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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 Governing 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 governed 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 governs the functions of the Constitutional Court.
- (5) The Military Courts Law governs 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 laws and regulations. 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 according 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 stipulated 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 laid down 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 laws and regulations 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.<sup>1</sup> 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 27.<sup>1</sup> Management of the Time Periods for Adjudicating Matters in a Court**

- (1) A Chief Judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters in a court (the standard of time periods for adjudication of matters) prior to the beginning of each calendar year in co-operation with court judges.
- (2) The standard of time periods for adjudication of matters shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and in conformity with other basic principles for examination of matters.
- (3) A Chief Judge of a court shall approve the standard of time periods for adjudication of matters in a court and supervise the actual time periods of examining matters in a court.
- (4) A Chief Judge of a court shall submit information to the Board of Justice regarding the approved standard of time periods for adjudication of matters until 1 February of each year.  
*[13 June 2013]*

## **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.<sup>1</sup> Division of Matters**

- (1) A Chief Judge of a court prior to the beginning of each calendar year shall approve a division of matters plan.
- (2) A Chief Judge of a court 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;
  - 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.<sup>1</sup>** **Availability of Information**

*[22 September 2005]*

### **Section 28.<sup>2</sup> 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 Paragraphs one and two of this Section, it shall include the validity of court adjudication, as well as in accordance with the procedures laid down 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) Judgments of court taken during open court shall be published on the Internet homepage after entering into effect thereof, unless it has been laid down otherwise in the law. Similarly court decisions shall be published in the amount stipulated by the Cabinet. In publishing court adjudications, the part of information, which discloses the identity of a natural person, shall be hidden.

*[22 September 2005; 3 April 2008; 13 June 2013]*

### **Section 28.<sup>3</sup> 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.<sup>4</sup> 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.<sup>3</sup>, 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 entering into effect 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 entering into effect 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 restricting the capacity to act of a person due to disorders of mental nature or other health disorders.

*[22 September 2005; 30 April 2009; 13 June 2013]*

### **Section 28.<sup>5</sup> 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 laid down 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.<sup>6</sup> 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 Court Administration shall be the manager and 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 coordination with the Ministry of Justice.

(5<sup>1</sup>) The dates and time of court sessions, as well as information regarding the availability of a sworn advocate and a prosecutor shall be noted in the calendar of court sessions created in the Court Information System. A note made in the calendar of court sessions regarding determination of the date and time of a court session shall be binding in planning adjudication of matters in a court session with the participation of such sworn advocate or a prosecutor whose participation in another court session has already been noted in the calendar of court sessions.

(6) The Cabinet shall determine the procedures for establishment, 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 laws and regulations.

(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; 13 June 2013]*

### **Section 28.<sup>7</sup> 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.

(2<sup>1</sup>) 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. Competence of a District (City) Court**

*[13 June 2013]*

(1) A district (city) court is the court of first instance for civil matters, criminal matters, and administrative matters, unless it has been laid down otherwise in the law.

(1<sup>1</sup>) 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; 13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

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

(4) An investigating judge concurrently with the performance of the duties of an investigating judge shall not review criminal matters.

*[15 October 1998; 28 September 2005; 23 February 2006; 3 June 2010; 13 June 2013]*

### **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 Board of Justice. The Minister for Justice, by co-ordination with the Board of Justice 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.

(2<sup>1</sup>) The same person may be a Chief Judge of a district (city) court for not more than two terms of office in succession.

(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 laws and regulations, provision of references to the Judicial Qualification Board;
- 4) shall be responsible for allocation of matters and other duties among judges;
- 4<sup>1</sup>) shall organise the work of a court;
- 4<sup>2</sup>) shall promote uniform court practice in a court, organise discussions regarding application of current laws and regulations and analysing of the court practice;
- 4<sup>3</sup>) shall ensure the openness of the work of a court;
- 4<sup>4</sup>) shall supervise the work quality of court employees and the conformity with the standards of servicing visitors in a court;
- 4<sup>5</sup>) shall promote the conformity with the professional ethics norms and uniform perception thereof in a court;
- 5) shall lodge requests to the Court Administration for material and technical provision of activities of the court authority;
- 6) shall be responsible regarding legal and useful use of resources;
- 7) shall organise the annual appraisals of court employees;
- 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;
- 9) in accordance with a decision of the Chief Judge of a regional court shall appoint a judge for the performance of duties of an investigating judge for a time period up to three years.

