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DRAFT LAW
ON AMENDMENTS TO THE CONSTITUTION OF
LATVIA

DRAFT LAW
ON JUDICIAL POWER
OF LATVIA

prepared by a working group
headed by the Minister of Justice Ingrida Labucka (11.07.2002)

DRAFT LAW
“AMENDMENTS TO THE CONSTITUTION OF THE REPUBLIC OF LATVIA”

Amend the Constitution of the Republic of Latvia as follows:

1. Amend Article 82 to read as follows:

“82. Court cases in Latvia shall be heard by District (Town) Courts, Regional Courts, Administrative Courts, the Administrative Appellate Court and the Supreme Court, and in case of war or an emergency also by Court Martial.

The Council of Justice shall represent the judicial power and organizationally manage it.”

2. Amend Article 84 to read as follows:

“84. Judges shall be appointed by the Saeima and may not be dismissed. A Judge may be dismissed only in cases provided by law based on a decision in a disciplinary case or a Court verdict in a criminal case. The law may stipulate the age at which a Judge shall retire from office.

3. Supplement Chapter 6 with the following Article 86:

“The Prosecutor’s Office shall be a unified centralized institution headed by the Prosecutor General. The Prosecutor General shall be appointed by the Saeima at the recommendation of the Council of Justice for a term of five years. Operations of the Prosecutor’s Office shall be regulated by a special law.”

DRAFT LAW ON JUDICIAL POWER

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SECTION I GENERAL PROVISIONS

Chapter 1. General Provisions

Article 1. Judicial power

- (1) In the Republic of Latvia there exists an independent judicial power alongside the legislative and executive powers.
- (2) In the Republic of Latvia cases shall be tried only by Courts established as provided by law.
- (3) Judicial power shall be exercised by District (Town) Courts, Administrative Courts, Regional Courts, the Administrative Appellate Court, the Supreme Court and the Constitutional Court, and in case of war or an emergency, also by Court Martial.
- (4) The Prosecutor's Office is an agency of the judicial power monitoring the observance of law according to the authority granted to it by the Law on the Prosecutor's Office.
- (5) Establishing of special (emergency) Courts shall not be permitted.
- (6) Judicial power shall be represented by the Council of Justice.

Article 2. Judicial independence

- (1) When hearing cases, Judges and lay judges shall act independently and shall be subject to the law only.
- (2) Judges shall decide cases justly and objectively, based on facts and in accordance with the law.
- (3) A Court shall have the exclusive right to decide whether according to law a case rests within the authority of the Courts.
- (4) Judicial independence shall be guaranteed by the State.

Article 3. Laws regulating operations of the Courts

- (1) Operations of the Courts in the Republic of Latvia shall be regulated by the Constitution of the Republic of Latvia and this Law, but the principles and procedure of trials of Court cases shall be regulated by the Constitution, this law, the laws of civil procedure, criminal procedure and administrative procedure as well as other laws.
- (2) Operations of the Constitutional Court shall be regulated by the Law on the Constitutional Court.
- (3) Operations of Court Martial shall be regulated by a special law.

Article 4. Trying civil, criminal and administrative cases

- (1) Civil cases shall be tried by the Court, hearing and deciding cases of disagreements concerning the protection of the civil rights or other interests protected by law of physical and legal persons (tort).
- (2) Criminal cases shall be tried by the Court, hearing and deciding on the grounds of allegations raised against persons, acquitting innocent persons or finding persons guilty of having committed crimes, and sentencing same.
- (3) Administrative cases shall be tried by the Court, hearing and deciding on administrative violations of persons, complaints of actions of institutions and officials of State Administration as well as other cases emanating from administrative legal relations.

Article 5 Legal force of a Court verdict

- (1) A Court verdict come into legal force shall be binding on all. Such a verdict has the force of law and it shall be respected like the law.
- (2) A verdict come into legal force shall be executed.
- (3) Other State or municipal institutions may not adopt decisions which may interfere with the execution of a Court verdict come into legal force, except a pardon or amnesty as provided by law.

Article 6. A Person's right to the protection of the Court

- (1) Every person shall have the right to a just hearing of their case within a reasonable time under the procedures laid down by law.
- (2) All persons shall have the right to the protection of the Court from threat against their life, health, personal freedom, honour, dignity and property.
- (3) All persons shall have a guaranteed right to have their case heard on the basis of total equality, openly and timely, before an independent and just Court and to have their rights and obligations or the grounds for allegations directed against them determined, observing all the requirements of justice.

Article 7. Unacceptability of interference with the work of the Court

- (1) State and municipal institutions, agencies and officials, public and political organizations, other legal and physical persons shall be duty bound to respect and observe the independence of the Courts and inviolability of Judges.
- (2) No restrictions, duress, influencing, direct or indirect threats or other illegal interference in Court hearings shall be tolerated regardless of the purpose of or reason for such actions. Any attempt to influence a Judge or a lay judge and interfere with the operations of the Court shall be punishable as provided by law.
- (3) No person may demand that a Judge disclose the views expressed during debating, report or explain how a given case was heard.

Article 8. Inviolability of Judges and lay judges

- (1) A Judge shall be inviolate
- (2) A lay judge shall be inviolate while performing his/her duties related to a Court hearing.
- (3) Criminal charges against a Judge may be laid by the Prosecutor General only. A Judge may not be arrested and criminally charged without the consent of the Saeima. A decision to impose coercive measures under criminal procedures against a Judge shall be adopted by a Judge of the Supreme Court duly authorized by the Chairperson of the Supreme Court.
- (4) A lay judge may not be criminally charged and arrested while performing his/her duties related to a Court hearing without the consent of the municipality which had elected him/her. A decision to impose coercive measures under criminal procedures on a lay judge shall be adopted by a Judge of the Supreme Court duly authorized by the Chairperson of the Supreme Court.
- (5) A Judge may not be subjected to administrative punishment and he/she may not be detained under administrative procedures. In case of administrative violations a Judge shall be charged with disciplinary liability.
- (6) A decision to subject a Judge or a lay judge to a forced medical examination shall be adopted by a Judge of the Supreme Court duly authorized by the Chairperson of the Supreme Court.

(7) A Judge shall not be materially liable for loss and damages caused to a party in a case by an illegal or unjustified Court verdict. In cases provided by law such loss and damages shall be compensated by the State.

(8) A person who believes that a Court ruling is illegal or unjustified may appeal same as provided by law, but may not sue the Judge who had heard the case.

Article 9. Language of litigation

(1) All litigation shall be conducted in the national language.

(2) Cases and procedure for permitting the performance of certain procedural activities in another language shall be set out in the procedural laws.

SECTION II THE JUDICIAL SYSTEM

Chapter 2. Authority of the Courts

Article 10. Authority of the Courts

(1) A District (Town) Court shall be the Court of first instance for both civil and criminal cases.

(2) A Regional Court shall be the appellate Court for both civil and criminal cases.

(3) An Administrative Court shall be the Court of first instance for administrative cases.

(4) The Administrative Appellate Court shall be the Court of Appeal for administrative cases.

(5) The Supreme Court shall be the Court of Cassation for civil, criminal and administrative cases.

(6) In cases stipulated by law the aforesaid Courts shall also hear other cases entrusted to their authority by the law.

Article 11. The Land Books Section

(1) At District (Town) Courts there is a Land Books Section to handle Land Books.

(2) Judges of the Land Books Section shall enter real property and commitments concerning same in the Land Books.

Chapter 3. District (Town) Courts, Administrative Courts, Regional Courts and the Administrative Appellate Court

Article 12. The total number of Judges in District (Town) Courts and their Land Books Sections, Administrative Courts and Regional Courts

(1) The Saeima shall, upon recommendation of the Council of Justice, determine the total number of Judges in:

- 1) District (Town) Courts;
- 2) District (Town) Court Land Books Sections;
- 3) Administrative Courts;
- 4) Regional Courts.

Article 13. Establishing District (Town) and Administrative Courts

(1) The decision to establish, re-organize or close a District (Town) or Administrative Court shall be adopted by the Council of Justice.

(2) The Council of Justice shall determine the number of District (Town) Courts and their Land Books Sections and Administrative Courts, their territory of jurisdiction, location and number of Judges in each Administrative Court, District (Town) Court and its Land Books Section, bearing in mind the total number of Judges determined by the Saeima, the administrative territorial division of Latvia and other circumstances.

Article 14. Establishing Regional Courts

(1) There shall be five Regional Courts in the Republic of Latvia: Riga Regional Court, Kurzeme Regional Court, Latgale Regional Court, Vidzeme Regional Court and Zemgale Regional Court. The territory of jurisdiction, location and number of Judges of each Regional Court shall be determined by the Council of Justice, bearing in mind the total number of Judges determined by the Saeima, the administrative territorial division of Latvia and other circumstances.

(2) A Regional Court may establish independent sessions. Such independent session shall be established and their territory determined by the Council of Justice.

Article 15. Establishing the Administrative Appellate Court

(1) There shall be one Administrative Appellate Court in Latvia. Its location shall be determined by the Council of Justice.

(2) The number of Judges of the Administrative Appellate Court shall be determined by the Saeima at the recommendation of the Council of Justice.

(3) The Administrative Appellate Court may establish independent sessions. Such independent sessions shall be established and their territory determined by the Council of Justice.

Article 16. Structure of District (Town) Courts

(1) A District (Town) Court shall have a Chairperson and Judges, and a Court with not less than eight Judges (not including Judges of the Land Books Section), also a Deputy Chairperson. The Chairperson and his/her Deputy shall perform their duties in addition to their duties as Judges.

(2) The Land Books Section shall have Judges and a Section Head. The Head of the Land Books Section shall perform his/her duties in addition to his/her duties as a Judge of the Land Books Section.

(3) Judges of the Land Books Section shall have the legal status of District (Town) Court Judges, and the Head - that of a Deputy Chairperson of a District (Town) Court.

Article 17. Structure of Administrative Courts

(1) Administrative Courts shall have a Chairperson and Judges, and a Court with not less than eight Judges also a Deputy Chairperson. The Chairperson and his/her Deputy shall perform their duties in addition to their duties as Judges.

Article 18. Structure of Regional Courts

(1) Regional Courts shall have a Chairperson, his/her Deputy and Judges. The Chairperson and his/her Deputy shall perform their duties in addition to their duties as Judges.

(2) Regional Courts shall have a Civil Case Panel and a Criminal Case Panel.

(3) Court Panels shall be headed by a Chairperson. The Panels shall be made up of Judges.

(4) The Panels shall be formed and changes made therein by a general meeting of the Regional Court.

(5) Chairpersons of the Panels shall be appointed by the Council of Justice upon recommendation of the Chairperson of the Court in question for a term of five years from among the Judges of the relevant Panel.

Article 19. Chairpersons of Courts and their Deputies

(1) The Chairpersons of District (Town) Courts, Heads of the Land Books Section, Chairpersons of Administrative Courts, Chairpersons of Regional Courts and the Chairperson of the Administrative Appellate Court shall be appointed from among the Judges of the relevant Court for a term of five years by the Council of Justice, having heard the opinion of the Judges Qualification Board.

