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Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

16 December 1993;
15 June 1994;
6 April 1995;
28 September 1995;
21 December 1995;
23 May 1996;
29 January 1997;
1 October 1997;
14 October 1998;
15 October 1998;
11 November 1999;
8 November 2001;
31 October 2002;
19 June 2003;
4 December 2003;
17 March 2005;
22 September 2005;
28 September 2005;
23 February 2006;
2 November 2006;
8 November 2007;
3 April 2008;
14 November 2008;
12 December 2008;
30 April 2009.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Supreme Council of the
Republic of Latvia has adopted a Law:

On Judicial Power

Part I

General Provisions

Chapter I Judicial Power

Section 1. Judicial Power

- (1) An independent judicial power exists in the Republic of Latvia, alongside the legislative and the executive power.
- (2) Judicial power is implemented in conformity with the rule of law principles. A judge is independent and subject only to the law.

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(3) Judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, the Supreme Court and the Constitutional Court, but in state of emergencies or during war – also military courts.

(4) Each person has the right to have court cases tried in accordance with the rules of legal procedure prescribed by law.

(5) Special (extraordinary) courts, which do not observe the procedural norms prescribed by law and replace the courts referred to in Paragraph three of this Section, are not allowed and shall not be established.

[15 June 1994; 31 October 2002; 17 March 2005]

Section 2. Laws that Regulate Judicial Power

(1) This Law prescribes the structure of the courts of the Republic of Latvia.

(2) The principles and procedures for the adjudication of court cases shall be determined by the Constitution, the laws on civil procedure, criminal procedure and administrative procedure, as well as the Law On the Preservation and Utilisation of the Documents of the Former State Security Committee (SSC), and Establishing the Fact of Collaboration with the SSC by a Person.

(3) The functions of the Land Registry Office of Regional courts (hereinafter - Land Registry Office) shall be regulated by this Law and other laws which govern the registration of real property and the recording of rights associated therewith in Land Registers.

(4) The Constitutional Court Law regulates the functions of the Constitutional Court.

(5) The Military Courts Law shall regulate the activities of a military court.

[15 June 1994; 29 January 1997; 17 March 2005; 22 September 2005]

Section 3. Rights of a Person to be Protected by a Court

(1) A person has the right to court protection against threats to his or her life, health, personal freedom, honour, reputation, and property.

(2) Each person has a guaranteed right to have the rights and obligations of such person, or the validity of charges brought against him or her, determined on the basis of complete equality, by an independent and impartial court adjudicating the matter in open court and having regard to all the requirements of justice.

Section 4. Equality of Persons before the Law and the Court

(1) All persons are equal before the law and the court, and they have equal rights to the protection of the law.

(2) A court shall adjudge a trial irrespective of the origin, social and financial status, race or nationality, sex, education, language, attitude towards religion, type and nature of occupation, place of residence, or the political or other views of a person.

Section 5. Court Adjudication in Civil Matters

In civil matters, courts shall adjudge a trial, adjudicate and decide at sittings of the court matters concerning disputes, which are related to the protection of the civil rights, employment rights, family rights, and other rights and lawful interests of natural and legal persons.

Section 6. Court Adjudication in Criminal Matters

In criminal matters, courts shall adjudge a trial, adjudicate and decide at sittings of the court the validity of charges brought against persons, and either acquit persons who are not guilty, or find persons guilty of committing a criminal offence and impose punishment on them.

[22 September 2005]

Section 7. Court Adjudication in Administrative Matters

(1) In administrative matters, courts shall perform control over the activities of executive power, which relates to the rule of law and justification of concrete public law relations (administrative acts or the actual actions of institutions), as well as ascertain a persons public law duties or rights.

(2) In administrative violation matters, courts shall adjudge a trial, adjudicate and decide at sittings of the court matters concerning administrative violations by persons.

[4 December 2003]

Section 8. Court Adjudication in Commercial Disputes

[28 September 1995]

Section 9. Court Adjudication on Issues of Constitutional Supervision

[15 June 1994]

Chapter 2

Principles of and Guarantees for the Independence of the Judiciary

Section 10. Independence of the Judiciary and being Subject only to Law

(1) In adjudging trials, judges and lay judges shall be independent and shall be subject only to law.

(2) The independence of the courts shall be guaranteed by the State.

[29 January 1997]

Section 11. Prohibition on Interference with the Work of a Court

(1) State institutions, public and political organisations and other legal and natural persons have the duty to respect and observe the independence of a court and the immunity of judges.

(2) No restriction of, bringing pressure on, influence on, direct or indirect threats to or other unlawful interference with the adjudication of a court shall be allowed, irrespective of the goal or intention thereof. Demonstrations and picketing on the premises of a court building are prohibited pursuant to procedures provided for in legislative enactments. Any influencing of judges or lay judges, or interference with the adjudication of a court shall be punished in accordance with the procedures provided by law.

(3) No one has the right to require from a judge an accounting or explanations concerning how a particular matter was adjudicated, or also the disclosure of the views expressed during deliberations.

[29 January 1997]

Section 12. Liability Concerning Contempt of Court

Persons guilty of non-compliance with a court, evasion of appearing before a court, infringement of the honour of a judge or a lay judge in regard to the adjudication of a court, as well as of other actions with which contempt of court has been expressed, shall be punished in accordance with the procedures provided by law.

[29 January 1997]

Section 13. Immunity of Judges and Lay Judges

(1) A judge, as well as a lay judge, has immunity during the time he or she fulfils his or her duties in relation to adjudication in a court.

(2) A criminal matter against a judge may be initiated only by the Prosecutor General of the Republic of Latvia. A judge may not be detained or be subjected to criminal liability without the consent of the *Saeima* [Parliament of the Republic of Latvia]. A Supreme Court justice specially authorised for that purpose shall take a decision concerning the detention, forcible conveyance, arrest, or subjection to a search of a judge. If a judge is apprehended in committing a serious or especially serious criminal offence, a decision concerning the forcible conveyance, arrest or subjection to a search is not necessary, but a Supreme Court justice specially authorised and the Prosecutor General shall be informed thereof within a time period of 24 hours.

(3) A lay judge, during the time he or she fulfils his or her duties in relation to the adjudication of a court, may not be subjected to criminal liability or be detained without the consent of the Local Government which elected him or her. A Supreme Court justice specially authorised for the purpose shall take a decision concerning the detention of, forcible conveyance, detention, or subjection to a search of a lay judge. If a lay judge is apprehended in committing a serious or especially serious criminal offence, a decision concerning the forcible conveyance, arrest or subjection to a search is not necessary, but a Supreme Court justice specially authorised and the Local Government shall be informed thereof within a time period of 24 hours.

(4) An administrative sanction may not be applied to a judge and he or she shall not be arrested pursuant to administrative procedures. A judge is subject to disciplinary liability for the committing of administrative violations in accordance with the provisions of Chapter 14 of this Law.

(5) A judge is not financially liable for the damages incurred by a person who participates in a matter, as a result of an unlawful or unfounded judgment of a court. In the cases provided for by law, damages shall be paid by the State.

(6) A person, who considers that a judgment of a court is unlawful or unfounded, may appeal it in accordance with the procedures provided by law, but may not make a claim in court against the judge who has adjudicated the matter.

[29 January 1997; 22 September 2005]

Section 14. Recusal of Judges and Lay Judges

(1) A judge or a lay judge may not participate in the adjudication of a matter if he or she are personally, directly or indirectly, interested in the outcome of the matter, or if there are other circumstances which cause doubt regarding his or her impartiality. A judge or a lay judge also may not participate in the adjudication of a matter in the cases provided for in the Prevention of Corruption Law.

(2) In these cases, a judge or a lay judge must recuse himself or herself.

(3) If a judge or a lay judge has not recused himself or herself, persons who are participating in the matter may apply for the recusal of the judge or the lay judge.

(4) The grounds for recusation of a judge or a lay judge and the procedure for the adjudication of the recusation shall be prescribed by law.

[23 May 1996; 29 January 1997]

Section 15. Prohibition of a Judge or a Lay Judge from Participation in a Repeated Adjudication of a Matter

(1) A judge or a lay judge who has participated in the adjudication of a matter may not participate in the repeated adjudication of such matter.

(2) Exceptions with regard to the conditions of Paragraph one of this Section may only be provided by law.

[29 January 1997]

Section 16. Legal Effect of a Judgment of a Court

(1) A judgment of a court comes into legal effect after the expiration of its appeal or protest time period, and it has not been appealed or protested, or a higher court, having adjudicated the appeal or protest, has affirmed it, or modified it without vacating the judgment.

(2) A judgment that has come into legal effect shall be executed.

(3) A judgment in accordance with the procedures provided by law is binding on a court, when adjudicating other matters, which are related to such matter.

(4) Such a judgment shall have the force of law, is mandatory for all, and shall be treated with the same respect as is due law.

Chapter 3 Basic Principles for Adjudicating Matters

Section 17. Truth

(1) It is the duty of a court, when adjudicating any matter, to ascertain the objective truth.

(2) A court, in adjudicating a matter, shall determine the facts based upon the evidence examined at a sitting of the court.

(3) A judgment of a court may be based only on such evidence as has been obtained according to the procedures set out by law.

(4) The means of proof shall be prescribed by law.

Section 18. Legality

Judicial proceedings in the Republic of Latvia shall be conducted in accordance with the legislative enactments of the Republic of Latvia, and judgments shall be proclaimed in the name of the Republic of Latvia. In the cases provided for by laws and international agreements, a court may also apply the principles of international law, or the laws of other states.

Section 19. Openness

(1) In all courts in the Republic of Latvia, matters shall be adjudicated openly. The adjudication of a matter in a closed sitting of a court shall be permitted only in cases provided for by law, observing all other provisions of judicial proceedings.

(2) Judgments and decisions of a court shall always be pronounced publicly.

Section 20. Collegiality

(1) In the courts of the Republic of Latvia, matters shall be adjudicated collegially, except in cases provided for by law, when a judge may also adjudicate a matter singly.

(2) In adjudicating matters collegially, the judges and lay judges comprising the court panel have equal rights to decide all issues associated with the adjudication of a matter.

(3) All adjudications of a court shall be made by a majority of the votes of the judges. A judge may not abstain from a vote. If the votes are divided equally, the presiding judge shall decide the issue.

Section 21. Language of Judicial Proceedings

(1) Judicial proceedings in the Republic of Latvia shall be conducted in the official language.

(2) For a person who participates in a matter, but is not fluent in the language of the judicial proceedings, a court shall ensure the right to become acquainted with the materials of the matter and to participate in the court process with the assistance of an interpreter, as well as the right to appear before the court in the particular language, in which such person is fluent.

[3 April 2008]

Section 22. Assistance of Counsel

A defendant has the right to assistance of counsel. Such right of a defendant during the adjudication of a matter shall be ensured by the court and is guaranteed by the State. Only an advocate may be counsel in the adjudication of a matter.

Section 23. Presumption of Innocence

(1) No one may be found guilty of the committing of a criminal offence, while his or her guilt is not declared in accordance with the Law.

(2) A defendant shall not have to prove his or her innocence.

(3) A court shall resolve all doubts concerning the guilt of a defendant, in favour of the defendant.

[22 September 2005]

Section 24. Equality of Parties

(1) Parties have equal rights in proceedings.

(2) The law determines and the court shall ensure that parties have an equal opportunity to use procedural rights to defend their interests.

Section 25. Adversary Proceeding

(1) In the course of the adjudication of a matter, the parties shall exercise their procedural rights in the form of an adversary proceeding, except for court proceedings in administrative matters.

(2) Adversary proceedings shall be manifested, by the parties submitting evidence and applications addressed to the court, participating in the questioning, or examination and evaluation of other evidence, as well as in the arguments of the parties and the performance of other procedural activities.

[4 December 2003]

Section 25.¹ Objective Investigation Principle

In order to ascertain, within the limits of the claim, the true circumstances of the matter and to achieve the fair adjudication of an administrative matter, a court shall give participants in the administrative procedure instructions and recommendations, as well as on its own initiative collect evidence.

[4 December 2003]

Section 26. Continuity

[30 April 2009]

Section 27. Direct Review and Oral Hearing

(1) A court of first instance or appellate instance, in adjudicating a matter, shall itself examine the evidence in the matter.

