

Dahir of 2 October 1984 on Compensation for Victims of Road Traffic Accidents

Reference: Dahir having the force of law No. 1-84-177 of 6 Muharram 1405 (2 October 1984) on compensation for victims of accidents caused by land motor vehicles

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Practice areas: Civil law, Criminal law and business crime

The 1984 Dahir establishes a special compensation scheme for victims of road traffic accidents: a statutory scale based on the victim's earnings and the minimum wage (SMIG), compensation for dependants in the event of death, an offer procedure by the insurer, and the involvement of the Road Accident Guarantee Fund where the driver is unknown or uninsured.

Scope and compensation scale

- The Dahir applies to bodily injury caused by a land motor vehicle, whether the claim is brought before the civil or the criminal courts.
- Compensation for permanent incapacity is calculated on the basis of the degree of incapacity, the victim's salary or income (subject to a ceiling) and an age-related coefficient.
- The dependants of a deceased victim (spouse, children, ascendants) are compensated according to statutory shares; non-pecuniary loss is assessed by reference to the minimum wage (SMIG).

Procedure

- The accident report drawn up by the police or gendarmerie and the medical expert assessment form the basis of the claim.
- The vehicle's insurer must make an offer of compensation; failing agreement, the Court of First Instance or the criminal court rules on the claim.
- Where liability is shared, compensation is reduced in proportion to the victim's fault.

Key articles

ART. 1

The provisions of this Dahir apply to compensation for damage resulting from bodily injury caused to persons by land motor vehicles and by their trailers and semi-trailers.

Points to watch

- Do not sign any compensation receipt before your injuries have stabilised and you have taken advice from a lawyer: the settlement is final.
- Limitation periods against the insurer are short (two years, Insurance Code); act quickly.
- Keep all evidence of income: the scale depends on proven earnings, failing which the minimum wage (SMIG) is used.

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