (d) Management of the establishment.

Article 17

All contracts concluded on hotel and tourist establishments which are utilised or run by the time-sharing system shall be registered with the Secretariat of the Real Estate Register at the Ministry of Housing, Electricity and Water.

CHAPTER V

Organisation of Travel and Tourism Offices

Article 18

A company or sole proprietorship carrying out one or more of the following activities must obtain a license to this effect from the Ministry:

1. Organisation of tours for groups or individuals in or outside the Sultanate in accordance with a programs that include transportation, booking in hotel or tourist establishments and related services.
2. Sale, issuing or change of travel tickets and baggage transport facilitation.
3. Undertaking business of agency and commercial representation of tourist aviation, marine navigation and land transport companies.
4. Provision of means for transporting the tourists.
5. Provision of special services for tourists such as obtaining entry and exit visas, insurance and booking.
6. Organisation and management of national and international exhibitions and conferences.

The Executive Regulations shall specify the conditions and rules to be satisfied for conducting these activities.

The Ministry may add to the above any other activities or business connected with tourism and tourist service in a manner consistent with the development of the tourist drive in the Sultanate.

The provisions of this article shall not be applicable to the necessary services for facilitating the performance of the duty of pilgrimage (Haj) and lesser pilgrimage (Umra).

Article 19

A license issued to a company or sole proprietorship may not be assigned nor may it change the type of its activity without the approval of the Ministry, pursuant to the rules and procedure specified by the Executive Regulations.

CHAPTER VI

Tourist Guidance

Article 20

No person may engage in the profession of tourist guide in tourist regions or sites without a license from the Ministry.

The Executive Regulations shall state the conditions to be satisfied by a tourist guide, his rights and duties, the rules and procedure for his disciplinary impeachment, the necessary procedure for granting license and cases of its suspension or withdrawal and the procedure for registration in the Register of Tourist Guides.

CHAPTER VII

Tourism Development Fund

Article 21

A fund called 'Tourism Development Fund' shall be established under the control of the Ministry, aiming at supporting tourist activities. Its resources shall comprise of:

1. Amounts allocated by the State in the general budget for supporting the tourist projects.
2. A percentage of fees for licenses and tourist services to be fixed in agreement with the Ministry of Finance.
3. Any other resources approved by the Council of Ministers at the request of the Ministry.

The Fund shall have a special budget. The commencement of the financial year of the Fund shall start with the financial year of the State, and shall end at the end thereof.

The surplus of the Fund shall be carried forwarded from one year to another.

Its funds shall be treated as public funds.

Article 22

The resources of the Fund shall be allocated for the progress and development of tourist activities as deemed fit by the National Committee for Tourism, particularly for:

1. Financing the researches and studies aiming at diversifying the tourist product of Oman and originating new patterns of tourism.
2. Assisting the projects for the establishment, development and enhancement of efficiency of basic utilities, tourist facilities in museums and historical and cultural sites.
3. Financing the establishment of an integrated database on tourist potential, ingredients and activities and facilitating its acquaintance by investors interested in investing in the tourist field.
4. Supporting the programs for the qualifying and training the necessary national human resources to work in different activities of the tourist sector.
5. Spending on tourist promotion programs and participating in international tourist conferences and exhibitions.
6. Any other objectives contributing to the progress and development of the tourist industry in the Sultanate.

Article 23

A Fund Management Committee shall be formed by a decision from the Minister under the chairmanship of the Undersecretary, and the membership of the following:

- Director General of Tourism
- Representative of the Ministry of Finance
- Director of the Ministry's Department of Finance
- Chairman, Tourism Committee, Oman Chamber of Commerce and Industry.

The Executive Regulations shall state the procedure and the dates for convening the meetings of the Committee, the method of its functioning and the validity of its decisions and recommendations.

These decisions and recommendations shall be approved by the Minister prior to their implementation.

CHAPTER VIII

Supervision and Inspection Procedure

Article 24

The employees of the Ministry identified in a decision by the Minister of Justice in agreement with the Minister shall have the power of the judicial control commissioners in respect of violations of this Law, its Executive Regulations and decisions.

The judicial control commissioners shall exercise the power of supervision and inspection of different establishments operating in the tourist sector and perusal of their records, documents and working systems, in order to ascertain that are abiding by the provisions of the Law and its Executive Regulations and decisions implementing the same.

The persons in charge of these establishments shall provide the necessary facilities to the judicial control commissioners in the performance of their duties.

CHAPTER IX

Penalties

Article 25

Without prejudice to a harsher punishment provided for in the Penal Law of Oman or any other Law,

1. Who ever violates the provisions of Articles 12,,15,18,19 of this Law; engages in any of the activities prescribed in these articles by virtue of a license that has been cancelled or procured by way of fraud or forgery; violation by the establishment of the rules of public morals or public order; or commission of acts undermining the reputation or security of the country, shall be punished with fine not exceeding RO 3000.

Closure of the establishment or suspension or revocation of the license granted may be ordered.

The fine shall be doubled in case of repetition of violation together with order closing the establishment.

2. Who ever violates the provisions of Articles 7 and 17 of this Law shall be punished with fine not exceeding RO 2000.

3. Who ever Violates the provisions of Article 20 of this Law or the provisions related to the conditions of a tourist activity shall be punished with fine not exceeding RO 1000, in accordance with the rules and provisions specified in the Executive Regulations.

A similar penalty shall be imposed on a person who prevents the employees entrusted with the enforcement of the provisions of this Law from performing their official duties by hampering their entry to the sites, establishments or offices of the companies, obstructing their works or refusing to provide the necessary information to them or providing incomplete or inaccurate information with a bad intention.

CHAPTER XI

Provisional Regulations

Article 26

The Minister shall have the right to cancel, amend or refuse the renewal of licenses granted prior to the date of enforcement of this Law pertaining to any tourist region, if it is inconsistent with the Ministry's general plan for the exploitation, management and development of tourist regions and sites.

Article 27

Who ever procured a license for the exploitation of a tourist region or site prior to the enforcement of this Law shall undertake to amend the plans of his business and projects in conformity with the general plan of the Ministry for the exploitation and management of such regions and sites, within six months from the date of being notified thereof.

The Executive Regulations shall organise the necessary procedure for this purpose.



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