(2) Persons summoned before a court shall give their testimony and explanations orally. All materials and documents to be examined at a sitting of a court shall be read and discussed orally.

Section 28. Procedural Economy

(1) A judge shall adjudicate a matter as fast as possible.

(2) A person, who participates in a matter, shall observe the procedural terms set by law or the court.

[31 October 2002]

Section 28.¹ Division of Matters

- (1) A Chief Judge prior to the beginning of each calendar year shall approve a division of matters plan.
- (2) A Chief Judge may amend the division of matters plan during the calendar year:
 - 1) due to the overload of work of judges;
 - 2) due to an insufficient working load of judges;
 - 3) in relation to a change of judges; and
 - 4) in relation to judges being unable to perform their duties.

[31 October 2002]

Chapter 3.¹ Availability of Information [22 September 2005]

Section 28.² Availability of Court Adjudications

- (1) A court adjudication taken during open court, which is drawn up as a separate procedural document, shall be generally accessible information at the time of pronouncing of adjudication, but, if the adjudication is not pronounced – at the time of adoption *thereof*.
- (2) Introductory section and operative part of a court adjudication taken during closed session, if they are pronounced publicly, shall be generally accessible information.
- (3) Issuing the information referred to in Paragraph one and two of this Section, it shall include the validity of court adjudication, as well as in accordance with the procedures specified by the Cabinet hide the part of the information, which discloses the identity of a natural person.
- (4) The provisions of this Section shall not be applied, if court adjudication is issued in accordance with procedural laws.
- (5) The court adjudications referred to in Paragraph one of this Section shall be published on the Internet homepage, if it is provided for in the regulatory enactment, as well as upon the initiative of the institution. In publishing court adjudication via Internet, the part of information, which discloses the identity of a natural person, shall be hidden.

[22 September 2005; 3 April 2008]

Section 28.³ Availability of Court Materials

- (1) Court materials examined during open court shall be restricted access information after the coming into force of the final court adjudication and shall be available in accordance with the Freedom of Information Law.
- (2) Court materials shall, until the coming into force of the final court adjudication in this case, be available only for those persons, for whom such rights have been provided for in procedural laws.
- (3) Court materials examined during open court or closed session shall be available for other State administrative institutions and judicial power institutions, if it is necessary for these institutions for the performance of the functions thereof. The recipient of the information shall ensure the protection of information provided for in the law.

[22 September 2005]

Section 28.⁴ Availability of Court Materials Examined During Closed Session

- (1) Court materials examined during a closed session shall be available before the date specified in Paragraphs two, three and four of this Section only for those persons for whom such rights have been provided for in the procedural laws and in Section 28.³, Paragraph three of this Law. After the expiration date specified in Paragraphs two, three and four of this Section the relevant case materials shall be available as restricted access information.
- (2) Court materials examined during a closed session shall become as restricted access information when 20 years have passed after coming into force of the final court adjudication in this matter.
- (3) Materials of the matter, which has been examined during the closed session in the interests of keeping of the State secret, shall become as restricted access information upon termination of the time period of secrecy of information present in the matter.
- (4) Court materials shall become as a restricted access information when 75 years have passed after coming into force of the final court adjudication in the matter examined during the closed session regarding determination of the origin of a child, the confirmation and cancellation of adoption, divorce or non-existence and declaring a person to be lacking capacity to act due to mental illness or mental deficiency.

[22 September 2005; 30 April 2009]

Section 28.⁵ Procedures for Contestation and Appeal of Information Refusal

- (1) A refusal of a court to issue the requested information may be contested in the Ministry of Justice in accordance with the procedures specified in the Administrative Procedure Law. The decision of the Ministry of Justice may be appealed to the court.
- (2) The court, in issuing the information, shall be under supervision of the Ministry of Justice.

[22 September 2005]

Section 28.⁶ Court Information System

- (1) The owner of the Court information system and the software thereof shall be the Republic of Latvia.
- (2) The maintenance and development of the information system shall be financed from the State basic budget.
- (3) The Ministry of Justice shall be the manager of the Court information system. The Court Administration shall be the holder of the Court information system.
- (4) The Supreme Court shall establish case law database within the framework of the Court information system.
- (5) The procedures for selection and processing of the information to be included in the case law database shall be determined by the Chief Justice of the Supreme Court after the co-ordination with the Ministry of Justice.
- (6) The Cabinet shall determine the procedures for establishments, maintenance and use of the Court information system, as well as the minimum amount of

information to be included taking into account the restrictions specified in regulatory enactments.

- (7) The information included in the Court information system shall be restricted access information, except the case law database, in which the information included is generally accessible.

[22 September 2005; 8 November 2007]

Section 28.⁷ Procedures by which the Information is to be Published via Internet

The Cabinet shall determine the information related to court work, which is to be published on the Internet homepage, as well as the procedures by which such information is published.

[3 April 2008]

Part II The Judicial System

Chapter 4 District (City) Courts

Section 29. Establishment of a District (City) Court

(1) The following district (city) courts shall be established in the Republic of Latvia:

1) in the territory of operation of the Kurzeme Regional Court:

- a) Kuldīga District Court,
- b) Liepāja Court,
- c) Saldus District Court,
- d) Talsi District Court, and
- e) Ventspils Court;

2) in the territory of operation of the Latgale Regional Court:

- a) Balvi District Court,
- b) Daugavpils Court,
- c) Krāslava District Court,
- d) Ludza District Court,
- e) Preiļi District Court, and
- f) Rēzekne Court;

3) in the territory of operation of the Rīga Regional Court:

- a) Jūrmala City Court,
- b) Ogre District Court,
- c) City of Rīga Central District Court,
- d) City of Rīga Kurzeme District Court,
- e) City of Rīga Latgale Urban District Court,
- f) City of Rīga Vidzeme Urban District Court,
- g) City of Rīga Zemgale Urban District Court,
- h) City of Rīga Northern District Court,
- i) Rīga District Court, and
- j) Sigulda Court.

4) in the territory of operation of the Vidzeme Regional Court:

- a) Alūksne District Court,
- b) Cēsis District Court,

- c) Gulbene District Court,
 - d) Limbaži District Court,
 - e) Madona District Court,
 - f) Valka District Court, and
 - g) Valmiera District Court;
- 5) in the territory of operation of the Zemgale Regional Court:
- a) Aizkraukle District Court,
 - b) Bauska District Court,
 - c) Dobele District Court,
 - d) Jelgava Court,
 - e) Jēkabpils District Court, and
 - f) Tukums District Court; and
- 6) in the territory of operation of a regional administrative court:
administrative district courts.

(2) District (city) court may have divisions – courthouses, which are located within the territory of operation of the relevant district (city) court.

(3) The territory of operation of district (city) courts and the relevant courthouses shall be determined by the Cabinet.

[21 December 1995; 1 October 1997; 4 December 2003; 22 September 2005; 3 April 2008; 30 April 2009]

Section 30. Jurisdiction of a District (City) Court over Matters

(1) A district (city) court is the court of first instance for civil matters, criminal matters, and administrative matters.

(2) The Laws on Civil Procedure, Criminal Procedure and Administrative Procedure shall determine the civil matters, criminal matters and administrative matters, which are within the jurisdiction of a district (city) court.

[4 December 2003]

Section 31. Composition of a District (City) Court

(1) In the district (city) court, a single judge shall adjudicate civil matters and administrative matters. Especially complicated administrative matters, at the discretion of the Chief Judge may be adjudicated collegially – comprising three judges.

(2) In a district (city) court, criminal matters shall be adjudicated collegially by a court panel comprising one judge and two lay judges.

(3) In cases specified by law, a single judge shall adjudicate criminal matters.

[29 January 1997; 4 December 2003]

Section 32. Judges of a District (City) Court

(1) A district (city) court shall consist of a Chief Judge of the court and judges.

(2) A district (city) court may have Deputy Chief Judges.

(3) The *Saeima* upon the recommendation of the Minister for Justice shall determine the number of judges in a court.

(4) A Chief Judge of a district (city) court shall assign a judge to perform the duties examining judge for a time period up to three years. An examining judge

concurrently with the performance of the duties of an examining judge shall not review criminal matters. The work schedule for an examining judge within the territory of operation of a regional court shall be determined by the Chief Judge of relevant regional court.

[15 October 1998; 28 September 2005; 23 February 2006]

Section 33. Chief Judge of a District (City) Court

(1) The work of a district (city) court authority shall be managed by a Chief Judge concurrently with the fulfilment of the judge duties.

(2) A Chief Judge of a district (city) court shall be appointed by the Minister for Justice for five years on the basis of a proposal of the Court Administration, taking into account the principle of equal representation of gender. The Minister for Justice may remove the Chief Judge from office before the end of the term pursuant to his or her own request or based on an opinion of the Judicial Disciplinary Board.

(3) A Chief Judge of a district (city) court:

- 1) shall act with financial and other resources transferred to a court authority;
- 2) shall determine professional duties for court employees and chief judge;
- 3) shall determine duties of judges in relation to efficient functioning of a court authority (for example, co-operation with foreign courts and other institutions, compilation of practice, provision of opinions, participation in development of draft regulatory enactments, provision of opinions to the Judicial Qualification Board;
- 4) shall be responsible for allocation of matters and other duties among judges;
- 5) shall prepare the annual draft financial request of a court authority and submit it to the Court Administration; and
- 6) shall be responsible regarding legal and useful use of resources.

(4) A Chief Judge of a district (city) court may issue orders to a judge in relation to organisational matters for performance of professional duties.

[15 October 1998; 31 October 2002; 22 September 2005]

Section 33.¹ Deputy Chief Judge of a District (City) Court

(1) The Deputy Chief Judge of a district (city) court shall be appointed and removed from the office in accordance with the procedures specified in Section 33, Paragraph two of this Law.

(2) The Deputy Chief Judge may be a chairperson of a courthouse at the same time.

[22 September 2005; 30 April 2009]

Section 33.² Chairperson of a Courthouse of the District (City) Court

(1) The chairperson of a courthouse of the district (city) court may be appointed from among the judges of the relevant court in a courthouse of the district (city) court. The chairperson of a courthouse of the district (city) court shall be appointed and removed from the office in accordance with the procedures specified in Section 33, Paragraph two of this Law.

(2) The Minister for Justice may determine a supplement to the base salary in the amount of 5 percent for the chairperson of a courthouse of the district (city) court upon the proposal of the Chief Judge, which has been co-ordinated with the Court Administration.

(3) If the chairperson of a courthouse of the district (city) court is also the Deputy Chief Judge, the supplement provided for in this Section shall not be determined.
[30 April 2009]

Section 34. Administrative Judges

[15 October 1998]

[6 April 19995; 15 October 1998]

Chapter 5 Regional Courts

Section 35. Establishment of Regional Courts

(1) Six regional courts shall be established in the Republic of Latvia: the Rīga Regional Court, the Kurzeme Regional Court, the Latgale Regional Court, the Vidzeme Regional Court, the Zemgale Regional Court and the Administrative Regional Court.

(2) The territory of operation of the regional courts shall be specified in accordance with Section 29, Paragraph one.

(3) Regional court may have divisions – courthouses of regional courts, which shall be located within the territory of operation of the regional court. The Cabinet shall determine the territory of operation of the courthouses of regional courts.

[1 October 1997; 4 December 2003; 30 April 2009]

Section 36. Jurisdiction of a Regional Court over Matters

(1) A Regional Court is the court of first instance for those civil matters and criminal matters, which are within the jurisdiction of regional courts in accordance with law.

(2) A Regional Court is a court of appellate instance for civil matters, criminal matters and administrative matters, which have been adjudicated by a district (city) court, or by a single judge.

[28 September 1995]

Section 37. Composition of a Regional Court for Sittings as a Court of First Instance

(1) A Regional Court, as a court of first instance, shall adjudicate criminal matters collegially in cases specified in the Criminal Procedure Law.

(2) The collegium of the Regional Court, which adjudicates a matter, shall be composed of a regional court judge and two lay judges.

(2¹) The Administrative regional Court, as a court of first instance, shall adjudicate administrative matters by a panel comprising three judges.

