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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 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.
- (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 district (city) 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; 21 July 2011]

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 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; 16 June 2009]

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 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; 16 June 2009]

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 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; 16 June 2009]

Section 13. Immunity of Judges

(1) A 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 judge 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 judge specially authorised and the Prosecutor General shall be informed thereof within a time period of 24 hours.

(3) [16 June 2009]

(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; 16 June 2009]

Section 14. Recusal of Judges

(1) A judge may not participate in the adjudication of a matter if he or she is 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, as well as in the cases provided for in the Law On Prevention of Conflict of Interest in Activities of Public Officials.

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

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

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

[23 May 1996; 29 January 1997; 16 June 2009]

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

(1) A 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; 16 June 2009]

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 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.

[16 June 2009]

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.
- (3) In the division of matters the workload of a judge when fulfilling duties in collegial administrative bodies shall be taken into account.
[31 October 2002; 9 June 2011]

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.

(2¹) The composition of a district (city) court may contain a Land Registry Office whose territory of operation corresponds with the territory of operation of the district (city) court or contains the territories of operation of several district (city) courts.

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

[21 December 1995; 1 October 1997; 4 December 2003; 22 September 2005; 3 April 2008; 30 April 2009; 21 July 2011]

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.

(1¹) A Land Registry Office shall oversee Land Registers, as well as examine applications for undisputed compulsory execution, the procedure for warning of undisputed compulsory execution of obligations and the confirmation of statements of auction.

(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; 21 July 2011]

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) *[16 June 2009]*

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

[29 January 1997; 4 December 2003; 16 June 2009]

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 Council for the Judiciary shall determine the total number of judges in district (city) courts as well as in the Administrative Regional Court. The Council for the Judiciary shall determine the number of judges in each court upon the recommendation of the Minister for Justice.

(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; 3 June 2010]

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 by co-ordination with the Council for the Judiciary. The Minister for Justice, by co-ordination with the Council for the Judiciary may remove the Chief Judge from office before the end of the term pursuant to his or her own request or if the Chief Judge has made flagrant violations during the performance of his or her duties of office or is unable to ensure the qualitative management of the administrative work of the court.

(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 references 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;

6) shall be responsible regarding legal and useful use of resources;

7) shall organise the annual appraisals of court employees; and

8) shall appoint a judge to fulfil duties in a Land Registry Office, if the judge of a Land Registry Office is on temporary leave not exceeding six months.

(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; 3 June 2010; 9 June 2011; 21 July 2011]

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.

(1¹) In a district (city) court with more than ten judges, the Chief Judge may have a deputy.

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

[22 September 2005; 30 April 2009; 3 June 2010]

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) [16 December 2010]

(3) [16 December 2010]

[30 April 2009; 16 December 2010]

Section 33.³ Head and Deputy Head of a Land Registry Office

(1) The work of a Land Registry Office in parallel with fulfilling the duties of a judge shall be managed by the Head of the Land Registry Office.

(2) In a Land Registry Office having more than 10 judges, the Head of the Land Registry Office may have a deputy.

(3) The Head and Deputy Head of a Land Registry Office shall be appointed to office and dismissed from office in accordance with the procedures specified by Section 33, Paragraph two of this Law.

(4) The Head of a Land Registry Office shall perform the functions specified in Section 33, Paragraph three of this Law in the relevant Land Registry Office.

[21 July 2011]

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) Civil matters and criminal matters shall be adjudicated by a judge unilaterally in a Regional Court in the court sittings of a court of first instance.

(2) [16 June 2009]

(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; 16 June 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, as well as in the Administrative Regional Court, shall be determined by the *Saeima*, upon the recommendation of the Council for the Judiciary. The number of judges in each court shall be determined by the Council for the Judiciary upon the recommendation of the Minister for Justice.

[3 June 2010]

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 Minister for Justice, for five years, by co-ordination with the Council for the Judiciary. The Minister for Justice, by co-ordination with the Council for the Judiciary 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 if the Chief Judge has made flagrant violations during the performance of his or her duties of office or is unable to ensure the qualitative management of the administrative work of the court.

(3) The Chief Judge of a regional court shall perform the functions specified in Section 33, Paragraphs three and four of this Law.

[29 January 1997; 15 October 1998; 31 October 2002; 22 September 2005; 3 June 2010]

Section 41. Deputy Chief Judges of a Regional Court

(1) The Chief Judge of a regional court shall have Deputy Chief Judges, who shall concurrently also perform the duties of the chairperson of a division of the court. A Deputy Chief Judge may also concurrently be the chairperson of a courthouse of the regional court.

(1¹) If a regional court has more than fifty judges, the Chief Judge of a regional court may have a Deputy who does not concurrently perform the duties of a chairperson of a division of the 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 40, Paragraph two of this Law.

[15 October 1998; 22 September 2005; 30 April 2009; 3 June 2010; 9 June 2011]

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) [16 December 2010]

(3) [16 December 2010]

[30 April 2009; 3 June 2010; 16 December 2010]

Section 42. Divisions of a Regional Court

(1) A Regional Court may be collegial.

(2) Its chairperson, is also concurrently 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; 3 June 2010]

Section 42.¹ Land Registry Offices

[21 July 2011]

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 judges of the Supreme Court shall form a Plenary Session (general meeting of judges).

[15 June 1994; 28 September 1995]

Section 44. Establishment of the Supreme Court

(1) The *Saeima*, pursuant to the recommendation of the Council for the Judiciary shall determine the total number of judges in the Supreme Court. The total number of judges in the Senate and in the Panels of the Court shall be determined by the Council for the Judiciary pursuant to the recommendation of the Chief Justice of the Supreme Court.

(2) 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; 3 June 2010]

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 three departments: the Civil Matters Department, the Criminal Matters Department and the Administrative Matters Department.
[15 June 1994; 29 January 1997; 28 September 1995; 31 October 2002; 30 April 2009; 3 June 2010]

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 48.¹ The Disciplinary Court

- (1) In order to evaluate the rule of law of the decision of the Judicial Disciplinary Committee, the Disciplinary Court shall be summoned in the Senate of the Supreme Court. The composition and procedural operations of the Disciplinary Court shall be determined by the Judicial Disciplinary Liability Law.
- (2) In accordance with the procedure specified by this Law the Disciplinary Court shall inspect the rule of law of the unfavourable opinions provided by the Judicial Qualification Board in the evaluation of the professional work of judges.
[3 June 2010; 9 June 2011]

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.

