

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

- 5 June 1997 [shall come into force on 19 June 1997];
- 15 October 1998 [shall come into force on 12 November 1998];
- 11 December 2003 [shall come into force on 7 January 2004];
- 10 June 2010 [shall come into force on 1 August 2010];
- 8 October 2015 [shall come into force on 15 October 2015];
- 22 June 2017 [shall come into force on 19 July 2017];
- 6 September 2018 [shall come into force on 5 October 2018];
- 14 May 2020 [shall come into force on 11 June 2020].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following law:

Judicial Disciplinary Liability Law

This Law is applicable to judges of district (city) courts, regional courts, and the Supreme Court (hereinafter - the judges), prescribes the basis of their disciplinary liability, and governs the procedures for initiating and examining disciplinary cases. The Law also governs the procedures for the appeal and examination of the decisions by the Prosecutor General and the imposed disciplinary sanctions (hereinafter - the decision by the Prosecutor General) at the Disciplinary Court in the cases specified in the Office of the Prosecutor Law.

[22 June 2017; 14 May 2020]

Section 1. Basis for Subjecting a Judge to Disciplinary Liability

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

- 1) intentional violation of law during examination of a matter in court;
- 2) failure to perform his or her duties of employment or allowing gross negligence in the examination of a matter;
- 3) dishonourable actions or gross violation of the norms of the Judges Code of Ethics;
- 4) [14 May 2020 / See Paragraph 5 of Transitional Provisions];
- 5) refusal to discontinue his or her membership in parties or political organisations;

6) failure to observe the restrictions and prohibitions provided for in the Law on Prevention of Conflict of Interest in Activities of Public Officials.

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

[11 December 2003; 14 May 2020]

Section 2. Judicial Disciplinary Committee

(1) Matters concerning disciplinary offences by judges of district (city) courts, regional courts, and the Supreme Court shall be examined by the Judicial Disciplinary Committee.

(2) The Judicial Disciplinary Committee shall consist of one judge from the Department of Administrative Cases of

the Supreme Court, one judge from the Department of Civil Cases of the Supreme Court, one judge from the Department of Criminal Cases of the Supreme Court, one judge from the Regional Administrative Court, one judge from the Judicial Panel of Civil Cases of the regional court, one judge from the Judicial Panel of Criminal Cases of the regional court, one judge from the District Administrative Court, one judge from the Judicial Panel of Administrative Cases of the regional court, and two judges from district (city) courts whereof one has specialised in examination of civil cases, whereas the other - examination of criminal cases. The members of the Judicial Disciplinary Committee shall be elected by secret ballot for four years at a conference of judges.

(2¹) A member of the Judicial Disciplinary Committee may not concurrently be a member of the Judicial Council, a member of the Judicial Qualification Committee, a member of the Disciplinary Court or a member of the Judicial Ethics Commission.

(3) The Judicial Disciplinary Committee from amongst their own members shall elect the chairperson of the Judicial Disciplinary Committee and his or her deputy.

(4) The Minister for Justice and the Prosecutor General, or persons authorised by them, and also persons authorised by associations of judges may participate in the sittings of the Judicial Disciplinary Committee in an advisory capacity.

(5) The Judicial Disciplinary Committee shall act according to the by-laws approved by the Judicial Disciplinary Committee.

(6) The operation of the Judicial Disciplinary Committee shall be ensured by the Court Administration.

[15 October 1998; 11 December 2003; 10 June 2010; 8 October 2015; 22 June 2017; 6 September 2018; 14 May 2020 / The new wording of Paragraph one shall come into force on 1 July 2020. See Paragraph 5 of Transitional Provisions]

Section 2.¹ Disciplinary Court

(1) In accordance with this Law the Disciplinary Court shall be summoned at the Supreme Court in order to assess the rule of law of the decisions by the Judicial Disciplinary Committee and the decisions by the Prosecutor General in the cases specified in the Office of the Prosecutor Law.

(2) The Disciplinary Court shall consist of six judges of the Supreme Court (two judges from the Administrative Matters Department, the Criminal Matters Department, and the Administrative Matters Department) who are elected for five years by the Supreme Court plenary session.