(3) [28 September 1995]

(4) [6 April 1995]

(5) [6 April 1995]

[6 April 1995; 28 September 1995; 30 April 2009]

Section 38. Composition of a Regional Court for Sittings as a Court of Appellate Instance

A Regional Court, sitting as a court of appellate instance, shall adjudicate civil matters, criminal matters and administrative matters collegially, by a panel comprising three regional court judges.

Section 39. Judges of a Regional Court

- (1) The judges of a regional court are the Chief Judge, Deputy Chief Judges, and judges.
- (2) The number of judges of a regional court shall be determined by the *Saeima*, upon the recommendation of the Minister for Justice.

Section 40. Chief Judge of a Regional Court

- (1) The work of a regional court authority shall be managed by a Chief Judge concurrently with the fulfilment of the judge duties.
- (2) The Chief Judge of a regional court shall be appointed by the *Saeima*, for five years, upon the joint recommendation of the Minister for Justice and the Chief Justice of the Supreme Court, taking into account the principle of equal representation of a gender. The *Saeima* may remove the Chief Judge of a regional court from office before the end of the term pursuant to his or her own request or upon the joint recommendation of the Minister for Justice and the Chief Justice of the Supreme Court, on the basis of an opinion of the Judicial Disciplinary Board.
- (3) The Chief Judge of a regional court shall perform the functions specified in Section 33, Paragraph three of this Law.
[29 January 1997; 15 October 1998; 31 October 2002; 22 September 2005]

Section 41. Deputy Chief Judges of a Regional Court

- (1) The Chief Judge of a regional court shall have Deputy Chief Judges, who may concurrently also perform the duties of the chairperson of a division of the court or the chairperson of a courthouse of the regional court.
- (2) The Deputy Chief Judge of a regional court shall be appointed and removed from the office in accordance with the procedures specified in Section 33, Paragraph two of this Law
[15 October 1998; 22 September 2005; 30 April 2009]

Section 41.¹ Chairperson of Courthouse of a Regional Court

- (1) The chairperson of a courthouse of the regional court may be appointed from among the judges of the relevant regional court in a courthouse of the regional court. The chairperson of a courthouse of the regional court shall be appointed and removed from the office in accordance with the procedures specified in Section 33, Paragraph two of this Law.
- (2) The Minister for Justice may determine a supplement to the base salary in the amount of 5 percent for the chairperson of a courthouse of the regional court upon the

proposal of the Chief Judge of a regional court, which has been co-ordinated with the Court Administration.

(3) If the chairperson of a courthouse of the regional court is also the Deputy Chief Judge or the chairperson of a division of the court, the supplement provided for in this Section shall not be determined.

[30 April 2009]

Section 42. Divisions of a Regional Court

(1) A Regional Court may be collegial.

(2) Its chairperson, who may also concurrently be a Deputy Chief Judge, shall manage a Division of the court, and judges shall be included in the composition of the Division.

(3) The Minister for Justice shall approve the Divisions of a regional court upon the recommendation of the Chief Judge of the regional court.

(4) If in the regional court collegia there is more than fifteen judges, two court collegia with a relevant name may be established.

[31 October 2002; 4 December 2003]

Section 42.¹ Land Registry Offices

(1) For the supervision of the Land Registers, regional courts shall have Land Registry Offices. Land Registry Offices are judicial institutions.

(2) Judges of the Land Registry Offices shall record real property and fix the rights associated therewith in the Land Register. The judicial status of judges of the Land Registry Offices shall be equivalent to that of district (city) judges.

[29 January 1997]

Chapter 6 The Supreme Court

Section 43. Structure of the Supreme Court

(1) The composition of the Supreme Court of the Republic of Latvia shall be:

1) the Senate; and

2) two judicial panels: the Civil Matters Panel and the Criminal Matters Panel.

(2) All the justices of the Supreme Court shall form a Plenary Session (general meeting of justices).

[15 June 1994; 28 September 1995]

Section 44. Establishment of the Supreme Court

(1) The *Saeima*, pursuant to the recommendation of the Chief Justice shall determine the total number of judges in the Supreme Court, as well as the number of judges in the Senate and in the Panels of the Court.

(2) The composition of the Senate and the Panels of the Court shall be approved by, and the chairpersons of the departments of the Senate and the chairpersons of the Panels of the Court shall be elected by, the Plenary Session of the Supreme Court, taking into account the principle of equal representation of a gender.

(3) The term of office of the chairperson of the department of the Senate and the chairpersons of the Panels of the Court shall be five years.

[22 September 2005]

Section 45. Panels of the Court and their Competence

(1) A Panel of the Courts shall be composed of the Chairperson of the Panel and the judges of the Supreme Court on this Panel.

(2) A Panel of the Court is the court of appellate instance for matters, which have been adjudicated, by regional courts as courts of first instance.

(3) *[15 June 1994]*

[15 June 1994]

Section 46. The Composition of a Panel of the Court

A Panel of the Court, comprising three judges shall adjudicate matters collegially.

Section 47. The Senate and its Competence

(1) The Senate of the Supreme Court shall be the court of cassation instance for all matters, which have been adjudicated, by district (city) courts and regional courts.

(2) The Senate of the Supreme Court shall be the court of first instance for matters concerning decisions of the Council of the State Audit Office, which are taken in accordance with the procedures of Section 55 of the Law On the State Audit Office.

(3) The Senate shall be composed of the Chief Justice of the Supreme Court, the chairpersons of the Senate Departments and senators (judges of the Senate).

(4) The Senate shall be composed of four departments: the Civil Matters Department, the Criminal Matters Department, Administrative Matters Department and the Disciplinary Matters Department.

[15 June 1994; 29 January 1997; 28 September 1995; 31 October 2002; 30 April 2009]

Section 48. Composition of the Senate

(1) The Senate of the Supreme Court shall adjudicate matters collegially, in panels composed of three senators.

(2) *[15 June 1994]*

(3) In cases specified by law, an extended panel of senators shall adjudicate matters.

[15 June 1994; 4 December 2003]

Section 49. The Plenary Session and its Competence

(1) The Plenary Session is a general meeting of the judges of the Supreme Court.

(2) The Plenary Session shall discuss current norms of law interpretation issues.

(3) *[3 April 2008]*

(4) The Plenary Session shall give an opinion concerning whether there is a basis for the removal of the Chief Justice of the Supreme Court, or the dismissal of the Prosecutor General, from office.

(5) The Plenary Session shall select the candidates for the position of a judge of the Supreme Court from among the judges of the Republic of Latvia in cases specified in the Constitution Court Law.

(6) The Plenary Session shall elect a member of the Central Election Commission from among the judges.

[15 October 1998; 31 October 2002; 3 April 2008; 30 April 2009]

Section 49¹. General Meeting of Judges of Judicial Panel and Senate Department

(1) A general meeting of judges of Judicial Panel and Senate Department is a collegial authority which is convened by the Chief Justice of Supreme Court for discussion of current legal right issues.

(2) A general meeting of judges of Judicial Panel and Senate Department shall discuss current issues regarding interpretation of legal norms in order to ensure uniformity in application of legal norms.

(3) A general meeting of judges of Judicial Panel and Senate Department shall formulate its opinion regarding the interpretation of legal norms and application matters thereof as a decision which is to be published.

[3 April 2008]

Section 50. The Chief Justice of the Supreme Court and his or her Deputies

(1) The work of the Supreme Court shall be managed by the Chief Justice of the Supreme Court, who, from among the judges appointed, upon the nomination of the Plenary Session of the Supreme Court, shall be confirmed by the *Saeima* for seven years.

(2) The Chief Justice of the Supreme Court shall chair the sittings of the Plenary Session of the Supreme Court and he or she has the right to participate in adjudication of a matter before the Senate.

(3) The Chief Justice of the Supreme Court shall submit a recommendation to the *Saeima* concerning the appointment of the Prosecutor General to office, and implement other authorisations provided for in the Law on the Office of the Prosecutor, which are associated with the appointment, removal or dismissal of the Prosecutor General.

(3¹) The Chief Justice of the Supreme Court shall, after approval of the justice of the Supreme Court for the office, determine the division of the Supreme Court, in which this judge will perform his or her duties.

(3²) A senator of another Department of the Senate or a judge of the Judicial Panel, who has received a positive opinion of the Judicial Qualification Board may be appointed for the office of the senator of the Supreme Court upon proposal of the Chief Justice of the Supreme Court. A judge shall be appointed for the office of the senator by the general meeting of the senators of the relevant department of the Senate, in which a Chief Justice of the Supreme Court with the right to vote participates.

(4) Two Deputy Chief Justices of the Supreme Court shall be elected by the Plenary Session for seven years from among the chairpersons of the Senate Departments and

the chairpersons of the court panels, taking into account the principle of equal representation of a gender.

(5) The Chief Justice of the Supreme Court shall convene the sittings of the chairpersons of the Senate Departments, during which an issue regarding the subordination of a case submitted by a judge or court is to be settled, participate in these sittings with the right to vote and chair them.

[15 June 1994; 15 October 1998; 31 October 2002; 22 September 2005; 3 April 2008; 30 April 2009]

Section 50.¹ Supreme Court Administration

(1) The Supreme Court Administration is a structural unit of the Supreme Court which shall organise and ensure the administrative work of a court.

(2) The Head of the Supreme Court Administration shall be hired and dismissed by the Chief Justice of the Supreme Court.

(3) The Supreme Court Administration shall:

- 1) perform financial management;
- 2) take care of materials and technical facilities;
- 3) deal with record keeping;
- 4) organize staff management and training;
- 5) ensure communication with society; and
- 6) carry out international co-operation.

[22 September 2005]

Part III Judges of the Republic of Latvia

Chapter 7 Candidates for Judges and Lay Judges

Section 51. Nomination Requirements for a Judge

(1) In selecting a candidate for the office of a judge, the principle shall be observed that only Latvian citizens, who are highly qualified and fair lawyers, may work as judges.

(2) In the selection of judges, no discrimination based on origin, social and financial status, race or nationality, sex, attitude towards religion, type and nature of occupation, or political or other views is permitted. The requirement that a judge must be a Latvian citizen shall not be considered as discriminatory.

[29 January 1997]

Section 52. Candidate for a Position of a Judge of a District (City) Court

(1) As a judge of a district (city) court may be appointed a person who:

- 1) is a Latvian citizen;
- 2) is fluent in the official language at the highest level;
- 3) has attained at least 30 years of age
- 4) has acquired a diploma of the State recognised second level higher education in legal sciences and a lawyer qualification;

5) has at least five years length of service in a legal speciality after acquiring of a diploma of the State recognised second level higher education in legal sciences and a lawyer qualification or has been working in position of assistant to a Chief Judge or assistant to a judge for at least five years; and

6) has passed qualification examinations.

(2) [3 April 2008]

(3) [15 October 1998]

(4) The Cabinet shall determine the procedures by which candidates for the position of a judge shall be selected, apprentice and take qualification examinations.

(5) The time for apprenticeship shall be determined upon the proposal by the Judicial Qualification Board, taking into account the level of professional qualification of the candidate for a position of a judge.

(6) [15 October 1998]

(7) It is allowed to apply for a position of a judge repeatedly not earlier than after a year. The time period of a year shall be counted starting from a day on which the candidate for a position has received a refusal in relation to his or her further advancing for the position of a judge.

[29 January 1997; 15 October 1998; 31 October 2002; 19 June 2003; 22 September 2005; 2 November 2006; 3 April 2008]

Section 53. Candidate for a Judge of a Regional Court

(1) To the office of a judge of the regional court may apply a judge of a district (city) court or a judge of a Land Registry Office, who has at least the fourth qualification class.

(2) To the office of a judge of the regional court may apply a person who has ten years total length of service in a position as an academic personnel in the legal specialities at an institution of higher education, a sworn advocate, a prosecutor, or until 30 June 1994 as a deputy prosecutor, an assistant prosecutor, or an investigator for the prosecution, and who has passed the qualification examination.

[6 April 1995; 28 September 1995; 29 January 1997; 19 June 2003; 3 April 2008; 30 April 2009]

Section 54. Candidate for a Judge of the Supreme Court

(1) To the office of a judge of the Supreme Court may apply a judge of a district (city) court or a judge of a regional court, who has at least the third qualification class.

