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11 September 1997;  
30 November 2000;  
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6 March 2008;  
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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 *Saeima*<sup>1</sup> has adopted  
and the President has proclaimed the following Law:

## **Constitutional Court Law**

### **Chapter I General Provisions**

#### **Section 1. Constitutional Court**

(1) The Constitutional Court shall be an independent judicial authority which within the jurisdiction specified in the Constitution of the Republic of Latvia (hereinafter – the Constitution) and in this Law, shall adjudicate matters regarding the compliance of laws and other regulatory enactments with the Constitution, as well as other matters regarding which jurisdiction is conferred upon it by this Law.

(2) The Constitutional Court shall hear a court case in accordance with the Constitution and this Law.

(3) [6 March 2008]

[6 March 2008]

#### **Section 2. Independence of the Constitutional Court**

Direct or indirect interference in the activity of the Constitutional Court that is associated with a court case hearing shall not be permissible.

#### **Section 3. Composition of the Constitutional Court**

The Constitutional Court shall comprise seven judges.

#### **Section 4. Confirmation of a Constitutional Court Judge**

(1) Constitutional Court judges shall be confirmed by the *Saeima*. Three Constitutional Court judges shall be confirmed following a proposal by not less than ten members of the *Saeima*, two - following a proposal by the Cabinet and two more following a proposal by the Supreme Court plenary session. The Supreme Court plenary session shall select candidates for the position of a Constitutional Court judge from among the judges of the Republic of Latvia.

(2) Such person may be confirmed as a judge of the Constitutional Court who:

<sup>1</sup> The Parliament of the Republic of Latvia

- 1) is a citizen of the Republic of Latvia;
- 2) has an impeccable reputation;
- 3) has reached 40 years of age, on the day when the proposal regarding the confirmation as a judge of the Constitutional Court was submitted to the Presidium of the *Saeima*;
- 4) has acquired a higher professional or academic education (except the first level professional education) in legal science and also a master's degree (including a higher legal education, which in regard to rights is equal to a master's degree) or a doctorate; and,
- 5) has at least 10 years of service in a legal speciality or in a judicial speciality in scientific educational work at a scientific or higher educational establishment after acquiring a higher professional or academic education (except the first level professional education) in legal science.

(2<sup>1</sup>) A person who may not be a candidate for a position of a judge according to Section 55 of the Law On Judicial Power may not be confirmed as a judge of the Constitutional Court.

(3) The following documents signed by a candidate for the position of a Constitutional Court judge shall be appended to a submission regarding the candidacy for a Constitutional Court judge:

- 1) the consent for the candidacy for the position of a Constitutional Court judge; and,
- 2) a declaration that the restrictions specified in Section 55 of the Law On Judicial Power does not apply to him or her.

(4) Candidacies for Constitutional Court judges shall be published in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia] not later than within five days after submitting thereof to the Presidium of the *Saeima*, indicating the following:

- 1) the candidacy submitters;
- 2) the following information regarding each candidate for the position of a Constitutional Court judge:
  - a) the given name, surname,
  - b) the year and place of birth
  - c) the place of residence (the district or city),
  - d) from which higher educational establishments he or she has graduated (in which year, in which speciality), and,
  - e) the places of employment and positions occupied thereof.

[30 November 2000; 10 December 2009]

## **Section 5. Oath of a Constitutional Court Judge**

(1) After the confirmation a Constitutional Court judge shall take the judge's oath as provided for in the Law on Judicial Power, which shall be accepted by the President.

(2) A Constitutional Court judge shall commence fulfilment of his or her duties after the giving of the oath.

(3) If a judge of another court is confirmed as a Constitutional Court judge, who has already taken the referred to oath, he or she shall not give the oath again and shall commence fulfilment of his or her professional duties immediately after the confirmation.

## **Section 6. Robes and Judicial Insignia of a Constitutional Court Judge**

A Constitutional Court judge shall fulfil his or her professional duties at court sittings attired in his or her judicial robes and wearing his or her insignia of office

## **Section 7. Term of Office of a Constitutional Court Judge**

(1) The term of office of a Constitutional Court judge shall be ten years from the day on which he or she, according to Section 5 of this Law, has commenced fulfilment of

professional duties of a Constitutional Court judge, except for the cases determined in Part 1, Paragraph three and four of this Law.

(2) During his or her term of office, except for the cases specified in Section 10 of this Law, a Constitutional Court judge shall not be dismissed.

(3) One and the same person may not hold the position of a Constitutional Court judge for longer than ten consecutive years, except for the cases provided for in Section 11, Paragraphs three and four of this Law.

(4) If a person has been confirmed as a Constitutional Court judge who in accordance with the Law on Judicial Power has been confirmed as a judge without restriction on the term of office, he or she shall be entitled to return to the previous judicial position after expiration of the term of office as a Constitutional Court judge, if he or she has not reached the maximum age specified for fulfilling the position of a judge.

*[30 November 2000; 18 October 2007; 10 December 2009]*

#### **Section 8. Resignation from the Position of a Constitutional Court Judge Prior to the Completion of the Term of Office**

(1) Independently of the time employed as a Constitutional Court judge, a Constitutional Court judge shall leave his or her position when he or she has reached 70 years of age, except for the cases provided for in Section 11, Paragraphs three and four of this Law.

(2) A Constitutional Court judge may leave his or her position prior to expiration of the term of office of his or her own accord, informing the Constitutional Court thereof in writing.

*[30 November 2000]*

#### **Section 9. Suspension of the Term of Office of a Constitutional Court Judge**

(1) If the Constitutional Court has agreed on commencement of a criminal prosecution against a Constitutional Court judge, the term of office of this judge shall be suspended until the time when a judgment of a court comes into effect in the relevant criminal matter or the relevant criminal matter is terminated.

(2) If disciplinary proceedings have been initiated in relation to a Constitutional Court judge allowing actions incompatible with the status of a judge, the Constitutional Court may suspend the term of office of this judge until the adjudication of the disciplinary proceedings but not longer than for one month.

