

**SULTANI DECREE  
No. 90/99**

**PROMULGATING THE JUDICIAL AUTHORITY LAW**

**WE, QABOOS BIN SA'ID, SULTAN OF OMAN,**

Having considered the Basic Statute of the State promulgated by Sultani Decree No. 101/96,

And in accordance with that which the public interest requires,

**HAVE DECREED AS FOLLOWS**

Article 1

The provisions of the annexed Judicial Authority Law **shall have effect after six months from the date of its gazetting**, and any provision in conflict therewith shall be repealed.

If need be, the minister of justice may renew the period referred to in the preceding paragraph for another period or periods not exceeding a year.

Article 2

**There shall be transferred to the competent court actions pending before the sharia courts**, the commercial court and the criminal courts, in the state in which they are and without fees, and the parties concerned shall be notified of the transfer.

Lease committees and land affairs committees shall continue to hear the actions and requests raised before them prior to the date of the coming into effect of the annexed law.

### Article 3

Insofar as there is no specific provision in the annexed law, and until the Law of Civil & Commercial Procedure and the Law of Criminal Procedure come into effect, the Rules for the Hearing of Actions at Law and Requests for Arbitration before the Commercial Court promulgated by Sultani Decree No. 32/84 shall have effect in relation to all actions for which the courts provided for in the annexed law have jurisdiction, save for criminal actions, where the rules and procedures provided for in Sultani Decree No. 25/84 Regulating the Criminal Courts shall have effect.

### Article 4

The creation of each of the administrative court and the promulgating of its law, and the creation of the public prosecution and the promulgating of its law, shall be promulgated by sultani decree.

### Article 5

The judges shall have a supreme council, the composition and competences of which shall be promulgated by sultani decree.

### Article 6

Administrative and financial control of the existing courts shall pass to the ministry of justice.

### Article 7

This decree shall be gazetted in the Official Gazette and articles 2 and 3 shall have effect from the date upon which the annexed law has effect. Ministers and competent bodies shall implement the same.

**QABOOS BIN SA'ID**  
Sultan of Oman

**PROMULGATED ON: 13 SHA'BAN 1420 AH**  
**CORRESPONDING TO: 21 NOVEMBER 1999 AD**

## **JUDICIAL AUTHORITY LAW**

### **Part One**

### **The Courts**

### **Chapter One**

### **Ranking and Organisation of the Courts**

### **Section One**

### **Ranking of the Courts**

#### **Article 1**

The courts shall rank in the following manner:

- (a) the supreme court
- (b) the appeal courts
- (c) the primary courts
- (d) the district courts<sup>1</sup>.

Each of them shall have jurisdiction in the matters brought before them pursuant to the law.

**In each of these courts, the division having jurisdiction to hear personal status actions shall be called "the sharia court division".**

### **Section Two**

### **Supreme Court**

#### **Article 2**

There shall be created a supreme court composed of a president, and an adequate number of deputy presidents and judges. There shall be formed within it, as

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<sup>1</sup> This English rendering is now current. It is misleading in that these courts' jurisdiction is not based on geographical areas, but primarily on dispute value.

necessary, divisions to adjudicate upon recourse proceedings<sup>2</sup> raised before it, and the president of the court, or one of his deputies, or the most senior of the judges in it, shall preside over the division.

The seat of the supreme court shall be in Muscat. It shall be permissible for any of its divisions to hold sessions other than at its seat, by decision of the minister of justice pursuant to request by the president of the court.

Judgments shall be rendered by five of the judges.

### Article 3

There shall be created in the supreme court a technical office consisting of a president and a number of judges of the appeal courts and the primary courts, they being designated pursuant to decision rendered by the president of the court. An adequate number of employees shall be appointed to work in it.

### Article 4

The technical office shall undertake the following:

- (a) the extrapolating of the legal principles which are enunciated in the judgments of the supreme court, as approved by the president of the division which rendered the judgment.
- (b) the issuing of compendia of judgments, classified and indexed with a statement of the legal principle or principles extrapolated therefrom, pursuant to the preceding paragraph.
- (c) the conducting of legal research and studies requested by the president of the supreme court.
- (d) the issuing of a periodical journal of chosen court judgments and selected studies.
- (e) other matters with which it is charged by the president of the supreme court.

<sup>2</sup> Arabic *ta'n*: this term comprises all forms of impeachment of a lower instance judgment before a higher instance. An "appeal", in the ordinary sense, is only one of such forms of impeachment, and would not be an appropriate translation of *ta'n* where, for instance, recourse to the higher instance is restricted to points of law only, is merely cassatory, etc.

