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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) In the Republic of Latvia, only a court shall adjudge justice.
  - (3) Judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, the Supreme Court and the Constitutional Court.
  - (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 mentioned in Paragraph three of this Section, are not allowed and shall not be established.
- [15 June 1994]

###### **Section 2. Laws that Regulate Judicial Power**

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

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

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

(4) The Constitutional Court Law regulates the functions of the Constitutional Court.  
[15 June 1994; 29 January 1997]

### **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 crime and impose punishment on them.

### **Section 7. Court Adjudication in Administrative Matters**

In administrative matters, courts shall adjudge a trial, adjudicate and decide at sittings of the court matters concerning administrative violations by persons, complaints by persons concerning the actions of State administrative institutions and officials, as well as other matters arising from administrative legal relations.

**Section 8. Court Adjudication in Commercial Disputes**  
[28 September 1995]

**Section 9. Court Adjudication on Issues of Constitutional Supervision**  
[15 June 1994]

**Chapter 2**  
**Principles of and Guarantees for the Independence of the Judiciary**

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

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

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

[29 January 1997]

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

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

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

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

[29 January 1997]

**Section 12. Liability Concerning Contempt of Court**

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

[29 January 1997]

**Section 13. Immunity of Judges and Lay Judges**

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

(2) A criminal matter against a judge may be initiated only by the Prosecutor General of the Republic of Latvia. A judge may not be detained or be subjected to criminal liability without the consent of the *Saeima* [Parliament of the Republic of Latvia]. A

decision concerning the detention, forcible conveyance, arrest, or subjection to a search of a judge shall be taken by a Supreme Court justice specially authorised for that purpose.

(3) A lay judge, during the time he or she fulfils his or her duties in relation to the adjudication of a court, may not be subjected to criminal liability or be detained without the consent of the Local Government which elected him or her. A decision concerning the detention of, forcible conveyance, detention, or subjection to a search of a lay judge shall be taken by a Supreme Court justice specially authorised for the purpose.

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

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

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

[29 January 1997]

#### **Section 14. Recusal of Judges and Lay Judges**

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

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

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

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

[23 May 1996; 29 January 1997]

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

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

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

[29 January 1997]

#### **Section 16. Legal Effect of a Judgment of a Court**

(1) A judgment of a court comes into legal effect after the expiration of its appeal or protest time period, and it has not been appealed or protested, or a higher court,

having adjudicated the appeal or protest, has affirmed it, or modified it without vacating the judgment.

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

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

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

## **Chapter 3**

### **Basic Principles for Adjudicating Matters**

#### **Section 17. Truth**

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

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

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

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

#### **Section 18. Legality**

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

#### **Section 19. Openness**

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

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

#### **Section 20. Collegiality**

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

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

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

## **Section 21. Language of Judicial Proceedings**

(1) Judicial proceedings in the Republic of Latvia shall be conducted in the official language. A court may allow also another language to be used in judicial proceedings if the parties, their advocates and the prosecutor agree to it.

(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.

## **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 crime or sentenced, while his or her guilt has not been proven in accordance with the procedures set out in law and is declared by a judgment of a court, which has come into legal effect.

(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.

## **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.

(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.

## **Section 26. Continuity**

(1) Sittings of the court in each matter shall proceed without interruption, except for the time provided for rest.

(2) None of the judges comprising a court panel are entitled to adjudicate another matter, while the adjudication of the matter commenced has not been completed or postponed according to the procedures provided by law.

## **Section 27. Direct Review and Oral Hearing**

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

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

## **Section 28. Procedural Economy**

(1) A court, in order to ensure the defence of the infringed rights of a person, shall adjudicate a matter in a timely manner.

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

## **Part II**

### **The Judicial System**

#### **Chapter 4**

#### **The District (City) Court**

## **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; and

5) in the territory of operation of the Zemgale Regional Court:

a) Aizkraukle District Court, b) Bauska District Court, c) Dobeles District Court, d) Jelgava Court, e) Jēkabpils District Court, and f) Tukums District Court.

(2) The territory of the City of Rīga, Rīga District and Sigulda courts shall be determined by the Minister for Justice.

[21 December 1995; 1 October 1997]

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

- (1) A district (city) court is the court of first instance for civil matters, criminal matters, and matters which arise from administrative legal relations.
- (2) The Laws on Civil Procedure and on Criminal Procedure determine the civil matters and criminal matters, which are within the jurisdiction of a district (city) court.