*[30 November 2000]*

#### **Section 10. Removal or Dismissal of a Constitutional Court Judge from Office**

(1) If a Constitutional Court judge is unable to continue to work due to his or her state of health, he or she shall be removed from office with a Constitutional Court decision. For this decision to be taken an absolute majority vote of all the court members shall be necessary.

(2) A Constitutional Court judge shall lose his or her office, if he or she is convicted of a criminal offence and the judgment has come into legal effect.

(3) If a Constitutional Court judge has breached the requirements in Section 34 of this Law, allowed a dishonourable offence that is incompatible with the status of a judge or systematically does not fulfil his or her official duties and a disciplinary sanction has been imposed on him or her regarding it, he or she may be discharged from office with a Constitutional Court decision. For this decision to be taken an absolute majority vote of all the court members shall be necessary.

*[30 November 2000]*

## **Section 11. Procedures by which a New Constitutional Court Judge is to Be Confirmed if the Term of Office of a Former Judge has Expired**

(1) Upon expiration of the term of office of a Constitutional Court judge, the *Saeima* by proposal of the same authority by whose proposal the judge whose term of office has expired was confirmed, shall confirm another judge.

(2) The Constitutional Court shall inform regarding the expiration of the term of office of a Constitutional Court judge in writing the institution by whose proposal the judge whose term of office has expired was confirmed, but in cases when a judge has been confirmed by a proposal submitted by not less than ten deputies of the *Saeima* – the *Saeima*. The Constitutional Court shall notify regarding the termination of the term of office of a Constitutional Court judge due to expiry of the term of office or on reaching the age specified in Section 8, Paragraph one of this Law at least three months in advance.

(3) If the *Saeima* has not confirmed another judge in place of a Constitutional Court judge whose term of office has terminated due to expiry of the term of office or reaching the age specified in Section 8, Paragraph one of this Law, the term of office of such a Constitutional Court judge shall be regarded as extended until the time when the *Saeima* has confirmed another judge in his or her place and he or she has given the judge's oath.

(4) A Constitutional Court judge whose term of office has terminated due to expiry of the term of office or reaching the age specified in Section 8, Paragraph one of this Law, shall continue to perform the duties of a Constitutional Court judge until the pronouncement of the judgment in Constitutional Court matters, the adjudication of which has commenced with his or her participation in a court sitting.

[30 November 2000]

## **Section 12. Chief Judge and a Deputy Chief Judge of the Constitutional Court**

Constitutional Court judges, by secret ballot, with an absolute majority of votes by all members of the judges shall elect from among those participating a Chief Judge and Deputy Chief Judge of the Constitutional Court for three years.

## **Section 13. Duties and Rights of the Chief Judge and Deputy Chief Judge of the Constitutional Court**

(1) The Chief Judge of the Constitutional Court shall chair the Constitutional Court sittings, organise the work of the court and represent the Constitutional Court.

(2) The Deputy Chief Judge of the Constitutional Court shall assist the Chief Judge of the Constitutional Court in fulfilling the duties of the Chief Judge specified in Paragraph one of this Section and deputise for the Chief Judge during his or her absence.

(3) Specific duties of the Chief Judge of the Constitutional Court may be fulfilled by a judge designated by him or her.

(4) The Chief Judge of the Constitutional Court and his or her deputy has the right to give orders to Constitutional Court judges in organisational matters associated only with fulfilling of the duties of office.

## **Section 14. Rules of Procedure of the Constitutional Court**

The structure and work organisation of the Constitutional Court shall be defined by the rules of procedure of the Constitutional Court that are adopted with an absolute majority vote of all court members.

## **Section 15. Seal of the Constitutional Court**

(1) The Constitutional Court shall have a seal bearing the Greater State Coat of Arms of the Republic of Latvia and the name of the court.

## **Chapter II**

### **Jurisdiction of the Constitutional Court**

#### **Section 16. Matters to Be Adjudicated in the Constitutional Court**

The Constitutional Court shall adjudicate matters regarding:

- 1) compliance of laws with the Constitution;
- 2) compliance of international agreements signed or entered into by Latvia (also until the confirmation of the relevant agreements in the *Saeima*) with the Constitution;
- 3) compliance of other regulatory enactments or parts thereof with the norms (acts) of a higher legal force;
- 4) compliance of other acts of the *Saeima*, the Cabinet, the President, the Speaker of the *Saeima* and the Prime Minister, except for administrative acts, with law;
- 5) compliance with law of such an order with which a Minister authorised by the Cabinet has suspended a decision taken by a local government council (parish council); and,
- 6) compliance of Latvian national legal norms with those international agreements entered into by Latvia that is not in conflict with the Constitution

[30 November 2000]

#### **Section 17. Rights to Submit an Application Regarding Initiation of a Matter**

(1) The right to submit an application regarding initiation of a matter regarding compliance of laws or international agreements signed or entered into by Latvia with the Constitution (also until the confirmation of the relevant agreement in the *Saeima*), compliance of other regulatory enactments or parts thereof with the norms (acts) of a higher legal force (Section 16, Clauses 1-3), as well as compliance of Latvian national legal norms with those international agreements entered into by Latvia that are not in conflict with the Constitution (Section 16, Clause 6) is held by:

- 1) the President;
- 2) the *Saeima*
- 3) not less than twenty deputies of the *Saeima*;
- 4) the Cabinet.
- 5) the Prosecutor General;
- 6) the Council of the State Audit Office;
- 7) a local government council (parish council);
- 8) the Ombudsman, if the authority or official, who has issued the disputed act, has not rectified the established deficiencies within the time period specified by the Ombudsman;
- 9) a court, on adjudicating a civil matter, criminal matter or administrative matter;
- 10) the Land Register Office judge in performing an entry of immovable property or associated corroboration of rights thereof in the Land Register; or
- 11) a person in the case of the fundamental rights being infringed upon as defined in the Constitution.

