

Mountaineering Expedition Regulation, 2059 (2002 A.D)

His Majesty's Government has made the following rules by exercising the power of Section 56 of the Tourism Act, 2035 B.S (1978 A.D).

1. Short title and commencement:

- (1) These rules may be called the "Mountaineering Expedition Regulation, 2059 B.S (2002 A.D.)
- (2) This regulation shall come into force at once.

2. Definition: In this Regulation, unless the subject or context otherwise requires,

- a) "Act" means the Tourism Act, 2035 B.S.(1978 A.D.)
- b) "Permit" means the mountaineering expedition permit to be given to the mountaineering expedition team for the climbing of the mountain as per this Regulation.
- c) "Ministry" means the Ministry of Culture, Tourism and civil Aviation.

3. Permit to be taken for the Mountaineering Expedition:

- (1) The mountaineering expedition team desire to take permit for the mountaineering expedition, shall submit an application to the Ministry in the format as prescribed in Schedule-1.
- (2) Upon receiving an application under sub rule (1), the Ministry may provide permit to the applicant after making necessary inquiry and, if it seems appropriate to provide permit, in the format as prescribed in Schedule - 2 after taking the royalty pursuant to Rule 4.
Provided that the permit shall not be provided to that person who is under the age of 16.
- (3) Notwithstanding anything contained in sub rule (2), the preliminary mountaineering expedition permit may be provided to the applicant in the format as prescribed in schedule-3, if any mountaineering expedition team shall pay the five percent royalty amount for the Mount Everest mountain and ten percent royalty amount for other mountains and if it is make appropriate to provide permit.
- (4) The Ministry shall provide permit as per sub rule (2) to the mountaineering expedition team having the preliminary mountaineering expedition permit pursuant to sub rule (3) after paying the rest of royalty amount pursuant to Rule 4.

Provided that the Ministry shall provide permit to the applicant if the mountaineering expedition team having the preliminary mountaineering expedition permit except to those mountains having the height of less than 7000 meter and the mountain pursuant to clause (a) and (b) of sub rule (1) of Rule 32, desiring for any alteration or change in it's mountaineering expedition team, after ten days of application.

- (5) The mountaineering expedition team, having the permit pursuant to sub rule (2) and (4) shall take briefing of the Ministry relating to the mountaineering expedition, before departure for the mountaineering expedition.

4. Period and Royalty for the Mountaineering Expedition:

- (1) The royalty for the mountaineering expedition team for mountaineering expedition shall be as prescribed in schedule-4.
- (2) The mountaineering expedition team having the preliminary mountaineering expedition permit shall have to pay the rest of the royalty within one year of such permit.
- (3) The preliminary mountaineering expedition permit of any mountaineering expedition team shall be cancelled if the rest of the royalty shall not be paid within the time frame pursuant to sub rule (2).

5. Delaying of Mountaineering Expedition Program and Change of Mountain:

- (1) The mountaineering expedition team shall submit an application to the Ministry, before the commencement of the mountaineering expedition program including the time frame and program of the mountaineering expedition or ascertaining the mountain in a case it wants to change the mountain if any mountaineering expedition team wants to postpone the mountaineering expedition program or wants to change the mountain as prescribed in the permit.
- (2) The Ministry may provide permit for delaying the program up to two years to that mountaineering expedition team who desires to delay the mountaineering expedition program pursuant to sub rule (1).
- (3) The Ministry shall provide permit to change the mountain after receiving the extra royalty from the mountaineering expedition team for the change of mountain if the royalty so needed to such mountain pursuant to sub rule (1) Provided that the royalty amount paid to earlier is higher than the changed mountain such different amount shall not be returned.

6. Terms and conditions to be fulfilled by a Mountaineering expedition team: The mountaineering expedition team that has obtained a mountaineering expedition permit shall comply with the following terms and conditions:

- (a) The team shall confine its activities only in the mountain for which a permit has been obtained.
- (b) The team shall not indulge in any activity that may be a contrary to the customs and religious, social or cultural traditions of the local people of that area.
- (c) The team shall set up the various camps in its route to the base camp as far as possible at such place that may be acceptable to the local people or as prescribed by His Majesty's Government.
 - (a) The team shall not carry any arms, ammunition and explosives etc. other than those permitted by His Majesty's Government.
 - (b) The team shall not indulge itself in any activity, which is or may be likely to affect adversely to the security and reputation of the Kingdom of Nepal.
 - (c) The team shall not use any means of communication other than those approved for the purpose.
 - (d) The team shall not damage or destroy any tree, shrub, other forest, heritage or environment existing in the adjoining area or on the route of its mountaineering expedition.
 - (e) The team shall submit all the rare and historical objects, which may be found by it during the continuation of mountaineering expedition to the liaison officer.
 - (f) The team shall work for non-polluting as prescribed by His Majesty's Government.
 - (g) The team shall inform daily about the condition and program of mountaineering expedition to the liaison officer.
 - (h) The Mountaineering expedition team having a permit for the mountaineering expedition of mountain adjoining the international boarder of the Kingdom of Nepal with other foreign state shall not violate the international boarder.

