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

25 August 2009 [shall come into force on 1 September 2009];

21 June 2011 [shall come into force on 1 July 2011];

3 September 2013 [shall come into force on 1 January 2014];

8 Decemberer 2015 [shall come into force on 1 January 2016];

26 June 2018 [shall come into force on 1 July 2018];

27 September 2022 [shall come into force on 1 October  2022];

5 December 2023 [shall come into force on 1 January 2024].

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

Republic of Latvia

Cabinet

Regulation No. 1093

Adopted 22 December 2008

**Regulations Regarding the Procedures for the Determination of Compensation and Reimbursable Expenses of the Elder of the Sworn Advocates and the Amounts Thereof**

*Issued pursuant to*

*Section 12, Paragraph three of the Advocacy Law of the Republic of Latvia*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the amount of the compensation for the elder of the sworn advocates within the territory of operation of the court (hereinafter – the elder of the sworn advocates) and the procedures for the determination thereof;

1.2. types, amounts of, and procedures for the determination of reimbursable expenses;

1.3. the procedures for granting the compensation and reimbursable expenses of the elder of the sworn advocates;

1.4. the content of the report on the use of compensation and reimbursable expenses and the procedures for submitting thereof.

2. If the elder of the sworn advocates has been registered as a value added tax taxable person, the Court Administration (hereinafter – the Administration) shall add the amount of the value added tax laid down in the Value Added Tax Law to the amount of monthly compensation to be determined in accordance with Paragraph 3 of this Regulation.

[*5 December 2023*]

**II. Amount of the Compensation and Determination Thereof, Types, Amounts of Reimbursable Expenses and Determination Thereof**

3. The amount of monthly compensation for the elder of the sworn advocates shall be determined according to the volume of work by using the following formula:

MAA = AB x GK where

MAA – amount of monthly compensation;

AB – compensation base;

GK – coefficient of the respective volume of work group in accordance with Annex 1 to this Regulation.

4. The compensation base shall be determined by taking as a basis the average number of requests of persons directing the proceedings (hereinafter – the request of persons directing the proceedings) received and examined in accordance with the procedures laid down in the Criminal Procedure Law which has been indicated in the statistical report of the Latvian Council of Sworn Advocates (hereinafter – the Council), submitted in accordance with the procedures laid down in this Regulation, for the previous three calendar years, the number of working days, and the number of hours spent to process the requests received in one working day (rounding this number), applying the hourly rate of work remuneration. The hourly rate of work remuneration shall be obtained by dividing the average gross monthly work remuneration of the person working in the public sector over the previous three years, as published in the official statistical notification of the Central Statistical Bureau for the respective year, by the average number of working hours per month.

[*8 December 2015*]

5. The compensation base shall be EUR 476 per month.

[*27 September 2022*]

6. In addition to the amount of monthly compensation determined in accordance with Paragraphs 3 and 5 of this Regulation, for the elder of the sworn advocates who has been elected as a member of the Council in accordance with the procedures laid down in the Advocacy Law of the Republic of Latvia or a sworn advocate appointed by the Council, a compensation of EUR 100.15 shall be added for the performance of other duties related to the organisation of State ensured defence or representation in criminal proceedings.

[*21 June 2011; 3 September 2013; 8 December 2015*]

7. The elder of the sworn advocates shall be reimbursed for the following expenses:

7.1. expenses for postal services, office supplies, means of communication services, and hardware maintenance (hereinafter – the general expenses) in the total amount of EUR 52.00 (including value added tax);

7.2. expenses for the lease payment for premises in the amount of EUR 56.00 (including value added tax);

7.3. [5 December 2023].

[*3 September 2013; 27 September 2022*]

8. The amount of monthly reimbursable expenses for the elder of the sworn advocates shall be determined according to the volume of work by using the following formula:

MAIA = (VI x GK) + TN where

MAIA – total monthly reimbursable expenses;

VI – general expenses;

GK – coefficient of the respective volume of work group in accordance with Annex 1 to this Regulation;

TN – expenses for the lease payment for premises.

[*5 December 2023*]

9. The volume of work of the elder of the sworn advocates shall be divided into six groups according to the number of the requests of persons directing the proceedings in a calendar year by applying a specific coefficient from 0.5 to 2 to each group in accordance with Annex 1 to this Regulation.

[*26 June 2018*]

10. Taking into account the volume of work of each elder of the sworn advocates, the Administration shall, by 1 November of the current year, prepare a calculation of the amount of monthly compensation for each elder of the sworn advocates and the amount of total monthly reimbursable expenses for the next year in compliance with Paragraphs 3, 5, 6, 7, and 8 of this Regulation and shall notify the Council of each calculation prepared. The calculation shall indicate the name of territory of operation of each court, the given name and surname of each elder of the sworn advocates, the amount of his or her monthly compensation, and the total amount of monthly reimbursable expenses.

