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

16 March 2000 [shall come into force on 19 April 2000];

20 June 2002 [shall come into force on 1 July 2002];

27 October 2005 [shall come into force on 25 November 2005];

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

13 December 2007 [shall come into force on 21 December 2007];

31 January 2008 [shall come into force on 4 March 2008];

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

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

31 March 2010 (Constitutional Court Judgment) [shall come into force on 6 April 2010];

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

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

20 December 2012 [shall come into force on 23 January 2013];

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

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

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:

**On the Service Pensions of Employees with Special Service Ranks Working in the System of the Ministry of the Interior**

**Section 1. Purpose of the Law**

The purpose of this Law is to ensure the right of the employees with special service ranks working in the system of the Ministry of the Interior (hereinafter – the employees) to a service pension and to prescribe the procedures for granting, calculation, and disbursement thereof.

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

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

1) whose length of service in accordance with Section 3 of this Law is not less than 20 years and who have reached the age of 50 years;

2) who regardless of their age have been released from service due to the state of health or due to a reduction in the number of employees and whose length of service in accordance with Section 3 of this Law is not less than 20 years;

3) whose total length of period of insurance and the equivalent length of service is not less than 25 years, moreover of which not less than 12 years and six months have been served working in the system of the Ministry of the Interior and who have reached the age of 50 years.

(2) The employees who have concurrently the right to several service pensions shall be granted only one pension according to their choice.

[*9 September 2010*]

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

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

1) the service – the time which the employee has served in the institutions of the system of the Ministry of the Interior;

2) the time served in mandatory active military service (in the armed forces of the Republic of Latvia or another country) and the time that was served in an alternative service by which active military service was replaced;

3) the time of rank service in the National Guard and the time of active military service in current (former) military units under the authority and the responsibility of the Ministry of Defence and in the Security Service of the State President and the *Saeima* (Safety Guard Service of the Supreme Council of the Republic of Latvia, Security Service of the Republic of Latvia);

4) the time which until 31 December 1997 has been included in the length of service in accordance with Paragraph 4 of the 4 June 1991 decision of the Supreme Council of the Republic of Latvia, Procedures for the Coming into Force of the Law On Police of the Republic of Latvia;

5) the time of service in the armed forces of other countries, border guarding troops or institutions of the system of the interior affairs until 31 December 1991, if at least five years have been served therein, but for the employees who have commenced the service after the coming into force of this Law, if at least 20 years have been served;

6) [20 June 2002];

7) 80 per cent of the time worked in other institutions, for merchants, and organisations for the employees referred to in Paragraph 3 of this Section, if at least five years have been served in the institutions of the system of the Ministry of the Interior, but for employees who have commenced the service after coming into force of this Law, if at least 10 years have been served;

8) [20 June 2002];

9) the time during which rank and the commanding personnel employees have worked in a court in the institutions of the system of the Ministry of the Interior in the office of a judge or Office of the Prosecutor (except the Office of the Prosecutor of the Latvian SSR after 26 September 1990) as an operational employee, if at least five years have been served in the institutions of the system of the Ministry of the Interior, but for employees who have commenced the service after the coming into force of this Law, if at least 10 years have been served;

10) 80 per cent of the time worked in other institutions, for merchants, and organisations for employees who have commenced service in the institutions of the system of the Ministry of the Interior after 4 May 1990, if at least 10 years have been served in the institutions of the system of the Ministry of the Interior;

11) the time in positions of rank and the commanding personnel of the professional fire-fighting service of the State Fire and Rescue Service without special service ranks, if special service ranks have been assigned to the relevant persons after the reorganisation and establishment of the departments of such service;

12) the time which has been served by an employee of the Prison Administration with a special service rank after 1 January 2000.

(2) The procedures for proving, calculation, and accounting of the time worked in other institutions referred to in Paragraph one, Clauses 7 and 10 of this Section shall be determined by the Cabinet.

[*16 March 2000; 20 June 2002; 27 October 2005; 9 September 2010*]

**Section 4. Remuneration from which the Service Pension is Calculated**

(1) The service pension shall be calculated from the average monthly remuneration of the employee (hereinafter – the remuneration) for the last five years prior to the release from service.