### **Section 31. Composition of a District (City) Court**

- (1) In the district (city) court, civil matters and administrative matters shall be adjudicated by a single judge.
  - (2) In a district (city) court, criminal matters shall be adjudicated collegially by a court panel comprising one judge and two lay judges.
  - (3) In cases specified by law, criminal matters shall be adjudicated by a single judge.
- [29 January 1997]

### **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 number of judges in a court shall be determined by the *Saeima* upon the recommendation of the Minister for Justice.
- [15 October 1998]

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

- (1) A Chief Judge of a district (city) court and his or her deputy shall be appointed by the Minister for Justice, from among the judges of the court, for five years on the basis of an opinion of the Judicial Qualifications Board. The Chief Judge of a district (city) court and his or her deputy may be removed from office pursuant to his or her own request, by the Minister for Justice. The Chief Judge of a district (city) court and his or her deputy may be dismissed from office by the Minister for Justice, based on an opinion of the Judicial Disciplinary Board.
- (2) A Chief Judge of a district (city) court:
  - 1) shall manage and control the work of the court;
  - 2) shall assign judges as presiding judges for sittings of the court, as well as allocate other duties among the judges;
  - 3) shall organise legal training for lay judges;
  - 4) shall organise the work of the court in relation to the reception of visitors and the examination of submissions;
  - 5) shall manage the research and standardisation of court practice, as well as the work of handling court statistics;
  - 6) shall organise the improvement of the qualifications of court employees;
  - 7) shall exercise other authorisations as provided by legislative enactments;and
  - 8) shall organise the work, which is associated with the submission of court adjudications for execution.

(3) A Chief Judge shall personally take part in the adjudication of matters in sittings of the court.

[15 October 1998]

**Section 34. Administrative Judges**

[6 April 1995; 15 October 1998]

**Chapter 5  
Regional Courts**

**Section 35. Establishment of Regional Courts**

(1) Five 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 and the Zemgale Regional Court.

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

[1 October 1997]

**Section 36. Jurisdiction of a Regional Court over Matters**

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

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

[28 September 1995]

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

(1) A Regional Court, as a court of first instance, shall adjudicate civil matters and criminal matters collegially.

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

(3) [28 September 1995]

(4) [6 April 1995]

(5) [6 April 1995]

[6 April 1995; 28 September 1995]

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

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

### **Section 39. Judges of a Regional Court**

(1) The judges of a regional court are the Chief Judge, Deputy Chief Judges, and judges.

(2) The number of judges of a regional court shall be determined by the *Saeima*, upon the recommendation of the Minister for Justice.

### **Section 40. Chief Judge of a Regional Court**

(1) The Chief Judge of a regional court shall be appointed by the *Saeima*, for five years, from among the judges of the court, upon the joint recommendation of the Minister for Justice and the Chief Justice of the Supreme Court, on the basis of the opinion of the Judicial Qualification Board. The Chief Judge of a regional court shall be removed from office, upon his or her own request, by the *Saeima*. The Chief Judge of a regional court may be dismissed from office by the *Saeima*, upon the recommendation of the Minister for Justice or the Chief Justice of the Supreme Court, on the basis of an opinion of the Judicial Disciplinary Board.

(2) The Chief Judge of a regional court:

- 1) shall manage and control the work of the court;
- 2) shall allocate duties among his or her deputies and other judges;
- 3) shall organise legal training for lay judges;
- 4) shall organise the work of the court in relation to the reception of visitors and the examination of submissions;
- 5) shall manage the research and standardisation of court practice, as well as the work of handling court statistics;
- 6) shall organise the improvement of the qualifications of court employees;
- 7) shall organise the work, which is associated with the submission of court adjudications for execution; and
- 8) shall exercise other authorisations as provided by legislative enactments.

(3) The Chief Judge of a regional court shall personally take part in the adjudication of matters in sittings of the court.

[29 January 1997; 15 October 1998]

### **Section 41. Deputy Chief Judges of a Regional Court**

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

(2) The Minister for Justice shall be appoint the Deputy Chief Judges of a regional court, for five years, on the basis of an opinion of the Judicial Qualification Board. The Deputy Chief Judges of a regional court shall be removed from office, upon his or her own request, by the Minister for Justice. A Deputy Chief Judge of a regional court shall be dismissed from office by the Minister for Justice, based on an opinion of the Judicial Disciplinary Board.

[15 October 1998]

### **Section 42. Divisions of a Regional Court**

(1) A Regional Court shall have a Civil Matters Division, a Criminal Matters Division and an Administrative Matters Division.

(2) A Division of the court shall be managed by its chairperson, who may also concurrently be a Deputy Chief Judge, 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.

#### **Section 42.1. Land Registry Offices**

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

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

[29 January 1997]

### **Chapter 6 The Supreme Court**

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

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

1) the Senate; and

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

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

[15 June 1994; 28 September 1995]

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

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

(2) The composition of the Senate and the Panels of the Court shall be approved by, and the chairpersons of the departments of the Senate and the chairpersons of the Panels of the Court shall be elected by, the Plenary Session of the Supreme Court.