(3) The Supreme Court plenary session shall approve the chairperson of the Disciplinary Court for five years amongst the members of the Disciplinary Court.

(4) The powers of the Disciplinary Court shall terminate, if term of office as a judge has terminated for him or her in the Civil Matters Department, the Criminal Matters Department, or the Administrative Matters Department or disciplinary sanction has been imposed on him or her. In such case the Supreme Court plenary session shall elect a new member of the Disciplinary Court for the term of office specified in Paragraph two of this Section.

(5) A member of the Disciplinary Court, if a disciplinary matter has been brought or criminal proceedings have been commenced against him or her, until examination of the disciplinary matter or completion of the criminal proceedings shall suspend his or her activities in the Disciplinary Court.

(6) A member of the Disciplinary Court may not concurrently be a member of the Judicial Council, a member of the Judicial Disciplinary Committee, a member of the Judicial Qualification Committee, or a member of the Judicial Ethics Commission.

(7) The work of the Disciplinary Court shall be ensured by the Administration of the Supreme Court.

[10 June 2010; 22 June 2017]

Section 3. Initiating Disciplinary Matters

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

1) the President of the Supreme Court - regarding judges of district (city) courts, regional court, and the Supreme Court in all the cases specified in Section 1 of this Law;

2) the Minister for Justice - regarding judges of district (city) courts and regional courts in all the cases specified in Section 1 of this Law;

3) Presidents of regional courts - regarding judges of district (city) courts and regional courts in all the cases specified in Section 1 of this Law;

4) Presidents of district (city) courts - regarding judges of district (city) courts in all the cases specified in Section 1 of this Law;

5) the Judicial Ethics Commission - regarding judges of district (city) courts, regional courts, and the Supreme Court if it has established gross infringement of the norms of the Code of Judicial Ethics.

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

(2¹) In order to examine alleged gross infringement of the norms of the Code of Judicial Ethics in relation to the committing of an administrative offence, the Judicial Ethics Commission shall, at least once every six months in accordance with the procedures laid down in laws in regulations, request from the Punishment Register the following information on the administrative offence committed by a judge:

1) the norm of a law or regulation which provides for the offence for the committing of which the judge is held administratively liable;

2) the authority which has taken the decision to impose an administrative penalty, the number of the decision, and the date when it was taken;

3) the type of the penalty imposed;

4) the date when the decision to impose the administrative penalty has entered into effect.

(3) The President of the Supreme Court, the President of a regional court, the President of a district (city) court, and the Judicial Ethics Commission shall take the decision to initiate a disciplinary matter, but the Minister for Justice shall issue an order regarding such. The decision or the order shall indicate the circumstances of the disciplinary or administrative violation as determined in the preliminary examination, the day of establishing the violation, and the basis provided for by the law for initiating the disciplinary matter. The decision or the order, together with the materials collected during the preliminary examination, shall be sent to the Judicial Disciplinary Committee for examination.

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

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

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

[5 June 1997; 15 October 1998; 11 December 2003; 10 June 2010; 22 June 2017; 14 May 2020 / Paragraph 2.¹ shall come into force on 1 July 2020. See Paragraph 5 of Transitional Provisions]

Section 4. Time Periods for the Imposition of Disciplinary Sanctions and the Examination of Disciplinary Matters

(1) A disciplinary sanction may be imposed on a judge within three months after the day of initiating a disciplinary matter, excluding the period of temporary absence of the judge, but not later than within four years after the day of committing the disciplinary offence. Vacation, temporary work disability period, or a period during which a judge does not perform his or her professional duties due to any other justified reasons shall be regarded as the period of temporary absence. Within the meaning of this Law, a period when the judge is suspended from the performance of his or her duties of office is not considered temporary absence.

(2) A disciplinary matter shall be examined within one month after the day of its receipt by the Judicial Disciplinary Committee. If a judge against whom a disciplinary matter has been initiated is temporarily absent, the time for examination shall be extended for the relevant time period.

