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

8 November 2007 [shall come into force on 1 January 2008];

24 January 2008 [shall come into force on 26 February 2008];

2 April 2009 [shall come into force on 29 April 2009];

16 June 2009 [shall come into force on 1 July 2009];

15 October 2009 [shall come into force on 1 January 2009];

13 May 2010 [shall come into force on 1 June 2010];

9 September 2010 [shall come into force on 1 January 2011];

9 July 2013 [shall come into force on 18 July 2013];

17 December 2020 [shall come into force on 1 January 2021;

25 November 2021 [shall come into force on 1 January 2022].

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 Service Pensions of Judges**

**Section 1. Purpose of this Law**

The purpose of the Law is to strengthen independence of judges by guaranteeing their right to appropriate material provision after leaving the office provided for in the law, and to prescribe the procedures by which the service pension for a judge is to be granted, calculated, and disbursed (hereinafter – the service pension).

**Section 2. Right to the Service Pension**

(1) The following persons have the right to the service pension:

1) a person whose length of service in accordance with Section 3 of this Law is 20 years of which the last 10 years have been worked in the position of a judge or in the position of a judge who has been approved in the position without any restriction on the term of office and in the position of the Prosecutor General and Ombudsman, and who has attained the age specified in the law On State Pensions for the granting of the old-age pension if he or she has been dismissed from the position of a judge or Ombudsman upon his or her own will, or from the position of a judge due to attaining the maximum age specified in the law for holding such office;

2) a person who regardless of his or her age has been dismissed from the position of a judge or Ombudsman due to his or her health condition in conformity with the opinion of the State Medical Commission for the Assessment of Health Condition and Working Ability and whose length of service in accordance with Section 3 of this Law is not less than 20 years of which the last three years have been worked in the position of a judge or the position of a judge who has been approved in his or her position without any restriction on the term of office and in the position of the Prosecutor General or Ombudsman;

3) a person whose length of service regardless of his or her age and in accordance with Section 3 of this Law is 30 years in the position of a judge, a judge of the Constitutional Court, and a judge of an international court.

(2) A person who has worked in the position of a judge of the Constitutional Court the entire term of office specified in the law and whose total length of service in accordance with Section 3 of this Law is at least 20 years also has the right to the service pension after attaining the age for the granting of an old-age pension specified in the law On State Pensions.

(3) A judge who has been removed from position of a judge, or the Ombudsman whose term of office has been terminated due to having been sentenced for committing a criminal offence and the judgment has entered into legal effect, and also if the Ombudsman has been dismissed from the office because he or she has allowed disgraceful offence which is not compatible with the status of the Ombudsman or he or she has not performed his or her duties without justified reason does not have the right to the service.

(31) The person who has been recognised as guilty of committing an intentional criminal offence while he or she was holding the office of a judge does not have the right to the service pension.

(4) A judge who receives a pension from another country does not have the right to the service pension.

(5) A judge who is entitled to several service pensions at the same time shall be granted only one pension according to his or her choice.

[*24 January 2008; 2 April 2009; 9 September 2010; 25 November 2021*]

**Section 3. Calculation of the Length of Service**

The following shall be included in the length of service which gives the right to the service pension:

1) the time period worked in the position of a judge, a judge of the Constitutional Court, and a judge of an international court;

2) the time period worked in the position of a prosecutor;

3) the time period worked in the positions of employees attested by the Prosecutor’s Office which were specified in the prosecutor’s offices until 1 October 1994;

4) the time period worked in the positions of investigators of the Investigation Department of the Ministry of the Interior which were specified in the institutions of the Ministry of the Interior until 1 July 1995;

5) the time period worked in the profession of an advocate;

6) the time period worked in the position of the academic staff of law speciality of an accredited higher education institution;

7) the time period worked in the position of a judge (State arbitration arbitrator) of the Commercial Court of Latvia;

8) the time period actually worked in the position of the Ombudsman.

[*24 January 2008; 25 November 2021 /* *See Paragraph 16 of Transitional Provisions*]

**Section 4. Calculation of the Service Pension and Funds for the Disbursement of the Service Pension**

(1) The service pension in the amount of 65 per cent of the average monthly remuneration for work shall be granted to a judge, and it shall be increased by two per cent of the remuneration for work referred to in Section 5 of this Law for each year of the length of service which exceeds 20 years.

(2) The service pension in the amount of 40 per cent of the average monthly remuneration for work which has been specified in accordance with Section 5 of this Law shall be granted to the judge who regardless of his or her age has been dismissed from his or her office due to his or her health condition in conformity with the opinion of the State Medical Commission for the Assessment of Health Condition and Working Ability, and it shall be increased by two per cent of the remuneration for work referred to in Section 5 of this Law for each year of the length of service which exceeds 20 years.

(3) The maximum amount of the service pension may not exceed 80 per cent of the remuneration for work referred to in Section 5 of this Law.

(4) The minimum amount of the service pension may not be less than the amount of the State social security allowance which is specified in Section 13, Paragraph one, Clause 1 of the Law on State Social Allowances.

(5) The service pension shall be disbursed from the funds of the State basic budget which have been granted to the Ministry of Welfare.