### **Section Three**

#### **Appeal Courts**

##### **Article 5**

There shall be created an appeal court consisting of a president and an adequate number of judges. There shall be formed therein divisions as necessary, and a division shall be presided over by the president of the court or the most senior of the judges therein.

The seat of the court shall be Muscat, and it shall be permissible for any of its divisions to hold sessions other than at its seat, by decision of the minister of justice pursuant to the request of the president of the court.

Judgments shall be rendered by three of the judges.

Pursuant the recommendation of the supreme council of the judiciary, it shall be permissible, by sultani decree, to create one or more other appeal courts, and the decree shall state the seat and the ambit of the jurisdiction of each of them.

### **Section Four**

#### **Primary and District Courts**

##### **Article 6**

There shall be created a primary court in each of Muscat, Salalah, Nizwa, Sohar, Sur and Buraimi, each consisting of a president and a sufficient number of judges. There shall be formed therein divisions as necessary, provided that the position of the president of the division shall not be lower than senior primary court judge.

The seat and the ambit of of the jurisdiction of each of them shall be determined by decision of the minister of justice. They may hold sessions in any other place within the ambit of their jurisdiction by decision of the minister of justice pursuant to a request from the president of the court.

Judgments shall be rendered by three of the judges.

Pursuant to the recommendation of the supreme council of the judiciary, it shall be permissible, by sultani decree, to create other primary courts, and the decree shall state the seat and the ambit of the jurisdiction of each of them.

#### Article 7

There shall be created a district court within the ambit of the jurisdiction of each primary court, the seat of which shall be designated by decision of the minister of justice. There shall be formed therein, as necessary, divisions of a sole judge whose position is not lower than senior primary court judge. It may hold its sessions in any other place within the ambit of its jurisdiction, by decision of the minister of justice pursuant to the request of the president of the primary court.

It shall be permissible to create, after approval by the administrative affairs council, one or more other district courts, by decision of the minister of justice, designating the institutional superior, the seat and the ambit of the jurisdiction of each of them.

## Chapter Two

### Competence of the Courts

#### Article 8

With the exception of administrative disputes, the courts provided for in this law shall have jurisdiction to adjudicate upon civil and commercial actions, requests for arbitration, personal status actions, criminal, labour, tax and lease actions and other actions which are raised before them pursuant to law, save for that which is excepted by specific provision.

The procedural enactments shall state the rules for the jurisdiction of the courts.

#### Article 9

If it appears to any division of the supreme court, on hearing any recourse proceedings, that there have been rendered by it, or by any division of the court, previous judgments which are in conflict with each other, or if it considers it right to depart from a legal principle enunciated by previous judgments rendered by the supreme court, it shall remit the appeal to a panel formed under the presidency of the

president of the court or the most senior of his deputies and having as members the ten most senior of the president's deputies and the judges of the court.

The registry of the court shall within three days from the rendering of the decision to remit, place the file for the recourse proceedings before the president of the court for him to set a hearing date for the recourse proceedings to be heard.

The disputant parties shall be notified of the date of the hearing at least fourteen days prior thereto.

The panel shall issue its judgments by a majority of at least seven members.

#### Article 10

The supreme court shall, as necessary, form a panel consisting of the president of the supreme court, and the five most senior of his deputies or the most senior of the judges of the court, to which shall be joined the president of the administrative court, his deputy and the most senior three counsellors of the court, such panel to have jurisdiction to decide cases of conflict of positive and negative jurisdiction between each of the courts provided for in this law and the administrative court and other courts. It shall also have jurisdiction to determine the judgment to be enforced in the case of conflicting judgments.

In the event of the absence of any of the president or the members, or where an impediment subsists in relation to him, his place shall be taken by whoever who is next after him in either court.

The president of the supreme court shall preside over the panel, and in the event of his absence, or of an impediment subsisting in relation to him, his place shall be taken by the most senior of its members, and its judgments shall be rendered by a majority of at least seven members.

#### Article 11

The panel provided for in article 10 shall be the judicial body having jurisdiction to determine disputes relating to the extent of the conformity of laws and regulations with the Basic Statute of the State and their not being in conflict with the provisions thereof.

A sultani decree shall be promulgated stating its competences and the procedures which it follows.

### Chapter Three

#### General Assemblies and Interim Committees

##### Article 12

The supreme court, each appeal court and primary court, and any district courts falling within the ambit of their jurisdiction, shall convene in the form of a general assembly, in order to deal with matters concerning them in terms of the following:

- (a) determining the number of divisions and the composition thereof
- (b) the distribution of judges as between divisions
- (c) the determining of the number of hearings, and the days and times they are held
- (d) the delegating of judges of the appeal courts to work in the criminal courts and the judges of the primary courts to work in the district courts
- (e) all other matters relating to the organisation of the courts and their internal affairs
- (f) other matters provided for in the law

It shall be permissible for the general assembly to delegate to the president of the court certain of its competences.

