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Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

5 June 1997;  
15 October 1998;  
11 December 2003.

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:

### **Judicial Disciplinary Liability Law**

This Law is applicable to judges of district (city) courts, regional courts and the Supreme Court, and to judges of Land Registry Offices of regional courts (hereinafter - judges), determines the basis of their disciplinary liability and regulates the procedures for initiating and examining disciplinary cases.

[5 June 1997]

#### **Section 1. Basis for Subjecting a Judge to Disciplinary Liability**

(1) A judge may be subjected to disciplinary liability for:

- 1) intentional violation of law during the adjudication of a matter in court;
- 2) failure to perform his or her duties of employment or allowing gross negligence in the adjudication of a matter;
- 3) dishonourable actions or gross violation of the norms of the Judges Code of Ethics;
- 4) administrative violations;
- 5) refusal to discontinue his or her membership in parties or political organisations; and
- 6) failure to observe the restrictions and prohibitions provided for in the Law On Prevention of Conflict of Interest in Activities of Public Officials.

(2) The revocation or modification of an adjudication of a court shall not of itself be a reason for subjecting a judge, who has participated in its acceptance, to liability, if he or she have not allowed an intentional violation of law or negligence in the adjudication of the matter.

[15 October 1998; 11 December 2003]

#### **Section 2. Judicial Disciplinary Board**

(1) Matters concerning disciplinary and administrative violations by judges of district (city) courts, Land Registry Offices, regional courts and the Supreme Court shall be examined by the Judicial Disciplinary Board.

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

(2) The composition of the Judicial Disciplinary Board shall be the Chief Justice of the Supreme Court and his or her deputy, three judges of the Supreme Court, two Chief Judges of regional courts, two Chief Judges of district (city) courts and two Heads of Land Registry Offices. The members of the Judicial Disciplinary Board (with the exception of the Chief Justice of the Supreme Court) shall be elected by secret ballot for four years at a conference of judges.

(3) The chairperson of the Judicial Disciplinary Board shall be the Chief Justice of the Supreme Court. The Judicial Disciplinary Board from among their own members shall elect the vice-chairperson of the Judicial Disciplinary Board.

(4) The Minister for Justice and the Prosecutor General, or persons authorised by them, as well as a person authorised by the board of the Latvian Society of Judges, may participate in the sittings of the Judicial Disciplinary Board in an advisory capacity.

(5) The Judicial Disciplinary Board shall act in accordance with by-laws approved by the Judicial Disciplinary Board.

(6) The Supreme Court shall financially ensure the work of the Judicial Disciplinary Board.

[5 June 1997; 15 October 1998; 11 December 2003]

### **Section 3. Initiating Disciplinary Matters**

(1) The following are entitled to initiate a disciplinary matter:

1) the Chief Justice of the Supreme Court – concerning judges and senators (judges of the Senate) of the Supreme Court, in all the cases specified in Section 1 of this Law, but concerning judges of district (city) courts and regional courts, as well as judges of Land Registry Offices of regional courts – in the cases specified in Section 1, Paragraph one, Clauses 1 and 2 of this Law;

2) the Minister for Justice – regarding judges of district (city) courts and regional courts, as well as judges of Land Registry Offices of regional courts – in all the cases specified in Section 1 of this Law;

3) the Chief Judges of regional courts – regarding judges of district (city) courts and judges of the Land Registry Offices of regional courts – in the cases specified in Section 1, Paragraph one, Clause 1 of this Law, but regarding judges of regional courts – in all the cases specified in Section 1 of this Law;

4) the Chief Judges of district (city) courts – regarding judges of district (city) courts – in all the cases specified in Section 1 of this Law; and

5) the Heads of Land Registry Offices of regional courts – regarding judges of Land Registry Offices of regional courts – in all the cases specified in Section 1 of this Law.

(2) A person, who is entitled to initiate a disciplinary matter, if there are grounds to initiate such matter, shall organise an exhaustive preliminary examination of the materials received and request a written explanation from the judge.

(3) The Chief Justice of the Supreme Court, the Chief Judge of a regional court, the Head of the Land Registry Office of a regional court, or the Chief Judge of a district (city) court shall take a decision regarding the initiation of a disciplinary matter, but the Minister for Justice shall issue an order regarding such. The decision or the order shall indicate the circumstances of the disciplinary or administrative violation as

determined in the preliminary examination, day of detection of the violation and the basis provided for by law for initiating the disciplinary matter. The decision or the order, together with the materials collected during the preliminary examination, shall be sent to be examined by the Judicial Disciplinary Board.

(4) Before the materials of the disciplinary matter are sent to the Judicial Disciplinary Board, the judge against whom the disciplinary matter has been initiated shall be notified of the completion of the preliminary examination and of the time when he or she may become acquainted with the materials of the examination.

(5) A judge against whom a disciplinary matter has been initiated has the right to become acquainted with the materials of the matter concerned, to provide explanations and to submit petitions.