(7) The Plenary Session shall elect a member of the Council for the Judiciary from among the judges of the Supreme Court.

(8) The Plenary Session shall elect six members of the Disciplinary Court for five years and approve the chairperson of the Disciplinary Court from among the members.

[15 October 1998; 31 October 2002; 3 April 2008; 30 April 2009; 3 June 2010]

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, by co-ordination with the Council for the Judiciary 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; 3 June 2010]

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]

Chapter 6.¹ Ensuring of the Court System

Section 50.² Financing of the Court System

(1) The court system is financed from the State budget.

(2) The State, providing for adequate financing in the Law On the Budget for the Current Year, shall guarantee the independence of a judge and the effective protection of the rights of a person in a competent and independent court.

(3) The draft budget requests of district (city) courts and regional courts shall be prepared by the Court Administration and submitted to the Ministry of Justice. The Ministry of Justice shall submit a summary of the budget request to the Council for the Judiciary for the provision of an opinion. Following the receipt of the opinion from the Council for the Judiciary, the Ministry of Justice shall submit the budget requests of district (city) courts and regional courts to the Ministry of Finance, appending thereto the opinion of the Council for the Judiciary.

(4) The Supreme Court shall submit the budget request of the Supreme Court to the Council for the Judiciary for the provision of an opinion. The Supreme Court shall submit the budget request of the Supreme Court to the Ministry of Finance, appending the opinion of the Council for the Judiciary thereto.

(5) The differing opinion of the Council for the Judiciary regarding the submitted budget request shall not suspend the submission thereof to the Ministry of Finance.

[16 December 2010; 21 July 2011]

Section 50.³ The Material and Technical Facilities of Courts

The State shall ensure courts with the appropriate material and technical facilities for the performance of court functions.

[16 December 2010]

Part III
Judges of the Republic of Latvia

Chapter 7
Candidates for Judges
[16 June 2009]

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.

(3) The selection of candidates for the office of a judge shall take place in an open competition. Pursuant to the recommendation of the Minister for Justice and the Chief Justice of the Supreme Court, the Council for the Judiciary shall approve the competition by-law.

[29 January 1997; 9 June 2011]

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 higher vocational or academic education (except the first level vocational education) and a lawyer qualification, as well as a Master or Doctor degree;

5) has at least five years length of service in a legal speciality after acquiring 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; 9 June 2011]

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 six years total length of service in the

office of a judge and who has received a favourable opinion from the Council for the Judiciary in the extraordinary evaluation of the professional work of a judge.

(1¹) To the office of a judge of the regional court may apply a judge of a district (city) court who has been approved to office with an unlimited term of office or a judge of a Land Registry Office, who has a Master or Doctor degree and who has received a favourable opinion from the Council for the Judiciary in the extraordinary evaluation of the professional work of a judge.

(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.

(3) To the office of a judge of the regional court may apply a person who has been in the office of a judge of the Constitutional Court, a judge of an international court or a judge of a supranational court.

[6 April 1995; 28 September 1995; 29 January 1997; 19 June 2003; 3 April 2008; 30 April 2009; 9 June 2011]

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 ten years total length of service in the office of a judge and who has received a favourable opinion from the Council for the Judiciary in the extraordinary evaluation of the professional work of a judge.

(1¹) To the office of a judge of the Supreme Court may apply a judge of a district (city) court who has been approved to office with an unlimited term of office or a judge of a regional court who has a Master or Doctor degree and who has received a favourable opinion from the Council for the Judiciary in the extraordinary evaluation of the professional work of a judge.

(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.

(3) To the office of a judge of the Supreme Court may apply a person who had been in the office of a judge of the Constitutional Court, a judge of an international court or a judge of a supranational court.

(4) To the office of a judge of the Supreme Court may apply a person who has reached the age of 40 years.

[19 June 2004; 3 April 2008; 30 April 2009; 3 June 2010; 9 June 2011]

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 a foreign country, 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; 9 June 2011]

Section 56. Candidate for a Lay Judge

[16 June 2009]

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 their Term of Office

[16 June 2009]

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. On the basis of the decision by the *Saeima* regarding the appointment of a judge to the office as a judge of a district (city) court, the Council for the Judiciary shall determine the specific district (city) court or the courthouse in which the duties of a judge shall be performed.

(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 the opinion of the Judicial Qualification Board in the evaluation of the professional work of the judge, 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 continuous leave for justified reasons exceeding six months, 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, on the basis of an opinion of the Judicial Qualification Board in the evaluation of the professional work of the judge, shall not nominate the judge as a candidate for a repeated appointment to or confirmation in office.

(4) If a district (city) court judge is not nominated for confirmation in office, the term of office of this judge shall terminate on expiry of the term for which he or she was appointed to office.

[15 October 1998; 30 April 2009; 3 June 2010; 9 June 2011; see Paragraph 44 of Transitional Provisions]

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

Judges of a regional court shall be confirmed by the *Saeima*, upon a recommendation of the Minister for Justice, for an unlimited term of office. On the basis of the decision by the *Saeima* regarding the confirmation of a judge to the office as a judge of a regional court, the Council for the Judiciary shall determine the specific regional court or courthouse in which the duties of a judge are to be performed.

[3 June 2010]

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

Judges 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 Council for the Judiciary, upon receiving a favourable opinion from the Judicial Qualification Board, may extend the time for holding office as a judge of a district (city) court, a judge of a regional court and a judge of the Supreme Court for up to two years.

(3) [3 June 2010]

(4) [3 June 2010]

(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; 3 June 2010]

Section 64. Procedures for Election of a Lay Judge

[16 June 2009]

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

[16 June 2009]

Section 66. Granting of the Title of Judge Emeritus

Pursuant to the recommendation of the Council for the Judiciary, the *Saeima* may grant the title of Judge Emeritus to a judge who has worked with integrity and has retired from the work of a judge.

[3 June 2010]

Chapter 9.¹

Remuneration and Term of Service Pensions of Judges

Section 66.¹ Remuneration of Judges

The remuneration of judges shall be determined in compliance with the Law On Remuneration of Officials and Employees of State and Local Government Authorities.

