



Ministerial Decision

No.75/2020

Promulgating the Marine Casualty Investigation Regulation

Based on the Maritime Law issued by Royal Decree No. 35/81,

Law on Regulating Navigation in Regional Territorial Waters issued by Royal Decree No. 98/81,

Royal Decree No. 60/84 on the Accession of the Sultanate of Oman to Two International Conventions for Regulations of Preventing Collisions at Sea and for Safety of Life at Sea,

And in pursuance of public interest,

The following has been resolved

Article (I)

The provisions of the attached Regulation shall apply to the marine casualties and incidents investigation.

Article (II)

All provisions that violate or conflict with the attached Regulation shall be abolished.

Article (III)

This Decision shall be published in the Official Gazette and shall come into force on the day following the date of its publication.

Signed by

Eng. / Saeed bin Hamoud bin Saeed al Maawali

Minister of Transport, Communications and Information Technology

Issued on: 9 Safar 1442 H

Corresponding to: 27 September 2020



Marine Casualty Investigation Regulation

Article (1)

In the application of the provisions of this Regulation, the following words and expressions shall have the meaning assigned thereto unless the context otherwise requires:

Maritime Authority: The Directorate-General of Maritime Affairs (DGMA) at the Ministry of Transport, Communications and Information Technology or any entity entrusted with exercising its powers or authority.

Organization: International Maritime Organization (IMO) .

Ship: A self-propelled floating facility, normally navigable at sea, not less than twenty-four (24) meters in length, operating or intended for operation at sea, and the ship's appurtenances necessary for its utilization are considered part of it.

Port: Any commercial, industrial or tourist port, and the facilities included therein.

Marine Casualty: An event or a sequence of events associated with the operation of a ship stipulated in Article (5) of this Regulation.

Marine Incident: An event or sequence of events to which the description of a maritime casualty is not applied. It is related to the operation of the ship, and results in a situation that may endanger the safety of the ship, its occupants, any other person, the marine environment, or any port or facility.

Marine Casualty or Marine Incident Investigation: The process of publicly or privately investigating a marine casualty or marine incident, including collecting and analyzing information and drawing conclusions, including determining the circumstances and identifying the causes and factors contributing to the maritime casualty or incident, in addition to developing recommendations of safety when necessary in accordance with the requirements of safety and protection of the marine environment. It is aimed at raising the level of marine safety and preventing the occurrence of marine casualties and marine incidents.



Investigation Authority: Oman Transport Safety Bureau (OTSB) at the Ministry of Transport, Communications and Information Technology.

Marine Investigator: A person qualified and authorized to investigate a marine casualty or marine incident.

Article (2)

To prevent the occurrence of a marine casualty or marine incident and raise the level of marine safety, the Investigation Authority shall have the following powers:

- 1. Investigating the marine casualty or marine incident that occurs within the territorial waters of the Sultanate.**
2. Investigating a marine casualty or marine incident that occurs on the high seas with respect to Omani ships.
3. Cooperating with the competent authorities in other States in any investigation conducted thereby on marine casualties or incidents committed by an Omani ship in conjunction with a ship belonging to another State or in its maritime areas.

In all cases, the Investigation Authority may seek assistance from any specialized body to conduct the required investigation or participate therein.



Article (3)

Provisions of this Regulation shall not apply to warships and auxiliary ships belonging to military or security authorities, except in the event of a marine casualty or marine incident that occurs in the territorial waters of the Sultanate between a civilian ship and a military ship.

In this case, the investigation shall be undertaken by a joint team comprising an equal number of members from the Investigation Authority and military authorities, headed by a representative of the Investigation Authority.

Article (4)

The Investigation Authority shall develop a Procedure Manual in accordance with regulations issued by the Organization.

Article (5)

A marine casualty shall be investigated if it results in one of the following facts:

- 1 - Death, serious injury or loss of a person from the ship.
- 2 – Risking the ship or persons associated with its operation.
- 3 - Material damage to the ship.
- 4 - Loss or abandonment of the ship.
- 5 - The ship stranding, which leads to its inability to move, or its evacuation, or the ship being involved in a collision.
- 6 - Material damage to the port or any other facility or installation that may expose the ship or any other ship or any person to danger.
- 7 - Severe damage to the environment or the possibility of severe damage to the environment.



