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

15 December 1994 [shall come into force on 5 January 1995];

9 August 1995 [shall come into force on 29 August 1995];

24 April 1997 [shall come into force on 21 May 1997];

8 May 2014 [shall come into force on 1 July 2014];

5 March 2015 [shall come into force on 2 April 2015];

2 May 2019 [shall come into force on 30 May 2019];

30 September 2021 [shall come into force on 29 October 2019];

7 April 2022 [shall come into force on 1 May 2022];

13 October 2022 [shall come into force on 1 January 2023];

2 May 2023 (Constitutional Court Judgment) [shall come into force on 2 May 2023];

13 June 2024 [shall come into force on 1 July 2024].

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 Supreme Council of the Republic of Latvia has adopted a law:

**On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia**

[*8 May 2014*]

The Supreme Council of the Republic of Latvia has decided:

**Section 1**

It shall be determined that the parts on inheritance rights and property rights, Sections 1–10, 16–18, 22–25 of the introduction of the renewed Civil Law of 1937 of the Republic of Latvia (hereinafter – the Civil Law) and Annexes I, II, and III of the Civil Law and this Law shall come into force on 1 September 1992.

The inheritance legal relations, if an inheritance has opened before 1 September 1992, and also acquisition and exercising of ownership and other property rights in the time period until 1 September 1992 shall be adjudged on the basis of such laws which were in force until 1 September 1992 insofar as it has not been laid down otherwise in this Law.

**Section 2**

Acceptance of an inheritance and refusal of an inheritance shall take place, and also the consequences of taking of an inheritance (Sections 701–714 of the Civil Law) shall become effective in accordance with the provisions of the Civil Law if the time period for the acceptance of an inheritance indicated in Section 693 of the Civil Law has not elapsed yet on 1 September 1992, except for the cases when the heir has already been issued a certificate for the rights to an inheritance or the division of the inheritance among heirs has been completed in accordance with the provisions of the Civil Code of Latvia.

In such cases the inheritance rights of the Civil Law shall also be applied in relation to the property of a former collective farm in case of death of any member of the collective farm.

**Section 3**

If the entirety of property of an estate includes a property which, in the time period after 17 June 1940, has been nationalised or otherwise expropriated without a fair and commensurate compensation, on the basis of the deeds regarding nationalisations or other deeds of the national authorities or administration institutions, the exercising of the inheritance right shall take place within the time periods and in accordance with the procedures laid down in special laws of the Republic of Latvia, applying the norms of the Civil Law in such inheritance relations which are not governed in the abovementioned special laws.

**Section 4**

A written will which has been made until 1 September 1992, if the division of an inheritance has not been completed until this date, shall be valid insofar as its content is not in contradiction with the Civil Law and other laws of the Republic of Latvia. The execution, revocation, or amending thereof in the Republic of Latvia shall take place in accordance with the provisions of the Civil Law.

**Section 5**

An inheritance which has opened before 1 September 1992 shall be divided among co-heirs in accordance with the provisions of the Civil Law in conformity with the priority rights of co-heirs unless the division of the inheritance has been completed before the abovementioned date.

**Section 6**

The provisions of Section 401 of the Civil Law regarding the inheritance rights in case of adoption shall also apply to adoption which has occurred before 1 September 1992.

**Section 7**

The testimonies of witnesses indicated in Section 614, Paragraph two of the Civil Law shall be permissible in conformity with the provisions of Section 172 of the Latvian Code of Civil Procedure.

**Section 8**

The decisions of an Orphan’s and Custody Court provided for in Sections 731 and 738 of the Civil Law until introduction of *lats* and establishment of regional courts shall be approved in a court in cases when the part of an inheritance of a persons under guardianship or trusteeship exceeds ten minimum monthly wages.

**Section 9**

The provisions of Section 741, Paragraph two of the Civil Law regarding the division of land of an agricultural nature among heirs shall be applicable if land of an agricultural nature the amount of which exceeds ten hectares belongs to the co-heir or his or her spouse.

**Section 10**

The last place of residence of the estate-leaver shall be considered as the place where the inheritance opened, but if it is not known – the location of the property or its main part.

**Section 11**

Properties which are a commonhold (collective farm, farmstead property of farmers, joint property of spouses) on 1 September 1992 shall be recognised as indivisible within the meaning of Sections 847, 1067–1075 of the Civil Law.