(4) A Chief Judge of a district (city) court may:

- 1) verify the conformity with the procedural time periods in matters that are under judicial proceedings of a judge, as well as the conformity of the settlement of matters with the requirements of laws and regulations, including the provisions of court record-keeping;
- 2) request that a judge provides an explanation regarding work organisation of the judge and other issues within the competence stipulated in this Section;
- 3) issue orders to a judge which are related to work organisation of the judge for performance of professional duties.

(5) If a judge does not perform the necessary procedural activities without a justified reason in order to ensure the adjudication of a matter within a reasonable time period, as well as in cases when the time period planned by the judge does not ensure adjudication of a matter within a reasonable time period, the Chief Judge of the court may:

- 1) assign the judge to determine a corresponding time period in which the relevant procedural activity must be performed, taking into account the circumstances of the matter;
- 2) re-divide matters to judges according to the division of matters plan.

*[15 October 1998; 31 October 2002; 22 September 2005; 3 June 2010; 9 June 2011; 21 July 2011; 13 June 2013]*

### **Section 33.<sup>1</sup> 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 laid down in Section 33, Paragraph two of this Law.

(1<sup>1</sup>) 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.<sup>2</sup> 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 laid down in Section 33, Paragraph two of this Law.

(2) *[16 December 2010]*

(3) *[16 December 2010]*

*[30 April 2009; 16 December 2010]*

### **Section 33.<sup>3</sup> 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 laid down 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]*

## **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 / Paragraph three shall come into force from 1 July 2009. See Transitional Provisions]*

### **Section 36. Competence of a Regional Court**

A regional court is a court of appellate instance for civil matters, criminal matters and administrative matters, unless it has been laid down otherwise in the law.

*[13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

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

[13 June 2013 / See Paragraph 73 of Transitional Provisions]

### **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 Board of Justice. The number of judges in each court shall be determined by the Board of Justice upon the proposal 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 Board of Justice. The Minister for Justice, by co-ordination with the Board of Justice 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.

(2<sup>1</sup>) The same person may be a Chief Judge of a regional court for not more than two terms of office in succession.

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

(4) The Chief Judge of a regional court shall determine such district (city) courts in the territory of operation of the relevant regional court, in which an investigating judge must be appointed, as well as the work schedule of investigating judges in the territory of operation of the regional court.

[29 January 1997; 15 October 1998; 31 October 2002; 22 September 2005; 3 June 2010; 13 June 2013]

### **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.

(1<sup>1</sup>) 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 laid down 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.<sup>1</sup> 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 laid down 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.<sup>1</sup> Land Registry Offices**

[21 July 2011]

## **Chapter 6 The Supreme Court**

### **Section 43. Structure and Competence of the Supreme Court**

(1) The Supreme Court shall consist of the Department of Administrative Cases, the Department of Civil Cases and the Department of Criminal Cases.

(2) The Supreme Court shall be the cassation instance, unless it has been laid down otherwise in the law.

*[13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

### **Section 44. Establishment of the Supreme Court**

(1) The *Saeima*, according to the proposal of the Board of Justice, shall determine the total number of judges in the Supreme Court. The total number of judges in departments shall be determined by the Board of Justice according to the proposal of the Chief Justice of the Supreme Court.

(2) The chairpersons of the departments of the Supreme 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 chairpersons of the departments of the Supreme Court shall be five years.

*[22 September 2005; 3 June 2010; 13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

#### **Section 45. Panels of the Court and their Competence**

[13 June 2013 / See Paragraph 73 of Transitional Provisions]

#### **Section 46. The Composition of a Panel of the Court**

[13 June 2013 / See Paragraph 73 of Transitional Provisions]

#### **Section 47. The Senate and its Competence**

[13 June 2013 / See Paragraph 73 of Transitional Provisions]

#### **Section 48. Composition of a Department of the Supreme Court**

(1) A department of the Supreme Court shall adjudicate matters collegially, in composition of three judges.

(2) In cases stipulated by law, matters shall be adjudicated in an extended composition.

*[13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

#### **Section 48.<sup>1</sup> The Disciplinary Court**

(1) In order to evaluate the rule of law of the decision of the Judicial Disciplinary Board, 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 Board of Justice 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 49.<sup>1</sup> General Meeting of Judges of a Department of the Supreme Court**

(1) A general meeting of judges of a department of the Supreme Court is a collegial authority which is convened by the Chief Justice of the Supreme Court for discussion of current legal issues.