##### Article 13

The general assembly for each of the courts provided for in article 12 shall consist of all its judges. The public prosecution shall be invited to it, and the opinion of its representative shall be counted in matters which relate to the work of the public prosecution. It shall be convoked to meet by invitation from the president of the court or from a number not being less than five of its members, and it shall not be validly convened unless more than half of the number of its members attend it.

The president of court shall preside over the general assembly if he attends it, which failing the most senior of those members present.

Decisions of the general assembly shall be rendered by the absolute majority of the members present. If there is an equality of opinions, the side which prevails shall be that on which the president is.

The minutes of general assemblies shall be recorded in a register prepared for that purpose, and the president of the general assembly and the secretary shall sign them.

#### Article 14

In each of the courts provided for in article 12, there shall be formed a committee called the "interim affairs committee" under the presidency of the president of the court or whoever is acting in his place, having as members its two most senior members or whoever is acting in their respective places, to exercise the general assembly's competences in urgent matters where it is not practicable for the same to be convoked during the judicial recess.

#### Article 15

The decisions of the general assemblies and interim affairs committees shall be communicated to the minister of justice. He shall be at liberty to remit back to the general assemblies and interim affairs committees of the primary courts those of their decisions which he does not see fit to approve, in order for the same to be reconsidered. If they maintain their decisions, he shall be at liberty to place the matter before the administrative affairs council for it to render its decision as it sees fit, and the decision shall be final.

## Part Two

### Administrative Affairs Council

#### Article 16

The judges shall have an administrative affairs council presided over by the president of the supreme court and having as members each of:

- the three most senior deputy presidents of the supreme court
- the public prosecutor
- the most senior president of an appeal court
- the most senior president of a primary court.

Where the office of president of the council is vacant, or in his absence, or if an impediment subsists in respect of him, his place shall be taken by the most senior of the members, and when one of the members of the council is absent, or an impediment subsists in respect of him, his place shall be taken by whoever is next after him in the body which he represents.

#### Article 17

The administrative affairs council shall be competent to deal with whatever relates to the appointment, promotion, transfer, delegating and seconding of judges, all other matters relating to their position, and the other competences which the law prescribes.

The council shall be at liberty to propose draft laws relating to the judiciary, and its opinion shall be taken in relation to such drafts.

#### Article 18

The council shall meet at the seat of the supreme court upon the invitation of its president or upon the request of the minister of justice. The invitation shall be accompanied by the agenda. The council shall not be validly convened unless the entire body of its members is present. Its deliberations shall be confidential. Decisions shall be rendered by a majority of votes.

The council shall be at liberty to request from the minister of justice whatever it considers necessary by way of particulars and documents relating to the matters placed before it.

#### Article 19

The administrative affairs council shall prepare bye-laws containing the rules and procedures which it follows in exercising its competences, and they shall be promulgated by decision of the minister of justice.

### **Part Three**

### **The Judiciary**

### **Chapter One**

### **Appointment, Promotion and Seniority**

## Section One

### Appointment

Judicial positions shall be ranked in the following manner:

- (a) president of the supreme court
- (b) deputy president of the supreme court
- (c) supreme court judge
- (d) appeal court judge
- (e) senior primary court judge
- (f) puisne primary court judge
- (g) judge
- (h) assistant judge.

#### Article 21

It shall be requisite, for whoever holds judicial office, that he be:

- (a) a Muslim, of Omani nationality
- (b) of full capacity
- (c) of good conduct and reputation
- (d) the holder of a certificate in Islamic sharia or law from a recognised university or higher institute
- (e) that no criminal or disciplinary judgment have been rendered against him on grounds offensive to conscience and honour, even if he has been rehabilitated
- (f) that he successfully completes the tests and interviews held for that purpose.

## Article 22

By way of exception to what is said in paragraph (a) of article 21 and the first paragraph of article 48, the holding of judicial office shall be permissible to one who, being a Muslim, belongs by his nationality to one of the Arab states, if there is no Omani.

## Article 23

Appointment initially shall be to the position of assistant judge. An assistant judge shall be under training for a period of not less than two years, pursuant to the rules which are set by the administrative affairs council and promulgated by decision of the minister of justice. If he does not successfully complete the training prescribed within three years at the most, he shall be transferred to a non-judicial position by decision of the minister of justice, and the position to which the transfer is made shall be determined by reference to his qualifications and experience.