[22 June 2017; 14 May 2020 / The new wording of Paragraph one shall come into force on 1 July 2020. See Paragraph 5 of Transitional Provisions]

Section 5. Preparation of a Disciplinary Matter for Examination by the Judicial Disciplinary Committee

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

(1¹) After receipt of the disciplinary matter, the Judicial Disciplinary Committee shall immediately examine in

writing the matter regarding suspension of the judge. Where necessary, the chairperson of the Judicial Disciplinary Committee may convene a sitting of this Committee to examine this matter. In such case, the chairperson of the Judicial Disciplinary Committee or the deputy thereof and at least four members of this Committee shall be present at the sitting.

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

[15 October 1998; 14 May 2020]

Section 5.¹ Procedures for Taking the Decision to Suspend a Judge from Performing His or Her Duties of Office, the Content and Notification Procedures Thereof

(1) The decision to suspend a judge from performing his or her duties of office shall be taken by the majority vote of those members of the Judicial Disciplinary Committee who have participated in the examination of the matter. In the event of a tied vote, the chairperson of the sitting shall cast the deciding vote. The decision shall be formalised in writing. It shall be signed by the chairperson of the sitting and the Committee members.

(2) The decision taken shall indicate the composition of the Judicial Disciplinary Committee, the place and time of the examination of the matter, the given name, surname, and position of the judge who is held disciplinary liable, the circumstances of committing the disciplinary offence, and the grounds for holding the judge disciplinary liable, the explanations of the judge, if such have been received, and also the decision taken, and the reasons for it.

(3) The decision shall not be subject to appeal and shall enter into effect at the moment it is taken.

(4) The decision shall be notified to the judge and the President of the relevant court. If the decision to suspend a judge of a district (city) court or regional court from performing his or her duties of office is taken, the decision of the Judicial Disciplinary Committee shall also be immediately notified to the Minister for Justice. If the decision is taken to suspend a judge of the Supreme Court from performing his or her duties of office, the Judicial Disciplinary Committee shall also immediately notify the decision to the President of the Supreme Court. If the decision to suspend a judge of a district (city) court, regional court, or the Supreme Court from performing his or her duties of office is taken at a sitting of the Judicial Disciplinary Committee at which the Minister for Justice or an authorised person thereof, or the President of the Supreme Court or an authorised person thereof is present, the decision shall be considered as notified at the moment it is taken.

[14 May 2020]

Section 6. Procedures for Examining a Disciplinary Matter

(1) The Judicial Disciplinary Committee consisting of the chairperson or his or her deputy and at least four Committee members shall examine a disciplinary matter.

(2) The judge who is subject to disciplinary liability shall participate in the sitting of the Judicial Disciplinary Committee. If the judge does not appear at the sitting of the Committee due to an unjustified reason or has asked to examine the disciplinary matter without his or her presence, the Committee is entitled to examine the disciplinary matter in the absence of the judge.

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

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

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

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

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

[15 October 1998; 10 June 2010]

Section 7. Taking of a Decision

(1) Upon examining a disciplinary matter, the Judicial Disciplinary Committee shall take a decision in the deliberation room.

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

1) to impose a disciplinary sanction;

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

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

4) [10 June 2010];

5) to dismiss the disciplinary matter.

(3) [15 October 1998]

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

1) an annotation;

2) a reprimand;

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

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

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

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

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

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

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

(9) The Judicial Disciplinary Committee may determine an extraordinary assessment of the professional work of a judge concurrently with the decision referred to in Paragraph two, Clause 1, Paragraph seven, Clause 2 of this Section or Paragraph eight of this Section. If the Judicial Disciplinary Committee has taken the decision referred to in Paragraph two, Clause 1 of this Section, the decision on the extraordinary assessment of the professional work of a judge shall enter into effect concurrently with the decision to impose a disciplinary sanction.

[15 October 1998; 10 June 2010; 22 June 2017; 6 September 2018; 14 May 2020 / The new wording of Paragraph five shall come into force on 1 July 2020. See Paragraph 5 of Transitional Provisions]

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

(1) A decision in a disciplinary matter shall be taken by a majority vote of those members of the Judicial Disciplinary Committee who participated in examination of the matter. In the event of a tied vote, the chairperson of the sitting shall cast the deciding vote. The decision shall be formalised in writing. It shall be signed by the chairperson of the sitting and the Committee members.