(2) Deputy Chairpersons of District (Town) Courts, Administrative Courts, Regional Court and the Administrative Appellate Court shall be appointed by the Council of Justice for a term of five years from among the Judges of the relevant Court upon recommendation of the Chairperson of that Court.

(3) The Chairperson of the Court shall organize the work of the Court and represent the Court. Functions of the Chairperson in administering Court work are set out in Article 96 of this Law.

(4) The Chairperson may issue instructions to Judges in matters concerning organization of their duties only.

(5) The Deputy Chairperson of the Court shall assist the Chairperson in performing his/her duties of office and substitute for him/her during his/her absence. In the event the Court has no Deputy Chairperson or during his/her absence, another Judge duly authorized by the Chairperson shall substitute for him/her.

(6) The Chairperson of the Court or his/her Deputy may step down from his/her office on his/her own volition, having notified the Council of Justice in writing one month in advance.

(7) The Chairperson of the Court or his/her Deputy may be dismissed from his/her office prior to the end of the term indicated in Clause (1) of this Article if he/she regularly fails to perform his/her duties or has committed a gross violation during such performance. The decision to dismiss a Chairperson or his/her Deputy from office shall be adopted by the Council of Justice, having heard the opinion of the Judges Qualification Board.

(8) The term of a Court Chairperson or his/her Deputy shall terminate when he/she ceases to be a Judge.

Article 20. Procedure for allocating cases to Judges

(1) Prior to the start of each calendar year the Chairperson of the Court shall, bearing in mind the basic principles determined by the Council of Justice, decide on the procedure for allocating cases to the Judges. This procedure may be departed from only by a motivated decision.

(2) This procedure shall be accessible to the public and shall be displayed easily visible in the Court building.

(3) The Chairpersons of District (Town) Court shall appoint for a term of three years one or more Judges of the relevant Court to perform the duties of an investigating judge.

Article 21. General Meeting of the Court

The general meeting of District (Town) Courts, Administrative Courts, Regional Courts and the Administrative Appellate Court may be attended by all the Judges of the relevant Court.

(2) The general meeting shall give recommendations to the Chairperson of the Court, the Council of Justice and Judicial Administration concerning organization of the work of the relevant Court. The general meeting of Regional Courts shall also form the Regional Court Panels.

(3) The general meeting shall be convened by the Chairperson of the Court as needed but not less than once a year. The Judges shall be advised of the time, place and agenda of the general meeting at least a week in advance.

(4) The Chairperson shall call a general meeting if at least a third of the Judges of the relevant Court so request in writing. Such a request shall indicate the proposed agenda of the meeting.

(5) The general meeting shall be open for business if at least one half of the Judges of the relevant Court are present. The general meeting shall adopt decisions by a majority vote of the Judges present at the meeting.

Chapter 4. The Supreme Court

Article 22. The Supreme Court

(1) The number of Judges of the Supreme Court shall be determined by the Saeima upon recommendation of the Council of Justice.

(2) The Supreme Court shall consist of the Chairperson of the Supreme Court, his/her Deputy and Judges of the Supreme Court - Senators.

Article 22. Senates of the Supreme Court

(1) The Supreme Court shall have a permanent Civil Case Senate, Criminal Case Senate and Administrative Case Senate. Each Judge of the Supreme Court may be elected to one Senate only.

(2) The Senates of the Supreme Court shall be established and changes therein made by the general meeting of the Supreme Court.

(3) The Chairpersons of the Civil Case Senate, Criminal Case Senate and Administrative Case Senate shall be appointed from among the Senators of the relevant Senate for a term of seven years by the general meeting of the Supreme Court upon recommendation of the Chairperson of the Supreme Court.

(4) A Chairperson of a Senate of the Supreme Court may resign his/her office first notifying the Chairperson of the Supreme Court in writing one month in advance.

(5) The general meeting of the Supreme Court may dismiss at the recommendation of the Chairperson of the Supreme Court a Chairperson of a Senate of the Supreme Court from office prior to the end of the term indicated in Clause (3) of this Article if he/she regularly fails to perform his/her duties or has committed a serious breach in performing same.

Article 24. The Disciplinary Senate

(1) Complaints of decisions adopted in disciplinary cases shall be reviewed by the Disciplinary Senate made up of five Judges.

(2) The Disciplinary Senate shall consist of the Chairperson of the Supreme Court and four Senators, elected by the general meeting of the Supreme Court for a term of seven years. Judges of the Disciplinary Senate shall also be a member of a Senate mentioned in Clause (1) of this Article.

Article 25. Chairperson of the Supreme Court and his/her Deputy

(1) The Chairperson of the Supreme Court shall be appointed by the Saeima from among the Judges of the Supreme Court at the recommendation of the Council of Justice.

(2) The Chairperson of the Supreme Court shall organize the work of the Supreme Court, represent the Court and perform other duties provided by law.

(3) The Chairperson of the Supreme Court may issue instructions to the Judges only in organizational matters concerning their duties.

(4) The Deputy Chairperson of the Supreme Court shall be appointed by the general meeting of the Supreme Court from among the Judges of the Supreme Court at the recommendation of the Chairperson of the Supreme Court for a term of seven years.

(5) The Deputy Chairperson of the Supreme Court shall assist the Chairperson in the performance of his/her duties and substitute for him/her during his/her absence.

(6) The Chairperson of the Supreme Court may resign his/her office on his/her own volition first notifying the Saeima and the Council of Justice in writing one month in advance.

(7) The Deputy Chairperson of the Supreme Court may resign his/her office on his/her own volition first notifying the Chairperson of the Supreme Court in writing one month in advance.

(8) The Chairperson of the Supreme Court or his/her Deputy may be dismissed from office prior to the end of the terms indicated in Clauses (1) and (4) of this Article if he/she regularly fails to perform his/her duties or has committed a gross breach in such performance.

(9) The decision to dismiss the Chairperson of the Supreme Court from office shall be adopted by the Saeima at the recommendation of the Council of Justice.

(10) The decision to dismiss the Deputy Chairperson of the Supreme Court shall be adopted by the general meeting of the Supreme Court at the recommendation of the Chairperson of the Supreme Court.

(11) The term of office of the Chairperson of the Supreme Court or the Deputy Chairperson of the Supreme Court shall terminate if he/she ceases to be a Judge.

Article 26. Procedure for allocating cases to Judges of the Supreme Court.

(1) Prior to the beginning of each calendar year the Chairperson of the Supreme Court shall determine the procedure for allocating cases to the Judges, bearing in mind the basic principles provided by the Council of Justice. This procedure may be varied by motivated decision only.

(2) This procedure shall be accessible to the public. It shall be displayed in a place of easy visibility in the Court premises and published in the newspaper "Latvijas Vestnesis".

Article 27. General Meeting of the Supreme Court

(1) All Judges of the Supreme Court may attend the general meeting of the Supreme Court.

(2) The general meeting of the Supreme Court shall:

1) form the Senates of the Supreme Court and make changes therein;
2) appoint and dismiss Chairpersons of the Civil Case, Criminal Case and Administrative Case Senates;

3) submit recommendations on the candidature for the Chairperson of the Supreme Court;

4) provide opinion whether or not there are grounds to dismiss the Chairperson of the Supreme Court or the Prosecutor General from their office;

5) appoint the Deputy Chairperson of the Supreme Court upon the recommendation of the Chairperson of the Supreme Court;

6) elect a member to the Council of Justice;

7) elect and recall a member of the Central Election Commission from among Judges;

8) submit recommendations to the Chairperson of the Supreme Court, the Council of Justice and Judicial Administration concerning organization of the work of the Supreme Court;

9) perform other duties as provided by law.

(3) The general meeting of the Supreme Court shall be convened by the Chairperson of the Supreme Court as needed but not less than once a year. The Judges shall be notified of the time, place and agenda of the general meeting at least a week in advance.

(4) The Chairperson shall call a general meeting if at least a third of the Judges of the Supreme Court so demand in writing. Such a demand shall indicate the proposed agenda of the meeting.

(5) The general meeting of the Supreme Court shall be chaired by the Chairperson of the Supreme Court.

(6) The general meeting of the Supreme Court which is to decide on the candidature of the Chairperson of the Supreme Court shall be called by the Council of Justice. This general meeting shall be chaired by the Deputy Chairperson of the Supreme Court.

(7) The general meeting of the Supreme Court shall be open for business if at least one half of all Judges of the Supreme Court are present. The general meeting shall pass resolutions by a simple majority vote.

SECTION III COUNCIL OF JUSTICE

Chapter 5. Council of Justice

Article 28. Duties and legal status of the Council of Justice

(1) The Council of Justice shall be an independent agency representing and organizationally administer judicial power.

(2) The Council of Justice shall draw up a national policy and strategy for the development of the judicial system and its work and within its authority implements same.

(3) The Council of Justice shall operate in accordance with this Law. The Council of Justice shall draw up its own Founding Law to determine its internal operations and regulations.

(4) The Council of Justice shall be funded from the National Budget.

Article 29. Establishment, Membership and Term of Office of the Council of Justice

(1) The Council of Justice shall be made up of thirteen members. Five of the members shall be part of the Council by way of their office (Clause (2) of this Article), six shall be elected from among the Judges (Clauses (3) to (7) of this Article), and two shall be delegated (Clauses (8) and (9) of this Article).

(2) Members of the Council of Justice by way of their office shall be:

- 1) the Chairperson of the Supreme Court;
- 2) the Chairperson of the Constitutional Court;
- 3) the Minister of Justice;
- 4) the Prosecutor General;
- 5) the Chairperson of the Saeima Legal Commission.

(3) One member of the Council of Justice shall be elected from among the Judges of the Supreme Court by the general meeting of the Supreme Court by secret simple majority vote for a term of four years.

(4) Five members of the Council of Justice - one from each region - shall be elected from among the Judges of the relevant jurisdictional region by the general meeting of the Judges of the relevant jurisdictional region by secret simple majority vote for a term of four years.

(5) The general meeting of the Judges of the jurisdictional region shall be called and chaired by the Chairperson of the relevant Regional Court. The general meeting shall be open for business regardless of the number of Judges present, provided all Judges were notified of the meeting at least a month in advance.

(6) The general meetings of the Kurzeme, Latgale, Vidzeme and Zemgale jurisdictional regions may be attended by all Judges of the Regional Court in question, as well as the Judges of the Administrative Courts, the District (Town) Courts and their Land Books Sections of the relevant region, and in the Riga jurisdictional region - Judges of the Riga Regional Court and the Administrative Appellate Court, as well as Judges of the Administrative Courts, District (Town) Courts and their Land Books Sections of the Riga jurisdictional region.

(7) Each member of the Council of Justice shall have a replacement elected as provided in Clauses (3) to (6) of this Article, who begins to perform the duties of a member of the Council of Justice if the term of the elected member of the Council is terminated as provided in Article 33 of this Law. The replacement shall perform the duties of the member of the Council of Justice during the remaining part of the term of the member he/she is replacing.

(8) Members of the Council of Justice shall also include:

- 1) a representative of the Latvian National Human Rights Office;
- 2) a representative delegated by the Council of University Rectors from among

Doctors of Law.

