

LATVIAN ADMINISTRATIVE VIOLATIONS CODE

DIVISION I

GENERAL PROVISIONS

Chapter One General Provisions

Section 1. Tasks of the Administrative Violations Legislation

The task of administrative violations legislation is to protect public order, property, socio-economic, political and personal rights and freedoms of citizens, as well as rights and legal interests of merchants, institutions and organisations, the specified management procedures, State and public order, to strengthen legality, to prevent right violations, to educate citizens in a spirit of precise and strict observance of laws, to inculcate a full of respect attitude in them towards the rights of other citizens, honour and self-esteem towards provisions of social life, upright attitude towards the duties thereof and liability to public.

For the implementation of this task the Administrative Violations Code shall determine, which action or inaction shall be acknowledged as an administrative violation, and what administrative punishment, by which institution (official) and in accordance with which procedures may be imposed upon a natural or legal person who has committed an administrative violation.

[21 December 1990; 11 July 1992; 28 July 1994; 17 March 2005]

Section 2. Administrative Violations Legislation [28 May 1997]

Section 3. Competence of USSR in Administrative Violations Legislation [21 December 1990]

Section 4. Competence of the Republic of Latvia in Administrative Violations Legislation [21 December 1990]

¹ The Parliament of the Republic of Latvia

Section 5. Right of Local Government Councils (Parish Councils) to Provide for Administrative Liability

Local government councils (parish councils) are entitled to issue binding regulations and provide for administrative liability regarding violation thereof in the cases specified in the Law On Local Governments.

[22 June 2006]

Section 6. Prevention of Administrative Violations [28 May 1997]

Section 7. Ensuring Lawfulness when Applying Coercion Measures for Administrative Violations

A coercion measure may not be applied to anyone regarding administrative violations otherwise than on the basis of the Law or in accordance with the procedures specified by the Law.

Record-keeping regarding administrative violations shall be performed under strict observance of legality.

Administrative coercion measures shall be applied by authorised institutions and officials within the competence thereof and strictly in accordance with the Law.

Observance of the requirements of the law, in applying coercion measures regarding administrative violations, shall be ensured by systematic control effected by higher authorities and officials, supervision of the public prosecutor, the right of appeal and in other ways specified in the Law.

[11 July 1992; 28 July 1994]

Section 8. Force of the Law in Applying Liability Regarding Administrative Violations

A person who has committed an administrative violation shall be liable in accordance with the law, which was in force at the time and place of the committing of the violation.

Acts which mitigate liability regarding administrative violations or release from such shall have a retrospective effect, that is, it shall apply also to violations which were committed prior to coming into force of the relevant act. Acts, which determine or aggravate liability regarding administrative violations, shall not have a retrospective effect.

Record-keeping regarding administrative violations shall be performed in accordance with the Law, which is in force at the time and place of the violation adjudication.

DIVISION II
ADMINISTRATIVE VIOLATION AND ADMINISTRATIVE LIABILITY

GENERAL PART

Chapter Two
Administrative Violation

Section 9. Concept of an Administrative Violation

An administrative violation shall be acknowledged as an unlawful, blameable (committed with intent or through negligence) action or inaction, which endangers State or public order, property, rights and freedoms of citizens or management procedures specified and regarding which administrative liability is specified in the Law.

Administrative liability shall arise regarding violations indicated in this code, if criminal liability has not been provided for regarding these violations by the nature thereof in accordance with the laws in force.

The special features of the administrative liability of the owner (possessor) of a source of increased danger may be specified in other laws.

[11 July 1992; 28 May 1997; 23 March 2000]

Section 10. Commitment of an Administrative Violation with Intent

An administrative violation shall be acknowledged as committed with intent, if the person who has committed it knew the unlawful character of the action or inaction thereof, foresaw the harmful consequences thereof and desired or knowingly allowed such consequences to result.

Section 11. Commitment of an Administrative Violation Through Negligence

An administrative violation shall be considered to be committed through negligence if the person who has committed it foresaw the possibility that the harmful consequences of his or her action or inaction would result but carelessly relied on these being prevented, or did not foresee the possibility that such consequences would result, although he or she should and could have foreseen such.

Section 12. Age at Which Administrative Liability Applies

Persons, who have attained 14 years of age on the day of the committing an administrative violation, shall be subject to administrative liability.

[23 March 2000]

Section 12.¹ Application of Compulsory Measures of a Correctional Nature to Minors

Compulsory measures of a correctional nature may be applied to minors at the age from 14 up to 18 years regarding commitment of an administrative violation.

Compulsory measures of a correctional nature may be applied also to minors at the age from 11 up to 14 years if they have committed a violation regarding which administrative liability has been provided for in the law.

[13 March 2003]

Section 13. Liability of Minors [19 July 1995]

Section 14. Liability of Officials

Officials shall be subject to liability for administrative violations related to failure to observe provisions in effect in the field of management procedures, State and public order, environment and health protection of inhabitants, as well as failure to observe other provisions the ensuring of performance of which is included in the duties of office thereof.

[12 March 1991; 28 April 1992; 17 March 2005]

Section 14.¹ Corporate Liability

In special cases provided for in this code and binding regulations issued by local government councils (parish councils) legal persons shall be subject to liability for administrative violations. Persons performing commercial activity, but which are not legal persons, shall be subject to liability for administrative violations as legal persons.

[22 June 2006]

Section 15. Liability of Soldiers and Other Persons Subject to Disciplinary Regulations (By-laws) regarding Administrative Violations

A soldier shall be held liable according to general procedure for an administrative violation committed outside the fulfilment of duties of active service, but for an administrative violation committed by a soldier during performance the duties of active service, he or she shall be subject to disciplinary liability.

The referred to persons, who have committed administrative violations, may be subject to administrative detention, but administrative arrest may not be applied to them.

Other persons to whom disciplinary regulations or special by-laws regarding discipline apply, except for the persons referred to in Paragraph one of this Section, shall be disciplinarily liable for administrative violations in the cases provided for in such regulations and by-laws, but in other cases – administratively liable according to general procedures.

[21 December 1990; 10 September 1991; 28 May 1997; 19 June 1997; 13 March 2003]

Section 16. Liability of Foreign Nationals and Stateless Persons

Foreign nationals and stateless persons, in the territory of Latvia, shall be subject to administrative liability on the basis of the same regulations as citizens of the Republic of Latvia, if it is not otherwise provided for in this Code. The matter regarding liability shall be settled in diplomatic way regarding administrative violations which have been committed by foreign nationals in the Republic of Latvia which, in accordance with the laws of the Republic

of Latvia in force an international agreements, are not subject to administrative jurisdiction of the Republic of Latvia.
[28 April 1992]

Section 17. Acts of Extreme Necessity

A person shall not be subject to administrative liability although he or she has committed an action provided for in this Code or in other regulatory enactments, which determine administrative liability regarding administrative violations, if he or she has acted in a state of extreme necessity, i.e., in order to prevent danger which threatens State or public order, property, rights and freedoms of citizens, management procedures specified, if it was not possible to prevent this danger by other means under certain circumstances and if the damage committed is less than the prevented damage.

[11 July 1992]

Section 18. Necessary Self-defence

A person shall not be subject to administrative liability although he or she has committed an action provided for in this Code or in other regulatory enactments, which determine administrative liability regarding administrative violations, if he or she has acted in the state of necessary self-defence, i.e., defending from illegal threat to State or public order, property, rights and freedoms of citizens, management procedures specified, thus committing damage to the endangering person, but without violation of limits of self-defence.

[11 July 1992]

Section 19. Mental Incapacity

A person who, at the time of the committing of the unlawful action or inaction, was in a state of incapacity, that is, was not able to understand the acts thereof due to a chronic mental illness, temporary interruption to mental function, mental deficiency or other morbid condition.

Section 20. Transfer of Material of an Administrative Violation for Examination to a Member Court, Public Organisation or Work Collective [3 November 1992]

Section 21. Possibility to be Released from Administrative Liability in the Case of Pettiness of the Violation

If a committed administrative violation is petty, an institution (official), which has been authorised to apply a punishment, may release a violator from administrative liability and restrict itself to an oral admonishment.

An administrative violation committed in road traffic, if the fine intended for it does not exceed LVL 10 and if this violation has not caused threats to other participants in road traffic or property thereof, may be considered as petty.

[28 July 1994; 16 October 2003]

Chapter Three

Administrative Punishment

Section 22. Objective of Administrative Punishment

Administrative punishment is the means of liability and shall be applied in order to educate a person, who has committed administrative violation, in the spirit of law abiding and respecting provisions of social life, as well as in order to prevent the violator of the rights, as well as other persons, from committing new violations.

[11 July 1992]

Section 23. Types of Administrative Punishment

The following administrative punishments may be applied for the commitment of an administrative violation:

- 1) a warning;
- 2) a fine;
- 3) *[28 May 1997]*;
- 4) the confiscation of the administrative violation object or the instrument of commitment;
- 5) the forfeiture of special rights assigned to a person;
- 5¹) the prohibition to obtain the right to drive a means of transport for a certain period of time;
- 6) the forfeiture of rights to hold particular offices, or the forfeiture of rights to specified or all forms of commercial activities;
- 7) *[28 May 1997]*; or
- 8) administrative arrest.

The administrative punishments referred to in Paragraph one, Clauses 4-6 and 8 of this Section may be specified only by the law.

[21 December 1990; 12 March 1991; 28 May 1997; 12 June 2003; 16 October 2003; 17 March 2005]

Section 24. Basic Administrative Punishments and Additional Punishments

The confiscation of an object and instrument of commitment, the forfeiture of special rights, as well as the forfeiture of rights to hold particular offices or the forfeiture of rights to specified or all forms of commercial activities may be applied both as a basic punishment or an additional punishment. Prohibition to obtain a driving licence for a certain period of time may be applied only as an additional punishment. Other administrative punishments referred to in Paragraph one of Section 23 may be applied only as basic punishments.