(2) The remuneration shall include the monthly salary, bonus, cash prize, and supplements specified in the laws and regulations governing remuneration.

[*20 December 2007*]

**Section 5. Calculation of the Amount of the Service Pension and Funds for the Disbursement of Service Pensions**

(1) The service pension in the amount of 55 per cent of the remuneration shall be granted to employees who have reached the age of 50 years and, for each year of the length of service over 20 years, it shall be increased by two per cent of the remuneration referred to in Section 4 of this Law.

(2) The service pension in the amount of 40 per cent of the remuneration shall be granted to employees who have been released from service due to the state of health or due to a reduction in the number of employees and, for each year of the length of service over 20 years, it shall be increased by two per cent of the remuneration referred to in Section 4 of this Law.

(3) The service pension in the amount of 40 per cent of the remuneration shall be granted to employees whose length of service in the system of the Ministry of the Interior exceeds 12 years and six months and, for each year of the length of service over 12 years and six months, it shall be increased by 1.5 per cent of the remuneration referred to in Section 4 of this Law.

(4) The maximum amount of the service pension shall not exceed 80 per cent of the remuneration.

(5) The minimum amount of the service pension may not be less than the amount of the State social security benefit as specified for the persons referred to in Section 13, Paragraph one, Clause 1 of the Law on State Social Allowances.

(6) The service pension shall be disbursed from the funds of the State basic budget which are allocated to the Ministry of Welfare in accordance with the appropriation of the annual State budget law.

(7) After reaching the age specified in the law On State Pensions for granting an old-age pension, the State Social Insurance Agency office shall grant a State social insurance old-age pension to employees who have been granted the service pension. Disbursement of the service pension shall be discontinued from attaining the age for granting an old-age pension laid down in the law On State Pensions until granting the old-age pension. The granted old-age pension shall be disbursed from the funds of the State pension special budget.

(8) After the granting of a State social insurance old-age pension, the amount of the service pension of an employee shall be reduced by the amount of the old-age pension granted.

(9) The institution of the system of the Ministry of the Interior and the Prison Administration shall, upon request of the State Social Insurance Agency, provide information on the length of service of employees and the remuneration from which the service pension shall be calculated.

[*9 September 2010; 17 December 2020 /* *The new wording of Paragraph eight* *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 32 of Transitional Provisions.*]

**Section 6. Increase in 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 7. Requesting a Service Pension and Disbursement Thereof**

(1) An employee shall submit the request for the service pension to one of the State Social Insurance Agency offices.

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

(3) Service pensions shall be calculated, granted, and disbursed to employees by the State Social Insurance Agency in accordance with the procedures determined by the Cabinet.

(4) [31 January 2008]

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

(6) [9 September 2010]

(7) A person may contest the administrative acts issued by officials of the State Social Insurance Agency or actual action thereof to the Director of the State Social Insurance Agency. The decision of 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.

[*27 October 2005; 31 January 2008; 9 September 2010*]

**Section 8. Time Periods for Granting the Service Pension**

The service pension shall be granted without any restrictions on the time period after release of the employee from the service.

**Section 9. Discontinuation of Disbursement of the Service Pension or Amendment of the Amount Thereof**

(1) Disbursement of the service pension shall be discontinued or the amount thereof shall be amended if:

1) an old-age pension is granted to the service pension recipient in accordance with the law On State Pensions;

2) the service pension recipient re-enters the service which gives the right to the service pension.

(11) Disbursement of the service pension shall be discontinued while the service pension recipient receives an unemployment benefit.

(2) The service pension recipient has the obligation to notify the State Social Insurance Agency of setting in of the circumstance referred to in Paragraph one, Clause 2 of this Section within 10 days.

[*27 October 2005; 8 November 2007; 9 September 2010*]

**Section 10. Disbursement of the Service Pension Upon Re-entry of the Recipient to the Service Giving Entitlement to the Service Pension**

(1) If the service pension recipient re-enters the service of the Ministry of the Interior or the Ministry of Defence and the institutions thereof which grants the right to a service pension, the disbursement of the service pension shall be discontinued for the time of service.