(9) The representatives indicated in Clause (8) of this Article may be recalled at any time by the Director of the Latvian National Human Rights Office or the Council of University Rectors respectively, and others delegated in their place.

Article 30. Authority and duties of the Council of Justice

(1) In representing judicial power, the Council of Justice shall:

- 1) submit a budget request for the system of judicial power to the appropriate State institution as provided by law;
- 2) represent the judicial power during the process of preparation and performance of the budget (financial management);
- 3) provide opinions on draft normative acts which directly affect the judicial power, and draft normative acts;
- 4) represent judicial power to State and municipal institutions, other legal and physical persons, as well as internationally.

(2) In developing the judicial system, the Council of Justice shall:

- 1) determine the number of District (Town) and Administrative Courts, their territory of jurisdiction and location;
- 2) determine the territory of jurisdiction and location of Regional Courts, as well as the location of the Administrative Appellate Court;
- 3) establish the independent sessions of Regional Courts and the Administrative Appellate Court and determine their territory of jurisdiction.

(3) In determining judiciary service, the Council of Justice shall:

- 1) submit recommendations to the Saeima concerning the total number of Judges in District (Town) Courts and their Land Books Sections, Administrative Courts and Regional Courts, as well as the number of Judges at the Administrative Appellate Court;

2) upon the recommendation of the Chairperson of the Supreme Court submit a recommendation to the Saeima on the number of Judges of the Supreme Court;

3) having heard the opinion of the Chairperson of the relevant Court, determine the number of Judges at each District (Town) Court and its Land Books Section, Administrative Court and Regional Court, bearing in mind the total number of Judges determined by the Saeima, the administrative territorial division of Latvia and other circumstances.;

4) submit recommendations to the Saeima on the appointment or confirmation in office of Judges;

5) at the recommendation of the general meeting of the Supreme Court, the Judges Organization or the general meeting of Judges and having examined the opinion of the Judges Qualification Board, recommend to the Saeima to appoint the Chairperson of the Supreme Court;

6) In cases provided by law recommend to the Saeima to dismiss the Chairperson of the Supreme Court from office;

7) appoint and dismiss from office Chairpersons of Regional Courts, their Deputies and Chairpersons of Boards, the Chairperson of the Administrative Appellate Court and his/her Deputy, Chairpersons of District (Town) Courts and their Deputies, as well as Chairpersons of Administrative Courts and their Deputies;

8) confirm a Judge to the office of a Judge of the same or a lower instance Court or a Judge of the Land Books Section to the office of a Judge of another Land Books Section;

9) discharge a Judge from office in cases provided in Clause (1) of Article 64 of this Law;

10) recommend to discharge a Judge from office in cases of reduction of the number of Judges and re-organizing of a Court;

11) lay disciplinary charges in cases provided in Article 69 of this Law;

12) recommend to cancel the qualification supplement for a Judge in cases provided in Article 88 of this Law;

13) decide to extend the term of office for a Judge having reached retirement age;

14) recommend to the Saeima that a Judge be granted the title "Honourable";

15) decide on replacing a Judge;

16) dismiss from office Judges in whose case a guilty verdict in a criminal case has come into legal effect;

17) confirm a commission for the selection of Court trainees and review complaints concerning the decisions of this commission;

18) determine the procedure for training;

19) approve the procedure for examination of candidate Judges;

20) determine the list of positions where a person may obtain knowledge and experience necessary for a Judge;

21) approve the design of Judges' robes and chains of office and the rules for wearing Judges' robes and chains of office;

22) approve the design of Judges' and lay judges' certificates;

23) determine the number of lay judges.

(4) The Council of Justice, in managing the organizational work of the judiciary, shall approve the rules of basic principles for allocation of cases in Courts.

(5) The Council of Justice shall supervise the work of the Judicial Administration and administration of Courts, monitor the expenditure of funds by the Judicial Administration and by Courts as well as the maintenance and construction of buildings.

(6) The Council of Justice shall review complaints of the decisions of the Judges Qualification Board in cases indicated in Clause (4) of Article 87.

(7) The Council of Justice shall submit recommendations to the Saeima for the appointment of the Prosecutor General and implement other authority provided in the Law on the Office of Prosecutor concerning the appointment, dismissal or discharge of the Prosecutor General.

(8) The Council of Justice shall select candidates from Latvia for the office of Judge of the European Court of Human Rights, as well as in other cases, when a candidate needs to be selected to work in international Courts.

(9) The Council of Justice shall select candidates for the approval of Saeima for the office of Judges of the Constitutional Court and appoint Judges to work in other institutions in all cases when the law requires that Judges be delegated for such work.

(10) The Council of Justice may also implement its authority in other cases necessary to perform the duties set out in Clause (1) of Article 25 of this law.

(11) Once a year the Council of Justice shall publish in the newspaper "Latvijas Vestnesis" a report on the work of the judiciary and submit same to the Saeima and the Cabinet of Ministers.

Article 31. Publishing decisions of the Council of Justice

The following decisions shall be published in the newspaper "Latvijas Vestnesis" without delay:

- 1) the number of District (Town) and Administrative Courts, their territory of jurisdiction, location, establishment, re-organization or closing;
- 2) territory of jurisdiction and location of Regional Courts
- 3) the location of the Administrative Appellate Court;
- 4) the establishment and territory of jurisdiction of the independent sessions of Regional Courts and the Administrative Appellate Court;
- 5) appointment or dismissal of Chairpersons of Courts and their Deputies;
- 6) confirming a Judge to work at a Court of the same or lower instance;
- 7) basic principles of allocating cases in Courts.

Article 32. The Chairperson and Co-chairperson of the Council of Justice

(1) The Chairperson of the Council of Justice shall be the Chairperson of the Supreme Court.

(2) The Co-chairperson of the Council of Justice shall be the Chairperson of the Constitutional Court.

(3) The Chairperson of the Council of Justice shall:

- 1) head the Council;
- 2) convene Council meetings and determine their agenda;
- 3) represent the Council;
- 4) sign decisions and other documents on behalf of the Council.

(4) The Co-chairperson of the Council of Justice shall substitute for the Chairperson of the Council in his/her absence and perform other functions on behalf of the Council.

Article 33. Status of a member of the Council of Justice

(1) A Judge who has worked as a Judge for five years may be elected member of the Council of Justice as provided in Clauses (3) and (4) of Article 29 of this Law, except:

1) Judges who have been charged with disciplinary or criminal liability but the case has not yet been heard;

2) Judges given disciplinary punishment and the same has not been extinguished as provided by law.

(2) A member of the Council of Justice - a Judge - may be charged with disciplinary liability with the consent of the Council of Justice only.

(3) A member of the Council of Justice - a Judge - shall be suspended from performing his/her duties for the period when charges against him/her have been filed but the disciplinary or criminal case has not yet been heard.

(4) The mandate of an elected member of the Council of Justice shall terminate when:

1) his/her term of office of a Judge expires;

2) he/she resigns from the office of a member of the Council of Justice first having notified the Chairperson of the Council of Justice in writing;

3) if the ruling to impose disciplinary punishment has come into legal effect;

4) in cases indicated in Clause (5) of this Article.

(5) In the event an elected member of the Council of Justice regularly and without good cause fails to perform his/her duties, the Council of Justice may adopt a decision by a majority of not less than nine votes of members of the Council to strike the member from Council membership.

Article 34. Rights and obligations of a member of the Council of Justice

(1) A member of the Council of Justice shall have the right and obligation to attend meetings of the Council of Justice and vote on all issues on the agenda, except issues concerning him/her personally.

(2) The Chairperson of the Constitutional Court shall not take part in reviewing issues and adopting decisions in cases when he/she believes that such decisions may affect matters under the jurisdiction of the Constitutional Court.

(3) A member of the Council of Justice may:

1) examine all documents of the Council and request documents from the Judicial Administration;

2) submit recommendations to the Chairperson of the Council on the procedures of Council meetings or determine same in the case provided in Clause (2) of Article 35 of this Law.

(4) Members of the Council of Justice - Judges - shall be given leave of absence from their judicial duties during the time they attend meetings of the Council of Justice or perform other duties of a member of the Council of Justice.

(5) Members of the Council of Justice elected from among Judges shall receive remuneration for attending meetings of the Council of Justice as provided in Article 119 of this Law.

(6) Members of the Council of Justice shall have their travel expenses and other expenses related to the performance of duties of a member of the Council of Justice re-imbursed.

Article 35. Order of operations of the Council of Justice

(1) The Council of Justice shall adopt resolutions and decisions at meetings.

(2) The Council of Justice shall meet as needed but not less than once every quarter. The meetings shall be convened by the Chairperson of the Council of Justice at his/her own

initiative or upon the request of not less than four members of the Council. If a meeting of the Council of Justice has been called at the request of members of the Council of Justice, they shall determine the agenda of the meeting.

(3) The Council of Justice may vote on decisions if not less than seven members are present. The Council shall adopt decisions by a majority vote of members of the Council present at the meeting.

(4) Meetings of the Council of Justice may be attended by the Director General of the Judicial Administration, a representative of the Judges Qualification Board, a person authorized by the Board of Directors of the Latvian Judges Organization, and other persons invited by members of the Council of Justice.

(5) In matters affecting a specific Court, the Chairperson of the Court in question may attend meetings of the Council of Justice having consultative voting rights.

SECTION IV JUDGES

Chapter 6. Candidate Judges

Article 36. Requirements for a Judge

A Judge may only be a duly appointed or confirmed Latvian citizen, a highly qualified and honest lawyer who:

- 1) has reached the age as stated in law;
- 2) is University educated in law and has worked the required length of time in a legal speciality;
- 3) is proficient in the Latvian language to the highest level;
- 4) has received training and has passed the Judges qualification examination;
- 5) has irreproachable reputation;
- 6) is not subject to the restrictions indicated in Article 39.

Article 37. Age of a candidate Judge

A person may be appointed or confirmed a Judge of a District (Town) Court, Administrative Court, Regional Court or the Administrative Appellate Court if he/she has reached the age of 30 years, but a Judge of the Supreme Court, 35 years.

Article 38. Length of time worked in a legal speciality

(1) A person may be confirmed a Judge of a District (Town) Court if he/she has worked for at least:

- 1) three years as a prosecutor or sworn advocate;
- 2) five years as an instructor of judicial subjects at the faculty of law of a University, deputy Chairperson of a Court, assistant Judge, Court consultant, assistant sworn advocate, sworn notary or another position which the Council of Justice has recognized as such where a person may obtain knowledge necessary for a Judge of a District (Town) Court.

(2) A person may be appointed a Judge of an Administrative Court who has worked for at least:

- 1) three years as a prosecutor or sworn advocate;
- 2) five years as an instructor of judicial subjects at the faculty of law of a University, deputy Chairperson of a Court, assistant Judge, Court consultant, assistant sworn advocate, sworn notary, a civil servant of a legal service of a Government

institution or another position which the Council of Justice has recognized as such where a person may obtain knowledge necessary for a Judge of an Administrative Court.