(2) The right to submit an application regarding initiation of a matter regarding compliance with law of other acts of the *Saeima*, the Cabinet, the President, the Speaker of the *Saeima* and the Prime Minister, except for administrative acts (Section 16, Clause 4) is held by:

- 1) the President;
- 2) the *Saeima*;

- 3) not less than twenty deputies of the *Saeima*; and,
  - 4) the Cabinet.
- (3) The relevant council (parish council) has the right to submit a request regarding the initiation of a matter regarding compliance of such an order with law, with which a minister authorised by the Cabinet has suspended a decision taken by the local government council (parish council) (Section 16, Clause 5).  
[30 November 2000; 6 March 2008]]

### **Chapter III Judicial Proceedings**

#### **Section 18. Submission of an Application**

(1) An application regarding initiation of a matter (hereinafter – application) shall be submitted to the Constitutional Court in writing. The application shall indicate:

- 1) the applicant;
- 2) the authority or official who has issued the act being disputed;
- 3) an actual statement of the matter;
- 4) the legal basis for the application; and
- 5) a claim to the Constitutional Court.

(2) Dispute of several acts in one application shall be permissible exclusively in the following cases:

1) a regulatory enactment or a part thereof is being disputed and norms of a lower legal force issued on the basis of this;

2) acts issued by an authority (official) are being disputed in relation to the establishment of the relevant authority or election, confirmation or appointment of an official that has not occurred according to the procedures specified by law or if an authority or official has allowed such breaches of law due to which the acts issued thereof do not have legal force.

(3) An application shall be signed by the applicant. If an application is submitted by a collegial authority, it shall be signed by its head. If an application is being submitted by not less than twenty deputies of the *Saeima*, it shall be signed by each of those members.

(4) An application shall have appended to it:

1) a collegial authority decision, if the application is submitted by the collegial authority;

2) explanatory statements and documents that are necessary for the determination of facts of the matter;

3) [11 September 1997]

[11 September 1997; 30 November 2000]

#### **Section 19. Application by a Local Government Council (Parish Council)**

(1) An application in accordance with Section 17, Paragraph one, Clause 7 of this Law may be submitted by a local government council (parish council) only if an act being disputed infringes upon the rights of the relevant local government.

(2) An application by a local government council (parish council) in accordance with Section 17, Paragraph three of this Law shall be accepted according to the procedures specified in Section 49 of the Law on Local Governments.

[30 November 2000]

## **Section 19.<sup>1</sup> Application by a Court and an Application by a Land Register Office Judge**

(1) An application shall be submitted, if:

1) the court, on adjudicating a civil matter or criminal matter in the first instance, according to the appellate or cassation procedures considers that the norm that should be applied in this matter does not comply with the norm (act) of a higher legal force;

2) the court, on adjudicating an administrative matter in the first instance, according to the appellate or cassation procedures considers that the norm that has been applied by an institution or that during the administrative court procedures should be applied in this matter, does not comply with the Constitution or international legal norms (acts); or,

3) the Land Register Office judge, in performing an entry of immovable property or connected corroboration of rights in the Land Register, considers that the norm that should be applied does not comply with the norm (act) of a higher legal force.

(2) An application shall be worded in the form of a motivated decision. A decision shall be taken and signed by the court that adjudicates the relevant civil matter, criminal matter or administrative matter, or the Land Register Office judge who performs the entering of immovable property or connected corroboration of rights thereof in the Land Register.

(3) A decision by the court or Land Register Office judge shall have appended to it documents that justify the application. If necessary, the relevant civil matter, criminal matter or administrative matter shall be appended thereto.

(4) Dispute of several acts in the decision of the court or Land Register Office judge shall be permissible in the cases when it is necessary to apply all these acts to the adjudication of one civil matter, criminal matter or administrative matter or request for corroboration.

*[30 November 2000; 15 January 2004]*

## **Section 19.<sup>2</sup> Constitutional Complaint (Application)**

(1) A constitutional complaint (application) may be submitted to the Constitutional Court by any person who considers that their fundamental rights as defined in the Constitution infringe upon legal norms that do not comply with the norms of a higher legal force.

(2) A constitutional complaint (application) may be submitted only if all the options have been used to protect the specified rights with general remedies for protection of rights (a complaint to the higher authority or higher official, a complaint or statement of claim to a general jurisdiction court, etc.) or if such do not exist.

(3) If adjudication of a constitutional complaint (application) is of a general interest or if protection of rights with general remedies for protection of rights cannot avert substantial harm for the applicant, the Constitutional Court may decide to adjudicate the complaint (application) prior to all general remedies for protection of rights being used. Initiation of a matter in the Constitutional Court shall prohibit adjudication of the relevant civil matter, criminal matter or administrative matter in a general jurisdiction court until the moment when a Constitutional Court verdict has been pronounced.

(4) A Constitutional complaint (application) may be submitted to the Constitutional Court within six months after coming into effect of the decision of the last authority.

(5) Submission of a Constitutional complaint (application) shall not suspend the implementation of the court adjudication except for the cases when the Constitutional Court has decided otherwise.

(6) In addition to the content of an application defined in Section 18, Paragraph one of this Law a constitutional complaint shall justify the following:

1) the fundamental rights of the applicant defined in the Constitution have been infringed upon; and,

2) all general remedies for protection of rights have been used, or such do not exist.

(7) A Constitutional complaint (application) shall have appended to it the following:

- 1) explanatory statements and documents that are necessary for the determination of facts of the matter; and,
- 2) documents that attest to all general remedies for protection of rights having been used, when such exist

*[30 November 2000]*

### **Section 19.<sup>3</sup> The Term for Submission of an Application in Separate Matters**

- (1) An application regarding initiation of a matter in relation to the law regarding the forced expropriation of a definite immovable property for public needs may be submitted to the Constitutional Court within a period of six months after the day of coming into force of the relevant law.
- (2) An application regarding the initiation of a matter in relation to the spatial planning (also detailed planning) of a local government may be submitted to the Constitutional Court within a period of six months after the day of coming into force of the relevant binding regulation.
- (3) Paragraphs one and two of this Section shall not apply to the case, when an application is submitted according to the procedure prescribed in Section 19.<sup>1</sup> of this Law.

*[10 December 2009]*

### **Section 20. Initiation of a Matter or Refusal to Initiate a Matter**

(1) An application shall be examined and initiation of a matter or refusal to initiate a matter shall be decided by a Division comprising three judges, except for the case specified in Paragraph 7.<sup>1</sup> of this Section.