(2) After re-retiring from the service, if, upon re-entering the service, more than five years have been served, a service pension shall be granted to the service pension recipient, taking into account the average remuneration calculated in accordance with Section 4 of this Law. If, upon re-entering the service, less than five years have been served, the disbursement of the granted service pension shall be restored to the service pension recipient, increasing the amount thereof by two per cent of the remuneration specified in Section 4 of this Law for each year of the length of service after the renewal in the service.

(3) If the service pension calculated in accordance with Paragraph two of this Section is less than the amount of the discontinued service pension, the service pension shall be determined for the service pension recipient to the amount that it was upon re-entering the service, and an indexation of the pension for the period from which the disbursement of the pension was discontinued shall be performed.

[*13 May 2010*]

**Section 11. Disbursement of the Service Pension for the Period that Has Passed**

(1) Calculated amounts of the service pension which have not been received by the pension recipient in due 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 in due time due to the fault of the institution which grants or disburses the service pension, these amounts shall be disbursed for the period that has passed without any restrictions on the time period.

**Section 12. Deductions from the Service Pension**

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

1) on the basis of court rulings;

2) on the basis of the decision of the official of the State Social Insurance Agency office in order to recover those amounts of the pension which have been overpaid to the service pension recipient due to his or her fault. In such a case, 10 per cent of the service pension to be disbursed shall be deducted each month until the overpaid amounts have been extinguished.

(2) Maintenance for the support of minor children shall be recovered firstly.

(3) The total amount of deductions per month may not exceed 50 per cent of the amount of the service pension.

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

[*9 September 2010*]

**Section 13. Disbursement of the Service Pension Not Received Due to the Death of a Person and Disbursement of a Funeral Allowance**

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

(2) In the case of death of the service pension recipient, a funeral allowance in the amount of two monthly service pensions shall be disbursed to his or her family or to the person who has undertaken to arrange the funeral.

(3) In order to receive a funeral allowance, the requester thereof or his or her authorised person shall, within 12 months after the day of death of the service pension recipient, submit a written submission to the State Social Insurance Agency office and present a personal identification document.

(4) In the case of death of the pension recipient, 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 his or her request. There shall be the right to the lump-sum allowance where, on the day of the death of the deceased spouse, the surviving spouse is a recipient of an old-age, disability, or service pension and the death has occurred after 1 June 2010. There shall be the right to an allowance where it is requested within 12 months of the day of death of the deceased spouse.

[*31 January 2008; 13 May 2010; 9 September 2010*]

**Section 14.** 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 State pensions in accordance with the law On State Pensions.

[*9 September 2010*]

**Section 15. Service Pensioner Certificate**

(1) A service pensioner certificate shall be issued to the service pension recipient.

(2) The procedures for the issuance and cancellation of a service pensioner certificate and also the sample of the service pensioner certificate shall be determined by the Cabinet.

[*20 December 2012*]

**Transitional Provisions**

1. For former employees of the institutions of the system of the interior affairs with special service ranks who were transferred to work at the Office of the Prosecutor after the reorganisation of the Ministry of the Interior Investigation Department and who had not more than five years remaining until receipt of the service pension of an employee of the Ministry of the Interior, a service pension shall be granted after the length of service of 20 years has been reached. The State Social Insurance Agency shall disburse a service pension in the amount of 40 per cent of the average amount of the remuneration referred to in Section 4 of this Law for the last year prior to the transfer to work at the Office of the Prosecutor from the funds allocated for the disbursement of service pensions.

[*27 October 2005; 9 September 2010*]

2. A service pension shall be granted to former employees of the institutions of the system of the interior affairs with special service ranks who were transferred to work at the Road Traffic Safety Department after the reorganisation of the State Road Inspection Department of the Ministry of the Interior and the service time of whom in the system of the Ministry of the Interior is not less than 12 years and six months. The State Social Insurance Agency shall disburse a service pension in the amount of 40 per cent of the average amount of the remuneration referred to in Section 4 of this Law for the last year prior to the transfer to work at the Road Traffic Safety Department from the funds allocated for the disbursement of service pensions. For each year of the length of service exceeding 12 years and six months, the service pension shall be increased by 1.5 per cent of the relevant amount.

