Time limits on procedures

Läti

1 What are the types of deadlines relevant for civil procedures?

Procedural time limits are periods of time within which some procedural step must be taken.

Time limits can be classified as follows, depending on who is bound by them:

- time limits with which a court, judge or bailiff must comply are prescribed by law, and are usually short. In civil proceedings, these time limits range from 1 to 30 days (for example, Article 102(2) of the Law on civil procedure (*Civilprocesa likums*, hereinafter 'CPL'), 15 days; CPL Article 140(9), 30 days; CPL Article 341.6(2), 15 days). A judge must rule on whether to accept an application within seven days of receiving it, but when an application seeks the return of a child to Latvia and will have to be submitted to a foreign country, a decision must be taken at a court hearing within 15 days after proceedings are initiated. A ruling on measures to secure a claim must be made no later than the day after proceedings are initiated. An adjudication on provisional protection against violence must be made no later than on the next working day after the receipt of the application, if no additional evidence needs to be requested or if a delay might significantly affect the plaintiff's rights; in other cases it must be made within 20 days after the receipt of the application. For certain categories of cases there is a time limit within which examination of the case must begin or the case must be reviewed and concluded with a ruling. A copy of a judgment or decision is to be sent no later than three days after the judgment or decision is pronounced, or, if an abbreviated judgment is given, within three days of the drawing up of the full judgment. There are other time limits provided for by law. Sometimes a court or bailiff must take certain steps at once. In certain cases prescribed by law there are general time limits which courts or judges can render specific, thereby themselves setting the time within which a step must be taken. In complex cases a court may draw up an abbreviated judgment consisting only of an introductory part and an operative part. It will then draw up a full judgment within 14 days, and will specify the date when the full judgment will be ready. The Law on civil procedure does not specify time limits within which a court has to prepare and adjudicate a civil case. Nevertheless, Article 28 of the Law on judicial power (*Likums par tiesu varu*) states that, in order to ensure defence of a person's infringed rights, a court must examine the case 'in a timely manner', meaning that the case must be adjudicated as fast as possible. At the same time, by way of exception to the ordinary court procedure, the Law on civil procedure lays down specific time limits for the examination of applications for certain categories of civil case that are subject to special procedures: for example, a judge must take a decision on an application for undisputed enforcement of obligations within seven days of its receipt. Moreover, there are provisions in specialised legislation that stipulate which matters are to be adjudicated by an extraordinary procedure (for example, priority has to be given to any action related to ensuring children's rights and interests as provided for in the Law on the protection of the rights of the child (*Bērnu tiesību aizsardzības likums*)).
- Time limits for procedural steps that have to be taken by parties to the proceedings – these time limits are established by the Law on civil procedure - 14 days prior to a court hearing for submission of evidence, unless the judge has set a different time limit (seven days in the case of a written procedure); 10 days for the submission of an ancillary complaint (*blakus sūdzība*); 20 days for the lodging of an appeal (*apelācija*), etc. In most cases, however, time limits applicable to the parties to the proceedings and any other interested parties are determined by the court, judge or bailiff, who sets a specific date for a time limit that the legislation lays down only in general terms, or sets a date independently, taking due account of the type of procedural step, the distance from a person's place of residence or whereabouts, and other circumstances.

Time limits applicable to persons that are not parties to the case are set only by a court or a judge.

The main time limits are as follows:

• time limit for the submission of evidence: unless the judge determines otherwise, evidence must be submitted no later than 14 days before a court hearing (seven days before the opening of proceedings under the written procedure). While a case is being heard, evidence may be submitted at the reasoned request of a party to the dispute or a third party, provided that this will not delay the adjudication of the case, or that the court accepts that there are good reasons why the evidence was not submitted on time, or that the evidence concerns facts that have come to light in the course of the proceedings. A decision by the court to refuse to accept evidence may not be challenged, but objections to the decision may be put forward in a full appeal (*apelācija*) or an appeal on a point of law (*kasācija*);

• time limit for a defendant to submit observations: once proceedings have been initiated, the application must be sent to the defendant at once, to their official electronic address or by registered mail, setting a time limit for the submission of written observations of 15 to 30 days from the date the application is sent;

• time limit to rectify deficiencies in an application for the reopening of proceedings and a fresh trial of the case: when a judgment is given in default of appearance, the defendant has 20 days from the day on which the judgment is sent to apply to the court asking to have the proceedings reopened and the case heard afresh;

Time limit for stay of proceedings:

where a natural person has died or a legal person has ceased to exist that is a party to the proceedings or a third party with an independent claim, and where the legal relationship in dispute permits the transfer of rights, the relevant period is the time it takes to determine a successor or appoint a legal representative ;

where the court has determined such restriction for the capacity to act for a party or third person which prevents him or her from the independent exercise of civil-procedural rights and obligations, the relevant period is the time it takes to appoint a legal representative;