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

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

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

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

(3) [15 June 1994]

[15 June 1994]

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

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

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

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

(2) The Senate of the Supreme Court shall be the court of first instance for matters concerning decisions of the Council of the State Audit Office, which are taken in accordance with the procedures of Section 21 of the Law On the State Audit Office.

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

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

[15 June 1994; 29 January 1997; 28 September 1995]

#### **Section 48. Composition of the Senate**

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

(2) [15 June 1994]

[15 June 1994]

#### **Section 49. The Plenary Session and its Competence**

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

(2) The Plenary Session issues opinions, which are binding on the courts, concerning the application of laws.

(3) The Plenary Session shall establish Panels of the Court and departments of the Senate.

(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.

[15 October 1998]

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

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

(2) The Chief Justice of the Supreme Court shall chair the sittings of the Plenary Session of the Supreme Court, and has the right to chair the sittings of the Senate.

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

Prosecutor, which are associated with the appointment, removal or dismissal of the Prosecutor General.

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

[15 June 1994; 15 October 1998]

### **Part III**

## **Judges of the Republic of Latvia**

### **Chapter 7**

## **Candidates for Judges and Lay Judges**

### **Section 51. Nomination Requirements for a Judge**

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

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

[29 January 1997]

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

(1) A Latvian citizen, who has attained at least 25 years of age by the day of appointment, who has higher legal education and at least two years length of service in a legal speciality, and who has passed a qualification examination may be appointed as a judge of a district (city) court.

(2) As length of service in a legal speciality, time worked in positions of assistant to a Chief Judge, assistant to a judge and court consultant shall also be included.

(3) [15 October 1998]

(4) The procedures by which a candidate for judge shall apprentice and take qualification examinations shall be determined by the Ministry of Justice.

(5) The time for apprenticeship shall be set at between one month to six months, taking into account the level of professional qualification of the candidate for judge.

(6) [15 October 1998]

[29 January 1997; 15 October 1998]

### **Section 53. Candidate for a Judge of a Regional Court**

A Latvian citizen, who has higher legal education and at least two years length of service as a judge of the Commercial Court (an arbiter of the State Arbitration Tribunal), a judge of a district (city) court or a judge of a Land Registry Office (Head or Deputy Head of a Land Registry Office), or who has no less than three years total length of service as a sworn advocate, or as a lecturer in the legal specialities at an institution of higher education, or as a prosecutor, as well as until 30 June 1994, or as

a deputy prosecutor, or an assistant prosecutor, or an investigator for the prosecution, may be confirmed as a judge of the regional court.

(2) [28 September 1995]

[6 April 1995; 28 September 1995; 29 January 1997]

#### **Section 54. Candidate for a Judge of the Supreme Court**

(1) A Latvian citizen, who has a higher legal education and at least four years length of service as a judge of a district (city) court, or three years length of service as a judge of the Commercial Court (an arbiter of the State Arbitration Tribunal), or two years length of service as a judge of a regional court may be confirmed as a judge of the Supreme Court.

(2) A Latvian citizen, who has had a total of not less than six years length of service as an advocate, prosecutor or a lecturer in the legal specialities at an institution of higher education may also be confirmed as a judge of the Supreme Court.

[6 April 1995; 29 January 1997]

#### **Section 55. Persons who May Not become Candidates for a Judge**

A candidate for a judge may not be a person:

1) who has been previously convicted of committing a crime (irrespective of whether the conviction has been extinguished or set aside);

2) who has previously committed a crime, 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 matter has been initiated and against whom an investigation is being conducted;

5) who are or have been employed in staff positions or as supernumeraries of the State Security Committee of the U.S.S.R. or the Latvian S.S.R., the Ministry of Defence of the U.S.S.R., or the state security service, army intelligence service or counter-intelligence service of Russia or another state, or as an agent, resident or safehouse keeper of the aforementioned institutions; or

6) who are or have been participants (members) of organisations, which are prohibited by the laws of the Republic of Latvia, decisions of the Supreme Council, or adjudications of a court, after the prohibition of such organisations.

[15 June 1994]

#### **Section 56. Candidate for a Lay Judge**

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

[29 January 1997]

## **Chapter 8**

### **Nomination of Candidates for the Office of Judge**

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

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

[15 October 1998]

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

[15 October 1998]

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

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

[15 October 1998]

## **Chapter 9**

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

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

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

(2) After a judge of a district (city) court has held office for three years, the *Saeima*, upon the recommendation of the Minister for Justice, and on the basis of an opinion of the Judicial Qualifications Board, shall confirm him or her in office, for an unlimited term of office, or shall re-appoint him or her to office for a period of up to two years. After the expiration of the repeated term of office, the *Saeima*, on the recommendation of the Minister for Justice, shall confirm in office a judge of a district (city) court for an unlimited term of office.