(2) To the office of a judge of the Supreme Court may apply a person who has not less than fifteen years total length of service in a position as an academic personnel in the legal specialities at an institution of higher education, a sworn advocate or a prosecutor, and who has passed the qualification examination. Upon motivated proposal by the Chief Judge of the Supreme Court another person may also apply for the position of a judge of the Supreme Court, who has at least fifteen years of service in a legal speciality and who has passed the qualification examination.

(3) Upon motivated proposal by the Chief Judge of the Supreme Court and a positive opinion of the Judicial Qualification Board to the office of a judge of the Supreme Court may apply a person who has not less than ten years total length of service in a position as an academic personnel in the legal specialities at an institution of higher

education, a sworn advocate or a prosecutor, and who has passed the qualification examination.

[19 June 2004; 3 April 2008; 30 April 2009]

Section 54.¹ Procedures for the Selection, Apprenticeship and Passing of Qualification Examination of Candidates to the Office of Regional Court and Supreme Court Judge

- (1) The Cabinet shall determine the procedures for the selection, apprenticeship and passing of qualification examination of candidates to the office of a regional court judge applying for the office of regional court judge in accordance with Section 53, Paragraph two of this Law. The time period for apprenticeship shall be determined pursuant to Section 52, Paragraph five of this Law.
- (2) The Chief Justice of Supreme Court shall determine the procedures for the selection, apprenticeship and passing of qualification examination of candidates to the office of a Supreme Court judge applying for the office of Supreme Court judge in accordance with Section 54, Paragraph two and three of this Law. The time period for apprenticeship shall be determined pursuant to Section 52, Paragraph five of this Law.

[19 June 2004; 22 September 2005; 3 April 2008]

Section 55. Persons who May Not become Candidates for a Position of a Judge

A candidate for a judge may not be a person:

- 1) who has been previously convicted of committing a criminal offence (irrespective of whether the conviction has been extinguished or set aside);
- 2) who has previously committed a criminal offence, but has been released from serving the sentence in connection with the expiration of a limitation period, amnesty, or clemency;
- 3) who has been subjected to criminal liability, but the criminal matter against whom has been terminated on the basis of non-rehabilitativeness;
- 4) against whom a criminal prosecution has been commenced;
- 5) who are or have been employed in staff positions or as supernumeraries of the State Security Committee of the USSR or the Latvian S.S.R., the Ministry of Defence of the USSR, or the state security service, army intelligence service or counter-intelligence service of Russia or another state, or as an agent, resident or safehouse keeper of the aforementioned institutions; or
- 6) who are or have been participants (members) of organisations, which are prohibited by the laws of the Republic of Latvia, decisions of the Supreme Council, or adjudications of a court, after the prohibition of such organisations.
- 7) who have been removed from the office of a judge, sworn bailiff, assistant of sworn bailiff, sworn notary, assistant of a sworn notary, excluded from the number of sworn advocates or assistants of sworn advocates or dismissed from the position of a prosecutor on the basis of a decision in a disciplinary matter and five years have not been passed from the coming into force of the decision taken in a disciplinary matter.

[15 June 1994; 22 September 2005; 3 April 2008; 30 April 2009]

Section 56. Candidate for a Lay Judge

A Latvian citizen, who has attained 25 years of age by the day of election, in compliance with the requirements of Section 51, Paragraph two and Section 55 of this Law, may be elected as a lay judge.

[29 January 1997]

Chapter 8

Nomination of Candidates for the Office of Judge

Section 57. Nomination of a Candidate for the Office of a Judge of a District (City) Court and a Judge of a Regional Court

The Minister for Justice shall nominate candidates to be appointed to or confirmed in the office of a judge of the district (city) court or of a judge of a regional court on the basis of the opinion of the Judicial Qualification Board.

[15 October 1998]

Section 58. Nomination of Candidates for the Office of a Judge of a Regional Court

[15 October 1998]

Section 59. Nomination of Candidates for the Office of a Judge of the Supreme Court

A candidate for confirmation to the office of a Judge of the Supreme Court shall be nominated by the Chief Justice of the Supreme Court, on the basis of an opinion of the Judicial Qualification Board.

[15 October 1998]

Chapter 9

Procedures for the Appointment and Confirmation of Judges and Lay Judges and their Term of Office

Section 60. Procedures for the Appointment and Confirmation of Judges of a District (City) Court

(1) Judges of a district (city) court shall be appointed to office by the *Saeima*, upon the recommendation of the Minister for Justice, for three years.

(2) After a judge of a district (city) court has held office for three years, the *Saeima*, upon the recommendation of the Minister for Justice, and on the basis of an opinion of the Judicial Qualifications Board, shall confirm him or her in office, for an unlimited term of office, or shall re-appoint him or her to office for a period of up to two years. The period of time when a judge is on a maternity leave, as well as on a parental leave, shall not be included in the referred to periods of time. After the expiration of the repeated term of office, the *Saeima*, on the recommendation of the Minister for

Justice, shall confirm in office a judge of a district (city) court for an unlimited term of office.

(3) If the work of a Judge is unsatisfactory, the Minister for Justice, in accordance with an opinion of the Judicial Qualification Board, shall not nominate a judge as a candidate for a repeated appointment to or confirmation in office.

[15 October 1998; 30 April 2009]

Section 61. Procedures for the Confirmation of a Judge of a Regional Court

Judge of a regional court shall be confirmed by the *Saeima*, upon a recommendation of the Minister for Justice, for an unlimited term of office.

Section 62. Procedures for the Confirmation of a Justice of the Supreme Court

Justices of the Supreme Court, upon the recommendation of the Chief Justice of the Supreme Court, shall be confirmed in office by the *Saeima*, for an unlimited term of office.

Section 63. Maximum Age for Holding Judicial Office

(1) The maximum age for holding office as a judge of a district (city) court shall be 65 years, as a judge of a regional court, 65 years, but as a judge of the Supreme Court, 70 years.

(2) The Minister for Justice and the Chief Justice of the Supreme Court, upon receiving a favourable opinion from the Judicial Qualification Board, may extend, with a joint decision, the time for holding office as a judge of a district (city) court or a judge of a regional court for up to five years.

(3) The Chief Justice of the Supreme Court, upon receiving a favourable opinion from the Judicial Qualifications Board, may extend the time for holding office as a judge of the Supreme Court for up to five years.

(4) The *Saeima*, upon a recommendation of the President, may extend the time for holding office as the Chief Justice of the Supreme Court by five years.

(5) If, during the adjudication of a matter, a judge reaches the maximum age for holding office as specified in this Section, his or her authority to act shall be preserved until the conclusion of the adjudication of the matter.

[29 January 1997; 29 October 1998]

Section 64. Procedures for Election of a Lay Judge

(1) The number of lay judges for district (city) courts and regional courts shall be determined by the Cabinet.

(2) Lay judges for district (city) courts and regional courts shall be elected by local governments for five years.

[22 September 2005]

Section 65. Procedures for the Invitation of a Lay Judge to Court

(1) A lay judge shall be invited to fulfil his or her duties, by lot, for no longer than 30 working days per annum, except in cases where the necessity to conclude the trial of a

court matter that has begun with his or her participation requires the extension of such time.

(2) [29 January 1997]

(3) A lay judge summons to a court is mandatory for a lay judge, as well as for the administration of that undertaking, institution or organisation, in which the lay judge is working or studying. Persons guilty of ignoring the summons shall be liable therefor in accordance with the procedures prescribed by law.

[29 January 1997; 31 October 2002]

Section 66. Judge Emeritus

The Chief Justice of the Supreme Court, or the Minister for Justice, may recommend that the *Saeima* grant the title of Judge Emeritus to a judge of the Supreme Court, regional court or district (city) court, who has worked with integrity and has retired from the work of a judge.

Chapter 10 Symbols of Judicial Power

Section 67. Symbols of Judicial Power

The symbols of judicial power shall be the oath of judges, the oath of lay judges, the robes and the insignia of office.

Section 68. Oath of Judges

(1) Upon taking office, a judge shall give the following oath:

“I, _____, undertaking the duties of a judge, am aware of the responsibility entrusted to me, and solemnly swear to be honest and fair, to be loyal to the Republic of Latvia, to always endeavour to determine the truth, never to betray it, and to adjudge strictly in accordance with the Constitution and the laws of the Republic of Latvia.”

(2) The oath of a judge shall be accepted by the President.

(3) A judge shall take up the fulfilment of his or her duties after the giving of the oath.

Section 69. Oath of Lay Judges

(1) Upon taking up the fulfilment of his or her duties, a lay judge, who has been elected for the first time, shall give the following oath:

“I, _____, undertaking the duties of a lay judge, am aware of the responsibility entrusted to me, and solemnly swear to be honest and fair, to be loyal to the Republic of Latvia, to always endeavour to determine the truth, never to betray it, and to adjudge strictly in accordance with the Constitution and the laws of the Republic of Latvia.”

(2) The oath of a lay judge of a district (city) court and of a regional court shall be accepted by the respective Chief Judge.

(3) A lay judge shall take up the fulfilment of his or her duties after the giving of the oath.

Section 70. Procedures for the Giving of the Oaths of Judges and Lay Judges

- (1) A judge or a lay judge shall read the text of the oath at a solemn ceremony. It shall be signed by each judge or lay judge, as well as by the official, accepting the oath.
- (2) Judges shall give the oath, attired in their robes.
- (3) After acceptance of the oath, the President shall issue to the judge the insignia of office.

Section 71. Judicial Robes and Insignia of Office

- (1) A judge shall fulfil his or her duties, attired in robes and wearing the insignia of office.
- (2) The insignia of office of a judge shall be conferred upon a judge taking office.
- (3) A judge of a Land Registry Office does not have robes, but, upon taking up office, shall be conferred upon him or her with the insignia of office of a judge of the Land Registry Office.
- (4) The procedures for the use of robes and the conferral of insignia of office shall be determined by the Chief Justice of the Supreme Court after the co-ordination with the Minister for Justice.
[29 January 1997; 22 September 2005]

Section 72. Judge and Lay Judge Identification

Judges and lay judges shall be issued with an identification, the form of which shall be approved by the Minister for Justice after the co-ordination with the Chief Justice of the Supreme Court.
[22 September 2005]

Section 73. Seals of Courts and Land Registry Offices

All courts, as well as Land Registry Offices, shall have a seal bearing the Great State Coat of Arms and the name of the court or Land Registry Office concerned.
[29 January 1997]

Chapter 11 Procedures for the Substitution of Judges

Section 74. Substitution for a Chief Judge of a District (City) Court

- (1) During the time of a temporary absence (illness, vacation or other) of a chief judge of a district (city) court, a deputy chief judge of the district (city) court shall substitute for him or her.
- (2) If a deputy chief judge of the district (city) court concerned has not been appointed, or also has been appointed, but is temporarily absent, one of the judges of this court shall be assigned, by an order of the Minister for Justice, to substitute for the chief judge of the district (city) court.

Section 75. Substitution for a Judge of a District (City) Court Judge

In case of a vacancy or the temporary absence of a judge of a district (city) court, the Minister for Justice may, for a period not exceeding two years, assign a judge of another district (city) court, a judge emeritus or a judge of a regional court, if such person has given written consent, to fulfil the duties of a judge of a district (city) court.

[29 January 1997; 15 October 1998; 22 September 2005]

Section 76. Substitution for the Chief Judge of a Regional Court and his or her Deputy

(1) During the time of a temporary absence of a chief judge of a regional court, one of his or her deputies shall substitute for him or her.

(2) During the time of a temporary absence of a deputy chief judge of a regional court, a judge of the regional court shall, by an order of the chief judge of the regional court, substitute for him or her.

Section 77. Substitution for a Judge of a Regional Court

(1) In case of a vacancy or the temporary absence of a judge, the Minister for Justice may, for a period not exceeding two years, assign a judge of another regional court or a judge emeritus, if such person has given written consent, to fulfil the duties of a judge of a regional court.

(2) During the vacancy or temporary absence of a judge of a regional court, the Minister for Justice may, upon the receipt of positive opinion from the Judicial Qualifications Board, assign a district (city) court judge to substitute for a judge of a regional court temporarily – not longer than for two years.

