

Administrative Judiciary Act of 1996

Arrangement of Sections

Chapter I: Preliminary Provisions

1. Title.
2. Interpretation.

Chapter II: Constitutional Jurisdiction

(Sections 3 to 19 inclusive repealed)

Chapter III: Administrative Jurisdiction (Challenging Administrative Decisions)

20. Procedures for Filing an Appeal.
21. Time Limit for Filing an Appeal.
22. Stay of Execution of the Decision.
23. Conditions for Admissibility of the Appeal.
24. Adjudication of Claims for Compensation.
25. Procedures for Hearing Applications.
26. Appeals (Appeals to Higher Court).
27. Enforceability of Judgments.

Chapter IV: Rules

28. Rules.

Administrative Judiciary Act of 1996*

(March 14, 1996)

Chapter I: Preliminary Provisions

Section 1: Title

This Act may be cited as the "**Administrative Judiciary Act of 1996**".

Section 2: Interpretation

In this Act, unless the context otherwise requires:

- **"Supreme Court"**: Means the competent Supreme Court established under the provisions of the Judiciary Act of 1986.
- **"Administrative Circuit"**: Means the circuit designated for hearing administrative appeals within the Supreme Court.
- **"Competent Judge"**: Means the judge of the Supreme Court or the judge of the Court of Appeal designated to hear administrative appeals as a court of first instance.
- **"Administrative Decision"**: Means a decision issued by an administrative authority in its capacity as a public authority, intended to create a specific legal effect relating to a right or duty of any person or persons, including the refusal or failure of the administrative authority to take a decision that it was legally required to take.
- **"Appeal"**: Means any challenge submitted by an aggrieved party in accordance with the provisions of this Act, including the exercise of original, direct power conferred by a legal provision.

Chapter II: Constitutional Jurisdiction

(Sections 3 to 19 inclusive repealed)

Chapter III: Administrative Jurisdiction (Challenging Administrative Decisions)

Section 20: Procedures for Filing an Appeal

1. Every application to challenge an administrative decision issued by the President of the Republic, the Federal Council of Ministers, any federal minister, or a state minister shall be submitted by petition to a Supreme Court judge.
2. Every application to challenge an administrative decision issued by any other public authority not mentioned in paragraph (1) shall be submitted by petition to the judge of the competent Court of Appeal.
3. The petition referred to in paragraphs (1) and (2) above shall include—in addition to the general particulars required in a statement of claim—a statement identifying the challenged decision and the grounds for the challenge.
4. If the challenged decision is one against which a grievance (administrative appeal) may be submitted to the competent administrative authority, the petition must state the date of the grievance and its outcome.
5. A copy of the challenged decision shall be attached to the petition.

6. The administrative authority that issued the challenged decision shall deliver a copy of the decision to the appellant whenever requested to do so.

Section 21: Time Limit for Filing an Appeal

1. The time limit for filing an appeal is sixty days from the date of publication of the decision in the Official Gazette or in bulletins issued by state bodies, or from the date the party concerned was formally notified, whichever occurs earlier.
2. In cases where the law permits a grievance to be submitted to the competent administrative authority, the time limit shall commence from the date of the final determination of the grievance.
3. The failure of the administrative authority to decide on the grievance within thirty days from the date it was submitted shall be deemed a rejection of the grievance.

Section 22: Stay of Execution of the Decision

Filing an appeal in accordance with Section 20 shall not automatically suspend the execution of the challenged decision; however, upon application by the concerned party, the competent judge may order a stay of execution if it appears that the consequences of execution would be difficult to remedy or repair through financial or in-kind compensation, provided that staying execution does not cause harm to any party.

Section 23: Conditions for Admissibility of the Appeal

An appeal against an administrative decision shall be admissible if:

- **(a)** The applicant has a personal interest in the application.
- **(b)** The applicant has exhausted all administrative grievance channels available under the law.
- **(c)** The application is based on lack of jurisdiction by the authority that issued the decision, a procedural defect, a violation of laws or error in their application, or an abuse of power.

Section 24: Adjudication of Claims for Compensation

The competent judge shall adjudicate claims for compensation for damage resulting from administrative decisions, regardless of the amount claimed, whether raised as an independent principal claim or as an ancillary claim attached to an application for annulment of the administrative decision.

Section 25: Procedures for Hearing Applications

The procedures prescribed for filing, hearing, and deciding lawsuits shall apply to the filing, hearing, and determination of applications under this Act.

Section 26: Appeals

1. Decisions of the competent judge may be appealed to the Administrative Circuit within fifteen days from the date the appellant is notified of the decision, by filing a petition setting out the grounds and legal bases for the appeal.
2. The Administrative Circuit shall issue its decision on the appeal within one month from the date the appeal is submitted to it.
3. Appellate procedures prescribed under the Civil Procedure Act of 1983 shall be followed.

Section 27: Enforceability of Judgments

1. A judgment issued in an administrative appeal may annul the challenged decision, order the administrative authority to refrain from acting in a specific manner, declare a right, award compensation to the injured party, or compel the authority to take action, as the case may be.
2. A judgment issued in an administrative appeal or awarding compensation for damage resulting therefrom shall not be executed unless it becomes final following a determination on appeal or upon the expiration of the time limit for filing an appeal.
3. Rules issued pursuant to the provisions of this Act shall regulate the methods by which judgments issued in administrative appeals are executed.

Chapter IV: Rules

Section 28: Rules

The Rules Committee established under the provisions of the Civil Procedure Act of 1983 may issue the necessary rules to implement the provisions of this Act.

Footnotes & Statutory Annotations:

- **The Constitutional Court Act No. (13) of 1998 was enacted, impliedly repealing Chapter II relating to Constitutional Jurisdiction.**
1. Issued as Provisional Decree No. (7) of 1996; subsequently confirmed and enacted as Act No. (34) of 1996.
 2. Issued as Provisional Decree No. (19) of 1997; confirmed and enacted by resolution of the National Assembly at its 18th sitting on Feb 26, 1997 – Act No. (40) of 1974.

3. Sections 3 through 19 inclusive in Chapter II were repealed following the enactment of the Constitutional Court Act No. (13) of 1998.
4. Issued as Provisional Decree No. (19) of 1997; confirmed and enacted by resolution of the National Assembly at its 18th sitting on May 18, 1997.
5. Issued as Provisional Decree No. (19) of 1997; confirmed and enacted by resolution of the National Assembly at its 18th sitting on May 21, 1997.