(2) A general meeting of judges of a department of the Supreme Court 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 a department of the Supreme Court shall formulate its opinion regarding the interpretation of legal norms and application matters thereof as a decision which shall be published on the Internet homepage.

*[13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

## **Section 50. Chief Justice of the Supreme Court**

(1) The work of the Supreme Court shall be managed by the Chief Justice of the Supreme Court who shall be confirmed by the *Saeima* for five years from among the judges of the Supreme Court upon the proposal of the Plenary Session of the Supreme Court. The same person may be a Chief Justice of the Supreme Court for not more than two terms of office in succession

(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 matters before the Supreme Court.

(3) The Chief Justice of the Supreme Court, by co-ordination with the Board of Justice, shall submit a proposal to the *Saeima* concerning the appointment of the Prosecutor General to the office, and implement other authorisations stipulated in the Office of the Prosecutor Law, which are related to the appointment, removal or dismissal of the Prosecutor General.

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

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

(6) The Chief Justice of the Supreme Court shall also have the functions stipulated in Section 33, Paragraphs four and five of this Law.

*[13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

## **Section 50.<sup>1</sup> 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;
- 6) carry out international co-operation.

*[22 September 2005]*

## **Chapter 6.<sup>1</sup>** **Ensuring of the Court System**

### **Section 50.<sup>2</sup> 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 Board of Justice for the provision of an opinion. Following the receipt of the opinion from the Board of Justice, 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 Board of Justice.
- (4) The Supreme Court shall submit the budget request of the Supreme Court to the Board of Justice 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 Board of Justice thereto.
- (5) The differing opinion of the Board of Justice regarding the submitted budget request shall not suspend the submission thereof to the Ministry of Finance.  
*[16 December 2010; 21 July 2011]*

### **Section 50.<sup>3</sup> 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 Board of Justice 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;
- 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 / Amendments to Paragraph one, Clauses 4 and 5 in relation the requirements to be stipulated for the education of a candidate for the office of a judge of a district (city) court shall come into force from 1 January 2012. See Paragraph 42 of Transitional Provisions]*

### **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 Board of Justice in the extraordinary evaluation of the professional work of a judge.

(1<sup>1</sup>) 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 Board of Justice 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 Constitutional Court judge, 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 Board of Justice in the extraordinary evaluation of the professional work of a judge.

(1<sup>1</sup>) 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 Board of Justice 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 Constitutional Court judge, 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.<sup>1</sup> 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 in accordance with 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 in accordance with 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;

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 Board of Justice 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 proposal 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 / Amendments to the first sentence of Paragraph two and the new version of Paragraph three shall come into force on 1 January 2013. 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 proposal 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 Board of Justice 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 proposal 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 the Office of a Judge**

The maximum age for holding the office of a judge shall be 70 years.

*[13 June 2013]*

### **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**

According to the proposal of the Board of Justice, 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.<sup>1</sup>** **Remuneration and Term of Service Pensions of Judges**

### **Section 66.<sup>1</sup> Remuneration of Judges**

The remuneration of judges shall be determined in conformity with the Law On Remuneration of Officials and Employees of State and Local Government Authorities.  
*[16 December 2010]*

### **Section 66.<sup>2</sup> 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 vow), the robes and the insignia of office.  
*[16 June 2009; 9 June 2011]*

### **Section 68. Oath of Judges (Solemn Vow)**

*[9 June 2011]*

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

“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 Vow) of Judges**

*[9 June 2011]*

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

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

(3) After acceptance of the oath (solemn vow), 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 Board of Justice 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 Board of Justice.  
*[22 September 2005; 3 June 2010]*

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

A court and a Land Registry Office shall have a seal, if provided for by a law or regulation, bearing the State coat of arms in accordance with the Law On the State Coat of Arms of Latvia.  
*[13 June 2013]*

## **Chapter 11**

### **Procedures for the Transfer and Substitution of Judges**

*[3 June 2010]*

## **Section 73.<sup>1</sup> The Transfer of a Judge to the Vacant Office of a Judge**

(1) Pursuant to a recommendation by the Minister for Justice, the Board of Justice, 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;
- 5) a judge of the Administrative Regional Court has applied to a vacant office of a judge in another regional court.

(2) According to a proposal by the Board of Justice on the basis of a favourable opinion from the Judicial Qualification Board, it shall be decided on 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;
- 3) a judge of the Administrative Regional Court has applied to a vacant office of a judge in a regional court.