[15 October 1998; 2 November 2006]

Section 78. Chief Justice of the Supreme Court and his or her Deputy

(1) During the time of a temporary absence of the Chief Justice of the Supreme Court, by his or her order, one of his or her deputies shall substitute for the Chief Justice.

(2) During the time of a temporary absence of a deputy of the Chief Justice of the Supreme Court, one of the judges of the Supreme Court shall, by an order of the Chief Justice of the Supreme Court, substitute for him or her.

Section 79. Substitution for a Judge of the Supreme Court.

(1) During the time of a temporary absence of a judge of the Senate of the Supreme Court, the Chief Justice of the Supreme Court may assign a judge emeritus of the Supreme Court or a judge of a Panel of the Court to substitute for him or her.

(2) During the temporary absence of a judge of a Panel of the Court, the Chief Justice of the Supreme Court may assign, upon a recommendation of the Judicial Qualifications Board, an judge emeritus of the Supreme Court or a judge of a regional court to substitute for him or her.

[15 October 1998]

Section 80. Remuneration for the Substitution of a Judge

- (1) For the time period, when the persons mentioned in this Chapter substitute for a judge, he or she shall receive the salary of the judge for whom he or she substituted, as well as the supplements as provided by law, from funds from the State budget.
- (2) If a judge of the regional court substitute a judge of the Judicial Panel of the Supreme Court or a judge of Administrative Matters Department of the Senate of the Supreme Court in accordance with this Law, the remuneration referred to in Paragraph one of this Section for the substitution of a judge shall be disbursed from the State budget resources allocated for the Supreme Court.

[2 November 2006]

Chapter 12 Removal from Fulfilment of Duties and Dismissal of Judges and Lay Judges

[15 October 1998]

Section 81. Procedures for Removal or Dismissal of a Judge from Office

(1) A judge of a district (city) court or a judge of a regional court shall be removed from office by the *Saeima*, upon the recommendation of the Minister for Justice, a judge of the Supreme Court shall be removed from office by the *Saeima*, upon the recommendation of the Chief Justice of the Supreme Court, and the Chief Justice of the Supreme Court shall be removed from office by the *Saeima*, upon the recommendation of the Cabinet.

(2) A judge of a district (city) court, a regional court and the Supreme Court shall be dismissed from office by the *Saeima*, upon the recommendation of the Judicial Disciplinary Board, but a Chief Justice of the Supreme Court shall be dismissed from office by the *Saeima*, upon the recommendation of the Judicial Disciplinary Board, on the basis of an opinion of the Plenary Session of the Supreme Court. If a judge has been convicted and the judgment of the court has entered into legal effect, the judge shall be dismissed from office by the *Saeima*, upon the recommendation of the Minister for Justice.

[15 June 1994; 15 October 1998]

Section 82. Removal of a Judge from Office

(1) A judge shall be removed from office:

- 1) pursuant to his or her own request;
- 2) in connection with election or appointment to another office;
- 3) due to his or her state of health if it does not allow him or her to continue to work as a judge; or
- 4) in connection with reaching the maximum age for fulfilling the office of a judge as specified by law.

(2) [15 October 1998]

[15 October 1998]

Section 83. Dismissal of a Judge from Office

A judge shall be dismissed from office:

- 1) if the judge has been convicted, and the judgment of the court has come into legal effect; or
- 2) on the basis of a decision of the Judicial Disciplinary Board.

[15 June 1994; 15 October 1998]

Section 84. Suspension of a Judge from Office

(1) If a disciplinary matter has been initiated against a judge of a district (city) court or a regional court, the Minister for Justice may, upon the recommendation of the Judicial Disciplinary Board, suspend such judge from office until an adjudication is made in the disciplinary matter. If a judge of a district (city) court or a regional court is subject to criminal liability in accordance with the procedures set out by law, the Minister for Justice shall suspend such judge from office until an adjudication has been rendered in the criminal matter.

(2) If a disciplinary matter has been initiated against a judge of the Supreme Court, the Chief Justice of the Supreme Court may, upon the recommendation of the Judicial Disciplinary Board, suspend such judge from office until a decision has been taken in the disciplinary matter. If a judge of the Supreme Court is subject to criminal liability in accordance with the procedures set out by law, the Chief Justice of the Supreme Court shall suspend such judge from office until a decision has been taken in the criminal matter.

(3) The minimum monthly salary shall be retained for the suspended judge.

[15 October 1998; 22 September 2005]

Section 85. Removal of a Lay Judge from Fulfilling the Duties of a Lay Judge

(1) On the basis of a submission by a district (city) court or a regional court chief judge, the local government of the district (city) concerned shall decide the issue concerning the removal of a lay judge from fulfilment of the duties of a lay judge.

(2) A lay judge shall be removed from fulfilment of duties before the expiration of his or her term, if he or she:

- 1) have been convicted of a criminal offence he or she committed;
- 2) have allowed an intentional violation of law in connection with the adjudication of a matter; or
- 3) have committed a shameful act, which is incompatible with the status of a lay judge.

[22 September 2005]

Chapter 13 Rights and Obligations of Judges and Lay Judges

Section 86. Rights and Freedoms of Judges

(1) Judges have the rights and freedoms provided by law to citizens. Judges shall utilise these rights and freedoms, so that the dignity and honour of the court and judges, impartiality, and the independence of the court do not suffer.

(2) Judges may freely join together in organisations, which protect their independence, promote their professional development, and defend their rights and interests.

(3) The office of a judge may not be combined with membership in a party or other political organisation.

(4) [23 May 1996]

(5) A judge is not allowed to go on strike.

(6) A judge may submit proposals on issues concerning the explanation of laws to a conference of judges, as well as directly to the Supreme Court.

[15 June 1994; 23 May 1996]

Section 86.¹ Right of Judges to Hold Other Offices

(1) A judge with his or her consent and the permission of the Chief Judge for specific time may be assigned to work in another court (also higher instance courts), the Ministry of Justice, the Court Administration or an international organisation (hereinafter - another institution). In assigning a judge to perform the duties in a higher instance court, the opinion of the Judicial Qualification Board is not necessary.

(2) The order regarding the assigning of a judge for a specific time to work in another institution shall be issued by the Minister for Justice. An order for a Supreme Court judge to be assigned for a specific time to work in another institution shall be issued by the Chief Justice of the Supreme Court after he or she has received the consent of the chairperson of the relevant Panel or relevant Department.

(3) A judge may be assigned to work in another institution for time, which is not less than three months, but does not exceed three years. During this time the judge may not exercise the duties of a judge in the court from which he or she is assigned to work in another institution.

(4) A judge in performing work in another institution shall retain the present status of a judge and receive a judge's basic salary and supplements for the qualification class if only the institution has not taken over the obligation to pay the judge a salary.

(5) Work in another institution shall be counted for the length of service of the judge.
[31 October 2002; 22 September 2005; 23 February 2006]

Section 87. Security Guarantees for Judges

Judges have the right to the protection of themselves and the members of their family, as well as their own property and that of the members of their family.

Section 88. Employment Rights Guarantees of Lay Judges

(1) For the fulfilment of the duties of a lay judge, a regional court lay judge shall receive a salary, the amount of which shall conform to the average monthly gross remuneration for work for the workforce in the State as published in the official statistical notification of the Central Statistical Bureau of the previous year, and which is rounded to lats.

(2) For the fulfilment of the duties of a lay judge, a district (city) court lay judge shall receive a salary, which is calculated, applying a coefficient of 0.85, from the average

monthly gross remuneration for work for the workforce in the State as published in the official statistical notification of the Central Statistical Bureau of the previous year, and which is rounded to lats.

(3) During the time which a lay judge performs his or her duties in court, an employer shall preserve for the lay judge his or her average earnings according to the procedures specified in the Labour Law.

[15 June 1994; 15 October 1998; 19 June 2003; 23 February 2006]

Section 89. Obligations of Judges and Lay Judges

(1) In adjudging, a judge and a lay judge shall precisely fulfil the requirements of law, shall ensure the protection of the rights, freedoms, honour and dignity of human beings, and shall be fair and humane.

(2) A judge shall familiarise the lay judges in advance with the matters to be adjudicated, the laws in force and their application, as well as explain the procedures by which they may exercise their rights.

(3) A judge and a lay judge do not have the right to disclose the confidential deliberations of judges, and the non-disclosable information which has been acquired during closed sittings of a court.

(4) Outside a court, a judge and a lay judge shall avoid everything, which might diminish the authority of the adjudication of a court or the dignity of a judge, or may cause doubt as to their impartiality and fairness.

Chapter 14 Disciplinary Liability of Judges

Section 90. Disciplinary Liability of Judges

The grounds and procedures for the subjection of judges to disciplinary liability shall be determined by a special law.

[15 October 1998]

Section 91. Procedures by which a Judge is Subjected to Disciplinary Liability

[15 October 1998]

Chapter 14.¹ Commission of Judicial Ethics

Section 91.¹ Commission of Judicial Ethics

Commission of Judicial Ethics is a collegial administrative body the main objective of which shall be to provide opinions for the interpretation and violations of ethical standards, as well as to explain ethical standards of judges.

[3 April 2008]

Section 91.² Functions of the Commission of Judicial Ethics

The functions of the Commission of Judicial Ethics shall be the following:

- 1) upon the request of the person, who has the right to initiate a disciplinary matter, as well as upon the request of Judicial Disciplinary Board to provide opinions regarding the interpretation and violations of ethical standards;
- 2) upon its initiative or request of a judge to explain and analyse the standards of judicial ethical rules, as well as to consult judges regarding issues on ethics;
- 3) to compile and prepare for publishing findings and explanations regarding interpretation and application of ethical standards;
- 4) to discuss violations of ethical standards; and
- 5) to develop the standards of judicial ethical rules and submit them for confirmation in a conference of judges.

[3 April 2008]

91.³ Composition of the Commission of Judicial Ethics

(1) The Commission of Judicial Ethics shall be composed of ten members, which are elected by a conference of judges by a secret ballot.

(2) The conference of judges shall elect two members of the Commission of Judicial Ethics from among the candidates nominated by the judges of the Land Register Offices, three – from among the candidates nominated by the judges of district (city) courts, three - from among the candidates nominated by the judges of the regional courts and two – from among the candidates nominated by the Supreme Court.

(3) A judge, judge emeritus or a person, who has been dismissed from the office of a judge due to the reaching the maximum age for fulfilling of the office specified in the Law, may be nominated as a member of the Commission of Judicial Ethics and elected in this Commission. A candidate for a member of the Commission of Judicial Ethics shall have a perfect reputation and understanding regarding the role of ethics in the work of a judge and legal ethics matters.

(4) The term of office of a member of the Commission of Judicial Ethics shall be four years. A member of the Commission of Judicial Ethics may be elected repeatedly, but not more than two times in turn.

(5) The status of a member of the Commission of Judicial Ethics may not be consistent with the fulfilment of duties of a member of Judicial Disciplinary Board.

[3 April 2008]

91.⁴ Operation of the Commission of Judicial Ethics

(1) The Commission of Judicial Ethics shall work in accordance with the rules of procedures. The rules of procedure shall be approved by a conference of judges.

(2) The first meeting of the Commission of Judicial Ethics shall be convened by the Chief Justice of the Supreme Court not later than within a month after the day of election of the Commission.

(3) At least six members of the Commission of Judicial shall participate in the meeting of the Commission of Judicial Ethics.

(4) The Commission of Judicial Ethics shall provide a report to the conference of judges regarding the work thereof once a year.

(5) The Commission of Judicial Ethics may invite a judge of Constitutional Court, a representative of professions belonging to judicial power, ethics specialist or recognised justice expert to participate in its meeting in an advisory capacity.

(6) The Court Administration shall ensure the work of the Commission of Judicial Ethics.

[3 April 2008]

Chapter 15

Conference of Judges. Judicial Qualification Boards. Certification of the Qualifications of a Judge

[15 October 1998]

Section 92. Conference of Judges

(1) The conference of judges is a self-governing judicial institution. All the judges of the Republic shall participate in its work.