## Article 24

Any assistant judge successfully completing the training pursuant to article 23 of this law shall be appointed to the position of judge.

## Article 25

Without prejudice the provisions of article 21, appointment to one of the following judicial positions shall be permissible for whoever has worked in the teaching of Islamic sharia or law in recognised universities and higher institutes, or who has practised as an advocate for a period of not less than:

- (a) three years, if the appointment is to the position of judge
- (b) six years if the appointment is to the position of puisne primary court judge, of which, in relation to advocates, two years have been before the primary courts
- (c) eight years if the appointment is to the position of senior primary court judge, of which, in relation to advocates, three years have been before the primary courts
- (d) twelve years, if the appointment is to the position of appeal court judge, of which, in relation to advocates, two years have been before the appeal courts

- (e) seventeen years if the appointment is to the position of judge of the supreme court, of which, in relation to advocates, two years have been before the supreme court.

#### Article 26

Without prejudice to the provisions of article 21, appointment to one of the following judicial positions shall be permissible for whoever has been engaged in equivalent legal work for a period of not less than:

- (a) five years, if the appointment is to the position of judge
- (b) eight years, if the appointment is to the position of puisne primary court judge
- (c) ten years, if the appointment is to the position of senior primary court judge
- (d) fourteen years, if the appointment is to the position of appeal court judge
- (e) nineteen years, if the appointment is to the position of judge of the supreme court.

#### Article 27

The minister of justice shall promulgate, after approval by the administrative affairs council, a decision designating the legal work which is considered equivalent to judicial work.

#### Article 28

Without prejudice to seniority, the selection of deputy presidents of the supreme court shall be from amongst its judges.

#### Article 29

Without prejudice to seniority, the selection of presidents of appeal courts shall be from amongst the judges of the supreme court or judges of the appeal courts who have held such position for a period of at least six years.

**Article 30**

Without prejudice to seniority, the selection of presidents of primary courts shall be from amongst judges of the appeal courts or judges who have held the position of senior primary court judge for a period of at least four years.

**Article 31**

Without prejudice to the provisions of article 23, it shall be permissible, with the approval of the administrative affairs council, to exempt Omanis from the periods provided for in articles 29 and 30, within the ten years following the date this law comes into effect. Within that time, it shall also be permissible, with the approval of the council, for them to be exempted from one-quarter of the residual periods provided for in this law.

**Article 32**

Appointment to judicial positions shall be by sultani decree in accordance with nomination from the administrative affairs council, save for the position of assistant judge, which appointment shall be by decision of the minister of justice after approval by the council.

**Section Two****Promotion**

Articles 33, 34

*[deal with above-captioned topic]*

**Section Three****Seniority**

Articles 35, 36

*[deal with above-captioned topic]*

## Chapter Two

### Transfer, Delegating and Secondment of Judges

Articles 37 – 44

*[deal with the above-captioned matters]*

## Chapter Three

### Judges' Salaries, the End of their Service and their Pensions

Articles 45 – 49

*[deal with the above-captioned matters]*

## Chapter Four

### Duties of Judges

Article 50

Before exercising their functions, judges shall make oath as follows:

**"I swear by Almighty God that I will judge with justice and that I will respect the laws".**

The president of the supreme court shall take the oath before His Majesty the Sultan in the presence of the minister of justice, and the other judges shall take the oath before the minister of justice in the presence of the president of the supreme court. The taking of the oaths shall be recorded in a special register.

Article 51

**A judge shall be prohibited from undertaking any commercial activity.** It shall also be prohibited for him to do any act not consonant with the independence and honour of the judiciary.

It shall be permissible for the administrative affairs council to prohibit a judge from doing any act, the doing of which it considers would be in conflict with the duties of the position and the proper performance thereof, as well as the independence and honour of the judiciary.

#### Article 52

It shall be prohibited for the courts to express political opinions, and it shall be prohibited for a judge to be engaged in political work.

#### Article 53

It shall not be permissible for a judge to hear any action in which he or any of his relatives by blood or marriage to the fourth degree has a personal interest, direct or indirect. This shall also not be permissible for him if he has a relationship with any of the parties thereto which is incompatible with his impartiality.

It shall also not be permissible for him to give advice to any of the parties in any action, even if it is not before him, or to express an opinion therein, and the judge shall forfeit his competence to hear the action if he violates this prohibition.

#### Article 54

It shall not be permissible for a judge to divulge confidential matters from the deliberations.

