Official Gazette – Issue (1367)

Royal Decree No. 126/2020

Promulgating the Municipal Councils Law

We, Haitham bin Tarik

Sultan of Oman

After reviewing the Basic Statute of the State,

and the Municipal Councils Law issued by Royal Decree No. 116/2011,

and the Governorates and Municipal Affairs System issued by Royal Decree No. 101/2020,

and Royal Decree No. 102/2020 defining the competences of the Ministry of Interior and approving its organisational structure,

and in pursuance of the public interest,

We decree as follows:

Article One

The provisions of the attached Municipal Councils Law shall come into force.

Article Two

The Minister of Interior shall issue the regulations and decisions necessary for the implementation of the provisions of the attached law. Until such regulations and decisions are issued, the existing regulations and decisions shall remain in force insofar as they do not conflict with the provisions of this law.

Article Three

TheMunicipal Councils Law referred to is hereby repealed, as are all provisions that conflict with or contradict the attached law.

Article Four

This decree shall be published in the Official Gazette and shall come into force the day following its publication, except for Article (8), Clause (Second), and Article (15) of the attached law, which shall come into force from the date of the first elections held to form municipal councils in accordance with the provisions of this law.

Official Gazette – Issue (1367)

Issued on: 26 Rabi' al-Awwal 1442 AH

Corresponding to: 12 November 2020 AD

Haitham bin Tarik

Sultan of Oman

Municipal Councils Law

Chapter One

Definitions and General Provisions

Article (1)

For the purposes of this law, the following words and expressions shall have the meanings assigned to them, unless the context requires otherwise:

- Council: The municipal council of the governorate.
- Minister: The Minister of Interior.
- President: The president of the council.
- Member: A member of the council.
- Secretary: The secretary of the council.
- Regulation: The implementing regulation of this law.

Article (2)

The regulation shall govern all matters of the council, in particular:

a) The competences of the president, his deputy, and the secretary.

b) The working system of the council.

c) The administrative and financial affairs of the council.

d) The standing and ad-hoc committees of the council, their formation, competences, and working systems.

Article (3)

Without prejudice to the Law on the Classification of State Records and the Governance of Protected Places, entities whose work is connected to services or development shall provide the president with the data and statistics the council deems necessary to perform its competences.

Article (4)

The organisation of elections of council members shall be governed by a regulation issued by decision of the minister.

Article (5)

Every voter employed in units of the State's administrative apparatus, other public legal persons, or in the private sector, shall be deemed to be on official leave on the day he casts his vote in council elections.

Article (6)

The minister, after the approval of the Ministry of Finance, shall issue a financial system for the expenses, disbursements, and tenders of elections held in the case of the dissolution of a council pursuant to Article (27) of this law, or for the re-election of council members for any reason, without being bound by the provisions of the Financial Law or the Tenders Law.

Chapter Two

Organisation of Council Affairs

Article (7)

Each governorate shall have a municipal council, as follows:

1. Muscat Governorate Municipal Council, based in Wilayat Muscat.
2. Dhofar Governorate Municipal Council, based in Wilayat Salalah.
3. Musandam Governorate Municipal Council, based in Wilayat Khasab.
4. Al Buraimi Governorate Municipal Council, based in Wilayat Al Buraimi.
5. Al Dakhiliyah Governorate Municipal Council, based in Wilayat Nizwa.
6. North Al Batinah Governorate Municipal Council, based in Wilayat Sohar.
7. South Al Batinah Governorate Municipal Council, based in Wilayat Rustaq.
8. South Al Sharqiyah Governorate Municipal Council, based in Wilayat Sur.
9. North Al Sharqiyah Governorate Municipal Council, based in Wilayat Ibra.
10. Al Dhahirah Governorate Municipal Council, based in Wilayat Ibri.
11. Al Wusta Governorate Municipal Council, based in Wilayat Haima.

Article (8)

The council shall be formed under the chairmanship of the governor and membership of:

First: Members by virtue of their positions, representing:

1. Ministry of Housing and Urban Planning.
2. Ministry of Transport, Communications and Information Technology.
3. Ministry of Heritage and Tourism.
4. Ministry of Commerce, Industry and Investment Promotion.
5. Ministry of Social Development.
6. Royal Oman Police.
7. The governorate's municipality.

(The Council of Ministers may amend or add other entities as required by public interest. Members must not hold less than the position of Director General, or Head of Department in entities without a Directorate General in the governorate, and may not serve on more than one council.)

Second: Elected members, representing the wilayats of the governorate, at the rate of two members per wilayat.

Third: Two persons of knowledge and opinion from the governorate, chosen by the minister based on the governor's nomination.

The Director of the Council Affairs Department in the Governor's Office shall act as secretary.

Article (9)

The minister shall issue a decision naming the members of the council.