The properties which were a material property of a collective farm shall be recognised as the material property of the head of the farm, taking into account the property rights of the spouse. If the property of a collective farm (its part) has been obtained with the resources of other members of the farm or with the assistance of their activity, such members of the farm have the right to receive their part upon agreement with the head of the former collective farm. If immovable property is divided, the agreement shall be certified according to notarial procedures.

If an agreement has not been reached, a member of the farm has the right to request the separation of his or her part judicially within the scope of the limitation period provided for in the Civil Code of Latvia, but not later than within one year after coming into force of this Law. Upon settling a dispute, the court shall follow the provisions of Section 1075 of the Civil Law.

**Section 12**

A possession which has established before 1 September 1992 in accordance with the laws which were in force at the time shall be protected in accordance with the provisions of the Civil Law.

**Section 13**

The provisions of Section 969 of the Civil Law shall be applicable regardless of the time when a building or structure was built, if the building or structure has been built on land which has not been granted in accordance with the procedures laid down in the law that was in force at the time and if a court judgment on this issue has not been rendered.

The provisions of Section 979 of the Civil Law shall be applicable regardless of the period when an orchard (trees) was planted on a parcel of land which has not been granted in accordance with the procedures laid down in the law that was in force at the time.

**Section 14**

The provisions of Sections 968 and 973 of the Civil Law shall not be applicable and the buildings (structures) until the joining thereof into one property with land shall be considered as an autonomous property object if at least one of the following conditions is met:

1) the buildings have been built on land which, in accordance with laws, was granted for this purpose, acquired as a result of a transaction or on another legal basis before the day of coming into force of the part on property rights of the Civil Law (1 September 1992), but the land ownership rights have been restored or should be restored to a former owner or his or her heir (successor in rights) or also the land escheats or belongs to the State or local government;

2) the buildings have been acquired by privatising State or local government undertakings (companies) or individual immovable property objects belonging to the State or local government;

3) the buildings have been built on land which belongs or escheats to the State or local government and which, in accordance with the law, has been granted in permanent use during land reform;

4) the buildings (structures), using the right of use for construction, have been built as auxiliary properties of privatised undertakings [such buildings (structures) shall be considered as an autonomous property object together with the privatised buildings];

5) [5 March 2015 / See Paragraph 32].

If buildings (structures) are an autonomous property object, the land owner shall have the right of first refusal or the right of pre-emption thereof. The owner of buildings (structures) shall have the same right of first refusal or the right of pre-emption if a pareel of land is alienated.

The former owner and his or her heirs have the right of first refusal to land and buildings (structures) in accordance with the laws governing the restoration of ownership rights and privatisation.

Buildings (structures) which have not been registered as autonomous property objects in the Land Register Office, the State Land Service, or a local government shall be considered as the property of the land owner in accordance with Section 968 of the Civil Law. The ownership rights of another person to such buildings (structures) may be obtained if the court has satisfied the claim of such persons to recognise the ownership rights to the relevant objects.

Buildings (structures) which are property without heirs or ownerless property shall escheat to the local government if the buildings (structures) are an autonomous property object and the buildings (structures) have been built on the land that escheats or belongs to the local government. The parcel of land which is property without heirs or ownerless property shall escheat to the local government if there are buildings (structures) on it which belong or escheat to the local government and which are autonomous property objects.

[*24 April 1997; 5 March 2015; 13 October 2022*]

**Section 15**

The provisions regarding the delivery of a property (Sections 987–997 of the Civil Law) shall be also applicable to transactions which have been concluded prior to the coming into force of the part on property rights of the Civil Law if the delivery of a property takes place after coming into force of the part on property rights of the Civil Law.

**Section 16**

The prescriptive period (Sections 1023–1024 of the Civil Law) for the acquisition of property through prescription (Sections 998–1031) shall start elapsing from 1 September 1992 regardless of when the natural or legal person applying for the acquisition of the property on the basis of prescription has acquired it in its possession.

**Section 17**

Sections 1067–1129 of the Civil Law shall apply to all properties regardless of the time when the ownership rights were created.