#### Article 55

It shall not be permissible for judges to sit in the same division where there subsists between them a connection of blood or marriage of up to the fourth degree. It shall also not be permissible for the representative of the public prosecution, or the representative of any of the litigants or those defending them, to be amongst those who are linked by such a connection to one of the judges hearing the action. The mandate *ad litem* of a representative or a defender who is linked to the judge by such a connection shall be invalid if the mandate is subsequent to the judge entering upon the hearing of the action.

**Article 56**

A judge shall reside in the town in which the seat of his work is situated.

It shall be permissible for the minister of justice to allow, by reason of exceptional circumstances, a judge to reside in another town which is near to the seat of his work, and in such event it shall be permissible for his travel to be at government expense.

**Article 57**

It shall not be permissible for a judge to be absent from the seat of his work or for him to omit to attend thereto other than for an unforeseen reason, without him first having permission in writing therefor. If he is in default of this duty, the president of the court shall caution him in writing.

If the default provided for in the preceding paragraph is repeated by the judge, the matter shall be placed before the administrative affairs council for his accountability therefor to be determined.

A judge shall be deemed to have resigned if he omits to attend to his work for a period of thirty consecutive days without permission, even if that is after the end of his leave, his secondment or his being delegated to other work. If he returns and presents excuses, the minister of justice shall place them before the administrative affairs council, and if they appear to it to be well founded, the judge shall be deemed not to have resigned. In such case the period of absence shall be counted as leave of the type of the preceding leave, or ordinary leave, as the case may be.

**Chapter Five****Leave****Article 58**

The judiciary shall have a judicial recess commencing each year from the first day of July and ending on the last day September.

The general assemblies of the courts shall regulate the leave of the judges during the judicial recess.

It shall not be permissible in any event for the period of leave to exceed two months in relation to judges of the supreme court and those holding their rank, and fifty days in relation to others.

## Article 59

The appeal courts and the primary and district courts shall continue during the judicial recess to hear cases which are urgent. Such cases shall be as defined by decision of the minister of justice after approval from the administrative affairs council.

## Article 60

The general assembly for each court shall regulate work during the judicial recess. It shall appoint the number of hearings and the dates when they are held, and which judges are to work in them. This shall be pursuant to a decision promulgated by the minister of justice.

## Article 61

No judge shall be permitted to take leave other than in the judicial recess unless he is one of those who have worked during it. This notwithstanding, it shall be permissible to sanction leave for exceptional circumstances if the state of work so permits.

## Article 62

*[sick leave]*

**Chapter Six****Judicial Inspection**

## Articles 63 – 67

*[deal with above-captioned subject]*

## **Chapter Seven**

### **Grievances and Recourse against Decisions relating to Judicial Affairs**

Article 68 – 72

*[recourse to administrative affairs council; recourse to a designated division of the supreme court against final administrative decisions.]*

## **Chapter Eight**

### **Accountability of Judges**

Article 73 – 85

*[cautioning; jurisdiction of accountability council; proceedings before it; sanctions.]*

## **Chapter Nine**

### **Judicial Immunity and Procedures for the Lifting thereof**

Articles 86 – 90

*[security of tenure; immunity from arrest and prosecution, save in certain circumstances].*

## **Part Four**

### **Administration of the Courts**

Articles 91-99

*[ministry of justice to have financial and administrative oversight; regulations to be issued; court employees to come under Civil Service Law; duty of confidentiality; regulations to be issued as to functions of experts and their rights and liabilities].*

**Part Five****Interim and Final Provisions****Article 100**

His Majesty the Sultan shall exercise the competences of the administrative affairs council during the period preceding the filling of the positions from which the council consists.

**Article 101**

The minister of justice shall promulgate a decision dealing with the status of judges in office on the date of the coming into effect of this law, by transfer to positions commensurate with their existing positions, in accordance with the provisions of this law.

What a commensurate position is shall be determined in the light of the years of experience provided for in this law, and the judge shall retain his salary, on a personal basis, if it exceeds the salary designated for such position.

**Article 102**

There shall be created by sultani decree a high institute for the judiciary. The decree shall state its objects, competences and the manner of its administration.

**Article 103**

The judiciary shall be allocated the necessary financial appropriations, and such appropriations shall be included within the budget of the ministry of justice.

The ministry of justice shall, after taking the opinion of the administrative affairs council, submit the estimates relating to these appropriations to the ministry of finance.

**Article 104**

Insofar as there is no specific provision in relation thereto, there shall have effect, in relation to judges, the provisions of the Civil Service Law and its

implementing regulations and the Law of Post-Service Pensions and Allowances for Omani Government Employees.

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