For each administrative violation one basic punishment may be applied, or one basic punishment and one or several additional punishments.

[15 September 2005]

Section 25. Warning

A warning as an administrative punishment shall be expressed in writing. In cases specified by law, a warning may be recorded in another specified form.

Section 26. Fine

The maximum fine, which shall be imposed for administrative violations on a natural person (except for the administrative violations specified in Sections 61, 62, 82, 82.¹, 82.², 87.¹, 114.², 114.³ and 152 Of this Code), shall be LVL 500, but for legal persons (except for the administrative violation provided for in Section 114.² of this Code) – LVL 10 000. The minimum amount of a fine for administrative violations shall be LVL 1.

In the cases specially provided for in the Code a fine regarding violations in the field of finance shall be determined as a percentage of the value of the financial transaction (amount), not taking into account the condition specified in Paragraph one of this Section regarding the maximum amount of the fine, but not exceeding 30% of the value of the financial transaction (amount).

Local government councils (parish councils) may approve binding regulations, in which a fine regarding violation thereof may be specified for natural persons up to LVL 250, but for legal persons – up to LVL 1 000.

It is prohibited to pay a fine imposed on officials from the funds of merchants, institutions or organisations.

A fine imposed on a legal person shall be paid from the funds of the legal person.
[3 December 1990; 28 April 1992; 4 November 1993; 19 July 1995; 28 May 1997; 17 June 1998; 14 October 1998; 23 March 2000; 14 June 2001; 17 March 2005; 15 September 2005; 22 December 2005; 22 June 2006; 14 December 2006]

Section 27. Forfeiture of an Object – a Tool or Direct Object of Commitment of an Administrative Violation – for a Consideration [28 May 1997]

Section 28. Confiscation of an Administrative Violation Object or an Instrument of Commitment

The confiscation of an administrative violation object or an instrument used in its commitment shall mean the forcible transfer thereof without compensation to the ownership of the State. Only objects in the personal ownership of the violator may be confiscated, but in matters regarding violations in trade, commercial activity, in the field of customs or regarding the violations in connection with goods, which are subject to excise duty – also objects owned by other persons.

The procedures for application of confiscation and the list of objects not to be confiscated shall be determined by this Code and other regulatory enactments.

[4 November 1993; 28 May 1997; 19 June 1997; 23 March 2000; 17 March 2005]

Section 29. Forfeiture of Special Rights Assigned to a Person

Special rights (the right to drive a means of transport, hunting rights, fishing rights, the right to acquire, possess and carry firearms or high energy pneumatic weapons) granted to a person may be taken away for a period of up to 5 years regarding crude or systematic violation of procedures for use of these rights.

The period of time of forfeiture of such rights may not be less than 15 days, if it is not otherwise specified in regulatory enactments.

[21 December 1990; 11 July 1992; 3 November 1992; 19 July 1995; 15 October 2003; 16 October 2003; 22 April 2004; 9 September 2004; 15 September 2005]

Section 29.¹ Forfeiture of Rights to Hold Particular Offices, or the Forfeiture of Rights to Specified or All Forms of Commercial Activities

The right to hold particular offices or the right to specified or all forms of commercial activities, may be deprived of for a period of from 1 up to 3 years. This fine shall be applied by a district (city) court (judge).

[12 March 1991; 28 July 1994; 28 May 1997; 17 March 2005]

Section 29.² Prohibition to Obtain the Right to Drive a Means of Transport for a Certain Period of Time

A prohibition to obtain the right to drive a means of transport for a certain period of time shall be applied to drivers of means of transport who do not have such rights and who have committed any violation regarding which the forfeiture of rights to drive a means of transport is provided for. The prohibition shall apply to all categories of means of transport, except for a bicycle, regardless of the category of the means of transport with which the violation has been committed.

The period of time of prohibition to obtain the right to drive a means of transport shall be determined in accordance with the period of time for forfeiture of rights to drive a means of transport specified in the violation sanction.

[16 October 2003; 15 September 2005]

Section 30. Correctional Work [28 May 1997]

Section 31. Administrative Arrest

An administrative arrest shall be determined and applied only in exceptional cases regarding certain types of administrative violations and for a period of from 24 hours up to 15 days and nights. An administrative arrest shall be applied by a district (city) court (judge).

An administrative arrest may not be applied to a person who has not reached 18 years of age, to a disabled person of the first and second group, a pregnant woman, as well as to a person who is the only guardian of a child, who has not reached 12 years of age.

[28 July 1994; 28 May 1997; 22 June 2006]

**Chapter Four
Imposition of Administrative Punishment**

Section 32. General Provisions for Imposition of Punishments for Administrative Violation

A punishment for an administrative violation shall be applied within the scope specified by the regulatory enactment, which specifies liability for the committed violation, strictly according to this Code and other enactments regarding administrative violations.

In imposing a punishment the nature of the committed violation, the personality of a violator, the degree of his or her fault, the liability mitigating and aggravating circumstances shall be taken into account.

Authorities and officials, which are authorised to impose administrative punishments, are not entitled to request from a person, who has committed a violation, that he or she shall

pay directly or indirectly via an intermediary for payable services not specified in laws in force, should make donations or other payments not provided for in the law.
[21 December 1990; 11 April 1996]

Section 33. Circumstances Mitigating Liability for an Administrative Violation

The following circumstances shall mitigate the liability for an administrative violation:

- 1) if the person at fault has frankly regretted what he or she has done;
- 2) if the person at fault has eliminated the harmful consequences of the violation, voluntarily compensated the loss or eliminated the damage committed;
- 3) if the violation was committed under the influence of strong mental agitation or due to serious personal or family circumstances;
- 4) if the violation was committed by a minor;
- 5) if the violation was committed by a woman who is pregnant or a woman who has a child aged up to 1 year; and
- 6) if a person at fault has voluntarily applied prior to disclosing of the committed violation.

Circumstances which reduce the possible threat to traffic safety of a certain violation - the time period of the day and night, road and weather conditions, traffic intensity at the place where the violation has been committed and other similar conditions, as well as personal or family conditions shall mitigate liability for an administrative violation in road traffic.

An institution (official) who decides regarding the case of an administrative violation may recognise as mitigating circumstances also those circumstances, which have not been referred to in the Law.

[21 December 1990; 11 July 1992; 28 July 1994; 14 October 1998; 14 June 2001; 16 October 2003]

Section 34. Circumstances Aggravating Liability for an Administrative Violation

The following circumstances shall aggravate the liability for an administrative violation:

- 1) if the unlawful action is continued, regardless of an authorised persons' request to cease it;
- 2) if a similar violation, regarding which a person had been already punished, has been committed repeatedly within a year; if the administrative violation has been committed by a person who has previously committed an offence;
- 3) if a minor has been involved in the committing of a violation;
- 4) if the violation has been committed by a group of persons;
- 5) if the violation has been committed during a natural disaster or other emergency circumstances;
- 6) if the violation has been committed under the influence of alcoholic beverages, narcotic or other intoxicating substances. Depending on the nature of the violation, the institution (official), which imposes administrative punishment, may decided not to consider circumstance as being liability aggravating.

Circumstances which increase the possible threat to traffic safety of a certain violation – the time period of the day and night, road and weather conditions, traffic intensity at the place where the violation has been committed and other similar conditions, shall aggravate liability for an administrative violation in road traffic.

[3 November 1992; 28 July 1994; 16 October 2003]

Section 35. Imposing of Administrative Punishment, if Several Administrative Violations have been Committed

If one person has committed two or more administrative violations, an administrative punishment shall be imposed for each violation separately.

If a person has committed administrative violations, which have been determined simultaneously, and they are examined by one and the same institution (official), administrative punishment shall be imposed within the framework of that sanction which is provided for the more serious violation. In such a case a basic punishment may be supplemented by any of the additional punishments, which are provided for in the Sections, which determine liability for any of the violations committed.

[28 July 1994; 16 October 2003]

Section 36. Calculation of Periods of Time for Administrative Punishment

The period of time for an administrative arrest shall be calculated in days and nights, but the period of time for which special rights are deprived of, the right to hold certain offices and perform specified or all forms of commercial activities – in years and months.

[28 May 1997; 17 March 2005]

Section 37. Periods of Time for Imposing of Administrative Punishment

Administrative punishment may be imposed not later than within 4 months after the day of commitment of a violation, but, if the violation is continuous – within 4 months from the day of disclosure thereof.

If a refusal to initiate a criminal proceedings has been received or the criminal proceedings have been terminated, but the behaviour of the violator has the features of an administrative violation, the administrative punishment may be imposed not later than within one month from the day when the decision regarding refusal to initiate a criminal proceedings or regarding the termination thereof has been taken.

The time periods referred to in this Section shall not apply to the cases when the confiscation is applied in the matters regarding the violation of customs regulations.

Administrative punishment regarding the administrative violations provided for in Sections 47, 48, 51-53, 53.²-68, 71, and 72-74.¹; Section 75, Paragraph one; Sections 75.¹-88.¹, 88.⁴-88.⁷, Chapter Twelve “c” and Sections 159.⁷-159.⁹ and 204.⁷-204.¹¹ of this Code may be imposed not later than within four months from the day of disclosure of the violation, but not later than within a year from the day of commitment of the violation.

[25 September 1991; 16 October 2003; 25 March 2004; 17 March 2005; 14 December 2006; 17 May 2007]

Section 38. Period of Time after the Termination of which a Person is Acknowledged as Not Administratively Punished

If a person who has been administratively punished, has not, within a period of 1 year from the day of the imposition of the punishment, committed a new administrative violation, he or she shall be acknowledged as not administratively punished.