7. Approval to import the means of Communication: His Majesty's Government may provide approval, to import two satellite telephone, twelve walkie-talkies, two wireless having the capacity to communicate between the base camp and Kathmandu and wireless having the capacity to communicate between the base camp and nearest police station or the place having the telecom facility for temporary use, in a condition to bring back to home country after the program, to the mountaineering expedition team having the permit.

- 8. Criteria for the designation of Liaison Officer:** His Majesty's Government shall designate liaison officer among the Gazette third class officer or same level of the Royal Nepal Army and Nepal police or Non- Gazette first class or above class officer of the civil service or officer level employee of the institution having the sole authority of His Majesty's Government as working in the institution of His Majesty's Government at least since last one year, on the following criteria.
- (a) Having basic training related to mountaineering expedition.
 - (b) Having educational qualification of Bachelor's degree or same level with compulsory English.
 - (c) Having submitted the medical report certified by the registered physician of the recognized by His Majesty's Government that one is able to visit the mountain range.
 - (d) Having the knowledge of language to communicate with the mountaineering expedition team.
- 9. Functions, Duties and Rights of Liaison Officer:**
- The functions, duties and rights of liaison officer shall be as follows, -
- (a) To try to solve problem which may be caused to the Mountaineering expedition team.
 - (b) To inspect or monitor the weight of load that the worker involved with the Mountaineering expedition team may carry out.
 - (c) To stay in the base camp during the mountaineering expedition program.
 - (d) To communicate the progress of mountaineering expedition and to inform the message of accident if any happened by the fastest mean to the Ministry.
 - (e) To make efforts not to happen any conflict or dispute keeping in discipline to the headman, mountain guide and worker.
 - (f) To try to settle down the conflict or any other undesirable incident between any member of the mountaineering expedition team and local people or headman, guide or worker as well as to initiate for necessary action with the help of nearest Police post, District Administration Office or Local Bodies if it is not possible to settle down the case by him/herself.
 - (g) To carry out or initiate to carry the necessary work relating to environmental cleanness and garbage management.
 - (h) To prohibit the team or its members from indulging in any unauthorized mountaineering expedition and to notify such incident to the Ministry immediately.
 - (i) To send its report to the Ministry as soon as possible in the event of loss of walkie-talkies, wireless sets, and other equipment used by the mountaineering expedition team or in the event of death or disabilities cause to a member of the mountaineering expedition team, headman, guide, or worker due to an accident or in the event of commission or likely to commission any serious crime.
 - (j) To conduct as an interpreter for the member of the mountaineering expedition team and other person with them.
 - (k) To advise the leader of the mountaineering expedition team about the selection of place for mountaineering camp.
 - (l) To send the list of the worker and other person involved in the mountaineering expedition team after certifying by the leader.
 - (m) To receive the rare and historical objects, which may be found by the mountaineering expedition team and handed safely in the place as, prescribed by His Majesty's Government.
 - (n) To function as per the instruction of the Ministry.
- 10. Facility to be provided to the Liaison Officer:** The facility to be given to the liaison officer by the mountaineering expedition team shall be as prescribed in Schedule-5.