(2) A Division shall be established for one year by the Constitutional Court with an absolute majority vote by full membership of the court. A Division whose structure includes the Chief Judge of the Constitutional Court or his or her deputy shall be chaired accordingly by the Chief Judge of the Constitutional Court or his or her deputy. A Division whose structure does not include the Chief Judge of the Constitutional Court or his or her deputy shall be chaired by the Chair of the Division whom the Division shall elect from among its members.

(3) Procedures by which the Chief Justice of the Constitutional Court shall order the Division to examine applications and by which a judge shall be deputised whose state of health or other objective circumstances prevent him or her from participating in a Division meeting, recording minutes of a Division meeting, as well as other issues associated with organising the work of the Division, shall be specified by the rules of procedure of the Constitutional Court.

(4) Division meetings shall be closed. Only relevant members of the Division shall participate thereof. If necessary, members of the Division may invite the applicant, employees of the Constitutional Court as well as other persons to participate in a meeting.

In examining applications, the Division shall be entitled to refuse to initiate a matter if:

- 1) the matter is not under the jurisdiction of the Constitutional Court;
- 2) the applicant is not entitled to submit an application;
- 3) the application does not comply with the requirements specified in Sections 18 or 19.-19<sup>2</sup> of this Law; or,
- 4) an application is submitted regarding a claim that has already been adjudicated.

(6) In adjudicating a constitutional complaint (application) the Division may also refuse to initiate a matter also in those cases when the legal basis included in the complaint is evidently insufficient to satisfy the claim.



(7) A decision regarding initiation of a matter or refusal to initiate a matter shall be taken within one month from the day of the application submission. In complicated matters the Constitutional Court may extend this period of time for up to two months.

(7<sup>1</sup>) If the Division takes a decision to refuse to initiate a matter and a judge – a member of the Division – votes against such a decision by the Division, moreover, he or she has reasoned objections, examination of the application and the taking of a decision shall be transferred to the assignments sitting with the full composition of the Court.

(8) A decision regarding initiation of a matter or regarding refusal to initiate a matter shall not be subject to appeal.

(9) If a decision regarding initiation of a matter has been taken, within three days after taking thereof:

1) a true copy of the decision shall be sent to the participants in the matter;  
2) a true copy of the application shall be sent to the authority or official who has issued the disputed act;

3) the authority or official who has issued the disputed act shall be invited to submit the written answer with a brief description of actual circumstances of the matter and the legal grounds thereof within the time period specified in the decision regarding initiation of the matter and which is not less than two months; and,

4) information regarding initiation of a matter shall be sent to the newspaper “*Latvijas Vēstnesis*” for publication, in which the Division that has initiated the matter, the applicant and the name of the matter shall be indicated.

(10) If a decision has been taken regarding refusal to initiate a matter, within three days after taking thereof a true copy of the decision shall be sent to the applicant, but in cases when the application is submitted by not less than twenty deputies of the *Saeima* – to their authorised representative.

[30 November 2000; 6 March 2008; 10 December 2009]

## **Section 21. Procedures by which a Decision regarding Refusal to Initiate a Matter shall be Subject to an Appeal [30 November 2000]**

## **Section 22. Preparation of a Matter for Adjudication**

(1) When a matter has been initiated the Chief Judge of the Constitutional Court shall entrust to one of the judges to prepare it for adjudication thereof.

(2) In preparing a matter, if necessary, a judge shall :

1) take a decision regarding an extension of the time period for submitting the written answer, request additional explanations and documents from the applicant, authority or official who has issued the disputed act, as well as from any State or local government authority, institution or official;

2) determine persons to be invited and request that they express their opinion; and,

3) take a decision regarding ordering of an expert-examination in the matter.

(3) At the decision of a judge any person may be recognised as an invited person if hearing this person’s opinion may favour the comprehensive and objective adjudication of a matter.

(4) The opinion of an invited person, opinion of a specialist (expert), requested explanations and other documents shall be submitted within the period of time specified by the judge.

(5) A judge shall take a decision regarding requests from participants of a matter that have been submitted in preparing the matter for adjudication. If a judge rejects an appeal in part or in full, he or she shall take a decision regarding this. A true copy of a decision shall be sent to the participant of a matter that has submitted an appeal. A decision regarding rejection of an appeal in part or in full shall not be subject to appeal.

(6) To promote the comprehensive and timely adjudication of a matter, the merging of two or more matters into one matter shall be permissible as well as the division of one matter into two or more matters.

(7) A matter shall be prepared not later than within five months. In particularly complicated matters an assignments sitting of the Constitutional Court with a composition of three judges shall be entitled to extend this period of time with a decision, but not longer than by two months.

(8) A judge shall complete preparation of a matter, by preparing his or her findings. If a judge considers that a matter should be adjudicated by written procedure, he or she shall include a proposal in his or her findings regarding this.

(9) Preparation of a matter shall be completed with the decision of the Chief Judge of the Constitutional Court regarding adjudication of the matter, the composition of the court and the time and place of an assignments sitting.

(10) At an assignments sitting the court shall decide regarding the following:

1) determining of a written procedure if the relevant proposal has been expressed by the judge who has prepared a matter for adjudication;

2) the time and place of the court sitting; and,

3) other issues that are associated with adjudication of a matter in a court sitting.

(11) A court sitting shall be determined not earlier than 15 days and not later than three months after a decision has been taken regarding the time and place of a court sitting.

(12) If a matter is adjudicated at a court sitting with the participation of the participants of the matter, not later than 15 days prior to the sitting:

1) participants in a matter shall be notified of the time and place of the sitting; and,

2) a notification regarding the time and place of the sitting shall be sent for publication in the newspaper "*Latvijas Vēstnesis*".

(13) If written procedures have been defined in a matter, the participants of a matter shall be informed thereof.

[30 November 2000; 6 March 2008; 10 December 2009]

### **Section 23. Representation in the Constitutional Court**

(1) A participant of a matter – an applicant, as well as an authority or official who has issued a disputed act, - may perform the procedural activities in the Constitutional Court himself or herself or with the mediation of an authorised representative.