[16 December 2010]

Section 66.² Term of Service Pensions of Judges

The grounds for the granting of a term of service pension to judges, as well as the procedure for the granting, calculation and disbursement of the term of service pensions, shall be determined by a special law.

[16 December 2010]

Chapter 10

Symbols of Judicial Power

Section 67. Symbols of Judicial Power

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

[16 June 2009; 9 June 2011]

Section 68. Oath of Judges (Solemn Oath)

[9 June 2011]

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

“I, _____, undertaking the duties of a judge, am aware of the responsibility entrusted to me, and swear (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 (solemn 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 (solemn oath).

[16 June 2009; 9 June 2011]

Section 69. Oath of Lay Judges

[16 June 2009]

Section 70. Procedures for the Giving of the Oath (Solemn Oath) of Judges

[9 June 2011]

(1) A judge shall read the text of the oath (solemn oath). It shall be signed by the judge who has given the oath (solemn oath), as well as the President.

(2) A judge shall give the oath (solemn oath), attired in his or her robes.

(3) After acceptance of the oath (solemn oath), the President shall issue to the judge the insignia of office.

[16 June 2009; 9 June 2011]

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) [21 July 2011]

(4) The Council for the Judiciary shall approve the procedures for the use of robes and insignia of office.

[29 January 1997; 22 September 2005; 3 June 2010; 9 June 2011; 21 July 2011]

Section 72. Judge Identification

Judges shall be issued with an identification, the form of which shall be approved by the Council for the Judiciary.

[22 September 2005; 3 June 2010]

Section 73. Seal of a Court and a Land Registry Office

(1) The Supreme Court shall have a seal bearing the Great State Coat of Arms and the corresponding name of the court.

(2) The regional courts, district (city) courts and Land Registry Offices shall have a seal bearing the Lesser State Coat of Arms and the name of the court or Land Registry Office concerned.

[29 January 1997; 21 July 2011]

Chapter 11 Procedures for the Transfer and Substitution of Judges

[3 June 2010]

Section 73.¹ The Transfer of a Judge to the Vacant Office of a Judge

(1) Pursuant to a recommendation by the Minister for Justice, the Council for the Judiciary, on the basis of a favourable opinion from the Judicial Qualification Board, shall decide regarding the transfer of a judge to a court or courthouse of the same level. Prior to the provision of an opinion the Judicial Qualification Board shall perform the extraordinary evaluation of the professional work of a judge in cases where:

- 1) [21 July 2011];
- 2) a judge of a district (city) court has applied to a vacant office of a judge in the Administrative Regional Court;
- 3) a judge of the Administrative Regional Court has applied to a vacant office of a judge in a district (city) court;
- 4) a judge of a regional court has applied to a vacant office of a judge in the Administrative Regional Court; or
- 5) a judge of the Administrative Regional Court has applied to a vacant office of a judge in another regional court.

(2) Pursuant to a recommendation by the Council for the Judiciary on the basis of a favourable opinion from the Judicial Qualification Board, it shall be decided regarding the transfer of a judge to a court or courthouse of a higher level. Prior to the provision of an opinion the Judicial Qualification Board shall perform the extraordinary evaluation of the professional work of a judge in cases where:

- 1) [21 July 2011];
- 2) a judge of a district (city) court has applied to a vacant office of a judge in the Administrative Regional Court; or
- 3) a judge of the Administrative Regional Court has applied to a vacant office of a judge in a regional court.

(3) The Minister for Justice shall not nominate a candidate for the transfer of the office of a judge, if the Judicial Qualification Board has not provided a favourable opinion. If several candidates who have received the favourable opinion of the Judicial Qualification Board apply for one vacant position, the Minister for Justice shall nominate these candidates and the Council for the Judiciary shall decide regarding the most suitable candidate. The decision of the Council for the Judiciary may not be appealed.

[3 June 2010; 9 June 2011; 21 July 2011]

Section 74. Substitution for a Chief Judge of a District (City) Court and a Head of a Land Registry Office

[21 July 2011]

(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.

(1¹) During the temporary absence of the Head of a Land Registry Office he or she shall be replaced by the Deputy Head of the Land Registry Office.

(2) If a deputy chief judge of the district (city) court or deputy head of a Land Registry Office concerned has not been appointed, or also has been appointed, but is temporarily absent, one of the judges of these courts shall be assigned, by an order of the Minister for Justice, to substitute for the chief judge of the district (city) court or the Head of the Land Registry Office.

[21 July 2011]

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

(1) In case of a vacancy or the temporary absence of a judge, pursuant to a recommendation by the Minister for Justice, the Council for the Judiciary 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.

(2) [21 July 2011]

[29 January 1997; 15 October 1998; 22 September 2005; 3 June 2010; 9 June 2011; 21 July 2011]

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, pursuant to a recommendation by the Minister for Justice the Council for the Judiciary 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, pursuant to a recommendation by the Minister for Justice and upon the receipt of a favourable opinion from the Judicial Qualification Board, the Council for the Judiciary may assign a district (city) court judge to substitute for a judge of a regional court temporarily – not longer than for two years, if this person has given their written consent.

[15 October 1998; 2 November 2006; 1 December 2009; 3 June 2010]

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 or vacancy 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.

(1¹) During the temporary absence or vacancy of a senator of the Department of Administrative Cases of the Supreme Court Senate the Council for the Judiciary may assign, pursuant to the recommendation of the Chief Justice of the Supreme Court and upon the receipt of a favourable opinion from the Judicial Qualification Board, for a period not exceeding two years, may assign a judge of the Administrative Regional Court to substitute for him or her, if this person has given his or her written consent.

(2) During the temporary absence or vacancy of a judge of a Panel of the Court, the Council for the Judiciary may assign, pursuant to the recommendation of the Chief Justice of the Supreme Court and upon the receipt of a favourable opinion from the Judicial Qualification Board, for a period not exceeding two years a judge emeritus of the Supreme Court or a judge of a regional court to substitute for him or her if this person has given his or her written consent.

[15 October 1998; 1 December 2009; 3 June 2010]

Section 80. Remuneration for the Substitution of a Judge

[16 December 2010]

Chapter 12

Removal from Fulfilment of Duties and Dismissal of Judges

[15 October 1998; 16 June 2009]

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

(1) In the cases provided for in Section 82, Paragraph one, Clauses 1, 2 and 4 of this Law, 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 Council for the Judiciary.