- where a party to the proceedings or a third party cannot participate in the proceedings because of serious illness, age or disability, the relevant period is the time until the deadline set by the court for appointing a representative;

where the court takes a decision on the submission of an application to the Constitutional Court or the Constitutional Court has brought an action in relation to a constitutional complaint by the plaintiff (appellant); if the court decides to refer a question to the Court of Justice of the European Union for a preliminary ruling; where examination of the case is not possible before another civil, criminal or administrative case has been resolved, the relevant period is the time it takes for a ruling or judicial decision in civil, criminal or administrative proceedings of the Constitutional Court or the Court of Justice of the European Union to become final;

where a party to the proceedings or a third party with an independent claim is outside the borders of Latvia in connection with a long-term mission or official business, the relevant period is the time it takes to issue a warrant requesting the presence of the defendant; where a party to the proceedings or a third

party with an independent claim cannot participate in the adjudication of a matter because of illness, or where the court orders an expert's report, the relevant period is the time it takes for the circumstances referred to in these paragraphs to cease to apply;
where the parties agree to stay the proceedings and no third party with an independent claim objects, the relevant period is the time until the deadline laid down in the court decision;
where proceedings concerning the insolvency of a legal or natural person have been declared for a defendant in respect of actions of a pecuniary nature, the relevant period is the time until insolvency proceedings have been completed.
Time limit for submission of an appeal – an appeal against a decision of a court of first instance may be submitted within 20 days of the judgment being pronounced. Where an abbreviated judgment is pronounced, the time limit for an appeal runs from the date set by the court for drawing up of the full judgment. If the judgment is drawn up after the date indicated, the time period for submitting an appeal against the judgment runs from the date of the actual drawing up of the judgment. An appeal submitted after a deadline has passed shall not be admissible and shall be returned to the submitter;
An ancillary complaint may be submitted within 10 days of the day on which the court takes the contested decision, unless the Law on civil provides otherwise. An ancillary complaint submitted after the time limit has passed shall not be admissible and shall be returned to the submitter.
Time limit for submission of an application seeking consideration of newly discovered facts - the time limit for submission of such an application runs:
- in respect of circumstances essential to the case that existed at the time of the proceedings but were not and could not have been known by the applicant: from the day these facts come to light;
- in respect of intentionally false witness statements, experts' opinions or translations, or forged written or material evidence brought to light in relation to a court judgment that has taken legal effect in a criminal case, on the basis of which the judgment was handed down, or in respect of criminal activities brought to light in relation to a court judgment that has taken legal effect in a criminal case, on the basis of which an unlawful or unfounded judgment has been handed down or a decision taken: from the day on which the judgment in the criminal case takes legal effect;
in respect of the annulment of a court judgment, or of a decision by another institution that formed the basis for the court judgment or decision in the case: from the day that the court decision annulling the judgment in the civil or criminal case entered into force or from the day of the annulment of the decision of the other institution that formed the basis for the judgment or decision whose annulment is sought in the light of newly-discovered facts;
where it is recognised that a legal provision that was applied in deciding the case is not compatible with a higher-ranking legal provision: from the day of entry into force of a judgment or other decision whereby the provision applied loses its force because it fails to comply with the higher-ranking legal provision.
Time limits for submission of enforcement documents: an enforcement document may be submitted for enforcement within 10 years of the day that a decision of a court or a judge takes effect, unless other limitation periods are laid down by law.
Where a court judgment orders that a debt is to be recovered through periodic payments, the enforcement document remains in effect throughout the period within which the payments are to be made; however, the 10-year period referred to above begins to run on the final day allowed for each payment.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Pursuant to the Law on Public Holidays, Remembrance Days and Festive Days, the following dates have been determined as public holidays:
1 January: New Year's Day;
Good Friday, Easter Sunday and Easter Monday;
1 May: Labour Day, commemoration of the Convocation of the Constituent Assembly of the Republic of Latvia;
4 May: commemoration of the Declaration on the Restoration of the Independence of the Republic of Latvia;
second Sunday of May: Mother's Day;
Whit Sunday;
23 June : St John's Eve;
24 June: St John's Day, Midsummer Day;
Final day of the Latvian Nationwide Song and Dance Festival;
18 November: commemoration of the proclamation of the Republic of Latvia;
24, 25 and 26 December: Christmas (winter solstice);
31 December: New Year's Eve.
The Orthodox, old-believers and believers of other religious denominations celebrate Easter, Whit Sunday and Christmas on the days determined by these religious denominations.
If either 4 May, the final day of the Latvian Nationwide Song and Dance Festival, or 18 November falls on a Saturday or Sunday, the next working day becomes a holiday.