(2<sup>1</sup>) According to a proposal by the Board of Justice the *Saeima* shall take a decision to transfer a judge to an office in a court of a lower level. A judge may be transferred to the office of a judge of a court of a lower level, if he or she has given a written consent.

(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 Board of Justice shall decide regarding the most suitable candidate. The decision of the Board of Justice may not be appealed.

[3 June 2010; 9 June 2011; 21 July 2011; 13 June 2013]

#### **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.

(1<sup>1</sup>) 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 Board of Justice may, for a period not exceeding two years, assign a judge of another district (city) court, a judge emeritus or a judge of a regional court, if such person has given written consent, to fulfil the duties of a judge of a district (city) court.

(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, according to a proposal by the Minister for Justice the Board of Justice may, for a period not exceeding two years, assign a judge of another regional court or a judge emeritus, if such person has given written consent, to fulfil the duties of a judge of a regional court.

(2) During the vacancy or temporary absence of a judge of a regional court, according to a proposal by the Minister for Justice and upon the receipt of a favourable opinion from the Judicial Qualification Board, the Board of Justice 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. Substitution of a Chief Justice of the Supreme Court and Chief Justice of Departments**

(1) During temporary absence of the Chief Justice of the Supreme Court, by his or her order, he or she shall be substituted by one of the Chief Justices of departments.

(2) During temporary absence of the Chief Justice of a department, he or she shall be substituted by one of the judges of the relevant department by an order of the Chief Justice of the Supreme Court.

*[13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

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

During vacancy or temporary absence of a judge of the Supreme Court, the Board of Justice may assign, according to the proposal of the Chief Justice of the Supreme Court and upon the receipt of a favourable opinion from the Judicial Qualification Board, for a period of time 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.

*[13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

### **Section 80. Remuneration for the Substitution of a Judge**

[16 December 2010]

## **Chapter 12**

### **Expiration of the Powers of a Judge, Removal or Dismissal of a Judge from the Office**

*[13 June 2013]*

#### **Section 80.<sup>1</sup> Expiration of the Powers of a Judge**

The powers of a judge shall expire on the day when the term for which the judge has been appointed to the office ends, as well as with reaching the maximum age for holding the office stipulated in this Law or death of the judge.

*[13 June 2013]*

#### **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 and 2 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 Board of Justice.

(1<sup>1</sup>) 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 Board of Justice.

(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; 13 June 2013]

## **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) [13 June 2013];
- 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; 13 June 2013]

## **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 the 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 receipt of a proposal of the Judicial Disciplinary Board, suspend such judge from the office until the day when an adjudication in the disciplinary matter enters into effect.

(2) If a disciplinary matter has been initiated against a judge of the Supreme Court, the Chief Justice of the Supreme Court, upon receipt of a proposal of the Judicial Disciplinary Board, shall suspend such judge from the office until the day when an adjudication in the disciplinary matter enters into effect.

(3) If a judge has obtained the procedural status – a person who has the right to defence – in criminal proceedings, he or she shall be suspended from fulfilment of the duties of the office from the time when the relevant court has received a notification (information) of the person directing the proceedings until the settlement of criminal and legal relations in criminal proceedings.

(4) The Chief Justice of the Supreme Court or the Minister for Justice may appoint a judge suspended from the office for work in a court, the Ministry of Justice or the office of an employee in the Court Administration, which is not the office of a public official, for the duration of suspension with his or her consent, disbursing the work remuneration determined for the relevant work. If a judge does not consent to appointing in another work, he or she

shall be disbursed the minimum monthly wage stipulated in the State at the time of suspension. If a decision to terminate criminal proceedings has entered into effect and the grounds for termination are related to circumstances exonerating the person, or a decision to terminate the disciplinary matter has entered into effect by concluding that it was initiated unjustifiably, or if a court has rendered an acquittal judgment in a criminal matter, the judge shall be disbursed the monthly wage not disbursed to him or her for the whole period of suspension, as well as supplements.

*[13 June 2013]*

#### **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.<sup>1</sup> Right of Judges to Hold Other Offices**

(1) A judge with his or her consent and the permission of the Chief Justice 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 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; 13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

## **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.

(6) A judge shall ensure that an adjudication to be drawn up in the form of an individual procedural document is processed and inserted in the Court Information System.

