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

12 June 2003 [shall come into force from 1 July 2003];

15 January 2004 [shall come into force from 1 February 2004];

21 April 2005 [shall come into force from 25 May 2005].

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:

**Law on the Coming into Force of the Administrative Procedure Law**

**Section 1. Purpose of this Law**

The purpose of this Law is to ensure lawful, accurate and effective application of the legal provisions in administrative cases that have been initiated in an institution or a court prior to the coming into force of the Administrative Procedure Law.

**Section 2. Application of this Law**

(1) The Administrative Procedure Law shall be applicable in administrative proceedings as of 1 February 2004 insofar as the norms of this Law do not prescribe otherwise. The norms of the Administrative Procedure Law and this Law shall be applicable insofar as special legal provisions in other laws do not prescribe otherwise.

(2) The procedures by which administrative offence cases shall be examined and decisions in administrative offence cases shall be enforced shall be governed by a special law.

(3) The cases referred to in Section 213 of the Latvian Administrative Violations Code shall be examined by district (city) court in conformity with the time periods and the procedural guarantees of an addressee of an administrative act laid down in the Latvian Administrative Violations Code.

(4) The decision of a district (city) court on the imposition of an administrative penalty shall be appealed to the Regional Administrative Court.

[*12 June 2003; 15 January 2004; 21 April 2005*]

**Section 3. Formalisation of Representation of a Natural Person**

If the representation of a natural person in an institution has been formalised with a written power of attorney, which has not been notarised prior to 1 February 2004, the power of attorney shall be valid for the performance of all procedural actions provided therein insofar as a special authorisation is not necessary for the representative in accordance with law.

[*12 June 2003*]

**Section 4. Time Periods regarding Issuing of Administrative Acts**

(1) If an administrative case has been initiated on the basis of a submission and an institution has not taken a decision regarding the issuance of an administrative act or termination of the case prior to 1 February 2004, the institution shall take the decision within the time period of fifteen days.

(2) If it is not possible to comply with the time period of fifteen days due to objective reasons, the institution may extend the time period for a period not exceeding thirty days, notifying the submitter thereof. In cases where a lengthy determination of facts is necessary, the time period for taking a decision may be extended for a period not exceeding six months from the day of submitting the submission pursuant to a reasoned decision of the State secretary of the Ministry or the head of the local government administration, but if the institution is not subordinated to the Cabinet, the head of the institution, notifying the submitter thereof. The decision regarding extension of the time period may be contested and appealed. A court decision shall not be subject to appeal.

(3) If other time periods are specified in the special legal provision of the Law, the provisions of this Section shall not be applicable.

[*12 June 2003; 15 January 2004*]

**Section 5. Right to Contest Administrative Acts**

Sections 3 and 4 of this Law shall also be applicable in cases regarding the contesting of an administrative act which have been initiated prior to 1 February 2004.

[*12 June 2003*]

**Section 6. Time Periods for Contesting Administrative Acts**

If there is no reference in the valid administrative act issued after 1 July 2003 as to where and within what time period it may be contested, the administrative act may be contested within a year from the day it comes into effect.

[*15 January 2004*]

**Section 7. Compensation**

Provisions of Section 93, Paragraph three of the Administrative Procedure Law shall not be applicable if the administrative act has become incontestable prior to 1 February 2004, as well as if financial loss or personal injury (also moral injury) has been caused to a person by an actual action of an institution before 1 February 2004.

[*12 June 2003*]

**Section 8. Administrative Case in a Court**

(1) In an administrative case accepted as a court proceeding in accordance with the provisions of the Civil Procedure Law (in compliance with the relevant provisions of the Latvian Civil Procedure Code) the provisions of the Administrative Procedure Law shall be applicable as of 1 February 2004, observing the exceptions specified in this Law.

(2) Administrative cases accepted as a court proceeding by 1 February 2004 and whose examination on the merits has not been completed shall be examined by the court which has accepted the case for examination.

(3) In the case referred to in Paragraph two of this Section, the court or a judge shall not repeat the procedural actions which have already been performed in order to prepare the administrative case for trial.