(1¹) In the cases provided for in Section 82, Paragraph one, Clauses 3 and 5 of this Law, a judge of a district (city) court, a judge of a regional court and a judge of the Supreme Court shall be removed from office by the *Saeima*, upon the recommendation of the Council for the Judiciary.

(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; 9 June 2011]

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;
- 4) in connection with reaching the maximum age for fulfilling the office of a judge as specified by law; or
- 5) if he or she has repeatedly received an unfavourable opinion in the evaluation of his or her professional work.

(2) [15 October 1998]

[15 October 1998; 9 June 2011]

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

[16 June 2009]

Chapter 13 Rights and Obligations of Judges

[16 June 2009]

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) [16 December 2010]

(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; 16 December 2010]

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

[16 June 2009]

Section 89. Obligations of Judges

(1) In adjudging, a 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) [16 June 2009]

(3) A judge does 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 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.

(5) A judge has the duty to continuously enhance his or her knowledge throughout his or her career as a judge.

[16 June 2009; 9 June 2011]

Chapter 13.¹

Council for the Judiciary

Section 89.¹ Council for the Judiciary

The Council for the Judiciary is a collegial authority which participates in the development of the policies and strategies of the judicial system, as well as the improvement of the organisation of the work of the judicial system.

Section 89.² Composition of the Council for the Judiciary

(1) The composition of the Council for the Judiciary has the following permanent members:

- 1) the Chief Justice of the Supreme Court;
- 2) the Chief Justice of the Constitutional Court;

- 3) the Minister for Justice;
 - 4) the Chairperson of the Judicial Committee of the *Saeima*;
 - 5) the Prosecutor General;
 - 6) the Chairman of the Latvian Council of Sworn Advocates;
 - 7) the Chairman of the Latvian Council of Sworn Notaries; and
 - 8) the Chairman of the Latvian Council of Sworn Bailiffs.
- (2) The composition of the Council for the Judiciary shall have the following elected members:
- 1) a judge elected by the Plenary Session of the Supreme Court; and
 - 2) six judges elected by a conference of judges.
- (3) A conference of judges shall elect one member of the Council for the Judiciary from among the Land Registry Office judges, three from among the district (city) court judges and two from among the regional court judges.
- (4) The Ombudsman and the Director of the Court Administration or the authorised representatives thereof, a representative delegated by an expert in jurisprudence approved by the Latvian Academy of Sciences, as well as representatives from judge associations may participate in the work of the Council for the Judiciary in an advisory capacity.
- (5) A permanent member (official) referred to in Paragraph one of this Section may authorise another person for the participation in a meeting of the Council for the Judiciary.
- [3 June 2010]*

Section 89.³ The Term of Office of Members of the Council for the Judiciary

- (1) The term of office of an elected member of the Council for the Judiciary shall be four years. The members of the Council for the Judiciary may be re-elected, but not more than twice in succession.
- (2) If the authorisation of an elected member of the Council for the Judiciary terminates for some reason prior to the end of the term of office, another member of the Council for the Judiciary shall be elected at the next meeting of the Conference of Judges for the term of office specified in Paragraph one of this Section.
- [3 June 2010]*

Section 89.⁴ Prohibitions for Elected Members of the Council for the Judiciary

The status of an elected member of the Council for the Judiciary may not be consistent with the fulfilment of the duties of a member of the Judicial Disciplinary Board, a member of the Disciplinary Court, a member of the Judicial Qualification Board or a member of the Commission of Judicial Ethics.

[3 June 2010]

Section 89.⁵ The Depriving of Office and Recusal of a Member of the Council for the Judiciary

- (1) An elected member of the Council for the Judiciary shall be deprived of office from the fulfilment of the duties of a member of the Council for the Judiciary, if the Minister for Justice or the Chief Justice of the Supreme Court has deprived the relevant judge of office from the fulfilling of the duties of the office of a judge, in accordance with Section 84 of this Law.
- (2) If a member of the Council for the Judiciary considers that there are circumstances which may cause justified doubt regarding his or her impartiality in the adjudication of a matter, he or she shall recuse themselves from participating in the adjudication of the matter in question.

(3) When a matter is being decided regarding the submission to the Constitutional Court of an application by the Council for the Judiciary for the initiation of a matter, the Chief Justice of the Constitutional Court shall not participate in the deciding of this matter.

[3 June 2010]

Section 89.⁶ Termination of the Powers of a Member of the Council for the Judiciary

(1) The powers of an elected member of the Council for the Judiciary shall be terminated, if:

- 1) his or her term of office as a member of the Council for the Judiciary is terminated;
- 2) his or her powers as a judge have terminated; or
- 3) he or she repudiates the fulfilment of the duties of a member of the Council for the Judiciary, notifying in writing thereof the Chair of the Council for the Judiciary.

(2) The powers of a permanent member (official) of the Council for the Judiciary is terminated if his or her official powers are terminated.

(3) If a judge who is elected to the composition of the Council for the Judiciary is transferred to a court of a different level, his or her powers as a member of the Council for the Judiciary shall be retained until the next Conference of Judges, at which another representative of the court of the corresponding level is elected.

[3 June 2010]

Section 89.⁷ Chair of the Council for the Judiciary

(1) The Chief Justice of the Supreme Court is the Chair of the Council for the Judiciary.

(2) The Chair of the Council for the Judiciary shall:

- 1) lead the work of the Council for the Judiciary;
- 2) convene the meetings of the Council for the Judiciary and determine the agenda thereof; and

- 3) represent the Council for the Judiciary and sign decisions and other documents of the Council for the Judiciary.

[3 June 2012]

Section 89.⁸ Deputy Chair of the Council for the Judiciary

(1) The Council for the Judiciary shall elect a Deputy Chair of the Council for the Judiciary from among the judges represented therein.

(2) The Deputy Chair of the Council for the Judiciary shall fulfil the duties of the Chair of the Council for the Judiciary in the absence thereof, as well as perform other duties determined by the Chair of the Council for the Judiciary.

[3 June 2010]

Section 89.⁹ Convening of Meetings and the Taking of Decisions of the Council for the Judiciary

(1) The meetings of the Council for the Judiciary shall be convened and led by its Chair.

