Republic of Latvia

Cabinet

Regulation No. 1342

Adopted 19 November 2013

**Procedures by Which Assistance of an Interpreter shall be Provided to a Person Who Has the Right to Defence in a Meeting with the Defence Counsel**

*Issued pursuant to*

*Section 11, Paragraph 23 of the Criminal Procedure Law*

**I. General Provisions**

1. This Regulation prescribes the procedures by which the assistance of an interpreter shall be provided to a person who has the right to defence but does not have the knowledge of the official language in the cases referred to in Section 11, Paragraphs 2. 1 and 2.2 of the Criminal Procedure Law, and the scope of assistance.

2. This Regulation does not apply to the procedures for reimbursing the expenses to an interpreter if he or she interprets while performing service or work duties in the institution of the person directing the proceedings or in the Prison Administration.

3. Payment for services of an interpreter shall be calculated for full hours.

4. When providing services of an interpreter outside the administrative territory in which the interpreter’s place of practice is located, technical means (telephone conference, video conferencing) shall be used.

**II. Types of Interpreting and the Amount of Payment**

5. The State shall ensure to the person who has the right to defence but does not have the knowledge of the official language (hereinafter – the person) services of an interpreter (interpreting) in a meeting with the defence counsel to conduct the following activities:

5.1. to prepare for interrogation in an investigation during pre-trial proceedings;

5.2. to prepare for interrogation in a criminal prosecution during pre-trial proceedings;

5.3. to prepare for interrogation during a trial;

5.4. to draw up a written complaint regarding the conduct of the official who handles the criminal proceedings in an investigation during pre-trial proceedings;

5.5. to draw up a written complaint regarding the conduct of the official who handles the criminal proceedings in a criminal prosecution during pre-trial proceedings;

5.6. to draw up a written complaint regarding the conduct of the official who handles the criminal proceedings during a trial;

5.7. to draw up a written complaint regarding a ruling of the official who handles the criminal proceedings in an investigation during pre-trial proceedings;

5.8. to draw up a written complaint regarding a ruling of the official who handles the criminal proceedings in a criminal prosecution during pre-trial proceedings;

5.9. to draw up a written complaint regarding a ruling of an official who handles the criminal proceedings during a trial;

5.10. to draw up a written complaint regarding the application, amendment or revocation of a procedural compulsory measure in an investigation during pre-trial proceedings;

5.11. to draw up a written complaint regarding the application, amendment or revocation of a procedural compulsory measure in a criminal prosecution during pre-trial proceedings;

5.12. to draw up a written complaint regarding the application, amendment or revocation of a procedural compulsory measure during a trial;

5.13. to draw up a document which is necessary for the trial of the case in the written procedure;

5.14. to draw up an appellate complaint;

5.15. to draw up a cassation complaint.

6. The State shall cover expenses for the provision of interpretation in order to conduct the activities referred to in Paragraph 5 of this Regulation providing no more than two hours for each activity. If a ruling of a court of first instance or appellate court has been completely or partly revoked and the criminal case has been sent for an examination *de novo*, the State shall cover expenses for the provision of interpreting in order to conduct the activities referred to in Sub-paragraph 5.14 and 5.15 of this Regulation providing no more than two hours for each activity.

7. If the person meets with a defence counsel to conduct several of the activities referred to in Paragraph 5 of this Regulation and such activities are indicated in the submission referred to in Paragraph 14 of this Regulation, but the time spent on each of the activities specified in Paragraph 5 of this Regulation has not been specified during the course of interpreting, the time shall be calculated in proportionately equal parts for each activity referred to in Paragraph 5 of this Regulation.

8. Expenses related to the provision of interpreting in the cases referred to in Paragraph 5 of this Regulation shall be reimbursed by the institution of the person directing the proceedings, prison or the institution which administers the budget of the court from the funds provided in the State budget for this purpose on the basis of a notification on the provision of interpreting (Annex 1) (hereinafter – the notification) and an invoice.