(4) An applicant may ask the court to transfer the administrative case to the relevant administrative court. The motion to transfer the case shall be examined in a court sitting.

(5) In the case referred to in Paragraph two of this Section, an administrative case in accordance with appeal procedures shall be examined by the Regional Administrative Court.

(6) In the case referred to in Paragraph two of this Section, an administrative case in accordance with cassation procedures shall be examined by the Department of Administrative Cases of the Senate of the Supreme Court.

[*12 June 2003; 15 January 2004*]

**Section 9. Exceptional Cases where a Judgment of a Court of First Instance shall be Set Aside and the Case shall be Sent to a Court of First Instance for Re-examination**

[15 January 2004]

**Section 10. Jurisdiction**

(1) If the administrative case has been accepted by the regional court as the court of first instance prior to 1 February 2004, the regional court shall continue the examination of the abovementioned case in conformity with the provisions of the Administrative Procedure Law.

(2) If the administrative case has been accepted by the Chamber of Civil Cases of the Supreme Court as the appellate court prior to 1 February 2004, the Chamber of Civil Cases of the Supreme Court shall continue the examination of the abovementioned case in conformity with the provisions of the Administrative Procedure Law.

(3) In the case referred to in Paragraph one of this Section, an administrative case in accordance with appeal procedures shall be examined by the Regional Administrative Court.

(4) In the case referred to in Paragraph two of this Section, an administrative case in accordance with cassation procedures shall be examined by the Department of Administrative Cases of the Senate of the Supreme Court.

[*15 January 2004*]

**Section 11. Time Periods for Submitting an Application**

(1) If there is no reference in the valid administrative act issued after 30 June 2003 as to where and within what time period it may be appealed, an application may, in accordance with the provisions of Section 188, Paragraphs one and two of the Administrative Procedure Law, be submitted to the court within a year from the day the administrative act comes into effect.

(2) An application regarding the actual action of an institution that became known to the applicant prior to 1 February 2004 may be submitted to the court until 1 March 2004.

(3) If an institution has failed to notify the applicant of a decision regarding his or her submission submitted prior to 1 February 2004, an application may be submitted to a court within a year from the day when the person applied with his or her submission to the institution.

[*15 January 2004*]

**Section 12. Jurisdiction of Ancillary Complaints**

(1) An ancillary complaint regarding a decision of a regional court as an appellate instance, which has been accepted as court proceedings by the Chamber of Civil Cases of the Supreme Court prior to 1 February 2004 in compliance with the jurisdictional provisions, shall be sent to the Senate.

(2) An ancillary complaint regarding a decision of a regional court as a court of first instance, which has been accepted as court proceedings by the Chamber of Civil Cases of the Supreme Court prior to 1 February 2004 in compliance with the jurisdictional provisions, shall be sent for examination to the Collegium of Administrative Cases of the relevant regional court.

[*12 June 2003*]

**Section 13. Time Period for Submission of Ancillary Complaints**

If a decision of a court or a judge has been taken up to 1 February 2004 and the time period for submission of an ancillary complaint has not expired on the day of coming into force of the Administrative Procedure Law, the provisions of the Administrative Procedure Law shall be applicable for the calculation of the time period for submission of the ancillary complaint.

[*12 June 2003*]

**Section 14. Re-examination of a Case in Connection with Newly-discovered Circumstances**

An application regarding the initiation of a case in connection with newly-discovered circumstances, which, in compliance with the jurisdictional provisions, has been accepted as court proceedings by the Chamber of Civil Cases of the Supreme Court before 1 February 2004 shall be examined in accordance with the provisions of Section 12 of this Law.

[*12 June 2003*]

**Section 15. Re-examination of a Case in Connection with Significant Violations of Norms of Substantive and Procedural Law**

(1) The Chief Justice of the Supreme Court, the Chief Justice of the Department of Civil Cases of the Senate of the Supreme Court or the Prosecutor General may submit a protest to the Senate regarding ruling of a court, which has come into effect and has been rendered prior to 1 February 2004 if more than three years have not elapsed since the ruling came into effect.