(2) If an application is submitted by not less than twenty deputies of the *Saeima*, they shall be regarded as one procedural person. They may perform procedural activities only with the mediation of one authorised representative thereof. The first person, who has signed an application shall be regarded as the authorised representative, if the deputies of the *Saeima* have not agreed otherwise. Such authorisation shall be attested to by the Chancellery of the *Saeima*. In cases when an application is submitted by not less than twenty deputies of the *Saeima*, expiry of the term of office of one or more deputies shall not prohibit the performance of procedural activities associated with the application.

(2<sup>1</sup>) If a constitutional complaint is submitted jointly by more than five persons, these persons shall be regarded as one procedural person. They may perform procedural activities only with the mediation of one authorised representative thereof. The first person, who has signed the application, shall be regarded as the authorised representative, if in the application or in an authorisation appended thereto these persons have not agreed otherwise.

(3) If compliance of such an act with the norm of a higher legal force that has been taken or issued by an authority or official that no longer exists and does not have a legal successor to rights thereof, the authority or official has the rights of a participant of a matter in court procedures and shall be entitled to acknowledge a disputed act as having ceased to be in force or amend it.

(4) Participants of a matter may use the assistance of a sworn advocate. A sworn advocate shall have all the rights of the participants of a matter at a court sitting, except for the right to withdraw an application. The authority of a sworn advocate shall be attested to by a retainer. A participant of a matter may also entrust to a sworn advocate the duties of an authorised representative. Such authorisation shall be attested to with written power of attorney.

[11 September 1997; 30 November 2000; 10 December 2009]

#### **Section 24. Rights of the Participants of a Matter to Become Acquainted with Materials of a Matter**

After a decision has been taken regarding transfer of a matter for adjudication, the participants of a matter, the applicant and authority or official who has issued a disputed act have the right to become acquainted with the materials of the matter.

[30 November 2000]

#### **Section 25. Composition of the Court**

(1) The Constitutional Court in its full membership shall adjudicate matters regarding:

- 1) compliance of laws with the Constitution;
- 2) compliance of other acts of the *Saeima*, the Cabinet, the President, the Speaker of the *Saeima* and the Prime Minister, except for administrative acts, with the law;
- 3) compliance of Latvian national legal norms with those international agreements entered into by Latvia that are not in conflict with the Constitution;
- 4) compliance of regulatory enactments of the Cabinet with the Constitution and other laws; and,
- 5) compliance of international agreements signed or entered into by Latvia (also until the confirmation of the relevant agreements in the *Saeima*) with the Constitution.

(2) Matters not specified in Paragraph one of this Section shall be adjudicated by a composition of three judges if the Constitutional Court has not decided otherwise.

(3) If the Constitutional Court adjudicates a matter in its full membership, it shall include all the judges of the Constitutional Court whose state of health or other objective circumstances does not prevent them from taking part in a court sitting. In such a case there shall not be less than five judges of the Constitutional Court in the composition of the court. A sitting shall be chaired by the Chief Judge of the Constitutional Court or his or her deputy.

(4) If the Constitutional Court is adjudicating a matter with a composition of three judges, these judges shall be defined by the Chief Justice of the Constitutional Court according to the rules of procedure of the Constitutional Court. If the composition of a court does not include the Chief Judge of the Constitutional Court or his or her deputy, the chair of a court sitting shall be elected by those judges from among themselves at an assignments sitting

(5) Recusation may not be raised with Constitutional Court judges.

[11 September 1997; 30 November 2000]

#### **Section 26. Procedures Prescribed by Law for Adjudicating Matters**

(1) Procedures prescribed by law for adjudicating matters shall be determined by this Law and the rules of procedure of the Constitutional Court. The provisions of the Civil Procedure Law shall apply to the implementation of counting of procedural time periods and procedural sanctions – a fine. Other procedural issues not regulated by the Constitutional Court Law and rules of procedure of the Constitutional Court shall be decided by the Constitutional Court.

(2) Participants of a matter who do not know the judicial language, except for the representatives of legal persons, have the right to use interpreter's services. The costs for the interpreter's services shall be covered by the relevant participant of a matter.

[30 November 2000]

## **Section 27. Openness of a Constitutional Court Sitting**

(1) Constitutional Court sittings shall take place publicly, except for the cases when this is contrary to the interests of a State secret, commercial secret, as well as protection of the inviolability of a person's private life.

(2) Persons in attendance at a court sitting shall be permitted to make written notes and sound recordings while remaining in areas designated for the public. Video recordings, photographs, as well as sound recordings outside of areas designated for the public at the time of a court sitting, shall be taken only with the agreement of the Chair of a court sitting and in a such way that it shall not disturb the process of the court sitting, wherever possible.

(3) A decision regarding adjudication of a matter in a closed court sitting shall be taken by the Constitutional Court. Adjudication of a matter in a closed court sitting shall take place in compliance with all regulations for judicial proceedings. A court judgment in any case shall be pronounced publicly.

[30 November 2000]

## **Section 28. Constitutional Court Sitting**

(1) Decisions during the course of a court sitting shall be taken with the majority vote of those judges present in its composition, deliberating on site or in the deliberation room. If a decision is taken in the deliberation room, during the time of voting only those judges who are in the composition of the court shall be allowed to be present in this room. It shall not be permitted to disclose the opinions expressed during voting. If a decision has been taken in the deliberation room, the Chair of the court sitting shall announce this decision after the panel has returned to the courtroom.

(2) A Constitutional Court sitting shall be opened by the Chair of the court sitting. He or she shall announce the composition of the court, name the participants of the matter and other persons involved in the matter, verifying their identity and authorisation.

(3) If a participant of a matter or other person involved in a matter has not appeared, the Chair of the court sitting shall establish whether this person has been duly informed about the court sitting and whether the reasons for non-appearance thereof are known.