Section 39. Obligation to Compensate for Losses Caused

If, as a result of an administrative violation, financial losses have been caused to a natural or legal person, then when examining the question regarding the imposition of an administrative punishment, the administrative commission has the right to examine at the same time the question regarding the obligation of the person at fault to compensate the financial losses up to LVL 50, but the district (city) court judges – up to LVL 200.

In other cases the question regarding the compensation of financial losses or moral harm caused as a result of an administrative violation shall be examined according to the procedures of civil judicial proceedings.

[21 December 1990; 6 August 1991; 3 November 1992; 28 July 1994; 28 May 1997]

Section 40. Necessity to Implement an Obligation regarding the Non-implementation of which an Administrative Punishment is Imposed

The imposition of an administrative punishment shall not release the person who has committed the administrative violation, from the implementation of such obligations, regarding the non-implementation of which the administrative punishment has been imposed on him or her.

Chapter Twelve “c”

Administrative Violations in the Field of Prevention of Corruption

[14 October 1998]

Section 166.²⁷ Failure to Submit the Declaration of a State Official

A fine in the amount of up to LVL 250 shall be imposed regarding failure to submit the declaration of the State official within a specified period of time, non-observance of the procedures for completing and submission of the declaration or specification of false statements in the declaration

[19 June 2003]

Section 166.²⁸ Failure to Observe the Procedures for Implementation of Restrictions for Combination of Offices

In the case of the non-termination of unauthorised office, work-performance contract or implementation of an authorisation in accordance with the period of time specified in the Law –

a fine from LVL 50 up to LVL 250 shall be imposed to the State official, forfeiting the right to hold offices of the State official or without it.

[19 June 2003]

Section 166.²⁹ Failure to Give a Notice Regarding the Situation of the Conflict of Interests

In the case of a deliberate failure to give notice regarding the situation of the conflict of interests –

a fine of up to LVL 250 shall be imposed on the State official, forfeiting the right to hold offices of the State official or without it.

Section 166.³⁰ Violation of Restrictions and Prohibitions Imposed on a State Official

In the case of the violation of restrictions of earning of income from commercial activities, combination of offices of the State official, representational activities specified in the Law or violation of such restrictions which have been specified in respect of action with the State or local government property, as well as for performance of the functions of the State official in the situation of the conflict of interests –

a fine from LVL 50 up to LVL 250 shall be imposed to the State official, forfeiting the right to hold offices of the State official or without it.

[19 June 2003;17 March 2005]

Section 166.³¹ Violation of Restrictions for Acceptance of Gifts, Donations and Other Type of Financial Aid

In the cases of violation of procedures for acceptance of gifts or donations or other type of financial aid –

a fine from LVL 50 up to LVL 250 shall be imposed on a State official, confiscating the objects of the administrative violation or without confiscation.
[19 June 2003]

Section 166.³² Failure to Submit the Lists of State Officials

In the cases of failure to submit the lists of State officials and amendments thereto specified in the Law in accordance with the specified procedures, as well as for submission of incomplete lists –

a fine from LVL 50 up to LVL 150 shall be imposed on the heads of the State and local government authorities.

[19 June 2003]

Section 166.³³ Failure to Perform the Duties Specified to the Heads of State and Local Government Authorities

In the cases of failure to perform the duties specified for a head of State and local government authorities in respect of prevention of the conflict of interests –

a fine in the amount from LVL 50 up to LVL 250 shall be imposed.

[19 June 2003]

Section 166.³⁴ Violation of Regulations for Financing of Political Organisations (Parties)

In the cases of failure to observe the procedures for completing or submission of an annual declaration of financial activities, a declaration of expenses during the pre-election period or a declaration of income and expenses of election, in the cases of provision of false data in a declaration, failure to observe the procedures for submission of a statement regarding the planned election expenses or failure to observe provisions for the publication of a statement regarding a received or unaccepted gift (donation) –

a fine from LVL 250 up to LVL 500 shall be imposed to a political organisation (party).

In the cases of violations provided for in Paragraph one of this Section, if they have been recommitted within a year after the imposition of an administrative punishment –

a fine from LVL 500 up to LVL 5 000 shall be imposed on a political organisation (party).

In the cases of failure to observe limitation of the amount of financing; in the cases of acceptance of an unauthorised gift (donation); in the cases of acceptance of a gift (donation), which exceeds LVL 100, without a transfer into the account of the relevant political organisation (party); in the cases of taking of a loan; granting a guarantee; issuance of a loan or failure to observe restrictions for the amount of pre-election expenses –

a fine from LVL 500 up to LVL 5 000 shall be imposed on a political organisation (party), confiscating the objects of the administrative violation or without confiscation.

In the cases of violations provided for in Paragraph three of this Section, if they have been committed within a year after the imposition of administrative punishment –

a fine from LVL 1 000 up to LVL 10 000 shall be imposed on a political organisation (party), confiscating the objects of the administrative violation.

In the cases of financing of a political organisation (party), using an intermediary, or in the cases of such intermediation –

a fine from LVL 100 up to LVL 200 shall be imposed on a person, who has used an intermediary, or to an intermediary.
[22 April 2004]

DIVISION IV
RECORD-KEEPING IN ADMINISTRATIVE VIOLATION MATTERS

Chapter Eighteen
Basic Provisions

Section 237. Tasks of Record-keeping in Administrative Violation Matters

The tasks of record-keeping in administrative violation matters are as follows: in good time, exhaustively, fully and objectively ascertain the circumstances of each matter, decide it strictly in accordance with the law, ensure the implementation of the decision taken, as well as to ascertain the causes and circumstances which promote the commitment of the administrative violation, prevent violations, to bring up the citizens in the spirit of law abiding and strengthen lawfulness.

[11 July 1992]

Section 238. Procedures for Record-keeping in Administrative Violation Matters

The procedures for the record-keeping and adjudication of administrative violation matters shall be determined by this Code and other regulatory enactments.

[28 May 1997]

**Section 238.¹ Commencement of Record-keeping in an Administrative
Violation
Matter**

Upon receipt of an application or other materials regarding an administrative violation, the persons referred to in Section 247 of this Code shall, within a period of 24 hours, draw up an administrative violation report or take one of the following decisions:

- 1) regarding commencement of record-keeping in the administrative violation matter;
- 2) regarding a refusal to commence record-keeping in the administrative violation matter;
- 3) regarding the transfer of the materials in accordance with jurisdiction; or
- 4) regarding the transfer of the materials to the administrative commission of the local government regarding the application of compulsory measures of corrective nature, if a violation has been committed by a minor at the age from 11 up to 14 years.

In exceptional case, such decision may be taken within a period of 10 days. A decision may be drawn up as a separate document or resolution.

A decision by an institution to refuse to commence record-keeping in an administrative violation matter may be disputed in a higher institution within a period of 30 days after receipt of the decision. If there is not higher institution or it is the Cabinet, the decision may be appealed to the administrative district court. The decision of the administrative district court is final.

Decisions of institutions, as well as district (city) court judges regarding the sending of materials according to jurisdiction cannot be appealed

[28 May 1997; 13 March 2003; 17 May 2007]

Section 239. Circumstances that do not Allow Record-keeping in an Administrative Violation Matter

Record-keeping in an administrative violation matter may not be commenced, but a commenced record-keeping shall be terminated, if there are the following circumstances:

1) if there has not been an event or the elements of an administrative violations are not present in it;

2) if the person, at the moment of committing the administrative violation, has not attained 14 years of age;

3) if the person, who has committed the unlawful action or inaction, is mentally incapable;

4) if the person has been engaged in circumstances of urgency or necessary defence;

5) if the amnesty is granted, which prevents the imposition of administrative punishment;

6) if the enactment which determined administrative liability is revoked;

7) if up to the moment of adjudication of the administrative violation the periods of time specified in Section 37 of this Code have elapsed;

8) if for the same fact in relation to a person who is subject to administrative liability, there is already a competent institution (official) decision regarding the imposition of administrative punishment, or a decision regarding the termination of the administrative violation matter has not been revoked, as well as if for this fact a criminal proceeding has been commenced; and

9) if the person in relation to whom record-keeping was commenced has died.

[3 November 1992; 28 July 1994; 23 March 2000; 17 May 2007]

Section 240. Adjudication of Administrative Violation Matters Observing the Principle that All Persons are Equal

Administrative violation matters shall be adjudicated observing the principle that all persons irrespective of their origin, social and financial circumstances, race and national identity, sex, education, language, attitude to religion, nature and form of employment, place of residence and other circumstances are equal before the law and the authorities which adjudicate the matter.

[28 May 1997]

Section 241. Openness of the Adjudication of an Administrative Violation Matter [28 May 1997]

Section 242. Public Prosecutor's Supervision over the Implementation of Laws in Administrative Violations Matters

A public prosecutor, in performing supervision over the implementation of laws in administrative violations matters, is entitled: to propose a record-keeping regarding an administrative violation; get acquainted with materials of the matters; to inspect the legality of activities of institutions (officials) in record-keeping; to participate in adjudication of the matter; to submit applications, to provide opinions in the issues which arise during the adjudication of the matter; to check the correctness of the coercion measures applied by the relevant institutions (officials) regarding administrative violations; to submit a protest regarding a decision in a matter and a decision which has been taken regarding a complaint in the administrative violation matter; to suspend implementation of a decision, as well as to perform other activities provided for in the Law.

[21 December 1990]

Section 243. Evidence

Evidence in an administrative violation matter is any facts, on the basis of which institutions (officials), according to the procedures specified by law, determine the existence or non-existence of the administrative violation, the guilt of the person subject to administrative liability and other circumstances that are of importance in correct deciding of the matter.

