

Law No. 52-05 establishing the Highway Code

Reference: Dahir No. 1-10-07 of 26 Safar 1431 (11 February 2010) promulgating Law No. 52-05 establishing the Highway Code, as amended and supplemented in particular by Law No. 116-14

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Practice areas: Criminal law and business crime, Civil law, Administrative law

The Highway Code governs road traffic, the points-based driving licence, vehicles and their roadworthiness testing, and classifies traffic offences into minor offences (contraventions) and misdemeanours (délits). It establishes the fixed settlement fine, administrative penalties and the rules applicable to road accidents.

Points-based licence and penalties

- The driving licence carries a stock of points that is reduced for each recorded offence; once the points are exhausted, the licence is cancelled.
- Offences are classified into several classes of minor offences and into road traffic misdemeanours.
- The fixed settlement fine (amende transactionnelle et forfaitaire) extinguishes the public prosecution for certain minor offences, provided it is paid within the time allowed.

Road traffic misdemeanours

- Driving under the influence of alcohol or drugs, hit-and-run, driving without a licence or while disqualified.
- Involuntary manslaughter and involuntary injury caused by a driver, with aggravating circumstances.
- Penalties include imprisonment, fines, and suspension and withdrawal of the licence.

Accidents and compensation

The accident report drawn up by the police or the Royal Gendarmerie provides the basis for the compensation claim, which is governed by the Dahir of 2 October 1984 and the Insurance Code. Criminal liability and civil compensation follow separate rationales and may be tried together.

Points to watch

- Paying the fixed settlement fine amounts to admitting the offence and entails the deduction of points.
- Challenge the official report within the statutory time limit: once it has expired, the report is authoritative unless proven otherwise.
- Hit-and-run invariably worsens the criminal position and may deprive the driver of insurance cover.

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