(2) The following shall be indicated in a decision taken in a disciplinary matter: the composition of the Judicial Disciplinary Committee; the place and time of examination of the matter; the given name, surname, and judicial office of the judge subject to disciplinary liability; the circumstances of committing the disciplinary or administrative violation and the grounds for subjecting the judge to disciplinary liability; the explanations of the judge and information attesting to the character of the judge and previous actions while holding the office of a judge; substantiation for the decision taken based upon the evidence; and conclusions of the Judicial Disciplinary Committee regarding the imposed disciplinary sanction, determination of the extraordinary assessment of the professional work of a judge, termination of the disciplinary matter, a recommendation for the removal of the judge from office, and sending of the materials of the disciplinary matter to the Office of the Prosecutor General.

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

Committee.

(4) A decision of the Judicial Disciplinary Committee shall enter into effect and be enforced after the time period for appeal thereof in the Disciplinary Court has elapsed and a complaint has not been submitted. If the Disciplinary Court has refused to take a decision or left a decision of the Judicial Disciplinary Committee non-amended and refused a complaint, the decision of the Judicial Disciplinary Committee shall enter into effect at the time of notification of the decision of the Disciplinary Court.

(5) The decisions of the Judicial Disciplinary Committee referred to in Section 7, Paragraph two, Clauses 2 and 5 of this Section may not be appealed and are final, except for the case provided for in Section 11.⁵, Paragraph one of this Law. The decision by the Judicial Disciplinary Committee to determine an extraordinary assessment of the professional work of a judge shall not be subject to appeal.

[15 October 1998; 10 June 2010; 6 September 2018]

Section 9. Issuing of a Copy of the Decision

(1) Not later than within seven days after announcement of the decision, a copy of the decision shall be issued or sent to the judge concerning whom it has been taken, to the Judicial Qualification Committee, and to the person who initiated the disciplinary matter, and also to the Court Administration or the Supreme Court Administration for adding to the personal file of the judge.

(2) If the Judicial Disciplinary Committee has taken a decision to send the materials of the disciplinary matter to the Office of the Prosecutor General for a decision to initiate a criminal matter, a copy of such a decision jointly with the materials of the disciplinary matter shall be sent to the Office of the Prosecutor General not later than within seven days after taking of the decision. If the Judicial Disciplinary Committee has taken a decision to recommend removal of a judge from office, a copy of such a decision jointly with the materials of the disciplinary matter shall be sent to the *Saeima* not later than within five days after entry into effect of the decision.

(3) [10 June 2010]

(4) [10 June 2010]

[15 October 1998; 10 June 2010; 22 June 2017; 6 September 2018]

Section 9.¹ Correction of Clerical Errors

(1) The Judicial Disciplinary Committee, upon its initiative or based on the application of the person who initiated the disciplinary matter, or the judge concerning whom the decision has been taken, may correct clerical errors in the decision.

(2) A matter related to the correction of clerical errors shall be examined by the Judicial Disciplinary Committee in a written procedure, notifying thereon the person who initiated the disciplinary matter and the judge concerning whom it has been taken.

(3) A copy of the decision to correct clerical errors shall be sent within five days by the Judicial Disciplinary Committee to the judge concerning whom it has been taken, to the Judicial Qualification Committee, and to the person who initiated the disciplinary matter, and also to the Court Administration or the Supreme Court Administration for adding to the personal file of a judge.

(4) The decision to correct clerical errors shall not be subject to appeal.

[6 September 2018]

Section 10. Appeal of a Decision

[15 October 1998]

Section 11. Procedures for the Examination of Complaints

[15 October 1998]

Section 11.¹ Appeal of Decisions by the Judicial Disciplinary Committee and the Prosecutor General

(1) The judge to whom the decision of the Judicial Disciplinary Committee referred to in Section 7, Paragraph two, Clauses 1 and 3 of this Law applies may appeal it within seven days from the day of receipt of the decision to the Disciplinary Court. The prosecutor to whom the decision by the Prosecutor General applies may appeal it before the Disciplinary Court within seven days from the date of the receipt of the decision.