**Section 18**

The provisions of Section 1235 of the Civil Law shall be applicable to relations which have been established until 1 September 1992:

— on the basis of Section 56 of the Land Code of 1979 of the Latvian SSR;

— on the basis of Section 561, Paragraph two of the Civil Code of Latvia when the rights of use of a house or a part of a house have been established according to a will;

— when the rights of use of a house or a part of a house have been established on the basis of a house alienation contract;

— when, in dividing a house in accordance with the procedures provided for in the law, the procedures for the use of a house and land have been specified.

Until registration of such rights in the Land Register, there is only a personal obligation, not a property right.

Such provision shall apply to a pledge, mortgage, and real charge (Sections 1270–1380 of the Civil Law) if encumbrances on the property have arisen before 1 September 1992.

**Section 19**

If the limitation period specified in the Civil Code of Latvia has not elapsed on the day when the inheritance rights and the property rights of the Civil Law come into force, but

1) a longer time period is specified in the Civil Law, the longer time period shall be applied, including the elapsed time;

2) a shorter time period is specified in the Civil Law, the new limitation period shall be applied, counting it from the day when the inheritance rights and the property rights of the Civil Law came into force. If according to such calculation the limitation period is longer than the current limitation period, the limitation period shall expire on the day when it would have elapsed in accordance with the current law.

If the Civil Code of Latvia does not subject any legal relations to a limitation period, the limitation period shall be counted from the day when the parts on inheritance rights and property rights of the Civil Law of Latvia come into force.

**Section 20**

The functions of the Orphan’s and Custody Courts specified in the Civil Law shall be executed by the local governments of rural territories and cities.

The functions of parish courts specified in the Civil Law shall be executed by the local governments of rural territories and district cities where there are no notariate offices.

The functions of General Registry Offices specified in the Civil Law shall be executed by the General Registry Office of district and city local governments, but in rural territories and district cities – also their local governments.

[*15 December 1994*]

**Section 21**

Certification and storage of wills the performance of which is entrusted to notaries and parish courts by the Civil Law shall be executed, in accordance with the procedures laid down in the Civil Law, by notaries, but in rural territories and district cities where there are not notariate offices – also their local governments.

The protection of an inheritance in urgent cases and also the drawing up of an inventory of the estate upon court assignment shall be performed by a city local government of a rural territory or district in accordance with the law on notariate.

Other functions specified in the Civil Law in the inheritance proceedings shall be executed by courts.

**Section 22**

Inheritance matters shall be examined by a court according to the special form of procedure, but if a dispute arises – according to the claim procedure.

In submitting an application to a court according the special form of procedure, a relevant State fee shall be paid, but a true copy of a court judgment regarding the inheritance rights shall be issued only after the State fee has been paid in the amount provided for issuing a certificate for the rights to an inheritance.

Certificates for the rights to an inheritance in inheritance matters which as on 31 August 1992 are in the record-keeping of State notariate offices shall be issued until 31 December 1992.

**Section 23**

In the cases provided for in Section 1321 of the Civil Law, a court shall carry out an auction in accordance with the procedures which have been provided for in the acts of civil-procedural legislation in cases of forced execution of courts judgments.

**Section 24**

In cases when registration of the property rights in Land Registers is provided for in the Civil Law (Sections 1369, 1370, 1379 and other Sections), the provisions in force regarding registration of immovable property shall be applicable.

**Section 25**

Section 1112 and the notes of Sections 862, 878, 1073, 1082, 1111, 1128, 1279, and 1375 of the Civil Law shall be applicable if special provisions have been provided for in the laws of the Republic of Latvia.

**Section 26**

[25 May 1993]

**Section 27**

Until the moment when legislative enactments regarding the use and protection of land, subterranean depths, water, forests, and other nature objects will be harmonised with the Civil Law, they shall be applicable unless they are in contradiction with the Civil Law.

**Section 28**

The Council of Ministers of the Republic of Latvia shall be assigned to draft and submit the following draft laws to the Supreme Council by 1 October 1992:

1) regarding supplementations in the Latvian Code of Civil Procedure (Chapter in which the functions of courts in inheritance matters are specified);

2) regarding guardianship and trusteeship (according to the functions of parish courts and Orphan’s and Custody Courts);

3) regarding amendments and supplementations in laws of the Republic of Latvia due to the renewal of being in force of the parts on inheritance rights and property rights of the Civil Law.