11. The Administration shall determine the volume of work of the elder of the sworn advocates referred to in Paragraph 10 of this Regulation, taking into account the statistical report submitted by the Council on the number of the requests of persons directing the proceedings in the previous year for each elder of the sworn advocates.

12. The Council shall submit to the Administration the following documents by 1 May of the current year:

12.1. the statistical report on the number of the requests of persons directing the proceedings for each elder of the sworn advocates by months in the previous year (Annex 2);

12.2. a list of the elders of the sworn advocates approved in accordance with the procedures laid down in the Advocacy Law of the Republic of Latvia. The list shall include the given name, surname, address of the location of the practice of each elder of the sworn advocates and information as to whether he or she has been registered as a value added tax taxable person.

[*25 August 2009*]

**III. Granting of the Compensation and Reimbursable Expenses**

13. The Administration shall, each month by the tenth day, transfer the amount of monthly compensation and the amount of total reimbursable expenses calculated in accordance with the procedures referred to in Paragraph 10 of this Regulation (hereinafter – the financial resources) from the funds allocated in the State budget for this purpose to the account with the credit institution indicated by the Council for each elder of the sworn advocates. If the date of the transfer coincides with a weekend or public holiday, the Administration shall transfer the amount on the next working day.

14. The Council shall, each month by the twentieth day, transfer the financial resources received in accordance with the procedures laid down in Paragraph 13 of this Regulation to the account with the credit institution specified by each elder of the sworn advocates.

**IV. Report on the Use of the Financial Resources, Content and Submission Thereof**

15. The Council shall submit to the Administration on a quarterly basis an overall report on each elder of the sworn advocates who has received the financial resources.

16. The Council shall submit the report for the first quarter by 1 May, for the second quarter by 1 August, for the third quarter by 1 November, and for the fourth quarter by 1 February of the next year.

17. The Council shall specify the following in the report:

17.1. the given name, surname, and personal identity number of each elder of the sworn advocates;

17.2. the territory of operation of the court;

17.3. the purpose of use of the financial resources;

17.4. the amounts of financial resources;

17.5. the number and date of the payment order;

17.6. any other information.

18. The Council shall draw up the report in accordance with Annex 3 to this Regulation.

19. The Council may submit the report referred to in Paragraph 15 of this Regulation in paper or electronically. If the report is submitted electronically, it shall be prepared in accordance with the laws and regulations regarding the preparation, drawing up, and circulation of electronic documents.

**V. Closing Provisions**

20. [21 June 2011]

21. [21 June 2011]

22. [21 June 2011]

23. From 1 July 2011 to 31 December 2012, the monthly compensation and the monthly total reimbursable expenses of elders of the sworn advocates shall be covered in accordance with Paragraphs 3, 5, 7, 8, and 9 of this Regulation and the procedures laid down in this Regulation in the following amounts:

23.1. for the elders of the sworn advocates in the territory of operation of Alūksne District Court, the territory of operation of Aizkraukle District Court, the territory of operation of Balvi District Court, the territory of operation of Dobele District Court, the territory of operation of Gulbene District Court, the territory of operation of Krāslava District Court, the territory of operation of Limbaži District Court, the territory of operation of Kuldīga District Court, the territory of operation of Ludza District Court, the territory of operation of Madona District Court, the territory of operation of Preiļi District Court, the territory of operation of Talsi District Court, the territory of operation of Saldus District Court, the territory of operation of Sigulda Court, the territory of operation of Tukums District Court, the territory of operation of Valka District Court, the territory of operation of Jēkabpils District Court, the territory of operation of Cēsis District Court, the territory of operation of Bauska District Court, the territory of operation of Jūrmala Court, the territory of operation of Ogre District Court, the territory of operation of Ventspils Court, the territory of operation of Daugavpils Court, the territory of operation of the City of Rīga Northern District Court, and the territory of operation of the City of Rīga Central District Court, the monthly compensation shall be LVL 77 and the monthly total reimbursable expenses shall be LVL 54;

23.2. for the elders of the sworn advocates in the Council, the territory of operation of Rīga Regional Court, the territory of operation of Rīga District Court, the territory of operation of Rēzekne Court, and the territory of operation of Valmiera District Court, the monthly compensation shall be LVL 96.25 and the monthly total reimbursable expenses shall be LVL 58.50;

23.3. for the elders of the sworn advocates in the territory of operation of Liepāja Court, the territory of operation of the City of Rīga Zemgale Suburb Court, and the territory of operation of the City of Rīga Vidzeme Suburb Court, the monthly compensation shall be LVL 115.50 and the monthly total reimbursable expenses shall be LVL 63;

23.4. for the elders of the sworn advocates in the territory of operation of the City of Rīga Latgale Suburb Court and the territory of operation of the City of Rīga Kurzeme Suburb Court, the monthly compensation shall be LVL 134.75 and the monthly total reimbursable expenses shall be LVL 67.50;

23.5. for the elder of the sworn advocates in the territory of operation of Jelgava District Court, the monthly compensation shall be LVL 154 and the monthly total reimbursable expenses shall be LVL 72.