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

[15 October 1998]

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

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

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

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

## **Section 63. Maximum Age for Holding Judicial Office**

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

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

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

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

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

[29 January 1997; 29 October 1998]

## **Section 64. Procedures for Election of a Lay Judge**

(1) The number of lay judges shall be determined by the Minister for Justice. The number of lay judges for the regional courts from each district (city) shall be determined by the Minister for Justice in proportion to the number of inhabitants in the district.

(2) Lay judges for district (city) courts and regional courts shall be elected, in accordance with the procedures specified by law, by district (city) local governments, for five years.

(3) If the term of office of a lay judge expires during the time of the adjudication of a matter, his or her authority to act shall be preserved until the conclusion of the adjudication of the matter.

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

(1) A lay judge shall be invited to fulfil his or her duties, by lot, for no longer than two weeks per annum, except in cases where the necessity to conclude the trial of a court matter that has begun with his or her participation requires the extension of such time.

(2) [29 January 1997]

(3) A lay judge summons to a court is mandatory for a lay judge, as well as for the administration of that undertaking, institution or organisation, in which the lay judge is working or studying. Persons guilty of ignoring the summons shall be liable therefor in accordance with the procedures prescribed by law.  
[29 January 1997]

### **Section 66. Judge Emeritus**

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

## **Chapter 10 Symbols of Judicial Power**

### **Section 67. Symbols of Judicial Power**

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

### **Section 68. Oath of Judges**

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

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

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

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

### **Section 69. Oath of Lay Judges**

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

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

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

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

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

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

## **Section 71. Judicial Robes and Insignia of Office**

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

## **Section 72. Judge and Lay Judge Identification**

Judges and lay judges shall be issued with an identification, the form of which shall be approved in accordance with procedures set out by the *Saeima*.

## **Section 73. Seals of Courts and Land Registry Offices**

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

[29 January 1997]

## **Chapter 11 Procedures for the Substitution of Judges**

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

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

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

In case of a vacancy or the temporary absence of a judge of a district (city) court, the Minister for Justice may, for a period not exceeding two years, assign a judge of another district (city) court, a judge emeritus, a judge of a regional court or a lay judge, who meets the requirements for the nomination of a candidate for a judge of a district (city) court as set out in Section 52 of this Law, if such person has given written consent, to fulfil the duties of a judge of a district (city) court.

[29 January 1997; 15 October 1998]

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

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

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

### **Section 77. Substitution for a Judge of a Regional Court**

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

(2) During the temporary absence of a judge of a regional court, the Minister for Justice may, upon the recommendation of the Judicial Qualifications Board, assign a district (city) court judge to substitute for a judge of a regional court.

[15 October 1998]

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

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

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

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

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

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

[15 October 1998]

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

For the time period, when the persons mentioned in this Chapter substitute for a judge, he or she shall receive the salary of the judge for whom he or she substituted, as well as the supplements as provided by law, from funds from the State budget.

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

[15 October 1998]

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

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

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

[15 June 1994; 15 October 1998]

## **Section 82. Removal of a Judge from Office**

(1) A judge shall be removed from office:

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

(2) [15 October 1998]

[15 October 1998]

## **Section 83. Dismissal of a Judge from Office**

A judge shall be dismissed from office:

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

[15 June 1994; 15 October 1998]

#### **Section 84. Suspension of a Judge from Office**

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

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

[15 October 1998]

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

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

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

1) have been convicted of a crime he or she committed;

2) have allowed an intentional violation of law in connection with the adjudication of a matter; or

(3) have committed a shameful act, which is incompatible with the status of a lay judge.

### **Chapter 13**

#### **Rights and Obligations of Judges and Lay Judges**

#### **Section 86. Rights and Freedoms of Judges**

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

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

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

(4) [23 May 1996]

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

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

[15 June 1994; 23 May 1996]

### **Section 87. Security Guarantees for Judges**

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

### **Section 88. Employment Rights Guarantees of Lay Judges**

(1) [15 June 1994]

(2) During the time period when a lay judge performs his or her duties in court, he or she shall be paid a salary in the amount of 50 per cent of the salary of a judge from the State budget.

(3) The time during which a lay judge performs his or her duties in court, shall be included in the time of performance of his or her primary employment.

(4) The procedures by which and the amount with which a lay judge shall be compensated for other expenses, which are related to the fulfilment of his or her duties in court, shall be determined by legislative enactments of the Republic of Latvia.