(3) A person may be appointed a Judge of a Regional Court or the Administrative Appellate Court who has worked for at least:

- 1) three years as a Judge of a District (Town) or Administrative Court;
- 2) five years as a sworn advocate or prosecutor;
- 3) seven years as an instructor of judicial subjects at the faculty of law of a University, or another position which the Council of Justice has recognized as such where a person may obtain knowledge necessary for a Judge of a Regional Court or the Administrative Appellate Court.

(4) A person may be appointed a Judge of the Supreme Court who has worked for at least:

- 1) two years as a Judge of the Administrative Appellate Court, the Constitutional Court or an international Court;
- 2) four years as a Judge of a District (Town) Court;
- 3) seven years as a sworn advocate or prosecutor;
- 4) ten years as an instructor of judicial subjects at the faculty of law of a University, or another position which the Council of Justice has recognized as such where a person may obtain knowledge necessary for a Judge of the Supreme Court.

Article 39. Persons who may not be appointed Judges

A person may not be a Judge who:

- 1) has a criminal record notwithstanding that the record has been extinguished or cancelled;
- 2) who has committed a criminal offence earlier but has had the sentence waived because of the Statute of limitations, amnesty or pardon;
- 3) who has been charged with criminal liability but criminal proceedings were closed on non-rehabilitating grounds;
- 4) against whom criminal proceedings have started and investigation is proceeding;
- 5) who is or has been a permanent or temporary employee of the USSR or Latvian SSR State Security Committee, a foreign security service, reconnaissance or counter-reconnaissance service of the Armed Forces, agents, residents or keepers of safe houses of the aforesaid agencies;
- 6) who is or has been a members of organizations forbidden by the laws of the Republic of Latvia, resolutions of the Supreme Court or Court rulings after such organizations have been outlawed;
- 7) whose health condition prevents them from working as a Judge.

Article 40. Training

(1) The number of trainees, the length of and procedure for training shall be determined by the Council of Justice with a view to ensure a sufficient reserve of appropriately trained candidate Judges. The length of the training shall be one month to a year, taking into account the professional level of the candidate.

(2) If there is a vacancy for a trainee, the Council of Justice shall place a notice in the official newspaper, inviting applicants to apply for the vacancy.

(3) The applicant, when applying for the vacancy, shall produce identification and submit documents proving his/her compliance with the requirements set out in Sub-clauses 2) and 3) of Article 36 of this Law.

(4) A commission formed by the Council of Justice shall evaluate, by a procedure determined by the Council of Justice, the qualifications, experience and suitability of the candidate for the office of a Judge, and shall recommend the person most suited for judgeship for approval by the Council of Justice.

(5) Interested persons may appeal the decisions of the aforesaid commission to the Council of Justice.

(6) The Council of Justice may determine that working experience as an assistant Judge or another similar position may be considered equal to the period of training.

(7) The Chairperson of the relevant Court shall sign an employment contract with the trainee for the length of training in accordance with the sample contract duly approved by the Council of Justice.

Article 41. Judges Qualification Test

(1) The Judges qualification test shall be given by the Judges Qualification Board.

(2) The procedure for the qualification test that must be passed by the candidate, shall be determined by the Council of Justice.

Chapter 7. Confirming a Judge in office.

Article 42. Nomination of candidate Judges

(1) A candidate Judge shall be nominated by the Council of Justice on the basis of the opinion of the Judges Qualification Board.

(2) When a vacancy occurs for the position of a Judge, the Judicial Administration shall place a notice in the official newspaper and invite applicants to submit applications by a certain date, not less than 10 days away.

Article 43. Procedure for appointing and confirming District (Town) Court and Administrative Court Judges

(1) District (Town) and Administrative Court Judges shall be appointed by the Saeima at the recommendation of the Council of Justice for a term of three years.

(2) After completion of the three years in office, a District (Town) or Administrative Court Judge may be confirmed in office by the Saeima at the recommendation of the Council of Justice for an indefinite term.

(3) In the event the Judge's work has been unsatisfactory, the Council of Justice, in accordance with the opinion of the Judges Qualification Board, shall not nominate the Judge for confirmation in office.

(4) The term indicated in Clause (1) of this Article shall not include the time when the Judge had been away from work due to illness or other good cause for longer than four months at a time.

Article 44. Procedure for appointing and confirming Regional, Administrative Appellate and Supreme Court Judges

A Regional, Administrative Appellate and Supreme Court Judge shall be confirmed in office by the Saeima at the recommendation of the Council of Justice for an indefinite term

Article 45. Confirming a Judge in office at another or a lower instance Court

The Council of Justice, bearing in mind the provisions of Clause (2) of Article 42, may confirm, with the written consent of the Judge in question:

- 1) a Land Books Section Judge to another Land Books Section;
- 2) a District (Town) Court Judge to another District (Town) Court or an Administrative Court;
- 3) an Administrative Court Judge to another Administrative or a District (Town) Court;
- 4) a Regional Court Judge to another Regional Court, the Administrative Appellate Court or a District (Town) or Administrative Court;
- 5) a Judge of the Administrative Appellate Court - to a Regional, District (Town) or Administrative Court;
- 6) a Supreme Court Judge to a Regional Court, the Administrative Appellate Court, a District (Town) or Administrative Court.

Article 46. Honourable Judge

The Council of Justice may recommend to the Saeima to grant the title "Honourable" to a Judge who has worked in good faith and has retired from judgeship.

Chapter 8. Lay Judges

Article 47. Requirements for a lay judge

A lay judge may be a Latvian citizen duly elected as provided by law:

- 1) between the ages of 30 and 70 years;
- 2) has an irreproachable reputation;
- 3) is fluent in Latvian to the highest level of fluency;
- 4) is not subject to any of the restrictions set out in Article 39.

Article 48. Number of lay judges

The number of lay judges in each District (Town) Court shall be determined by the Council of Justice.

Article 49. Election of lay judges

(1) Lay judges shall be elected by the District (Town) municipal council for a term of five years.

(2) The election of lay judges shall be regulated by a special law.

Article 50. Summoning lay judges to Court

(1) A lay judge shall be summoned to perform his/her duties in Court by a draw for a period of not more than one month, except in cases, when a need arises to extend this period in order to ensure his/her participation to complete an ongoing hearing of a case.

(2) A summons to a lay judge to Court shall be binding to the lay judge as well as his/her employer or educational facility. A person ignoring such summons shall be held liable as provided by law.

Chapter 9. Symbols of Judicial Power

Article 51. Symbols of judicial power

The symbols of judicial power shall be the Judges' oath, robes and chain of office, as well as the oath of a lay judge.

Article 52. The Judges' Oath

(1) A Judge, when first taking up office, shall swear the following oath:

“ I, _____ taking up the duties of a Judge, am aware of the responsibility entrusted to me and swear to be honest and just, loyal to the Republic of Latvia, search for the truth at all times, never betray it, and try cases in accordance with the Constitution of the Republic of Latvia and its laws.”

(2) The Judges’ oath shall be accepted by the President of Latvia.

(3) The Judge shall take up his/her duties after swearing the oath.

Article 53. The lay judges’ oath

(1) A lay judge, elected for the first time, when taking up his/her duties shall swear the following oath:

“ I, _____ taking up the duties of a lay judge, am aware of the responsibility entrusted to me and swear to be honest and just, loyal to the Republic of Latvia, search for the truth at all times, never betray it, and try cases in accordance with the Constitution of the Republic of Latvia and its laws.”

(2) The oath of a lay judge shall be accepted by the Chairperson of the relevant Court.

(3) The lay judge shall take up his/her duties after swearing the oath.

Article 54. Procedure for swearing the Judges’ and lay judges’ oath

(1) The Judge or the lay judge shall solemnly read the oath. It is then signed by the Judge or the lay judge and the official accepting the oath.

(2) A Judge, except a Judge of the Land Books Section, shall swear the oath wearing his/her robes.

(3) Following the swearing of the oath, the President of Latvia shall hand the Judge his/her chain of office.

Article 55. Judges’ robes and chain of office

(1) A Judge shall perform his/her duties wearing his/her robes and chain of office.

(2) A Judge of the Land Books Section does not have robes, but has the chain of office of a Judge of the Land Books Section, which is handed to him/her when taking up his/her duties.

(3) The design of robes and chains of office shall be approved by the Council of Justice.

(4) The procedure for use of Judges robes and chain of office shall be set out in a by-law duly approved by the Council of Justice.

Article 56. A Judge’s and lay judge’s certificate

The Judicial Administration shall issue Judges and lay judges with a certificate, as approved by the Council of Justice.

Article 57. Seal of the Court and the Land Books Section

All Courts and Land Books Sections shall have a seal displaying the large Coat-of-Arms of the State and the name of the relevant Court or Land Books Section.

Chapter 10. Procedure for substituting for a Judge

Article 58. Substituting for a District (Town) or Administrative Court Judge

During a vacancy or a temporary absence of a Judge, the Council of Justice may temporarily, but not for longer than two years, instruct another District (Town), Administrative, Regional, Administrative Appellate Court Judge, an Honourable Judge, or a lay judge who complies with the requirements for a candidate Judge of the

appropriate Court, to perform the duties of a District (Town) or Administrative Court Judge, provided these persons have given their written consent.

Article 59. Substituting for a Regional or the Administrative Appellate Court Judge

(1) During a vacancy or a temporary absence of a Judge, the Council of Justice may temporarily, but not for longer than two years, instruct another Regional Judge or an Honourable Judge, to perform the duties of a Regional Court or the Administrative Appellate Court Judge, provided these persons have given their written consent.

(2) During a temporary absence of a Regional or the Administrative Appellate Court Judge, the Council of Justice, at the recommendation of the Judges Qualification Board, may instruct a District (Town) or Administrative Court Judge to substitute for him/her, provided this person has given his/her written consent.

Article 60. Substituting for a Supreme Court Judge

During a temporary absence of a Supreme Court Judge, the Council of Justice may instruct at the recommendation of the Judges Qualification Board, temporarily, but not for longer than two years, a Regional or the Administrative Appellate Court Judge to substitute for him/her.

Chapter 11. Termination of the term of office of a Judge or lay judge

Article 61. The maximum age for a Judge

(1) The maximum age of a District (Town), Administrative, Regional and the Administrative Appellate Court Judge shall be 65 years of age and for a Supreme Court Judge, 70 years of age.

(2) The Council of Justice may, with a positive recommendation of the Judges Qualification Board, extend the Judge's term of office for a period up to five years.

(3) In the event a Judge reaches the maximum age indicated in this Article while hearing a case, his/her term of office shall extend until completion of the trial.

Article 62. Resignation of a Judge before reaching the maximum age

A Judge may resign from his/her judgeship before the end of his/her term on his/her own volition, notifying the Council of Justice in writing a month in advance.

Article 63. Suspension and Dismissal of a Judge

(1) In the event the Saeima has consented to the start of criminal prosecution of a Judge, the said Judge shall be suspended until such time as a Court verdict in the relevant criminal process comes into legal force or the said criminal process is closed.

(2) In the event disciplinary charges are laid, the Chairperson of the Disciplinary Board, at the request of the person laying the disciplinary charges, may suspend the Judge from performing his/her duties until the hearing of the disciplinary case, but in cases when dismissal of the Judge has been recommended, until the Saeima has reached a decision.