3 What are the applicable general rules on time limits for the various civil procedures?

Procedural actions shall be carried out within the time limits set by law. Where the law does not set a time limit, the time limit is set by the court or judge. The time limit set by a court or a judge must be long enough to allow the procedural step to be taken.
The time limit may be a precise date, or a period ending on a set date, or a period expressed in years, months, days or hours. Where the step does not have to be taken on a set date, it may be carried out at any time during the period indicated. The period may be determined by reference to the occurrence of an event that must certainly happen.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

A procedural time limit computed in years, months or days starts to run on the day following the date or event indicating its commencement.
A procedural time limit computed in hours starts to run in the next hour following the event indicating its commencement.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Judicial documents are sent to persons primarily by electronic means, via an online system, if the addressee has notified the court that he or she agrees to communicate with the court via the online system; to the electronic address provided by the addressee, if the addressee has informed the court that they agree to the use of electronic mail for correspondence with the court; to the official electronic address of the addressee. Where the documents are transmitted electronically, they shall be deemed to have been served on the third day following the date on which they were sent.
If it is not possible to transmit court documents electronically to a natural person, they shall be sent to the natural person's declared address of residence or residence. The court documents may also be delivered to a person's workplace. If it is not possible to transmit court documents electronically to a legal person, they shall be sent to its registered office. Where the documents are sent by post, they shall be deemed to have been served on the seventh day following the date on which they were sent.
Judicial documents may be served on the addressee in person or on any adult family member residing with the addressee. In that case, the documents shall be deemed to have been served on the date on which they were accepted by the addressee or by another person.
Whether court documents have been notified is not determined per se by whether they have been delivered to the declared place of residence of a natural person, to an additional address indicated in the declaration of residence, to the address indicated by a natural person for correspondence with the court, or

to the registered office of a legal person, whether notification is received from the post office advising that the item has been delivered or whether the documents are being returned. The addressee may refute the presumption that documents have been served on the seventh day from the day of dispatch if sent by post or on the third day from dispatch if sent by e-mail or notified on-line by citing objective circumstances beyond their control which prevented them from receiving the documents at the address indicated. If the addressee refuses to accept the court documents, the documents will be considered to have been served on the date when the addressee refused to accept them.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No. If a period begins upon the occurrence of a particular event, time begins to run on the next day after the occurrence of the event that determines its commencement.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

If a period is expressed in days, the number of days includes all calendar days.

8 When such a period is expressed in weeks, in months or in years?

Periods expressed in years, months or days include calendar days.

9 When does the deadline expire if expressed in weeks, in months or in years?

A period expressed in years expires on the respective month and on the respective date of the period's final year.

A period expressed in months expires on the respective date of the period's final month. Where a period expressed in months ends in a month that has not got the respective date, it expires on the last day of that month.

A period that extends until a particular date expires on that date.

A procedural step whose time limit is expiring may be carried out until 24:00 on the period's final day.

A time limit for any procedural step to be carried out in court expires at the time when the court ceases work. Where an application, appeal or other document is delivered to a communications operator by 24:00 on the final date of the period, it is considered to have been submitted within the time limit.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the period expires on a Saturday, a Sunday or a statutory national holiday, the last day of the period is deemed to be the next working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Only time limits set by a court or a judge may be extended at the request of a party to the case. Other time limits set by law may, however, be renewed by a court, at the request of a party to the case. An application for a time-limit extension or reinstatement of a missed time limit shall be submitted to the court where the delayed action was to be carried out, and the application shall be examined by written procedure. Prior to the examination of the application by written procedure, the parties to proceedings shall be notified thereof and they shall be sent an application to have a time limit extended or a missed time limit reinstated at the same time. An application for a reinstatement of a procedural time limit shall be accompanied by documents required for execution of the procedural action, and the grounds for the reinstatement of the time limit.

A time limit set by a judge may be extended by a judge sitting alone. An ancillary complaint may be made with regard to a refusal of a court or a judge to extend or reinstate a time limit.

12 What are the time limits for appeals?

An ancillary complaint may be submitted within 10 days of the day on which the court takes the decision.

If a decision is adopted by written procedure, the time limit for the submission of an ancillary complaint runs from the day the decision is served.

If a decision is taken in the absence of a party (for example a decision ordering the taking of evidence or ordering a provisional protection measure), the time limit for the submission of an ancillary complaint runs from day of the service or dispatch of the decision.

If a court decision has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit an ancillary complaint within 15 days from the day of service of the decision or, if the court has given an abbreviated decision, from the day of service of the full decision.

Any full appeal (*apelācija*) must be submitted within 20 days from the day the judgment is pronounced, or if an abbreviated judgment is pronounced, from the date set by the court for the drawing up of a full judgment. If the judgment is drawn up after the date indicated, the time period for submitting an appeal against the judgment runs from the date of the actual drawing up of the judgment.

If a court judgment has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit a full appeal within 20 days from the day of service of the judgment.