These facts shall be determined with the following means: with an administrative violation report, with an administrative violation on-site inspection report, with explanations of that person, who is subject to administrative liability, with the testimony of a victim and witnesses, explanations of other persons, the expert's opinion, real evidences, a report regarding removal of objects and documents, other documents, as well as technical means which register a violation (measuring devices for specification of driving speed, measuring devices for specification of the alcohol concentration in exhaled air, photo, video, etc.).

[28 July 1994; 16 October 2003; 17 May 2007]

Section 244. Assessment of Evidence

An institution (official) shall assess the evidence according to its inner convictions, which is based upon an exhaustive, full and objective investigation of all the circumstances of the matter as a whole, according to the law and judicial consciousness.

[11 July 1992; 28 July 1994]

Section 245. Transfer of Materials to a Public Prosecutor or a Pre-trial Investigation Institution

If the institution in the adjudication of a matter determines that a violation contains the features of a crime, it shall transfer the materials to a public prosecutor or pre-trial investigation institution.

[17 May 2007]

Chapter Nineteen Administrative Violation Report

Section 246. Administrative Violation Report

In respect of a committed administrative violation, an authorised official shall draw up a report. If the person has committed several administrative violations, which are determined at the same time, and the adjudication thereof in accordance with Chapter 70 of this Code is within the competence of one and the same institution, the authorised person in of the committed administrative violations shall draw up one report. A report shall not be drawn up in the cases specified in Section 250 of this Code.

A report regarding an administrative violation shall be a numbered document.

[16 October 2003; 17 May 2007]

Section 247. Persons who are Entitled to Draw up an Administrative Violation Report

This Law or other regulatory enactments shall determine persons who have the right to draw up an administrative violation report.

Relevant authorised local government officials are also entitled to draw up an administrative violation report.

If this Law or other regulatory enactments do not determine the person who is entitled to draw up an administrative violation report, then it shall be drawn up by the institution, which in accordance with this Law has been authorised to examine administrative violation matters, or a State police employee in conformity with the location of the committing of the violation.

[17 May 2007]

Section 248. Contents of an Administrative Violation Report

The time and place of drawing up of a report, the given name, surname of the person drawing up the report, the authority, which he or she represents, the position; personal information regarding the violator; the place, time of committing of the administrative violation, the essentials of the violation, the regulatory enactment and norm, which specifies liability for this violation; and other information which is necessary for the deciding of the matter shall be specified in an administrative violation report.

The given name, surname, personal identity number (for foreigners – the date of birth), place of residence and other information regarding the violator which may be of importance in adjudication of the administrative violation matter shall be specified in a report.

A report shall be signed by the person who has drawn it up, and the person who has committed the administrative violation; if there are witnesses and victims, the report may also be signed by these persons.

If the person who has committed the violation refuses to sign the report, this shall be recorded in the report. A person who has committed a violation has the right to submit explanations and notes to be attached to the report regarding the content of the minutes, as well as mention the reasons why he or she refuses to sign it.

In drawing up a report, the violator shall have explained to him or her his or her rights and obligations which are specified in Section 260 of this Code, and a record regarding it shall be made in the report.

Procedures for preparation and use of forms of an administrative violation reports and fine receipts, as well as sample forms, shall be determined by the Cabinet.

[28 May 1997; 16 October 2003]

Section 248.¹ Drawing up of an Administrative Violation Report without the Presence of the Violator

If due to objective reasons it is not possible to draw up an administrative violation report in the presence of the such person as is held to administrative liability, or the presence of a representative of a legal person, it shall be drawn up without the presence of the referred to persons and a copy of the report shall be sent by registered post to the declared (or indicated) place of residence address or legal address of the relevant person. In such case, it shall be deemed that the person has become acquainted with the administrative violation report on the seventh day after it has been given in to the post office.

[17 May 2007]

Section 249. Sending of the Report

A report shall be sent to the institution, which is authorised to adjudicate the administrative violation matter. A true copy of the report shall be issued or sent to the person, who is held to administrative liability, and to the victim.

A report shall be sent not later than within a period of 3 days from the moment of drawing up thereof.

[28 July 1994; 16 October 2003; 17 March 2005; 17 May 2007]

Section 250. Cases when a Report Regarding an Administrative Violation shall not Be Drawn up

A report regarding an administrative violation shall not be drawn up, if the administrative violations provided for in Section 42.¹, Paragraphs one and six of Section 46¹ (if a violation has been committed by a citizen), Paragraph one of Section 108¹ (if a violation has been committed by a citizen), Sections 135-137, 149.²², 149.²³, as well as in other cases, when in accordance with this Code and other laws a fine shall be imposed and collected at the place of committing the violation and the amount thereof shall not exceed LVL 20 or a warning shall be drawn up at the place of committing the violation.

If a violator contests the punishment imposed on him or her regarding commitment of such violations which are provided for in Paragraph one of this Section, or there are other circumstances which prevent the official from imposing a punishment at the place where the violation was committed, a report shall be drawn up in accordance with Section 246 of this Code.

An administrative violation report shall not be drawn up if the administrative violation provided for in Section 46.¹, Paragraph seven of this Code has been determined by the State Pharmaceutical Inspection, the administrative violation provided for in Section 166.¹³ of this Code has been determined by the Consumer Rights Protection Centre or the National radio and Television Council or the administrative violation provided for in Section 166.¹³, Paragraph two of this Code has been determined by the Competition Council.

[21 December 1990; 3 November 1992; 11 May 1993; 19 July 1995; 28 May 1997; 16 October 2003; 17 May 2007]

Section 251. Conveyance of a Violator

In order to draw up a report regarding an administrative violation, if it may not be drawn up on site and if the drawing up of the report is mandatory, a police officer, a national guard, border guard or soldier may convey the violator to the police, the service premises of the National Guard or Border Guard or parish board premises.

If violations of regulations for the use of means of transport have been committed or violations of traffic and safety regulations, violations of cargo storage regulations in transport, violations of fire safety, sanitary hygiene and sanitary anti-epidemic regulations in transport, the violator may be conveyed to the police by a person who is authorised thereto, if the violator has no personal identity documents and there are no witnesses who may provide the necessary information regarding him or her.

If forest fire safety regulations are violated, as well as other legal enactments regarding environmental protection and the utilisation of natural resources, for the drawing up of a report (if the identity of the violator cannot be ascertained at the place of the violation) State environmental protection institutions, State Forestry Service officials, as well as the relevant authorised persons from those institutions which perform the supervision over the

observance of hunting regulations, control regarding protection and utilisation of animals implementing other institution officials, officials of conservation units and other special areas of conservation, as well as the national guards may convey the violator to the service premises of the police, National Guard or local government.

If administrative violations referred to in Paragraph two and three of this Section have been committed at a State border crossing location or border area, the violator may also be conveyed to the relevant premises of the service by a border guard.

The conveyance shall be performed in the shortest possible time.

[21 December 1990; 3 November 1992; 19 July 1995; 28 May 1997; 14 June 2001; 19 June 2003]

Chapter Twenty

Administrative Detention, Person, Property and On-Site Inspections, and the Removal of Property and Documents

[17 May 2007]

Section 252. Measures for Provision of Record-keeping in Administrative Violation Matters

In the cases directly provided for in regulatory enactments, in order to stop administrative violations, when other coercion measures have been used, in order to specify the identity of the violator, in order to draw up a report regarding an administrative violation, if it cannot be done on site and if the drawing up of the report is mandatory, in order to ensure the timely and correct adjudication of a matter and to implement the decisions taken in the administrative violation matter, the administrative detention of a person, the inspection of a person and property, as well as the removal of property and documents shall be permitted.

The procedures for conducting the administrative detention, the inspection of a person and property, as well as the removal of property and documents for the purposes specified in this Section, shall be determined by this Code and other laws.

[21 December 1990; 11 July 1992]

Section 253. Administrative Detention

A report regarding an administrative detention shall be drawn up, indicating the date and place of drawing up thereof, the position, given name, surname of the person who has drawn up the report, information regarding the detainee, time and motives of detention shall be indicated. The report shall be signed by the official who has drawn it up and the detainee. If the detainee refuses to sign the report, a record shall be made regarding it in the report.

Upon a request from a person who has been detained for an administrative violation, the whereabouts of the person shall be notified to kin, the administration at the place of work or of education. In respect of the detention of a minor, it is mandatory that the parents thereof or the persons who are in their place are notified.

[28 May 1997]

Section 254. Institutions (officials) who have the Right to Perform an Administrative Detention

Only the following institutions (officials) have the right to detain, in accordance with the administrative procedures, a person who has committed an administrative violation:

1) police employees (officials) – if alcoholic beverages and spirits are traded in prohibited places, if trading is organised in prohibited places, if petty hooliganism has been committed, malicious non-compliance with the lawful orders or requests of a police employee or national guard, as well as a soldier, the procedures for meetings, processions, pickets, and the organisation or course have been violated, if the person, without a reasonable cause, has not attended following a summons from a performer of an inquiry, public prosecutor, judge or a court, if alcoholic beverages have been used in public places or if a person has appeared in a public place in a drunken state, which infringes the dignity of persons and public morals, if traffic regulations, hunting, fishing regulations are violated, if other regulatory enactments regarding animal protection and utilisation are violated, as well as in cases directly specified in other regulatory enactments;

2) officials of the State Border Guard – if administrative violations have been committed the examination of which is within the competence of the State Border Guard, as well as other administrative violations, which, in performing the service duties thereof, have been determined by border guards.

3) officials authorised by the Director General of State Revenue Service or his or her deputy, Directors of the territorial offices of the State Revenue Services or their deputies – if violations of customs regulations or in the field of State revenues have been committed;

4) officials of the State Environment Service and regional environment protection committees – if violations have been committed which are associated with the violation of hunting, fishing, angling regulations, violations of forest fire safety regulations or malicious non-compliance with the lawful orders or requests of the State environment protection institution officials mentioned.