(6) Until the matter is examined by the Judicial Disciplinary Board, the decision or the order regarding the initiation of a disciplinary matter may be withdrawn, with a substantiated decision or order, by the person who initiated it.

[5 June 1997; 11 December 2003]

#### **Section 4. Terms for the Imposition of Disciplinary Sanctions and the Examination of Disciplinary Matters**

(1) A disciplinary sanction may be imposed upon a judge not later than three months after the day of detection of the disciplinary or administrative violation and, moreover, only after the judge has been given an opportunity to express his or her explanations, but not later than two years after the day the disciplinary or administrative violation was committed.

(2) A disciplinary matter shall be examined within a period of one month after the day of its receipt by the Judicial Disciplinary Board. If a judge against whom a disciplinary matter has been initiated is on leave or he or she has a temporary work disability, the time for the examination shall be extended for the relevant time period.

[15 October 1998; 11 December 2003]

#### **Section 5. Preparation of a Disciplinary Matter for Examination by the Judicial Disciplinary Board**

(1) Until the commencement of the examination of a disciplinary matter, the chairperson of the Judicial Disciplinary Board may entrust one of the Board members to additionally examine whether there are grounds for subjecting the judge to disciplinary liability. If necessary, additional documents and materials may be requested, similarly also court matters in the adjudication of which the judge has allowed a violation of law.

(2) The person who initiated the disciplinary matter, and the judge concerning whom it has been initiated shall be notified of the time and place, when and where the disciplinary matter shall be examined at a sitting of the Judicial Disciplinary Board, not later than seven days before the examination of the matter.

## **Section 6. Procedures for Examining a Disciplinary Matter**

(1) A Judicial Disciplinary Board, the composition of which shall be the chairperson and deputy chairperson of the Board and at least four Board members, shall examine a disciplinary matter.

(2) The judge who is subject to disciplinary liability shall participate in the sitting of the Judicial Disciplinary Board. If a judge does not appear at a sitting of the Board due to an unjustified reason, the Board is entitled to examine the disciplinary matter in the absence of the judge.

(3) The person who has initiated a matter or the representative of such person, as well as other judges, is entitled to participate in the examination of the disciplinary matter.

(4) The chairperson of the sitting shall declare the sitting open and announce the composition of the Judicial Disciplinary Board. Until the commencement of the examination of a matter, the judge who is subject to disciplinary liability may request the recusal of any of the Board members, which shall be examined by the Judicial Disciplinary Board.

(5) The examination of a disciplinary matter shall commence with a report from the chairperson or a member of the Judicial Disciplinary Board. Thereafter, the Board shall hear the explanations of the judge subjected to disciplinary liability, as well as, if necessary, of other persons invited to the sitting and shall review the materials of the matter and other documents.

(6) A judge who is subject to disciplinary liability is entitled, at any time during the sitting, before the Board retires to deliberate the taking of a decision, to provide explanations and register petitions.

(7) Minutes shall be taken of the sitting of a Judicial Disciplinary Board. The minutes shall be recorded by the secretary of the sitting.

[15 October 1998]

## **Section 7. Taking of a Decision**

(1) In the examination of a disciplinary matter, the Judicial Disciplinary Board shall take a decision in the deliberation room.

(2) The Judicial Disciplinary Board may take the following decisions:

1) to impose a disciplinary sanction;

2) to send the materials of the disciplinary matter to the Office of the Prosecutor General for a decision regarding the initiation of a criminal matter;

3) to recommend the removal of the judge from office;

4) to send the materials of the disciplinary case to the Judicial Qualification Board for a decision regarding the downgrading of the qualification category of the judge; or

5) to dismiss the disciplinary matter.

(3) [15 October 1998]

(4) The Judicial Disciplinary Board may impose the following disciplinary sanctions upon a judge:

1) an annotation;

2) a reprimand; or

3) a reduction of salary for a time period up to one year, withholding up to 20 per cent of the salary.

(5) In imposing a disciplinary sanction, the Judicial Disciplinary Board shall consider the nature of the disciplinary or administrative violation, its consequences, the degree of the guilt of the judge regarding the offence, as well as information which appertains to the character of the judge and previous actions while holding the office of a judge. Only one disciplinary sanction may be imposed upon a judge for each disciplinary or administrative violation.

(6) The imposition of a disciplinary sanction shall not exclude criminal and civil liability, except in the cases specified in Paragraph five, Section 13 of the Law on Judicial Power.

(7) The Judicial Disciplinary Board shall dismiss a disciplinary matter:

1) if the disciplinary matter has been initiated without basis; or

2) if the time periods specified in Paragraph one, Section 4 of this Law, regarding the subjecting of a judge to disciplinary liability have expired.

(8) In exceptional cases, the Judicial Disciplinary Board may restrict themselves to the examination of a disciplinary matter at a sitting, without the imposition of a disciplinary sanction.