[15 June 1994; 15 October 1998]

### **Section 89. Obligations of Judges and Lay Judges**

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

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

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

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

## **Chapter 14 Disciplinary Liability of Judges**

### **Section 90. Disciplinary Liability of Judges**

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

[15 October 1998]

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

[15 October 1998]

**Chapter 15**  
**Conference of Judges. Judicial Qualification Boards. Certification of the**  
**Qualifications of a Judge**

[15 October 1998]

**Section 92. Conference of Judges**

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

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 issues regarding which the Plenary Session of the Supreme Court should provide explanations as to how legislative enactments should be applied;
- 3) shall discuss issues of financial and social security, and other significant issues concerning the work of judges;
- 4) shall, by secret ballot, elect the Judicial Qualification Board and its chairperson; and
- 5) shall elect the Judicial Disciplinary Board.

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

[29 January 1997; 15 October 1998]

**Section 93. Judicial Qualification Board**

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

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

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

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

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

[15 October 1998]

**Section 94. Powers of the Judicial Qualification Board**

The Judicial Qualification Board:

1) shall evaluate the preparedness for the office of a judge of each candidate who has been nominated for the first time, and shall conduct the qualification examinations of a candidate for a judge;

2) shall give opinions concerning the nominations of judges for district (city) courts, regional courts, the Supreme Court and Land Registry Offices;

3) shall certify judges and grant them a qualification category;

4) shall decide the issue of lowering the classification category of a judge upon the recommendation of the Minister for Justice, the Chief Justice of the Supreme Court, the Chief Judge of a regional court, the Chief Judge of a district (city) court, or the Head of a Land Registry Office; and

5) shall approve the regulatory provisions for the work of the Judicial Qualification Board and for the procedures for certification of judges.

6) [15 October 1998]

[29 January 1997; 15 October 1998]

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

[15 October 1998]

#### **Section 95.1. Land Registry Office Judicial Qualification Board**

[29 January; 15 October 1998]

#### **Section 96. Regional Court Judicial Qualification Board**

[29 January; 15 October 1998]

#### **Section 97. Supreme Court Judicial Qualification Board**

[15 October 1998]

#### **Section 98. Certification of the Qualifications of Judges**

(1) Judges of courts, as well as judges of Land Registry Office shall be certified and, taking into account the knowledge and work experience of the judges, shall be grant the following categories of qualifications: the fifth, fourth, third, second, first, or the highest qualification category in accordance with the procedures provided by regulatory enactments.

(2) A qualification category may be granted to a judge of a district (city) court, as well as a judge of the Land Registry Office after he or she have been appointed to the office of judge.

[16 December 1993; 29 January 1997]

### **Chapter 15.1**

#### **Land Registry Offices and Judges of Land Registry Offices**

[29 January 1997]

#### **Section 98.1. Status of a Land Registry Office**

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

(2) Land Registry Offices shall be supervised by regional courts, but their organisational management shall be performed by the Minister for Justice.

### **Section 98.2. Composition of Land Registry Offices**

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

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

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

(4) The Head of a Land Registry Office shall manage and control the organisational work of the office in accordance with by-laws approved by the Minister for Justice.

## **Part III A**

### **Officials of the Court and Persons and Institutions Belonging to the Court System**

[29 January 1997; 14 October 1998]

#### **Chapter 16**

#### **Court Officials and Civil Servants**

[29 January 1997]

### **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 106. Appointment to and Dismissal from Employment (Service) of Court Officials and Civil Servants**

Court officials shall be appointed and dismissed from employment by the chief judge of the court concerned in accordance with the legislative enactments on employment, but civil servants shall be appointed to the Civil Service and dismissed from it in accordance with the procedures set out in the Law On the State Civil Service.

[15 June 1994; 29 January 1997]

### **Chapter 16.1**

#### **Persons Belonging to the Court System**

[29 January 1997]

#### **Section 106.1. Prosecutors**

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

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

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

#### **Section 106.2. Sworn Advocates**

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

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

(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 activities of a sworn advocate shall be determined by the Advocacy Law.

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

### **Section 106.3. Sworn Notaries**

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

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

(3) The activities of a sworn notary shall be determined by the Notariate Law.

## **Chapter 16.2 Institutions Belonging to the Court System**

**[14 October 1998]**

### **Section 106.4. Institutions belonging to the Court System**

(1) The following institutions belong to the court system:

- 1) Orphan's courts;
- 2) Parish courts;
- 3) Tenancy courts; and
- 4) General Registry Offices.

(2) Institutions belonging to the court system shall operate on the basis of special laws, and their methodological management shall be performed by the Ministry of Justice.

(3) Institutions belonging to the court system, in the performance of the functions set for them by law, are independent, their activities shall be regulated solely by law, and their decisions may be appealed in court in accordance with the procedures set out by law.

### **Section 106.5. Orphan's Courts**

(1) An Orphan's court is an institution of guardianship and trusteeship belonging to the court system, which also performs other functions placed upon it by law.