5) aviation security service of an airport – if violations of regulations of airport safety are committed;

6) officials of the State Electrocommunications Inspection – if equipment for emitting radio waves is installed, constructed, sold or used without a permit of the State Electrocommunications Inspection, as well as other violations of regulations regarding radio communications have been committed; and

7) specialised State Civil Service servants of the Prison Administration – if regulations regarding bringing in and handing over substances, objects and articles at places of imprisonment are violated.

[28 May 1997; 19 June 2003; 9 September 2004; 17 March 2005; 22 December 2005]

Section 255. Terms for Administrative Detention

A person, who has committed an administrative violation, may be detained for not longer than 3 hours. In exceptional cases in relation to a special necessity, another length of time for the administrative detention may be specified by regulatory enactments.

Foreigners, who have violated the regulations regarding entry, residence, exit or transit in the Republic of Latvia, may be detained for a period of time up to 3 hours, in order to draw up a report regarding an administrative violation but, if it is necessary to ascertain the identity of the violator and the circumstance of the violation – for a period of time up to 72 hours, notifying in writing the public prosecutor of this within a period of 24 hours from the moment of detention.

The time of an administrative detention shall be counted from the moment when a violator is conveyed for the drawing up of a report, but a person who has been under the influence of alcoholic beverages, narcotics or other intoxication substance – from the moment of becoming sober.

A person who has committed a violation of the customs regulations during the period of the performance of customs control, the time of the administrative detention shall be counted from the moment of completion of the customs control.

[29 July 1988; 21 December 1990; 25 September 1991; 11 July 1992; 19 January 1993; 4 November 1993; 28 July 1994; 2 8 May 1997; 19 June 2003; 17 May 2007]

Section 256. Inspection of a Person and Property

An inspection of a person may be conducted by officials of State police institutions, militarised guard, civil aviation, customs institutions and Border Guard who have been authorised to do so, but in the cases specified by regulatory enactments of the Republic of Latvia – also other officials of authorities authorised to do so.

An inspection of a person may be conducted by an official of the same sex as the person to be inspected.

An inspection of property may be conducted by officials of police, civil aviation, the State Revenue Service, the State Border Guard, the State Environmental Service, forest guard, the State hunting supervision institutions, the authorised persons of the State Environmental Service, as well as appropriately authorised persons of local governments, but in the cases directly specified by regulatory enactments – also other officials of authorities authorised to do so.

The inspection of property, hand luggage, luggage, hunting and fishing instruments, acquired products and other objects shall occur in the presence of the person in whose ownership or possession this property is. In urgent cases such property and objects may be inspected without the presence of the owner (possessor).

A report shall be drawn up regarding an inspection of a person and a property inspection or a record shall be made in the administrative violation report or the administrative detention report.

Inspection of persons and property at the customs institutions shall take place in accordance with the procedures specified in the Customs Code of the Republic of Latvia.

[25 September 1991; 28 April 1992; 3 November 1992; 28 July 1994; 19 July 1995; 28 May 1997; 9 September 2004; 17 March 2005; 22 June 2006; 17 May 2007]

Section 256.¹ Administrative Violation On-site Inspections

An administrative violation on-site inspection is the inspection of a particular site and the objects existing therein if they are associated with an administrative violation. In an administrative violation on-site inspection technical means shall be utilised as far as possible.

In the course of an administrative violation on-site inspection an authorised official may remove administrative violation articles and committing tools.

In respect of an administrative violation on-site inspection made, an authorised official shall draw up a report or make an entry in the administrative violation report.

If a territory, premises, means of transport or article that is not accessible to the public is associated with the committed administrative violation, in respect of which in accordance with this Code confiscation of the administrative violation article or committing tool may be applied, inspection may be performed of such territory, premises, means of transport or article.

Inspection of publicly non-accessible territory or premises and the existing articles therein, as well as means of transport may be made by authorised State police, State Border Guard institutions, State Revenue Service officials, but in the cases specified in regulatory enactments – also other authorised institution officials with the consent of the owner (possessor, holder) or a decision of a district (city) court judge, which has been taken on the basis of an application by an official and the materials appended thereto.

In urgent cases the inspection may be performed with a decision of an authorised official of the institutions referred to in Paragraph five of this Section having obtained the consent of a public prosecutor.

Inspection of publicly non-accessible territory, premises, means of transport or article shall be performed in the presence of the owner (possessor, holder) or a representative thereof, or a representative of the local government.

If the inspection of publicly non-accessible territory, premises, means of transport or article is performed with the consent of a public prosecutor, not later than by the next working day after the performance thereof a district (city) court judge shall be notified regarding it, presenting materials, which justify the necessity of the inspection and the urgency thereof, as well as the inspection report. The judge shall examine the lawfulness and justification of the inspection. If the inspection has been performed unlawfully, the judge shall recognise the acquired evidence as impermissible administrative violation procedure and shall decide in respect of action with the removed articles.

A decision of a district (city) court judge may be appealed to the chairperson of the district (city) court. A decision by the chairperson of the district (city) court cannot be appealed.

[17 May 2007]

Section 257. Removal of Property and Documents and Storage Thereof

Property and documents which are an object of violation or an instrument for the committing of a violation, and which are found during detention, inspection of a person, property or site, shall be removed by the officials of the authorities referred to in Sections 254, 256 and 256.¹ of this Code, as well as by the Director General of the State Revenue Service, officials authorised by the Director of the territorial office of the State Revenue Service or the Director of the Consumer Rights Protection Centre or persons authorised by the head of the State Environmental Service or the Director of the Food and Veterinary Service and the persons authorised by him or her. Institutions (officials), which have the right to remove property and documents, shall hand in the removed property and documents for storage, according to the procedures specified by the Cabinet, until the decision in the administrative violation matter comes into force [if such administrative violation has been committed, which is provided for in Section 149⁴, Paragraph five, six or seven, Section 149.⁵, Paragraph four or Section 149.¹⁵ of this Code (except for the violation provided for in Paragraph six) up to the implementation of the fine applied]. If the property removed is fast perishable and it may not be transferred for storage or the prolonged storage thereof may cause losses to the State, the institution (official), which has the right to remove the relevant property, shall transfer it for realisation or destroying. The procedures by which the institution (official) shall take a decision regarding transfer of property for realisation or destroying and by which realisation or destroying of property is to be made, shall be determined by the Cabinet.

If a violator of customs regulations does not have a permanent place of residence in the Republic of Latvia or address, it shall be allowed to remove property, foreign currency and valuables in such an amount as would secure a fine or goods and other object collection.

A report shall be drawn up regarding the removal of property or documents or a record shall be made in the reports regarding an administrative violation, inspection of property or administrative detention.

If violations have been committed which are provided for in Section 181 of this Code, police employees have the right, until the adjudication of the matter, to remove a firearm and ammunition, regarding which a record shall be made in the report indicating the type of weapon or the model to be removed, the calibre, series and number, amount and type of ammunition. A person who has committed a violation while performing official duties, removal, inspection of a person and property shall be applied only in urgent cases.

A person upon whom is imposed an administrative punishment, shall, according to the procedures and in the amount specified by the Cabinet, cover the expenditures, which have arisen in relation to the transfer for storage, storage and destruction of the removed property and documents in the administrative violation matter.

[30 May 1988; 2 January 1991; 25 September 1991; 3 November 1992; 28 July 1994; 19 July 1995; 11 April 1996; 28 May 1997; 19 June 1997; 14 October 1998; 23 March 2000; 14 June 2001; 16 October 2003; 25 March 2004; 9 September 2004; 17 March 2005; 15 September 2005; 22 December 2005; 17 May 2007]

Section 258. Suspension from Driving a Means of Transport or Piloting a Small Ship and Examination for the Determination of the Influence of Alcoholic Beverages, Narcotics or other Intoxicating Substances

Drivers of means of transport or other persons who drive means of transport, as well as pilots of small ships, regarding whom there is a sufficient basis to believe that they are under the influence of alcohol, narcotics or other intoxicating substances, shall be suspended from driving a means of transport and according to a specified procedure shall be examined whether they are under the influence of alcoholic beverages, narcotics or other intoxicating substances.

A person upon whom is imposed an administrative punishment, shall, according to the procedures specified by the Cabinet, cover the expenditures, which have arisen in relation to the examinations performed for the determination of the influence of alcohol concentration, narcotic or other intoxicating substance.

[11 July 1992; 3 November 1992; 28 May 1997; 16 October 2003; 17 May 2007]

Section 259. Appeal of Administrative Detention, Person Inspection, Property and Document Inspection and Removal [17 May 2007]

Chapter Twenty-one

Persons who Participate in the Record-keeping of Administrative Violation Matters

Section 260. Rights and Obligations of a Person Subject to Administrative Liability

A person who is subject to administrative liability shall have the right to personally, as well as with the assistance of a representative to become acquainted with all the materials of the matter, submit explanations, submit demands and express requests.

A person who is subject to administrative liability has the right to participate in the adjudication of the matter, use the assistance of a sworn advocate, submit additions and to express requests, as well as to appeal the decision taken in the matter.

A matter may be adjudicated without the presence of the person only if it is known that he or she has been notified in good time regarding the place and time of the adjudication of the matter, and a request to suspend the adjudication of the matter has not been received from such person. If the referred to request has been received, the authority, the judge or another official who is adjudicating the matter, may recognise that the request is well grounded and may suspend the adjudication of the matter. A matter may be adjudicated without the presence of a person subject to administrative liability also in those cases when a person shall be held liable regarding the violation of stopping and standing provisions provided for in Sections 57³, 149¹⁰, Paragraph eight of Section 149³¹ of this Code and in cases, if the violation in road traffic is registered with technical means (photo or video devices), without stopping a vehicle.