(4) If any of the participants of a matter has not appeared who has been duly informed about a court sitting, the court shall decide regarding commencement or adjournment of adjudication of the matter. If an invited person, witness, specialist (expert) or interpreter has not appeared, the Chair of the court sitting shall ask the participants of the matter if adjudication of the matter can be commenced in the absence of this witness, specialist (expert) or interpreter. After hearing the opinion of the participants of the matter the court shall decide regarding commencement or adjournment of adjudication of the matter.

(5) Substantive adjudication of a matter shall commence with the report of a judge.

(6) After the report the participants of a matter shall describe the actual circumstances and legal grounds of the matter. The applicant shall be given the first word. The speaking time for a brief description of actual circumstances and legal grounds by each participant of the matter shall not be longer than 30 minutes. At the request of a participant of a matter the speaking time of the court may be extended.

(7) After that, if necessary, the invited persons and specialists' (experts') opinions shall be heard and witnesses shall be interrogated.

(8) Then shall follow discussions before the court and replicas.

(9) A Constitutional Court sitting shall close with an announcement by the Chair of a court sitting regarding the time when a judgment shall be pronounced.

(10) The proceedings of a Constitutional Court sitting shall be recorded by phonogram from which a transcript shall be prepared. The transcript shall be appended to the minutes. The minutes shall be signed by the Chair of the court sitting and the recorder thereof.

*[30 November 2000]*

### **Section 28.<sup>1</sup> Written Procedure**

(1) In cases when documents appended to a matter shall be sufficient to adjudicate the matter by written procedure, a court sitting with the participation of participants of the matter need not be arranged. Adjudication of a matter by written procedure shall be determined according to the procedures specified in Section 22, Paragraph ten of this Law.

(2) Within fifteen days after the receipt of a notification regarding a matter being adjudicated by written procedure, participants of the matter have the right to acquaint themselves with the materials of the matter and express their opinion regarding them in writing.

(3) A matter shall be adjudicated by written procedure and the judgment shall be made in the deliberation room.

*[30 November 2000]*

### **Section 28.<sup>2</sup> Procedural Sanctions**

(1) In the cases prescribed by this Law, the court may apply the following procedural sanctions:

- 1) a warning;
- 2) expulsion from the court room; or
- 3) a fine.

(2) The Chair of a court sitting may issue a warning to a person who is disturbing order during the time of a matter being adjudicated.

(3) Expulsion from the courtroom may be applied in cases when a person to whom a warning has been issued, repeatedly disturbs order during the time of a matter being adjudicated. Those persons present who are not participants of a matter or other persons involved in a matter shall be expelled by the chair of a court sitting, but participants of a matter – by the court. If the representative of a participant of a matter – a State authority or official – is expelled from the courtroom, this shall be reported to the authority or official that he or she represents.

(4) The court may impose a fine in the following cases and amounts:

1) if a participant of a matter, invited person, specialist (expert), witness or interpreter does not appear at a court sitting due to reasons that the court have declared as unjustified – a fine of up to LVL 100; and,

2) if a participant of a matter or another person involved in a matter to whom a warning has been issued, repeatedly disturbs order during the time of a matter being adjudicated – a fine of up to LVL 150.

(5) A true copy of the court decision (extract from the minutes) regarding imposition of a fine shall be sent to the person on whom the fine is imposed.

(6) A person on whom a fine has been imposed may, within ten days after the receipt of a true copy of the court decision (extract from the minutes), petition the Constitutional Court to release such person from the fine or reduce the amount thereof.

(7) A fine shall be recovered according to the procedures determined by the Civil Procedure Law.

*[30 November 2000]*

### **Section 29. Termination of Judicial Proceedings**

(1) Judicial proceedings of a matter may be terminated until pronouncement of the judgment at the decision of the Constitutional Court:

- 1) following the written request of the applicant;
- 2) if the disputed legal norm (act) has ceased to be in force;
- 3) if the Constitutional Court establishes that a decision regarding initiation of a matter does not comply with the requirements of Section 20, Paragraph five of this Law;
- 4) if a legal norm (act), the compliance of which is being disputed, has ceased to be in force;
- 5) if a judgment has been pronounced in another matter regarding the same subject matter of a claim; or,
- 6) in other cases when continuation of judicial proceedings in a matter is impossible.

(2) Changes to the composition of the elected authority or replacement of an official after an application has been submitted shall not be sufficient grounds for refusal to initiate a matter or terminate judicial proceedings of a matter.

(2<sup>1</sup>) Interpretation of the legal norm provided in the Constitutional Court decision regarding termination of the judicial proceedings shall be obligatory for all State and local government institutions (also courts) and officials, as well as natural and legal persons.

(3) The decision of the Constitutional Court regarding termination of judicial proceedings shall, within five days after taking thereof, be published in the newspaper “*Latvijas Vēstnesis*”, as well as in accordance with the regulations of the Constitutional Court shall be sent or issued to the participants of the matter.

[11 September 1997; 30 November 2000; 15 January 2004; 6 March 2008]]

### **Section 30. Making of a Constitutional Court Judgment**

(1) After a Constitutional Court sitting, the deliberation of the judges shall take place in which a judgment shall be made in the name of the Republic of Latvia. During the time of voting only those judges who are in the composition of the court shall be allowed to be present in the deliberation room.

(2) A judgment of a court shall be made with a majority of the votes. Judges may only vote “for” or “against”.

(3) In the event of a tied vote, the court shall make a judgment that the disputed legal norm (act) conforms to the norm of a higher legal force.

(4) A judgment shall be made not later than 30 days after a Constitutional Court sitting. Not later than three days after making of a judgment this shall be sent to the participants of the matter.

(5) A judgment shall be signed by the Chair of the court sitting.

(6) A judge who has voted against the opinion expressed in a judgment, shall express in writing his dissenting opinion that shall be appended to the matter but not declared in the court sitting.