(6) A person to whom the service pension has been granted in the cases specified in this Law, before attaining the age which gives the right to the old-age pension, is granted the old-age pension in accordance with the law On State Pensions. After granting the old-age pension, the service pension shall be reduced by the amount of the old-age pension granted.

(7) If the service pension is granted to a person to whom the old-age pension has already been granted, the service pension calculated shall be reduced by the amount of the old-age pension granted to the person.

[*9 September 2010; 17 December 2020 /* *Amendments to Paragraphs six and seven shall come into force on 1 January 2023 and shall be included in the wording of the Law as of 1 January 2023.* *See Paragraph 15 of Transitional Provisions*]

**Section 5. Remuneration for Work from which the Service Pension is Calculated**

(1) The service pension shall be calculated from the average monthly remuneration for work of a judge for the last five years before dismissal from the position of a judge, except for that specified Paragraphs two, three, four, and five of this Section.

(2) For a judge who has been dismissed from the position during the time period from 1 January 2001 until 31 December 2002, the service pension shall be calculated from the average monthly remuneration for work for the last year before dismissal from the position.

(3) For a judge who has been dismissed from the position during the time period from 1 January 2003 until 31 December 2003, the service pension shall be calculated from the average monthly remuneration for work for the last two years before dismissal from the position.

(4) For a judge who has been dismissed from the position during the time period from 1 January 2004 until 31 December 2004, the service pension shall be calculated from the average monthly remuneration for work for the last three years before dismissal from the position.

(5) For a judge who has been dismissed from the position during the time period from 1 January 2005 until 31 December 2005, the service pension shall be calculated from the average monthly remuneration for work for the last four years before dismissal from the position.

(6) The remuneration for work shall include the salary, a supplement for the qualification category, and bonuses.

**Section 6. Time Periods for the Granting of the Service Pension**

The service pension shall be granted without any restriction on the time period.

**Section 7. Increasing the Amount of the Service Pension**

Service pensions shall be reviewed within the time periods and in accordance with the procedures for reviewing State pensions laid down in the law On State Pensions.

[*9 July 2013*]

**Section 8. Procedures for Requesting and Disbursing the Service Pension**

(1) A requester of the pension shall submit a request for the service pension and the documents necessary for the granting thereof to one of the offices of the State Social Insurance Agency.

(2) An official of the office of the State Social Insurance Agency shall examine the request for the service pension and the documents necessary for the granting thereof and shall take the decision to grant the service pension or to refuse to grant the service pension.

(3) The Court Administration shall, upon request of the State Social Insurance Agency, provide information on the length of service of a judge of the district (city) court, a regional court, or a Land Registry Office and his or her remuneration for work from which the service pension is calculated.

(4) The Cabinet shall determine the procedures for granting and disbursing the service pension.

(5) A recipient of the service pension may authorise another person to receive his or her service pension.

(6) A person may contest the administrative acts issued by an official of the State Social Insurance Agency or actual action thereof to the Director of the State Social Insurance Agency. The decision by the Director of the State Social Insurance Agency may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law.

[*9 September 2010*]

**Section 9. Discontinuation of Disbursement of the Service Pension**

(1) Disbursement of the service pension shall be discontinued if:

1) the recipient of the service pension is appointed in the office of a judge;

2) the recipient of the service pension commences service (work) in the position which gives the right to the service pension;

3) the recipient of the service pension is receiving an unemployment benefit.

(2) The recipient of the service pension has an obligation to notify the State Social Service Agency of the setting in of the circumstances referred to in Paragraph one, Clauses 1 and 2 of this Section within 10 days.

[*8 November 2007; 9 September 2010*]

**Section 10. Disbursement of the Service Pension for a Past Time Period**

(1) The calculated amounts of the service pension which the recipient of the service pension has not duly received on time shall be disbursed for the period that has passed, but which is not longer than three years.

(2) If the calculated amounts of the service pension have not been received on time due to the fault of the institution which grants and disburses the service pension, these amounts shall be disbursed for the period that has passed without any restriction on the time period.

**Section 11. Deductions from the Service Pension**

(1) Deductions from the service pension may be made:

1) on the basis of a court ruling;

2) on the basis of the decision of an official of the office of the the State Social Insurance Agency in order to recover the overpaid amounts of the pension which have been overpaid to the recipient of the service pension due to his or her fault. In such case not more than 10 per cent from the amount of the service pension to be disbursed shall be deducted each month until the overpaid amounts are extinguished.

(2) Means of support for the support of minor children shall be recovered in the first instance.

(3) The total amount of deductions per month may not exceed 50 per cent of the amount of the service pension, but, when making deductions for the recovery of the means of support for minor children, a remuneration for work and payments equivalent thereto it shall be retained for the debtor in the amount of 50 per cent of the minimum monthly salary.

(4) If the disbursement of the service pension is discontinued before extinguishing of the debt, the remaining part of the debt shall be recovered in accordance with the procedures laid down in law.