A person who is subject to administrative liability or regarding whose violation a matter is being adjudicated, if he or she does not know the language in which the record-keeping is conducted, shall have secured the right to use their mother tongue, as well as to utilise the services of an interpreter according to the procedures specified in the law.

[5 January 1993; 19 June 2003; 16 October 2003; 15 September 2005; 22 December 2005; 22 June 2006; 17 May 2007]

Section 261. Victim

A victim is a person to whom moral, physical or material harm has been caused by an administrative violation.

A victim has the right to become acquainted with all the materials in a matter, to submit requests and to appeal the decision in an administrative violation matter.

A victim has the right to participate in the adjudication of a matter, but if he or she is summoned with a summons, his or her obligation is to appear at the time and place indicated at the official who has summoned the person, and to give truthful testimony, i.e., to notify of all that he or she knows about the matter and to answer to the questions.

A victim has the right to witness, as well as ask the persons being interrogated questions in the mother tongue.

[5 January 1993]

Section 262. Representative

A person who is held administratively liable and a victim may participate in the adjudication of the administrative violation matter with assistance of a representative in accordance with the provisions of the Administrative Procedure Law.

If a person who is subject to administrative liability, and a victim are minors, or also if they, due to their physical or mental shortcomings are themselves unable to utilise their rights in administrative violation matters, the interests of such person and victim may be represented by a legal representatives thereof (parents, adopters, guardians or trustees).

[22 December 2005]

Section 263. Advocate [22 December 2005]

Section 264. Witness

As a witness in an administrative violation matter may be called any person, who may know any circumstances that need to be ascertained in this matter.

By an invitation from the institution (official) in whose record-keeping the matter is, a witness has an obligation to appear at the specified time and to give truthful evidence: to notify of all that he or she knows about the matter and to answer questions.

A witness has the right not to testify against him or herself and close kin.

[28 July 1994; 17 May 2007]

Section 265. Expert

Any person who has special knowledge in the relevant sector may be an expert.

An expert shall be invited by the institution (official) in whose record-keeping the administrative violation matter is, in cases when there appears a necessity for special knowledge.

An expert shall arrive following an invitation and shall give an objective opinion regarding the questions asked to him or her.

An expert has the right:

1) to become acquainted with the materials of the matter which apply to the expert-examination object;

2) to request that additional materials necessary for the giving opinion thereof are issued to him or her;

3) to ask the person, who is subject to liability, victim and witnesses questions which are associated with the expert-examination object with a permit of the institution (official) in whose record-keeping the administrative violation matter is; and

4) to participate in the adjudication of the matter.

An expert may refuse to give an opinion if the materials submitted to him or her are inadequate or he or she himself of herself is not sufficiently competent in this question.

[5 January 1993; 28 July 1994]

Section 266. Interpreter

An interpreter is invited by the institution (official) in whose record-keeping the administrative violation matter is.

An interpreter shall arrive following an invitation from an institution (official) and fully and precisely shall perform the translation entrusted to him or her.

[28 July 1994]

Section 267. Amounts that shall be Paid to Victims, Witnesses, Experts and Interpreters

Expenditures, which have arisen in relation to arrival following an invitation from the institution (official) in whose record-keeping the administrative violation matter is, shall be compensated for victims, witnesses, experts and interpreters.

A wage shall be retained at the place of work for victims, witnesses, experts and interpreters in accordance with the specified procedures in relation to arrival following an invitation from the institution (official) in whose record-keeping the administrative violation matter is.

[28 July 1994]

Chapter Twenty-two
Adjudication of Administrative Violation Matters

Section 268. Preparation of an Administrative Violation Matter for Adjudication

An institution (official) in preparing an administrative violation matter for adjudication shall decide the following questions:

- 1) whether the adjudication of this matter is within the competence thereof;
- 2) whether the report and other materials regarding the administrative violation have been drawn up correctly;
- 3) whether the persons who are participating in the adjudication of the matter have been notified of the time and place of the adjudication of the matter;
- 4) whether additional materials have been requested;
- 5) the requests of the person subject to administrative liability, victim and representative; and
- 6) whether there are reasonable grounds to send the administrative violation matter to the administrative commission of local government in order to decide a question regarding the application of compulsory measures of a correctional nature to a minor.

[28 July 1994; 13 March 2003; 22 December 2005]

Section 268.¹ Notification regarding the Adjudication of an Administrative Violation Matter

A person who is held to administrative liability shall be notified in writing regarding the place and time for the adjudication of the matter.

The written notification or court summons shall be sent not later than seven days prior to the adjudication of the matter by registered mail by post to the address indicated by the person who is being held to administrative liability. If the person has no indicated address by which he or she can be reached, the notification shall be sent to the declared place of residence address or legal address of such person.

If in drawing up an administrative violation report, the institution knows the place and time for the adjudication of the matter, a notification or court summons regarding the place and time for the adjudication of the matter shall not be sent and information regarding the place and time for the adjudication of the matter shall be indicated in the administrative violation report.

[17 May 2007]

Section 269. Place for the Adjudication of an Administrative Violation Matter

An administrative violation matter shall be adjudicated according to the place of the commitment of the violation.

Matters regarding administrative violations, which are specified in Sections 118, 140 and 149.⁴ – 149.⁵³ of this Code, may be adjudicated also according to the place of residence of the violator, for legal persons – according to the legal address thereof, but matters in which an administrative punishment to be applied may be forfeiture of the rights to drive a means of transport, shall be adjudicated only according to the place of commitment of a violation.

The administrative commission may send administrative violation matters for adjudication according to the place of residence of the violator.

In order to decide a question regarding the application of compulsory measures of a correctional nature to minors, the materials and administrative violation matters shall be sent

for adjudication to the administrative commission of the local government in accordance with the place of residence of a minor.

[6 August 1991; 3 November 1992; 19 July 1995; 14 June 2001; 13 March 2003; 16 October 2003]

Section 270. Time Periods for the Adjudication of Administrative Violation Matters

Matters regarding administrative violations shall be adjudicated within a period of 30 days from the day when the institution, which is competent to adjudicate the matter, has received the report regarding the administrative violation and other materials of the matter.

If due to objective reasons it is not possible to observe the time period specified in Paragraph one of this Section, taking into account the time period for the imposition of an administrative punishment provided for in Section 37 of this Code, the time period may be extended, but not for longer than 30 days.

Administrative violation matters in the road traffic shall be adjudicated and a decision shall be taken immediately after the determination of a violation, if a warning may be expressed regarding this violation or a maximum fine intended in a sanction does not exceed LVL 40.

Administrative violation matters in the road traffic, if administrative punishment to be applied regarding a violation committed is forfeiture of the right to drive a means of transport, shall be adjudicated not later than within three working days from the day of committing of a violation, except for cases, when the matters regarding the administrative violations provided for in Section 149.¹⁵ of this Code are adjudicated, which are related to the use of narcotic or other intoxicating substances and it is necessary to receive an opinion of an expert-examination. Such matters shall be adjudicated not later than within 15 days after the receipt of the materials.

Administrative violation matters in the road traffic, which are not referred to in Paragraphs four and five of this Section, shall be adjudicated when a person, who has committed a violation, arrives. If a person, who has committed a violation, notifies that he or she agrees, that a matter is adjudicated without his or her presence, or he or she fails to arrive within 30 days after the drawing up of the report, the matter shall be adjudicated without the presence of this person.

[17 May 2007]

Section 271. Procedures for the Adjudication of an Administrative Violation Matter

The adjudication of an administrative violation matter shall commence with the notification of the composition of the collegial institution or with the presentation of the official who shall adjudicate the matter.

The chairperson of the sitting of the collegial institution or the official who shall adjudicate the matter, announces which matter shall be adjudicated, who is subject to administrative liability, explains to the persons, who are participating in the adjudication of the matter, their rights and obligations, reads the report regarding the administrative violation. At the sitting the explanations of persons who participate in the adjudication of the matter shall be heard, evidence shall be examined and requests decided. If a public prosecutor participates in the matter, then his or her argument shall be heard.

[28 July 1994]

Section 271.¹ Adjudication of Administrative Matters and Control of Evidence, when a Judge Sitting Alone adjudicates a Matter

An adjudication of a matter commences when a judge informs regarding his or her surname and position held, ascertains the identity of the persons present, as well as the authorisations of representatives, explains to the persons who are participating in the adjudication of the matter their procedural rights and duties, notifies of the content of the administrative violation report, adjudicates the requests and supplements of the person who is being held to administrative liability, or the requests and supplements of the representatives of the referred to persons and takes a decision regarding them, as well as hears explanations.

After this other existing evidence in the matter shall be checked, the victims and witnesses are interrogated and the expert's opinion heard. In the course of the adjudication of the matter, the judge shall warn the victim, witness, expert and interpreter regarding criminal liability in accordance with the Criminal Law.

If a representative and public prosecutor take part in the record-keeping, they have the right to speak up in debates. A representative shall speak up after the public prosecutor has provided an opinion.

In adjudicating an administrative violation matter in which for the committed violation the applicable administrative punishment is arrest, in the minutes of the sitting an entry shall be made, which indicates the information provided for in Section 273, Paragraph one of this Code.

[5 January 1993; 22 December 2005; 17 May 2007]

Section 271.² Special Characteristics of Adjudication of Administrative Violations Provided for in Section 201.³⁹ of this Code

A chairperson of the court sitting is entitled to impose administrative punishment by a decision thereof regarding the administrative violations provided for in Section 201³⁹ of this Code.

A record shall be made in the minutes of the court sitting of the matter to be adjudicated regarding an administrative violation committed in the courtroom.