[30 November 2000]

### **Section 31. Content of a Constitutional Court Judgment**

A Constitutional Court judgment shall indicate the following:

- 1) the place and time of the making of the judgment;
- 2) composition of the Constitutional Court and the recorder of the court sitting;
- 3) participants of the matter (indicating the applicant);
- 4) the provisions of this Law on the grounds of which the Constitutional Court has adjudicated the matter;
- 5) the legal norm (act) that is being disputed;
- 6) circumstances determined by the Constitutional Court;

- 7) arguments and evidence on which the conclusions of the Constitutional Court have been based;
  - 8) arguments and evidence by which the Constitutional Court rejects these or other evidence;
  - 9) the norm of the Constitution or another legal norm by which the Constitutional Court has been guided in assessing the compliance of the disputed legal norm (act) with the norm of a higher legal force;
  - 10) the Constitutional Court judgment regarding whether the disputed legal norm (act) complies or does not comply with the norm of a higher legal force;
  - 11) in relation to the disputed legal norm (act) in force – the moment with which it shall cease to be in force, if the Constitutional Court has judged that this norm (act) does not comply with the norm of a higher legal force;
  - 12) if necessary – other court decisions; and,
  - 13) an indication that the Constitutional Court judgment shall be final and not subject to appeal.
- [11 September 1997; 30 November 2000]*

### **Section 32. The Effect of a Constitutional Court Judgment**

- (1) A Constitutional Court judgment shall be final. It shall enter into effect at the moment of its pronouncement.
  - (2) The Constitutional Court judgement and the interpretation of the relevant legal norm provided therein shall be obligatory for all State and local government institutions (also courts) and officials, as well as natural and legal persons.
  - (3) A legal norm (act) that the Constitutional Court has declared as non-compliant with the norm of a higher legal force, shall be regarded as not in effect from the day of publication of the Constitutional Court judgment, if the Constitutional Court has not determined otherwise.
  - (4) If the Constitutional Court has declared any international agreement signed or entered into by Latvia as non-compliant with the Constitution, the Cabinet has the duty to provide for amendments to this agreement without delay, the denunciation of this agreement, the suspension of its operation or the revocation of accession.
- [30 November 2000; 6 March 2008; 10 December 2009]*

### **Section 33. Publication of a Constitutional Court Judgment**

- (1) A judgement of the Constitutional Court shall, not later than within 5 days after making thereof, be published in the newspaper “*Latvijas Vēstnesis*”, as well as in accordance with the regulations of the Constitutional Court shall be sent or issued to the participants of the matter. If the dissenting opinions of judges are appended to the matter, they shall be published in the newspaper *Latvijas Vēstnesis* not later than within a period of two months after making of the Constitutional Court judgement.
  - (2) The Constitutional Court shall publish the collection of Constitutional Court judgments once per year, in which all judgments and dissenting opinions of judges appended to matters shall be included in their entirety.
- [30 November 2000; 6 March 2003; 10 December 2009]*

## **Chapter IV Status of a Constitutional Court Judge**

### **Section 34. Obtaining of Income, Combining of Offices and other Restrictions for Judges of the Constitutional Court**

(1) Restrictions for obtaining of income and combining of offices for judges of the Constitutional Court, as well as other restrictions and duties thereof, are specified in the Law On Prevention of Conflict of Interest in Activities of Public Officials. The office of a judge may not be combined with a membership in a political party.

(2) A judge of the Constitutional Court shall have the right to perform official duties in an international court or represent the Republic of Latvia, by holding office in an international institution, if it does not contradict the Law On Prevention of Conflict of Interest in Activities of Public Officials, and the Constitutional Court has agreed to fulfilment of such office. Consent shall be given by taking a respective decision in a secret ballot with an absolute majority vote of all Court members.

(3) The Constitutional Court may suspend the Constitutional Court term of office of such judge, who is fulfilling official duties in an international court or is representing the Republic of Latvia, fulfilling official duties in an international institution, for the time period when the judge holds the relevant office, but not longer than for three years. The term of office of the Constitutional Court judge shall not be extended by the time period for which his or her term of office was suspended.

(4) If a judge of the Constitutional Court combines the office of judge with other offices or activities, he or she shall ensure that the dignity and honour of a judge, impartiality and independence of the court are preserved.

*[6 March 2008]*

### **Section 35. Immunity of a Constitutional Court Judge**

(1) Commencement of criminal prosecution against a Constitutional Court judge, as well as his or her imprisonment shall not be permissible without the agreement of the Constitutional Court. For this decision to be taken an absolute majority vote of all the court members shall be necessary.

(2) Detention, forcible conveyance and subjection to a search of a Constitutional Court judge shall take place only with the agreement of the Constitutional Court. These issues shall be adjudicated by the Constitutional Court with a composition of three judges.

(3) A Constitutional Court judge may be subject to disciplinary liability for administrative violations committed.

*[30 November 2000]*

### **Section 36. Disciplinary Liability of a Constitutional Court Judge**

(1) A Constitutional Court judge may be subject to disciplinary liability regarding:

- 1) breach of the restrictions specified in Section 34 of this Law;
- 2) failure to fulfil the duties of office;
- 3) reprehensible conduct; or,
- 4) an administrative violation.

(2) A disciplinary matter may be initiated by the Chief Judge of the Constitutional Court, his or her deputy, or not less than three Constitutional Court judges.

(3) A disciplinary matter shall be prepared for adjudication by a judge assigned by the Chief Judge of the Constitutional Court or his or her deputy.

(4) A disciplinary matter shall be adjudicated by the Constitutional Court with the participation of all the members of the Constitutional Court whose state of health or other objective circumstances does not prevent them from taking part in a court sitting. A judge, with respect to whom a disciplinary matter has been initiated, shall not be in the composition



of the court. Composition of the court in such a case shall include not less than four judges. A sitting shall be chaired by the Chief Judge of the Constitutional Court or his or her deputy.

(5) A decision in a disciplinary matter shall be taken by the Constitutional Court with a majority vote, except for the case provided for in Section 10, Paragraph three. In the event of a tied vote, a disciplinary matter shall be terminated.

(6) When adjudicating a disciplinary matter, the Constitutional Court may do the following:

- 1) impose a disciplinary fine; or,
- 2) terminate the disciplinary matter.

(7) Disciplinary fines, which the Constitutional Court may impose on a judge, shall be as follows:

- 1) a reproof;
- 2) a reprimand;
- 3) reduction of the base salary for a period of up to one year, withholding up to 20% of the base salary; or,
- 4) discharge from office according to Section 10, Paragraph three of this Law.