(2) The activities of an Orphan's court shall be regulated by the Law On Orphan's Courts and Parish Courts.

### **Section 106.6. Parish Courts**

(1) A Parish court is an institution belonging to the court system, which performs the tasks of an Orphan's court in a parish, as well as other functions placed upon it by law.

(2) The activities of a Parish court shall be regulated by the Law On Orphan's Courts and Parish Courts.

### **Section 106.7. Tenancy Courts**

(1) A Tenancy court is an institution belonging to the court system, which, as a mandatory pre-court instance, adjudicates all disputes arising from residential tenancy relationships and other matters within its competence.

(2) The activities of a Tenancy court shall be regulated by the Tenancy Courts Law.

### **Section 106.8. General Registry Office**

(1) The General Registry Office is an institution belonging to the court system, which performs the registration of civil status documents concerning marriages, births and deaths.

(2) The Law On Civil Status Documents shall regulate the activities of the General Registry Office.

## **Part IV**

### **Institutions and Persons, Whose Activities are Associated with the Implementation of Judicial Power**

#### **Chapter 17 Ministry of Justice**

### **Section 107. The Functions of the Ministry of Justice in Relation to Issues Concerning the Organisational Management of the Courts and Land Registry Offices**

(1) The Ministry of Justice shall implement the organisational management of regional courts, district (city) courts and Land Registry Offices within the scope specified by law.

(2) The Ministry of Justice:

1) shall select candidates for the office of judges of regional courts and district (city) courts;

2) shall advance recommendations concerning the election of lay judges;

3) shall formulate regulations for the organisation of the work of the regional courts and district (city) courts;

4) shall perform the supervision of the work organisation of the regional courts and the district (city) courts;

5) shall organise the training of the employees of the regional courts and the district (city) courts;

6) shall appoint bailiffs and, not later than within one year, shall confirm them in such office or remove them from office;

7) shall organise and perform the statistical accounting of the work of the courts;

8) shall perform the systemisation and computerisation of legislative enactments and court practice, and ensure the provision of legislative and other necessary materials to the courts;

9) shall act with financial resources, so as to secure the activities of the regional courts, the district (city) courts and the Judicial Qualifications Board, and shall supply the courts with the necessary material and technical facilities; and

10) shall provide for the construction of court buildings and the maintenance in good condition of existing courthouses.

(3) The Ministry of Justice shall perform the functions specified in Paragraph two of this Section with respect also to the Land Registry Offices.

[29 January 1997; 15 October 1998]

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

The Minister for Justice:

1) shall perform the functions specified in Section 32, Paragraph three; Section 33, Paragraph one; Section 39, Paragraph two; Section 40, Paragraph one; Section 41, Paragraph two; Section 42, Paragraph three; Section 57; Section 60; Section 61; Section 63, Paragraph two; Section 64, Paragraph one; Section 66; Section 71, Paragraph three; Section 74, Paragraph two; Section 75; Section 77; Section 81; Section 84, Paragraph one; Section 94, Clause 4; Section 98.2, Paragraphs two to four; Section 111, Paragraph two; Section 112; Section 121; and Section 124, Paragraph four, of this Law.

2) [15 October 1998]

3) shall require necessary information from district (city) courts, regional courts or Land Registry Offices, and explanations from their officials;

4) shall organise audits of district (city) courts, regional courts and Land Registry Offices, assigning the performance of the audits to employees of the Ministry of Justice, but if necessary, involving the judges of the Panels of the Supreme Court and judges of the regional court, after co-ordination with the Chief Judge concerned, in the performance of the audit;

5) shall give directions to the chief judges of district (city) courts or regional courts, as well as other officials of such courts, shall impose disciplinary sanctions on officials of the departments of a court in accordance with the legislative enactments on employment concerning established violations of employment discipline or, if necessary, shall initiate disciplinary matters against judges; and

6) shall submit submissions to the Plenary Session of the Supreme Court concerning the necessity to explain the laws of the Republic of Latvia to the courts.

[29 January 1997; 15 October 1998]

### **Section 109. Bailiffs**

(1) Bailiffs are employees of a structural unit of the Ministry of Justice – the Department of Bailiffs.

(2) A Latvian citizen, who has reached 21 years of age and who has at least a secondary education, may be a bailiff.

(3) A bailiff may not be a person:

1) against whom a criminal matter has been initiated and against whom an investigation or trial is being conducted; or

2) who has been previously convicted of an intentional crime, even if the conviction has been extinguished or set aside in accordance with procedures specified by law.

(4) The requirements of bailiffs, in the execution of judgments of and decisions taken by courts, as well as the decisions of other institutions, shall be mandatory for all State institutions, as well as other legal and natural persons.