- 11. Facility may be Returned:** The Ministry may cancel travel order and may cause to return the facilities received as per this Regulation by the liaison officer, if he/she do not accompany with the mountaineering expedition team.
- 12 Not make Discourage:** The mountaineering expedition team and institution arranging of mountaineering expedition shall not discourage to liaison officer to go with the mountaineering expedition team.
- 13 Functions and duties of a Headman:** The functions and duties of a headman shall be as follows:
- (a) To work coordinating with the liaison officer,
 - (b) To work in the collective interest of mountain guide, high altitude worker, base camp worker and local worker.
 - (c) To protect from any damage or loss of commodity of the mountaineering expedition team by the negligence of the worker.
 - (d) To render necessary advice to the members of the mountaineering expedition team to climb in a safe and easy manner.
 - (e) To manage to supply the food and equipment to the camp in appropriate time.
 - (f) To help to rescue the liaison officer, any member of the mountaineering expedition team, mountain guide or high altitude worker, base camp worker or local worker if they have to face any problem.
 - (g) To carry or cause to carry out the necessary work relating to environment cleanness or garbage management as prescribed by this Regulation and as determined by the Ministry.
 - (h) To function as instructed by the Ministry or liaison officer.
- 14. Qualification and standard of the Headman may specify:** His Majesty's Government may specify the qualification and standard of the headman by a notification published in the Nepal Gazette.
- 15. Functions and Duties of a Mountain Guide:** The functions and duties of a mountain guide shall be as follows,-
- (a) To work coordinating with the headman.
 - (b) To make necessary arrangement not to happen any against damage or loss of the equipment of the team due to the negligence of the workers.
 - (c) To guide the mountaineering expedition team to climb only through the approved route.
 - (d) To establish contact with the liaison officer and to work in accordance with his/her order in a case if it is necessary to change the routes of the mountaineering expedition due to any reason above the base camp.
 - (e) To render necessary advice to the headman, or any member of the team in relation to safe and easy climbing.
 - (f) To help to rescue the liaison officer, any member of the mountaineering expedition team, headman, high altitude worker, base camp worker or local worker if they have to face any problem.
 - (g) To bring back the garbage that came out above the base camp while using any commodity to the base camp compulsorily.
 - (h) To function as instructed by the Ministry, liaison officer and headman.
- 16. Facilities to be provided to Headman, Mountain Guide, High Altitude worker, Base camp worker and Local worker:** The facilities to be given by the mountaineering expedition team to headman, mountain guide, high altitude worker, base camp worker and local worker shall be as prescribed in Schedule - 6.

17. Submission of Will: Liaison officer, headman, mountain guide, high altitude worker and base camp worker shall have to prepare three copies of the will in the format as prescribed in schedule - 7 prior to their departure for mountaineering expedition and shall submit, one copy each to the agency or office of their employment, Mountaineering Association and Ministry.

18 To have a Contract: The mountaineering expedition team or the institution arranging for the mountaineering expedition shall enter into a contract with headman, mountain guide, high altitude worker and base camp worker before engaging them in the work pursuant to Schedule - 8.

19 Provision relating to personnel accident insurance and compensation:

(1) The mountaineering expedition team shall insure, from the insurance company as recognized by His Majesty's Government, of the liaison officer, headman, mountain guide, high altitude worker and base camp worker of their personal accident not less than following amount so as to cover the duration from the date of departure for mountaineering expedition until the date of return after completion of the mountaineering expedition,-

(a) For liaison officer - Six hundred -Thousand rupees.

(b) For headman and mountain guide - Five hundred thousand rupees.

(c) For the high altitude worker - Four hundred thousand rupees.

(d) For the base camp worker - Three hundred and fifty thousand rupees.

(2) The mountaineering expedition team shall insure the local worker not less than two hundred fifty thousand rupees pursuant to sub rule (1).

(3) The responsibility to make available the insurance or compensation amount pursuant to sub rule (1) and (2) and sub section (2) and (3) of section 25 of the Act to the concerned person or his/her successor shall lie on the concerned mountaineering expedition team or on such institution arranging the mountaineering expedition.

(4) The mountaineering expedition team or insurance company shall deposit the insurance or compensation amount at the Ministry if the person found minor to receive the amount pursuant to sub rule (1) and (2) and sub section (2) and (3) of Section 25 of the Act and the Ministry shall make appropriate management of his/her care until he /she become adult.

(5) The Mountaineering expedition team shall make medical insurance, at least 50000. Rupees from the insurance company recognized by His Majesty's Government, of the liaison officer, headman, mountain guide, high altitude worker, base camp worker and local worker for their minor injuries in an accident.

20. Insurance shall be made for Emergency Rescue: The mountaineering expedition team shall make insurance for the purpose of Section 29 of the Act, from an insurance company recognized by His Majesty's Government of the amount as prescribed by the Ministry.

21. Opportunity to be Provided for Climbing: The mountaineering expedition team shall provide an opportunity to reach the concerned mountain peak to the headman, mountain guide, high altitude worker if they are accompanied with the mountaineering expedition team up to the last camp.

22. Weight of the Load:

(1) The mountaineering expedition team shall not allow any local worker to carry a load of more than thirty K.G.

