

**Sultani Decree
No. 2002/40**

Regarding the Issuance of the Notary Public Law

We, Qaboos bin Said, Sultan of Oman

**Having reviewed the Basic Statute of the State issued by Sultani Decree No. 97/101,
And the Civil Service Law issued by Sultani Decree No. 8/88 and its amendments,
And Sultani Decree No. 47/2001 determining the competences of the Ministry of Justice and
approving its organizational structure.**

And based on the requirements of public interest.

Have Decreed the Following

Article One

The provisions of the attached Notary Public Law shall be implemented.

Article Two

The competent authorities - whose competences are transferred to the Notary Public by virtue of this Law - shall continue their work until the commencement of this Law according to the following article.

Article Three

This Decree shall be published in the Official Gazette, and shall be effective three months from the date of its publication.

**Issued on: 16th of Rabi' al-Awwal, 1423 AH
Corresponding to: 28th of May, 2002 AD**

**Qaboos bin Said
Sultan of Oman**

**Notary Public Law
Chapter One
Definitions**

Article (1)

In the application of the provisions of this Law, the following words and expressions shall have the meanings indicated opposite each of them, unless the context requires otherwise:

The Council:

The Supreme Judicial Council.

Vice Chairman of the Council:

The Vice Chairman of the Supreme Judicial Council.

Chapter Two

Appointment of Notaries Public and their General Competence

Article (2)

The Notary Public is a department director. If multiple Notaries Public are designated in one department, the one appointed by the Vice Chairman of the Council shall manage the department.

Article (3)

In addition to the general conditions for employment stipulated in the Civil Service Law, the Notary Public must hold a university qualification in Sharia or Law from a recognized university or college, and must not have been sentenced to criminal or disciplinary judgments for reasons affecting honesty or honor, unless he has been rehabilitated.

Article (4)

The Notary Public shall take the following oath before commencing his functional duties: "I swear by Almighty God to perform my work with honesty, honor, and integrity, to maintain the secrets of my position, and to respect the laws." This shall be done before the Vice Chairman of the Council or his delegate.

Article (5)

An official seal shall be designated for each Notary Public department, with which transactions are sealed. The department manager shall receive it and be responsible for it.

Chapter Three

Competences and Prohibitions

Article (6)

The Notary Public shall undertake the drafting of contracts which he is specialized in drafting and other instruments, the authentication of signatures, and the certification of the date of private instruments, as stipulated in this Law, and shall conduct any other transaction that the law specifies as falling within his competence.

Article (7)

The Notary Public shall draft the contracts and instruments which the law requires or which the concerned parties request to be drafted, and shall record them in the registers designated for that purpose without erasure, deletion, addition, or gaps. If an oversight, error occurs, or there is a reason for correction or addition, this shall be done in purple ink in the presence of the concerned parties, and the Notary Public shall sign the correction. He must preserve the originals of what he has drafted, give copies requested by the concerned parties, and record this in the special index. The Notary Public shall read the instrument to the concerned parties and record this in the instrument required to be drafted. The Vice Chairman of the Council shall issue a decision specifying the cases where attestation on the instrument is required and its controls.

Article (8)

The Notary Public shall authenticate the signatures of the concerned parties on private instruments based on their request, and shall record the authentication in the registers and the special index thereof.

Before authenticating the signatures of the concerned parties, the Notary Public must verify their awareness of the subject matter of the instrument in which they wish to authenticate their signatures.

After the concerned parties sign the instrument and the register, the Notary Public shall prepare a report thereof at the bottom of the instrument, signed by the witnesses signing the instrument. Then, he shall deliver the instrument to the concerned person after he signs for receipt in the authentication register. Certificates based on the authentication registers may be given to those who request them from among the concerned parties. They may not be given to non-concerned parties except by a court order.

Article (9)

Before drafting contracts or other instruments, or authenticating the signatures of the concerned parties on private instruments, the Notary Public must verify the identity of the concerned parties through official documents proving their identity. If this is not possible, he may request from them two identifiers. He must also

verify the legal capacity of the parties to the instrument and their qualifications. If it becomes clear to the Notary Public that the legal capacity or qualification is lacking, or if the instrument is contrary to public order or applicable laws, he must refuse to draft the contract or the requested instrument or to authenticate the signatures of the concerned parties therein, stating the reasons for refusal. If the concerned parties insist on their request, the Notary Public must refer the matter to the Court of First Instance within whose jurisdiction his department falls; the court may approve it or order him to carry out the request.