The Council of Ministers of the Republic of Latvia, in coordination with the Committee of Environmental Protection of the Republic of Latvia, shall be assigned to submit proposals regarding clarification of the list of public rivers and lakes appended to the Civil Law by 1 December 1992.

**Section 29**

Division Two “Ownership Rights” (Sections 92–159), Division Seven “Inheritance Rights” (Sections 550–584), Section 80, Paragraph four, and Section 91, Clause 2 of the Civil Code of Latvia, and also Sections 37 and 38 of the law On State Notariate of the Latvian SSR of 28 June 1974 (*Latvijas PSR Augstākās Padomes un Valdības Ziņotājs*, 1974, No. 27) are repealed.

**Section 30**

A private will which has been made in accordance with the procedures laid down in Sections 446, 447, 448, 449, and 450 of the Civil Law is recognised as having entered into legal effect if it conforms to the provisions of the Civil Law which were in force at the time of the making thereof.

[*8 May 2014*]

**Section 31**

Amendments to the Civil Law regarding the deletion of its Part Two, Chapter Three, Sub-chapter Five, Chapter III “Privileged Wills” shall come into force on 17 August 2015.

[*8 May 2014*]

**Section 32**

Chapter 3 A “Right of Superficies” of the part on the property rights of the Civil Law and the deletion of Section 14, Paragraph one, Clause 5 of this Law shall come into force on 1 January 2017.

[*5 March 2015*]

**Section 33**

The contracts entered into until 1 January 2017 regarding land lease which provide for the rights of a lessee to build a building (structure) on the leased land as an autonomous property object and on the basis of which a construction permit in accordance with the procedures laid down in the laws and regulations governing construction has been received shall be valid and adjudged in accordance with the provisions which were in force until 1 January 2017.

If, in the cases referred to in Paragraph one of this Section, an autonomous immovable property of the structures has been established the ownership rights to which have been corroborated in the Land Register and the lease contract so allows, the lessee may construct new non-residential buildings or engineering structures after 1 January 2017. This right shall apply only to the lease contracts that have been entered in the Land Register. Structures constructed after 1 January 2017 must be entered in the composition of the current immovable property of the structures.

If the right referred to in Paragraph two of this Section is exercised, duration of the land lease contract may not be extended.

The valid land lease contracts which have been entered in the Land Register and which provide for the right of the lessee to construct non-residential buildings or engineering structures on the leased land as autonomous property objects may be renewed by establishing the right of superficies. Non-residential buildings and engineering structures constructed on the basis of such lease contracts shall be entered in the division of the Land Register of the established right of superficies as an essential part of the right of superficies. All rights, legal securities, and restrictions attached to autonomous non-residential buildings and engineering structures constructed on the basis of the lease shall be transferred to the right of superficies, retaining the priority rights thereof. Upon novation of the land lease contract to the right of superficies, the land lease contract shall become invalid along with entry of the right of superficies in the Land Register.

In exercising the right referred to in Paragraph four of this Section, if the maturity of the right of superficies to be established is intended before the maturity of the lease contract subject to novation, the novation may take place only with the consent of the third persons in whose favour the property rights to autonomous structures have been established.

[*5 March 2015; 30 September 2021*]

**Section 34**

If the contracts entered into until 1 January 2017 regarding land lease which provide for the rights of a lessee to build buildings (structures) on the leased land as independent property objects do not include the provision regarding the ownership of the building (structure) after expiry of the time period of the lease contract, Section 1129.9 of the Civil Law shall be applicable.

[*5 March 2015*]

**Section 35**

The provisions of Sections 33 and 34 of this Law shall also be applicable in relation to lending contracts.

[*5 March 2015*]

**Section 36**

A private will which has been made until 30 June 2014 and conforms to the conditions of Section 30 of this Law is recognised as having entered into legal effect if it has been submitted to the sworn notary keeping the inheritance matter by 31 December 2020.

[*2 May 2019*]

**Section 37**

A private will which has been made until 30 June 2014 and conforms to the conditions of Section 30 of this Law is recognised as having entered into legal effect if the testator submits it to the sworn notary for storage.