A chairperson of the court sitting shall ascertain the identity of a violator after the reading of this record, qualify his or her commitment and then notify of the content of the decision taken.

The content of a decision shall be written in the minutes of the sitting; this part of the minutes of the sitting shall be signed by a chairperson of the court sitting.

An administratively punished person is entitled to receive an extract from that part of the minutes of the court sitting on the day of taking of a decision, in which the essence of the administrative violation and a decision taken regarding imposition of administrative punishment are registered.

If it is impossible to ascertain the identity of a violator during a court sitting or there are other circumstances which forbid a possibility to impose an administrative punishment directly during a court sitting, as well as in cases when contempt of Court is expressed outside the courtroom, a judge or a chairperson of the court sitting shall send the material of adjudication of a matter regarding administrative violation to the head of that State police department, in the territory of which the administrative violation has been committed.

A report shall be drawn up by a judge in the record-keeping of which the matter to be adjudicated is. An administrative violation matter shall be adjudicated by a chairperson of the court or by another judge.

[5 January 1993]

Section 272. Circumstances that shall be Ascertained in Adjudicating an Administrative Violation Matter

An institution (official) in adjudicating an administrative violation matter, shall ascertain, whether the administrative violation has been committed, whether the relevant person is guilty of committing it, whether this person may be subject to administrative liability, whether there are liability mitigating or aggravating circumstances, whether material losses have been caused, as well as shall ascertain other circumstances which are of importance in deciding the matter correctly.

[3 November 1992; 28 July 1994]

Section 273. Minutes of the Sitting of the Collegial Institution

In adjudicating an administrative violation matter in the collegial institution, minutes shall be taken, in which the following data shall be indicated:

- 1) the time and place of the sitting;
- 2) the name and composition of the authority that is adjudicating the matter;
- 3) the contents of the matter to be adjudicated;
- 4) information regarding the attendance of persons who shall participate in the adjudication of the matter;
- 5) explanations, requests from the persons who shall participate in the adjudication of the matter and the results of examination thereof;
- 6) documents and material evidence which has been examined during the course of the adjudication of the matter; and
- 7) information regarding the notifying of the decision taken and the explanation of the procedures and time periods for its appeal.

The minutes of the sitting of the collegial authority shall be signed by the chairperson of the sitting and the secretary.

[28 July 1994]

Section 274. Decision in an Administrative Violation Matter

Having adjudicated an administrative violation matter, the institution (official) shall take a decision in this matter.

The decision shall include the following information:

- 1) the name of the institution (official) which has taken the decision;
- 2) the decision number, the first three symbols of which shall be the three-digit code of the authority that is granted by the Information Centre of the Ministry of the Interior;
- 3) the date of adjudication of the matter;
- 4) information regarding the person to whom the matter to be adjudicated applies, and the representative of such person;
- 5) the description of the circumstances determined during the adjudication of the matter and those circumstances, which mitigate or aggravate liability regarding the administrative violation;
- 6) the number of the administrative violation report, except in cases where an administrative violation report has not been drawn up;
- 7) a regulatory enactment which provides for liability regarding the relevant administrative violation; and
- 8) the decision taken in the matter.

If in deciding the question of the application of a punishment for the administrative violation, the institutions (officials) indicated in Clauses 1-5 of Section 205 of this Code, at the same time shall decide the question regarding compensation for the material losses caused by the guilty person; the decision taken in the matter shall specify the amount of loss to be collected, as well as its compensation time period and procedures.

The question regarding the removed property and documents shall be decided in the decision taken in the matter.

In a decision regarding the imposing of an administrative punishment, the institution (official), on the basis of documents certifying expenditures, shall determine the amount of expenditure associated with the examinations performed regarding the determination of the influence of alcohol concentration, narcotics or other intoxicating substances.

The decision of the collegial institution shall be taken by a simple majority of votes of the members of the collegial institution who participate in the sitting.

The decision in an administrative violation matter shall be signed by the official who has adjudicated the matter, but for a collegial institution decision – by the chairperson and the secretary.

In the cases provided for in the legislation regarding the imposition of a punishment, the relevant record shall be made in the administrative violation report, or the decision shall be drawn up in some other specified way.

[21 December 1990; 11 July 1992; 3 November 1992; 28 July 1994; 28 May 1997; 16 October 2003; 17 May 2007]

Section 274.¹ Actions with Removed Objects and Documents

In a decision regarding the imposition of an administrative punishment or the termination of the record-keeping it shall be indicated what is to be done with the instruments of the committing of the violation or other removed objects and documents. In addition:

1) instruments for the committing of the violation, which belong to the violator, shall be confiscated;

2) valuables and property which were acquired as a result of the committing of the violation or which were intended for the use of or were used for the committing of the violation shall be confiscated or returned back to the owners thereof; and

3) objects which may be acquired only with special permits, shall be sold according to the procedures specified by law, but objects which do not have any material or other value and which cannot be utilised, shall be destroyed or following a request from an interested person or institution these objects may be sold to them.

If the removed property is not to be confiscated, however, it has been sold or destroyed in the case specified in Section 257 of this Code, the authority, which have sold or destroyed the property removed, shall compensate to the owner in accordance with the procedures specified by the Cabinet by the property of the same species and quality or shall pay the value, which would have had the property sold or destroyed at the moment of compensation. If the round timber removed is sold, the income obtained from the sale of the timber shall be reimbursed to the owner in accordance with the procedures specified by the Cabinet.

If the administrative punishment has been imposed on a person regarding a violation in the road traffic and the property removed has been sold in accordance with the procedures specified in Section 257 of this Code, then the amount necessary for the payment of the fine shall be deducted from the funds obtained in accordance with the procedures specified by the Cabinet and for covering of those expenses which are related to transfer for storage of property removed, storage and sale of property.

[5 January 1993; 25 March 2004; 20 January 2005; 15 September 2005; 22 June 2006]

Section 275. Types of Decisions

Having adjudicated a matter regarding an administrative violation, the institution (official) shall take one of the following decisions:

- 1) regarding the imposition of an administrative punishment;
- 2) regarding the termination of the record-keeping; or
- 3) regarding the sending of the administrative violation matter to the administrative commission of the local government in order to decide a question regarding the application of compulsory measures of a correctional nature to minors.

If a matter is adjudicated by an administrative commission of local government, it may take also a decision regarding the application of compulsory measures of a correctional nature to minors.

A decision regarding the termination of record-keeping shall be taken, if an oral reprimand is expressed, the materials are given for examination to the public prosecutor, pre-trial investigation institution, as well as in cases, if there are the circumstances specified in Section 239 of this Code.

[3 November 1992; 28 July 1994; 13 March 2003; 17 May 2007]

Section 276. Notification of the Decision Taken in a Matter and the Issuing of an Extract or Copy of the Decision

A decision shall be notified immediately after the adjudication of the matter. An extract or copy of the decision shall, within a period of three working days, be issued or sent to the person regarding whom it has been taken.

In order to ensure the timely adjudication of a matter, a judge of the district (city) court in especially complicated matters may draw up a decision in short form, which consists of the introductory section and the operative part. In such case, the full decision shall drawn up by the judge of the district (city) court within a period of ten days, indicating the date of the signing thereof. In proclaiming a shortened decision, the judge of the district (city) court shall notify the date when the full decision shall be drawn up.

An extract or copy of the decision shall be issued to a victim upon the request thereof.

An extract or copy of the decision shall be issued against a signature. If the extract or copy of the decision is sent by post, it shall be prepared as a registered mail post and a relevant record shall be made in the matter regarding this. If a decision has been sent by post it shall be deemed that the addressee has been notified on the seventh day after the decision has been given in at the post office.

[17 May 2007]

Section 277. Notification to the Public of a Decision Regarding the Imposition of Administrative Punishment

The institution (official), which adjudicates administrative violations matters, has the right, but in the cases specified in Sections 109–116, Section 120, Paragraph one of Section 134, Paragraph one of Section 135 (except for violations in river transport), Paragraph one, two and three of Section 136 (except for violations in river transport), Section 167, Paragraph one and two of Section 171, Section 200 and 201 of this Code – a duty to notify the place of work or administration of an educational institution or public organisation of the violator regarding the punishment imposed, as well as according to the place of residence of the violator.

If authorities (except for the State Environmental Service) or officials which control the observance of requirements of the environmental protection and use of nature resources, shall adjudicate such administrative violation matters provided for in this Code, the adjudication of which is within the competence of the State Environmental Service, they shall notify this Service regarding the punishments imposed upon the persons at fault.

[31 October 1985; 2 December 1986; 28 April 1992; 25 August 1992; 3 November 1992; 19 January 1993; 28 July 1994; 12 June 2003; 16 October 2003; 17 March 2005]

Section 278. Proposals Regarding Elimination of Causes and Facilitating Circumstances for Commitment of Administrative Violations

The institution (official), which adjudicates the matter, having determined causes and facilitating circumstances for commitment of violation, shall submit the proposals to the relevant merchants, institutions, organisations and officials regarding the necessity to carry out measures for elimination of these causes and circumstances. The referred to organisations and persons have the duty to notify the institution (official), which has submitted a proposal, of the measures performed within a month from the day of the receipt of the proposal.

[28 July 1994; 17 March 2005]

Chapter Twenty-three

Appeal of a Decision taken in an Administrative Violation Matter and the Submission of a Protest regarding a Decision

Section 279. Right to Appeal a Decision Taken in an Administrative Violation Matter

A decision in an administrative violation matter may be appealed by the person regarding whom it has been taken, as well as the victim.