[*21 June 2011*]

24. [25 August 2009]

25. The Council shall, by 1 May 2012, submit to the Administration the statistical report for the year 2011 referred to in Sub-paragraph 12.1 of this Regulation (Annex 2).

[*25 August 2009*]

26. The Cabinet shall review the following at least once every five years:

26.1. the compensation base referred to in Paragraph 5 of this Regulation;

26.2. the compensation for the elder of the sworn advocates referred to in Paragraph 6 of this Regulation for the performance of other duties related to the organisation of State ensured defence or representation in criminal proceedings;

26.3. the amounts of reimbursable expenses referred to in Paragraph 7 of this Regulation, taking into account the price of the respective goods and the average amount of service charge in the country at the moment of review.

[*21 June 2011*]

26.1 Starting from 1 July 2018 and in 2019, the compensation for the elder of the sworn advocates shall be determined according to the statistical report for 2017 on the number of the requests of persons directing the proceedings for each elder of the sworn advocates by months and the respective coefficient of the volume of work group in accordance with Annex 1 to this Regulation.

[*26 June 2018*]

27. The Regulation shall come into force on 1 January 2009.

Prime Minister I. Godmanis

Minister for Justice G. Bērziņš

**Annex 1**

Cabinet Regulation No. 1093

22 December 2008

[*27 September 2022*]

**Volume of Work Groups of the Elder of the Sworn Advocates in the Territory of Operation of the Court According to the Number of the Requests of Persons Directing the Proceedings Received and Examined in a Calendar Year in Accordance with the Procedures Laid Down in the Criminal Procedure Law and the Group Coefficients**

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Group | Number of the requests of persons directing the proceedings per year | Group coefficient |
| 1. | 1 | up to 200 | 0.5 |
| 2. | 2 | 201–400 | 1 |
| 3. | 3 | 401–550 | 1.25 |
| 4. | 4 | 551–700 | 1.5 |
| 5. | 5 | 701–850 | 1.75 |
| 6. | 6 | 851 or more | 2 |

**Annex 2**

Cabinet Regulation No. 1093

22 December 2008

**Statistical Report on the Number of the Requests of Persons Directing the Proceedings Received and Examined by the Elders of the Sworn Advocates in the Territory of Operation of the Court in 20\_\_\_\_ in Accordance with the Procedures Laid Down in the Criminal Procedure Law**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | The given name, surname of the elder of the sworn advocates, and the territory of operation of the court | Period | Pre-trial investigation stage | Court proceedings stage | Other information |
| Police | Office of the Prosecutor | Court |
| 1. |  | January |  |  |  |  |
| February |  |  |  |
| March |  |  |  |
| April |  |  |  |
| May |  |  |  |
| June |  |  |  |
| July |  |  |  |
| August |  |  |  |
| September |  |  |  |
| October |  |  |  |
| November |  |  |  |
| December |  |  |  |
| In total: |  |
|  |
| 2. |  | January |  |  |  |  |
| February |  |  |  |
| March |  |  |  |
| April |  |  |  |
| May |  |  |  |
| June |  |  |  |
| July |  |  |  |
| August |  |  |  |
| September |  |  |  |
| October |  |  |  |
| November |  |  |  |
| December |  |  |  |
| In total: |  |
| Total number: |  |

|  |  |
| --- | --- |
| The statistical report prepared by |   |
|   | (given name, surname, signature) |
|   |   |
| Chairperson of the Latvian Council of Sworn Advocates |   |
|   | (given name, surname, signature) |

Place for a seal

\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_

Minister for Justice G. Bērziņš

**Annex 3**

Cabinet Regulation No. 1093

22 December 2008

[*5 December 2023*]

**Report on the Financing Received for the Compensations and Reimbursable Expenses for the Elders of the Sworn Advocates in the Territory of Operation of the Court in the \_\_\_\_\_ Quarter of 20\_\_**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Given name, surname, and personal identity number of the elder of the sworn advocates | Territory of operation of the court | Purpose of use of the financial resources | Amount (euro) | Number and date of the payment order | Other information |
| 1. |   |   | Amount of compensation |   |   |
| amount of reimbursable expenses | expenses for postal services, office supplies, means of communication services, and hardware maintenance |   |
| expenses for the lease payment for premises |   |
| TOTAL |   |   |
| 2. |   |   | Amount of compensation |   |   |
| amount of reimbursable expenses | expenses for postal services, office supplies, means of communication services, and hardware maintenance |   |
|   | expenses for the lease payment for premises |   |
|   | TOTAL |   |   |

|  |  |
| --- | --- |
| The statistical report prepared by |   |
|   | (given name, surname, signature) |
|   |   |
| Chairperson of the Latvian Council of Sworn Advocates |   |
|   | (given name, surname, signature) |

Place for a seal

\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_