[*2 May 2019*]

**Section 38.**

If a structure is an independent property object in accordance with Section 14, Paragraph one, Clause 1, 2, 3, or 4 of this Law, until the structure is merged into one property with the land, the owner of the structure shall hold the land use rights on the basis of the law, insofar as it is necessary for exercising the ownership rights over the structure. Such a restriction of the lawful rights of use constitutes a real servitude in favour of the structure which is an independent object of ownership rights and the provisions of the Civil Law regarding real servitude shall apply to the rights of use insofar as it has not been laid down otherwise in this Law.

The owner of the structure on the basis of the law has the obligation to pay the fee for use to the land owner for the land use right, and also to cover the costs of the payment notification. The amount of the fee for lawful use shall be four per cent of the annual cadastral value of the land in use, but not less than EUR 50 per year. Each owner of the structure (joint owner, owner of residential property) shall cover the costs for preparing and sending the payment notification in the amount of EUR 15 per year. If the payment of the fee for the use in a residential house is made with the intermediation of an administrator, the payment notification shall be sent to the administrator – a single notification in respect of all owners of the structure (joint owners, owners of residential property). The owner of the structure and the land owner may agree in writing on a different amount of the fee for use and the costs of the payment notification. Such agreement shall not be binding upon the acquirer of the immovable property in the event of a change of the owner of the structure or the land.

The fee for use shall be paid in advance on a quarterly basis unless otherwise agreed between the owner of the structure and the land owner. The obligation to pay the fee for use to the land owner for the relevant period shall cease if the land use right could not have been exercised due to *force majeure*. The costs of the payment notification after receipt of the payment notification shall be covered together with the next payment of the fee for the use.

If there is a delay in the payment of the fee for the use, the debtor shall reimburse the land owner for the recovery costs of each delayed payment in the amount of EUR 30 unless the land owner is himself at fault for the delay. The reimbursement of costs shall not release the debtor from the obligation to compensate the land owner for losses incurred, insofar as they exceed the said costs.

If laws and regulations do not prescribe the procedures for determining the area and boundaries of the land in use, the owner of the structure and the land owner shall determine them by agreement in writing. In determining the area and boundaries of the land in use by the owner of the structure, the principles for determining the functionally required plot for residential houses subject to privatisation shall be taken into account. Disputes relating to the area and boundaries of the land in use shall be settled by court.

If laws and regulations do not prescribe the procedures for determining the area and boundaries of the land in use and the owner of the structure and the land owner have not reached agreement thereon, the owner of the structure shall be deemed to use the entire unit of land where the structure is located until bringing of an action to a court. Such an assumption shall not apply where it is manifestly obvious that the entire unit of land is unlikely to be required for the use of the structure.

The Cabinet shall determine the procedures for a public person to implement the statutory land use relations and the cases where the public person acting in the capacity of the land owner agrees on a lower fee than stipulated by law with certain groups of owners of structures or owners of structures of different classifications in accordance with Paragraph two of this Section.

Claims relating to the payment of the fee for the statutory land use and related ancillary claims shall have the limitation period of three years.

[*30 September 2021; Constitutional Court judgment of 2 May 2023; 13 June 2024*]

**Section 39.**

If the owner of the structure holds the statutory land use rights, the land owner may not, without losing the right to act with his or her property in all other relations, restrict the opportunities of the owner of the structure to use the land in accordance with the right of use granted by law to the owner of the structure or otherwise harm him or her in relation to exercising the right of use, including:

1) the use of the rights inherent in the statutory land use rights or granting thereof to another person;

2) making of any alterations with regard to the land in statutory use against the will of the owner of the structure (for example, to construct a structure on the land in use);

3) encumbering the land in statutory use to the detriment of the user (for example, by establishing a servitude) or renunciation of a servitude of land without the consent of the owner of the structure.

[*30 September 2021*]

**Section 40.**

Statutory land use rights shall also cover essential parts of land and servitudes.

In exercising statutory land use rights, the owner of the structure has the following obligations:

1) to take care of the land in use as an honest and careful proprietor and to be responsible for the maintenance of the land in use in accordance with the requirements of laws and regulations;

2) to bear the charges and encumbrances attached to the land, except for real charges, pledge rights, and debts attached to the land, and also the ancillary claims thereof.

