

Code of Civil Procedure

Reference: Dahir having the force of law No. 1-74-447 of 11 Ramadan 1394 (28 September 1974) approving the text of the Code of Civil Procedure, as amended and supplemented (a recast, Bill No. 02-23, is being finalised)

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Practice areas: Civil law, Litigation, arbitration and mediation, Commercial law and debt recovery, Family law

The Code of Civil Procedure governs the commencement of proceedings, the jurisdiction of the courts, the preparation of cases, judgments, means of recourse (opposition, appeal, cassation, revision, third-party opposition), special procedures (summary proceedings, payment orders) and enforcement measures.

Jurisdiction

- The Court of First Instance is the court of general jurisdiction (Art. 18).
- Territorial jurisdiction: the court of the defendant's actual or elected domicile (Art. 27); special rules apply in matters of real property, inheritance, contracts and accidents (Art. 28).

Fast-track procedures

- Summary proceedings (référé): the President of the court rules urgently on interim measures without prejudice to the merits (Arts. 149 to 153).
- Payment order for monetary claims based on an instrument or an acknowledgement of debt (Arts. 155 to 165); opposition may be lodged within eight days.

Means of recourse

- Appeal within thirty days of service of the judgment (Art. 134); fifteen days for summary orders (Art. 153).
- Appeal to the Court of Cassation within thirty days of service (Art. 358) for breach of the law, lack of jurisdiction, excess of power, procedural defect or lack of reasoning (Art. 359).
- Revision (rétractation) (Art. 402) and third-party opposition (Art. 303).

Enforcement

- Prior service and formal demand; protective attachment, attachment and sale of movable and immovable property, and garnishment (Art. 428 et seq.).
- Exequatur of foreign judgments after review of jurisdiction, regularity and compliance with public policy (Arts. 430 and 431).

Key articles

ART. 1

Only those who have standing, capacity and an interest in asserting their rights may bring legal proceedings.

ART. 134

The time limit for appeal is thirty days. It runs from service of the judgment on the person or at the domicile.

ART. 149

In all cases of urgency, the President of the Court of First Instance, or the judge designated by the President for that purpose, has jurisdiction to order, in summary proceedings, any measures that do not encounter serious opposition or that are justified by the existence of a dispute.

Points to watch

- Time limits for appeals run from service of the judgment, not from its delivery: keep the bailiff's notice of service.
- Provisional enforcement is not automatic; request it in the initial petition where possible.
- A foreign judgment (divorce, award of damages) must be granted exequatur before any enforcement in Morocco.

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