

Sultanate Decree
No. 2004/95
For the issuance of Law of the Private Facilities for Radio and Television

We Qaboos bin Said, the Sultan of Oman

After having reviewed the Basic Statute of the State issued under the Sultanate Decree No. 69/101.

And Printing and Publication Law issued under the Sultanate Decree No. 84/49.

And the Censorship Law on the Artistic Works issued under the Sultanate Decree No. 97/65 and its amendments.

And Telecommunication Regulatory Law issued under the Sultanate Decree No. 2002/30

And as required by the public interest:

We resolved the following:

Article (One): The Provisions of the attached Law on Private Facilities for Radio and Television shall be applied.

Article (Two): Without prejudice to the Provisions of Printing and Publication Law and Telecommunications Regulatory Law referred to herein, all matters that contravene with this Law or contradict its provisions shall be cancelled.

Article (Three): The Minister of Information shall issue the Executive Regulation of this Law.

Article (Four): This Decree shall be published in the Official Gazette and shall come into effect as of the date of its publication.

Qaboos bin Said
Sultan of Oman

Issued on: Jumada Al -Thani 23rd, 1425 H
Corresponding to: August 10th, 2004 G

Law of the Private Facilities for Radio and Television

Chapter One

Definitions and General Provisions

Article (1): In the application of the Provisions of this Law, the following words and expressions shall have the meaning specified to each of them, unless the context requires otherwise:

- 1. Law:** Law of the Private Facilities for Radio and Television.
- 2. Committee:** Committee of Private Facilities of Radio and Television
- 3. Facility:** The company that is given the authorization to establish, manage and operate a Radio and Television broadcasting system.
- 4. Service:** Radio or Television broadcasting service provided by facilities owned by the private sector via radio and television broadcasting means.
- 5. Programs:** A product with a goal that includes the service elements provided by the radio and television facility.
- 6. Radio Broadcast:** Means radio broadcast or sound transmission by electromagnetic waves or any other means to allow persons to receive it.
- 7. Television Broadcast:** Means broadcast or visual transmission by electromagnetic waves or any other means whether together with sound or not, to allow persons to receive it.
- 8. Channel:** The frequency margin operated by a television broadcast device for television broadcasting.
- 9. Wave:** The frequency margin operated by a radio broadcast device for radio broadcasting.
- 10. Radio or Television Broadcasting Device:** All types of movable or immovable broadcast devices, or devices of transmission, amplification, networks on the ground, in space or other broadcast equipment that allow the follow up of radio or television broadcast.

Article (2): Creation and operation of a private radio and television broadcasting facility may be licensed in accordance with the Provisions of this Law.

Article (3): Private radio and television broadcasting facility's employees are subject to the Printing and Publication Law regarding their professional performance.

Article (4): The artistic works that are imported or produced for the purpose of radio and television broadcast in the internal censorship facility shall be excluded from the censorship law on the artistic works in accordance with the substantive rules for censorship on the artistic work applied in the Sultanate. Importation or production of the artistic works that harm the public order, public morals or the supreme interests of the State is banned.

Article (5): The facility shall be responsible for any mistake in the exercise of its activities, any violation to the Provision of this Law or any other laws in force in the Sultanate.

Article (6): The facility shall appoint a manager to represent it before the courts and third parties, the manager so appointed shall have experience in the field of radio and television work, legally qualified, dedicated for work, has not been convicted in a felony or misdemeanor affecting honor and honesty unless he has been rehabilitated.

Article (7): The facility shall maintain a sound record for the radio and a visual record for the television about all the programs broadcasted for a period of three months.

Article (8): The facility shall correct every error in published news, information or fact on the day following the discovery of the truth, or at the request of the concerned natural or legal

persons, and the facility shall broadcast the correction on the same time span and within technical conditions not less than that in which the matter of the response was broadcasted and in a manner that guarantee a similar audience, and the committee may request the facility to broadcast the correction where the matter is related to the public interest.

Article (9): The right of reply and correction mentioned in the preceding Article is exercised in line with the provisions of reply and correction stipulated for in Printing and Publication Law.

Article (10): The employee who are appointed under a decision by the Minister of Justice in agreement with the Minister of Information shall have the capacity of judicial control in respect of violations of this Law and its Executive Regulations, and the judicial control officers shall have the right to supervise and inspect the facility's registers, documents and work systems in order to verify the compliance with the Provisions of this Law, Executive Regulations and Decisions.