[16 June 2009; 9 June 2011; 13 June 2013]

## **Chapter 13.<sup>1</sup> Board of Justice**

### **Section 89.<sup>1</sup> Board of Justice**

The Board of Justice 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.<sup>2</sup> Composition of the Board of Justice**

(1) The composition of the Board of Justice 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;
- 8) the Chairman of the Latvian Council of Sworn Bailiffs.

(2) The composition of the Board of Justice shall have the following elected members:

- 1) a judge elected by the Plenary Session of the Supreme Court;
- 2) six judges elected by a conference of judges.

(3) A conference of judges shall elect one member of the Board of Justice 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 Board of Justice 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 Board of Justice.

*[3 June 2010]*

### **Section 89.<sup>3</sup> Term of Office of Members of the Board of Justice**

(1) The term of office of an elected member of the Board of Justice shall be four years. The members of the Board of Justice may be re-elected, but not more than twice in succession.

(2) If the authorisation of an elected member of the Board of Justice terminates for some reason prior to the end of the term of office, another member of the Board of Justice 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.<sup>4</sup> Prohibitions for Elected Members of the Board of Justice**

The status of an elected member of the Board of Justice 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.<sup>5</sup> Depriving of Office and Recusal of a Member of the Board of Justice**

(1) An elected member of the Board of Justice shall be deprived of office from the fulfilment of the duties of a member of the Board of Justice, 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 Board of Justice 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 Board of Justice 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.<sup>6</sup> Termination of the Powers of a Member of the Board of Justice**

(1) The powers of an elected member of the Board of Justice shall be terminated, if:

1) his or her term of office as a member of the Board of Justice is terminated;

2) his or her powers as a judge have terminated;

3) he or she repudiates the fulfilment of the duties of a member of the Board of Justice,

notifying in writing thereof the Chair of the Board of Justice.

(2) The powers of a permanent member (official) of the Board of Justice is terminated if his or her official powers are terminated.

(3) If a judge who is elected to the composition of the Board of Justice is transferred to a court of a different level, his or her powers as a member of the Board of Justice 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.<sup>7</sup> Chair of the Board of Justice**

(1) The Chief Justice of the Supreme Court is the Chair of the Board of Justice.

(2) The Chair of the Board of Justice shall:

1) lead the work of the Board of Justice;

2) convene the meetings of the Board of Justice and determine the agenda thereof;

3) represent the Board of Justice and sign decisions and other documents of the Board of Justice.

*[3 June 2012]*

### **Section 89.<sup>8</sup> Deputy Chair of the Board of Justice**

(1) The Board of Justice shall elect a Deputy Chair of the Board of Justice from among the judges represented therein.

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

*[3 June 2010]*

### **Section 89.<sup>9</sup> Convening of Meetings and Taking of Decisions of the Board of Justice**

(1) The meetings of the Board of Justice shall be convened and led by its Chair.

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

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

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

(5) Decisions of the Board of Justice shall be taken by voting. In the case of a tied vote, the vote of the Chair of the Board of Justice shall be the deciding vote.

(6) The meetings of the Board of Justice shall be open, unless the Board of Justice has decided otherwise.

(7) The Board of Justice shall develop and approve the regulations for the determining of its operational procedures.

### **Section 89.<sup>10</sup> Ensuring of the Work of the Board of Justice**

The work of the Board of Justice shall be ensured by the Administration of the Supreme Court.

*[3 June 2010]*

### **Section 89.<sup>11</sup> Functions of the Board of Justice**

(1) The Board of Justice 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 Board of Justice 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 Board of Justice shall hear the candidates for the office of a Constitutional Court judge and provide an opinion to the *Saeima* regarding them.

(4) The Board of Justice 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 Board of Justice 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 Board of Justice 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 Board of Justice shall hear the annual report of the Court Administration regarding the work results.

(8) In the cases and procedures laid down by the Constitutional Court Law the Board of Justice may submit an application regarding the initiation of a matter to the Constitutional Court.

(9) The Board of Justice 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.

(9<sup>1</sup>) [9 June 2011]

(10) The Board of Justice 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.<sup>1</sup>** **Commission of Judicial Ethics**

### **Section 91.<sup>1</sup> 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.<sup>2</sup> 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;
- 6) to decide on the initiation of disciplinary matters.

*[3 April 2008; 3 June 2010]*

### **Section 91.<sup>3</sup> 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 Registry 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 whose powers of the judge have expired upon reaching the maximum age for holding of the office stipulated 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 Board of Justice.