Article 64. Dismissing or discharging a Judge from office.

(1) In the event a Judge is unable to continue to perform his/her duties due to health conditions, he/she shall be discharged from office by decision of the Council of Justice. Such a decision shall be adopted by a majority vote of the entire membership of the Council of Justice.

(2) In the event of a re-organization or reduction of the number of Judges of a Court, a Judge may be discharged by the Saeima at the recommendation of the Council of Justice

if it is not possible to offer the Judge employment at another Court of the same instance or he/she has declined such an offer.

(3) A Judge may be dismissed from office:

1) by the Council of Justice if a Judge is found guilty and the Court verdict has come into legal force;

2) by the Saeima on the basis of a decision of the Judges Disciplinary Board or the Supreme Court Disciplinary Senate.

Article 65. Dismissing or discharging a lay judge from performance of his/her duties

(1) A lay judge may resign his/her duties before the end of his/her term on his/her own volition, notifying the relevant Court and municipal Council in writing at least a month in advance.

(2) Following application of the Chairperson of the District (Town) Court, the District (Town) municipal council shall decide to dismiss a lay judge from his/her duties, if he/she:

1) has been found guilty of committing a criminal offence and the Court verdict has come into legal force;

2) has breached the law in the trying of a case;

3) has committed a shameful action not compatible with the status of a lay judge.

Chapter 12. Rights and obligations of a Judge and lay judge

Article 66. Rights and freedoms of a Judge

(1) A Judge shall enjoy his/her human rights and freedoms in a way that the respect and honour, objectivity and independence of the Court and the judiciary may not be impaired.

(2) Judges may form organizations protecting their independence and defend their rights and interests.

(3) The office of a Judge shall not be compatible with membership in Parties or other political organizations.

(4) A Judge may not strike.

(5) A Judge shall become involved in the judicial self-governance by taking part in the general meetings of the relevant Court, jurisdiction or Judges, voting on decisions and submitting recommendations for the agenda.

(6) A Judge may participate in institutions established for the continued education of Judges or for the purpose of achieving other goals for the development of judicial power.

Article 67. Guarantees for a Judge's safety

A Judge shall be entitled to protection of his/her own person and property and that of his/her family.

Article 68. Duties of a Judge and a lay judge

(1) A Judge and a lay judge, when trying a case, shall comply with the requirements of the law precisely, ensure protection of human rights, freedoms, honour and dignity, be just and humane.

(2) A Judge shall ensure that lay judges have access to case material, existing laws and their application and the procedure for realizing their rights.

(3) A Judge or a lay judge may not disclose the secrets of Judges' discussions and confidential information obtained at closed Court sessions.

(4) Outside the Court, a Judge and a lay judge shall avoid all things which may reduce judicial authority and respect or cause doubt on their objectivity and fairness and observe other norms of the Judges Code of Ethics.

Chapter 13. Disciplinary Liability of Judges

Article 69. Grounds for charging a Judge with disciplinary liability

(1) A Judge may be charged with disciplinary liability in the following cases:

- 1) a deliberate breach of the law while hearing a case;
- 2) failure to perform his/her duties of office or negligence during the hearing of a case or application of the law;
- 3) undignified behaviour;
- 4) administrative violation;
- 5) refusal to resign membership in Parties or political organizations;
- 6) violation of restrictions provided in the law "On Prevention of Conflict of Interests in the Activities of State Officials";
- 7) serious violations of norms of the Judges Code of Ethics.

(2) Revocation of a Court verdict or ruling shall not be grounds per se to charge with liability a Judge who had taken part in the decision making, unless he/she has committed a deliberate breach of the law, been negligent or careless in the application of law.

(3) The merging of duties of judgeship with a position in an organization established for the purposes indicated in Clauses (2) and (6) of Article 66 of this Law, shall not be considered violation of restrictions set out in the law "On Prevention of Conflict of Interests in the Activities of State Officials".

Article 70. Laying disciplinary charges

(1) Disciplinary charges may be laid by:

- 1) the Council of Justice, against any Judge in all cases indicated in Article 69 of this Law;
- 2) Chairman of a Court against a Judge of his/her Court in all cases indicated in Article 69 of this Law;
- 3) Head of a Land Books Section against a Judge of the Land Books Section in all cases indicated in Article 69 of this Law;
- 4) Chairperson of the Supreme Court, also against a Judge of a Court of lower instance or a Judge of a Land Books Section in cases indicated in Sub-clauses 1) and 2) of Article 69 of this Law;
- 5) Chairpersons of Regional Courts also against Judges of District (Town) Courts and Land Books Sections in cases indicated in Sub-clause 1) of Clause (1) of Article 69 of this Law;
- 6) Chairperson of the Administrative Appellate Court also against a Judge of the Administrative Court in cases indicated in Sub-clause 1) of Clause (1) of Article 69 of this Law;
- 7) Chairperson of a District (Town) Court also against a Judge of the Land Books Section in all cases indicated in Article 69 of this Law.

(2) The person entitled to lay disciplinary charges shall check the information on the offence indicated in Article 69 of this Law committed by the Judge and request a written explanation from the Judge.

- (3) In the event the person laying disciplinary charges finds during such check that grounds exist to initiate a disciplinary case, he/she shall adopt a decision, indicating:
- 1) the circumstances of the committed offence, found during the prior check;
 - 2) the day the offence was discovered;
 - 3) grounds for laying disciplinary charges, indicating the Sub-clause of Article 69 of this Law according to which the Judge may be charged with disciplinary liability.
- (4) The decision together with material of the prior check shall be forwarded to the Judges Disciplinary Board.
- (5) A Judge charged with disciplinary liability shall be advised of the completion of the check and a time when he/she may examine the test materials.
- (6) A Judge charged with disciplinary liability may examine the relevant case material, provide explanations and submit requests.
- (7) Until the case is heard, the person laying the charges may withdraw same by a motivated decision to the Judges Disciplinary Board.

Article 71. Disciplinary punishment

- (1) The following disciplinary punishment may be imposed on a Judge:
- 1) reproof;
 - 2) reprimand;
 - 3) reduction of the judgeship salary for a time up to one year, withholding 20% of the judgeship salary.
- (2) When imposing a disciplinary punishment, the nature of the violation, its consequences, the degree of the Judge's fault as well as information describing his/her character and previous record of service should be taken into consideration.
- (3) Only one disciplinary punishment may be imposed for each violation.
- (4) Imposing a disciplinary punishment shall not waive the Judge's criminal and civil liability, except in cases indicated in Clause (7) of Article 8 of this Law.

Article 72. Deadlines for imposing disciplinary punishment

Disciplinary punishment may be imposed on a Judge not later than three months following the date the violation was discovered, and only after the Judge has been given opportunity to give his/her explanations, but not later than two years following the date the violation was committed.

Article 73. Judges Disciplinary Board

- (1) Cases of Judges' disciplinary and administrative violations shall be heard by the Judges Disciplinary Board.
- (2) The Judges Disciplinary Board shall consist of:
- 1) Deputy Chairperson of the Supreme Court;
 - 2) a Judge of the Civil Case Senate of the Supreme Court;
 - 3) a Judge of the Criminal Case Senate of the Supreme Court;
 - 4) a Judge of the Administrative Case Senate of the Supreme Court;
 - 5) the Chairperson of a Regional Court;
 - 6) a Judge of a Regional Court;
 - 7) a Judge of the Administrative Appellate Court;
 - 8) the Chairperson of a District (Town) Court;
 - 9) a Judge of a District (Town) Court;
 - 10) the Chairperson of an Administrative Court;
 - 11) a Judge of an Administrative Court;

12) a Judge of a Land Books Section.

(3) Members of the Judges Disciplinary Board (except the Deputy chairperson of the Supreme Court) shall be elected by secret vote by the Conference of Judges for a term of four years.

(4) The Chairperson of the Judges Disciplinary Board and his/her Deputy shall be elected by secret vote by the Judges Disciplinary Board from among their members. The Chairperson of the Judges Disciplinary Board shall manage and organize the work of the Board, convene meetings of the Disciplinary Board and perform other functions as provided by law.

(5) Meetings of the Judges Disciplinary Board may be attended in an advisory capacity by the Minister of Justice and the Prosecutor General or persons duly authorized by them, as well as persons authorized by the Latvian Judges Organization.

(6) The Founding Law of the Judges Disciplinary Board shall be approved by the Council of Justice.

(7) The operations of the Judges Disciplinary Board shall be financially and materially ensured by the Judicial Administration.

(8) The term of a member of the Disciplinary Board shall terminate also if the term of his/her judgeship terminates or disciplinary punishment is imposed on him/her. In this case, the regular Conference of Judges shall elect another member of the Disciplinary Board for a term of four years as provided in Clauses (2) and (3) of this Article.

(9) A member of the Judges Disciplinary Board shall cease to act on the Disciplinary Board for a time when he/she is charged with disciplinary or criminal liability but the case has not been heard.

(10) The Judges Disciplinary Board shall submit once a year a report on its activities to the Council of Justice and the Conference of Judges.

(1) Members of the Disciplinary Board shall be remunerated for their work on the Board as provided in Article 199 of this Law.

Article 74. Deadlines for hearing disciplinary cases

(1) The Judges Disciplinary Board shall hear disciplinary cases not later than within a month of receiving the case, not including the time when the Judge who has been charged with disciplinary liability suffers from a temporary inability to work.

(2) The Judges Disciplinary Board may extend the deadline indicated in Clause (1) of this Article, if the Judge is on vacation or is unable to appear before the Board for justifiable reasons.

Article 75. Preparing a disciplinary case for hearing

(1) Until the start of a hearing of a disciplinary case, the Chairperson of the Judges Disciplinary Board may instruct one of its members to additionally check whether there are grounds to charge the Judge with disciplinary liability. If necessary, additional documents and material may be requested, as well as of Court cases during the hearing of which the Judge had committed the violation.

(2) The person initiating the disciplinary case and the Judge who has been charged with disciplinary liability shall be advised of the time and place of the meeting of the Disciplinary Board where the disciplinary case will be heard, not later than seven days before the meeting.

Article 76. Procedure for hearing disciplinary cases

- (1) The Judges Disciplinary Board shall hear a disciplinary case before its Chairperson or his/her Deputy and not less than four members of the Board. If the disciplinary charges were laid by a member of the Board, this member shall not take part in adopting a ruling.
- (2) The Judge who has been charged with disciplinary liability shall attend the meeting of the Disciplinary Board. If the Judge has failed to appear for no good cause, the Disciplinary Board may hear the case in his/her absence.
- (3) The person who laid the charges or his/her representative and other Judges may attend the hearing of the disciplinary case.
- (4) The Chairperson of the meeting shall declare the meeting opened and announce the contingent of the Judges Disciplinary Board. Before the hearing of the case the Judge charged with disciplinary liability may submit a rejection to the members of the Disciplinary Board which the Disciplinary Board shall review.
- (5) Hearing of a disciplinary case shall begin with the report of the Chairperson of the meeting or a member of the Judges Disciplinary Board. Next, the Disciplinary Board shall hear arguments of the Judge who has been charged with disciplinary liability and, if necessary, other persons invited to the meeting, examine case material and other documents.
- (6) The Judge who has been charged with disciplinary liability may at any time during the meeting, before the Disciplinary Board leaves to discuss a ruling, give arguments and submit requests.
- (7) Minutes shall be taken at meetings of the Judges Disciplinary Board.