(2) The following shall be indicated in the complaint:

1) the given name, surname of the submitter of the complaint, and also his or her authorised representative, if the complaint is submitted by a representative, and place of residence or other address where the person may be reached;

2) the decision regarding which the complaint is submitted;

3) to what extent the decision is appealed;

4) substantiation and arguments of the complaint;

5) the request expressed to the Disciplinary Court;

6) time of drawing up of the complaint.

(3) The complaint shall be signed by its submitter or his or her authorised representative. If the complaint is submitted by a representative, he or she shall append the relevant power of attorney or other document to the complaint from which the right of the representative to submit a complaint arises.

[10 June 2010; 22 June 2017]

Section 11.² Drawing up of the Decision Taken in the Disciplinary Matter for Examination in the Disciplinary Court

(1) The chairperson of the Disciplinary Court or any of members of the Disciplinary Court on behalf of him or her shall verify the conformity of the submitted complaint with the requirements of Section 11.¹ of this Law.

(2) If the complaint is submitted by infringing the term laid down in Section 11.¹, Paragraph one of this Law and the submitter of a complaint has not asked to renew the delayed term, the complaint shall be left without examination and a time period shall be determined during which a motivated request may be submitted regarding renewal of the delayed time period. The time period specified for the submission of the request may not exceed seven days. The submitter of the complaint shall be informed regarding the decision without delay.

(3) If a complaint fails to comply with the requirements of Section 11.¹, Paragraph two or three of this Law, the time period for rectification of deficiencies established shall be determined and it may not be longer than seven days. The submitter of the complaint shall be informed regarding the decision without delay.

(4) A complaint shall not be accepted and shall be returned to the submitter, if:

1) the submitter of the complaint has not rectified the deficiencies established during the specified time period or has not submitted a request regarding renewal of the delayed time period;

2) the circumstances indicated by the submitter of the complaint which have been the basis for delay of the time period have not been recognised as justified;

3) the complaint has been submitted regarding a decision of the Judicial Disciplinary Committee not subject to appeal.

(5) The chairperson of the Disciplinary Court shall determine the time and place for examination of the complaint.

(6) Until the day of commencing examination of the complaint the chairperson of the Disciplinary Court may assign to one of the members of the Disciplinary Court to draw up a report on the submitted complaint, may ask the Judicial Ethics Commission to provide an opinion and explanation on interpretation and infringements of the ethical norms, may request additional explanations and documents, and also invite other persons to the sitting for provision of explanations.

[10 June 2010]

Section 11.³ Procedures for Examination of the Complaint Submitted to the Disciplinary Court

(1) The judge who has submitted a complaint or the prosecutor who has appealed the decision by the Prosecutor General (hereinafter - the submitter of the complaint) and the person who has initiated the disciplinary matter shall be notified of the time and place of the sitting not later than 14 days before examination of the complaint in the sitting of the Disciplinary Court.

(2) The Disciplinary Court shall be examined in the composition of not less than three members. The sitting shall be chaired by the chairperson of the Disciplinary Court or a member of the Disciplinary Court appointed by him or her.

(3) The complaint shall be examined in a closed sitting, unless it is decided otherwise by the Disciplinary Court.

(4) The submitter of the complaint shall participate in the sitting.

(5) If the submitter of the complaint is on leave, he or she has a temporary work disability or he or she is out of office due to another justified reason, examination of the complaint may be postponed for the relevant period of time which is not included in the time period for imposition of the disciplinary sanction specified in the Law.

(6) If the submitter of the complaint fails to arrive to the sitting without any justified reason or has asked to examine the complaint without his or her presence, the complaint may be examined in his or her absence.

(7) The submitter of the complaint has the right to invite a representative in examination of the complaint.

(8) A person who has initiated the disciplinary matter or his or her representative may participate in examination of the complaint and express his or her opinion.