(2) The Chair shall convene a meeting of the Council for the Judiciary at his or her initiative or if this is requested by not less than one third of the members of the Council for the Judiciary.

(3) The time and agenda of a meeting of the Council for the Judiciary shall be notified to the Council members not later than three days prior to the meeting.

(4) The Council for the Judiciary is entitled to take decisions, if at least two-thirds of the members of the Council for the Judiciary participate in the meeting thereof.

- (5) Decisions of the Council for the Judiciary shall be taken by voting. In the case of a tied vote, the vote of the Chair of the Council for the Judiciary shall be the deciding vote.
- (6) The meetings of the Council for the Judiciary shall be open, unless the Council for the Judiciary has decided otherwise.
- (7) The Council for the Judiciary shall develop and approve the regulations for the determining of its operational procedures.

Section 89.¹⁰ Ensuring of the Work of the Council for the Judiciary

The work of the Council for the Judiciary shall be ensured by the Administration of the Supreme Court.

[3 June 2010]

Section 89.¹¹ Functions of the Council for the Judiciary

- (1) The Council for the Judiciary shall provide an opinion regarding the territories of operation of courts and courthouses and the location thereof, as well as regarding the budget requests of courts.
- (2) Following the appointment or approval to office of a judge the Council for the Judiciary shall determine the specific court, courthouse or Land Registry Office in which the duties of a judge are to be performed, as well as deciding regarding the transfer of a judge to work in a court of the same instance.
- (3) The Council for the Judiciary shall hear the candidates for the office of a judge of the Constitutional Court and provide an opinion to the *Saeima* regarding them.
- (4) The Council for the Judiciary shall hear the candidates for the office of the Chief Justice of the Supreme Court and provide an opinion to the Plenary Session of the Supreme Court regarding them.
- (5) The Council for the Judiciary shall approve the rules of association for the Conference of Judges, as well as convening the Conference of Judges, determining the matters to be examined therein.
- (6) The Council for the Judiciary shall approve the basic principles for the specialisation of judges and the procedure for the determination of the case workload, as well as developing guidelines in the other matters of the work organisation of courts and Land Registry Offices.
- (7) The Council for the Judiciary shall hear the annual report of the Court Administration regarding the work results.
- (8) In the cases and procedures specified by the Constitutional Court Law the Council for the Judiciary may submit an application regarding the initiation of a matter to the Constitutional Court.
- (9) The Council for the Judiciary shall determine the content and procedures by which judges shall take the qualification examination as well as approving the document samples necessary for the qualification examination of judges.
- (9¹) *[9 June 2011]*
- (10) The Council for the Judiciary shall perform other functions specified by Law.
[3 June 2010; 16 December 2010; 9 June 2011; 21 July 2011]

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 or the Disciplinary Court 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;

5) to develop the standards of judicial ethical rules and submit them for confirmation in a conference of judges; and

6) to decide regarding the initiation of disciplinary matters.

[3 April 2008; 3 June 2010]

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 the Judicial Disciplinary Board, a member of the Disciplinary Court, a member of the Judicial Qualification Board or a member of the Council for the Judiciary.

[3 April 2008; 3 June 2010]

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 the Council for the Judiciary.

(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; 9 June 2011]

Chapter 15

Conference of Judges. Judicial Qualification Board, Evaluation of the Professional Work of a Judge

[15 October 1998; 9 June 2011]

Section 92. Conference of Judges

(1) The conference of judges is a self-governing judicial institution in the work of which with voting rights shall participate judges of the Supreme Court, judges of regional courts, judges of district (city) courts and judges of Land Registry Offices.

(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;

3¹) shall, by secret ballot elect the members of the Council for the Judiciary for four years;

4) shall, by secret ballot, elect the Judicial Qualification Board 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; 3 June 2010; 9 June 2011]

Section 93. Judicial Qualification Board

(1) The Judicial Qualification Board is a self-governing judicial institution which performs the evaluation of the professional work of judges.

(2) The Judicial Qualification Board shall be composed of one judge from the Civil Matters department of the Senate or of the Chamber of Civil Matters of the Supreme Court, one judge from the Criminal Matters department of the Senate or of the Chamber of Criminal Matters of the Supreme Court, one judge from the Administrative Matters Department of the Senate 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 one judge from Land Registry Offices. The Judicial Qualification Board shall, by secret ballot, elect the Conference of Judges. A judge whose knowledge and experience is highly valued by specialists in the judicial sector and judges may be nominated and elected as a member of the Judicial Qualification Board.

(2¹) The status of a member of the Judicial Qualification Board may not be consistent with the fulfilment of the duties of a member of the Council for the Judiciary, a member of the Judicial Disciplinary Board, a member of the Disciplinary Court or a member of the Commission of Judicial Ethics.

(3) The Chairperson of the Judicial Committee of the *Saeima*, the Minister for Justice, the Prosecutor General, the Chief Justice of the Supreme Court or persons authorised thereby, a representative delegated by an expert in jurisprudence approved by the Latvian Academy of Sciences, as well as representatives from judge associations may participate in meetings of the Judicial Qualification Board in an advisory capacity.

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

(5) The Judicial Qualification Board has a quorum, if at least seven members of the Judicial Qualification Board participate in its meeting.

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

[15 October 1998; 22 September 2005; 3 June 2010; 9 June 2011; see Paragraph 46 of Transitional Provisions]

Section 93.¹ Appeal of an Opinion of the Judicial Qualification Board

(1) A judge may appeal an opinion of the Judicial Qualification Board at the Disciplinary Court.

(2) The regulations of the Judicial Disciplinary Liability Law which apply to the preparation and examination of a complaint regarding a decision of the Judicial Qualification Board shall also be applicable to the preparation and examination of an opinion of the Judicial Qualification Board insofar as is not prescribed otherwise by this Law.

(3) When examining a complaint regarding an opinion of the Judicial Qualification Board, the Disciplinary Court may:

1) leave the opinion of the Judicial Qualification Board without amendments and reject the complaint; or

2) revoke the opinion of the Judicial Qualification Board and send the materials for re-examination to the Judicial Qualification Board.

[9 June 2011]

Section 93.² Access to the Evaluation Materials and Opinions

(1) The opinions and evaluation materials of the Judicial Qualification Board is information with restricted access.