Article 77. Adopting a ruling

- (1) When adopting a ruling in a disciplinary case, only members of the Judges Disciplinary Board may be present.
- (2) The Judges Disciplinary Board may adopt a ruling to:
 - 1) impose a disciplinary punishment;
 - 2) forward the case material to the Office of the Prosecutor General to decide whether criminal charges should be laid;
 - 3) recommend to dismiss the Judge from office;
 - 4) dismiss the disciplinary case.
- (3) The Judges Disciplinary Board shall dismiss a disciplinary case:
 - 1) if the charges were laid without grounds;
 - 2) if the deadlines for charging a Judge with disciplinary liability indicated in Article 72 of this Law have expired.

- (4) In exceptional cases the Judges Disciplinary Board may limit itself to review the disciplinary case at a meeting without imposing a disciplinary punishment.

Article 78. Procedure for adopting a ruling and its content

- (1) A ruling in a disciplinary case shall be adopted by a majority vote of those members of the Disciplinary Board who had taken part in the hearing of the case. The ruling shall be made in writing and signed by the Chairperson of the meeting and members of the Disciplinary Board. The ruling shall also be signed by the member of the Disciplinary Board who had voted against it. He/she shall write down his/her personal opinion and attach same to the disciplinary case file.
- (2) The ruling in a disciplinary case shall indicate:
 - 1) the contingent of the Judges Disciplinary Board;
 - 2) time and place of the hearing of the case;

- 3) the name, surname and title of the Judge charged with disciplinary liability;
 - 4) circumstances of committing the disciplinary or administrative violation and grounds for charging the Judge with disciplinary liability;
 - 5) arguments of the Judge and information describing his/her character and previous work as a Judge;
 - 6) motivation of the ruling based on proof;
 - 7) the ruling of the Judges Disciplinary Board concerning a disciplinary punishment, dismissal of the disciplinary case, recommendation to dismiss the Judge from office and forwarding the disciplinary case material to the Office of the Prosecutor General;
 - 8) procedure for appealing the ruling.
- (3) The ruling adopted in the disciplinary case shall be announced at a meeting of the Judges Disciplinary Board.

Article 79. Providing a copy of the ruling

Not later than three days of announcing the ruling, a copy thereof shall be handed or forwarded to the subject Judge and the person who had laid the disciplinary charges. A copy of the ruling shall be included in the Judge's file (dossier).

Article 80. Appealing the ruling

- (1) The Judge may appeal the ruling in the disciplinary case to the Disciplinary Senate of the Supreme Court within seven days of the day of receiving the ruling. The appeal shall be submitted to the Judges Disciplinary Board.
- (2) The decision mentioned in Sub-clause 2) of Clause (2) of Article 77 of this Law may not be appealed.

Article 81. Procedure for reviewing appeals

- (1) An appeal to have the ruling adopted in a disciplinary case revoked or amended shall be reviewed by the Disciplinary Senate of the Supreme Court.
- (2) The Judge who has filed the appeal may attend the meeting of the Disciplinary Senate. This Judge shall be advised of the time and place of reviewing the appeal not later than seven days before the date of the review.
- (3) When reviewing an appeal, the Disciplinary Senate may:
 - 1) uphold the ruling as it stands and dismiss the appeal;
 - 2) revoke the ruling and hear the disciplinary case anew, adopting one of the rulings mentioned in Clause (2) of Article 77 of this Law;
 - 3) amend the ruling and impose another disciplinary punishment on the Judge.
- (4) A copy of the decision on the appeal shall be forwarded the subject Judge within three days of the decision to, the person who had laid the disciplinary charges and the Judges Disciplinary Board.

Article 82. Forwarding the disciplinary case material to the Office of the Prosecutor General or the Saeima

- (1) In the event the Judges Disciplinary Board or the Disciplinary Senate has adopted a decision to forward the disciplinary case material to the Office of the Prosecutor General to decide whether to lay criminal charges, the copy of this decision together with the disciplinary case material shall be forwarded to the Prosecutor General within three days of adopting the decision.
- (2) In the event the Judges Disciplinary Board has adopted a ruling to recommend to dismiss the Judge from office and this ruling was not appealed, a copy of this ruling

together with the disciplinary case material shall be forwarded to the Saeima within three days of the expiry date for appealing the ruling. If this decision was made by the Disciplinary Senate, a copy and the disciplinary case material shall be forwarded to the Saeima within three days of adopting the decision.

(3) In the event the Saeima sees no grounds for dismissing the Judge from office, or the Prosecutor General to lay criminal charges, the disciplinary case shall be returned to the Judges Disciplinary Board or the Disciplinary Senate respectively, who then shall review the case again.

(4) The time that has elapsed from the moment of originally receiving the case material by the Judges Disciplinary Board or the Disciplinary Senate of the Supreme Court until its return shall not be included in the term provided in Article 72 for imposing disciplinary punishment and, if the material was forwarded by the Judges Disciplinary Board, also the deadlines provided in Article 74 for hearing the disciplinary case before the Disciplinary Board.

Article 83. Extinguishing a record of disciplinary punishment

The disciplinary punishment shall be considered extinguished if within a year of its being imposed the Judge does not commit another punishable disciplinary violation

Chapter 14. Judges qualifications

Article 84. Duty of Judges to participate in continued education

It shall be the duty of Judges to participate in continued education:

- 1) on their own, reading normative acts and special literature;
- 2) attending training seminars and other educational programmes.

Article 85. Judges Qualification Board

(1) The Judges Qualification Board is a self-regulating institution of Judges with a view to strengthen the professional independence of the judiciary.

(2) The Judges Qualification Board shall be made up of eleven members. Members of the Judges Qualification Board shall be elected by the Conference of Judges by secret vote for a term of three years. The Judges Qualification Board shall consist of:

- 1) a Judge of the Civil Case Senate of the Supreme Court;
- 2) a Judge of the Criminal Case Senate of the Supreme Court;
- 3) a Judge of the Administrative Case Senate of the Supreme Court;
- 4) two Regional Court Judges;
- 5) two District (Town) Court Judges;
- 6) two Administrative Court Judges;
- 7) a Judge of the Administrative Appellate Court;
- 8) a Judge of a Land Books Section.

(3) Meetings of the Judges Qualification Board may be attended in a consulting capacity by the Chairperson of the Saeima Legal Commission, the Minister of Justice, the Prosecutor General, the Chairman of the Supreme Court, rectors of accredited Universities offering studies of the law, deans of faculties of law or authorized representatives of the aforesaid persons as well as an authorized representative of the Latvian Organization of Judges.

(4) The Chairman and his/her Deputy of the Judges Qualification Board shall be elected by the Judges Qualification Board from their midst.

(5) The Founding Law of the Judges Qualification Board shall be approved by the Council of Justice.

(6) Meetings of the Judges Qualification Board shall be open for business if not less than seven members of the Board are present at the meeting.

(7) Meetings of the Board shall be convened and their agenda determined by the Chairperson of the Board or, in his/her absence, the Deputy chairperson.

98) The Judges Qualification Board shall once a year submit a report on its activities to the Council of Justice and the Conference of Judges.

(9) The operations of the Judges Qualification Board shall be ensured financially and materially by the Judicial Administration.

(10) Members of the Board shall be remunerated for their work on the Board as provided in Article 119 of this Law.

Article 86. Authority of the Judges Qualification Board

The Judges Qualification Board shall:

1) evaluate the qualifications of every candidate Judge nominated for the first time for judgeship and give the candidate Judge's examination;

2) determine the qualification supplement for Judges or decline to determine same, and decide on withdrawal of the said supplement;

3) in cases provided by this Law, give its opinion to the Council of Justice on candidates for the office of Chairpersons of Courts and on dismissal from office of Chairpersons of Courts and their deputies.

Article 87. The Candidate Judge's Examination

(1) Following the period of practical training, the candidate Judge shall within one week submit to the Judges Qualification Board:

1) application;

2) copies of personal identification documents and diplomas, producing their originals;

3) a reference from the Chairperson of the Court where the candidate had completed his/her training;

4) his/her own report on the training.

(2) Having received the documents indicated in Clause (1) of this Article, the Judges Qualification Board shall immediately determine the date for the examination not later than one month of the date of submission of documents and advise the candidate Judge accordingly.

(3) The candidate shall sit for the examination in accordance with the procedure set down by the Council of Justice. The programme of the examination shall be available to the candidate at least a month before completion of the training.

(4) The Judges Qualification Board shall evaluate results of the examination and prepare an opinion on the readiness of the candidate for a judgeship. The candidate may appeal this opinion to the Council of Justice within seven days of receiving a copy thereof.

(5) The Judges Qualification Board shall forward this opinion together with the candidate's documents to the Council of Justice not later than one month from the day of the examination.

(6) In the event the Board finds the examination results unsatisfactory and the candidate's readiness for judgeship insufficient, the candidate may take the examination again once,

without repeating the training, not sooner than 6 months later but not later than two years from the date of the first examination.

Article 88. Qualification supplement

(1) The Judges Qualification Board shall determine a qualification supplement for Judges, provided the Judge has attended continued educational training and improved his/her professional knowledge and skills within the period of time provided by law.

(2) A Judge may be granted the qualification supplement of 3% of his/her judgeship pay after four years in office.

(3) Subsequent qualification supplements may be granted every four years. Each supplement shall be higher by 3% of the judgeship pay. The qualification supplement may not exceed 18% of the judgeship pay.

(4) In order to have the qualification supplement granted, the Chairperson of the relevant Court shall submit the following documents to the Judges Qualification Board:

- 1) application of the Judge;
- 2) documents proving completion of continued education training during the period since the previous grant of the qualification supplement;
- 3) reference of the Chairperson of the Court;
- 4) the Judge's personal file (dossier).

(5) The Chairperson of the Court shall submit the documents indicated in Clause (4) of this Article not sooner than three years and ten months after the date the Judge was appointed to or confirmed in office or he/she had a qualification supplement granted. The Qualification Board shall adopt a decision within one month.

(6) Following submission of the documents indicated in Clause (4) of this Article, the Judges Qualification Board shall adopt one of the following decisions:

- 1) grant the Judge a qualification supplement;
- 2) decline to grant the supplement, recommending, if necessary, a course for the Judge to take to improve his/her professional knowledge and skills.

(7) The Qualification Board may withdraw a Judge's latest qualification supplement of 3%, if the Judge's professional knowledge and qualifications do not correspond to the requirements of the supplement.

(8) In the event there is reason to doubt the Judge's qualifications, the following may recommend that the supplement be withdrawn:

- 1) the Council of Justice;
- 2) the Judges Disciplinary Board;
- 3) the Chairperson of the Court in question.

(9) The decisions mentioned in Clauses (6) and (7) of this Article may not be appealed.

