

Law No. 7-81 on Expropriation in the Public Interest and Temporary Occupation

Reference: Dahir No. 1-81-254 of 11 Rejeb 1402 (6 May 1982) promulgating Law No. 7-81

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Practice areas: Administrative law, Real estate and land law

Law 7-81 governs the procedure by which the State, local authorities or public institutions compulsorily acquire real property for a public-interest project, in return for fair and prior compensation, and organises the owner's recourse before the Administrative Court.

Procedure

- Declaration of public interest by decree, two-month administrative inquiry, transferability order designating the plots (Arts. 6 to 12).
- Attempt at an amicable agreement on compensation before the administrative valuation committee.
- Failing agreement, the administrative judge sets the compensation and orders the transfer of ownership (Art. 18 et seq.).

Compensation

- It covers the actual and certain loss caused by the expropriation, assessed as at the date of the decision (Art. 20).
- Increases in value resulting from the announcement of the project are excluded.
- Early taking of possession is possible after deposit of the provisional compensation (Art. 24).

Key articles

ART. 20

Expropriation compensation must cover the entire direct, material and certain loss caused by the expropriation; it may not extend to uncertain, contingent or indirect loss.

Points to watch

- Challenge the administrative valuation with an expert report: the compensation offered is frequently below market value.
- The owner may apply for annulment of the transferability order within the time limits for an application for excess of power.

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