An appeal on a point of law (*kasācija*) must be submitted within 30 days from the day the judgment is pronounced but if an abbreviated judgment is pronounced, from the date set by the court for the drawing up of a full judgment. If the judgment is drawn up after the date indicated, the time period for submitting an appeal against the judgment runs from the date of the actual drawing up of the judgment.

If a court judgment has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit an appeal on a point of law within 30 days from the day of service of the judgment.

Whether an appeal is a full appeal or an appeal on a point of law only, if it is submitted after the time limit has passed it is inadmissible and will be returned to the submitter. An ancillary complaint may be submitted against a judge's decision to reject a full appeal or an appeal on a point of law within 10 days of the day the court took the decision.

In the case of certain categories of dispute, for example concerning the recognition of a decision taken by a foreign court, specific time limits may be laid down for appeals, set on a case-by-case basis within the rules governing civil procedure.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A court must postpone consideration of a case, and set another date for the court hearing, if:

any party to the case is absent from the hearing and has not been notified of the time and place of the hearing;

any party to the case who has been notified of the time and place of the hearing is nevertheless absent from the hearing for reasons that the court considers valid;

the application has not been served on the defendant, and for that reason the defendant asks for the postponement of the adjudication of the matter;

it is necessary to summon, as a party to the case, a person whose rights or lawful interests might be infringed by the judgment of the court;

if postponement might help to restore the cohabitation of the spouses or promote an amicable settlement, whereupon the court may on its own initiative postpone the hearing. at the request of a party, consideration of the case for this purpose may also be postponed repeatedly;

the defendant's place of residence or whereabouts is not in Latvia, and notification has been sent to the defendant regarding the time and place of the court hearing, and confirmation of service of the documents has been received, but the defendant has not received the notification in good time, and fails to appear at the court hearing;

the defendant’s place of residence or whereabouts is not in Latvia, and notification has been sent to the defendant regarding the time and place of the court hearing, or the application has been sent, but no confirmation has been received, and the defendant fails to appear at a court hearing.
consent of the parties for mediation is received.
A court may postpone consideration of the case in some other circumstances too.
A court may postpone consideration of the case:
if a plaintiff who has been notified of the time and place of the court hearing fails to appear for reasons unknown;
if a defendant who has been notified of the time and place of the court hearing fails to appear for reasons unknown;
if the court considers it is impossible to decide the case because of the failure to appear of a party whose presence is mandatory in accordance with law, or of a witness, expert or interpreter provided by the court;
at the request of a party to the case who asks to be given the opportunity to produce additional evidence;
if a person is unable to participate at a court hearing by videoconferencing, owing to technical or other reasons beyond control of the court;
if an interpreter is absent from the hearing for reasons that the court considers valid.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No. Under the rules of civil procedure, delivery and service of court documents to a person whose place of residence or whereabouts is outside Latvia follows a different mechanism, and procedural time limits that start running from the moment of receipt of the court documents are calculated differently.
For example, as a general rule, an appeal against a decision made by a court of first instance may be lodged within 20 days of the day the judgment is given. If a judgment is sent to a party whose place of residence or whereabouts is outside Latvia, that person is entitled to submit an appeal within 20 days of the day the court judgment is served. Where different time limits for the submission of appeals against a judgment of a court of first instance are set for different parties to the case, the judgment takes effect if no appeal is submitted within the time allowed for appeals computed from the last date of service of the judgment unless a full appeal is submitted.

15 What are the consequences of non-observance of the deadlines?

Entitlement to take a procedural step comes to an end upon the expiry of the time limit set by law or by the court. Challenges and documents submitted after the time limit has expired will not be admitted.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

On application by a party to the proceedings, the court shall reinstate missed procedural time limits if it finds the reasons for failing to meet them justified.
For example, it is not possible to reinstate a time limit for the submission of an enforcement document after the expiry of a 10-year limitation period that started to run on the day that the relevant decision of a court or judge took effect.
When reinstating a missed procedural time limit, the court shall also allow the delayed procedural action to be carried out.
Procedural time limits laid down by a court, judge or bailiff may at the request of a party be extended before they expire. Time limits laid down by law may not be extended. Where a time limit laid down by a court, judge or bailiff has been missed, the person bound by the time limit may request that a new time limit be set for the execution of a procedural step.
An application for the extension of a time limit or for the reinstatement of a time limit that has been missed should be submitted to the court where the delayed step was to have been carried out. The application is decided at a court hearing, and the parties are notified in advance of the time and place of the hearing. Failure by a party to appear is no impediment to a decision on the application.
An application for a reinstatement of a procedural time limit shall be accompanied by documents required for execution of the procedural action, and the grounds for the reinstatement of the time limit.
A time limit set by a judge may be extended by a judge sitting alone.
An ancillary complaint may be made with regard to a refusal of a court or a judge to extend or reinstate a time limit.

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