(10) In the event application for the qualification supplement has been refused or the supplement was withdrawn, the Chairperson of the Court may recommend granting of it not sooner than six months later.

Chapter 15. Conference of Judges

Article 89. Conference of Judges

(1) The Conference of Judges shall be a Judges' self-regulating institution. All Judges shall take part in its work.

(2) The Conference of Judges shall:

- 1) review current matters of judicial practice;
 - 2) discuss essential matters of the Judges' work as well as issues related to the financial and social guarantees of Judges;
 - 3) offer recommendations concerning organization of Court work;
 - 4) elect the Judges Qualification Board by secret vote;
 - 5) elect the Judges Disciplinary Board by secret vote;
 - 6) approve the Judges Code of Ethics.
- (3) A conference of Judges of Departments of Land Books may be convened to discuss current issues concerning registration of real property and issues related to registration of rights involved therein.

Article 90. Convening the Conference of Judges

- (1) The regular Conference of Judges shall be convened by the Judicial Administration once every year:
- 1) on behalf of the Council of Justice;
 - 2) at the request of not less than one third of all Judges.
- (2) If necessary, emergency Conferences of Judges may be called.

SECTION V ADMINISTRATION OF COURTS

Chapter 16. Administration of Courts

Article 91 The purpose of administration of Courts

The purpose of administration of Courts is to create proper working conditions in Courts, especially with regard to Judges and Court staff, as well as the economic and financial conditions of Courts, to ensure proper application of the functions of judicial power and its independence.

Article 92. Institutions administering Courts

- (1) For the purposes of this Law, Courts shall be administered by the Judicial Administration and the Chairperson and his/her Deputy of each Court.
- (2) Administration of Courts shall be monitored by the Council of Justice.

Chapter 17. Judicial Administration

Article 93. Legal status of Judicial Administration

- (1) The Judicial Administration shall operate in accordance with this Law and the Founding Law of the Judicial Administration duly approved by the Council of Justice.
- (2) The Judicial Administration shall be a legal person.
- (3) The Judicial Administration shall be financed from the National Budget.

Article 94. The Director General of the Judicial Administration

- (1) The Director General of the Judicial Administration shall:
- 1) manage and organize the work of the Judicial Administration;
 - 2) be responsible for the performance of functions of the Judicial Administration;
 - 3) determine the staff list of the Judicial Administration and its remuneration within its budget;
 - 4) hire and fire the staff of the Judicial Administration;

5) be entitled to issue instructions to any member of the staff of the Judicial Administration;

6) represent the Judicial Administration without special authorization;

7) sign decisions and other documents on behalf of the Judicial Administration;

8) prepare and submit to the Council of Justice material to enable it to decide on charging a Judge with disciplinary liability;

9) approve job descriptions of Court staff;

10) perform other duties as provided in the Founding Law of the Judicial Administration.

(2) The Director General of the Judicial Administration shall be appointed by the Council of Justice for a term not to exceed seven years. The Chairperson of the Council of Justice shall issue an order for the appointment of the Director General of the Judicial Administration.

(3) The Council of Justice shall place a notice in the newspaper "Latvijas Vestnesis" announcing an open competition for the vacant position of the Director General of the Judicial Administration.

Article 95. Authority and Duties of the Judicial Administration

(1) The Judicial Administration shall:

1) organize and carry out training and continued education of Judges and Court staff;

2) write and sign contracts for the administration of Courts;

3) manage maintenance of Court buildings;

4) estimate income and expenditure resources of Court budgets and analyze economic indicators;

5) draw up estimates and plans for financing, monitor cash flow and performance of Court budgets;

6) draft plans for the introduction and replacement of information technology.

7) ensure computer and data network operation;

8) be responsible for the use and upkeep of the electronic Land Books system;

9) be responsible for the use and upkeep of the information system of Courts;

10) organize statistics on compilation of Court work, systematization, analysis and publication of judicial practice

11) receive instructions binding to the Courts and provide recommendations, suggestions and consultations on organization of Court work.

(2) The Judicial Administration shall ensure the work of the Council of Justice. It shall perform the functions of the Council's Secretariat and draft decisions of the Council and perform other duties on behalf of the Council of Justice.

(3) The Judicial Administration shall also perform other duties and apply other authority as provided in its Founding Law and whatever actions are necessary to perform the duties set out in Article 91 of this Law.

Chapter 18. Functions of the Chairperson of a Court in Court administration

Article 96. Functions of the Chairperson of a Court in Court administration

(1) The Chairperson of the Court shall be responsible for the day-to-day work of the Court.

(2) The Chairperson of the Court shall:

- 1) administrate Court work;
- 2) designate Judges to be the Presiding Judge of a session and allocate other duties to the Judges;
- 3) prepare documentation in relation to Judges taking up their office, issue instructions concerning Judges vacations, business travel and other instances, organize administration of personnel matters of Judges;
- 4) approve the Court staff list within the Court budget;
- 5) hire and fire Court staff, issue instructions concerning staff vacations, business travel and other instances, administer staff personnel files;
- 6) organize the provisioning of the Court (equipment, office supplies, legal literature etc.);
- 7) handle the special budget of the Court;
- 8) Organize and monitor bookkeeping and financial statements of the Court;
- 9) draw up application for Court budget and submit same to the Judicial Administration;
- 10) handle the payroll for Judges and Court staff;
- 11) perform other duties in relation to the day-to-day work of the Court.

(3) When performing the activities mentioned in Sub-clauses 3), 4) and 5) of Clause (2) of this Article in relation to the Land Books Section, its Judges and staff, the Chairperson of the Court shall co-ordinate same with the Head of the Land Books Section.

Article 97. Functions of the Head of the Land Books Section in the administration of the Land Books Section

(1) The Head of the Land Books Section shall be responsible for the day-to-day work of the Section.

(2) The Head of the Section shall:

- 1) administer work of the Section;
- 2) allocate duties to Judges of the Section;
- 3) perform other duties related to the day-to-day work of the Section if they are outside the competence of the Chairperson of the Court.

SECTION VI COURT STAFF AND PERSONS PART OF THE JUDICIAL SYSTEM

Chapter 19. Court Staff

Article 98. Court staff list

(1) The Court staff list shall be approved by the Chairperson of the relevant Court within its budget.

(2) Each Court shall have at least one:

- 1) Deputy Chairperson of the Court;
- 2) Court consultant;
- 3) Assistant Judge;
- 4) Office manager;
- 5) Office secretary;
- 6) Court secretary;

- 7) Court interpreter;
- 8) Archive manager;
- 9) Bookkeeper;
- 10) Court administrator - at a Court where there are at least 8 Judges working (not including Judges of the Land Books Section).

(3) If necessary, a Court should also have:

- 1) a Court messenger;
- 2) economist;
- 3) informant;
- 4) Court police office;
- 5) public relations specialist;
- 6) other staff.

Article 99. Job descriptions of Court staff

General job descriptions of Court staff shall be prepared by the Judicial Administration and approved by its Director General.

Article 100. Hiring and firing Court staff

Court staff shall be hired and fired by the Chairperson of the relevant Court in accordance with the Labour Law.

Chapter 20. Persons part of the judicial system

Article 101. Sworn advocates

(1) Sworn advocates are Court officers and part of the judicial system providing legal assistance and performing other duties in accordance with the law. Sworn advocates are part of the Regional Courts.

(2) In cases provided by law assistant sworn advocates shall also have the rights and obligations of sworn advocates.

(3) Activities of sworn advocates are described in the Law on Advocature.

(4) Other persons representing persons in Court by way of authorization, shall not have the rights and obligations of sworn advocates.

Article 102. Sworn Notaries

(1) Sworn Notaries are persons part of the judicial system at Regional Courts and perform duties as provided by law.

(2)) In cases provided by law assistant sworn notaries shall also have the rights and obligations of sworn notaries.

(3) Activities of sworn notaries are described in the Law on Notaries.

Article 103. Sworn Court Executors (Bailiffs)

(1) Sworn Court executors are persons part of the judicial system at Regional Courts and execution rulings of the Court and other institutions and other duties as provided by law.

(2) Activities of sworn Court executors are described in the Law on Court Executors.

SECTION VII MATERIAL PROVISION

Chapter 21. Financing of the system of judicial power

Article 104. Financing of the system of judicial power

- (1) The system of judicial power shall be financed from the National budget.
- (2) The State shall ensure appropriate financing for the judicial power to perform its functions.

Article 105. Budgets of the system of judicial power and the Courts

- (1) The Council of Justice shall submit to the appropriate State institution request for the budget for the system of judicial power, and represent judicial power in the preparation and financial management of the National budget.
- (2) The budget of the system of judicial power shall include:
 - 1) budgets of the Supreme Court, Regional Courts, the Administrative Appellate Court, District (Town) Courts and Administrative Courts;
 - 2) budget of the Constitutional Court;
 - 3) budget of the Prosecutor's Office;
 - 4) budget of the Judicial Administration.
- (3) The budget request of the system of judicial power, after it is approved by the Council of Justice, shall be forwarded to the appropriate State institution for inclusion in the draft law on the National budget unchanged. The budget request of the system of judicial power shall not be changed prior to the draft law on National Budget being submitted to the Saeima without the consent of the Council of Justice.
- (4) Each Court shall have its own budget which is managed by the Chairperson of the Court as provided by law.

Chapter 22. Remuneration and social guarantees of Judges

Article 106. Basic pay, judgeship pay and monthly pay

- (1) A Judge's basic pay shall be determined by multiplying the average salary indicated in Clause (2) of this Article by the coefficients indicated in Appendix 1 to this Law, "Coefficients for determining Judges' basic and judgeship pay" under heading "Judges' basic pay".
- (2) Average salary for the purposes of this Law shall be the average monthly gross pay for an employee's main job determined in the official reports of the Central Statistical Service for the previous year (in relation to the budget year). The average wage shall be determined when preparing the budget request.
- (3) A Judge's judgeship pay shall be determined multiplying the average wage by the coefficients indicated in Appendix 1 to this Law, "Coefficients for determining Judges' basic and judgeship pay", which depend on the number of years the Judge has served in office.
- (4) A Judge's judgeship pay shall be reviewed every three years. When preparing the budget request for a year when a Judge's judgeship pay is not reviewed, Clause (1) of this Article shall not apply.
- (5) If a Judge is transferred:
 - 1) from a District (Town) Court, Administrative Court or a Land Books Section to a Regional Court, the Administrative Appellate Court or the Supreme Court;
 - 2) from a Regional Court or the Administrative Appellate Court to the Supreme Court,

his/her judgeship pay shall be calculated, applying a coefficient indicated in Appendix 1 to this Law, "Coefficients for determining Judges' basic and judgeship pay", that is lower by one period of time served.

(6) A Judge's judgeship pay may not be reduced, except in a case when a disciplinary punishment - reduction of judgeship pay - has been imposed as provided in this Law;

(7) A Judge's monthly salary, for the purposes of this Law, shall include the Judge's basic pay and judgeship pay as well as the qualification supplement.

(8) The monthly salary of the Chairperson of the Supreme Court and his/her Deputy shall include the judgeship pay, qualification supplement and a supplement for performing the duties of the Chairperson or his/her Deputy.

