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

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. 811

Adopted 18 December 2018

**Regulations Regarding the Eligibility of Persons for the State Ensured Legal Aid Considering Their State of Property and Income Level and the Sample Form of the Request**

*Issued pursuant to*

*Section 3, Paragraphs 2.1 and three, Section 22, Paragraph two of the State Ensured Legal Aid Law and Section 50.2, Paragraph two of the Immigration Law*

1. The Regulation prescribes:

1.1. the sample form of a request (application and its annex) for the State-ensured legal aid (hereinafter – the legal aid) (Annex);

1.2. the cases in which the state of property and income level are deemed appropriate for granting the legal aid to a person (hereinafter – the applicant) who:

1.2.1. has the right to legal aid in accordance with the international commitments entered into by the Republic of Latvia, or who needs the legal aid in cross-border disputes and whose permanent place of residence or domicile is one of the European Union Member States, as well as to a foreigner who is subject to the return procedure in the cases and in accordance with the procedures laid down in the Immigration Law;

1.2.2. has the right to request the legal aid in categories of cases in accordance with the exceptions to the right to representation specified in Section 82.1 of the Civil Procedure Law;

1.3. the procedures for the evaluation of the persons referred to in Sub-paragraphs 1.2.1 and 1.2.2 of this Regulation.

2. The state of property and income level of the applicant referred to in Sub-paragraph 1.2.1 of this Regulation shall be deemed appropriate for granting the legal aid if on the day when the legal aid is requested the average monthly income (after the payment of taxes) of the applicant for the last three months does not exceed the maximum permitted low-income household income threshold as specified in the Law on Social Services and Social Assistance.

[*5 December 2023*]

3. The state of property and income level of the applicant referred to in Sub-paragraph 1.2.2 of this Regulation shall be deemed appropriate for granting the legal aid if on the day when the legal aid is requested the average monthly income (after the payment of taxes) of the applicant for the last three months does not exceed the amount of the minimum monthly wage specified in the Republic of Latvia (if the applicant does not meet the criteria specified in Section 3, Paragraph two of the State Ensured Legal Aid Law).

[*5 December 2023*]

4. The applicant is entitled to receive the legal aid if the applicant does not own movable or immovable property which may be used to generate income, except for when:

4.1. the movable and immovable property owned by the applicant is necessary for satisfying the basic needs of the applicant and his or her family members;

4.2. alienation of the movable or immovable property owned by the applicant is not commensurate with the amount of the necessary legal aid.

5. When determining the amount of the average monthly income referred to in Paragraphs 2 and 3 of this Regulation, the following shall be taken into account:

5.1. income from work remuneration and pension (including supplement to pension), State social benefits (except for those referred to in Section 5 of the Law on Social Services and Social Assistance), subsidies, remunerations, scholarships, compensations (except for the State compensation to victims), maintenance and insurance compensation;

5.2. savings that exceed the amount of one minimum monthly wage;

5.3. income from economic activity, authorʼs fees and royalties, lease (rent) and alienation of immovable property, lease and alienation of movable property;

5.4. capital shares (except for when the owner cannot generate income from this property or act with it due to insolvency proceedings or ruling of another competent authority or when income has not been generated in a time period of 12 months due to suspension of economic activity);

5.5. gifts, inheritances, dividends, and prizes received;

5.6. concluded maintenance contract;

5.7. material support provided by the spouse or parent of the child living separately in the form of money.

6. The coefficient 0.7 shall be applied to the amount of the average monthly income referred to in Paragraphs 2 and 3 of this Regulation for each person dependent on the applicant, unless pension has been granted to such dependent person (except for the survivor’s pension). Within the meaning of this Regulation a dependent person is:

6.1. a child;

6.2. a person who has attained the age of majority and continues the acquisition of general, vocational, higher or special education and does not have a paid job, but not longer than until attaining 24 years of age;

6.3. an unemployed spouse;

6.4. unemployed parents or grandparents;

6.5. a person for whose benefit maintenance is recovered from the applicant by a court judgment;

6.6. a person under trusteeship or guardianship.

[*5 December 2023*]

7. The documents or copies of the documents certifying the veracity of the information provided in the application shall be appended thereto.

8. In order to establish whether the applicant is eligible to receive the legal aid, the Court Administration shall evaluate his or her state of property and income level based on the application for requesting the legal aid, its annex, and the appended documents.

[*5 December 2023*]

9. If the Court Administration takes the decision to grant the legal aid in a case and the applicant requests further legal aid to be granted in the same or another case, the Court Administration shall not re-examine the eligibility of the applicant for the receipt of the legal aid if less than six months have passed since the decision to grant the legal aid was taken.