(9) Until beginning of examination of the complaint the submitter of the complaint may submit a rejection for a member of the Disciplinary Court. If the rejection is submitted for one of the members of the Disciplinary Court, it shall be decided by the rest of the composition of the Disciplinary Court. In the event of a tied vote, the member of the Disciplinary Court shall be rejected. If rejection is submitted for several members of the Disciplinary Court, it shall be decided by majority vote the Disciplinary Court itself in full composition.

(10) Examination of the complaint shall start with the report of the chairperson of the Disciplinary Court or member of the Disciplinary Court on the complaint. Afterwards explanations by the submitter of the complaint, and also, where appropriate, other persons invited to the sitting shall be heard, the materials of the disciplinary matter and other documents shall be familiarised with.

(11) The submitter of the complaint, at any time during the sitting, before the Disciplinary Court retires to deliberate the taking of a decision, may provide explanations and register petitions.

(12) The sitting of examination of the complaint shall be taken in minutes or recorded in the audio recording. The minutes shall be recorded by the secretary of the sitting. The relevant information carrier is appended to the matter. Where appropriate, written minutes may be drawn up from the audio recording.

(13) The Disciplinary Court shall decide on other issues that are not governed by this Law and are related to the procedures for the examination of a complaint.

(14) After having heard explanations and becoming familiar with the explanations or opinions, if any, received additionally in the matter, the Disciplinary court shall leave to discuss for taking a decision by notifying the persons present in the sitting hall thereof.

[10 June 2010; 22 June 2017]

Section 11.4 Decision of the Disciplinary Court

(1) A decision of the disciplinary court on a complaint shall be taken with a majority vote. In the event of a tied vote, the chairperson of the Disciplinary Court shall cast the deciding vote.

(2) Upon examining the complaint, the Disciplinary Court may:

- 1) leave the decision non-amended and reject the complaint;
- 2) revoke the decision and terminate the disciplinary matter;
- 3) amend the decision without deteriorating the position of the submitter of the complaint.

(3) The decision of the Disciplinary Court shall consist of an introductory part, a descriptive part, a reasoned part, and an operative part.

(4) The following shall be indicated in the introductory part of the decision of the Disciplinary Court:

- 1) the composition of the Disciplinary Court which examined the complaint;
- 2) the time and place of examination of the complaint;
- 3) the given name and surname of the submitter of the complaint.

(5) The following shall be indicated in the descriptive part of the decision of the Disciplinary Court:

- 1) a short statement of the circumstances of the disciplinary infringement;
- 2) the nature of the decision appealed;
- 3) the reasons of the complaint;

4) the essence of the explanations provided in the sitting.

(6) The arguments due to which the complaint is rejected or the arguments due to which the appealed decision is revoked shall be indicated the reasoned part of the decision of the Disciplinary Court. If the Disciplinary Court, when examining the complaint, recognises that the justification included in the appealed decision is correct and completely sufficient, it may indicate in its reasoned part of the decision that it joins to the motivation of the appealed decision. In such case a wider statement of arguments is not necessary.

(7) A decision of the Disciplinary Court shall be indicated in the operative part of the decision of the Disciplinary Court in accordance with Paragraph two of this Section.

(8) The operative part of the decision taken in the disciplinary matter shall be notified in the sitting of the Disciplinary Court concurrently determining the time when a complete decision will be drawn up. If the Disciplinary Court recognises that it is impossible to take a decision and to announce the reasoned part at the relevant sitting, the Disciplinary Court shall determine a date within the nearest 30 days after the sitting where the disciplinary matter was examined as soon as the decision is drawn up and available. This date shall be considered the date when the decision has been announced.

(9) The decision shall be drawn up in writing. Its true copy shall be issued or sent to the judge regarding which it is taken, the person who initiated the disciplinary matter, and also to the Court Administration or the Supreme Court Administration for adding to the personal file of the judge, and the Judicial Disciplinary Committee within 10 days from the day of drawing up of the decision.

(9¹) A transcript of the decision referred to in Paragraph nine of this Section, if it has been taken in examining a complaint regarding a decision by the Prosecutor General, shall be issued or sent to the prosecutor who has appealed the decision by the Prosecutor General and to the Prosecutor General within 10 days from the day the decision is drawn up.