The owner of the structure has the right to construct on the land used thereby, without the consent of the land owner, ancillary buildings and engineering structures necessary for the use of the structure, and also roads, grounds, and exterior elements. Such structures shall be considered as auxiliary properties of an autonomous structure. This right shall not apply to any construction which would require the alteration of the area or boundaries of the land used by the owner of the structure or would cause an encumbrance on the immovable property outside the area of the land used.

[*30 September 2021*]

**Section 41.**

Statutory land use rights shall be extinguished only in the following cases:

1) if the structure and the land are merged into one immovable property;

2) if the structure which is an autonomous immovable property object is demolished.

In the case referred to in Paragraph one, Clause 2 of this Section, the owner of the structure has the obligation to vacate the land in use and remove any auxiliary properties of the structure unless otherwise agreed between the owner of the structure and the land owner.

[*30 September 2021*]

**Section 42.**

[Paragraph one recognised as invalid from 1 July 2024 under the judgment of the Constitutional Court of 2 May 2023]

If a structure is an independent property object in accordance with Section 14, Paragraph one, Clause 1, 2, 3, or 4 of this Law and the extent of the legal relationship between the land owner and the owner of the structure is already stipulated by an agreement or a court ruling, Sections 38, 39, 40, and 41 of this Law shall apply to such relationship as of 1 January 2023.

In the cases referred to in Paragraph two of this Section, the lease fee stipulated by the agreement or court ruling shall not apply as of 1 January 2023.

If, in the cases referred to in Paragraph two of this Section, the area and the boundaries of the land in use are prescribed by laws and regulations, such area shall henceforth be recognised as land in use. If the area and boundaries of the land in use are not prescribed by laws and regulations but the owner of the structure and the land owner have agreed thereon or it has been determined by a court, such area of land shall henceforth be recognised as land in use in accordance with Section 38, Paragraph five of this Law.

If the structure is an independent property object in accordance with Section 14, Paragraph one, Clause 1, 2, 3, or 4 of this Law and the land owner is a public person, the requirements of Sections 38, 39, 40, and 41 of this Law shall apply as of 1 January 2024.

The Cabinet shall, by 1 October 2023, issue the regulations referred to in Section 38, Paragraph seven of this Law.

If the legal land use right pertains to the owners of a residential house and the cadastral value of the land in use as of 1 January 2025 is higher than its cadastral value effective in 2024, the corresponding payment for the legal land use from 1 January 2025 until 31 December 2028 shall increase each year by 30 per cent compared to the previous year’s payment, until the payment amount corresponds to the legal land use fee based on the current cadastral value.

[*30 September 2021; Constitutional Court judgment of 2 May 2023; 13 June 2024*]

**Section 43.**

The provisions of Section 1075, Paragraphs one, two, and three of the Civil Law which come into force on 1 May 2022 shall be applicable to the cases of division of joint property which have not been examined in the court on the merits until 30 April 2022. Before that, the court shall, in accordance with Section 8 of the Civil Procedure Law, ascertain the opinion of the participants in the case regarding the application of those forms of division which arise from the abovementioned norms.

Section 1074.1, Paragraphs two and three of the Civil Law, insofar as they provide for the sale at auction among the joint owners (closed auction), and Section 1075, Paragraph four of the Civil Law shall come into force concurrently with the amendments to the Civil Procedure Law regarding the auctions among the joint owners.

[*7 April 2022*]

Chairperson of the Supreme Council of the Republic of Latvia A. Gorbunovs

Secretary of the Supreme Council of the Republic of Latvia I. Daudišs

Rīga, 7 July 1992

Law of the Republic of Latvia of 7 July 1992

On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia

**Annex**

**Sections of the Parts on Family Rights and Obligation Rights of the Civil Law which are Applicable Concurrently with the Coming into Force of the Parts on Inheritance Rights and Property Rights of the Civil Law**

70. A spouse may request the dissolution of marriage if the other spouse has committed adultery.

Marriage cannot be dissolved if the spouse has committed adultery with the consent of the claimant or with his or her encouragement or also if the claimant has forgiven.

The claim shall be brought forward within one year from the day when the adultery has become known to the claimant. The claim shall not be allowable if ten years have passed from committing adultery.