*[3 April 2008; 3 June 2010; 13 June 2013]*

### **Section 91.<sup>4</sup> 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 Board of Justice.
- (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 / The new version of the title of the Chapter shall come into  
force from 1 January 2013. See Paragraph 44 of Transitional Provisions]*

**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;

3<sup>1</sup>) shall, by secret ballot elect the members of the Board of Justice 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;

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 Department of Administrative Cases of the Supreme Court, one judge from the Department of Civil Cases of the Supreme Court, one judge from the Department of Criminal Cases of the Supreme Court, one judge from the Civil Matters Board of the regional court, one judge from the Criminal Matters Board of the regional court, one judge from the Administrative Matters Board of the regional court, two judges from district (city) courts and one judge from Land Registry Office. The Judicial Qualification Board shall be elected by the Conference of Judges by secret ballot. 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.

(2<sup>1</sup>) 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 Board of Justice, 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; 13 June 2013 / Amendments to Section in relation to reorganisation of the Supreme Court shall come into force from 1 January 2014. See Paragraph 73 of Transitional Provisions]*

### **Section 93.<sup>1</sup> 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 stipulated 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;

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.<sup>2</sup> 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 Board of Justice.

*[29 January 1997; 15 October 1998; 19 June 2003; 3 April 2008; 3 June 2010; 9 June 2011 / Amendment regarding deletion of Paragraph three shall come into force from 1 January 2013. See Paragraph 46 of Transitional Provisions]*

#### **Section 94.<sup>1</sup> 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 shall come into force from 1 January 2013. See Paragraph 45 of Transitional Provisions]*

#### **Section 94.<sup>2</sup> 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 laws and regulations, the provision of opinions regarding legal matters to the *Saeima*, the Constitutional Court and other institutions);

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;

6) to maintain emotional equilibrium in stressful situations.

*[9 June 2011 / Section shall come into force from 1 January 2013. See Paragraph 45 of Transitional Provisions]*

### **Section 94.<sup>3</sup> Procedures 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 Chairperson 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 shall come into force from 1 January 2013. See Paragraph 45 of Transitional Provisions]*

### **Section 94.<sup>4</sup> 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 shall come into force from 1 January 2013. See Paragraph 45 of Transitional Provisions]*

## **Section 94.<sup>5</sup> 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 shall come into force from 1 January 2013. See Paragraph 45 of Transitional Provisions]*

## **Section 95. District (City) Court Judicial Qualification Board**

[15 October 1998]

## **Section 95.<sup>1</sup> 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 / See Paragraph 47 of Transitional Provisions]

### **Chapter 15.<sup>1</sup>**

#### **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]

### **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.<sup>1</sup> 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 laws and regulations.

*[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 laid down 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.<sup>1</sup>**  
**Persons belonging to the Court System**  
*[29 January 1997]*

**Section 106.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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 stipulated 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.<sup>2</sup>**  
[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 laws and regulations regarding organisational management issues 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 stipulated in laws and regulations;
- 3) perform the organisational management of district (city) courts, regional courts and Land Registry Offices;
- 4) [13 June 2013];
- 5) perform inspections and audits 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; 13 June 2013]*

**Section 107.<sup>1</sup> Court Administration**

(1) The 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) [13 June 2013];
- 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;
- 5<sup>1</sup>) 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) ensure that a judge becomes acquainted with the materials of a disciplinary matter, as well as send the materials of a disciplinary matter to the Judicial Disciplinary Board;
  - 12) punish disciplinary employees of a court regarding the employment discipline violations determined;
  - 13) perform the duty of the manager and holder of the State unified computerised Land Registry and distribute the information entered in the State information system of court institutions;
  - 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) [13 June 2013];
  - 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;
  - 22) once a year provide a report to the Board of Justice regarding its work;
  - 23) issue internal laws and regulation regarding organisation of the administrative and economic work of district (city) courts, regional courts and Land Registry Offices, as well as carry out inspections.
- [4 December 2003 22 September 2005; 30 April 2009; 16 June 2009; 3 June 2010; 21 July 2011; 13 June 2013; 26 September 2013]*

### **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;
  - 3) shall initiate disciplinary matters against judges;
  - 4) supervise the fulfilment of the duties of chief judges of regional courts and district (city) courts and their deputies, heads of the Land Registry Offices of district (city) courts and their deputies, as well as heads of courthouses of regional courts and district (city) courts, including may request an explanation on issues which are related to the work management of a court, courthouse or Land Registry Office.
- [29 January 1997; 15 October 1998; 31 October 2002; 22 September 2005; 3 June 2010; 13 June 2013]*

### **Section 109. Bailiffs**

*[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.<sup>6</sup>, Paragraph six and Section 29, Paragraph two of this Law until 1 April 2006.
15. Clauses 8 and 12 of Section 107.<sup>1</sup>, 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.<sup>1</sup> of this Law which provides for the establishment of a Board of Justice, 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 Board of Justice.