9. The time spent by an interpreter while waiting for the meeting of the person and the defence counsel at the time and place indicated by the person directing the proceedings or the administration of a prison until the moment the interpreter is informed of the postponement of the meeting due to reasons beyond the control of the interpreter shall be included in the time provided for interpreting.

10. For the time spent by an interpreter while waiting for the person or their defence counsel which has failed to appear at the time and place indicated by the person directing the proceedings or the administration of a prison, expenses in the amount of up to 50 % of the hourly rate shall be compensated to the interpreter.

11. If the meeting has been postponed due to the person not appearing without a justifying reason and failing to notify the person directing the proceedings in a timely manner of non-appearance, the person directing the proceedings shall decrease the amount of hours provided for interpreting in proportion to the time spent by the interpreter while waiting for the person or their defence counsel.

**III. Other Expenses Related to the Provision of Interpreting and Amount Thereof**

12. If services of an interpreter are provided outside the administrative territory in which the interpreter’s place of practice is located, and the services cannot be provided through technical means, travel (transport) expenses of the interpreter shall be covered from the funds of the State budget in the following amount:

12.1. if the interpreter uses a personal vehicle, the travel (transport) expenses shall be covered in accordance with the procedures laid down in Paragraphs 22 and 23 of this Regulation based on the distance from the place of practice to the place where interpreting is provided, taking into account the price of fuel and the vehicle fuel consumption, but no more than 10 litres per 100 km of the distance travelled;

12.2 if the interpreter uses a public vehicle (except for a taxi) the travel expenses shall be covered in accordance with the supporting documents certifying the expenditures.

13. If services of an interpreter are provided outside of the administrative territory in which the interpreter’s place of practice is located, and such services cannot be provided through technical means, the expenses for the use of an accommodation (hotel) shall be covered to the interpreter from the funds of the State budget in the amount specified in the laws and regulations regarding the reimbursement of expenses relating to official travels if the interpreter is unable to return to his or her place of residence on the same day or appear on time at the time and place indicated by the person directing the proceedings.

**IV. Procedures for the Provision of Services of an Interpreter**

14. To provide services of an interpreter in the cases referred to in Paragraph 5 of this Regulation, the person or the defence counsel thereof shall submit to the person directing the proceedings a submission for the provision of interpreting. The following shall be indicated in the submission:

14.1. details of the person (given name, surname, personal identity number, procedural status, address of the actual place of residence, telephone number);

14.2. details of the defence counsel (given name, surname, personal identity number, place of practice, telephone number of the defence counsel);

14.3. purpose of interpreting in accordance with Paragraph 5 of this Regulation;

14.4. language in which the interpreting shall be provided;

14.5. preferred date, time and place of the interpreting.

15. After the receipt of the submission of the person or the defence counsel thereof for the provision of interpreting, the person directing the proceedings shall assess the extent to which the person has used their right to a interpreting in accordance with this Regulation, and:

15.1. if the person has not used their right to interpreting in accordance with this Regulation – take activities to ensure services of an interpreter, specify the date, time and place for a meeting and inform the person and their defence counsel thereof;

15.2. if the person has used their right to interpreting in full in accordance with this Regulation – take the decision to reject the submission;

15.3. if the person has used their right to interpreting partially in accordance with this Regulation – take the decision to partially reject the submission, indicating the extent to which the person has used their right to interpreting in accordance with this Regulation, and take activities to ensure services of an interpreter, and specify the date, time and place for a meeting and inform the person and their defence counsel thereof.

16. The person directing the proceedings shall examine the submissions referred to in this Regulation and take decisions, and also examine complaints regarding the decisions taken by the person directing the proceedings in accordance with the procedures laid down in the Criminal Procedure Law.

17. If the person has been applied a security measure related to the deprivation of liberty, the person directing the proceedings shall, without delay, but no later than within three working days after receipt of the submission of the person or their defence counsel, forward it to the administration of a prison with a request to provide interpreting, indicating the extent to which the person has used their right to interpreting in accordance with this Regulation. If the person has used their right to interpreting in full in accordance with this Regulation, the person directing the proceedings shall not send the submission to the administration of a prison.