[*5 December 2023*]

10. If the Court Administration has become aware of information on changes in the income level or state of the property of the applicant, it may, upon its own initiative, re-evaluate the eligibility of the applicant for the receipt of the legal aid.

[*5 December 2023*]

11. The applicant has the obligation to provide information to the Court Administration on the conformity of his or her income level and financial status with the criteria referred to in this Regulation for the receipt of further legal aid in a timely manner, but not later than until expiry of the time period specified in the decision of the Court Administration to grant the legal aid which shall not be longer than 10 months.

[*5 December 2023*]

12. The following shall be repealed:

12.1. Cabinet Regulation No. 805 of 21 July 2009, Regulations Regarding the Sample Form for Requesting the State Ensured Legal Aid (*Latvijas Vēstnesis*, 2009, No. 121; 2011, No. 15; 2013, No. 80; 2016, No. 122);

12.2. Cabinet Regulation No. 1484 of 15 December 2009, Regulations Regarding the Eligibility of Persons for State Ensured Legal Aid Taking into Account Their State of Property and Income Level (*Latvijas Vēstnesis*, 2009, No. 204; 2011, No. 155);

12.3. Cabinet Regulation No. 733 of 27 September 2011, Regulations Regarding the Sample Form of the Application Regarding the Request of State Ensured Legal Aid and Income by a Foreigner to be Removed (*Latvijas Vēstnesis*, 2011, No. 155).

13. If the application has been submitted to the Legal Aid Administration until 31 December 2018, the eligibility of the applicant for the receipt of the legal aid shall be evaluated in accordance with the laws and regulations that were in force on the day when the application was submitted.

13.1Such applications for requesting the State ensured legal aid shall be deemed valid for deciding on the issue of granting the State ensured legal aid which have been prepared by using the sample request for the State ensured legal aid according to the Annex to this Regulation in the wording of 18 December 2018 and submitted before 1 January 2024 but which have not been examined by the Legal Aid Administration until the abovementioned date.

[*5 December 2023*]

14. The Regulation shall come into force on 1 January 2019.

Prime Minister Māris Kučinskis

Minister for Justice Dzintars Rasnačs

**Annex**

Cabinet Regulation No. 811

18 December 2018

[*5 December 2023*]

**To the Court Administration**

**Application for Requesting the State Ensured Legal Aid**

(Application shall be filled in electronically or in block capitals)

**1. Personal Data**

1.1. Person who wishes to receive the State-ensured legal aid

|  |  |
| --- | --- |
| Given name, surname |   |

Personal identity number       -     

|  |  |
| --- | --- |
| If the person does not have a personal identity number, the date of birth shall be indicated |  .   .     .  |
|   | (dd/mm/yyyy) |

|  |  |
| --- | --- |
| Address of the place of residence |   |
| Contact details |   |
|   | (telephone number, e-mail) |

Indicate whether you are:

 the citizen of Latvia

 the non-citizen of Latvia

 stateless person

 citizen of another European Union Member State and lawfully reside in the Republic of Latvia

 foreigner (including a refugee or a person to whom an alternative status has been granted in the Republic of Latvia), you lawfully reside in the Republic of Latvia and have received the permanent residence permit, but you are not a citizen of a European Union Member State

 person who has the right to the legal aid ensured by the Republic of Latvia in accordance with the international commitments entered into by the Republic of Latvia

 person whose permanent place of residence or domicile is one of the European Union Member States and who needs the legal aid ensured by the Republic of Latvia in cross-border disputes (hereinafter – the cross-border dispute)

 foreigner who stays in the Republic of Latvia and regarding whom a decision on the contested voluntary return decision or a decision on the contested removal order has been taken (hereinafter – the foreigner to be removed)

|  |  |
| --- | --- |
| Personal identification document |   |
| series, number |   |
| date of issue |   |
| issuer |   |

Information regarding income and state of property (mark one of the following):

 status of a low-income person (family) or needy person (family) has been granted

 I am on full support of the State or local government

 due to a natural disaster, *force majeure* circumstances or other circumstances beyond my control I am suddenly in such position and financial situation which prevents me from ensuring the protection of my rights (the circumstances and situation arisen must be described in detail)

|  |
| --- |
|   |
|   |
|   |
|   |

 in the cross-border disputes in accordance with international commitments, in removal proceedings and civil cases of advocates the income level and financial situation of the person is appropriate for the receipt of the legal aid