[15 October 1998]

## **Section 8. Procedures for Taking a Decision, and its Contents**

(1) A decision in a disciplinary matter shall be taken by a majority vote of those members of the Judicial Disciplinary Board who participated in the examination of the matter. In the event of a tied vote, the chairperson of the sitting shall cast the deciding vote. The decision shall be formalised in writing. It shall be written by the chairperson of the sitting, or one of the Board members who participated in the taking of the decision. The decision shall be signed by the chairperson of the sitting and the Board members. Any Board member who has a dissenting opinion shall also sign the decision. The dissenting opinion shall be added to the disciplinary matter in written form.

(2) A decision taken in a disciplinary matter shall specify: the composition of the Judicial Disciplinary Board; the place and time of the examination of the matter; the name, surname and judicial office of the judge subject to disciplinary liability; the circumstances of the committing of the disciplinary or administrative violation and the grounds for subjecting the judge to disciplinary liability; the explanations of the judge and information which attests to the character of the judge and previous actions while holding the office of a judge; substantiation for the decision taken based upon the evidence; and conclusions of the Judicial Disciplinary Board regarding the imposed disciplinary sanction, the termination of the disciplinary matter, a recommendation for the removal of the judge from office, and the sending of the materials of the disciplinary matter to the Office of the Prosecutor General or to the Judicial Qualification Board.

(3) A decision taken in a disciplinary matter shall be proclaimed at the sitting of the Judicial Disciplinary Board.

(4) A decision in a disciplinary matter is final, except in a case provided for in Section 9, Paragraph three of this Law.

[15 October 1998]

### **Section 9. Issuing of a Copy of the Decision**

(1) Not later than three days after the proclamation of the decision, a copy of the decision shall be issued or sent to the judge concerning whom it was been taken, to the Judicial Qualification Board, and to the official who initiated the disciplinary matter. A copy of the decision shall be attached to the personal file of the judge.

(2) If the Judicial Disciplinary Board has taken a decision to send the materials of the disciplinary matter to the Office of the Prosecutor General for a decision regarding the initiation of a criminal matter, a copy of such a decision together with the materials of the disciplinary matter shall be sent to the Office of the Prosecutor General not later than three days after the taking of the decision. If the Judicial Disciplinary Board has taken a decision to recommend the removal of a judge from office, a copy of such a decision together with the materials of the disciplinary matter shall be sent to the *Saeima* not later than three days after the taking of the decision. If the Judicial Disciplinary Board has taken a decision to send the materials of the disciplinary matter to the Judicial Qualification Board for a decision regarding the downgrading of the qualification category of the judge, a copy of such a decision together with the materials of the disciplinary matter shall be sent to the chairperson of the Judicial Qualification Board not later than three days after the taking of the decision.

(3) If the *Saeima*, the Judicial Qualification Board, or the Prosecutor General does not find a basis for removing the judge from office, downgrading the qualification category or initiating a criminal matter, the disciplinary matter shall be returned to the Judicial Disciplinary Board, which has the obligation to examine the matter *de novo*.

(4) The time which has passed from the moment of original receipt of the materials of such a matter by the Judicial Disciplinary Board to the moment of receipt upon their return shall not be included in the time periods specified in Section 4, Paragraphs one and two of this Law regarding the subjection of a judge to disciplinary liability.

[15 October 1998]

### **Section 10. Appeal of a Decision**

[15 October 1998]

### **Section 11. Procedures for the Examination of a Complaint**

[15 October 1998]

### **Section 12. Extinguishing and Setting Aside of a Disciplinary Sanction**

(1) A disciplinary sanction shall be considered to be extinguished if within one year, from the date when it was imposed, no new disciplinary sanction has been imposed upon the judge.

(2) Upon a proposal by the person who has initiated the disciplinary proceedings, or a proposal by the relevant Judicial Disciplinary Board, or a request from a Chief Judge of the district (city) court, regional court or the Chief Justice of the Supreme Court, the Judicial Disciplinary Board may set aside the sanction before the time period, but not earlier than six months from the day when the sanction was imposed.

(3) The question of setting aside a disciplinary sanction shall be examined not later than within two weeks from the day when the proposal or petition regarding setting aside of the disciplinary sanction was received. The judge upon whom the disciplinary sanction has been imposed and the person who initiated the disciplinary matter shall be notified of the time and place for the deciding of such question.

[15 October 1998]

### **Transitional provisions**

1. [15 October 1998]

2. With the coming into force of this Law, the Law On Confirming the By-laws On the Disciplinary Liability of Judges of the Latvian S.S.R., Recall and Removal before Term of Judges and Peoples' Lay Judges (*Latvijas PSR Augstākās Padomes un Valdības Ziņotājs*, 1990, No. 12) shall be repealed.

[15 October 1998]

This Law has been adopted by the *Saeima* on 27 October 1994.

President

G. Ulmanis

Rīga, 10 November 1994