Article (6)

The ship's captain, owner, operator, agent, or any person who has knowledge of a marine casualty or marine incident shall notify the Investigation Authority immediately after its occurrence. In this case, they shall cooperate with the Investigation Authority to enable them to carry out their work and provide all necessary data and documents related to the marine casualty or marine incident. The marine casualty or marine incident report shall include the following data:

1. Name and flag state of the ship.
2. The ship's identification number with the Organization.
3. Ship's call sign.
4. Ship's cargo.
5. The location of the marine casualty or incident and the time of its occurrence.
6. Identifying the ships involved in the marine casualty or marine incident.
7. Type of marine casualty or marine incident.
8. A summary of the marine casualty or incident, including deaths, injuries and property damage, or severe damage to the environment.
9. A summary of the surrounding weather conditions at the time of the marine casualty or marine incident.
10. Any other information that may be necessary for the Investigation.

In all cases, reporting shall not be delayed for the lack of any of the data or documents that are stipulated in this Article.

Article (7)

Upon receiving the report of the marine casualty or incident, the Investigation Authority shall adapt the following procedures:

1. Reviewing the data contained in the report.



2. Recommending the formation of an investigation team according to the nature of the marine casualty or marine incident, if necessary.
3. Notifying all concerned parties of the commencement of an investigation of a maritime casualty or incident.
4. Notification of the flag State.

Article (8)

In order to investigate a marine casualty or incident, the marine investigator shall have the following powers:

1. Unrestricted access to the site of the marine casualty or marine incident, and other sites to which the investigation requires access.
2. Examining documents and records, and keeping those related to the investigation.
3. Summoning and Interviewing people.
4. Preventing the transfer of the ship, wreckage or cargo thereof from the location of the marine casualty or marine incident except with his approval.
5. Taking the necessary measures to preserve the ship, cargo and parts thereof, and transporting all or some of them, for conducting the necessary examinations.

The security authorities and all other concerned parties, each within its area of competence, shall take the necessary measures to facilitate the work of the marine investigator and cooperate with him concerning the instructions he issues that facilitate the performance of his job. In all cases, the investigation of a marine casualty or incident shall be independent of the investigations conducted by other authorities.



Article (9)

No part or content of the ship, its records, onboard recording devices, or recordings relating thereto may be concealed or removed unless authorized by the Investigation Authority. Investigation records, the content of bridge audio recordings, the visual content of any onboard recordings, voyage recordings, or recordings made after a marine casualty or incident may not be disclosed for purposes other than the investigation.

Article (10)

If new evidence emerges that could affect the outcome of the investigation, the Investigation Authority may reopen the investigation of a marine casualty or marine incident by a reasoned decision.

Article (11)

If the Investigation Authority finds that a marine casualty or incident constitutes a crime or suspected crime, it shall refer the matter to the competent authority in the Sultanate to take the necessary legal proceedings.

Article (12)

The Investigation Authority shall document the final reports of the investigation of the marine casualty or marine incident as follows:

- 1 - Sending copies of the draft final report of the marine casualty or marine incident investigation to the States concerned therewith, along with a request to include their comments on the draft report, if any. If the Investigation Authority receives any comments on the draft final report within (30) thirty days from the date of sending it,



those comments shall be included in the final investigation report if the Investigation Authority approves them.

- 2 - Sending copies of the final report of the marine casualty or marine incident investigation to the Organization and the States concerned with the marine casualty or incident.

Administrative Penalties

Article (13)

An administrative fine of (3,000) three thousand Omani riyals shall be imposed on anyone who violates the provisions of any of Articles (6, 9) of this Regulation.

Article (14)

An administrative fine of (1,000) one thousand Omani riyals shall be imposed on anyone who obstructs or hinders the work of the marine investigator during the investigation of a marine casualty or incident.

Article (15)

An administrative fine of (2,000) two thousand Omani riyals shall be imposed on any person who refrains from providing information for the benefit of the investigation, or who deliberately provides incorrect information.

Article (16)

An administrative fine of (3,000) three thousand Omani riyals shall be imposed on anyone who destroys evidence or deliberately alters its specifications.

In all cases, navigation licenses granted to ships may be revoked by the Maritime Authority.