Chapter Two

Committee of Private Facilities of Radio and Television

Article (11): A committee to be created (Committee of Private Facilities or Radio and Television) and shall be located in the city of Muscat.

Article (12): The committee shall consist of:

- Deputy Minister of Information, President
- Undersecretary of the Ministry of Heritage and Culture for Cultural Affairs, Vice President.

And membership of:

- Deputy Minister of Tourism.
- Undersecretary of the Ministry of Transport and Communications.
- Chairman of Oman Chamber of Commerce and Industry.
- Two members of the public figures to be nominated by the Minister of Information and appointed under a Resolution by the Council of Ministers. The term of their membership is four renewable years.

Article (13): The committee shall have the following competencies:

1. Creating the general framework for information policies that the facility is required to adhere to in order to meet the needs of society and its main elements.
2. To approve licensing the facilities of radio and television, provision of radio and television service after the study of the applications and the verification of their compliance with the prescribed conditions.
3. To follow up the facility's implementation of the content of the license and to ensure the compliance with it.
4. Approving any changes to the facility and the services stated in the license.
5. To cease radio or television broadcast under a reasoned decision in case of the facility's violation of this Law for a period that does not exceed three days.
6. Refer the violation committed by the facility to the judiciary, if necessary.

Article (14): The meeting of the committee shall be valid in case of the presence of the chairman or his deputy and the majority of the members, their decisions are made with the absolute majority of the attendees, and in case of equal voting, the side that contains the President shall prevail.

The decisions of the committee shall not be effective until after their approval by the Minister of Information.

Article (15): The meetings of the committee shall be held periodically every three months,

and the committee may, whenever necessary, hold extraordinary meetings.

Article (16): The public figures' members of the committee shall be paid for every attended meeting an allowance to be decided by the Council of Ministers.

Article (17): Members of the committee are not allowed to absent themselves from attending meetings without an acceptable excuse. The absence of a public figures' member for two consecutive ordinary meetings without excuse shall be regarded as resignation.

Article (18): The committee shall have a secretariat in order to organize, coordinate and follow up its works.

Article (19): The committee may seek the help of technical, engineering, legal and administrative committees in addition to experts specialized in the field of information to study the license and provide advice in that regard.

Chapter Three

Conditions and Procedures of the License

Article (20): The establishment of radio and television facilities inside the Omani territory or in its territorial waters shall be subject to prior license.

Article (21): No person may install or use any radio or television broadcasting device without a license.

Article (22): The facility shall be incorporated as a closed joint stock company and shall be owned by Omanis, and it shall not be disposed of in any way except for Omanis.

Article (23): When the facility meets the conditions required for it to provide broadcast or television service, it shall apply for a license to the committee in accordance with the form prepared for that purpose, together with the documents specified by committee, stating the following:

1. Type of the radio or television service, place of broadcast, areas covered by the broadcast, the way of broadcast whether by ground, space or any other transmitters.
2. Targeted audience and the quality of programs to be broadcasted and their fields.
3. Number of broadcast hours, times of starting and ending, and the probable future adjustments.
4. An undertaking by the facility to implement the directives of the committee in order to meet the needs of the society and to strengthen its essentials.

Article (24): The following conditions shall be met for granting a license to establish, manage or operate the facility:

1. Manpower and other work requirements, fittings, equipment and studios.
2. Availability of channels and waves in line with the international agreements and Telecommunication Regulatory Law.
3. Technical specifications of broadcast equipment and transmission by channels and waves allocated to them according to the provisions of the Telecommunications Regulatory Law.
4. Ensuring the solvency of the applicants for the license.
5. An undertaking by the facility to employ the largest number of the Omanis within its technical and administrative staff.

Article (25): The committee shall decide the application within a period not exceeding four months from the complete application submitting together with the attachments to the secretariat of the committee.

Article (26): The priority of obtaining the license shall be as per the precedence of submitting the complete application with all the required documents and conditions.

Article (27): In case of rejecting the application, the reason of rejection shall be stated.

Article (28): In case of license rejection, grievance shall be filed before the Minister of Information within a period not exceeding thirty days from the date of informing the concerned party. The grievance shall be decided within three months from the date of filing the grievance.