(2) The conference of judges:

- 1) shall examine current issues of court practice;
- 2) shall submit to the Chief Justice of the Supreme Court submissions concerning legal norm interpretation issues, which should be discussed in the Plenary Session of the Supreme Court;
- 3) shall discuss issues of financial and social security, and other significant issues concerning the work of judges;
- 4) shall, by secret ballot, elect the Judicial Qualification Board and its chairperson for four years;
- 5) shall, by secret ballot, elect the Judicial Disciplinary Board for four years;
- 6) shall, by secret ballot, elect the Commission of Judicial Ethics for four years; and
- 7) approve the standards of judicial ethical rules.

(3) A conference of the judges of the Land Registry Offices may be convened for the examination of current issues of practice concerning the entering of real property and the recording of rights associated therewith.

[29 January 1997; 15 October 1998; 31 October 2002; 22 September 2005; 3 April 2008]

Section 93. Judicial Qualification Board

(1) The Judicial Qualification Board is a self-governing judicial institution, the purpose of which is to strengthen the professional independence of judges.

(2) The Judicial Qualification Board shall be composed of one judge from the Civil Matters department of the Senate of the Supreme Court, one judge from the Criminal Matters department of the Senate of the Supreme Court, one judge from the Administrative Matters Department of the Senate of the Supreme Court, one judge from the Civil Matters Panel of the Supreme Court, one judge from the Criminal Matters Panel of the Supreme Court, one judge from the Criminal Matters Board of the regional court, one judge from the Administrative regional court, two judges from district (city) courts and two judges from Land Registry Offices.

(3) The Chairperson of the Judicial Committee of the *Saeima*, the Minister for Justice, the Prosecutor General, the Chief Justice of the Supreme Court, the Dean of the Law Faculty of the University of Latvia, the Chancellor of the Police Academy or persons authorised by them, as well as the authorised representative of the Latvian Society of Judges, may participate at meetings of the Judicial Qualification Board in an advisory capacity.

(4) The judges of the Judicial Qualifications Board from among themselves shall elect the deputy chairperson of the Judicial Qualification Board.

(5) The Judicial Qualification Board has a quorum, if not less than seven members of the Judicial Qualification Board participate at its meeting.

(6) The operation of the Judicial Qualification Board shall be ensured by the Court Administration.

[15 October 1998; 22 September 2005]

Section 94. Powers and Operation of the Judicial Qualification Board

(1) The Judicial Qualification Board shall, prior to the conducting of qualification examination based on the application for the conducting of the qualification examination of the candidate for the office of a judge and the documents attached thereto, evaluate the suitability for the office of a judge of each candidate who has been nominated for the first time. If a candidate is recognised as appropriate for the office of a judge, the Judicial Qualification Board shall evaluate the professional preparedness for the office of a judge of a candidate conducting the qualification examination.

(2) The Judicial Qualification Board shall give opinion concerning the nominations of judges for district (city) courts, regional courts, the Supreme Court or Land Registry Offices, as well as concerning the nomination of a senator of the Supreme Court Senate Department.

(3) The Judicial Qualification Board shall certify judges and decide on granting of a qualification class, as well as shall decide the issue of lowering the classification category of a judge upon the recommendation of the Minister for Justice, the Chief Justice of the Supreme Court, the Chief Judge of a regional court, the Chief Judge of a district (city) court, or the Head of a Land Registry Office.

4) The Judicial Qualification Board shall operate in accordance with the rules of procedure. The rules of procedure shall be approved by a conference of judges.

[29 January 1997; 15 October 1998; 19 June 2003; 3 April 2008]

Section 95. District (City) Court Judicial Qualification Board

[15 October 1998]

Section 95.¹ Land Registry Office Judicial Qualification Board

[29 January; 15 October 1998]

Section 96. Regional Court Judicial Qualification Board

[29 January; 15 October 1998]

Section 97. Supreme Court Judicial Qualification Board

[15 October 1998]

Section 98. Certification of the Qualifications of Judges

(1) Judges, after the completion of attestation examinations, may be granted the following categories of qualification class: the fifth, fourth, third, second or first qualification class in the following sequence:

1) fifth qualification class – after three working years;

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2) fourth qualification class – after three working years in office with a fifth qualification class;

3) third qualification class – after four working years in office with a fourth qualification class;

4) second qualification class – after five working years in office with a third qualification class; and

5) first qualification class – after five working years in office with a second qualification class.

(2) A judge may be granted a higher qualification class if he or she has been working with the previous qualification class not less than two-thirds of the time period specified in Paragraph one of this Section and has received a positive opinion from the Judicial Qualification Board.

(3) The procedures for the attestation, completion of qualification examinations and the granting of a qualification class shall be determined by the Chief Justice of the Supreme Court upon proposal from the Minister for Justice.

(4) A fifth, fourth, third and second qualification class may be granted to a district (city) court judge.

(5) A judge with a fourth, third, second or first qualification class may work as a regional court judge.

(6) A judge with a third, second or first qualification class may work as a Supreme Court judge.

(7) A fifth, fourth and third qualification class may be granted to a judge of a Land Registry Office.

(8) If a judge transfers from a higher court to a lower-level court, the qualification class and monthly base salary granted to him or her shall be retained.

[16 December 1993; 29 January 1997; 19 June 2003; 4 December 2004; 22 September 2005; 3 April 2008; 30 April 2009]

Chapter 15.¹

Land Registry Offices and Judges of Land Registry Offices

[29 January 1997]

Section 98.¹ Status of a Land Registry Office

(1) Land Registry Offices are part of the court system and are established to register real property, as well as to record the rights associated therewith in the Land Registers.

(2) Regional courts shall supervise Land Registry Offices, but the Court Administration shall perform their organisational management.

[22 September 2005]

Section 98.² Composition of Land Registry Offices

(1) Land Registry Offices shall be composed of judges of Land Registry Offices.

(2) The Head of the Office and, if necessary, his or her deputy shall be appointed from among the judges of such Office for five years by the Minister for Justice.

(3) If necessary, the Minister for Justice may transfer a judge of a Land Registry Office for a time, with his or her consent, to another Land Registry Office.

(4) The Head of a Land Registry Office shall manage and control the organisational work of the office.

[22 September 2005]

Section 98.³ Substitution of a Judge of the Land Registry Office and Remuneration for the Substitution of a Judge

(1) In case of vacancy or temporary absence of a judge the Minister for Justice may temporary - not longer than for two years - entrust to perform the duties of a judge of the Land Registry Office to a judge of another Land Registry Office, if this person has agreed in writing.

(2) The remuneration for the substitution of a judge of the Land Registry Office shall be determined in accordance with Section 80, Paragraph one of this Law.

[3 April 2008]

Part III A Officials of the Court and Persons and Institutions Belonging to the Court System

[14 October 1998]

[29 January 1997; 14 October 1998]

Chapter 16 Court Employees

[29 January 1997; 19 June 2003]

Section 99. Assistant to a Judge

(1) An assistant to a judge shall receive visitors and their submissions, take measures in connection with the preparation of matters for adjudication at a sitting of the court, as well as perform other tasks assigned by the judge.

(2) *[5 October 1998]*

[5 October 1998]

Section 100. Court Consultant

(1) A court consultant shall generalise and analyse court practice and statistics, as well as carry out other methodological work.

(2) *[15 October 1998]*

[15 October 1998]

Section 101. Clerk of Court

(1) The clerk of court shall manage and organise the work of the office of the clerk of court.

(2) Court recorders and other employees of the office of the clerk of court shall work under the management of the clerk of court.

Section 102. Court Recorder

A court recorder shall participate in the sittings of a court in all cases when, according to law, the minutes of a court sitting must be recorded.

Section 103. Process Server

A process server shall deliver court summonses, indictments and other documents to the addressees thereof.

Section 104. Court Interpreter

In cases set out by law, a court interpreter shall take part sittings of a court, as well as translate court documents.

Section 105. Court Administrator

A court administrator shall ensure the provision of the material necessities of the court, the arrangement of suitable premises and order in the court.

Section 105.¹ Consultative Analytical Personnel

A Chief Judge has the right in conformity with the approved structure to hire specialists for an unlimited time or in conformity with the possibilities of the budget – for a specific time for the performance of a concrete task, determining the salary, which shall not exceed the base salary of the judges of the relevant court.

[19 June 2003]

Section 106. Employment Legal Relations of Court Employees

(1) The employment legal relations of court employees shall be founded by entering into a contract of employment according to the procedures specified in the Labour Law with the Chief Judge.

(2) A court employee shall establish employment legal relations in accordance with the procedures set out in the Labour Law.

[15 June 1994; 29 January 1997; 19 June 2003; 22 September 2005]

Chapter 16.¹

Persons belonging to the Court System

[29 January 1997]

Section 106.¹ Prosecutors

(1) Prosecutors are officials belonging to the court system who participate in the adjudication of matters in a court and perform other duties in accordance with law.

(2) The rights and duties of a prosecutor in a court shall be determined by the laws on civil procedure, criminal procedure and administrative procedure.

(3) The activities of a prosecutor shall be determined by the Law on the Office of the Prosecutor.

Section 106.² Sworn Advocates

(1) Sworn advocates are persons belonging to the court system who provide legal assistance and perform other duties in accordance with law. Sworn advocates are assigned to regional courts.

(2) Sworn advocates participate in the adjudication of matters as counsel or as a representative. Only members of the Sworn Advocates Collegium of the Republic of Latvia have the rights of a sworn advocate. The laws on civil procedure, criminal procedure and administrative procedure shall determine the rights and duties of a sworn advocate in a court.

(3) An advocate of a foreign state may be a counsel or a representative in the adjudication of a matter only in the cases, and in accordance with the procedures, specified by international agreements.

(4) In cases specified by law, an assistant to a sworn advocate also has the rights and duties of an advocate.

(5) The Advocacy Law shall determine the activities of a sworn advocate.

(6) Other persons who, on the basis of a power of attorney, represent persons in court shall not have the rights, or the duties of a sworn advocate.

Section 106.³ Sworn Notaries

(1) Sworn notaries are persons belonging to the court system, who are assigned to regional courts and perform their duties as specified by law. In respect of the work of their office, sworn notaries shall be equivalent to State officials.

(2) In cases specified by law, an assistant to a sworn notary and a sworn notary candidate also have the rights and duties of a sworn notary.

(3) The Notariate Law shall determine the activities of a sworn notary.

[31 October 2002]

Section 106.⁴ Sworn Bailiffs

(1) Sworn bailiffs are persons belonging to the court system, who are assigned to regional courts and perform their duties as specified by law. In respect of the work of their office, sworn bailiffs shall be equivalent to State officials.

(2) In cases specified by law, an assistant to a sworn notary and a sworn notary candidate also have the rights and duties of a sworn notary.

(3) The Law On Bailiffs shall determine the activities of a sworn bailiff.

[31 October 2002]

Chapter 16.²

[22 September 2005]

Part IV
Institutions and Persons, Whose Activities are Associated with the
Implementation of Judicial Power

Chapter 17
Administration of Courts

[4 December 2003]

Section 107. Competence of the Ministry of Justice

(1) The Ministry of Justice is the leading State administrative institution in the administration of courts and it shall perform the functions specified in this Law.

(2) The Ministry of Justice shall:

- 1) issue internal regulatory enactments regarding the organising of administrative work of district (city) courts, regional courts and Land Registry Offices;
- 2) request data from district (city) courts, regional courts and Land Registry Offices necessary for performance of the functions specified in regulatory enactments; and
- 3) supervise the organisational management of district (city) courts, regional courts and Land Registry Offices; and
- 4) fulfil the function of the supervisor of the Court information system and State unified computerised Land Registry.

[29 January 1997; 15 October 1998; 31 October 2002; 4 December 2003; 22 September 2005 3 April 2008; 30 April 2009]

Section 107.¹ Court Administration

(1) Court Administration is direct administrative institution subordinate to the Minister for Justice, which shall organize and ensure the administrative work of district (city) courts, regional courts and Land Registry Offices.