[*27 October 2005; 9 September 2010*]

3. Employees who, until 31 December 1997, have the length of service of not less than 20 years have the right to receive a service pension in the amount of 40 per cent of the remuneration referred to in Section 4 of this Law regardless of the age. For each year of the length of service exceeding 20 years, the service pension shall be increased by two per cent.

4. Employees who, until 31 December 1997, have the length of service of not less than 19 years have the right to receive a service pension in the amount of 40 per cent of the remuneration referred to in Section 4 of this Law regardless of the age after the length of service of 21 years has been reached. For each year of the length of service exceeding 20 years, the service pension shall be increased by two per cent.

5. Employees who, until 31 December 1997, have the length of service of not less than 18 years have the right to receive a service pension in the amount of 40 per cent of the remuneration referred to in Section 4 of this Law regardless of the age after the length of service of 22 years has been reached. For each year of the length of service exceeding 20 years, the service pension shall be increased by two per cent.

6. Employees who, until 31 December 1997, have the length of service of not less than 17 years have the right to receive a service pension in the amount of 40 per cent of the remuneration referred to in Section 4 of this Law regardless of the age after the length of service of 23 years has been reached. For each year of the length of service exceeding 20 years, the service pension shall be increased by two per cent.

7. Employees who, until 31 December 1997, have the length of service of not less than 16 years have the right to receive a service pension in the amount of 40 per cent of the remuneration referred to in Section 4 of this Law regardless of the age after the length of service of 24 years has been reached. For each year of the length of service exceeding 20 years, the service pension shall be increased by two per cent.

8. Employees who, until 31 December 1997, have the length of service of not less than 15 years have the right to receive a service pension in the amount of 40 per cent of the remuneration referred to in Section 4 of this Law regardless of the age after the length of service of 25 years has been reached. For each year of the length of service exceeding 20 years, the service pension shall be increased by two per cent.

9. Section 6, Paragraph one of this Law shall come into force on 1 January 2000. Until 31 December 1999, service pensions shall be reviewed every six months, taking into account only the consumer price index.

10. Section 4, Paragraph one of this Law shall come into force on 1 January 2004. Until 31 December 2003:

1) for employees who have been released from service during the time period from 1 January 1998 to 31 December 2000, the service pension shall be calculated from the remuneration of the employee for one year from the last five years prior to the release from service;

2) for employees who have been released from service during the time period from 1 January to 31 December 2001, the service pension shall be calculated from the remuneration of the employee for two years from the last five years prior to the release from service;

3) for employees who have been released from service during the time period from 1 January to 31 December 2002, the service pension shall be calculated from the remuneration of the employee for three years from the last five years prior to the release from service;

4) for employees who have been released from service during the time period from 1 January to 31 December 2003, the service pension shall be calculated from the remuneration of the employee for four years from the last five years prior to the release from service;

5) for employees who have been released from service during the time period from 1 January to 31 December 2004, the service pension shall be calculated from the remuneration of the employee for the last five years prior to the release from service.

11. The provisions of this Law shall apply to the employees of the Prison Administration with special service ranks also after the transfer of the Prison Administration under the supervision of the Ministry of Justice.

11.1 The procedures specified in Paragraph 26 of Transitional Provisions of the law On State Pensions shall be applicable to the disbursement of the service pension to persons subject to mandatory social insurance (employees or self-employed persons).

[*16 March 2000*]

11.2 For persons subject to mandatory social insurance (employees or self-employed persons) who have the right to both the old-age pension and part of the service pension (the difference between the amount of the service pension and the amount of the old-age pension), the total amount of the old-age pension and part of the service pension shall be taken into account for the determination of the amount of the part of the service pension to be disbursed.

[*16 March 2000*]

11.3 If persons who have served in the Latvian police or the Latvian Border Guard Brigade and whose service has been discontinued by the inclusion of Latvia in the USSR have not been granted a service pension, they shall be granted a special supplement to the State old-age pension in accordance with the procedures and in the amount determined by the Cabinet.

