Law No. 41-90 establishing the administrative courts

Reference: Law No. 41-90 (Dahir No. 1-91-225 of 10 September 1993)

Practice areas: Administrative law

This is an unofficial explanatory note; only the Arabic text published in the Bulletin officiel is authoritative. Law No. 41-90 created the administrative courts, which hear disputes between individuals or businesses and public authorities. It governs applications to annul administrative decisions and liability claims against public bodies.

Who this law applies to

The law concerns any individual or legal entity in dispute with the State, a local authority or a public body: civil servants and public employees, taxpayers, public contractors, owners affected by expropriation, election candidates, and people harmed by a public service.

Key rules

- An application for annulment on grounds of abuse of power (recours pour excès de pouvoir) seeks the cancellation of an administrative decision for lack of competence, procedural defect, misuse of power, lack of reasons or breach of the law.
- The administrative courts hear claims for compensation for damage caused by the acts or activities of public bodies.
- They have jurisdiction over disputes on administrative contracts, tax, pensions and the individual situation of public employees, certain election disputes and expropriation.
- The application must be in writing and signed by a lawyer.
- Under certain conditions, the court may order a stay of execution of the contested decision or rule in summary proceedings.

Key deadlines and figures

- Application for annulment: sixty days from publication or notification of the decision.
- An administrative appeal (to the issuing authority or its superior) lodged within that period extends it; sixty days of silence from the authority counts as a rejection and opens a new sixty-day period.
- Judgments may be appealed to the administrative courts of appeal, created by Law No. 80-03.

- Liability claims are subject to limitation rules separate from the sixty-day period, to be checked case by case.

What this means in practice

When faced with an unfavourable decision (refusal of a permit, disciplinary sanction, tax reassessment, withdrawal of a licence), the sixty-day period is crucial: once it has expired, the decision generally becomes final.

The administrative courts are also the route to compensation where the authorities have caused harm, for instance by occupying land without following the proper procedure. Enforcing judgments against public bodies may require further steps.

Reforms and recent developments

The administrative courts of appeal were created by Law No. 80-03 to guarantee a two-tier system. Law No. 38-15 on judicial organisation, adopted in 2022, redefined the overall framework of the courts, including those specialised in administrative matters.

When to consult a lawyer

It is advisable to seek advice as soon as the contested decision is received, to preserve the time limit, choose between an administrative appeal and direct court action, gather documents and draft the application, which must be signed by a lawyer.

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