(2) Court Administration shall:

- 1) *[30 April 2009]*;
- 2) ensure audit of courts and land registry Offices, as well as the performance of checks;
- 3) deal with the personnel files of judges, courts and Land Registry Offices;
- 4) ensure the selection of candidates for offices of judges and organise their apprenticeship;
- 5) prepare documents and perform measures connected with appointment of judges and their approval for the office, as well as their depriving of an office, dismissal and removal from the office;
- 5¹) issue or prepare (if the replacement of a judge is to be determined in the case referred to in Section 74 of this Law) orders regarding vacations, business trips and training of judges;
- 6) prepare office lists of judges and approve the office lists of employees of court and Land Registry Office;

- 7) approve descriptions of offices of employees of court and Land Registry Office;
- 8) upon co-ordination with Chief Judge or the Head of Land Registry Office, hire and dismiss employees of a court or Land Registry Office, issue orders regarding vacations, business trips and training of employees;
- 9) plan and ensure the training of judges, employees of a court and Land Registry Office and lay judges;
- 10) request from court or Land Registry Offices the necessary data and from the employees thereof – explanations;
- 11) prepare materials regarding initiation of a disciplinary matter against a judge;
- 12) punish disciplinary employees of a court regarding the employment discipline violations determined;
- 13) perform the duty of the holder of the State unified computerised Land Registry and ensure the distribution of the State unified computerised Land Registry information;
- 14) compile statistical data of courts and Land Registry Offices regarding the work thereof, analyse the compiled data and provide proposals regarding the changes required in statistical reports;
- 15) act with budget resources of courts and Land Registry Offices;
- 16) plan income and expenditure resources of courts and land Registry Offices, as well as analyse economical indicators;
- 17) prepare draft budgetary request for the provision of work of courts and land Registry Offices;
- 18) perform audit of economic activity and finances of courts and Land Registry Offices;
- 19) ensure targeted and efficient use of State budget resources;
- 20) ensure courts and Land Registry Offices with materials and technical resources;
- 21) ensure courts and Land Registry Offices with working premises and the infrastructure of information and communication technologies in co-operation with the State stock company the Courthouse Agency.
- [4 December 2003 22 September 2005; 30 April 2009]*

Section 108. Functions of the Minister for Justice in relation to Issues concerning the Organisational Management of the Courts

The Minister for Justice:

- 1) shall require explanations from judges of district (city) courts, regional courts or Land Registry Offices;
- 4) shall assign the Court Administration to perform audit of district (city) courts, regional courts and Land Registry Offices, if necessary, involving the judges the Supreme Court and judges of the regional court, after co-ordination with the Chief Judge concerned; and
- 3) shall initiate disciplinary matters against judges.
- [29 January 1997; 15 October 1998; 31 October 2002; 22 September 2005]*

Section 109. Bailiffs

[31 October 2002]

[29 January 1997; 31 October 2002]

Section 110. Offices of a Bailiff

[31 October 2002]

Section 111. Rights of Bailiffs

[31 October 2002]

Section 112. Obligations and Liability of Bailiffs

[31 October 2002]

**Chapter 18
Institutions and Persons Associated with
Adjudication of a Matter in Courts**

Section 113. Prosecutor

[29 January 1997]

Section 114. Advocates

[29 January 1997]

Section 115. Police

(1) Within the scope of their competence, the police shall secure the activities of the courts.

(2) The police, in fulfilling the tasks entrusted to them:

1) shall comply with directions, which are associated with the performance of the investigatory activities of a court and the search for defendants;

2) shall guard and escort arrested or detained persons, and pursuant to the request of a court bring them to the sitting of the court, where they shall be guarded;

3) shall execute the decisions of a judge and a court concerning the compulsory conveyance to court of persons, who have avoided appearing before the court after receiving a summons; and

4) shall execute other court decisions within the scope of their competence.

(3) The police shall provide protection for judges and court officials, their families, as well as their property.

(4) Court police, who are part of the police force, shall ensure order in a court.

Section 116. Experts

(1) Experts, pursuant to the decisions of a judge and a court, shall conduct expert-examinations within the scope of their competence.

(2) The rights and obligations of experts shall be prescribed by law.

Part V
Financing of the Court System.
Payment for Work and Social Guarantees of Judges

[29 January 1997]

Chapter 19
Material Provisions of the Court System

Section 117. Financing of the Court System

- (1) The court system shall be financed from the State budget.
- (2) *[11 November 1999]*
- (3) The State shall guarantee the independence of judges and the effective legal protection of persons in a competent and independent court by providing the corresponding funding in the State Budget Law for the current year.
[6 April 1995; 29 January 1997; 11 November 1999; 31 October 2002]

Section 118. Material and Technical Base of the Court System

The State shall provide the courts with corresponding material and technical support for the performance of court functions.
[31 October 2002]

Chapter 20
Remuneration for Work Principles for a Judge

[19 June 2003]

Section 119. Remuneration for Work for Judges

The remuneration for work of judges shall include a monthly base salary, supplements for qualification class and bonuses.
[16 December 1993; 1 October 1997; 15 October 1998; 19 June 2003]

Section 119.¹ Base Salary of Judges

- (1) A district (city) court judge shall receive a monthly base salary, which is calculated, applying a coefficient of 4.5, from the average monthly gross remuneration for work for the workforce in the State as published in the official statistical notification of the Central Statistical Bureau of the previous year, and which is rounded to lats.
- (2) A regional court judge shall receive a monthly base salary that is 20 per cent higher than a district (city) court judge monthly base salary.
- (3) A Supreme Court judge shall receive a monthly base salary that is 40 per cent higher than a district (city) court judge monthly base salary.
- (4) A Supreme Court senator shall receive a monthly base salary that is 50 per cent higher than a district (city) court judge monthly base salary.

[19 June 2003; 23 February 2006]

Section 119.² Base Salary of Deputy Chief Judges, Chief Judges, Chairpersons of Collegia, and Chairpersons of Panels and the Senate

- (1) A district (city) court deputy Chief Judge shall receive a monthly base salary that is 10 per cent higher than a district (city) court judge monthly base salary.
- (2) A district (city) court Chief Judge shall receive a monthly base salary that is 20 per cent higher than a district (city) court judge monthly base salary.
- (3) A regional court deputy Chief Judge and a chairperson of a collegia shall receive a monthly base salary that is 30 per cent higher than a district (city) court judge monthly base salary.
- (4) A regional court Chief Judge shall receive a monthly base salary that is 40 per cent higher than a district (city) court judge monthly base salary.
- (5) A deputy Chief Justice and chairpersons of panels and the Senate shall receive a monthly base salary that is 70 per cent higher than a district (city) court judge monthly base salary.
- (6) A Chief Justice shall receive a monthly base salary that is 100 per cent higher than a district (city) court judge monthly base salary.

[19 June 2003]

Section 120. Supplements for the Qualification Class of Judges

- (1) The following supplements are specified for the qualification classes of judges:
 - 1) qualification class 5: 20 - 40 per cent of base salary;
 - 2) qualification class 4: 40 - 50 per cent of base salary;
 - 3) qualification class 3: 50 - 60 per cent of base salary;
 - 4) qualification class 2: 60 - 70 per cent of base salary;
 - 5) qualification class 1: 70 - 80 per cent of base salary; and
 - 6) highest qualification class: 80 - 100 per cent of base salary.
- (2) The Cabinet may also prescribe other supplements to the salaries of judges.

[16 December 1993; 15 October 1998]

Section 120.¹ Monthly Base Salary of a Judge of Land Registry Office, Head and Deputy Head of Land Registry Office

- (1) A judge of a Land Registry Office shall receive a monthly base salary, which is calculated, applying a coefficient of 3.5, from the average monthly gross remuneration for work for the workforce in the State as published in the official statistical notification of the Central Statistical Bureau of the previous year, and which is rounded to lats.
- (2) The Head of a Land Registry Office shall receive a monthly base salary that is for 15 per cent higher than a monthly base salary of a judge of a Land Registry Office.
- (3) The Deputy Head of a Land Registry Office shall receive a monthly base salary that is by 10 per cent higher than a monthly base salary of a judge of a Land Registry Office.

[29 January 1997; 19 June 2003; 23 February 2006; 8 November 2007; 30 April 2009]

Section 121. Bonuses for Judges

Bonuses may be determine for a judge, taking into account the results of his or her work, and utilising financial means for this purpose up to 15 per cent of the planned base salary funds.

[19 June 2003; 22 September 2005]

Section 121.¹ Remuneration for Approval of Measures of Investigatory Operations

The Chief Justice of the Supreme Court or specially authorised Justices of the Supreme Court authorised by him or her shall receive the remuneration in the amount of three per cent from the monthly salary of a judge, which is specified in Section 119.¹, Paragraph one of this Law, for one day of duty regarding the measures of investigatory operations to be performed in accordance with the special method provided for in Section 7, Paragraph four of the Investigatory Operations Law and approval of requests of confidential data at the disposal of credit institutions provided for in Section 63, Paragraph one, Clauses 6 and 7 of the Credit Institution Law.

[30 April 2009]

Chapter 21

Payment for Work of the Officials of Departments of Courts

Section 122. Salaries of Officials of the Departments of a Court

[16 December 1993]

Chapter 22

Social Guarantees for Judges

Section 123. Vacations of Judges

(1) Annual paid vacations of not less than five calendar weeks shall be granted to judges.

(2) According to the length of service of a judge, after five completed years of work as a judge, the annual paid vacation shall be increased by three days. After each five completed years of work as a judge the annual paid vacation shall be increased by three days, but not exceeding two calendar weeks.

[19 June 2003]

Section 123¹. Leave without retention of work remuneration

If it is necessary for a judge and work conditions it allows, a leave without retention of work remuneration may be granted for him or her.

[22 September 2005]

Section 124. Provision of Judges with Living Quarters

[22 September 2005]

Section 125. Other Social Guarantees for Judges

- (1) A judge, when granting annual leave, shall be paid a once-only allowance in the amount of one month's base salary.
 - (2) A judge that has been injured in a serious accident shall be paid a once-only allowance in the amount of one month's base salary.
 - (3) A judge shall be paid an allowance in the amount of one month's base salary in relation to the death of a family member or a dependent person.
 - (4) In the case of the birth of a child, a judge shall be paid an allowance in the amount of three month's base salary. If both parents of the child work for the State authorities, in regulatory enactments of which the right to receive a childbirth allowance is provided, only one of them has the right to the allowance.
 - (5) If a judge is removed from office due to a reduction in the number of judges, the judge shall be paid an allowance in the amount of three month's base salary.
 - (6) The State shall mandatorily insure the life and health of judges in the amount of up to 15 monthly base salaries.
 - (7) If a judge is transferred to work to another administrative territory, removal expenses including travelling expenses un expenses for transportation of goods and chattels owned by a judge and his or her family members shall be compensated for a judge and his or her family members (dependants) on the basis of documents supporting expenses.
- [15 June 1994; 29 January 1997; 19 June 2003; 22 September 2005; 2 November 2006]*

Section 125. Service Pensions of Judges

A special law determines the basis for granting of service pension of judges and procedures for disbursement thereof.

[22 September 2005]

Transitional Provisions

1. Up to 31 December 2006 the base salary of judges and lay judges shall be referenced to the average monthly gross remuneration for work for the workforce in 2001, and which is rounded to lats.
2. A judge, except judges of Land Registry Offices, shall be paid the following monthly base salary:
 - 1) in 2003, 60 per cent of the monthly salary specified in Sections 119.¹ and 119.² of this Law;
 - 2) in 2004, 70 per cent of the monthly salary specified in Sections 119.¹ and 119.² of this Law; and
 - 3) in 2005, 80 per cent of the monthly salary specified in Sections 119.¹ and 119.² of this Law.
3. Up to 2006, the supplements for qualification classes provided for in Section 120 of this Law and the social guarantees provided for in Section 125 of this Law shall be calculated from the monthly base salary, which is provided for in Paragraph 2 of these Transitional Provisions.

4. In granting annual leave to judges in 2003, a once-only allowance shall be paid in the amount of such monthly base salary as was specified up to 30 June 2003.

5. The qualification classes, which have been granted up to 30 June 2003 to judges, shall be retained.

6. [22 September 2005]

7. In 2006, the monthly base salary of a judge, except the monthly base salary of a judge of Land Registry Office, shall be calculated, taking into account the increase in the average monthly gross remuneration for work for the workforce in comparison with the previous year, with the coefficient of 4.5 remaining unchanged, but the monthly base salary in 2006 of a judge of the land Registry Office and a salary for a lay judge shall be calculated, taking into account the average monthly gross remuneration for work for the workforce in 2004.