(2) The opinions and evaluation materials of the Judicial Qualification Board shall be accessible to State institutions, if they are necessary for these institutions to perform their functions. The recipient of the information shall ensure the protection provided for by law for these opinions and materials.

[9 June 2011]

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 on the basis of a submission and the documents appended thereto regarding the transfer of a judge to work in another court or courthouse thereof, shall evaluate the professional work of the judge and, if necessary, also the professional preparedness of a judge for a vacant office of a judge, and provide an opinion in the cases specified in this Law regarding the nominations of a judge for district (city) courts, regional courts or the Supreme Court.

(3) *[9 June 2011]*

(4) The Judicial Qualification Board shall operate in accordance with the rules of procedure. The rules of procedure shall be approved by the Council for the Judiciary.

[29 January 1997; 15 October 1998; 19 June 2003; 3 April 2008; 3 June 2010; 9 June 2011; see Paragraph 46 of Transitional Provisions]

Section 94.¹ Objective and Frequency of the Evaluation of the Professional Work of a Judge

(1) The objective of the evaluation of the professional work of a judge is to promote the continuous professional growth of a judge throughout his or her career, thereby improving the quality of the work of the judge and the court.

(2) The Judicial Qualification Board shall perform the regular evaluation of the professional work of a judge once every five years following the approval of the judge for the office with an unlimited term of office.

(3) The Judicial Qualification Board shall also perform the regular evaluation of the professional work of a judge prior to the re-nomination of a district (city) court judge as a candidate for the re-appointment or re-approval to office with an unlimited term of office.

[9 June 2011]

Section 94.² Evaluation of the Professional Work of a Judge

(1) When evaluating the professional work of a judge, the Judicial Qualification Board shall analyse the following professional work of a judge and the results thereof:

- 1) the structure of the prepared adjudications, the legal reasoning, the application of material and procedural norms as well as the use of ancillary legal sources;
- 2) the management of the court procedure;

- 3) the organisation of work for ensuring the adjudication of a court matter;
 - 4) the observance of the regulations of the organisation of work and the orders of the Chief Judge of the court;
 - 5) the participation in measures for improving qualification (including the acquisition of a Master or Doctor degree), as well as the teaching and scientific activities;
 - 6) public activities (participation in collegial administrative bodies, in the development and improvement of draft regulatory enactments, the provision of opinions regarding legal matters to the *Saeima*, the Constitutional Court and other institutions); and
 - 7) statistical data regarding the work of the judge.
- (2) On the basis of the analysis of the professional work of a judge, the Judicial Qualification Board shall provide an evaluation of the following professional skills of a judge:
- 1) to acquire and analyse information in order to make justified conclusions;
 - 2) to take decisions evaluating information and using different approaches for resolving a problem;
 - 3) to explain their opinion and argue for its correctness;
 - 4) to analyse their actions and listen to criticism;
 - 5) to find a compromise in problem situations; and
 - 6) to maintain emotional equilibrium in stressful situations.

[9 June 2011]

Section 94.³ Procedure for the Evaluation of the Professional Work of a Judge

- (1) For the evaluation of the professional work of a judge of a district (city) court, a regional court and a Land Registry Office, the Chief Judge of the relevant court and the Chief Judge of a higher instance court shall provide references regarding the work of the judge, including information regarding the quality of the adjudications made thereby, the quality of the management of the court procedures, the improvement of the professional and academic qualification and other professional activities.
- (2) The Chief Justice of the Supreme Court shall provide the reference provided for in Paragraph one of this Section regarding the work of a Justice of the Supreme Court.
- (3) The Court Administration shall compile and submit to the Judicial Qualification Board the references provided by the Chief Judge of a court and the Chief Judge of a higher instance court regarding the work of a judge of a district (city) court, a regional court and a Land Registry Office.
- (4) The Administration of the Supreme Court shall compile and submit to the Judicial Qualification Board the references regarding the work of a judge of the Supreme Court.
- (5) A judge shall submit a self-appraisal of his or her own professional work to the Judicial Qualification Board.
- (6) If the references received do not provide sufficient information, prior to the evaluation of the professional work of a judge, the Judicial Qualification Board may request that the Court Administration compiles the references of the judges and court employees of the relevant court regarding the work of the judge, as well as performing a survey of the participants in other procedures.
- (7) The Chair of the Judicial Qualification Board may appoint any of the Board members to become acquainted by selection procedure with the adjudications made and procedures managed by a judge (with recordings of the procedures).
- (8) The professional work of a judge shall be evaluated at a meeting of the Judicial Qualification Board, with the participation of the judge whose professional work is being evaluated. If the judge does not attend the meeting without a justified reason, the professional work of this judge may be evaluated in his or her absence.
- (9) Prior to the meeting the Judicial Qualification board shall become acquainted with the materials submitted regarding the work of the judge and with the self-appraisal of the judge of

his or her professional work. Prior to the meeting of the Judicial Qualification Board the Court Administration and the Administration of the Supreme Court shall acquaint the judge whose professional work is being evaluated with the relevant materials.

(10) The Judicial Qualification Board shall provide a favourable or unfavourable opinion regarding the professional work of a judge.

[9 June 2011]

Section 94.⁴ The Re-Evaluation of the Professional Work of a Judge

(1) If a judge has received an unfavourable opinion in the evaluation of his or her professional work, the re-evaluation of the professional work of the judge shall be performed within the time period specified by the Judicial Qualification Board, however, not later than within two years since the previous evaluation, with the participation of the judge whose professional work is being re-evaluated. If the judge does not attend the meeting without a justified reason, the professional work of this judge may be evaluated in his or her absence.

(2) If a judge has received an unfavourable opinion in the re-evaluation of his or her professional work, he or she shall be dismissed from office.

[9 June 2011]

Section 94.⁵ The Extraordinary Evaluation of the Professional Work of a Judge

(1) The extraordinary evaluation of the professional work of a judge shall be performed in the cases specified in this Law, when deciding regarding the transfer or substitution of a judge.

(2) When performing the extraordinary evaluation of the professional work of a judge, the Judicial Qualification Board shall inspect the professional knowledge of the judge.

