

**Protection of Public Fund and
Avoidance of Conflict of Interest Law**

Royal Decree
No. 112/2011 for
The Protection of Public Fund and
Avoidance of Conflict of Interest Law

We, Qaboos bin Said

Sultan of Oman

After pursual of:

The Basic Law of the State issued by Royal Decree 101/96;

The Omani Penal Law issued by Royal Decree 7/74;

Royal Decree 39/82 on Public Fund Protection and Avoidance of
Conflict of Interest;

The Financial Law issued by Royal Decree 47/98;

Tender Law issued by Royal Decree 36/2008;

Pursuant to the Public Interest

Have Decreed as follows

Article (1) The provisions of the attached Protection of Public Fund and
Avoidance of Conflict of Interest Law shall be enforced.

Article (2) The aforesaid Royal Decree No. 39/82 shall be repealed and all that contravenes this Decree and the attached law or contradicts their provisions shall also be repealed.

Article (3) This Decree shall be published in the official gazette and shall come into force with effect from the day following its date of publication .

Issued on: 26th of Dhul-Qida 1432 AH

CT: 24th of October 2011 AD

Qaboos bin Said

Sultan of Oman

The Protection of Public Fund and
Avoidance of Conflict of Interest Law

Article (1) In the application of the provisions of this Law, the following terms shall have the meanings ascribed to them as under, unless the context otherwise dictates:

Units of the State Administrative Apparatus

The Council of Ministers, the Ministries and all their administrative and technical bodies, the specialized councils, the public authorities and establishments, other public juridical persons, or any administrative unit that derives its authority from the State.

Public Funds

All moveable and immovable assets whether they are privately or publicly owned by the State or any of the units of State Administrative Apparatus or the companies in which the government holds more than (40 %) of its shareholding and the private funds managed or supervised by these units, such as the endowment, zakat and funds of the orphan and the minor.

Government Official

Every person that holds a governmental position or holds a job, either permanently or temporarily in any of the units of State Administrative Apparatus, with or without remuneration; the government officials include the members of Majlis Oman, representatives of the government in the companies, and the employees of the companies fully owned by the government or in which the government has more than (40%) of its capital.

Benefit

The consideration received by the government official, whatever its form may be, and whether obtained directly or indirectly.

Article (2) The funds allocated to public interest as per the law, a royal decree, a decision from the Minister in charge of Financial Affairs or whoever discharges his functions and prerogatives or by action shall be considered as publicly owned funds.
The allocation of public funds for public interest by action shall be through State's allotment and preparation thereof.

Article (3) The funds not allocated to public interest or whose allocation in this regard has expired, shall be considered as privately owned funds.

Article (4) The public funds are inviolable and must be protected and shall not be disposed of in any manner except according to the provisions of the law. They shall not be seized or transgressed. They shall not be owned or any real right be acquired thereon by prescription. Any disposal in violation of the above shall be invalid and any breach of the public funds shall be removed by following the administrative procedure.

Article (5) The government official shall prevent any misuse of public funds and shall immediately inform the concerned authorities of any proven violations against public funds.

Article (6) The units of State Administrative Apparatus under the supervision of the government official shall not deal with any company or establishment in which he has an interest, whether directly or indirectly.

Article (7) Every government official shall be prohibited from using his position or work for realising an advantage for himself or for others or using his influence to facilitate others to obtain a benefit or preferential treatment.

It is also prohibited for the government official to conclude any transaction that would affect or lead to waste of public funds.

Article (8) The government official shall be prohibited from assuming the role of a broker, agent, or sponsor to any company or establishment whose activities are related to his employer. Among the prohibited brokerage activities shall be his assistance to others for the purpose of facilitating the company or establishment to obtain the approval of the government.

Article (9) The government official shall not use the public funds for personal purposes or in any way other than the purposes to which they are allocated.

Article (10) The government official shall be prohibited from combining his position or work, whether temporary or permanent, with any other work in the private sector related to his position or work, except after obtaining a permission from the Council of Ministers, if he is a Minister or of the same rank, an Undersecretary or of the same rank, and from the concerned minister or Chairman of the organisation/ establishment for other government officials.

Every government official that obtained such permission shall submit an annual disclosure to State Audit Institution as per the form prescribed by the Institution for that purpose.

This disclosure shall contain all the transactions with the governmental units and the establishments in which the government owns more than (40%) of the share capital.

Article (11) No government official or his minor children shall be allowed to have a share in any company, establishment, or business that aims to make profit, which is directly associated with his work.

The shares acquired before the provisions of this Law come into force shall be excluded.

Article (12) The government official shall be obliged to submit financial declaration to the State Audit Institution as per the form prescribed for that purpose. The financial declaration shall contain all movable and immovable possessions as well as those possessed by spouses and minor children along with the source of such ownership. The declaration shall be submitted upon the request of the Chairman of the State Audit Institution, when such necessity warrants. The declarations shall be confidential and none shall have access thereto without the approval of the Chairman of the Institution.

Article (13) The government official shall be required not to disclose confident issues he may come to know because of his position or work, whether they are confidential by nature or by instructions designating them as such. This prohibition continues even after the end of service.

Article (14) Without prejudice to any harsher penalty in Omani Penal Law or any other law, the offences set forth in this Law shall be punishable by the penalties stipulated therein.

Article (15) Whoever violates the provisions of Articles (4, 5, 8, 9, 10 and 12) of this Law shall be punishable by imprisonment of not less than six months and not exceeding two years.

Article (16) Whoever violates the provisions of Article (7) of this Law shall be punishable by imprisonment of not less than one year and not exceeding three years.

Article (17) Whoever violates the provisions of clause (1) of Article (11) of this Law shall be punishable by imprisonment of not less than three months and not exceeding a year.

Article (18) In all the cases contemplated in Articles (15, 16 and 17) of this law, the government official shall be removed from his position or work and all funds obtained in violation of the provisions of this Law shall be confiscated.