[*9 September 2010*]

**Section 12. Disbursement of the Service Pension Not Received Due to the Death of a Person and Disbursement of a Funeral Allowance**

(1) The spouse or relatives of the first or second degree of the recipient of the service pension have the right to receive the amounts of the service pension calculated for disbursement which have not been disbursed until death of the recipient of the service pension, but another person – on the basis of an inheritance certificate or a court ruling.

(2) In case of the death of the recipient of the service pension, a funeral allowance in the amount of two months of the service pension shall be disbursed to his or her family or to the person who has undertaken to organise the funeral. For the receipt of a funeral allowance the requester thereof or his or her authorised person shall, within 12 months from the day of death of the recipient of the service pension, submit a written submission to the office of the State Social Insurance Agency and present a personal identification document.

(3) In case of the death of the recipient of the pension a lump sum allowance in the amount of two pensions of the deceased spouse shall be granted and disbursed to the surviving spouse on the basis of an application of the surviving spouse. The right to a lump sum allowance shall also exist if, on the day of death of the deceased spouse, the surviving spouse is the recipient of an old-age, disability, or service pension and death occurred after 1 June 2010. The right to an allowance shall exist if it was requested within 12 months from the day when the deceased spouse died.

[*13 May 2010; 9 September 2010*]

**Section 13. Disbursement of the Service Pension to Persons who Depart to Foreign Countries**

The service pension granted to persons departing for permanent life abroad shall be disbursed in accordance with the procedures laid down for the disbursement of the State pension in the law On State Pensions.

[*9 September 2010*]

**Transitional Provisions**

[*8 November 2007*]

1. If, on the 31 December 2007, a person is both the recipient of the service pension and of an unemployment benefit, the disbursement of the service pension shall be discontinued for such person from 1 February 2008 for the remaining term of disbursement of the unemployment benefit.

2. [13 May 2010]

3. [13 May 2010]

4. [13 May 2010]

5. [13 May 2010]

6. [13 May 2010]

7. [13 May 2010]

8. A person for whom a disability has been determined and who, in the time period from 1 July 2009 until 31 October 2009 in accordance with Paragraphs 2, 3, 4, and 5 of these Transitional Provisions, received the service pension in a limited amount shall be disbursed the amount of the pension not received from 1 November 2009.

[*15 October 2009*]

9. For persons who, in the time period from 1 July 2009 until 31 May 2010 in accordance with the provisions of this Law, received the granted service pension in a limited amount of 90 per cent or 30 per cent from the granted service pension, the Court Administration shall disburse the retained (not received) part of the service pension in July 2010 concurrently with the service pension of July.

[*13 May 2010*]

10. In case of the death of the recipient of the service pension in the time period from 1 July 2009 until 31 May 2010 the spouse of the recipient of the service pension, relatives of the first or second degree have the right to receive the part of the service pension due (not received) to him or her, but another person – on the basis of an inheritance certificate or a court ruling.

[*13 May 2010*]

11. The rate of the personal income tax to be applied to the redeemable part of the service pension for the time period from 1 July 2009 to 31 December 2009 shall be 23 per cent.

[*13 May 2010*]

12. If in the salary tax booklet of a person which has been submitted to the Court Administration there is an entry on the right to tax relief or supplementary tax relief, such relief shall be taken into account, in calculating the tax for the redeemable part of the service pension.

[*13 May 2010*]

13. Persons to whom the redeemable part of the service pension for the time period from 1 July 2009 to 31 December 2009 has been disbursed and who voluntarily wish to submit an annual income declaration for 2009 shall submit such declaration to the State Revenue Service after receipt of the redeemable part of the service pension.

[*13 May 2010*]

14. Persons to whom the redeemable part of the service pension for the time period from 1 July 2009 to 31 December 2009 has been disbursed and who, in accordance with the law On Personal Income Tax, have an obligation to submit an annual income declaration to the State Revenue Service not later than by 1 April of the year following the taxation year shall submit an updated annual income declaration for 2009 to the State Revenue Service by 1 August 2010 and the calculated tax amount shall be paid into the budget not later than by 16 August 2010, but if the calculated tax amount exceeds LVL 450, the payer may pay it into the budget three times – by 16 August, 16 September, and 16 October, paying each time one third of this amount.

[*13 May 2010*]

15. Amendments to Section 4, Paragraphs six and seven of this Law shall come into force on 1 January 2023. In disbursing the service pension in accordance with Section 4, Paragraphs six and seven of this Law, the amount of the lifetime pension which has been determined in conformity with the life insurance (lifetime pension) contract on the use of the funded pension capital accrued in the State funded pension scheme (if such contract has been entered into) is not taken into account if the old-age pension has been granted to the person in accordance with the law On State Pensions by 31 December 2022.

[*17 December 2020 /* *The abovementioned amendments shall be included in the wording of the Law as of 1 January 2023*]

16. Amendments to Section 3, Clauses 1, 5, and 6 of this Law regarding the calculation of the length of service shall apply to the persons who have left the position of a judge or Ombudsman after 1 January 2022.

[*25 November 2021*]

The Law has been adopted by the *Saeima* on 22 June 2006.

Acting for the President, Chairperson of the *Saeima* I. Ūdre

Rīga, 7 July 2006