In 2007, 2008 and 2009, the monthly base salary of a judge, except the monthly base salary of a judge of Land Registry Offices, shall be calculated taking into account the average monthly gross remuneration for work for the workforce in 2005, with the coefficient of 4.5 remaining unchanged.

In 2009, the monthly base salary of a judge, except the monthly base salary of a judge of the Land Registry Office, shall be determined in accordance with Clause 20 of Transition Provisions.

[23 February 2006; 14 November 2008; 12 December 2008]

8. By 1 April 2004, the Ministry of Justice shall ensure the transfer of the relevant functions to Court Administration.

9. Up to 1 February 2009, persons who conform to Section 52, Paragraph one, Clauses 1, 2, 3, 4 and 6 of this Law and who have a total length of service of at least three years in a legal speciality or a civil servant position, may be approved as judges of administrative district courts.

[2 November 2006]

10. Up to 1 February 2009, persons who conform to Section 52, Paragraph one, Clauses 1, 2, 3, 4 and 6 of this Law and who have a total length of service of at least five years in the offices indicated in Sections 53 and 54 or a civil servant position, may be approved as judges of the Supreme Court Senate administrative department and administrative district courts.

[2 November 2006]

11. The lower qualification classes referred to in Section 98, Paragraph five and six of this Law shall be granted for the judges of Supreme court and regional court who have been approved for the position up to 1 February 2006, if they do not have the qualification classes specified in Section 98, Paragraphs five and six of this Law.

12. By 1 February 2006, the State Chancellery shall ensure for the Supreme Court the necessary additional work premises for the performance of the functions specified in the Administrative Procedure Law.

13. The Cabinet shall develop and submit to *Saeima* a draft law regarding the service pensions of judges until 15 November 2005.

14. The Cabinet shall issue the Regulations provided for in Section 28.⁶, Paragraph six and Section 29, Paragraph two of this Law until 1 April 2006.

15. Clauses 8 and 12 of Section 107.¹, Paragraph two of this Law shall come into force on 1 September 2007.

[19 June 2003; 4 December 2003; 22 September 2005]

16. After passing of attestation the lower qualification classes referred to in Section 98, Paragraph five and six of this Law shall be granted for judges of Administrative Matters Department of the Senate of the Supreme Court and Administrative Regional court, which have been approved for the office until 1 February 2019, if the qualification classes referred to in Section 98, Paragraph five and six have not been granted for them.

[2 November 2006; 3 April 2008]

17. The monthly base salary of a judge of the Land Registry Office shall be calculated:

until 1 January 2009 – in accordance with average monthly gross remuneration for work for the workforce in the State as published in the official statistical notification of the Central Statistical Bureau of the previous year, and which is rounded to lats, applying the coefficient of 2.5;

in 2009 – taking into account the average monthly gross remuneration for work for workforce in 2006, applying the coefficient of 2.5;

in 2010 - in accordance with average monthly gross remuneration for work for the workforce in the State as published in the official statistical notification of the Central Statistical Bureau of the previous year, and which is rounded to lats, applying the coefficient of 3.5

[8 November 2007; 14 November 2008]

18. Candidates for the office of a judge, the nomination of which for appointment in the office of a judge has been commenced before the coming into force of the amendment of Section 52, Paragraph one, Clause 5 of this Law, shall be appointed for the office of a judge by 1 October 2008.

[3 April 2008]

19. By the day of coming into force of the Cabinet Regulation referred to in Section 29, Paragraph three of this Law, but not longer than until 1 January 2009, the Cabinet Regulation No.1023 of 27 December 2005, Regulations Regarding the Territories of Administrative Regional Court, Administrative District Court, the City of Rīga, Rīga District and Sigulda Court, shall be applicable.

[3 April 2008]

20. In accordance with the remuneration specified by this Law (monthly base salary, bonuses etc.) in 2009 shall be determined in accordance with the Law on Remuneration of Officials of State and Local Government Institutions in 2009.

[12 December 2008]

21. Amendments to Section 29, Paragraph three and Section 35, Paragraph three, which assign the right for the Cabinet to determine the territories of operation of district (city) courts and relevant courthouses, as well as the territories of operation for regional courthouses, shall come into force on 1 July 2009.

[30 April 2009]

22. The Cabinet shall issue the Cabinet Regulations provided for in Section 29, Paragraph three and Section 35, Paragraph three of this Law by 1 July 2009, in order to determine the territories of operation of district (city) courts and relevant courthouses, as well as the territories of operation for regional courthouses. By the day of coming into force of this Regulation, but not longer than until 1 September 2009, the Cabinet Regulation No.1058 of 16 December 2008, Regulations Regarding the Territories of Operation of Administrative Regional Court, Administrative District Court and Courthouses Thereof, the City of Rīga, Rīga District and Sigulda Court, shall apply insofar as it is not in contradiction with this Law.

[30 April 2009]

Note. This Law shall come into force at the same time with the Law on Remuneration of Officials of State and Local Government Institutions in 2009.

President of the Supreme Council
of the Republic of Latvia

A. Gorbunovs

Secretary of the Supreme Council
of the Republic of Latvia

I. Daudišs

Rīga, 15 December 1992

Annex

[1 October 1997]

[6 April 1995; 29 January 1997; 1 October 1997]

Transitional Provisions Regarding Amendments to the Law On Judicial Power

Transitional Provisions

(regarding amending law of 16 December 1993)

1. It is determined that, until the Commercial Court ceases to operate and its functions are transferred to regional courts, the salary of the Chief Judge of the Commercial Court shall be equivalent to the salary of a Deputy Chief Justice of the Supreme Court, and the salaries of a Deputy Chief Judge and judges of the Commercial Court shall be equivalent to the salaries of justices of the Supreme Court, and the said judges are conferred qualification class 2 with a 40-45 per cent supplement.

2. Until the time when a law is adopted regulating the relationships of the State civil service and determining the salaries of State civil servants, the salaries of the Chief Justice of the Supreme Court, Deputy Chief Justice and justices of the Supreme Court shall be equivalent to the salary of a State Secretary of a Ministry, but the salaries of other judges shall be calculated in accordance with the procedures set out in Section 119, Paragraph two and three of the Law On Judicial Power.

3. The following shall be repealed:

Annexes 3, 4, 5, 10 and 16 to the 9 January 1992 decision of the Presidium of the Supreme Council of the Republic of Latvia On a Uniform Employment Remuneration System for the Employees of the Supreme Council and the Budget-financed Institutions under its Authority; the 11 February 1993 decision of the Presidium of the Supreme Council of the Republic of Latvia On the Amendments and Additions to the 9 January 1992 decision of the Presidium of the Supreme Council of the Republic of Latvia On a Uniform Employment Remuneration System for the Employees of the Supreme Council and the Budget-financed Institutions under its Authority, concerning the part on employees of the courts and offices of the Prosecutor; and the 26 May 1993 decision of the Presidium of the Supreme Council of the Republic of Latvia On Specifying Temporary Coefficients for the Calculation of Monthly Salaries for the Managers of State Power and Administrative Institutions under the Authority of the Supreme Council of the Republic of Latvia, concerning the part on Chief Judges and Deputy Chief Judges of courts, the Prosecutor General and his or her deputies.

4. The Cabinet shall determine the salaries of prosecutors and investigators for the prosecution, as well as supplements for the Prosecutor General and his or her deputies for performance of the relevant duties, by 31 December, 1993. These salaries and supplements shall be 95 per cent of the salaries and supplements of the judges in respective positions. In setting supplements for prosecutors and investigators for the prosecution in respect of service rank, the supplements for judicial qualification categories specified by this Law shall be taken into consideration. The provisions of this Section shall be in force until the Law on Prosecution comes into force.

5. The Cabinet shall, by 31 December 1993, determine the salaries of employees in court and prosecutor's institutions in accordance with decision No. 4 of the Cabinet On Alterations Concerning the Employment Income of the Employees of Budget-financed Institutions, adopted on 17 August 1993.

6. The salaries and supplements specified in this Law shall be in force from 1 January 1994.

Transitional Provisions

(regarding amending law of 28 September 1995)

1. When this Law comes into force, all cases which were under the jurisdiction of the Commercial Court shall come under the jurisdiction of district (city) courts, Regional courts and the Supreme Court in accordance with the provisions of the Code of Civil Procedure.

2. Cases which, by the date when this Law comes into force, have been submitted to the Commercial Court, but have not yet been adjudicated by the court, shall be transferred to the relevant district (city) courts or Regional courts.

Cases which, by the date when this Law comes into force, have been submitted to the Commercial Court, and whose adjudication has commenced, shall be adjudicated by the Commercial Court by 15 December 1995.

Cases which have not been adjudicated during the specified time period (either by a court of first instance or an appellate court), shall be transferred from the Commercial Court to the relevant district (city) court or regional court for adjudication, but archival and other material assets shall be delivered to the Ministry of Justice.

3. Three months after the coming into force of this Law, the Law On the Commercial Court of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1991, No. 51) and the Law On the Proceedings of the Commercial Court (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1993, No. 16) shall be repealed.

4. Until the judges of the Commercial Court enter into new employment relationships, but not longer than for six months, they shall be receive the same remuneration as they had on the day of their dismissal.

Other employees of the Commercial Court, if their employment relationships continue until 30 December 1995, shall be granted, in accordance with the procedures set out in Section 37 of the Employment Code, a dismissal allowance equalling three months' salary.

5. During the transitional period, protests concerning criminal cases in which judgments or decisions have come into legal effect by application of the provisions of the Code of Criminal Procedure, which were in effect until 1 October 1995, may be submitted until 31 January 1996 in accordance with the supervisory procedures, and such shall be adjudicated in accordance with the requirements of the Code of Criminal Procedure, Chapter 31 (as it was in force until 1 October 1995).

The right to submit protests in accordance with the supervisory procedures may be exercised by the Prosecutor General, the Chief Justice of the Supreme Court or the Deputy Chief Justices.

The Courts of Cassation and of Supervisory Instances are the Judicial Panel for Criminal Matters of the Supreme Court and the Department for Criminal Matters of the Senate.

Transitional Provisions

(regarding amending law of 29 January 1997)

1. Until the formation of a Judicial Qualification Board of the Land Registry Offices, the functions concerning judges of the Land Registry Offices specified in Section 94 of the Law On Judicial Power shall be performed by the Judicial Qualification Board of district (city) courts.

2. Within three months from the date of this Law coming into force, the Cabinet shall submit a draft law on the amendments to the Law on Disciplinary Liability of Judges,

with the purpose of harmonisation of the Law on Disciplinary Liability of Judges with this Law.

Transitional Provision

(regarding amending law of 1 October 1997)

The Minister for Justice shall set the deadline for the commencement of court operations in the Liepāja Court, Ventspils Court, Daugavpils Court, Jelgava Court and Rēzekne Court.

Transitional Provisions

(regarding amending law of 15 October 1998)

1. Upon this Law coming into force, the administrative judges who have been appointed to office in accordance with the requirements of Section 52, Paragraph three, of the Law On Judicial Power, shall acquire the status of a judge of a district (city) court specified in Section 60, Paragraph one, of the Law On Judicial Power.
2. Concurrently with the establishment of the Judicial Qualification Board specified in Section 93 of this Law, the following shall be repealed:
 - 1) The decision of the Presidium of the Supreme Council of the Republic of Latvia On the Approval of Regulations Concerning Judicial Qualification Boards of the Courts of the Republic of Latvia, and the Regulations confirmed by it (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1993, No. 26/27);
 - 2) The decision of the Presidium of the Supreme Council of the Republic of Latvia On the Confirmation of Regulations Concerning the Certification of Judges of the Courts of the Republic of Latvia and the Regulations confirmed by it (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1993, No. 26/27; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1994, No. 1).

Transitional Provisions

(regarding amending law of 31 October 2002)

Amendments to Section 42 and Section 47, Paragraph four of the Law On Judicial Power shall come into force on 1 January 2003.

Transitional Provisions

(regarding amending law of 17 March 2005)

This law shall come into force simultaneously with the Criminal Procedure Law.