Republic of Latvia

Cabinet

Regulation No. 582

Adopted 30 August 2016

**By-law of the Council of Forensic Experts**

*Issued pursuant to*

*Section 19, Paragraph three of the Law On Forensic Experts*

**I. General Provision**

1. This Regulation prescribes the procedures for the organisation of work and decision-making process of the Council of Forensic Experts (hereinafter – the Council), functions and tasks of the Council.

**II. Functions and Tasks of the Council**

2. The Council shall fulfil all functions stipulated in the Law On Forensic Experts and also shall maintain the reputation of the forensic expert profession.

3. To ensure the performance of functions, the Council shall perform the tasks laid down in the Law On Forensic Experts and also:

3.1. arrange the development of a training programme for forensic expert candidates;

3.2. by collaborating with sectoral experts, develop methodology guidelines in the field of forensic science and approve them;

3.3. compile and give recommendations to a forensic expert-examination institution or an institution which employs a State forensic expert, or to a private forensic expert regarding improvement of methods;

3.4. compile and provide statistical data on the work of forensic experts;

3.5. provide the necessary information to forensic expert-examination institutions and ministries under the subordination of which these institutions are;

3.6. implement other tasks laid down in laws and regulations.

**III. Organisation of Work of the Council**

4. The work of the Council shall be managed by the Chair of the Council. The Chair of the Council shall represent the Council without a special authorisation. The Chair of the Council may authorise other members of the Council to represent the Council.

5. The duties of the Chair of the Council during his or her absence shall be undertaken by the Deputy Chair of the Council. The Deputy Chair of the Council shall be appointed by the Minister for Justice.

6. The members of the Council shall not receive any remuneration for their participation in the Council.

7. The work of the Council shall be ensured by the Court Administration.

8. The Chair of the Council shall convene meetings of the Council.

9. Regular meetings of the Council shall be convened not less than once every three months. The members of the Council shall be notified on the regular meeting of the Council in writing not later than five working days prior to the meeting.

10. Convening of an extraordinary meeting of the Council may be requested by not less than three members of the Council. The members of the Council shall be notified on the extraordinary meeting of the Council in writing not later than one working day prior to the meeting.

11. The meetings of the Council shall be closed. Other persons may participate in a meeting of the Council based on open vote of the members of the Council (a simple majority vote).

12. The Council shall have a quorum if more than a half of the members of the Council are present at the meeting. If the Council does not have a quorum at the convened meeting, the next meeting shall be convened within a month.

13. The Council shall take decisions by a majority vote by open vote. Each member of the Council shall have one vote. In the event of a tied vote, the deciding vote shall be that of the Chair of the Council.

14. A member of the Council shall not take part in the vote if a conflict of interests or another circumstance causing reasonable doubt about impartiality thereof arises in the decision-making process of the respective member of the Council. In such cases the member of the Council shall notify the Council on the abovementioned circumstances, and the Council shall take a decision that the respective member of the Council does not participate in the vote.

15. The meetings of the Council shall be recorded in the minutes. The process of negotiating matters to be discussed at the meeting and decisions taken by the Council shall be indicated in the minutes. The secretary of the Council shall prepare the minutes of the meeting of the Council and send them to participants of the meeting for coordination within a period of three working days after the meeting of the Council.

16. If a participant of the meeting of the Council has objections to or recommendations about the minutes, they shall be sent to the secretary of the Council within a period of three working days after receiving the minutes. Having received objections or recommendations, the secretary of the Council shall send the updated minutes to the members of the Council for coordination within a period of three working days. If participants of the meeting of the Council send new objections or recommendations to the secretary of the Council within a period of three working days after the updated minutes have been received, such information shall be appended to the minutes in the form of an annex. If no objections or recommendations are received within the specified deadline, the minutes shall be regarded as coordinated.

17. The minutes of the meeting of the Council shall be signed by the Chair and secretary of the Council. The original of the minutes shall be kept at the Council.

18. The Council, upon reviewing matters affecting a forensic expert, has the right to request the necessary information and invite a forensic expert to provide either verbal or written explanations. If the forensic expert fails to provide written explanations within the period specified by the Council or does not arrive to the meeting of the Council without a substantiated reason, the Council shall review the matter and take a decision on the basis of the circumstances found out in the matter and the information at the disposal thereof.

**IV. Decision-making of the Council by a Written Procedure**

19. The Council may take a decision by a written procedure.

20. The secretary of the Council shall prepare and send to the members of the Council a description of the essence of the matter, draft decision and documents necessary for taking a decision.

21. If any of the members of the Council objects to the written procedure for reviewing the specific matter, a meeting of the Council shall be convened.

22. The member of the Council shall, within a period of five working days, send to the secretary of the Council his or her opinion on the draft decision, expressing objections or recommendations, if any.

23. After receiving objections or recommendations and compiling thereof, an updated draft decision shall be sent to the members of the Council.

24. The members of the Council shall, within a period of two working days, send to the secretary of the Council their vote on the updated draft decision or objections to it in an electronic form. If objections to the updated draft decision have been received, further review of the matter shall take place in the presence of the members of the Council in accordance with the procedures laid down in Chapter III of this Regulation.

25. The decision taken as a result of the written procedure of the Council shall be signed by the Chair of the Council.

26. The secretary of the Council shall send the decision taken as a result of the written procedure to the members of the Council and representatives with advisory rights thereof within a period of five working days.

Prime Minister Māris Kučinskis

Minister for Justice Dzintars Rasnačs