71. A spouse may request the dissolution of marriage if the other spouse threatens his or her life or health, hits or tortures him or her. Marriage cannot be dissolved if the claimant has forgiven. The claim shall elapse within one year since the relevant offence.

72. When one spouse maliciously leaves the other spouse, the latter may request the dissolution of marriage if the absence lasts not less than one year.

74. A spouse may request the dissolution of marriage if the other spouse has committed a criminal offence which besmirches honour or also lives in such a dishonest or immoral manner that one cannot be demanded to continue cohabitation in marriage with him or her.

76. A spouse has the right to request the dissolution of marriage if cohabitation in marriage has been torn apart to such an extent that continuation of the married life cannot be requested.

In such case marriage shall be dissolved also regardless of the guilt of the spouses.

If only one spouse is guilty of tearing apart cohabitation in marriage, the claim may be brought only by the other spouse. If both parties are guilty or none of the parties is guilty, the claim may be brought by each spouse.

77. The spouses continuously living apart for three years is a reason for the dissolution of marriage.

146. Children of the marriage are such children which have been born in a marriage or not later than on the 306th day after the marriage has ended with the death of the husband or dissolution thereof.

152. The following children shall be considered children of marriage:

1) natural children from the time period when their parents have mutually entered into marriage;

3) children who have been born within such a marriage which is subsequently declared annulled, but not later than on the 306th day after termination of such a marriage.

179. (1) Parents, commensurate to their financial and public state, have the obligation to take care of the life and welfare of the children under their authority, to provide them with maintenance, i.e. to provide food, dwelling, clothing, to take care of them, to bring them up, and to educate them.

(4) If children have their own property, but that owned by their parents does not suffice to cover the expenditures necessary for the maintenance of the children, these expenditures may be covered from the income derived from the property of the children; if such income does not suffice, part of the property of the children may be used, but only with the permission of the relevant Orphan’s and Custody Court.

191. In the administration of the property of children, parents have the same rights and duties as guardians, but they are relieved from the duty of providing detailed information in accounts regarding expenditures for maintenance of the children, and shall set out only the total amount of such expenditures.

195. As the independent property of children, which is removed from parental administration if the children have reached the age of sixteen, shall be acknowledged:

1) everything that the children have acquired by their personal work or by independently working in an occupation, industry, or commerce with the consent of the parents and with the permission of an Orphan’s and Custody Court;

2) everything that is transferred by the parents, from the property owned by children, to their independent administration;

3) all the property given gratuitously to the children by kin or other persons on condition that the children administer and utilise such property independently.

202. If a parent wants to re-marry, he or she has the obligation to notify an Orphan’s and Custody Court of the intended marriage beforehand; moreover, he or she shall be faced with the threat of removal of the parental authority for a non-fulfilment of this obligation. If it is requested by the interests of the children, the Orphan’s and Custody Court shall take the necessary supervision steps and appoint a guardian for the children in the most urgent case. The parent who administers of the property of the child and who remarries is subject to the general provisions of guardianship.

206. The relationship between two or more persons created by birth is called kinship.

The nearness of kinship is determined in accordance with lines and degrees.

Descent of one person by birth directly from another creates one degree. With each new birth a new degree is created. The connection between several unbroken continuous degrees is called a line. Lines are direct or collateral.

207. Kin in a direct line are those who have descended from each other by birth and are called either ascending or descending kin, depending on whether the calculation is from children to parents, or vice versa. In accordance with that the line itself is divided into an ascending and a descending line. The father, mother, grandfather, grandmother, great-grandparents, etc. belong to the first line, while sons, daughters, grandchildren, children of the latter etc. belong to the second line.

208. Collateral kin are those who have descended from one common third person, an ancestor or ancestress. Such kin are brothers and sisters, their children, uncles and aunts with their descendants, brothers and sisters of a grandfather and grandmother with their descendants, etc.

209. Collectively all of the kindred descended from one common third person are called a stirps.

210. The nearness of kinship between two persons in a direct line is determined in accordance with degrees, i.e., the number of births. A son in relation to his father stands in the first degree of kinship, a grandchild in relation to his or her grandfather stands in the second degree of kinship, and a great-grandchild in relation to his or her great-grandfather stands in the third degree of kinship, etc.