(3) When performing the extraordinary evaluation of the professional work of a judge in addition to the inspection of the professional knowledge of the judge the Judicial Qualification Board shall also perform the regular evaluation of the professional activity of the judge, if more than three years have passed since the last evaluation.

(4) When performing the extraordinary evaluation of the professional work of a judge, the judge whose professional work is being evaluated shall participate in the meeting of the Judicial Qualification Board.

(5) When performing the extraordinary evaluation of the professional work of a judge, the Judicial Qualification Board shall provide a favourable or unfavourable opinion.

[9 June 2011]

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

[9 June 2011]

Chapter 15.¹
Land Registry Offices and Judges of Land Registry Offices
[21 July 2011]

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 monthly salary in accordance with the regulatory enactments.

[19 June 2003; 3 June 2010]

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) The remuneration of a court employee shall be determined in accordance with the Law On Remuneration of Officials and Employees of State and Local Government Authorities.

[15 June 1994; 29 January 1997; 19 June 2003; 22 September 2005; 1 December 2009]

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) perform the organisational management of district (city) courts, regional courts and Land Registry Offices;

4) fulfil the function of the supervisor of the Court information system and State unified computerised Land Registry; and

5) perform inspections in district (city) courts, regional courts and Land Registry Offices.

[29 January 1997; 15 October 1998; 31 October 2002; 4 December 2003; 22 September 2005 3 April 2008; 30 April 2009; 3 June 2010]

Section 107.¹ Court Administration

(1) Court Administration is a direct administrative institution subordinate to the Minister for Justice, which shall organise 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;
- 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;
- 16) plan income and expenditure resources of courts, as well as analyse economical indicators;
- 17) prepare draft budgetary request for the provision of work of courts;
- 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; and
- 22) once a year provide a report to the Council for the Judiciary regarding its work.

[4 December 2003 22 September 2005; 30 April 2009; 16 June 2009; 3 June 2010; 21 July 2011]

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;
- 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; 3 June 2010]

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

[16 December 2010]

Transitional Provisions

1. [16 December 2010]
2. [16 December 2010]
3. [16 December 2010]
4. [16 December 2010]
5. [16 December 2010]
6. [22 September 2005]
7. [16 December 2010]
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 2011, 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. [16 December 2010]

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. [16 December 2010]

21. [1 December 2009]

22. [1 December 2009]

23. After 1 July 2009, the participation of a lay judge in the trying of a court case in a criminal matter shall be determined by Paragraph 25 of the Transitional Provisions of the Criminal Procedure Law. The work remuneration for the performance of the duties of a lay judge in a district (city) court shall be calculated taking into account the average monthly gross remuneration for work for the workforce in 2006 applying the coefficient of 0,85. The work remuneration for the performance of the duties of a lay judge in a regional court, taking into account the average monthly gross remuneration for work for the workforce in 2006.

[1 December 2009]

24. [16 December 2010]

25. Within three months following the coming into force of Chapter 13.¹ of this Law which provides for the establishment of a Council for the Judiciary, the Minister for Justice and the

Chief Justice of the Supreme Court shall convene a Conference of Judges for the election of the members of the Council for the Judiciary.

[3 June 2010]

26. Within one month following the coming into force of Section 48.¹ and Chapter 13.¹ of this Law which provides for the establishment of a Disciplinary Court and a Council for the Judiciary, the Chief Justice of the Supreme Court shall convene a Plenary Session of the Supreme Court for the election of the members of the Disciplinary Court and the Council for the Judiciary, as well as for the approval of the Chair of the Disciplinary Court.

[3 June 2010]

27. The first meeting of the Council for the Judiciary shall be convened by its Chair not later than within one month following the election of all the members of the Council for the Judiciary.

[3 June 2010]

28. Within six months following its coming together for its first meeting, the Council for the Judiciary shall approve the regulation of the Council for the Judiciary. Until the approval of the regulation, the regulation of the Conference of Judges adopted at the Conference of Judges on 18 April 1997 shall be applicable.

[3 June 2010]

29. The Council for the Judiciary may submit an application for the initiation of a matter to the Constitutional Court following the coming into force of the relevant amendments to the Constitutional Court Law.

[3 June 2010]

30. The powers of the Council for the Judiciary provided for in Section 73.¹ of this Law regarding the transfer of a judge shall also be applicable to judges who have been appointed or approved to the office as a judge with an unlimited term of office until the day of the coming into force of Section 73.¹ of this Law.

[3 June 2010]

31. The Disciplinary Court shall commence work following the coming into force of the relevant amendments to the Judicial Disciplinary Liability Law.

[3 June 2010]

32. A judge of the Administrative Regional Court with at least four years service in the office as a judge may apply for the office as a judge of an administrative district court.

[3 June 2010]

33. The requirements of Section 54, Paragraph four of this Law shall not be applicable to a person who has been approved as a judge of the Supreme Court until the day of the coming into force of this Paragraph.

[3 June 2010]

34. The amendments to Section 63 of this Law which change the conditions and procedures for the extension of a judge who is in office as a judge of a district (city) court, regional court and the Supreme Court, shall not be applicable to a person whose being in office as a judge has been extended until the day of the coming into force of this amendment.

[3 June 2010]

35. Chairpersons of a division of a regional court, who have been appointed to office until the moment of the coming into force of the amendments to Sections 41 and 42 of this Law, which change the procedure for the appointment of a chairperson to a division of a regional court, shall continue to fulfil the duties until a deputy chairperson of a division of a regional court is appointed to office in accordance with the procedures specified by Section 41, Paragraph two of this Law.

[3 June 2010]

36. Deputy chairpersons of district (city) courts and regional courts, who have been appointed to office until the moment of the coming into force of the amendments to Sections 33.¹ and 41 of this Law, which change the procedure for the appointment of a chairperson to a district (city) court or regional court, shall continue to fulfil the duties of office until the end of the term of office.

[3 June 2010]

37. The amendment to Section 50, Paragraph three of this Law which provides for the participation of the Council for the Judiciary in nominated candidates for the office of the Prosecutor General, shall come into force concurrently with the corresponding amendments to the Office of the Prosecutor Law.

[3 June 2010]

38. Judges shall be paid a one-off compensation. This shall be calculated as the net difference in the monthly salaries which would have been paid to a judge in compliance with the third sentence of Paragraph 20 of the Transitional Provisions of the Law On Judicial Power in the wording which would have been in force on 1 January 2011, and the monthly salaries of a judge specified in Section 6.¹ of the Law On Remuneration of Officials and Employees of State and Local Government Authorities.