(2) A significant violation of the norms of substantive or procedural law, which has been determined in a case that has only been examined by a court of first instance, shall be a basis for submitting a protest regarding a ruling of the court that has come into effect referred to in Paragraph one of this Section, if the court ruling has not been appealed in accordance with the procedures specified by law due to reasons beyond the control of the participants in the case or if, as a result of the ruling of the court, the rights of State or local government institutions or of such persons which have not been participants in the case have been infringed.

(3) The protest shall be examined by the Senate of Supreme Court in accordance with the procedures specified in Sections 338–352 of the Administrative Procedure Law.

(4) The Senate of the Supreme Court in setting aside a judgment in a case shall refer it for re-examination in a court in conformity with the jurisdiction specified in the Administrative Procedure Law.

[*12 June 2003*]

**Section 16. Limitation Period**

If on 1 February 2004 the limitation period specified in the Civil Procedure Law or the Civil Procedure Code has not expired and the Administrative Procedure Law determines a shorter time period, the limitation period determined in the Administrative Procedure Law shall be applicable and it shall be counted from 1 February 2004. If the total limitation period calculated in such manner is longer than the period specified in the Civil Procedure Law or the Civil Procedure Code, the limitation period shall expire on the day when it should have expired in accordance with the Civil Procedure Law or the Civil Procedure Code.

[*12 June 2003*]

**Section 17. Hierarchy of Individual Legal Provisions**

(1) External legal acts which have been issued by a derived legal person governed by public law in issues of the autonomous competence thereof (an autonomous public legal entity) shall, in the hierarchy of the legal force (Section 15, Paragraph two of the Administrative Procedure Law), be considered as equivalent to Cabinet regulations, unless specified otherwise by the Law.

(2) If the Law provides that the administration institution has the competence to issue external legal acts, such legal acts in the hierarchy of the legal force (Section 15, Paragraph two of the Administrative Procedure Law) shall be the next after the Cabinet regulations and shall be repealed on 1 January 2006.

[*15 January 2004*]

**Transitional Provisions**

1. With the coming into force of the Administrative Procedure Law, Chapters twenty-two, twenty-three, twenty-three A, twenty-four, twenty-four A and twenty-five of the Latvian Civil Procedure Code are repealed.

2. As of 1 February 2004 a court shall examine a case regarding the determination of restrictions of voting rights in accordance with the provisions of the Civil Procedure Law regarding the determination of legal facts. After the judgment in the abovementioned case has come into legal effect, the court shall send a copy thereof to the election commission which has registered the list of candidates to the *Saeima* or local government council. If elections have already taken place, the copy of the judgement shall also be sent to the Central Election Commission, as well as to the *Saeima* or the relevant local government city council (parish or district council) respectively.

[*12 June 2003*]

3. The Cabinet shall develop and submit to the *Saeima* by 1 September 2003:

1) a draft law on access of an executive institution to budget resources. Compulsory enforcement of a court ruling directed at a monetary payment in respect of an institution shall be performed by a bailiff in accordance with the provisions of the Civil Procedure Law until the day of coming into force of the referred to law.

2) necessary amendments to laws in force in order to harmonise them with the provisions of the Administrative Procedure Law.

[*12 June 2003*]

4. In developing a draft law on the State budget for 2004 the Cabinet shall include the necessary financing for the implementation of the Administrative Procedure Law therein.

[*12 June 2003*]

5. The Cabinet shall, by 1 May 2006, develop and submit to the *Saeima* a draft law governing the procedures for examining administrative offence cases and enforcing the decisions in administrative offence cases (Section 2, Paragraph two of this Law).

[*21 April 2005*]

6. The Cabinet shall, by 1 January 2005, develop and submit to the *Saeima* draft laws on the necessary amendments to the laws in respect of the competence of an administration institution to issue external legal acts.

[*15 January 2004*]

This Law has been adopted by the *Saeima* on 13 June 2002.

President V. Vīķe-Freiberga

Rīga, 28 June 2002