Article (29): The term of the license is ten years renewable, based on a request submitted to the committee at least one year before the end of the period.

Article (30): The licensed facility shall commence its service one from the date of license, the license may extend such a period for a period not exceeding one year at the request of the facility. The license shall be cancelled automatically after the expiration of that period.

Article (31): The facility may not make any amendments or additions to the data and services included in the license before obtaining the approval of the committee.

Article (32): It is not allowed to transfer the license to any other facility without obtaining the prior approval of the committee otherwise such a transfer shall be null and void.

Article (33): Upon the license renewal, the following shall be observed:

1. A percentage of the Omani technical personnel is operating is working for the facility as per the standards stipulated by the competent authorities in that regard.
2. License renewal priority will be given the facility which have greater local programs on the radio or television map, in addition to allocating a time span to the programs that meet the needs of society and respect its national and developmental trends.

Article (34): If the service is stopped for an unacceptable reason for a period of six months, consecutive or sporadic, during one year, the license shall be cancelled.

Chapter Four

Article (35): Classification of Radio and Television Facilities

Article (35): Radio and Television Facilities are classified as follows:

1. Radio and television facilities whose broadcast covers all the areas of the Sultanate.
2. Radio and television facilities whose broadcast covers some areas of the Sultanate.
3. Radio and television facilities whose programs are encrypted and can be seen by the subscribers only.
4. Radio and television facilities that adopt the satellite broadcast that goes beyond the Omani borders.
5. Radio and television facilities that transmit on behalf of overseas stations in agreement with them and re-broadcast in the Omani or regional borders as they are or after making the necessary amendments thereto.

Article (36): Radio and television facilities are classified in terms of their material as follows:

1. Public service facilities: Whose scope covers all radio and television programs without specialization in any of them.
2. Specialized service facilities: Specialized in programs or materials that do not go beyond them such as news, sports, movies or otherwise.
3. In all circumstances, the Arabic or English language shall be used in broadcasting any of the two services, and other languages may be licensed with the approval of the Council of Ministers.

Chapter Five (Financial Fees)

Article (37): The committee shall, in coordination with the Ministry of Finance, specify the facility license fee, radio or television service as per its classification mentioned in Chapter Four of this Law, the secretariat of the committee collects the fee upon approving the

application.

Article (38): The Executive Regulations shall specify a percentage out of the price of the advertisement to be paid every three months to the secretariat of the committee within ten days following that period, such percentage shall not exceed 10% of the advertising price.

Article (39): The competent authority shall specify the radio license fee for every wave or channel, and will be collected under the Telecommunication Regulation Law.

Article (40): Financial fees due from the facilities whose headquarters are outside the governorate of Muscat will be reduced by 25%.

Article (41): All the financial fees of license in addition to the percentage collected from the advertisements shall be transferred to the General Treasury. A percentage of such revenues may be allocated for participation in the development of the facilities of radio and television in coordination between the Ministries of Information and Finance.

Article (42): The license shall take effect as of the date of payment of the license fee by the facility.

Article (43): In case of the facility's failure to pay the percentage of the advertisement, it will bear 0.1% interest for each day of delay up to maximum 10% of the due amount. But, if the delay exceeds three months, the committee may cancel the license and commit the facility to pay the due accumulated amount.

Chapter Six (Penalties)

Article (44): Without prejudice to any tougher penalty stipulated in the Penal Code or any other law that punish whoever violates the provisions of Articles (4, 21) by a fine not exceeding Omani Riyal fifty thousand, in addition to the confiscation of the devices and equipment used or being installed.

Article (45): A person who violates the provisions of the two Articles (31, 32) will be punished by a fine not exceeding Omani Riyal ten thousand, and in case of repetition, the radio or television broadcast may be stopped for a period not exceeding twenty days or the cancelation of the license. The same penalty will be inflicted on whoever violates the provisions of the classification referred to in the two Articles (35, 36).

Article (46): The penalties stipulated for in the Printing and Publication Law shall apply to whoever commits publication crimes in the facility.

Article (47): A person who violates the provisions of Article (7) will be punished by a fine not exceeding Omani Riyal five thousand, and to be doubled in case of repetition.

Article (48): A person who violates the provisions of Article (8) will be punished by the penalties stipulated for in the Printing and Publication Law.