*[3 June 2010]*

26. Within one month following the coming into force of Section 48.<sup>1</sup> and Chapter 13.<sup>1</sup> of this Law which provides for the establishment of a Disciplinary Court and a Board of Justice, 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 Board of Justice, as well as for the approval of the Chair of the Disciplinary Court.

*[3 June 2010]*

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

*[3 June 2010]*

28. Within six months following its coming together for its first meeting, the Board of Justice shall approve the regulation of the Board of Justice. 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 Board of Justice 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 Board of Justice provided for in Section 73.<sup>1</sup> 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.<sup>1</sup> 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 laid down 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.<sup>1</sup> 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 Board of Justice 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.<sup>1</sup> of the Law On Remuneration of Officials and Employees of State and Local Government Authorities.

*[16 December 2010]*

39. Until 1 October 2012 the Board of Justice 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 Board of Justice shall determine the content and procedure of the inspection of the professional knowledge of a judge provided for in Section 89.<sup>11</sup>, 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 Board of Justice 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.<sup>1</sup>, 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.<sup>1</sup>, 94.<sup>2</sup>, 94.<sup>3</sup>, 94.<sup>4</sup> and 94.<sup>5</sup> 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.<sup>11</sup> of this Law with which Paragraph 9.<sup>1</sup> 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.<sup>4</sup> 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.<sup>1</sup> 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]*

54. A judge of the Supreme Court who has been extended the term of office after reaching the maximum age for holding the office of a judge shall continue the fulfilment of the duties of a judge until the end of the determined term.

*[13 June 2013]*



55. A judge of a district (city) court or a regional court who has been extended the term of office after reaching the maximum age for holding the office of a judge shall continue the fulfilment of the duties of a judge until reaching the age of 70 years.

[13 June 2013]

56. Chief judges of regional courts shall determine such district (city) courts in the territory of operation of the relevant regional court, in which an investigating judge must be appointed, until 1 February 2014. Investigating judges who fulfil duties in such district (city) courts in which an investigating judge need not be appointed hereinafter according to a decision of the judge of the regional court, shall continue the fulfilment of his or her duties until 1 February 2014.

[13 June 2013]

57. In addition to the structure stipulated in Section 43 of this Law until 31 December 2014 the Supreme Court shall have a Chamber of Criminal Cases of the Supreme Court and a Chamber of Civil Cases of the Supreme Court, but from 1 January 2015 until 31 December 2016 – a Chamber of Civil Cases of the Supreme Court.

[13 June 2013]

58. Until 1 May 2014 the Board of Justice, on the basis of a proposal of the Chief Justice of the Supreme Court, shall determine the total number of judges in the Department of Administrative Cases, the Department of Civil Cases, the Department of Criminal Cases and the Chamber of Civil Cases of the Supreme Court.

[13 June 2013]

59. Until 1 June 2014 the Board of Justice shall submit a proposal to the *Saeima* regarding determination of the total number of judges in district (city) courts, regional courts and the Supreme Court from 1 January 2015.

[13 June 2013]

60. As long as the structure of the Supreme Court includes the Chamber of Criminal Cases, the composition of the Judicial Qualification Board may include a judge of such Chamber. As long as the structure of the Supreme Court includes the Chamber of Civil Cases, the composition of the Judicial Qualification Board may include a judge of such Chamber.

[13 June 2013]

61. Until 1 May 2016 the Board of Justice, on the basis of a proposal of the Chief Justice of the Supreme Court, shall determine the total number of judges in departments of the Supreme Court from 1 January 2017.

[13 June 2013]

62. Until 1 June 2016 the Board of Justice shall lodge a proposal to the *Saeima* on determination of the total number of judges in district (city) courts, regional courts and the Supreme Court from 1 January 2017.

[13 June 2013]

63. Until making of the relevant amendments to the Civil Procedure Law the regional court is the court of first instance for such civil cases which are in the jurisdiction of the regional court in accordance with the law. Civil cases shall be examined in a regional court unilaterally by a judge in sessions of first instance.