[*20 June 2002*]

12. With the coming into force of this Law, the Cabinet Regulations Regarding the Service Pensions of Employees with Special Service Ranks Working in the System of the Ministry of the Interior, issued in accordance with the procedures laid down in Article 81 of the Constitution (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1998, No. 4), is repealed.

13. For employees of the State Border Guard who have been accepted into service before 1 July 2002, 80 per cent of the time worked in other institutions, for merchants, and organisations shall be included in the length of service.

[*20 June 2002; 27 October 2005*]

14. The time worked in undertakings (companies) shall be covered in the time period worked for merchants referred to in Section 3, Clauses 7 and 10 of this Law and Paragraph 13 of Transitional Provisions of this Law.

[*27 October 2005*]

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

[*8 November 2007*]

16. For persons subject to mandatory social insurance (employees or self-employed persons) from 1 January 2000 to 19 March 2002 who received a limited service pension (until 31 December 2001 in double the amount of State social security benefits and from 1 January 2002 in triple the amount of State social security benefits), the part of the pension not received shall be disbursed until 31 December 2007.

[*13 December 2007*]

17. Until the date of the coming into force of new Cabinet regulations, but not later than until 1 May 2008, Cabinet Regulation No. 118 of 23 March 1999, Procedures for the Disbursement of a Service Pension to Employees with Special Service Ranks Working in the System of the Ministry of the Interior, shall be in force, in so far as it is not in contradiction with this Law.

[*31 January 2008*]

18. [13 May 2010]

19. [13 May 2010]

20. [13 May 2010]

21. [13 May 2010]

22. [13 May 2010]

23. [13 May 2010]

24. [13 May 2010]

25. A person for whom a disability was specified and who during the time period from 1 July 2009 to 31 October 2009 in accordance with Paragraphs 18, 19, 20, and 21 of these Transitional Provisions received a service pension in a limited amount shall be disbursed the amount of the unpaid pension from 1 November 2009.

[*15 October 2009*]

26. For persons who during the time period from 1 July 2009 to 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 of the granted service pension, the State Agency of Health and Social Affairs of the Ministry of the Interior shall disburse the retained (unpaid) part of the service pension in July 2010 together with the service pension for July.

[*13 May 2010*]

27. In the case of death of the service pension recipient during the time period from 1 July 2009 to 31 May 2010, the spouse, first-level and second-level relatives of the service pension recipient have the right to receive the amounts due (not received) of the service pension to which the service pension recipient was entitled, but another person – on the basis of an inheritance application or a court ruling.

[*13 May 2010*]

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

[*13 May 2010*]

29. If the salary tax booklet of a person submitted to the State Agency of Health and Social Affairs of the Ministry of the Interior contains an entry on the right to tax reliefs or additional tax reliefs, such reliefs shall be taken into account when calculating the tax for the part of the service pension to be repaid.

[*13 May 2010*]

30. Persons who have been disbursed a part of the service pension to be repaid for the period from 1 July 2009 to 31 December 2009 and who voluntarily wish to submit an annual income return for 2009 shall submit this return to the State Revenue Service after receiving the part of the service pension to be repaid.

[*13 May 2010*]

31. Persons 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 the obligation to submit an annual income return to the State Revenue Service not later than by 1 April of the year following the taxation year, the updated income return for 2009 shall be submitted 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 in three instalments – by 16 August, 16 September, and 16 October, each time paying one third of this amount.

[*13 May 2010*]

32. The amendment to Section 5, Paragraph eight of this Law regarding the new wording thereof shall come into force on 1 January 2023. When disbursing a service pension in accordance with Section 5, Paragraph eight of this Law, the monthly amount of the lifetime pension which has been determined in conformity with the life insurance (lifetime pension) contract for the use of funded pension capital accumulated in the State funded pension scheme (if such contract has been entered into) shall not be taken into account if the person has an old-age pension granted in accordance with the law On State Pensions until 31 December 2022.

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

The Law has been adopted by the *Saeima* on 2 April 1998.

President G. Ulmanis

Rīga, 16 April 1998