(2) The Mountaineering expedition team shall not allow to carry a load to a worker climbing high altitude not exceeding the following weight in the following altitude:-

(a) For the altitude from 5000 to 6000 meters Twenty K.G

(b) For the altitude from 6001 to 7000 meters - Seventeen K.G.

(c) For the altitude from 7001 to 8000 meters - Fourteen K.G.

(d) For the altitude of more than 8000 meters -Twelve K.G.

- (3) Notwithstanding anything contained in sub rule (1) and (2), it may be allowed to carry up to extra five kg. Weight upon mutual consent between liaison officer, leader of the mountaineering expedition team and the worker in a special situation.

23. Liabilities and Responsibilities of the Leader of the Mountaineering expedition team: The liabilities and responsibilities of the leader of the mountaineering expedition team shall be as follows,-

- (a) To make arrangement of good fooding and lodging for the liaison officer, headman, mountain guide, high altitude worker, base camp worker and local worker.
- (b) To make payment of any dues or compensation to be paid under this regulation.
- (c) To manage garbage produced in the caravan route, base camp and above the base camp as per this Regulation.
- (d) To carry or carried out as the instruction of the Ministry and liaison officer and the terms as specified by this Regulation.

24. Broadcasting of News Relating to Mountaineering Expedition: The mountaineering expedition team shall provide all the news relating to mountaineering expedition through the liaison officer to His Majesty's Government.

25. Restriction on Sale of the of Commodity: The mountaineering expedition team shall neither sell nor transfer the ownership of the commodity without the approval of His Majesty's government which was imported under this Regulation or any prevailing law upon getting exemption on custom duties.

26. Amount shall be deposited:

- (1) The mountaineering expedition team shall deposit the amount pursuant to Schedule-9 to the Ministry for the garbage management before the briefing related to mountaineering expedition pursuant to sub rule (5) of Rule 3.
- (2) The amount as deposited pursuant to sub rule (1) shall be returned only after the submission of evidence of garbage management as per this Regulation.

27. Classification and Management of Garbage:

- (1) The garbage shall be classified for the purpose of garbage management used by the mountaineering expedition team as follows, -
 - (a) Garbage which can be destroyed
 - (b) Garbage which can be recycled
 - (c) Garbage which has to be re imported
- (2) The materials to be considered the garbage pursuant to sub rule (1) shall be as prescribed in Schedule –10.
- (3) The mountaineering expedition team shall destroy or dig and cover the garbage pursuant to clause (a) of sub rule (1) in this way that it would not adversely affect the public place in front of the institution or body if such institution or body has been prescribed by His Majesty's government to manage the garbage in the particular area or if such institution or body has not been prescribed the same shall be done in front of the liaison officer or representative of the concerned local body and if such liaison officer or representative of the local body is not available it shall be done in front of the headman.
- (4) The mountaineering expedition team shall bring the garbage pursuant to clause (b) of sub rule (1) in Kathmandu and shall hand over to in the institution or body as prescribed by His Majesty's Government.
- (5) The mountaineering expedition team shall bring back the garbage pursuant to clause (c) of sub rule (1) to own country.

28. To be Returned in the Base Camp:

- (1) The mountaineering expedition team shall return in the base camp within the following time frame from the date of departure from Kathmandu for mountaineering expedition, -
 - (a) Seventy five days for the mountain having more than 8,000 meter height,
 - (b) Sixty days for the 7000 to 8000 meter height mountain,
 - (c) Forty-five days for less than 7000-meter height mountain.
- (2) Notwithstanding anything contained in sub rule (1) not more than fifteen days may be added on the request of the concerned mountaineering expedition team other than the Khumbu, Annapurna and Manaslu Himalayan Range mountains.

29. Instruction may be given: The liaison officer may give necessary instruction to the member of the mountaineering expedition team, headman, worker concerned with mountaineering expedition program under the Act, this Regulation, other prevailing laws and instruction of the Ministry and it shall be the duty of the member of the mountaineering expedition team, headman and worker of the mountaineering expedition abide with such instruction.

30. Report Shall be submitted: Liaison Officer shall submit the report relating to mountaineering expedition in the Ministry within the fifteen days of the expiry of the mountaineering expedition program in the format as prescribed in Schedule –11.

