Law No. 7-81 on expropriation in the public interest and temporary occupation

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

Practice areas: Administrative law, Real estate and land law

This is an unofficial explanatory note; only the Arabic text published in the Bulletin officiel is authoritative. Law No. 7-81 sets out the procedure by which public authorities may acquire private property for a public interest project in return for compensation. It provides for a public inquiry, an administrative valuation, an amicable stage and, failing agreement, a court decision.

Who this law applies to

The law concerns owners of land and buildings, holders of rights in rem, tenants and occupiers whose property is affected by a public project (road, public facility, urban development), as well as the State, local authorities and public bodies empowered to expropriate.

Key rules

- The public interest is declared by an administrative act identifying the area concerned; a transfer order (acte de cessibilité) then identifies the plots to be expropriated.
- An administrative inquiry allows those concerned to consult the project and submit observations.
- An administrative valuation committee proposes the amount of compensation; an amicable agreement may be reached on that basis.
- Failing agreement, the administrative court orders the transfer of ownership, authorises taking possession and sets the compensation.
- Compensation covers the actual, certain and direct loss caused by the expropriation, assessed according to the value of the property and disregarding speculative increases linked to the project.

Key deadlines and figures

- Check that the act has been published in the Bulletin officiel and posted at the local council.
- Submit your observations during the administrative inquiry.

- Gather evidence of rights and value (land title, leases, buildings, business use, comparable prices).
- Challenge the amount before the administrative court if the committee's offer appears insufficient.

What this means in practice

An owner generally cannot block a lawfully declared public interest project, but can negotiate the amount of compensation and check that the procedure was properly followed. A well-documented file on the property's value has a direct impact on the valuation.

Where the authorities occupy land without following the legal procedure, administrative case law treats this as unlawful occupation (voie de fait) and allows the owner to claim compensation in court.

Reforms and recent developments

Since Law No. 41-90, expropriation disputes have fallen within the jurisdiction of the administrative courts. Case law of the Court of Cassation and the administrative courts has gradually clarified the criteria for assessing compensation and the rules on unlawful occupation.

When to consult a lawyer

It is advisable to seek advice as soon as you learn of a project affecting your property, to follow the inquiry, prepare for discussions with the committee, analyse the offer and, where necessary, assist or represent the owner before the administrative court.

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