18. After the receipt of the request of the person directing the proceedings referred to in Paragraph 17 of this Regulation, the administration of a prison shall organize a meeting between the interpreter, the person and their defence counsel by determining the date, time and place for the meeting and informing the person and their defence counsel thereof. After provision of the services of an interpreter, the administration of a prison shall, not later than on the next working day, inform the person directing the proceedings of the provision of interpreting and the extent to which the person has exercised their right to interpreting in accordance with this Regulation.

19. If the person or their defence counsel cannot appear at the time and place specified by the person directing the proceedings or the prison administration, he or she shall inform the person directing the proceedings or the administration of a prison thereof in a timely manner.

20. An interpreter, the person and their defence counsel shall sign the notification immediately after interpreting. If the services of an interpreter are provided through technical means, the interpreter shall fill in and sign the notification and send it by mail or electronically in accordance with laws and regulations regarding the preparation and circulation of electronic documents.

**V. Procedures for Making a Payment for the Provision of Interpreting and Covering the Expenses Related Thereto**

21. To receive payment for the provision of the services of an interpreter in accordance with this Regulation, the interpreter shall, within 10 working days after interpreting, submit a notification to the person directing the proceedings or, if the services of an interpreter were provided to a person to which a security measure related to the deprivation of liberty has been applied, to the administration of the prison.

22. To cover the expenses referred to in Sub-paragraph 12.1 of this Regulation, an interpreter shall, in accordance with Annex 2 to this Regulation, indicate the total distance travelled in kilometres – the distance from the interpreter’s place of practice to the place of interpreting and back.

23. If the place where the interpreting is provided (relevant populated area) has not been indicated in Annex 2 to this Regulation, an interpreter shall, for the coverage of the expenses referred to in Sub-paragraph 12.1, indicate in the notice the total distance travelled in kilometres – the actual distance from the interpreter’s place of practice to the place of interpreting and back – in accordance with the control device (measuring device) installed in the vehicle for measuring the number of kilometres travelled.

24. For the expenses referred to in Sub-paragraph 12.2 and Paragraph 13 of this Regulation to be covered, an interpreter shall append the original documents which certify the travel (transport) expenses and the hotel (accommodation) expenses to the notification and invoice.

25. Within a month after the person directing the proceedings or the administration of a prison has received a notification within the time period specified in Paragraph 21 of this Regulation, the institution of the person directing the proceedings, the administration of a prison or the institution which administers the budget of the court shall transfer the calculated payment to the account of a credit institution indicated in the notification.

26. If the person directing the proceedings or the administration of a prison finds that the submitted notification has not been filled in accordance with this Regulation, is erroneous and inaccurate, it shall return the relevant notification to the interpreter for the elimination of errors or updating. If the person directing the proceedings or the administration of a prison finds inaccuracies in calculations, it shall recalculate the amount of payment and transfer the calculated amount to the account of the credit institution indicated in the notification within a month. If necessary, the interpreter shall be informed of the recalculation.

27. An interpreter may electronically submit the notification and documents appended thereto to the person directing the proceedings or the administration of a prison in accordance with the procedures laid down in this Regulation if such documents have been drawn up in accordance with laws and regulations regarding the preparation and circulation of electronic documents.

Prime Minister Valdis Dombrovskis

Minister for Justice Jānis Bordāns

**Annex 1**

Cabinet Regulation No. 1342

19 November 2013

**Notification on the Provision of Interpreting**

|  |  |
| --- | --- |
| Criminal proceedings number |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |
|  | . |  | . |  |  |  | . |  |
| (dd.mm.yyyy) |  |

|  |  |  |
| --- | --- | --- |
| Contract No. |  |  |

|  |
| --- |
| Details of the interpreter |
| given name, surname | personal identity number | address of the place of practice | telephone number, e-mail |
|  |  |  |  |

|  |
| --- |
| Details of the payment receiver and details of the credit institution |
| payment receiver (given name, surname or name of office) | registration number | VAT payer number | name of the credit institution | account number |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |

|  |
| --- |
| Details of the person who has the right to defence |
| given name, surname | personal identity number | procedural status |
|  |  |  |  |  |  |  | - |  |  |  |  |  |  |
|  |  |  |  |  |  |  | - |  |  |  |  |  |  |
|  |  |  |  |  |  |  | - |  |  |  |  |  |  |

|  |
| --- |
| Details on the defence counsel |
| given name, surname | personal identity number | address of the place of practice | telephone number |
|  |  |  |  |  |  |  | - |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | - |  |  |  |  |  |  |  |

|  |
| --- |
| Costs of interpreting |
| purpose of interpreting | date | language from which or to which the interpreting is provided | time | number of hours | amount |
| from \_\_ | until \_\_\_\_\_\_ o’clock |
| to prepare for interrogation in an investigation during pre-trial proceedings |  |  |  |  |  |  |
| to prepare for interrogation in a criminal prosecution during pre-trial proceedings |  |  |  |  |  |  |
| to prepare for interrogation during a trial |  |  |  |  |  |  |
| to draw up a written complaint regarding the conduct of the official who handles the criminal proceedings in an investigation during pre-trial proceedings |  |  |  |  |  |  |
| to draw up a written complaint regarding the conduct of the official who handles the criminal proceedings in a criminal prosecution during pre-trial proceedings |  |  |  |  |  |  |
| to draw up a written complaint regarding the conduct of the official who handles the criminal proceedings during a trial |  |  |  |  |  |  |
| to draw up a written complaint regarding a decision of the official who handles the criminal proceedings in an investigation during pre-trial proceedings |  |  |  |  |  |  |
| to draw up a written complaint regarding a decision of the official who handles the criminal proceedings in a criminal prosecution during pre-trial proceedings |  |  |  |  |  |  |
| to draw up a written complaint regarding a decision of the official who handles the criminal proceedings during a trial |  |  |  |  |  |  |
| to draw up a written complaint regarding the application, amendment or revocation of a procedural compulsory measure in an investigation during pre-trial proceedings |  |  |  |  |  |  |
| to draw up a written complaint regarding the application, amendment or revocation of a procedural compulsory measure in a criminal prosecution during pre-trial proceedings |  |  |  |  |  |  |
| to draw up a written complaint regarding the application, amendment or revocation of a procedural compulsory measure during a trial |  |  |  |  |  |  |
| to draw up a document necessary for the trial of the case in the written procedure |  |  |  |  |  |  |
| to draw up an appeal |  |  |  |  |  |  |
| to draw up a cassation complaint |  |  |  |  |  |  |
| Total (exclusive of VAT)VATTotal amount |  |
|  |
|  |

|  |
| --- |
| Other expenses |
| Travel expenses |
| Travel (transport) expenses in accordance with documents certifying the expenses | date | route | distance travelled(km) | fuel consumption (litres) | price(1 litre) | amount |
| from | to |
| make, model and year of the personal vehicle |  |  |  |  |  |  |  |
| public transport |  |  |  | - | - | - |  |
| Accommodation expenses |
| name of the city, address of the hotel (accommodation) | date (from/to) | amount |
|  |  |  |
|  | Total amount |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  | Total amount payable |  |

|  |
| --- |
| Details of the recipient of notification |
| name of the institution | person directing the proceedings or an official of the administration of the prison (position, given name, surname) | telephone number | signature |
|  |  |  |  |

|  |  |  |
| --- | --- | --- |
| Appended: |  |  |
|  | (receipts, cheques, original tickets) |  |
|  |  |  |
|  |  |  |  |  |
| (date) |  | (given name, surname of the recipient of services of the interpreter) |  | (signature) |
|  |  |  |  |  |
|  |  |  |  |  |
| (date) |  | (given name, surname of the defence counsel) |  | (signature) |
|  |  |  |  |  |
|  |  |  |  |  |
| (date) |  | (given name, surname of the interpreter) |  | (signature) |

Minister for Justice Jānis Bordāns

**Annex 2**

Cabinet Regulation No. 1342

19 November 2013

**Distances between Populated Areas in Latvia**



Minister for Justice Jānis Bordāns