211. For the purposes of determining nearness of kinship between two persons in a collateral line, only degrees or the number of births shall be considered, and the calculation shall begin from one of these persons, excluding himself or herself, in a direct line ascending to a third person, common to both, and from the latter descending to the second of such persons, brothers and sisters of the whole blood are in the second degree of kinship, an uncle and his niece and an aunt and her nephew in the third degree and cousins in the fourth degree of kinship, etc.

212. Kinship connecting persons in two or more kinship relations is called a double or multiple kinship relation.

213. Kinship between brothers and sisters may be either full or partial. Such kinship shall be considered full, when the brothers and sisters have descended from one and the same parents, and partial, when they have descended from the same father but different mothers or, vice versa, from the same mother but different fathers; in the first case brothers and sisters are called brothers of the whole blood and sisters of the whole blood, whereas in the second case they are called half-brothers and half-sisters.

Note. Children of two spouses, which each of them have from a previous marriage, shall not be regarded as kin to each other.

215. The relationship of one spouse to the kin of the other spouse is called affinity.

Affinity established by marriage also continues in effect after termination of the marriage.

The degree of affinity with one of the spouses is the same as the degree of kinship with the other spouse.

224. If one of the parents or both parents lose parental authority over their children after a court judgment or for some other reason independent of their will, they may not be also their guardians and another guardianship shall be established over them.

The same also applies to property of a minor, which has been given or bequeathed to them on condition that it not be administered by the parents.

226. When one of the parents dies and the other parent remarries, the latter nevertheless remains the natural guardian for the minor children of his or her previous marriage, but he or she has the obligation to notify an Orphan’s and Custody Court of the intended marriage, to distribute the property of the deceased pursuant to the provisions respecting inheritance rights, and also to provide to or appropriately ensure for the children their appropriate share of the property. Such distribution shall be carried out with the participation of the relevant Orphan’s and Custody Court that in such cases shall, to protect the interests of the children, appoint special guardians who shall, upon the completion of the distribution, be immediately released.

307. An Orphan’s and Custody Court shall determine remuneration for a guardian that is just and commensurate to the property of the ward, but not more than five per cent of the net income after confirmation of the annual accounting.

Having regard to the circumstances, the Orphan’s and Custody Court may in lieu of annual remuneration provide for a one-time payment to the guardian after the termination of the guardianship, review of the guardian's report and acceptance and a final settling of accounts with the guardian. Such remuneration may not exceed five thousand *lats*.

Guardians who are in direct line kinship with a ward shall not receive remuneration.

1502. The law shall protect an absentee only when he or she is absent (Section 1500) with good cause, and when, with good cause, he or she has not designated a substitute, or when a substitute has been designated, but such substitute has withdrawn without the knowledge or participation of the absentee.

Issues regarding whether good cause exists shall be decided pursuant to the discretion of the court.

1765. The interest rate shall be precisely stipulated in the document or transaction. If this has not been done, and also in cases where the law requires calculation of lawful interest, that is, at six per cent per year. Interest shall be calculated only on the principal itself. But if within the term stipulated interest is not paid for one year or more, upon request of the creditor, lawful interest shall be calculated on the outstanding amount of interest from the commencement of the abovementioned term.

1896. A prescriptive period shall begin to run with the day when the claim is established such that an action may be brought immediately against a debtor who has not performed his or her duty, even though the debtor may not yet have refused to perform it, nor received a reminder from the creditor. In accordance therewith, for a prescriptive period to begin to run it is required: for conditional claims that the condition be already clarified, but for term debts that the term have already expired.

Note. Cases where a special time is set for a prescriptive period to begin to run are indicated in the applicable sections.

1898. In a few cases, in calculating the prescriptive period, a certain time period may be deducted either to postpone the beginning date or to toll the running of the prescriptive period, that is, to generally extend the term. The following are such cases:

1) when the work of a court has been temporarily completely interrupted due to war conditions; in such case the running of the prescriptive period shall be tolled during the entire period of interruption.

2060. By right of first refusal a seller contracts for a priority right to purchase a property if the purchaser should resell it.

The right of first refusal may not be used where a purchaser alienates a property not by selling it, but otherwise.

2062. If the holder of the right of first refusal wants to use such right, then he or she shall, unless otherwise agreed, fulfil the same conditions that are offered by the new purchaser.

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