[13 June 2013]

64. Until the end of the term of operation of Chambers of the Supreme Court cases shall be reviewed collegially in the composition of three judges.

[13 June 2013]

65. Until the end of the term of operation of Chambers of the Supreme Court Chief Justices of Chambers elected by the Plenary Session of the Supreme Court, taking into account the principle of equal representation of a gender. The term of office for the Chief Justices of Chambers shall be five years.

[13 June 2013]

66. Until the end of the term of operation of Chambers of the Supreme Court the Chief Justice of the Supreme Court may assign a judge of the Chamber of the Supreme Court to substitute a judge during a vacancy or temporary absence of a judge of a department of the Supreme Court.

[13 June 2013]

67. A general meeting of judges of the relevant department may, upon a proposal of the Chief Justice of the Supreme Court, appoint a judge of another department or Chamber in the position of the judge of a department of the Supreme Court, who has received a favourable opinion of the Judicial Qualification Board.

[13 June 2013]

68. Until the end of the term of operation of Chambers of the Supreme Court during a vacancy or temporary absence of a judge of the Chamber the Board of Justice may, upon a proposal of the Chief Justice of the Supreme Court and after receipt of a favourable opinion of the Judicial Qualification Board, temporarily – for not more than two years – assign that this judge is substituted by a judge emeritus of the Supreme Court or a judge of the regional court, if he or she has given a written consent.

[13 June 2013]

69. The terms used in this Law “Supreme Court”, “Department of Administrative Cases of the Supreme Court”, “Department of Civil Cases of the Supreme Court” and “Department of Criminal Cases of the Supreme Court” shall conform to the terms used in other laws and regulations “Senate of the Supreme Court” or “Senate”, “Department of Administrative Cases of the Senate of the Supreme Court” or “Department of Administrative Cases of the Senate”, “Department of Civil Cases of the Senate of the Supreme Court” or “Department of Civil Cases of the Senate” and “Department of Criminal Cases of the Senate of the Supreme Court” or “Department of Criminal Cases of the Senate”. Until 1 July 2015 the Cabinet shall draw up and submit draft laws to the *Saeima* for review in order to introduce the relevant names of departments of the Supreme Court in other laws.

[13 June 2013]

70. The Cabinet shall evaluate the impact of liquidation of the Chamber of Criminal Cases of the Supreme Court on court proceedings in criminal cases (the necessary amendments to laws and regulations, financial and material and technical provision of the reform, etc.) and shall submit a report to the *Saeima* thereon until 1 March 2014.

[13 June 2013]

71. The Cabinet shall evaluate the impact of liquidation of the Chamber of Civil Cases of the Supreme Court on court proceedings in civil cases (the necessary amendments to laws and regulations, financial and material and technical provision of the reform, etc.) and shall submit a report to the *Saeima* thereon until 1 March 2015.

*[13 June 2013]*

72. A judge who has been appointed or approved as the Chief judge of a court until 1 January 2014 and continues the fulfilment of the duties of the Chief judge of a court after 1 January 2014, after expiry of such term of office may be repeatedly appointed or approved in the office of the Chief judge of a court for one term in succession.

*[13 June 2013]*

73. Amendments to Sections 30, 36, 37, 43, 44, 45, 46, 47, 48, 49.<sup>1</sup>, 50, 78, 79, 86.<sup>1</sup> and 93 of this Law applying to reorganisation of the Supreme Court shall come into force from 1 January 2014.

*[13 June 2013]*

74. The Deputy Chief Justice of the Supreme Court who in accordance with Section 2, Paragraphs two and three of the Judicial Disciplinary Liability Law is a member of the Judicial Disciplinary Board and fulfils the duties of the chairperson of the Judicial Disciplinary Board, after coming into force of amendments to Section 50 of this Law shall continue the fulfilment of the duties of the chairperson of the Judicial Disciplinary Board until the end of the term of office stipulated in Section 2, Paragraph two of the Judicial Disciplinary Liability Law.

*[26 September 2013]*

President of the Supreme Council  
of the Republic of Latvia

A. Gorbunovs

Secretary of the Supreme Council  
of the Republic of Latvia

I. Daudišs

Rīga, 15 December 1992

**Annex**  
to the Law On Judicial Power of the Republic of Latvia  
Territory of Operation of Regional Courts of the Republic of Latvia  
[1 October 1997]