[29 January 1997]

### **Section 110. Offices of a Bailiff**

(1) Offices of a bailiff shall be established, and their locations shall be determined by the Ministry of Justice.

(2) If two or more bailiffs are working in an office, one of them shall be appointed as the senior bailiff, who shall at the same time manage the work of the office.

(3) If one bailiff is working in an office, he or she shall also manage the work of the office himself or herself.

### **Section 111. Rights of Bailiffs**

(1) A bailiff, on commencing the fulfilment of official duties, shall receive an official uniform with the attributes of office.

(2) Concurrently with his or her specified and State guaranteed salary, a bailiff may receive additional remuneration in accordance with regulations approved by the Minister for Justice.

(3) In order to ensure the performance of his or her duties, a bailiff may request the assistance of local police, whose duty it is to provide it.

### **Section 112. Obligations and Liability of Bailiffs**

(1) A bailiff, executing judgments and decisions, shall precisely observe laws and shall comply with the instructions approved by the Minister for Justice.

(2) In the cases and in accordance with the procedures provided for by law, a bailiff may be subject to liability. Disciplinary sanctions shall be imposed on a bailiff by the Minister for Justice.

## **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) Order in a court shall be ensured by court police, who are part of the police force.

**Section 116. Experts**

- (1) Experts, pursuant to the decisions of a judge and a court, shall conduct expert-examinations within the scope of their competence.
- (2) The rights and obligations of experts shall be prescribed by law.

## **Part V**

### **Financing of the Court System. Payment for Work and Social Guarantees of Judges**

[29 January 1997]

## **Chapter 19**

### **Material Provisions of the Court System**

**Section 117. Financing of the Court System**

- (1) The court system shall be financed from the State budget.
- (2) [11 November 1999]  
[6 April 1995; 29 January 1997; 11 November 1999]

## **Section 118. Material and Technical Base of the Court System**

The State shall provide the courts with a material and technical base in conformity with scientific and technical achievements and international requirements.

### **Chapter 20 Payment for Work of a Judge**

#### **Section 119. Salaries of Judges**

(1) The salary for the Chief Justice of the Supreme Court, his or her deputies and the judges of the Supreme Court shall be equivalent to the maximum monthly salary of a State civil servant of the Qualification Category 1.

(2) The base salary of a Chief Judge of a regional court shall be equivalent to the base salary of a judge of the Supreme Court. The base salary of a deputy Chief Judge of a regional court shall be 90 per cent of the base salary of a Chief Judge of a regional court. The base salary of a judge of a regional court shall be 85 per cent of the base salary of a Chief Judge of a regional court.

(3) The base salary of a Chief Judge of a district (city) court shall be equivalent to the base salary of a judge of a regional court. The base salary of a deputy Chief Judge of a district (city) court shall be 90 per cent of the base salary of a Chief Judge of a district (city) court. The base salary of a judge of a district (city) court shall be 85 per cent of the base salary of a Chief Judge of a district (city) court.

[16 December 1993; 1 October 1997; 15 October 1998]

#### **Section 120. Supplements to the Salaries of Judges**

(1) The following supplements are specified for the qualification categories of judges:

- 1) qualification category 5: 20 - 40 per cent of base salary;
- 2) qualification category 4: 40 - 50 per cent of base salary;
- 3) qualification category 3: 50 - 60 per cent of base salary;
- 4) qualification category 2: 60 - 70 per cent of base salary;
- 5) qualification category 1: 70 - 80 per cent of base salary; and
- 6) highest qualification category: 80 - 100 per cent of base salary.

(2) The Cabinet may also prescribe other supplements to the salaries of judges.

[16 December 1993; 15 October 1998]

#### **Section 120.1. Supplements to the Base Salaries of Judges of Land Registry Offices**

Supplements to the salaries of the judges of Land Registry Offices for qualification categories, for the transfer of judges (in the case of combination of offices), for an increased work load, as well as in other cases shall be determined by regulations approved by the Minister of Justice. Supplements may not be greater than the base salary of a judge.

[29 January 1997]

#### **Section 121. Other Forms of Payment for the Work of Judges**

In order to stimulate the work of judges, the Minister for Justice and the Chief Justice of the Supreme Court may determine additional payment to a judge, taking into account the results of his or her work.

## **Chapter 21**

### **Payment for Work of the Officials of Departments of Courts**

#### **Section 122. Salaries of Officials of the Departments of a Court** **[16 December 1993]**

## **Chapter 22**

### **Social Guarantees for Judges**

#### **Section 123. Vacations of Judges**

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

(2) According to the length of service of a judge, for every five years of work completed, the annual paid vacation shall be increased by three days.