Article (10)

Conditions for membership for non-government representatives:

a) Omani nationality.

b) Minimum age of 30 years.

c) Good conduct.

d) Not previously convicted of a felony or a crime of honour/trust, unless rehabilitated.

e) Not suffering from mental illness or under legal guardianship.

f) Holder of a qualification not less than General Education Diploma.

g) Registered in the electoral register of the wilayat of candidacy.

h) Not employed in a security or military authority.

i) Not a member of the State Council or the Shura Council.

j) Not residing or working outside the Sultanate.

These conditions must be satisfied on the day prior to the opening of candidacy.

Article (11)

In addition to Article (10) requirements (except item f), members chosen as "persons of knowledge and opinion" must not be employees of the State's administrative apparatus or other public legal persons.

Article (12)

An elected member may not combine membership of the council with public office. If a public employee is elected, his service is deemed terminated from the date of the final election results. (If his membership is later annulled by court, he returns to his post; otherwise, retirement benefits are determined as per Shura Council rules.)

Article (13)

The council term is four years, commencing the day after the decision naming its members. Elections for the new council must be held within 90 days prior to the end of the term. If elections are not held, the council continues until new elections. If dissolved under Article (27), elections must be held within six months.

Article (14)

The president (except if already sworn before His Majesty Sultan Haitham bin Tarik) shall, before assuming duties, take the following oath before the minister:

"I swear by Allah to perform my duties in the council faithfully and honestly, to safeguard the interests of the nation and citizens, and to preserve the confidentiality of the municipal council's work."

Members take the same oath before the president.

Article (15)

The deputy president shall be elected from among the elected members in the first meeting of the council, in accordance with the regulation.

Article (16)

The council shall hold its sessions at the governorate headquarters. It may meet elsewhere if the president deems appropriate, provided it is within a government unit in the governorate.

Article (17)

Without prejudice to the Governorates and Municipal Affairs System, the council shall submit its decisions on matters within its competence to the minister within one week. The minister may object within 30 days if decisions exceed competence, contravene the law, or contradict state policy. Otherwise, they take effect upon council approval.

Article (18)

The president shall submit a semi-annual report on the council's work to the minister, who shall in turn submit an annual report to the Council of Ministers.

Article (19)

A member is prohibited from:

a) Engaging, directly or indirectly, in contracts or dealings with the governorate where personal interest exists (including relatives up to third degree).

b) Disclosing information obtained by virtue of membership.

Article (20)

The minister, with approval of the Ministry of Finance, shall determine allowances for elected members and persons of knowledge and opinion. The regulation shall set out payment mechanisms.

Article (21)

Within state policy and development plans, the council's competences include:

- Proposing means to invest governorate resources.
- Proposing municipal fees and methods of collection.
- Approving rules for signs and advertisements.
- Approving regulations for stray animals.
- Proposing taxi and public transport regulations.

- Approving rules for markets, cemeteries, abattoirs, waste dumps.
- Reviewing development plans and proposing projects.
- Giving opinions on service units' performance.
- Opinions on sites for development, service, and economic projects.
- Following up on encroachments on state property.
- Identifying needs for public facilities and services.
- Health recommendations and health regulations.
- Participating in determining public benefit for projects.
- Opinions on urban and structural plans.
- Approving festivals after coordination.
- Following up on project implementation.
- Monitoring service contracts.
- Approving social programmes for orphans, disabled, etc.
- Proposing disaster relief programmes.
- Proposing city/tourism development.
- Encouraging private sector contributions.
- Proposing awareness programmes.
- Reviewing complaints.
- Studying social issues and proposing solutions.
- Raising awareness on natural reserves.
- Engaging with local community.

Article (22)

The council may seek assistance from specialists in relevant authorities or other experts.

Chapter Three

Termination of Membership and Dissolution of Council

Article (23)

Membership ends by:

a) Death.

b) Loss of membership condition.

c) Exemption from membership.

d) Final conviction of imprisonment exceeding 3 months.

e) Dissolution of the council.

The minister shall issue a decision ending membership.

Article (24)

A non-government member may request exemption by written request to the president. The request is effective from submission; the president must inform the council and the minister.

Article (25)

If a non-government member misses two consecutive or three non-consecutive sessions in a year without valid excuse, the council may exempt him. Membership ends from the date of absence. Government members' cases are referred to the minister.

Article (26)

A non-government member may be exempted if he breaches duties, by ministerial decision after hearing his statement (or if he fails to appear). For government members, the minister coordinates with their entity.

Article (27)

The minister, with Cabinet approval, may dissolve a council before term if it commits a grave error harming public interest. If more than one year remains, a new council is elected to complete the previous term. The dissolution decision must include forming a committee to assume the council's competences until elections, or until the term expires if less than a year remains.

Article (28)

If an elected member's seat becomes vacant within six months prior to the end of the council term, it is filled by the next highest vote-getter. For non-elected members, the minister names a replacement in coordination with the entity concerned.

Article (29)

A member exempted under Articles (25) or (26) may appeal the decision before the Administrative Court within 60 days of notification. The court shall decide urgently.