(9) A Judge shall receive a monthly salary and the supplements and benefits provided in this Law.

Article 107. Qualification supplement

A Judge shall receive a monthly qualification supplement as provided in Article 88 of this Law.

Article 108. Supplements for performing duties of the Chairperson of the Supreme Court or his/her Deputy

(1) The Chairperson of the Supreme Court shall receive a supplement for performing the duties of the Chairperson of 50% of his/her judgeship pay.

(2) The Deputy Chairperson of the Supreme Court shall receive a supplement for performing the duties of the Deputy Chairperson of 25% of his/her judgeship pay.

Article 109. Other types of remuneration for a Judge's services

In order to stimulate a Judge's performance, the Chairperson of the Court may grant additional pay to a Judge, within the limits of the Court budget, taking into account each Judge's workload.

Article 110 Remuneration for substitution

For the period of time when the persons indicated in Chapter 10 of this Law substitute for a Judge, they shall receive from the National Budget the judgeship pay of the Judge they replace as well as supplements provided in law, but in the event a Judge substitutes for a Judge of a lower instance Court, the judgeship pay and supplements which he/she would receive working in his/her own Court.

Article 111. A Judge's health and life insurance

The State shall mandatorily insure a Judge's life and health from the National Budget for an amount of 24 monthly judgeship pays.

Article 112. Benefits in case of a death in the family of a Judge

A Judge shall receive a benefit in the amount of one monthly salary in the case of the death of a family member or dependent.

Article 113. Benefit for the birth of a child

A Judge shall receive a benefit for the birth of a child in an amount of six monthly salaries. In the event both parents of the infant are Judges, or one parent is a Judge and the other a Civil Servant or another person entitled to receive the child birth benefit provided in the Law on Civil Service, only one parent shall be entitled to the benefit.

Article 114. Transfer benefit and compensation for expenses related to the transfer

In the event a Judge is transferred to another part of the country, he/she shall receive:

- 1) a transfer benefit in the amount of two monthly salaries;
- 2) re-imbusement of expenses incurred in the move.

Article 115. Annual vacation and vacation benefit

(1) A Judge shall be entitled to a paid annual vacation for each calendar year pursuant to the vacation schedule.

(2) The annual vacation shall be not less than five calendar weeks.

(3) Depending on the length of service, every five years the annual paid vacation shall be extended by three calendar days; however, the length of the annual paid vacation may not exceed seven weeks.

(4) A Judge upon leaving for vacation shall receive a vacation benefit in the amount of one monthly salary.

Article 116. Other absences

(1) A Judge may be granted leave without pay, maternity and birth leave, leave for the child's father, adoptive parent or another person, as well as child care leave, all as provided in the Labour Law.

(2) The Court Chairperson may grant a Judge leave with pay to attend continued education training within limits of the Court budget.

Article 117 Guarantees in the event of reduction of number of Judges

In the event a Judge is discharged from office because of reduction of the number of Judges, the Judge so discharged shall continue to draw his/her judgeship pay as it was on the day of discharge for six months from the day of discharge until taking up another position.

Article 118. Re-imbusement of tuition fees

A Judge who successfully continues to study the law, shall have his/her tuition fees paid.

Article 119. Remuneration for serving on the Council of Justice, Judges Qualification Board and Judges Disciplinary Board

A Judge shall be remunerated for attending meetings of the Council of Justice, Judges Qualification Board and Judges Disciplinary Board in an amount of the average monthly pay multiplied by coefficient 0.06 for each attendance.

Article 120. Pension

A Judge upon retiring shall receive a Judge's pension as provided in the Law on Judges Pensions.

Chapter 23. Remuneration of lay judges**Article 121. Remuneration of a lay judge**

(1) A lay judge who is unemployed shall receive remuneration for the time he/she performs duties at Court in an amount of 50% of the basic salary of a Judge at the relevant Court.

(2) A lay judge who is employed shall retain his/her average earnings at his/her place of employment as provided in the Labour Law but not more than 80% of the basic pay of a Judge at the relevant Court.

Article 122. Re-imbusement of travelling expenses

In the event the lay judge does not reside in the area of the location of the relevant Court, he/she shall be re-imbursed for his/her travel expenses.

Chapter 24. Remuneration and social guarantees of Court trainees and staff

Article 123. Remuneration of court trainees

(1) A Court trainee shall receive a salary during the period of training in the amount of 80% of the basic pay of a Judge at the relevant Court.

(2) A Court trainee shall not receive the supplements and benefits provided for Judges in the law nor do the social guarantees provided for Judges apply to trainees.

Article 124 Remuneration and social guarantees of Court staff

<i>Version 1</i>	<i>Version 2</i>
<p>(1) Remuneration of Court staff shall be determined by the Chairperson of the Court in accordance with Cabinet of Ministers Regulations.</p> <p>(2) Court staff shall be paid the following supplements to their salaries depending on length of service:</p> <p>1) up to 3 years - 6% of salary 2) 3 - 6 years - 10% of salary 3) 6 - 10 years - 14% of salary 10 - 15 years - 18% of salary 20 years and more - 22% of salary</p>	<p>(1) Salaries of Court staff shall be determined by multiplying the basic salary of a Judge of the relevant Court by the coefficients shown in Clause (2) of this Article.</p> <p>(2) The following coefficients shall be determined:</p> <p>1) to the salary of assistant Chairperson of the Court - 0.40 2) salary of assistant Judge - 0.38 3) salary of office manager - 0.30 4) salary of Court consultant - 0.30 5) salary of Court secretary - 0.20 6) salary of office secretary - 0.20 7) salary of Court interpreter - 0.30 8) salary of archivist- 0.20 9) salary of Court administrator - 0.22 10) salary of other specialists - 0.15</p>

Article 125. Social guaranties of Court staff

Court staff shall receive benefits and social guarantees as provided for civil servants in the Law on the Civil Service.

Chapter 25. Remuneration of staff of the Judicial Administration

Article 126. Remuneration of the Director General of Judicial Administration

Remuneration of the Director General of Judicial Administration shall be determined by the Council of Justice, taking into consideration the remuneration of specialists of relevant qualifications on the labour market.

Article 127. Remuneration of staff of Judicial Administration

Remuneration of the staff of the Director General of Judicial Administration shall be determined by the Director General of Judicial Administration within the limits of the budget of Judicial Administration.

Transitional Provisions

1. At the time this Law comes into effect, the following shall be null and void:

1) the Law "On Judicial Power" (Reporter of the Supreme Council of the Republic of Latvia 1993 No.1/2; (Reporter of the Saeima and Cabinet of Ministers of the

Republic of Latvia, 1994 I No.13; 1995, 10, No.22; 1996, 3, No.13; 1997,5,No.21; 1998, 22, No.23; 1999 No.23; 2001, No.24);

2) law on disciplinary liability of Judges ; (Reporter of the Saeima and Cabinet of Ministers of the Republic of Latvia, 1994 No.23, 1997 No.14; 1998 No.23).

2. Administrative Courts shall be established by January 5, 2005. Until such time as the Administrative Courts are established, their functions shall be performed by District (Town) Courts.

3. Until the appropriate amendments are made to procedural laws, Regional Courts shall continue to hear cases as Courts of first instance and the Supreme Court as a Court of appellate instance.

4. Court Chairpersons and their deputies appointed and confirmed prior to the effective date of this Law shall continue to perform their duties until the end of their term of office. Chairpersons of Regional Courts confirmed in office prior to the effective date of this Law shall not be discharged in accordance with the provisions of Clause (7) of Article 19 of this Law.

5. Until the appropriate amendments are made to procedural laws, the Senate, its Departments and Court Houses of the Supreme Court shall continue to operate. Procedure for changing these into Senates of the Supreme Court shall be determined by the general meeting of the Supreme Court.

6. A general meeting of the Supreme Court to establish the Disciplinary Senate shall be called within two months of this Law coming into force.

7. Chairpersons of Courts elected prior to the effective date of this Law shall continue to perform their duties to the end of their term of office.

8. Chairpersons of Regional Courts and the Chairperson of the Supreme Court shall convene the Judges' meetings as provided in Article 29 of this Law to elect members of the Council of Justice within two months of the effective date of this Law.

9. The first meeting of the Council of Justice shall be called by its Chairperson not later than within two weeks of the election of members of the Council of Justice as set out in Clauses (3) and (4) of Article 29 of this Law.

10. The existing Judges Disciplinary Board and Judges Qualification Board shall continue to perform their duties until the regular Conference of Judges.

11. Until the date the procedure for use of Judges robes and chains of office and their design as approved by the Council of Justice come into effect, these procedures shall be regulated by the relevant Acts approved by the Minister of Justice and the Chairperson of the Supreme Court.

12. When electing members of the Judges Disciplinary Board for the first time after this Law has come into effect, the following provisions shall be observed: one Judge of each of the Supreme Court, a Regional Court, a District (Town) Court, an Administrative Court and a Land Books Section shall be elected for a term of two years, the rest of the members of the Disciplinary Board shall be elected for a term of four years.

13. Sub-clauses 4 - 10 of Clause (2) of Article 96 and Clause (1) and Sub-clause 9 of Clause (2) of Article 98 of this Law shall come into effect on January 5, 2005.

14. Until January 1, 2005 the Judicial Administration shall perform the following functions of Chairpersons of Courts;

1) prepare documentation related to Judges taking up their office, issue instructions concerning Judges' vacations, business travel and other instances, organize management of Judges' personnel matters;

2) provision Court work (providing equipment, office supplies, legal literature etc.);

3) attend to Court bookkeeping reports and prepare financial statements.

15. Clause (4) of Article 105 of this Law shall come into effect on January 1, 2005.

16. Article 120 of this Law shall come into effect at the same time as the Law on Judges Pensions.

This Law shall come into effect on January 1, 2004.

Appendix 1 to the Law on Judicial Power. Coefficients to determine the basic pay and judgeship pay of Judges

Length of time served as Judge The Court	Period I Up to 3 years (Judge's basic pay)	Period II 3 - 6 years	Period III 6 - 10 years	Period IV 10 - 15 years	Period V 15 - 20 years	Period VI 20 years and more
Judges of District (Town) Courts, Administrative Courts and Department of Land Books	4.50	4.75	5.0	5.25	5.50	5.75
Deputy chairpersons of District (Town) Courts and Administrative Courts and Heads of Departments of Land Books	4.78	5.03	5.28	5.53	5.78	6.03
Chairpersons of District (Town) Courts and Administrative Courts	5.14	5.39	5.64	5.89	6.14	6.39
Regional Court Judges	5.31	5.56	5.81	6.06	6.31	6.56
Deputy Chairpersons of Regional Courts	5.44	5.69	5.94	6.19	6.44	6.69
Chairpersons of Regional Courts	5.63	5.88	6.13	6.38	6.63	6.88
Judges of the Supreme Court	5.81	6.06	6.31	6.56	6.81	7.06
Deputy Chairpersons of the Supreme Court	6.00	6.25	6.50	6.75	7.00	7.25
Chairperson of the Supreme Court	6.25	6.50	6.75	7.00	7.25	7.50