[16 December 2010]

39. Until 1 October 2012 the Council for the Judiciary shall convene a Conference of Judges for the election of the Judicial Qualification Board in accordance with the amendments to Section 93, Paragraph two of this Law in respect of the composition of the Judicial Qualification Board. Until 1 January 2013 the current Judicial Qualification Board shall continue its work.

[9 June 2011]

40. Until 1 July 2012 the Council for the Judiciary shall determine the content and procedure of the inspection of the professional knowledge of a judge provided for in Section 89.¹¹, Paragraph nine of this Law, as well as approving the document samples necessary for the inspection of the professional knowledge of a judge.

[9 June 2011]

41. The Judicial Qualification Board shall perform the regular evaluation of the professional work of judges of Land Registry Offices, district (city) courts, regional courts and the Supreme Court for the first time from 1 January 2013 until 1 January 2016. Pursuant to the recommendation of the Minister for Justice and the Chief Justice of the Supreme Court, the Council for the Judiciary shall approve the list of judges, according to those in succession for which the evaluation of the professional work of a judge is performed.

[9 June 2011]

42. The amendments to Section 52 of this Law in respect of the requirements to be met for the education of candidates to the office of a judge of a district (city) court shall come into force on 1 January 2012.

[9 June 2011]

43. Persons who have acquired a higher legal education which in legal terms is commensurate with a Master degree shall also comply with the requirements of Section 52, Paragraph one, Clause 4 of this Law.

[9 June 2011]

44. Amendments to Section 60, Paragraph two, Sentence one and Paragraph three, Section 73.¹, Paragraph one, Sentence two and Paragraph two, Sentence two, Section 75, Paragraph two, Sentence two and the title of Chapter 15 of this Law, in respect of the evaluation of the professional work of judges shall come into force on 1 January 2013.

[9 June 2011]

45. Section 82, Paragraph one, Clause 5, Paragraphs 94.¹, 94.², 94.³, 94.⁴ and 94.⁵ of this Law shall come into force on 1 January 2013.

[9 June 2011]

46. Amendments to Section 93, Paragraphs one and five and Section 94, Paragraph three of this Law shall come into force on 1 January 2013.

[9 June 2011]

47. Amendments to Section 98 of this Law shall come into force concurrently with the amendments to the Law on Remuneration of Officials and Employees of State and Local Government Institutions which determine the procedure by which remuneration shall be granted for judges for the evaluation of the professional work of judges.

[9 June 2011]

48. The amendment to Section 89.¹¹ of this Law with which Paragraph 9.¹ of the same Section is excluded, shall come into force concurrently with the amendments to the Law on Remuneration of Officials and Employees of State and Local Government Institutions with which Paragraph 8.⁴ of the Transitional Provisions is excluded.

[9 June 2011]

49. The judges of Land Registry Offices who have been appointed or confirmed to office until the moment of the coming into force of the amendments which anticipate the inclusion of Land Registry Offices in the composition of the district (city) courts, shall fulfil the duties provided for in Section 30, Paragraph 1.¹ of this Law in the Land Registry Offices according to the territory of operations thereof.

[21 July 2011]

50. The robe and the insignia of office shall be granted to a judge who is fulfilling his or her duties of office in a Land Registry Office.

[21 July 2011]

51. The Heads of Land Registry Offices and their deputies who have been appointed to office until the moment of the coming into force of the amendments which anticipate the inclusion of Land Registry Offices in the composition of the district (city) courts, shall continue to fulfil their relevant duties until the expiry of their term of office.

[21 July 2011]

52. The Cabinet shall issue the Regulations provided for in Section 29, Paragraph three of this Law in which the territories of operation of district (city) courts, the relevant courthouses and Land Registry Offices are determined, until 1 January 2012.

[21 July 2012]

53. The Land Registry Offices of district (city) courts shall review applications for the confirmation of statements of auction following the coming into force of the relevant amendment to the Civil Procedure Law.

[21 July 2011]

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

[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 judges 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 judges 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.

Verdict

[18 January 2010]

On the basis of Articles 30, 31 and 32 of the Constitution, the Constitutional Court decided:

1. To find the words in the second sentence of Paragraph 7 of the Transitional Provisions of the Law On Judicial Power of 14 November 2008, 16 June 2009 and 1 December 2009 as non-compliant with Article 83 of the Constitution of the Republic of Latvia and invalid from 1 January 2011.

[18 January 2010]

2. To find the words of Paragraph 17 of the Transitional Provisions of the Law On Judicial Power of 14 November 2008, 16 June 2009 and 1 December 2009 as non-compliant with Article 83 of the Constitution of the Republic of Latvia and invalid from 1 January 2011.

[18 January 2010]

Verdict

[22 June 2010]

On the basis of Article 29, Paragraph one, Clause 5 and Articles 30, 31 and 32 of the Constitutional Court Law, the Constitutional Court decided:

1. To find the second sentence and the words in third sentence of Paragraph 20 of the Transitional Provisions of the Law On Judicial Power, “from 1 January 2010 until 31 December 2011 the remuneration of judges shall be determined in 73% of the amount of work remuneration specified in accordance with Paragraph 7 of this Transitional Provision” as compliant with Articles 1, 83 and 107 of the Constitution of the Republic of Latvia, if from 1 January 2011 the work remuneration is determined and paid in compliance with Section 119.¹ of the Law On Judicial Power, i.e., in accordance with the Constitutional Court Judgment in Matter No.2009-11-01 of 18 January 2010.

[22 June 2010]

2. To find the words in the third sentence of Paragraph 20 of the Transitional Provisions of the Law On Judicial Power, “but not exceeding the remuneration of the Prime Minister which is specified in accordance with the Law On Remuneration of Officials and Employees of State and Local Government Authorities” as non-compliant with Article 1 of the Constitution of the Republic of Latvia and invalid from 1 January 2011.

[22 June 2010]

3. To terminate the proceedings regarding the compliance of the second sentence of Paragraph 7 of the Transitional Provisions of the Law On Judicial Power with Articles 1, 83 and 107 of the Constitution of the Republic of Latvia.

[22 June 2010]