(8) Imposition of a disciplinary fine shall not preclude a Constitutional Court judge from criminal and material liability.

*[30 November 2000]*

## **Chapter V**

### **Financing of the Constitutional Court, Work Remuneration and Social Guarantees of Judges**

#### **Section 37. Financing of the Constitutional Court**

The Constitutional Court shall be financed from the State budget.

#### **Section 38. Remuneration of Constitutional Court Judges**

(1) The monthly base salary of a Constitutional Court judge shall be 15% greater than the monthly base salary of a Supreme Court judge with a premium for qualification category 1.

(2) The monthly base salary of the Deputy Chief Judge of the Constitutional Court shall be 10% greater than the monthly base salary of a Constitutional Court judge.

(3) The monthly base salary of the Chief Judge of the Constitutional Court shall be 25% greater than the monthly base salary of a Constitutional Court judge.

*[19 June 2003]*

#### **Section 39. Social Guarantees of Constitutional Court Judges**

All the social guarantees and relief shall apply to Constitutional Court judges as specified for judges by regulatory enactments in force.

## **Chapter VI**

### **Constitutional Court Officials and Employees**

#### **Section 40. Constitutional Court Officials and Employees**

(1) The Chief Judge of the Constitutional Court shall within the scope of the budget determine the Constitutional Court's internal structure, staff position list of officials and employees, as well as the official, who shall ensure and be responsible for the administrative work

(organising of record-keeping, personnel management, financial management, material and technical facilities etc.) of the Court.

(2) Employment relations of the Constitutional Court officials and employees shall be regulated by the Labour Law. The assistant to a judge of the Constitutional Court shall be hired for the term of office of the judge of the Constitutional Court, but the advisor and assistant to the Chief Judge of the Constitutional Court – for the term of office of the Chief Judge of the Constitutional Court.

(3) The remuneration (for example, monthly salaries, additional payments, social guarantees) of Constitutional Court officials and employees shall be determined in accordance with the Law On Remuneration of Officials and Employees of State and Local Government Institutions.

*[19 June 2003; 1 December 2009; 10 December 2009]*

### **Transitional Provisions**

1. If at the moment of the first sitting of the Constitutional Court all the members of the Constitutional Court have taken up fulfilment of the duties of office, the Constitutional Court shall elect a Chief Judge of the Constitutional Court according to the procedures specified in Section 12 of this Law, but if at this moment not all the members of the Constitutional Court have taken up fulfilment of the duties of office, the Constitutional Court by a simple majority vote by the number of Constitutional Court judges who have taken up fulfilment of the duties of office, shall elect an Acting Chief Judge of the Constitutional Court. An Acting Chief Justice of the Constitutional Court may only be a Constitutional Court judge who has taken up fulfilment of the duties of office.

2. An Acting Chief Judge of the Constitutional Court has all the rights of a Chief Judge of the Constitutional Court until the moment when the Chief Judge of the Constitutional Court is elected.

3. The monthly base salary for Constitutional Court judges in 2003 shall be paid in the amount that is defined until 30 June 2003.

*[19 June 2003]*

4. The monthly base salary of Constitutional Court judges in 2004 shall be paid in the amount of 80% of the monthly base salary specified in Section 38 of this Law.

*[19 June 2003]*

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

*[12 December 2008]*

6. Until 31 December 2011 the remuneration for Constitutional Court judges shall be determined by observing Section 38 of this Law, but not exceeding the monthly salary of the Prime Minister, which has been determined in accordance with the Law On Remuneration of Officials and Employees of State and Local Government Institutions.

*[1 December 2009]*

7. Bonuses, allowances and compensation for Constitutional Court judges in 2010 and 2011 shall be determined in accordance with the Law On Remuneration of Officials and Employees of State and Local Government Institutions.

*[1 December 2009]*

8. The new revision of Section 4, Paragraph two of this Law, which determines the requirements for a person, who is applying for the office of a judge of the Constitutional Court, shall not be applied to a person, who has been appointed as a judge of the Constitutional Court until the day of coming into force of these requirements.

*[10 December 2009]*

9. Section 19.<sup>3</sup> of this Law shall not be applied to applications, which have been submitted to the Constitutional Court until the day of coming into force of this Section. In relation to the regulatory enactments referred to in Section 19.<sup>3</sup> of this Law, which have come into force prior to coming into force of the referred to Section, an application for initiating a matter may be submitted in a time period of six months from the day this Section comes into force.

*[10 December 2009]*

10. The norms of this Law that provide that a matter shall be prepared within a time period of five months and the submission term for the written answer is at least two months, shall not apply to matters, which have been initiated until the day of coming into force of this norm.

*[10 December 2009]*

This Law has been adopted by the *Saeima* on 5 June 1996.

President

G. Ulmanis

Rīga, 14 June 1996

## **Transitional Provisions Regarding Amendments to the Constitutional Court Law**

### **Transitional Provisions**

(regarding amending law of 30 November 2000)

1. Amendments to the Constitutional Court Law in relation to the general jurisdiction court application regarding initiation of a matter in the Constitutional Court, in adjudicating a civil matter or criminal matter, come into force simultaneously with the relevant amendments to the Civil Procedure Law and Criminal Procedure Code.
2. Amendments to the Constitutional Court Law in relation to the general jurisdiction court application regarding initiation of a matter in the Constitutional Court, in adjudicating an administrative matter, come into force simultaneously with the Administrative Procedure Law.
3. Amendments to the Constitutional Court Law in relation to the application by the Land Register Office judge in performing an entry of immovable property or associated corroboration of rights thereof in the Land Register come into force simultaneously with the relevant amendments to the Land Register Law.
4. Amendments to the Constitutional Court Law in relation to the Constitutional complaint (application) come into force on 1 July 2001.
5. Until the day of coming into force of the Administrative Procedure Law the Constitutional Court shall continue to adjudicate matters regarding compliance of administrative acts of the Cabinet and Prime Minister with the norms of a higher legal force.