Article (10)

If the Notary Public does not understand the language of the concerned parties or one of them, or if among them is a deaf or mute person, and because of this it is difficult to discern their will or explain the content of the document to them, the Notary Public must explain to them and receive their statements through a translator or expert after swearing him an oath to perform his task with truthfulness, honor, and integrity. The Notary Public shall record this in the document, and the translator or expert, the concerned parties, the Notary Public, and the witnesses in cases where attestation on the instrument is required shall sign it. He shall estimate the fees of the translator or expert according to the rules issued by a decision of the Vice Chairman of the Council in this regard, and shall charge the concerned parties to pay them.

Article (11)

If one of the concerned parties, witnesses, or identifiers is unable to sign, the Notary Public shall take his thumbprint and record this in the instrument.

Article (12)

If the document is written on more than one page, the Notary Public must paginate it, state the number of pages of the document in numbers and letters, place the department seal, and sign at the end of each page along with the concerned parties and witnesses in cases where attestation is required, and the translator or expert, if any.

Article (13)

The Notary Public shall record the date of private instruments with consecutive numbers in the registers and index prepared for that purpose. He shall prepare a report on the instrument stating the date of its presentation and its entry number in the register, and the Notary Public shall sign it, then deliver it to the concerned person. Certificates based on the registers prepared for date certification may be given to those who request them from among the concerned parties. They may not be given to non-concerned parties except by a court order.

Article (14)

The Notary Public shall draft marriage documents and divorce certificates based on the request of the concerned parties, according to the procedures issued by a decision of the Vice Chairman of the Council. He shall also draft wills for real estate properties that have a title deed issued by the Real Estate Registry Secretariat after verifying the availability of their Sharia and legal conditions, or authenticate the signature on their private draft, all based on the request of the testator.

Article (14) bis

The Notary Public may exercise his competences stipulated in this Law using the designated electronic systems, according to the rules and procedures issued by a decision of the Vice Chairman of the Council after coordination with the competent authorities.

Article (15)

The Vice Chairman of the Council shall issue a decision specifying the paper and electronic registers and indexes that the Notary Public must maintain. The decision must include a statement on how to preserve the original paper and electronic documents and their copies, and other documents and papers on which the Notary Public relied in conducting the transaction, after coordination with the competent authorities.

Article (16)

The Notary Public is prohibited from the following:

- a) Drafting or authenticating signatures in any contracts or instruments which laws stipulate are within the competence of another authority.
- b) Drafting or authenticating signatures in any instrument related to the creation, transfer, modification, amendment, or extinction of a right in rem over real estate.
- c) Drafting or authenticating signatures in any instrument involving the sale, gift, or mortgage of a commercial establishment without the approval of the competent authority. The Notary Public must keep a copy of the approval and the document.
- d) Conducting any procedure in which he, or one of his ascendants, descendants, spouse, or her parents, has a personal interest, or accepting any of them as a witness, identifier, translator, expert, or guarantor.
- e) Disclosing any information concerning the concerned parties to others, which he obtained or became aware of by virtue of his position.
- f) Removing any registers, indexes, documents, or official papers under his custody from his department to outside his department. None of these may be joined to the file of a pending lawsuit except by a decision of the court. In this case, a certified copy thereof, signed by him and the president of the court,

shall be kept.

g) Moving outside his headquarters to conduct any transaction mentioned in this Law, unless the concerned parties request so in writing in the cases and according to the procedures determined by the Vice Chairman of the Council.

h) Drafting, authenticating signatures, or undertaking date certification, in any transaction except after collecting the prescribed fees.

Chapter Four General Provisions

Article (17)

All instruments drafted by the Notary Public must be written in Arabic. As for instruments written in a language other than Arabic, the Notary Public may not authenticate them unless they are translated into Arabic by a legal translation office, and then the instrument and the translation are authenticated together.

Article (18)

The Vice Chairman of the Council shall issue a decision specifying the fees for drafting contracts and other instruments, or authenticating signatures therein, or certifying their date, as well as the rules for estimating the fees of translators and experts, in coordination with the Ministry of Finance.

Article (19)

All transactions conducted by the Notary Public based on the request of official state authorities are exempt from fees.