(10) A decision of the Disciplinary Court shall enter into effect at the time of notification thereof and may not be appealed.

[10 June 2010; 22 June 2017; 6 September 2018]

Section 11.⁵ Procedures for Repeated Examination of a Disciplinary Matter

(1) If the *Saeima* votes against removal of the judge from his or her position and the Prosecutor General recognises that there are no reasons for the commencement of the criminal proceedings, the disciplinary matter shall be returned to the Judicial Disciplinary Committee for repeated examination thereof.

(2) The time from sending of the decision to the *Saeima* or the Prosecutor General shall not be included in the time period for imposition of the disciplinary sanction provided for in Section 4 of this Law.

[10 June 2010]

Section 11.⁶ Availability of a Decision and Materials of the Disciplinary Matter

(1) Until the time when a decision of the Judicial Disciplinary Committee enters into effect, the decision to initiate a disciplinary matter and the materials of the disciplinary matter shall be available only for those persons for whom such right has been specified in this Law.

(2) Materials of the disciplinary matter examined in an open sitting shall be restricted access information.

(3) Materials of the disciplinary matter examined in a closed sitting shall become restricted access information five years after entering into effect of the decision taken in the disciplinary matter by the Judicial Disciplinary Committee.

(4) Upon issuing the information referred to in Paragraphs two and three of this Section, the part of the information which discloses the identity of the natural person shall be covered.

(5) The materials of the disciplinary matter examined in an open and closed sitting and the decision taken shall be available for the State administrative and court authorities, if they are necessary for these institutions for the fulfilment of their functions. The recipient of the information shall ensure the protection provided for in law for these materials of disciplinary proceedings and decisions taken.

(6) The decision taken in a disciplinary matter of a judge after entry into effect thereof shall be sent to all chief judges.

(6¹) The decision taken in a disciplinary matter, except for the decision referred to in Section 7, Paragraph two, Clause 2 of this Law, shall be published on the website within one day after it enters into effect, covering the part of the information which discloses personal data, including sensitive personal data. Upon publishing the decision taken in a disciplinary matter on the website, the given name and surname of the person held liable in the decision is not

concealed.

(6²) The published decision shall be deleted from the website within one day after one year following the day it has entered into effect. If a disciplinary sanction has been set aside before the time period, the published decision shall be deleted from the website within one working day from the date when the decision to set aside the disciplinary sanction was taken. If the *Saeima* votes against removal of a judge from his or her office and the disciplinary matter is returned to the Judicial Disciplinary Committee for repeated examination thereof, the published decision shall be deleted from the website within one day from the date of the receipt of the materials of the disciplinary matter by the Judicial Disciplinary Committee.

[10 June 2010; 22 June 2017]

Section 12. Extinguishing and Setting Aside of a Disciplinary Sanction

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

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

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

[15 October 1998]

Transitional Provisions

1. [15 October 1998]

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

3. After amendments to Section 2 of this Law regarding the composition of the Judicial Disciplinary Committee have come into force, the Judicial Disciplinary Committee may continue its work until commencement of the current conference of judges.

[10 June 2010]

4. The composition of the Judicial Disciplinary Committee that has been elected until the day of the entry into force of the amendment to Section 2, Paragraph two of this Law regarding the composition of the judges of the Judicial Disciplinary Committee shall continue its work until the new composition of the Judicial Disciplinary Committee is elected during the current conference of judges.

[6 September 2018]

5. Amendment to Section 1 of this Law regarding the deletion of Paragraph one, Clause 4, amendment to Section 2 of this Law regarding the new wording of Paragraph one, amendment to Section 3 of this Law regarding the supplementation thereof with Paragraph 2.¹, amendment to Section 4 of this Law regarding the new wording of Paragraph one, and amendment to Section 7 of this Law regarding the new wording of Paragraph five shall come into force concurrently with the Law on Administrative Liability.

[14 May 2020]

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

President G. ULMANIS

Rīga, 10 November 1994

¹ The Parliament of the Republic of Latvia

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