(in such case Annex to the Application, Information Regarding the Income and State of Property, must be filled in, as the laws and regulations require examination of the income level and state of property of the person for the receipt of the legal aid)

 released from the evaluation of income in accordance with laws and regulations as

|  |
| --- |
|   |
|   |
| (please, indicate the reason, for example, the Whistleblowing Law) |

1.2. Representative of the person (if the person wishes to receive the State-ensured legal aid, exercising his or her rights with the intermediation of a representative)

|  |  |
| --- | --- |
| Given name, surname |   |

Personal identity number       -     

|  |  |
| --- | --- |
| If the person does not have a personal identity number, the date of birth shall be indicated |  .   .     . |
|   | (dd/mm/yyyy) |

|  |  |
| --- | --- |
| Address of the place of residence |   |
| Contact details |   |
|   | (telephone number, e-mail) |

Indicate whether you are:

 legal representative (guardian, trustee)

 authorised person

 other

Justification for the representation

|  |
| --- |
|   |

**2. Information Regarding the Issue for which the State-ensured Legal Aid is Necessary**

*Please note that the State-ensured legal aid is granted for the settlement of the specific dispute (mark one of the following):*

2.1. In a civil legal dispute regarding:

 family law (e.g. divorce, maintenance recovery, paternity determination, contesting a paternity presumption, determination of the capacity to act, access rights, trusteeship, or guardianship)

 labour law (e.g. annulment of an employer’s notice of termination, recovery of wage)

 inheritance law (e.g. division of an inheritance, contesting a will)

 obligations law (e.g. recovery of losses, debt recovery, annulment of a contract, agreement)

 property law (e.g. establishment of a servitude)

 categories of cases in accordance with the exceptions to the right to representation provided for in Section 82.1 of the Civil Procedure Law, respectively, in civil cases of advocates:

 cases regarding the recognition of a decision of a shareholder or stockholder meeting of capital companies as invalid

 cases resulting from the obligation law if the amount claimed exceeds EUR 150 000

|  |  |
| --- | --- |
|  other |   |

2.2. In an administrative case:

 for appealing a decision of the Orphan’s and Custody Court on the protection of the rights and legal interests of a child

 for appealing the contested voluntary return decision or removal order

|  |  |  |
| --- | --- | --- |
| Institution decision No. \_\_ adopted on \_\_\_\_ \_\_\_\_ \_\_\_\_\_\_\_ |  |  |
|   | (dd/mm/yyyy) |   |

|  |  |
| --- | --- |
| Language in which the person is fluent |   |

2.3. In Constitutional Court proceedings where the Constitutional Court has taken the decision to refuse to initiate a case, indicating the lack of legal grounds or its clear insufficiency for satisfaction of the claim as the only basis for such decision:

 dispute regarding the conformity of legal provisions with legal provisions of higher legal force

|  |  |  |
| --- | --- | --- |
| Constitutional Court decision No. \_\_ adopted on \_\_\_\_ \_\_\_\_ \_\_\_\_\_\_\_ |  |  |
|   | (dd/mm/yyyy) |   |

2.4. Short description of the nature of the case

|  |
| --- |
|   |
|   |
|   |
|   |

2.5. Data of the opposing party (for a natural person – given name, surname; for a legal person – name and address)

|  |
| --- |
|   |
|   |
|   |

**3. Information Regarding the Preferable State-ensured Legal Aid**

3.1. Indicate the type of the State-ensured legal aid that you wish to receive:

|  |  |
| --- | --- |
|  | legal counsel |
|  | drawing up of a procedural document |   |
|  | provision of legal aid at a court hearing – representation before court: |
|   |   | name of the court |   |
|   |   | date and time for the court hearing |   |
|   |   | case No. |   |

3.2. Special circumstances that must be taken into account:

|  |
| --- |
|  case affects children’s rights |
|  date and time for the court hearing has been determined |   |
|  deadline for submitting the appeal of a court ruling has been specified |   |
|  deadline for submitting the constitutional complaint (application) |   |
|  another circumstance |   |

3.3. The following documents have been appended to the application:

|  |  |  |
| --- | --- | --- |
|   | Copies of the documents have been submitted | Originals of the documents have been submitted |
| 1. |   |  |  |
| 2. |   |  |  |
| 3. |   |  |  |
| 4. |   |  |  |
| 5. |   |  |  |

**4. Information Regarding the Manner in which the Decision shall be Received**

 send the decision in the form of an electronic document to the official electronic mail address or the electronic mail address indicated in the application (Sub-paragraph 1.1 or 1.2) (the decision has been prepared in accordance with the laws and regulations regarding the drawing-up of electronic documents and signed with a secure electronic signature)

 send the decision via post to the address indicated in the application (Sub-paragraph 1.1 or 1.2)

 issue the decision in person at the Court Administration

I certify that the provided information is true and complete and I also undertake to notify the Court Administration of the changes in the information indicated in the application immediately but not later than within 7 days after I have become aware of such changes.