#### **Section 124. Provision of Judges with Living Quarters**

(1) The State shall ensure the provision of judges with living quarters - with a separate flat or a residential house.

(2) If necessary, within six months of the appointment of a judge to office, a separate well-appointed official flat or residential house shall be granted to him or her. Living space shall be not less than 12 square metres per family member, and there shall be one additional room for the working needs of the judge.

(3) Judges have the right to request the improvement of their living conditions, if their usable living quarters do not comply with the provisions of Paragraph two of this Section. A submission by a judge shall be satisfied within a year.

(4) A judge shall be provided with living quarters, based on a recommendation by the Minister for Justice or the Chief Justice of the Supreme Court.

#### **Section 125. Other Social Guarantees for Judges**

(1) The social guarantees provided for in Sections 32-37, 49 and 50 of the Law On the State Civil Service, as well as the exceptions provided for by this Law, shall apply to all judges.

(2) If a judge is removed from office due to a reduction in the number of judges, the judge so removed shall, for six months, counting from the day of removal until the establishment of a new employment relationship, have preserved the base salary which he or she had on the day of removal.

(3) Judges are exempt from mandatory military service.

[15 June 1994; 29 January 1997]

President of the Supreme Council  
of the Republic of Latvia

A. Gorbunovs

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Rīga, 15 December 1992

Annex

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

## **Transitional Provisions Regarding Amendments to the Law On Judicial Power**

### **Transitional Provisions**

(regarding amending law of 16 December 1993)

1. It is determined that, until the Commercial Court ceases to operate and its functions are transferred to regional courts, the salary of the Chief Judge of the Commercial Court shall be equivalent to the salary of a Deputy Chief Justice of the Supreme Court, and the salaries of a Deputy Chief Judge and judges of the Commercial Court shall be equivalent to the salaries of justices of the Supreme Court, and the said judges are conferred qualification category 2 with a 40-45 per cent supplement.
2. Until the time when a law is adopted regulating the relationships of the State civil service and determining the salaries of State civil servants, the salaries of the Chief Justice of the Supreme Court, Deputy Chief Justice and justices of the Supreme Court shall be equivalent to the salary of a State Secretary of a Ministry, but the salaries of other judges shall be calculated in accordance with the procedures set out in Section 119, Paragraph two and three of the Law On Judicial Power.
3. The following shall be repealed:  
Annexes 3, 4, 5, 10 and 16 to the 9 January 1992 decision of the Presidium of the Supreme Council of the Republic of Latvia On a Uniform Employment Remuneration System for the Employees of the Supreme Council and the Budget-financed Institutions under its Authority; the 11 February 1993 decision of the Presidium of the Supreme Council of the Republic of Latvia On the Amendments and Additions to the 9 January 1992 decision of the Presidium of the Supreme Council of the Republic of Latvia On a Uniform Employment Remuneration System for the Employees of the Supreme Council and the Budget-financed Institutions under its Authority, concerning the part on employees of the courts and offices of the Prosecutor; and the 26 May 1993 decision of the Presidium of the Supreme Council of the Republic of Latvia On Specifying Temporary Coefficients for the Calculation of Monthly Salaries for the Managers of State Power and Administrative Institutions under the Authority of the Supreme Council of the Republic of Latvia, concerning the part on Chief Judges and Deputy Chief Judges of courts, the Prosecutor General and his or her deputies.

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

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

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

#### **Transitional Provisions (regarding amending law of 28 September 1995)**

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

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

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

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

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

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

Other employees of the Commercial Court, if their employment relationships continue until 30 December 1995, shall be granted, in accordance with the procedures

set out in Section 37 of the Employment Code, a dismissal allowance equalling three months' salary.

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

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

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

#### **Transitional Provisions (regarding amending law of 29 January 1997)**

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

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

#### **Transitional Provision (regarding amending law of 1 October 1997)**

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

#### **Transitional Provisions (regarding amending law of 15 October 1998)**

1. Upon this Law coming into force, the administrative judges who have been appointed to office in accordance with the requirements of Section 52, Paragraph three, of the Law On Judicial Power, shall acquire the status of a judge of a district (city) court specified in Section 60, Paragraph one, of the Law On Judicial Power.

2. Concurrently with the establishment of the Judicial Qualification Board specified in Section 93 of this Law, the following shall be repealed:

1) The decision of the Presidium of the Supreme Council of the Republic of Latvia On the Approval of Regulations Concerning Judicial Qualification Boards of

the Courts of the Republic of Latvia, and the Regulations confirmed by it (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1993, No. 26/27);

2) The decision of the Presidium of the Supreme Council of the Republic of Latvia On the Confirmation of Regulations Concerning the Certification of Judges of the Courts of the Republic of Latvia and the Regulations confirmed by it (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1993, No. 26/27; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1994, No. 1).