[11 July 1992; 28 July 1994; 28 May 1997; 20 June 2002(Constitutional Court judgment)]

Section 280. Procedures for the Appeal of a Decision Taken in an Administrative Violation Matter

A decision taken in an administrative violation matter may be appealed (contested):

- 1) a decision of an administrative commission of local government – to a district administrative court;
- 2) a decision of a chairperson of the city council, district or parish council, his or her deputy and executive director – to a district administrative court;
- 3) a decision of a district (city) court judge – to an Administrative Regional Court; and

4) a decision of another institution (official) may be appealed to a higher authority in accordance with the procedures regarding subordination, but a decision thereof – may be appealed to a district administrative court. The law or Cabinet regulations may determine another institution where the relevant decision may be disputed. If another institution is not specified and there is no higher authority or it is the Cabinet, a decision may be immediately appealed to the court.

A complaint shall be submitted to the institution (official), which has taken a decision regarding the administrative violation, if it is not otherwise specified in the legislation. A submitted complaint within seven days together with a case shall be sent to the institution (official), which is authorised in accordance with this Section to examine the complaint, and to the addressee thereof.

The State fee shall not be collected from a person who has appealed a decision in an administrative violation matter.

[21 December 1990; 11 July 1992; 3 November 1992; 28 July 1994; 19 July 1995; 28 May 1997; 20 June 2002 (Constitutional Court judgment); 25 March 2004; 17 March 2005; 17 May 2007]

Section 281. Time Period up to which a Decision Taken in an Administrative Violation Matter may be Disputed in an Institution

A complaint in an administrative violation matter may be submitted within a period of one month after the notification of the decision.

If due to a justifiable reason the time period referred to has been missed, upon a request from the person who has been submitted the complaint, this time period may be renewed by the institution, which is entitled to adjudicate the complaint.

[17 May 2007]

Section 281.¹ Time Period up to which a Decision Taken in an Administrative Violation Matter may be Appealed to a Court

A decision of an institution in an administrative violation matter (administrative act) may be appealed to a court according to the time periods and procedures provided for in the Administrative Procedure Law.

A decision of a judge of a district (city) court in an administrative violation matter may be appealed within a period of 20 days after the taking of the decision by submitting an appellate complaint. If in the matter, the judge proclaims a shortened decision, the appeal time period shall count from the day of the drawing up of the full decision.

[17 May 2007]

Section 281.² Advancement and Adjudication of an Administrative Violation Matter in an Appellate Instance Court

The Administrative Procedure Law determines the content, procedures for submission, as well as procedural advancement to an appellate instance court of an appellate complaint.

In respect of a decision by a judge of the district (city) court to refuse to renew the time period for the submission of an appellate complaint, as well as refusal to accept an appellate complaint, an ancillary complaint may be submitted within a period of ten days after receipt of the decision.

The procedures for initiating appeal court proceedings and the procedural procedures for the adjudication of an administrative violation matter in an appellate instance court is determined in the Administrative Procedure Law.

The request of participant in an administrative violation matter, which is applied to an appellate instance court, the appellate instance court shall adjudicate in collegial composition without organising a court sitting. If the court finds that the request is to be adjudicated in a court sitting, the court shall determine the court sitting for the adjudication of the request and invite the participants of the administrative violation matter to it. The non-appearance of the participants shall not be an obstacle to the adjudication of the request.

[17 May 2007]

Section 282. Submitting of a Protest regarding the Decision Taken in and Administrative Violation Matter

A public prosecutor may submit a protest regarding a decision taken in an administrative violation matter.

Section 283. Suspension of the Implementation of a Decision in Relation to the Submission of a Protest

The submission of a complaint within the specified period of time shall suspend the implementation of the decision regarding the imposition of an administrative punishment until the complaint is adjudicated, except for the cases regarding the application of the types of punishment provided for in Sections 25, 29 (if a decision is connected with forfeiture of the right to drive the means of transport) and 31 of this Code, as well as in cases, when a fine has been imposed which was collected at the site of the commitment of the administrative violation.

A protest submitted by a public prosecutor shall suspend the implementation of a decision up to the adjudication of the protest.

[13 March 2003; 16 October 2003]

Section 284. Time Period for Adjudication of a Complaint and Protest Submitted Regarding the Decision Taken in an Administrative Violation Matter

A complaint or protest regarding a decision taken in an administrative violation matter shall be adjudicated by the institution within a period of one month from the receipt of the complaint or protest, but in matters regarding violations of traffic regulations – after receipt of the materials of the matter.

A court shall adjudicate an administrative violation matter in a reasonable time period.

[17 May 2007]

Section 285. Adjudication of a Complaint and Protest Submitted Regarding a Decision Taken in an Administrative Violation Matter

An institution, as well as a court, in adjudicating a complaint or a protest regarding a decision in an administrative violation matter, shall check the lawfulness and validity of the decision taken.

[17 May 2007]

Section 286. Adjudication of the Institution or Court, which Adjudicates a Complaint or Protest

An institution or a court in adjudicating a complaint or a protest regarding a decision in an administrative violation matter, shall take one of the following decisions:

- 1) leave the decision unvaried, but dismiss the complaint or protest;
- 2) revoke the decision and send the matter for adjudication anew;
- 3) revoke the decision and terminate the matter;
- 4) revoke the decision and render a new adjudication in which the guilt of the person in committing an administrative violation is determined and a punishment is imposed; or
- 5) modify the amount of punishment within the scope, which is provided for in the regulatory enactment regarding liability for an administrative violation.

In the cases referred to in Paragraph one, Clauses 4 and 5 of this Section, the institution or court may render an adjudication which is more disadvantageous to the person if the matter is adjudicated on the basis of a protest from a public prosecutor or a complaint from the victim.

If it is determined that the decision has been taken by an institution which is not entitled to decide the relevant matter, such a decision shall be revoked and the matter shall be transferred for adjudication to the competent institution.

An extract of a decision which has been taken regarding a complaint or protest regarding a decision in an administrative violation matter shall be sent, within a period of three working days, to the person regarding whom it has been taken, but to the victim – upon his or her request. A public prosecutor shall be notified of the results of an adjudication of the protest.

[17 May 2007]

Section 286.¹ Adjudication of an Appellate Instance Court in an Administrative Violation Matter

An appellate instance court in adjudicating an appellate complaint or protest regarding a decision taken by a district (city) court judge, shall render one of the following judgments:

- 1) leave the decision unvaried, but dismiss the complaint or protest;
- 2) revoke the decision and send the matter for adjudication anew;
- 3) revoke the decision and terminate the matter;
- 4) revoke the decision and render a new adjudication in which the guilt of the person in committing an administrative violation is determined and a punishment is imposed; or
- 5) modify the amount of punishment within the scope, which is provided for in the regulatory enactment regarding liability for an administrative violation.

An appellate instance court irrespective of the motives for the appellate complaint shall revoke a decision taken by a district (city) court judge with a decision and shall send the matter for adjudication anew in the following cases:

- 1) the matter was adjudicated by an unlawful composition;
- 2) legal norms were violated in the adjudication of the matter, which determine that the participants in an administrative violation matter shall be notified of the place and time of the adjudication of the matter;
- 3) in adjudicating the matter, the legal norms regarding the language of the court proceedings were violated;

4) the decision of the judge determines the rights and duties of such person as is not a participant in the administrative violation matter; and

5) the matter does not contain a full decision of the judge, as well as in the cases specified in this Code – minutes of the sitting.

In the cases referred to in Paragraph one, Clauses 4 and 5 of this Section, the appellate instance court may render an adjudication which is more disadvantageous to the person if the matter is adjudicated on the basis of a protest from a public prosecutor or a complaint from the victim.

[17 May 2007]

Section 286.² Procedures for the Appeal of an Adjudication of an Appellate Instance Court

The procedures and time periods for the appeal of an adjudication rendered by an appellate instance court are determined in the Administrative Procedure Law.

[17 May 2007]

Section 287. Correction of Clerical and Mathematical Calculation Errors

An institution or court, which has taken a decision in an administrative violations matter, on its own initiative or an application from the participants in the administrative violations matter may correct obvious clerical or mathematical calculation errors in the decision if this does not change the substance of the decision.

Clerical or mathematical calculation errors in a court adjudication shall be corrected with a decision of the court. The issue of correction of errors in a court adjudication shall be decided in a court sitting, prior to which notifying the participants in the administrative violations matter regarding it. The non-appearance of the participants shall not be an obstacle to the adjudication of the issue of correction of errors.

A refusal to correct the errors referred to in Paragraph one of this Section may be disputed to a higher institution within a period of seven days by the person regarding whom the decision was taken in the administrative violations matter, or – if there is not a higher institution or it is the Cabinet – the decision may be appealed to a court. The decision of the court is final.

In respect of a decision to refuse to make an error correction in a court adjudication, the participants in the administrative violations matter may submit an ancillary complaint.

[17 May 2007]

Section 288. Protesting a Decision Taken regarding a Complaint

A public prosecutor may submit a protest regarding a decision taken in relation to a complaint regarding a decision taken in an administrative violation matter.

A protest regarding a decision in relation to a complaint shall be submitted to a higher institution (official) of the institution (official), which has taken the decision regarding the complaint.

[28 July 1994]

Section 289. Consequences, if a Decision Is Revoked and a Matter regarding an Administrative Violation Is Terminated

If a decision is revoked and a matter regarding an administrative violation is terminated, then the collected amounts of money shall be repaid and the objects alienated and confiscated for a consideration shall be returned, as well as other restrictions, which are associated with the decision taken earlier, shall be revoked. If it is impossible to return an object, the value thereof shall be compensated.

Losses, which have been inflicted on a person in relation to unlawful administrative arrest, upon terminating the administrative record-keeping, shall be compensated according to the procedures prescribed by Law On Compensation of Losses Caused as a Result of Unlawful or Unjustified Action of Inquiry, Public Prosecutor or Judge.

[14 October 1998]