I am informed that the expenditure associated with the State-ensured legal aid must be repaid in full amount if the Court Administration establishes that:

1) I have indicated false information that were the grounds for the receipt of the State-ensured legal aid;

2) I have abused my right to the State-ensured legal aid;

3) I have wrongly received the State-ensured legal aid.

|  |  |  |  |
| --- | --- | --- | --- |
| Date |   | Signature |   |

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

**Annex to the Application**

(Shall be filled in by the applicants whose income level and financial status must be evaluated in accordance with laws and regulations)

I am entitled to receive the State-ensured legal aid as (mark the appropriate):

 based on my state of property and income level, I have the right to the legal aid ensured by the Republic of Latvia in accordance with the international commitments entered into by the Republic of Latvia, the legal aid is necessary in the cross-border dispute or I am a foreigner to be removed;

 based on my state of property and income level, I have the right to the State-ensured legal aid in accordance with the provisions of the State Ensured Legal Aid Law or other laws and regulations (categories of cases in accordance with the exceptions to the right to representation provided for in Section 82.1of the Civil Procedure Law)

**Information Regarding the Income and State of Property of the Person**

Indicate the following information:

**1. Within the last three months I have received the following income (after the payment of taxes):**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Mark the appropriate | Type of income | 1st month | 2nd month | 3rd month | TOTAL |
|  | Wage |   |   |   |   |
|  | Pension (including supplement to pension) |   |   |   |   |
|  | State social benefits |   |   |   |   |
|  | Subsidies |   |   |   |   |
|  | Remunerations |   |   |   |   |
|  | Scholarships |   |   |   |   |
|  | Compensations (except for the State compensation to victims) |   |   |   |   |
|  | Maintenance |   |   |   |   |
|  | Insurance compensation |   |   |   |   |
|  | Income from economic activity |   |   |   |   |
|  | Authorʼs fees and royalties |   |   |   |   |
|  | Fee for the lease or rent of immovable and movable property |   |   |   |   |
|  | Income from the sale of immovable or movable property (alienation) |   |   |   |   |
|  | Dividends and prizes |   |   |   |   |
|  | Material support provided by the spouse or parent of the child living separately in the form of money |   |   |   |   |
|  | Income from capital shares1 |   |   |   |   |
|  | Received gift |   |   |   |   |
|  | Received inheritance |   |   |   |   |
|  | Other income |   |   |   |   |
|  | Savings that exceed the amount of one minimum monthly wage |   |   |   |   |
| Note. 1Except for the case when the owner cannot generate income from this property or act with it due to insolvency proceedings or ruling of another competent authority, or when income have not been generated in a time period of 12 months due to suspension of economic activity. | TOTAL |   |
| On average within three months |   |

**2. State of Property**

(mark the appropriate)

 I certify that I do not own any immovable or movable property

|  |  |  |
| --- | --- | --- |
|  I own immovable property2(indicate the type and address of the property) | 1) |   |
| 2) |   |
| 3) |   |

|  |  |  |
| --- | --- | --- |
|  I own movable property2(indicate the type of the property) | 1) |   |
| 2) |   |
| 3) |   |
| 4) |   |

Note. 2Indicate if the movable or immovable property owned by the applicant is necessary for satisfying the basic needs of the applicant and his or her family members, or the alienation of the movable or immovable property owned by the applicant is not commensurate with the amount of the necessary State-ensured legal aid.

 I certify that I do not own any movable or immovable property that could be used to generate income

 I certify that the movable and immovable property which is in my ownership is necessary for satisfying the basic needs of members of my family and myself

 I certify that the alienation of the movable or immovable property which is in my ownership is not commensurate with the amount of the necessary State-ensured legal aid

**3. Dependent Persons**

The following persons are dependent on me:

(mark the appropriate and indicate the given name, surname, and personal identity number)

|  |  |
| --- | --- |
|  Child (children)3 |   |
|   |

Note. 3Including a person who has attained the age of majority and continues the acquisition of general, vocational, higher or special education and does not have a paid job, but not longer than until attaining 24 years of age.

|  |  |
| --- | --- |
|  Unemployed spouse |   |
|  Unemployed parents or grandparents |   |
|  Person for whose benefit maintenance is recovered by a court judgment |   |
|  Persons under trusteeship or guardianship |   |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date |   |   | Signature |   |

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.