31. Report, Book, Picture etc. relating to Mountaineering Expedition shall be submitted

- (1) The leader of the mountaineering expedition team shall submit the report relating to mountaineering expedition in the format as prescribed in schedule - 12 in the Ministry in the time of debriefing in person before departure from the Kingdom of Nepal.
- (2) The leader of mountaineering expedition team shall submit a detailed photographic report with a map of the route of the mountaineering expedition either in English or in Nepalese language to the Ministry within five months of the completion of the mountaineering expedition.
- (3) The mountaineering expedition team while presenting the report with photographs under sub rule (2) shall enclose the at least a copy of photograph of each of the concerned mountain pick taken from the climbing route, photographs taken from base camp and other camps and if the team member has taken photograph from the pick such photograph to the Ministry.
- (4) If any mountaineering expedition team publishes a book or booklet relating to such mountaineering expedition after completion of the mountaineering expedition, the team shall send two copies of such book or booklets to the Ministry.
- (5) If any mountaineering expedition team makes documentary film relating to its mountaineering expedition the team shall submit one copy of such film to the Ministry.

32. Royalty may be Exempted: Notwithstanding anything contained in this Regulation, His Majesty's Government may exempt full or partial royalty of the mountaineering expedition team under this Regulation by a notification published in the Nepal Gazette in the low pressure period for the mountaineering expedition of following mountain,-

- (a) Mountain in Low pressure,
- (b) Mountain situated in the area which is underdeveloped from the economic or social development point of view,
- (c) Mountain, which is technically easy and can be climbed in a short span of time.

Clarification: For the purpose of this Rule "low pressure period" means that period between 15 Jestha to 15 Bhadra (June to August) and first poush to Falgun 15 (Mid Dec. to Feb.)

(2) Notwithstanding anything contained in this Regulation, His Majesty's Government may fully or partially exempt royalty to be paid under this Rule by the Nepalese mountaineering expedition team or to be paid by the member of the Nepalese mountaineering expedition team joined in the foreign mountaineering expedition team, by a notification published in the Nepal Gazette.

32. Certificate to be Provided: The Ministry shall provide a certificate of mountaineering expedition to the mountaineering expedition team and the member of such team for successful mountaineering expedition in the format as prescribed in schedule - 13.

34. Officer entitled to punish: The Secretary of the Ministry shall be officer entitled to punish for the purpose of sub section (7) of Section 38 of the Act.

35. Printing and Using in English Language: The form and certificate under this Regulation may be printed or used in English Language as per necessity.

36. Alteration or change in the Schedule: His Majesty's Government may make alteration or change in the Schedule of this Regulation as per necessity by a notification published in the Nepal Gazette.

37. Repeal and saving:

(1) The Mountaineering Expedition Regulation, 2036 B.S. (1979 A.D) has been repealed.

(2) The function and procedure conducted or followed under The Mountaineering Expedition Regulation, 2037 B.S. (1979A.D) shall be considered as per this Regulation.

Schedule –1
(Relating to sub rule (1) of Rule 3)

Application to be submitted for mountaineering expedition

To,
The Ministry of Culture, Tourism and Civil Aviation

I hereby submit an application for permit including following details with a desire to climb the
..... Mountain, having height of situated in the kingdom of Nepal, from
20..... to

1. Name of the mountaineering expedition team:
2. Name, number and passport number of the mountaineering expedition team:
3. Leader of the mountaineering expedition team:
4. Mother- tongue of the team members of the mountaineering expedition team:
5. Name of the country of the member of the mountaineering expedition team:
6. Sponsor of the mountaineering expedition:
7. Purpose of the mountaineering expedition:
8. Name and height of the mountain to be climbed:
9. Caravan route for the mountaineering expedition:
10. Route of mountaineering expedition:
11. Time and duration of the mountaineering expedition:
12. Tentative number of headman, mountain Guide, high altitude worker, base camp worker and local worker:
13. Number of worker and other people going beyond the base camp:
14. Estimated expenditure and financial source of such mountaineering expedition:
15. Approximate weight of the equipment to be used and their number:
16. Medium of contact in Kathmandu:
17. Name and address of the Trekking Agency making necessary arrangement for the mountaineering expedition:
18. Means of transport for the mountaineering expedition equipment,
 - (a) Outside the Kingdom of Nepal:
 - (b) Within the Kingdom of Nepal:
19. Nature of means of communication to be used and their number:
20. Other Necessary details:

Applicants

Signature: -
Name: -
Address: -
Mailing Address: -
Office:-(Phone no., Fax, E-mail)
Residence (Phone no., Fax E mail)
Address for correspondence:
Date:

Document to be submitted with application: Map of the area where the mountain is situated